



Committee Manager : Carrie O'Connor (Ext 37614)

3 January 2014 2013

DEVELOPMENT CONTROL COMMITTEE

A meeting of this Committee will be held in the **Council Chamber** at the Arun Civic Centre, Maltravers Road, Littlehampton, on **Wednesday 15 January 2014 at 2.30 p.m.** and you are requested to attend.

Members : Councillors Mrs Maconachie (Chairman), Mrs Hall (Vice-Chairman), Mrs Bower, Bower, Mrs Bowyer, Charles, Evans, Mrs Goad, Haymes, D. Maconachie, McDougall, Northeast, Mrs Pendleton, Mrs Stainton and Steward.

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

A G E N D A

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of personal and/or prejudicial/pecuniary interests that they may have in relation to items on this agenda.

You should declare your interest by stating :

- a) the application you have the interest in
- b) whether it is a personal interest and the nature of the interest
- c) whether it is also a prejudicial/pecuniary interest
- d) if it is a prejudicial/pecuniary interest, whether you will be exercising your right to speak at the application

You then need to re-declare your prejudicial/pecuniary interest and the nature of the interest at the commencement of the application or when the interest becomes apparent.

3. VOTING PROCEDURES

Members and Officers are reminded that voting at this Committee will operate in accordance with the Committee Process Procedure as laid down in the Council's adopted Local Code of Conduct for Members/Officers dealing with planning matters. A copy of the Local Code of Conduct can be obtained from Planning Services' Reception and is available for inspection in the Members' Room.

4. MINUTES

To approve as a correct record the Minutes of the meeting held on 18 December 2013 (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

6. PREVIOUSLY DEFERRED APPLICATIONS

EP/124/13 – Retention of new front wall and gate in lieu of previously removed 3m high mixed hedge and drive gates, 50 Angmering Lane, East Preston

The report from the Post Site Inspection Panel will be circulated at the meeting.

7. TREE APPLICATIONS

There are no applications to consider.

8. *PLANNING APPLICATIONS

To consider the attached reports.

NB : The applications will be heard in **REVERSE ALPHABETICAL** order.

Please note that from January 2014, householder applications in Littlehampton will be determined by Littlehampton Town Council at their Planning and Transportation Committee. For details of their Agenda please go to their web site <http://www.littlehampton-tc.gov.uk/main.cfm?type=PLANNINGANDTRANSP>

9. *PLANNING APPEALS

To consider the attached report.

Background Papers

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

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

Contact Officers : Nikolas Antoniou (Ext 37799)
 Daniel Vick (Ext 37771)
 Juan Baeza (Ext 37765)
 Simon Davis (Ext 37874)
 Neil Crowther (Ext 37839)
 Cian Cronin (Ext 37776)

Note: *Indicates report is attached for Members of the Development Control Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager or accessed via the website at www.arun.gov.uk.

Note: Members are reminded that if they have any detailed questions would they please inform the Chairman and/or the Head of Development Control, in advance of the meeting. This is to ensure that officers can provide the best possible advice to Members during the meeting.

DEVELOPMENT CONTROL COMMITTEE

13 November 2013 at 2.30 p.m.

Present: Councillors Mrs Maconachie (Chairman), Mrs Hall (Vice-Chairman), Mrs Bower, Mrs Bowyer, Charles, Evans, Haymes, Maconachie, McDougall, Northeast, Mrs Stainton, Steward

433. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Goad, Mrs Pendleton and Northeast.

434. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions of the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a Member declares a "Prejudicial Interest" this will, in the interests of clarity for the public, be recorded in the Minutes as a Prejudicial and Pecuniary Interest.

Councillors Mrs Bower and Bower declared a prejudicial interest in Agenda Item 8, Planning Application EP/124/13, as the applicant was a personal friend. They stated they would leave the meeting during its consideration.

Councillor Mrs Stainton declared a personal interest in Agenda Item 8, Planning Application FP/125/13, as it was sited in the road in which she lived. She stated that she would remain in the meeting and speak to the item.

Development Control
Committee – 18.12.13.

435. MINUTES

The Minutes of the meeting held on 13 November 2013 were approved as a correct record and signed by the Chairman.

436. PLANNING APPLICATIONS

AW/192/13 – Addition of weatherboard cladding to elevations of beach house and boat house together with redesign of eaves to be similar to main house, also removal of first floor external balustrade and re-instatement of a projecting balcony. This application affects the character and appearance of Aldwick Bay Conservation Area (Extended), 2 Byeway Cottage, The Byeway, Aldwick Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AW/236/13 – Replacement single storey rear extension. Resubmission of AW/156/13. This application also lies within the parish of Pagham, 37 Lincoln Avenue, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BE/72/13 – Application for the variation of condition 1 of previously approved planning application BE/151/11 relating to the submitted plan, Land south of Shripney Garden Caravan Park, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/219/13/A – Main Sponsors sign board to north elevation and eaves level advertisers' linear sign board to east elevation, Bognor Rugby Club, Hampshire Avenue, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report

Subject to approval at the next Committee meeting

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BR/220/13/L – Application for Listed Building consent for the conversion of redundant space at first floor level to create Screen 3 seating up to 45 persons, Picturedrome Cinema, 51 Canada Grove, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/223/13 – Conversion of existing two storey house including roof extension, front dormer extension and ground floor infill extension to create 6 No. self contained units, Allen House, 112 Aldwick Road, Aldwick Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/233/13/DOC – Application for approval of details reserved by Conditions 6 and 8 imposed on BR/148/11 relating to cycle storage and visibility splays, Glenlogie, Clarence Road, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved.

BR/249/13 – Change of use of ground floor from Motor Vehicle Sales & Servicing/Repairs (Sui Generis) to A1 (Shops) Food Retail, Nyetimber Mazda, 33 Chichester Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing additional representations received and a change to Condition 4 relating to the hours for deliveries, Members participated in some debate on the matter.

Discussion centred on concerns around highway issues, i.e. parking of the delivery lorries and the congestion very often experienced on the A259 at this spot. However, it was pointed out that County Highways had raised no objection to the proposal. Due to the proximity of the traffic lights and the narrowness of the A259 outside the premises, an assurance was sought that delivery lorries would not unload on the A259 but would do so in Hillsboro Road by the designated parking area. It was confirmed that deliveries would be made from Hillsboro Road and not Chichester Road.

Following consideration, the Committee

Subject to approval at the next Committee meeting

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Development Control
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RESOLVED

That the application be approved as detailed in the report, subject to amendment of Condition 4 to read:-

“No deliveries shall be taken at or despatched from the site outside the hours of 07.00 and 22.00 with the exception of a daily delivery of newspapers/magazines only from 06.00 am.

Reason: In the interests of the residential amenities of neighbouring properties in accordance with Policies GEN7 and GEN32 of the Arun District Local Plan.”

EP/110/13 – Loft conversion – front hip to gable with velux windows in side elevation. Removal of chimney, 12 Normandy Drive, East Preston Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of the following application, Councillors Mrs Bower and Bower had declared a personal interest and left the meeting and took no part in the debate or vote.)

EP/124/13 – Retention of new front wall & gate in lieu of previously removed 3m high mixed hedge & drive gates, 50 Angmering Lane, East Preston Having received a report on the matter and following a short debate, a request was made that a site inspection should be undertaken to assess the impact of the wall on the street scene as it was felt it could not be properly ascertained from the photographs that had been displayed. On being duly seconded, the Committee

RESOLVED

That the application be deferred to enable the Site Inspection Panel to visit the site.

(As the vote was split the Chairman used her casting vote.)

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

FP/125/13 – Convert existing supported living accommodation into 8 x 1 bedroom units for supported living for people with learning difficulties and mental health, Grange Lodge, 45 Summerley Lane, Bognor Regis Having received a report on the matter, the Chairman corrected a grammatical error within Recommendation 3 as follows “management company/owner of the premises must be submitted to **and** approved by the Local Planning Authority,.....” Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report and subject to correction of Condition 3.

FP/143/13 – Change of use from offices (B1-Business) to residential use (C3 – Dwelling Houses). This application affects the character and appearance of the Felpham Conservation Area, Church House, Felpham Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

FG/120/13 – Variation of condition 2 (house type amendments) imposed under planning appeal relating to planning application FG/123/10, Jenkins Yard, Glenbarrie Way, Ferring Having received a report on the matter, it was pointed out that Condition 11 was a duplication of Condition 10 and should be deleted.. In discussing the matter, comment was made with regard to Glenbarrie Way and the fact that this private road was in a state of disrepair that would be exacerbated by the works traffic to and from the site. Although this could not be dealt with by way condition, the Committee was advised that the applicant would be upgrading the road as part of phased works to improve the foul and surface water drainage – potholes would be repaired and there would be an upgrade to the road to facilitate the amenity of the development. Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report, subject to deletion of Condition 11.

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F/17/13 - Form open sided canopy and enclosed store on east side of the North Warehouse. (This application is a Departure from the Local Development Plan), R T Page & Sons Ltd, Unit R2, Ford Road, Ford Having received a report on the matter, the Committee was advised that this application had been withdrawn from the Agenda.

LU/280/13 – Construct 5 No. beach huts on concrete bases, Beachfront adjacent to Promenade, Sea Road, Littlehampton Having received a report on the matter, the Committee was divided in its view as to the suitability of this proposal and it was proposed and duly seconded that the matter be deferred to enable the principle of a policy for beach huts to be agreed. However, on being put to the vote this was declared LOST. The Committee then

RESOLVED

That the application be approved as detailed in the report.

LU/289/13 – Use of existing premises as off licence/grocery shop (A1 Shops), Essex House, 2 Wick Street, Littlehampton Having received a report on the matter, together with the officer's written report update detailing additional information from the applicant and an amendment to the opening hours on Sundays and Bank Holidays to allow the sale of newspapers from 8.00 a.m. the Committee

RESOLVED

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

M/71/13 – Demolish sub standard bungalow and erect a pair of semi-detached dwellings, White Horses, 9 Main Drive, Middleton on Sea Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

437. PLANNING APPEALS

The Committee received and noted a report detailing appeals that had been lodged and four appeals that had been heard.

438. DIVERSION OF FOOTPATH NO. 154 AT SITE 6 FELPHAM, ORDER 1
TOWN & COUNTRY PLANNING ACT 1990

The Committee received a report from the Planning Solicitor which sought approval for diversion of Footpath No. 154 at Policy Site 6, Felpham under Order 1, Town & Country Planning Act 1990.

Following consideration, the Committee

RESOLVED – That

- (1) the Diversion Order be confirmed; and
- (2) confirmation of the Diversion Order be advertised and notified according to the Regulations.

439. DIVERSION OF FOOTPATH NO. 154 AT SITE 6 FELPHAM, ORDER 2
HIGHWAYS ACT 1980

The Committee received a report from the Planning Solicitor which sought approval for diversion of Footpath No. 154 at Policy Site 6, Felpham under Order 2, Highways Act 1980.

Following consideration, the Committee

RESOLVED – That

- (1) the Diversion Order be confirmed; and
- (2) confirmation of the Diversion Order be advertised and notified according to the Regulations.

440. DIVERSION OF FOOTPATH NO. 297 ALDINGBOURNE AT LAND
ADJOINING SUNNYSIDE, WESTERGATE STREET, ALDINGBOURNE

The Committee received a report from the Planning Solicitor which sought approval for diversion of Footpath No. 297 Aldingbourne at land adjoining Sunnyside, Westergate Street, Aldingbourne under Section 257 Town & Country Planning Act 1990.

Following consideration, the Committee

RESOLVED – That

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- (1) subject to the agreement of West Sussex County Council, as Highway Authority, an order be made and advertised for diversion of the footpath in the terms of the draft Order attached to the report; and
- (2) the Head of Legal and Administration be given delegated power to amend the draft Order and Order Map, to respond to any comments from West Sussex County Council and the applicant for the Diversion and others, on drafting points and map details, as opposed to the principle of the Order.

441. PILOT PROJECT – DELEGATION OF DECISION MAKING TO LITTLEHAMPTON TOWN COUNCIL IN RESPECT OF HOUSEHOLDER PLANNING APPLICATIONS

Following on from a report presented to the Committee in August 2011 in respect of “Pilot Project – Delegation of Decision Making on Some Forms of Planning Application to Quality Parish Councils”, Members now received an update report from the Head of Development Control. Members were advised that it was proposed that from 1 January 2014, Littlehampton Town Council would undertake a pilot project to determine all householder planning applications within its area and a minor change to the process was also suggested with regard to any decisions taken by the Town Council which were contrary to the District Council officers’ recommendations.

In considering the matter, comment was made that the pilot scheme would need to be carefully monitored to assess the extra burden that would be placed on officers in managing the project and to ensure it was sustainable given the limited staff resources. In addition, a request was made that the Committee be kept updated on all the applications being delegated and the decisions made by the Town Council.

The Committee then

RESOLVED

That the update be acknowledged and the changes set out in the report in respect of the model S.101 agreement relating to decision making and the powers of recovery should they be required.

442. COMPLIMENTS OF THE SEASON

The Chairman extended the compliments of the season to Members and officers and thanked them for their cooperation during the year.

(The meeting concluded at 4.45 p.m.)

DEVELOPMENT CONTROL COMMITTEE

15 January 2014

PLANNING APPLICATIONS

**LIST OF TREE APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION
AT THE DEVELOPMENT CONTROL COMMITTEE**

NONE FOR THIS COMMITTEE

**LIST OF APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION AT
THE DEVELOPMENT CONTROL COMMITTEE**

KINGSTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
K/31/13/	Demolition of existing stables, construction of new shed and gym on higher ground	The Cottage Brookside Road Kingston BN16 1SE
Case Officer :	Mr J Smith	
Recommendation:	Approve Conditonally	

FORD

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
F/19/13/	Proposed development and operation of a waste treatment facility. This is a County Matter and will be determined by West Sussex County Council.	New Circular Technology Park Former Ford Blockworks Ford Airfield Industrial Estate Ford BN18 OHY
Case Officer :	Mr P Cleveland	
Recommendation:	Objection	

FERRING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
FG/133/13/	Two storey side extension with a single storey rear extension plus a detached double garage.	6 Ferringham Lane Ferring BN12 5NQ
Case Officer :	Mr C Cronin	
Recommendation:	Approve Conditonally	

FG/134/13/	Demolition of existing single storey dwelling, construction of paved display and parking forecourt, with associated landscaping and lighting	The Bungalow Hangleton Lane Ferring BN12 6PB
Case Officer :	Mr J Smith	
Recommendation:	Refuse	

EAST PRESTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
EP/120/13/	Additional 50 seat covered stand located beside existing stand on football ground	East Preston Sports & Social Club Lashmar Recreation Ground Lashmar Road East Preston BN16 1ED
Case Officer :	Mr J Smith	
Recommendation:	Approve Conditionally	

BOGNOR REGIS

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
BR/259/13/	Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for the conversion of surplus common lounge & office into 2No. self-contained dwellings, including to partly extend and re-building of existing structure and new door/window openings to SE and NE elevations.	Howard House Pevensey Road Bognor Regis PO21 5NX
Case Officer :	Simon Davis	
Recommendation:	Approve Conditionally	
BR/272/13/	Construct a replacement launching ramp on the beach. This application affects the character and appearance of Aldwick Road Bognor Regis Conservation Area	Beach adj Bognor Regis Yacht Clu Victoria Road South Bognor Regis PO21 2NA
Case Officer :	Simon Davis	
Recommendation:	Approve Conditionally	

ARUNDEL

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
AB/116/13/	Proposed ground floor infill balcony. This application affects the character and appearance of Arundel Conservation Area	5 Martlets Court Queen Street Arundel BN18 9NZ
Case Officer :	Mr J Smith	
Recommendation:	Approve Conditionally	

PLANNING APPLICATION REPORT**REF NO:** K/31/13/**LOCATION:** The Cottage
Brookside Road
Kingston
BN16 1SE**PROPOSAL:** Demolition of existing stables, construction of new shed and gym on higher ground**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The proposal involves the erection of two flat roof outbuildings each with a footprint of 7.4 metres in width by 4.4 metres in depth and 3 metres in height to the roof top.
SITE AREA	Approximately 7260 square metres.
TOPOGRAPHY	Gentle downward slope running from west to east. Dipped area of land and natural pond close to the eastern boundary.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Northern and western boundaries marked by approximately 1.8 metre high timber close boarded fencing. Similar height bamboo screening on eastern boundary where there is an additional line of coniferous trees.
SITE CHARACTERISTICS	The site is occupied by a detached two-storey dwelling which has grounds extending to the north and running behind two neighbouring properties on Brookside Road, 'York Lodge' and 'South Beach Lodge.' There is currently a detached flat roof building positioned within these grounds, towards the eastern site boundary.
CHARACTER OF LOCALITY	The site is located on a residential road that is lined by residential development which has no set pattern in terms of design or scale. Dwellings are generally set back from the road. Properties on the eastern side of the road back onto the banks of Ferring Rife which are traversed by public footpaths.

RELEVANT SITE HISTORY

K/33/72	stabling (3 loose boxes & 1 tack room) for stabling horses	ApproveConditionally 27-10-1972
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Kingston Parish Council

Parish Council Objection: The development would compromise the strategic gap. It is located outside of the built up area. It is in a sensitive location, adjacent to the Ferring Rife and would be detrimental to views from public footpaths. Stables approved were for equine use within a field, a shed and a gym are inappropriate for an area of countryside. Will be detrimental to the amenity of neighbouring properties.

One letter of objection: Intrusive to neighbouring properties (privacy). Overbearing. Unneighbourly due to noise, smell and loss of light. The application states 'construction on higher ground.' The site is not significantly higher than that of the existing stables, will the levels of the site be raised? The site is large and it is unnecessary to place this development so close to our boundary.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The buildings will be located on the edge of the built-up area and the strategic gap, positioned close to existing residential buildings, and will therefore not appear intrusive within the countryside or compromise the integrity of the strategic gap. The site is well screened and buildings will not be visually prominent within views from nearby footpaths. It is considered that the buildings are modestly sized and will therefore not appear overbearing or cause undue levels of overshadowing. There will be no windows looking towards the properties to the rear. There were no restrictive conditions attached to the approval granted for the existing stable block (K/33/72). The site forms part of the grounds of 'The Cottage' and the use of the buildings will be restricted to those that are ancillary to that of the main dwelling only. As such, it is not considered that intensive levels of noise will be generated. The section plan accompanying the application shows the ground levels matching that of the boundary fence, there is no indication that site levels will be raised.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Outside Built-Up Area
Within Strategic Gap

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	AREA10	Strategic Gaps

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The site is partially within the built-up area but the proposed buildings will be positioned on land which falls outside of the built-up area and, as such, the proposed development will be the subject of the rigorous planning criteria contained within Arun District Local Plan Policy GEN3 which seeks to protect the character and appearance of the rural environment.

Arun District Local Plan Policy GEN7 sets out general requirements for all new development, the most pertinent for an application of this nature being the need to respond positively to the identified characteristics of the site and the surrounding area (ii) and that it does not have an unacceptable adverse impact upon adjoining occupiers, land, uses or property.

The site is also located at the edge of the strategic gap maintained between East Preston and Ferring and is therefore subject to further scrutiny. If development is to be allowed, it must be satisfied that it is consistent with other Policies within the Development Plan (in this instance GEN3 and GEN7), would not compromise the strategic gap and that attention is given to the long term enhancement of the gap.

VISUAL AMENITY:

Given the modest size of the proposed buildings and the enclosed nature of the site it is considered that they will have a negligible visual impact upon the character of the area. The buildings will be set well away from the eastern site boundary, which is screened by fencing and trees and will not appear visually prominent within views from the footpath that follow the banks of Ferring Rife to the east. The buildings will not occupy a significant area of the amenity space of the plot and will therefore also have no discernible impact upon spatial characteristics. This will also ensure they do not appear as isolated or visually obtrusive features within the rural environment on accordance with Arun District Local Plan Policy GEN7(ii).

IMPACT UPON STRATEGIC GAP:

Although the proposed buildings will be sited at the western extremity of the strategic gap maintained between East Preston and Ferring, it is not considered that they will compromise the objectives and fundamental integrity of the strategic gap as the proposed buildings are modestly sized, positioned close to an established group of buildings that mark the edge of the strategic gap and will not intrude into the open countryside. As such, the proposed development is in accordance with Arun District Local Plan Policy AREA10.

DESIGN & SCALE:

The proposed buildings are of matching dimensions and design and will be positioned alongside each other so as to prevent any sense of a cluttered appearance from arising. They are to be positioned well away from the main dwelling so as not to interfere with its appearance.

IMPACT UPON RESIDENTIAL AMENITY:

Although the proposed buildings will be positioned close to a site boundary shared with York Lodge, which has a number of ground and first floor level windows facing towards their intended location, it is considered that their modest scale will prevent them from appearing overbearing to the neighbouring property or from causing undue levels of overshadowing. There will be no windows facing towards 'York Lodge' but, in any case, any views from ground floor windows towards neighbouring properties would be interrupted by existing site boundary treatment. It is considered prudent to attach a condition limiting the use of the buildings to being ancillary to the occupation of 'The Cottage' so as to prevent any over intensive use that would detract from the amenities of neighbouring residents. This will ensure that the development satisfies the requirements of Local Plan Policy GEN7(iv).

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

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect for 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, it has been determined that its approval would not result in any unacceptable negative impacts 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).

As such, there is no requirement for mitigation measures to be implemented.

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 plan. There shall be no deviation from the approved plan either internally or externally.

KG/LW/001;

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 The buildings shall be used in connection with the quiet and informal recreation of occupants of The Cottage, Brookside Road, Kingston, BN16 1SE only and for no other purpose.

Reason: To safeguard the amenities of the neighbouring properties and to prevent the buildings being used for unsuitable and over-intensive purposes within a rural location in accordance with policies GEN3 and GEN7 of the Arun District Local Plan.

- 4 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

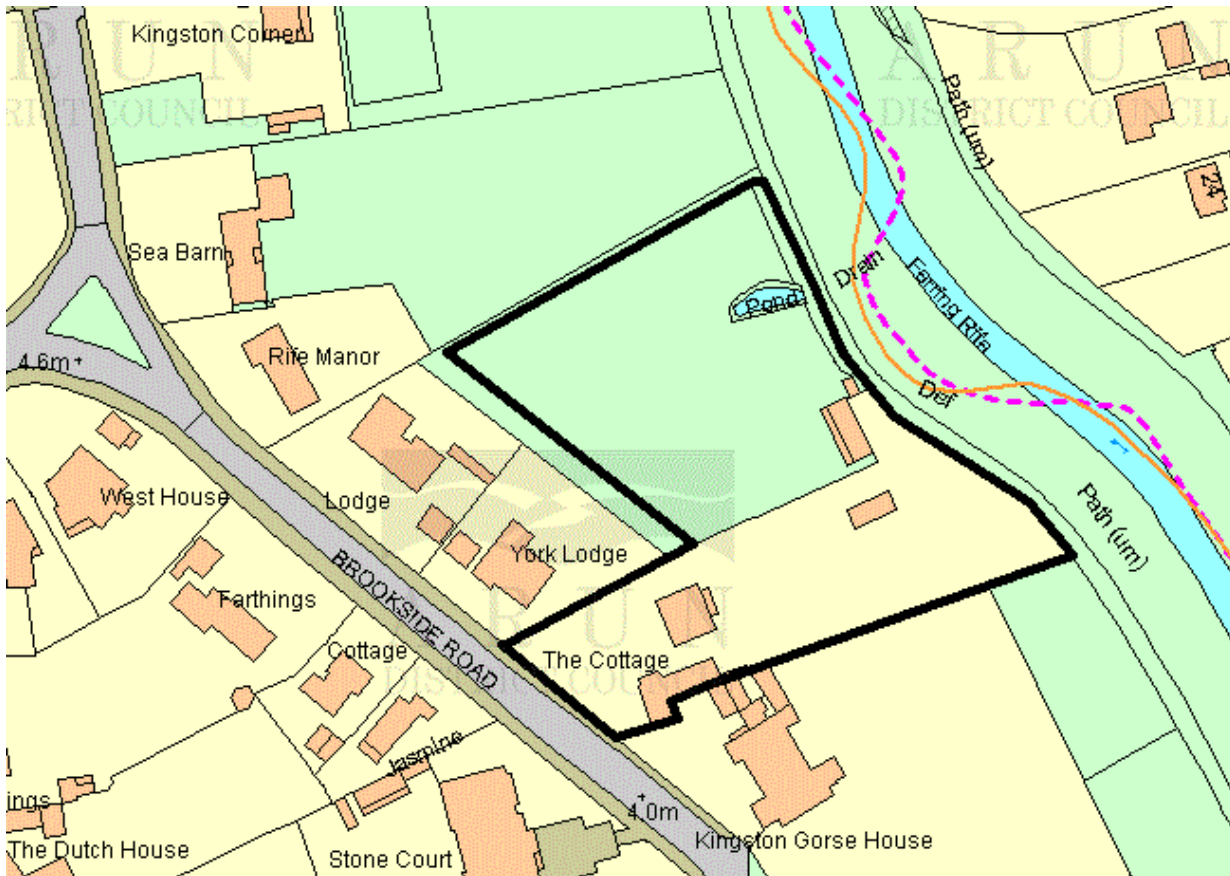
Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policies GEN3 and GEN7 of the Arun District Local Plan.

- 5 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.

K/31/13/ Indicative Location Plan
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COUNTY MATTER CONSULTATION**REF NO:** F/19/13/**LOCATION:** New Circular Technology Park
Former Ford Blockworks
Ford Airfield Industrial Estate
Ford
BN18 OHY**PROPOSAL:** Proposed development and operation of a waste treatment facility. This is a County Matter and will be determined by West Sussex County Council.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	<p>The application proposes the operation of a reception/pre-treatment waste facility and a Materials Recovery Facility which is to be housed within the existing factory building on the site.</p> <p>A new building on the site is proposed to accommodate a Residual Waste Treatment Facility. This facility would be constructed on the concrete hard-standing immediately south of the existing factory building on the site. The new building would measure 22 metres in height and have a footprint of 120 metres x 70 metres (8400 square metres).</p> <p>A dual flue stack would also project above the building with an overall height of 50 metres. This would also house a combined heat and power unit utilising heat from electricity generation.</p> <p>A new vehicle weighbridge is also proposed at the entrance to the site, adjacent to an existing weighbridge.</p>
SITE AREA	5.4 hectares.
RESIDENTIAL DEVELOPMENT DENSITY(NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Mature conifer screening to north boundary, metal fencing and hedging enclosing the remainder of the site.
SITE CHARACTERISTICS	The application site is located at the new Circular Technology Park, on the former Ford Blockworks land, which was decommissioned in 2010. The existing site is occupied by 2No. existing former aircraft hangers (although these are not included within the red edge of the application site) and aerated block factory building which sits to the south of the existing hangers. These building have an overall height of 16-17 metres. The remaining

part of the site is laid to concrete.

CHARACTER OF LOCALITY

The site is located on the Ford Airfield Industrial Estate, with access gained from the site via Ford Road to the east and Rollaston Park to the west. Open farmland surrounding the site, wastewater treatment plant beyond to the south. Flying fortress and indoor football facilities to west, with industrial units and residential properties beyond. Residential properties in Rodney Crescent and Ford Lane to the east and north respectively. Some businesses noted along Ford Lane and art studio located along eastern access road from Ford Road.

RELEVANT SITE HISTORY

F/9/10/	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for variation of Condition 6 of planning permission F/16/05 (B) to allow sludge deliveries from different sources (This application will be determined by the WSCC)	No Objection 11-05-2010
F/4/07/	Installation of combined heat and power (CHP) plant units. (This is a County Matter and will be determined by West Sussex County Council)	ApprvdCond-WSCC 21-05-2007

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

COMMENTS ON REPRESENTATIONS RECEIVED:

CONSULTATIONS

Environmental Health
Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH:
Operational Noise

The way that the noise modelling results have been presented, using time averaged sound pressure levels, does not fully represent the disturbance that would be caused from movements of HGVs along the access roads during the daytime. HGV movements are short duration "noise events", but loud and disturbing. This is not fully recognised when reporting results using a time averaged figure. The noise levels and character of these short duration events immediately to the rear of residences has not been fully recognised in the Environmental Statement.

The noise from HGVs or other vehicle movements on the site access roads during the night does not appear to have been modelled at all. The report has not established if the continuous operation of the waste treatment process would necessitate night time movements of HGVs on

and off the site, nor if other vehicles would be needed to load hoppers etc during the night, nor has it addressed the impact of these relatively short duration, but potentially disturbing noises. Both access roads pass immediately to the rear of residential premises at Rodney Crescent, Ford to the East, and a number of cul de sacs off Rollaston Park, Yapton, to the West. Further information on the proposed night time, noise generating activities is needed. Alternatively, I recommend that the County Council by way of conditions prohibit movement of vehicles on the site, other than cars, after 1900 and before 0730.

In addition, the scope of the Environmental Impact Assessment is such that because the additional vehicle movements on local highways is less than 2 % of current volumes, it has been determined by the applicants' consultants that it is not necessary to do any modelling of the additional highway noise. The consultants estimate that there will be 120 HGV movements each day during the operational phase of the proposed development. It should also be recognised that when the site was operated by Tarmac, there was a voluntary agreement that HGV movements before 0800 would only travel on Ford Road south of where the access road joins Ford Road. It is not clear whether any such restriction would be put in place as part of the operation of proposed development. Although the increase of vehicle movements on local highways is estimated to be only marginally increasing (by less than 2%), the noise generated by HGVs clearly has much more potential for noise disturbance than the equivalent number of cars. Planning and Highway regulatory controls are the only avenues available to reduce this noise impact.

Construction Noise

Whilst disturbance from construction activities are of a temporary nature, in this case the duration of the proposed construction activity is significant at 2 years. In order to protect the amenity of nearby residences during the construction phase, I recommend that the hours of operation during construction should be restricted by condition on planning consent to 0800 - 1800 hours Monday - Friday, and 0800 - 1600 on Saturday. No activities that are audible beyond the site boundary should take place outside of these times.

The figure of 70dB has been used to assess the significance of construction noise. My view is that the figure of 65dB is the appropriate figure to use in accordance with BS5228 Part 1. The applicants may wish to be aware that if a prior consent Control of Pollution Act notice is sought, it is the figure of 65dB which will be used.

COMMENTS ON CONSULTATION RESPONSES:

An informative will be recommended to WSCC regarding the assessment of construction noise requirements to ensure any prior consent application under the Control of Pollution Act meets the required BS5228 Standard as set out above.

POLICY CONTEXT

Designation applicable to site:
Outside of the built-up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN3 DEV8	Protection of the Countryside Circumstances in which Additional Development may be Permit'd
	GEN32 GEN34	Noise Pollution Air Pollution

GEN7 The Form of New Development

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

This is a County Matter Waste application submitted to West Sussex County Council (WSCC) who will determine the application. The Local Planning Authority is a consultee only for the application and it is not the role of Arun DC to make a decision on the application. It is proposed that the wording below is incorporated into a letter in response to WSCC.

BACKGROUND

The site is included as an allocated site within the submitted County Waste Local Plan 2013. The proposed waste treatment plant will mainly deal with residual waste coming from the treatment of material from other facilities; however some residual waste will be produced from the on-site Materials Recycling Facility. In terms of the overall need for this type of facility, the application is made on the basis of the intention within the Waste Local Plan for the County to achieve 'net self-sufficiency' and avoid inert waste going to landfill.

HIGHWAY IMPACT AND CAPACITY

The impact upon the highway network is to be assessed by WSCC Highways Department; access to the site is proposed via Rollaston Park and vehicles exiting will be via Ford Road. This is access routes proposed in this application are contrary to a development principle within County Waste Local Plan 2013 relating to this site which states all access to the site should be via the Ford Road access.

WSCC Highways have confirmed that all HGVs associated with the site will travel southwards from the site along Ford Road, and not northwards to link with the A27. This routing agreement is to be secured by WSCC under a S106 agreement. As such it is not recommended that comments are raised by Arun DC on highways matters other than to support the approach to divert HGVs southwards along Ford Road.

MATERIALS RECOVERY FACILITY PROCESS

MRFs are specialised plants that receive, separate and prepare recyclable materials for marketing to end-user manufacturers. Once sorted, recyclable materials will be bulked up and baled for onward transportation. Residual materials that cannot be recycled will be directed to the residual waste treatment facility to be processed.

RESIDUAL WASTE TREATMENT PROCESS

Residual waste (i.e. waste that cannot be further re-used or recycled) will be treated in the

proposed Residual Waste Treatment Facility, and converted into energy in the form of electricity and heat. The process used by the facility will be gasification which involves heating waste to a high temperature within a sealed compartment which causes the waste to breakdown into syngas. When this gas is combusted it gives off a significant amount of heat that can then be utilised.

The process does result in emissions from the treatment process by air pollution control residues and residue ash from the combustion process. The ash is not hazardous and can be recycled and used as aggregate replacement, approximately 21,000 tonnes of residue ash (15% of the input) will be generated each year and transfers off-site. Air pollution residues are filtered to and stored in silos and transferred off-site to be used for construction block manufacture, approximately 7,000 tonnes of air pollution control ash will be generated annually (5% of the input).

OFFICER RECOMMENDATION

Officers have considered the application details and the Environmental Statement submitted for comment and it is recommended that an objection be raised by the Local Planning Authority. The reasons for objecting is due to further detail being required in relation to noise emissions and its impact as well as justification for the stack height.

Noise Impact

The noise modelling results submitted have been presented using time averaged sound pressure levels, the Councils Environmental Health officer has raised concern that this does not adequately represent disturbance caused by HGV's. The statement also fails to establish whether or not the continuous processing of waste necessitates night time movements of HGV's on and off site. Modelling results need to assess this impact, noise created by HGV's are short in duration but are loud and disturbing. The Environmental Statement fails to consider such events, and must consider the short duration noise events upon existing properties in Rodney Crescent and off of Rollaston Park as well as night time activity. Alternatively it is recommended that vehicle movements other than cars and smaller vehicles be restricted after 1930 and 0730 to overcome concerns regarding night time activity.

Construction noise is temporary in nature, however given a 2 year construction time a condition is recommended to restrict hours of work. It is proposed that hours of work will be between 0730 - 1700 Monday to Friday and 0730 - 1600 on Saturdays. It is an officer recommendation that construction works should not commence until 0800, however there is no objection to construction continuing until 1800 Monday to Friday.

Emissions Impact and Stack Height

The detail submitted with the scheme identifies the correlation between the stack height and the impact of emissions from the gasification process on air quality. The modelling process has looked at stack heights between 30 metres and 70 metres, a stack height of 50 metres has been chosen as at this point the impact when operating at its daily limit the impact is small. Due to the significant visual impact the dual stack system poses, officers recommend that further work should be done to justify the height of the stack. It is thought that it could potentially be reduced to 45 metres as at this point the significance of emissions becomes negligible. Comments are sought from colleagues at the Sussex Air Quality Partnership on this point as a reduction, albeit by 5 metres would lessen the visual impact of the structure.

RECOMMENDED CONDITIONS & INFORMATIVE

1. No construction work/activity that is audible beyond the site boundary shall take place except between the hours of 0800 - 1800 hours Monday to Friday and 0800 - 1600 hours on Saturdays.
Reason: To safeguard the amenities of residents in the locality.

2. Heavy goods vehicle access to and from the site shall be restricted to between 0730 - 1900

hours.

Reason: To safeguard the amenities of residents in the locality.

INFORMATIVE: The figure of 70dB has been used to assess the significance of construction noise. The Districts Environmental Health officers view is that the figure of 65dB is the appropriate figure to use in accordance with BS5228 Part 1. The applicants may wish to be aware that if a prior consent Control of Pollution Act notice is sought, it is the figure of 65dB which will be used.

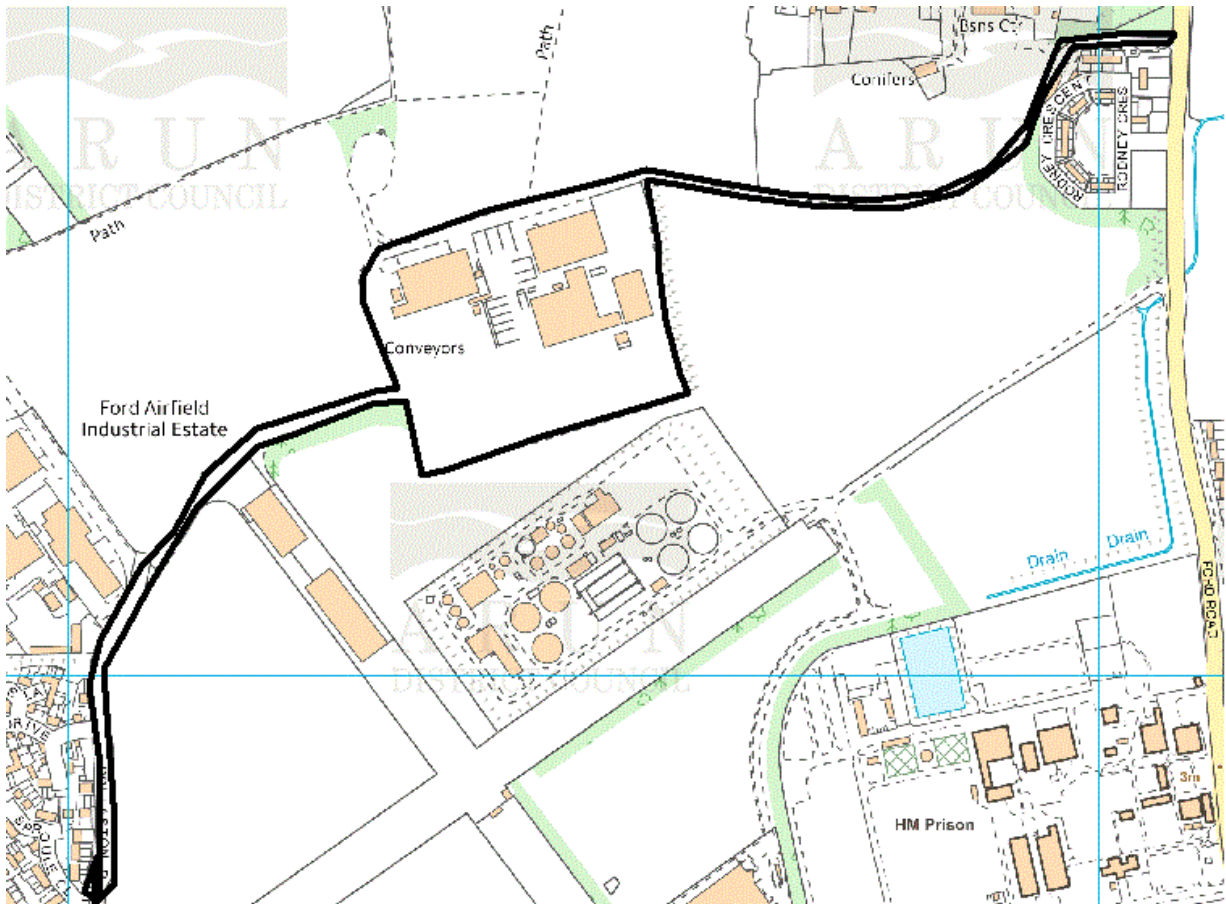
RECOMMENDATION

OBJECTION

F/19/13/ Indicative Location Plan

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PLANNING APPLICATION REPORT

REF NO: FG/133/13/

LOCATION: 6 Ferringham Lane
Ferring
BN12 5NQ

PROPOSAL: Two storey side extension with a single storey rear extension plus a detached double garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Two storey side extension replacing an existing attached flat roofed garage, single storey rear extension and proposed detached front garage adjacent to the western boundary of the site.
SITE AREA	1344 square metres
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Northern boundary adjacent to Ferringham Lane is set back from the highway by a grassed verge and demarked by a 1.8 metre tall hedge and mature deciduous trees. Eastern and western boundaries are distinguished by mature hedging and a closed board fence.
SITE CHARACTERISTICS	The site is occupied by a detached two storey dwelling with a mixture of painted brickwork and render.
CHARACTER OF LOCALITY	Primarily residential area with a mixture of bungalows and two storey dwellings.

RELEVANT SITE HISTORY

No comments

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council
Ferring Parish Council - object

- Concern about the sheer size of the extension. The proposal shows the extension will be built extremely close to the boundary of the house and we feel this will impress on the neighbourhood scene.

1 Letter of Support Received:

- My property 8 Ferringham Lane is on the east side of the proposed extension to 6 Ferringham Lane.
- The proposed extension is in fact not as close as the existing building and will not have a detrimental impact on our property.

COMMENTS ON REPRESENTATIONS RECEIVED:

Parish comments noted and addressed in the conclusions section below.

Comment on Letter of support:

Noted that neighbour confirms that extension is further from the eastern shared boundary and would not impact upon their amenity.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2 GEN7 DEV19	Built-up Area Boundary The Form of New Development Extensions to existing residential buildings
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PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

Principle of Development

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan Policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

IMPACT ON VISUAL AMENITY AND CHARACTER OF THE AREA

The property is set on Ferringham Lane where properties are generally set back from the road on medium to large size plots with mature trees and hedgerows. Properties are either large two storey dwellings or bungalows.

The proposal is for a two storey side extension with roof sloping away from the site boundary. An existing flat roofed garage to the side where the proposal is to be located will be demolished. The footprint of these structures is greater than that proposed and there is currently no separation distance with the eastern boundary. Therefore, development has been established in this location albeit at single storey.

It is considered that the overall spacious and well landscaped appearance of the street scene will not be harmed as a result of the extension. The proposal will not significantly increase the existing footprint, and will increase the space between the property and the adjoining property to the east. The proposed design of the roof sloped which angles away from the adjacent property will ensure that the clear separation at first floor level is maintained. It is therefore considered that the extension fits in well with surrounding street scene.

It is considered that the proposal will relate sympathetically towards the existing dwelling in terms of design and scale. Whilst the two storey extension will extend the roof by a significant amount, the ridge height has been stepped down and set back from that of the existing dwelling which ensures that the extension remains visual subservience towards it. The design of the roofslopes match those of the existing dwelling helping the extension to assimilate well with the existing property. Such integration continues with the use of matching materials to ensure that the extension will be well integrated and in keeping with the host property.

RESIDENTIAL AMENITY

There will be approximately 1.2 metre retained between the extension and the eastern boundary compared to the existing 0.4 metres. The property to the east of the application site is built less than 50cm from this boundary and there are no side windows. Given the location of the built form at present, such proximity is considered acceptable.

At first floor level the proposed roof slopes away from the property boundary. There are no windows in the side (east) elevation to prevent any overlooking from occurring. A condition will be placed on the permission to ensure that no windows can be later inserted in this elevation without an application on its behalf.

Given the existing close relationship between the properties it is not considered that the extension will be overly dominant or overbearing on the adjacent dwelling. Given the positioning of windows, and the orientation of the property the extension is not likely to have a material impact on sunlight levels.

Furthermore, a letter of support from the neighbouring property to the east no 8 Ferringham Lane has been received.

PROPOSED FRONT GARAGE

The proposed front garage is located adjacent to the western boundary of the site in front of the existing building line. The proposed garage will be sited approximately 10m from the front boundary and 1m from the western side boundary. The proposed brick built garage is of an acceptable size and design and the plain tiled roof will match the existing house.

With regard to residential amenity, the proposed garage is in line with existing garages forward of the neighbouring properties No 2 and 8 Ferringham Lane does not directly impact upon the amenities of the occupiers of these properties by way of overbearing effect or overshadowing.

Although the garage would be sited forward of the property, it is not considered obtrusive in the street scene, nor would it detrimentally harm the character or appearance of the surrounding residential area.

CONCLUSION

The proposed extension is considered to be of a high quality design, appropriate to the context of the street scene, sympathetic to the host dwelling and will not impact on the residential amenity of the surrounding area. The proposed front garage is considered to be in keeping with the context of the surrounding residential area and given the relationship to existing front garages. It is therefore concluded that the proposed development is acceptable and recommended for approval subject to the conditions outlined below.

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 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 a neutral impact has 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.

As a neutral impact has been identified no mitigation has been proposed.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Site Plan and Garage Roof Plan
Existing Details 01
Existing Details 02
Proposals 03
Proposals 04
Proposals 05

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

- 3 The materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 No windows (other than those shown on the plans hereby approved) shall be constructed in the eastern elevation of the extension hereby permitted which adjoins the side boundary with 8 Ferringham Lane without the prior permission of the Local Planning Authority on an application in that behalf.

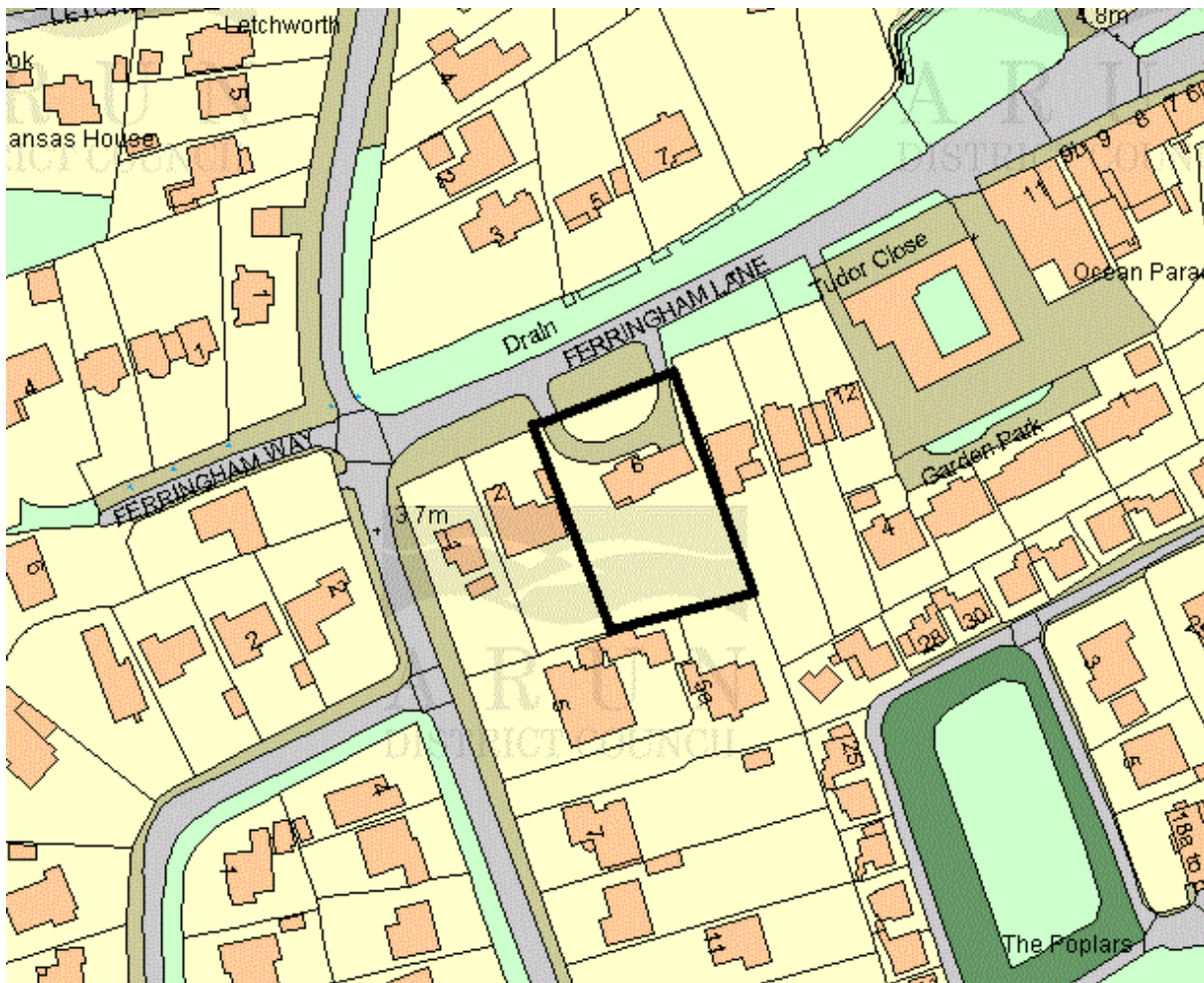
Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 5 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning

(Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

FG/133/13/ Indicative Location Plan
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PLANNING APPLICATION REPORT

REF NO: FG/134/13/

LOCATION: The Bungalow
 Hangleton Lane
 Ferring
 BN12 6PB

PROPOSAL: Demolition of existing single storey dwelling, construction of paved display and parking forecourt, with associated landscaping and lighting

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposed new forecourt will serve the dual purpose of providing additional parking for customers as well as additional display space for vehicles that are for sale. A total of 27 customer car parking spaces will be provided, 2 of these being disabled bays. The additional external display space provided will be 665 square metres, bringing the total amount of external display space available up to 1128 square metres.

Access and egress arrangements will be altered with the existing access/egress point being restricted to access only. Vehicles leaving site would pass through the proposed parking area and exit onto the southern end of Hangleton Lane.

Hard and soft landscaping scheme, concentrated towards the northern, southern and western boundaries of the site has been submitted.

The proposed forecourt area would be served by external lighting.

SITE AREA

Approximately 2945 square metres.

TOPOGRAPHY

Predominantly flat.

TREES

Existing trees on the western boundary are to be removed and replaced as part of the submitted landscaping scheme. There are also some small garden trees positioned around the bungalow that would be removed. These trees are not considered to possess sufficient amenity value to warrant the imposing of a Tree Preservation Order.

BOUNDARY TREATMENT

The southern and eastern boundaries of the site are open. There is approximately 1.8 metre high timber fencing marking the northern site boundary. The western boundary, which flanks Hangleton Lane, is lined by coniferous trees and hedging.

SITE CHARACTERISTICS

The site is occupied by a detached bungalow dwelling

which is set well back from the A259 and accessed via a shared driveway that opens onto Hangleton Lane. The front (southern) boundary is open and there is a lawned area to the front of the dwelling.

CHARACTER OF LOCALITY

The site is located outside of the built area, directly adjacent to a dual carriageway stretch of the A259. Hangleton Lane, which is narrow rural road passes the site to the west. This road becomes a footpath and bridleway further to the north, providing access to the South Downs National Park, the boundary of which is nearby to the north. The road is intermittently bordered by linear development, predominantly consisting of retail and horticultural uses. A recently constructed ASDA store is located on the opposite side of the road to the south-west whilst there is a garden centre to the immediate west of Hangleton Lane. Nearby buildings are generally set back from the road, with parking areas to the front. The village of Ferring is located to the south-east and there is also a row of residential dwellings nearby to the east.

RELEVANT SITE HISTORY

FG/61/99/	To provide a single bay, single storey extension to the existing car preparation bay to form an additional preparation area.	ApproveConditionally 22-09-1999
FG/69/96	Approval of reserved matters following FG/32/96 to demolish the existing restaurant and construct a new car showroom and workshop facility and ancillary storage and offices together with external display and parking spaces.	ApproveConditionally 27-11-1996
FG/32/96	Outline Application to demolish the existing restaurant and construct a new car showroom and workshop facility and ancillary storage and offices together with external display and parking spaces.	ApproveConditionally 11-09-1996

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Ferring Parish Council wishes to strongly object to the development of the Yeomans site. Ferring Parish Council is currently putting together a Neighbourhood Plan. Within the Neighbourhood Plan we must identify locations for approximately 50 new dwellings. We therefore raise the concern that this planning application includes the demolition of a perfectly good bungalow, how can this be acceptable when the village needs housing.

We must also object to any planning application that attempts to alter the north side of the

Littlehampton Road. This application is to yet again for a commercial development on rural and agricultural land.

We also raise a concern that the application is for 25 additional car parking spaces on the forecourt whereas the plans submitted clearly shown over 50 parking spaces on the forecourt. The current site has a bungalow with a green space and the Yeoman garage which already unsightly. With the construction of an additional paved display & parking forecourt with associated landscaping & lighting will look even more unsightly.

Hangleton Lane is known as an area that experiences flooding. In heavy rain the current green space helps drain excess water whereas with a paved area the excess water will potentially lay stagnant as it will be a concrete base. With the new larger Yeomans Garage this will increase the traffic on an already challenged road. There is also a risk to the safety of the additional cars leaving the forecourt onto a busy dual carriageway.

EAST PRESTON PARISH COUNCIL: Object to removal of viable housing stock when most local councils are being asked to provide more. This is another application for commercial development on rural land. Concerned that the application is for 25 additional spaces whereas the plans clearly show more than 50 spaces on the forecourt. Green space helps drain excess water, hard surfacing would result in concerns over flooding. Will increase traffic and additional cars joining the dual carriageway would pose safety risk.

42 LETTERS OF SUPPORT: The additional parking and one way traffic management system will offer substantial benefits over current arrangements. The site is currently congested and staff and customers often have to park to the front of neighbouring properties which is visually intrusive and compromises highway safety.

37 LETTERS OF OBJECTION (from 32 individual addresses): Will increase dangers for pedestrians using Hangleton Lane which is a public bridleway. Is a threat to the strategic gap which is vital in preserving green space between Ferring and Goring and in maintaining important habitats for wildlife. Concerned over loss of dwelling given the great pressure for more to be provided in this area. Would result in the loss of the few green spaces along the road. An application for a new garage not far away was rightly refused. If this were a totally new development it would be refused. Will not protect or enhance the quality of the environment. Hard surfacing will increase flood risk onto adjacent carriageway. Could lead to additional road congestion. Concerned at addition of floodlights. Will detract from the rural nature of the north and south side of the A259 and be visually intrusive. This is another step towards industrialising a rural area which is adjacent to the South Downs National Park. No exceptional justification for this development taking place outside of the built-up area. Would distract drivers. Application is for spaces for 25 cars but drawings show more than 50 cars on site. The car sales site is already large. The proposed fencing, lighting and potential noise would compromise the standard of living of residents of neighbouring properties. Will affect the privacy of occupants of the bungalow to the north. Properties will be devalued. Have not seen a site notice.

COMMENTS ON REPRESENTATIONS RECEIVED:

RESPONSE TO PARISH COUNCIL: The accompanying plan shows a total of 27 parking spaces (including 2 disabled parking bays) which is consistent with the amount stated on the application forms. Other vehicles shown on the plans indicate those that will be on display for sale. It is agreed that the proposal would extend linear development within the rural area and would be unacceptable.

RESPONSE TO LETTERS OF SUPPORT: West Sussex County Highways have stated that the proposed arrangements are satisfactory, subject to the application of certain conditions. However, acceptability on highway grounds alone is not reason enough to warrant the

approval of the application, with a number of other matters needing to be taken into account, primarily the impact the development would have upon the character and appearance of the surrounding area.

RESPONSE TO LETTERS OF OBJECTION: County Highways have raised no objections against the works in regard to highway safety, discharge of surface water onto the carriageway would have been considered. It is agreed that the proposal constitutes linear development that is specifically identified within Arun District Local Plan Policy GEN3 as unsuitable for rural areas. The proximity of the development to neighbouring residential properties is noted and will be taken into account. Site notices were displayed to the front of the garage on Littlehampton Road as well as on Hangleton Lane on 19th November 2013. The advertising period was extended accordingly to cover the statutory 3 week period. Devaluation of property is not a planning matter.

CONSULTATIONS

WSCC Strategic Planning

Environmental Health

Parks and Landscapes

Engineering Services Manager

CONSULTATION RESPONSES RECEIVED:

COUNTY HIGHWAYS: No objection. The proposal is not seeking to introduce new uses but just to increase parking provision and outside display space. On that basis, the intensification is not anticipated to be significant nor warrant any formal capacity assessments.

The constrained nature of the existing site severely limits manoeuvring space, especially for larger vehicles. The proposed 'in and out' scheme would overcome manoeuvring difficulties. It would also intensify the use of Hangleton Lane which is narrow in places. However, only a short section of the lane would be used. The junction onto the A259 from Hangleton Lane is considered to be of adequate geometry to accommodate the increased use.

The enclosed plan indicates that the visibility splay to the north of the proposed egress would cross 3rd party land and, as such, there is no guarantee that this sight line could be provided. However, guidance within Manual for Streets 2 enables visibility splays to be drawn to the nearside edge of an oncoming vehicle and an adequate sight line that is not dependent upon 3rd party land can be achieved in this way. Revised details would be sought via condition.

A condition is also recommended to secure plans and details of suitable access arrangements for the neighbouring property to the north which currently shares its access with 'The Bungalow.'

Works within the highway need to be undertaken as part of a s278 agreement. The applicant should secure all relevant permissions from the implementation team prior to undertaking any works within the public highway. The landscaping plan appears to show planting within the highway and this would need to be permitted separately under a licence to plant.

ENVIRONMENTAL HEALTH: No objection. Condition EHL2 is recommended & Environmental Zone E2 is suggested as appropriate. Note - Institution of Lighting Engineers is now the Institution of Lighting Professionals.

COMMENTS ON CONSULTATION RESPONSES:

Noted. Relevant conditions and informatives will be attached to any approval given.

POLICY CONTEXT

Outside of Built-Up Area

Class A Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN3 GEN7 DEV8	Protection of the Countryside The Form of New Development Circumstances in which Additional Development may be Permitted
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PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with relevant Development Plan policies in that it represents an unacceptable form of development outside of the built-up area that would have a detrimental impact upon the semi-rural character and appearance of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The site is located outside of the built-up. Arun District Local Plan Policy GEN3 states that development will not be permitted within the countryside unless it accords with exceptional criteria listed within the policy. Policy GEN3 stipulates that specific development identified by other

policies within the Local Plan may be acceptable in a rural location if they accord with relevant criteria. Policy DEV8 sets details acceptable conditions under which the expansion of local firms outside of the built-up area may be approved.

POLICY DEV8 CIRCUMSTANCES IN WHICH ADDITIONAL DEVELOPMENT MAY BE PERMITTED - LOCAL FIRMS

The policy requires that it be demonstrated that no acceptable alternative can be identified within existing permitted or allocated floorspace or within or through redevelopment of existing commercial premises. Whilst the stated objective is to relieve congestion within the site it has not been demonstrated that this cannot be done through the redevelopment of the existing premises or that there no alternative sites available.

In addition policy DEV8 requires the following to be met. The proposal to:

Exhibit a high standard of design and layout and relates sympathetically to and protects the surrounding built or natural environment:-

It is noted that garden centre to the west of the site has car parking space to the front which is larger in area than the proposed forecourt. The impact of this parking area is softened by a well planted grass verge that borders the road and hedging that extends along the southern boundary of the car park. The presence of a large car park to the front of the newly built Asda store on the opposite side of the road is also duly noted. It is important to convey that the car parks at both of these nearby sites relate to established uses (in the case of Asda, the garden centre that previously occupied the site had a car park to the front) and would not be regarded as acceptable if they were not associated with the existing use of their sites. However, these existing car parks respect their historic past and not the type of development to be permitted in the countryside.

Although native trees will be planted on the southern boundary, they will be intermittent with sizeable gaps between individual trees through which parked vehicles could be viewed, resulting in a visually obtrusive element. In any case, the presence of existing development on the road in no way justifies further expansion of the built environment within the rural environment which continues to be strictly regulated by both national and local policies.

The green space to the front of the modestly sized dwelling that currently occupies the site is considered to provide an important buffer between the garden centre development to the west and the existing garage site. This buffer helps maintain the semi-rural character and appearance of the surrounding area by preventing the consolidation of linear development that is present alongside the A259.

The proposal would result in the loss of this green space, which would be block paved. It is noted that the accompanying landscaping scheme seeks to mitigate against the loss of the grass area through the use of hard and soft landscaping. This is primarily concentrated towards boundary planting which consists of a mixture of mature, native trees, low growing shrubs, grass and fencing.

It is noted that the proposal includes external lighting of the forecourt area. The Council's Environmental Health Department has been consulted and has offered no objections in principle to the lighting methodology set out in the accompanying design and access statement, provided that the intensity of lighting is controlled to be in accordance with that deemed suitable for an E2 area as defined by the Institute of Lighting Engineers. The design and access statement confirms that the lighting will only be operational during business hours, these being 7AM to 7PM daily and it is considered that this would present unacceptable light pollution overnight. Suitable conditions

restricting the operational hours for the lighting would be attached to any given approval. However, whilst the additional lighting is acceptable in terms of environmental health legislation it will add to its discordant effect in this semi-rural location.

Fundamentally, the proposal would seriously harm the semi-rural character and appearance of the surrounding area by introducing a hard built form that would consolidate and intensify existing development on the northern side of this section of the A259, producing a cumulative ribbon of hard development that would permanently and harmfully alter the established nature of the environment. It is therefore considered that, whilst the proposed scheme would offer benefits to the existing business, it would result in far more harm to the visual amenities of the surrounding environment.

SUMMARY:

It is considered that it has not been demonstrated that the existing site could not be redeveloped to provide the required benefits of the company or that there are no suitable premises available elsewhere to accommodate these needs.

In addition the loss of this green and largely open space will result in the unacceptable harm to the character and appearance of the local area which includes the backdrop of the South Downs National Park.

It is therefore recommended that the application is refused for the following reasons.

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal, it has been determined that its refusal would not result in any negative impacts 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).

RECOMMENDATION

REFUSE

- 1 The application site is located outside the defined built up area where the countryside is protected for its own intrinsic beauty and new development which does not require a countryside location is strictly controlled. The potential economic benefits of the proposal are considerably less than the negative effects it would have upon the semi-rural nature of the surrounding area. These would serve to significantly and unacceptably erode its open and spacious character and extend the amount of linear development alongside the northern carriageway of the A259. The proposal is therefore contrary to policies GEN3, GEN7 and DEV8 (ii)(a),(d)&(f) of the Arun District Local Plan.

- 2 It has not been demonstrated that no acceptable alternative can be identified within existing permitted or allocated floorspace or within or through redevelopment of existing commercial premises in conflict with policy DEV8(i) of the Arun District Local Plan.

PLANNING APPLICATION REPORT

REF NO:	EP/120/13/
LOCATION:	East Preston Sports & Social Club Lashmar Recreation Ground Lashmar Road East Preston BN16 1ED
PROPOSAL:	Additional 50 seat covered stand located beside existing stand on football ground

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The existing seating would be extended by 6.61 metres in length. The width and height of the extension will match that of the existing grandstand to which it will be attached.
SITE AREA	Approximately 1.1 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	Some of the trees positioned along the eastern boundary of the site may have to be cut back in order for the new seating to be accommodated. None of these trees are the subject of a Tree Preservation Order nor are they considered to possess a level of amenity value that would warrant them being the subject of such an order.
BOUNDARY TREATMENT	There is a line of approximately 4 metre high coniferous trees and hedging directly behind where the proposed seating will be located. There is also additional fencing/hoarding which is approximately 2 metres in height.
SITE CHARACTERISTICS	The site is occupied by a sports and social club. There is a group of single-storey buildings in the south-eastern corner of the site which provide changing and social facilities for users of the club. To the west of these buildings, and extending to the north, is a grass surfaced sports field marked out as a football pitch. There is a small, all seater four tier grandstand located on the eastern side of the field.
CHARACTER OF LOCALITY	The site is located within the built-up area. It borders an area of open green space to the east and a school to the south and the northern boundary flanks Roundstone Road. The western edge of the site runs alongside the rear gardens of residential dwellings on Clarence Drive.

RELEVANT SITE HISTORY

EP/60/10/	Additional 50 seat covered tiered stand located beside existing stand	ApproveConditionally 19-08-2010
EP/53/00/	Extend covered area, pathway to 3 sides of pitch, home and away dug-outs.	Approve 21-08-2000

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

No objection.

One letter of objection from Arun Access Group: There does not appear to be access proposed for disabled people, particularly wheelchair users. Drawings do not show any marked spaces within the seating area for wheelchair users. It is therefore considered that the site, as a whole, is inclusive, in accordance with para. 57 of the NPPF.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The ground is surrounded by a level path and there are covered areas over this path where wheelchair users could spectate from. There is also level access to the ground from outside. The proposed seating will not be in a position where it will inhibit access.

CONSULTATIONS

WSCC Strategic Planning

Estates Manager

CONSULTATION RESPONSES RECEIVED:

ESTATES MANAGER: I can confirm that the above planning consultation / application is in compliance with 'in Principle' proposals approved by Arun District Council as Landlord.

COUNTY HIGHWAYS: No concerns would be raised to this application from a highway safety aspect.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Within Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	EPDS	East Preston Village Design Statement

PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework
Supplementary Guidance:	EPDS	East Preston Village Design Statement

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan Policy GEN7, which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

VISUAL AMENITY:

The proposed new seating will provide a natural continuation of the existing grandstand which, due to its modest height, screening by surrounding landscaping and siting away from boundaries adjoining residential properties and neighbouring streets, has a low impact upon the overall character and appearance of the surrounding area. The moderate nature of the proposed extension, particularly when taken in context with the overall size of the site, will ensure that it will not compromise the general open and spacious character of the sports club.

The extension is designed to complement the existing grandstand and will therefore appear as an integrated feature that will not look awkward or out of place.

CONTRIBUTION TO COMMUNITY:

The proposed additional seating will improve facilities for spectators attending football matches and therefore have a positive impact upon the vitality of this important asset to the community, enabling higher attendances. Para. 70 of the National Planning Policy Framework (NPPF) states that planning decisions should plan positively for the provision and use of shared space, community facilities (such as sports venues) and that they should ensure that established facilities are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community. It is considered that the proposal represents an example of sustainable modernisation of an established facility whose value to the community is recognised within the East Preston Village Design Statement (EPDS).

ACCESSIBILITY:

The additional seating will not provide any spaces for wheelchair users. However, the ground is surrounded by a level path and there are covered areas over this path where wheelchair users could spectate from. There is also level access to the ground from outside. The proposed seating will not be in a position where it will inhibit access to any parts of the ground and it is considered that the site, as a whole, is inclusive and accessible.

RESIDENTIAL AMENITY:

The seating will be positioned well away from residential properties and will only be in use when sporting events are taking place on the field. It is therefore considered that it will not result in any unacceptable adverse impact upon the amenities of nearby residents by way of appearing overbearing, causing undue overlooking or overshadowing or generating disturbing levels of noise.

SUMMARY:

It is considered that the conclusions of this report have demonstrated that the proposed covered seating can be accommodated without causing unacceptable harm towards visual or residential amenities and would support an established community facility, as encouraged in para. 70 of the NPPF.

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

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 11 (freedom of assembly and association) 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 it has been determined that its approval would result in a neutral impact 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).

As such, there is no requirement for any mitigation measures to be implemented.

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:-

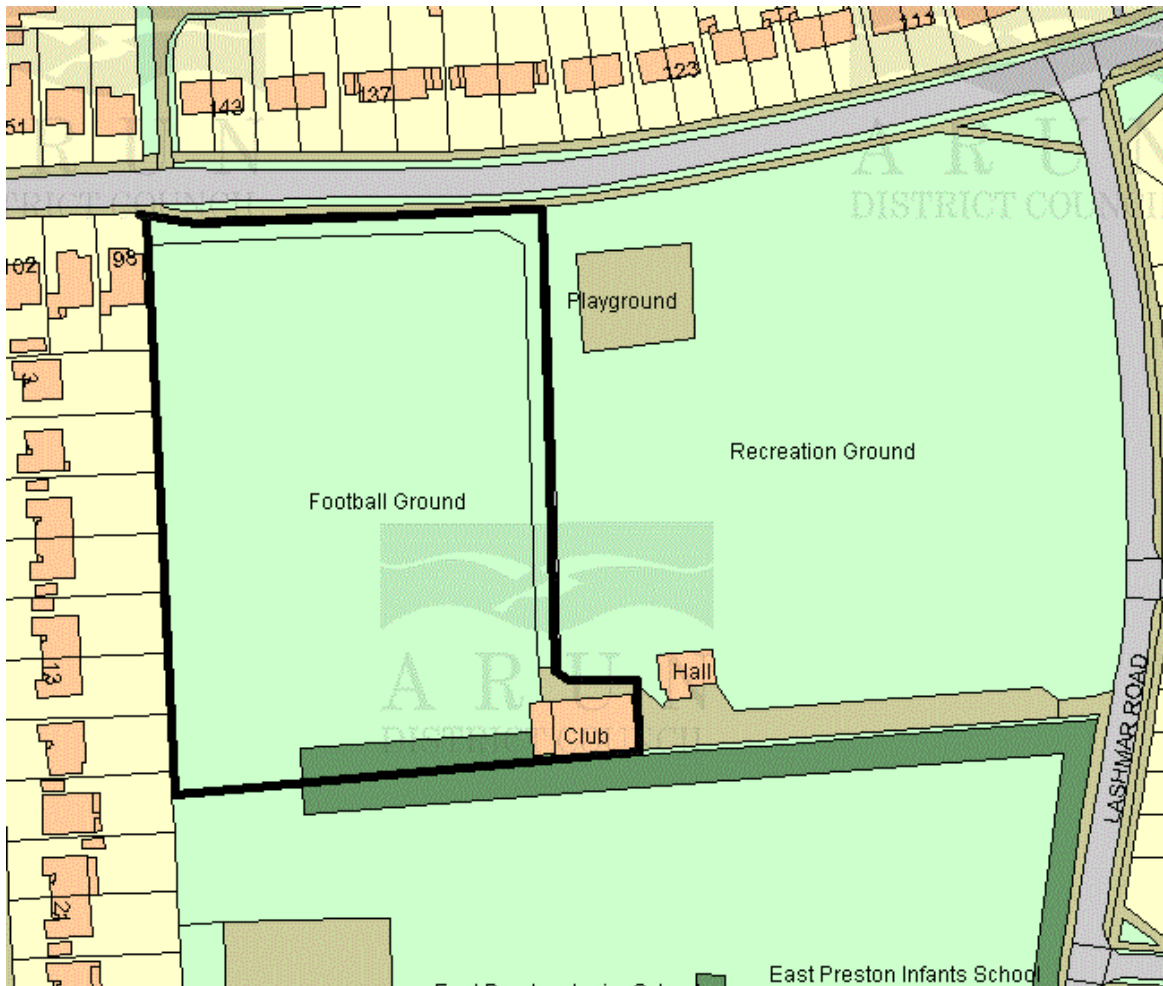
13052/01;
13052/02;
S8407;

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roof of the covered stand hereby permitted shall match in colour and texture those of the existing adjoining covered stand.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 4 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.

EP/120/13/ 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/259/13/**LOCATION:** Howard House
Pevensey Road
Bognor Regis
PO21 5NX**PROPOSAL:** Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for the conversion of surplus common lounge & office into 2No. self-contained dwellings, including to partly extend and re-building of existing structure and new door/window openings to SE and NE elevations.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The conversion work includes a 1m deep by 12.5m wide forward extension which essentially fills in an existing space under a first floor overhang. In addition, the front section of the outrigger element is to be rebuilt in brick instead of the existing panels. Each new flat has a bedroom, lounge/kitchen and bathroom. The flats measure 54 and 51 square metres respectively.
SITE AREA	7,200 m2.
RESIDENTIAL DEVELOPMENT DENSITY	Two new dwellings are proposed but within an existing residential block.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Approx. 1m high fence to front and 2m fence to the rear.
SITE CHARACTERISTICS	Howard House is existing Council owned bedsit accommodation. The block includes both flats & common areas and the areas subject to this application are understood to be vacant and last used as offices and a common area. The building is two storeys in height with a flat roof and part brick, part white cladding, part black hanging tile. There is a small rear 11 space car park and a single garage. The bin store is also located at the rear.
CHARACTER OF LOCALITY	Residential area but with a school & sports centre to the rear. The surrounding area is a mix of two storey semi-detached, two storey detached and bungalows.

RELEVANT SITE HISTORY

BR/218/92	Conversion of bedsits and communal areas to 18 No 1 bedroom flats, 8 No bedsits, 4 No bathrooms, 3 No laundries and 1 communal lounge.	File Closed 28-10-1992
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BR/667/87	Application under Regulation 4 of the Town and Country General Regulation 1976 for three bedroom detached two storey dwelling	Deemed Perm Cnd 17-02-1988
BR/186/58/B/S	Old peoples dwelling	ApproveConditionally 23-09-1963
BR/156/58	Old peoples flatlets	Permit'd Devel 19-11-1958

No comments.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Bognor Regis Town Council - no objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Environmental Health - no comment.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site: Within Built Up Area Boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN12	Parking in New Development
	DEV17	Affordable Housing

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material

consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

THE PROPOSAL

The proposal is to convert some existing vacant ground floor common & office areas of the building into two 1 bedroom flats. In addition, a small front extension is proposed and part of the existing building is to be rebuilt. There will also be fenestration changes. Three issues have been identified for consideration:

RESIDENTIAL AMENITY

Given that the building already has ground floor windows and the nearest neighbouring houses are some 40+m away on the other side of the road, it is not considered that there are any residential amenity issues.

CHARACTER & APPEARANCE

The proposed building works are considered to be cosmetic only. The extension measures only 1m by 12.5m and the rebuilding work will only improve the appearance of that part of the building. Furthermore, the materials stated in the application have been chosen to match with the existing appearance.

PARKING

Two new flats are being provided yet no new parking spaces are proposed. However, this is Council bed sit accommodation and it is not considered that there will be a high level of car ownership with the occupants. There are bus stops immediately outside the building and on-street parking is available if need be.

SUMMARY

The proposed works are not considered to give rise to any unacceptable impacts and it is therefore recommended that the application be approved subject to the following conditions. It should be noted that there is no requirement for an affordable housing contribution as this is a Council owned building which provides affordable accommodation.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

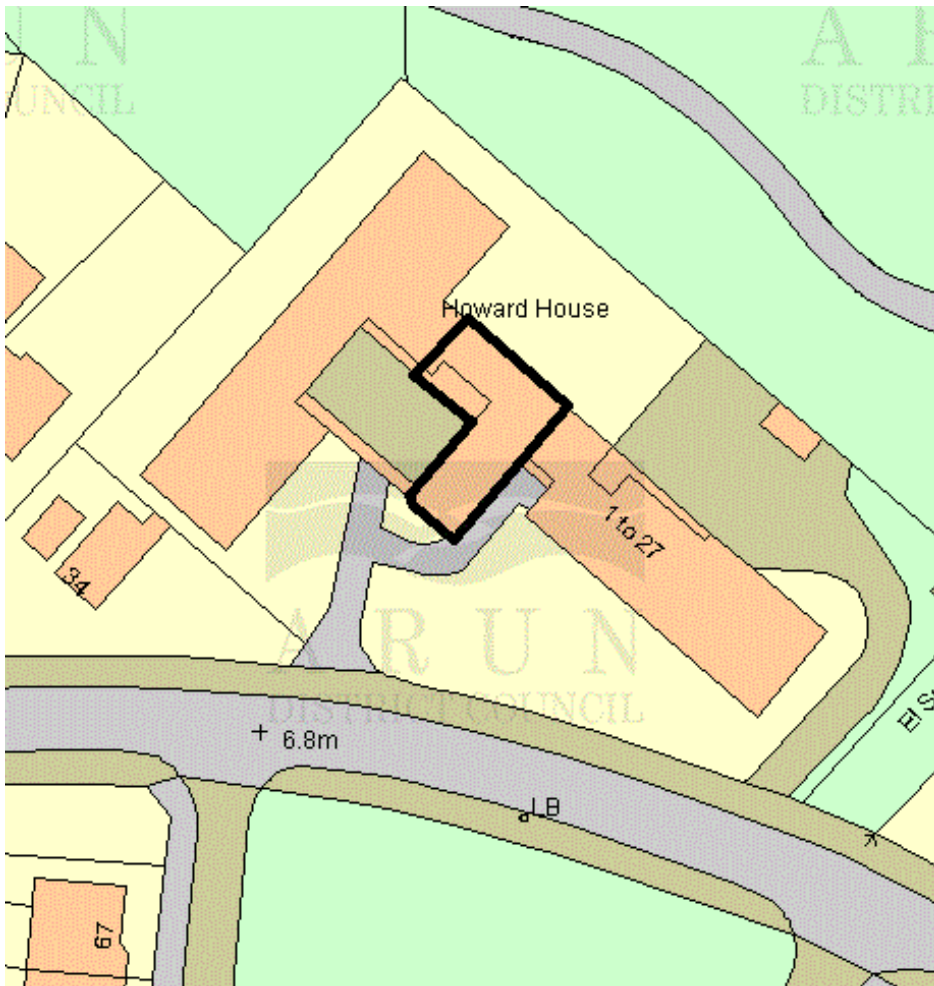
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

The Location Plan;
Block Plan Rev A;
Existing Details 01;
Proposed Plans - BR/PR/03 Rev A;
Proposed Elevations - BR/PR/02 Rev A; and
Ground Floor Plan - BR/PR/01 Rev A.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.

BR/259/13/ 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/272/13/**LOCATION:** Beach adj Bognor Regis Yacht Club
Victoria Road South
Bognor Regis
PO21 2NA**PROPOSAL:** Construct a replacement launching ramp on the beach. This application affects the character and appearance of Aldwick Road Bognor Regis Conservation Area**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The replacement launching ramp will be 33m long (extending into the sea from the promenade) and 4m wide. The first 14m will be flat and the rest sloping at an angle. The ramp will be constructed from timber and will include a 75mm by 75mm toe rail on each side.
SITE AREA	0.0105 hectares.
TOPOGRAPHY	The first 14m of the beach is flat with the rest sloping at a slight angle into the sea.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	N/A.
SITE CHARACTERISTICS	Existing shingle public beach. The shingle is understood to be approximately 2-2.5m above the sea level for the first 14m decreasing gradually into the sea itself. The existing ramp can be seen on the site and this consists of chain linked timbers that appear to resemble linked bed slats and are rolled out when the ramp is required and rolled back up when not in use.
CHARACTER OF LOCALITY	Public beach with adjacent public promenade. To the north of the promenade there is the Bognor Regis Yacht Club and beyond this private residential houses on Victoria Road South.

RELEVANT SITE HISTORY

BR/983/83	Extension to Yatch Club to form store kitchen lounge dining area on ground floor & new observatory over	ApproveConditionally 04-01-1984
BR/246/49/B	Alterations & additions	Approve 28-01-1958
BR/246/49/A	Club premises	Approve 14-12-1949
BR/246/49	Club house	ApproveConditionally 05-10-1949

No comments.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Bognor Regis Town Council - no objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Conservation Officer

Economic Regeneration

Natural England

Engineers (Fluvial Flooding)

CONSULTATION RESPONSES RECEIVED:

Arun DC Economic Regeneration - no objection.

Conservation Area Advisory Committee - no objection.

Conservation Officer - to follow.

Natural England - no objection:

This application is within Bognor Reef Site of Specific Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. We have assessed the application for direct and indirect impacts on the SSSI, and have no objection to this planning application subject to the following measures being secured:

1. The ramp is to extend no further than the nearby outfall pipe (see photo in annex 1) in order to avoid impacting the movement of natural sediment;
2. Storage of plant machinery and equipment to be outside of the SSSI (i.e. on hard standing and not on the shingle beach);
3. Fuel, oil and any other potential pollutants to be stored securely outside of the SSSI boundary to avoid accidental spillage on SSSI shingle habitat. All refuelling of plant/machinery to be carried out outside of the SSSI;
4. Use of suitable protective matting to be used by machinery when tracking across the shingle and foreshore, as the softer sands and sediments are especially vulnerable to compaction from machinery tracking across the intertidal areas;
5. No vehicular movements to be permitted within the SSSI (excluding the immediate work area), in order to avoid unnecessary disturbance to the shingle bank and damage/compaction of intertidal sands and mudflat habitat. The work area should be clearly marked (using thin metal rods and tape), and contractors should be fully briefed on the sensitivity of the site and the restricted area; and,
6. After works have finished, for the area above the high tide line, the shingle bank should be re-profiled (as necessary) to remove any ridges formed by vehicles. However for the shingle below the high tide line, natural tidal processes should be allowed to redistribute shingle.

COMMENTS ON CONSULTATION RESPONSES:

With the exception of the first condition (which is not capable of being a planning condition and for which amended plans have instead been provided), the remaining suggested conditions have been re-worded and form part of the recommendation. It should be noted that the change to the length of the ramp has resulted in a slight increase to the angle of the slope.

POLICY CONTEXT

Designations applicable to site:

Conservation Area; and
Bognor Reef SSSI.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	AREA2	Conservation Areas
	AREA14	Sites of National Importance for Nature Conservation
	GEN7	The Form of New Development
	GEN13	Public Access to the Coast
	GEN23	The Water Environment
	GEN25	Water Resources
	GEN29	Nature and Conservation Across the District

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would

have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

It is proposed to replace the existing boat ramp with a more permanent structure to be constructed from timber and fixed to the sea bed/shingle using piles. The ramp is to be used in connection with the Yacht Club but will also improve public pedestrian access to the beach at low tide.

Impact on the Environment

Given the site's location on the shingle beach within the Bognor Reef SSSI, consultation has been undertaken with Natural England both before and during the application. Natural England have responded to state that they have no objections subject to confirmation that the ramp will not extend beyond the end of the adjacent outfall pipe and to a set of conditions designed to protect the shingle beach. The applicant has provided amended plans to show the ramp not extending any further than the end of the pipe.

Impact on the Conservation Area

The ramp structure is to replace an existing timber fold up ramp. Whilst the new structure will be of a more permanent and solid construction, it is not considered to be sufficiently significant to be such that it would harm the character or appearance of the Conservation Area. The Conservation Area Advisory Committee has not raised any objections and whilst the Conservation Officer comments have not yet been received, it is not anticipated that any objection will be raised. It is not considered that the ramp will be prominent in views from roads along the seafront and in any case this is to be balanced against the improved pedestrian and disabled access to the shore that this ramp will enable. It is considered that boat ramps are a common feature within such coastal shoreline locations.

Conclusions

It is considered that the proposed replacement boat ramp is a necessary development for the continued operation of the Yacht Club. The proposal has been assessed and has not attracted any objections from the local community nor have any of the statutory consultees raised any objections. It is therefore considered that the proposal should be approved subject to the conditions set out below.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect private and family life) and

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

- 2 The development hereby approved shall be carried out in accordance with the following approved plans: "Location Plan" Rev B; "Site Plan" Rev B; and "Proposed Plan - JE1949 iss A"

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy GEN7 of the Arun District Local Plan.

- 3 All plant machinery, equipment, oil, fuel and other pollutants shall be stored securely on hardstanding outside of the defined area of the Bognor Reef Site of Special Scientific Interest, and all refuelling of plant/machinery shall also take place outside of the Site of Special Scientific Interest.

Reason: In the interest of protecting and conserving the ecological quality of the Bognor Reef Site of Special Scientific Interest in accordance with the NPPF paragraph 118 and policies GEN7 and GEN29 of the Arun District Local Plan.

- 4 No development including site access, demolition or associated construction activities, shall take place on the site unless and until details of suitable protective matting to be used by machinery when tracking across the shingle/foreshore have been submitted to and approved by the local planning authority and subsequently laid out within the immediate work area (which shall be defined in accordance with details submitted to and approved by the local planning authority) and along the route from the hardstanding to the work area. Such protective matting shall be retained throughout the construction process and any damaged matting shall be replaced as and when damage occurs.

Reason: In the interest of protecting and conserving the ecological quality of the Bognor

Reef Site of Special Scientific Interest in accordance with the NPPF paragraph 118 and policies GEN7 and GEN29 of the Arun District Local Plan.

- 5 There shall be no vehicular movements within the defined area of the Bognor Reef SSSI except within the immediate work area which shall include a route from the hardstanding to the 'immediate work area' and which shall be clearly marked out using thin metal rods and tape in order to ensure that contractors do not stray from the work area.

Reason: In the interest of protecting and conserving the ecological quality of the Bognor Reef Site of Special Scientific Interest in accordance with the NPPF paragraph 118 and policies GEN7 and GEN29 of the Arun District Local Plan.

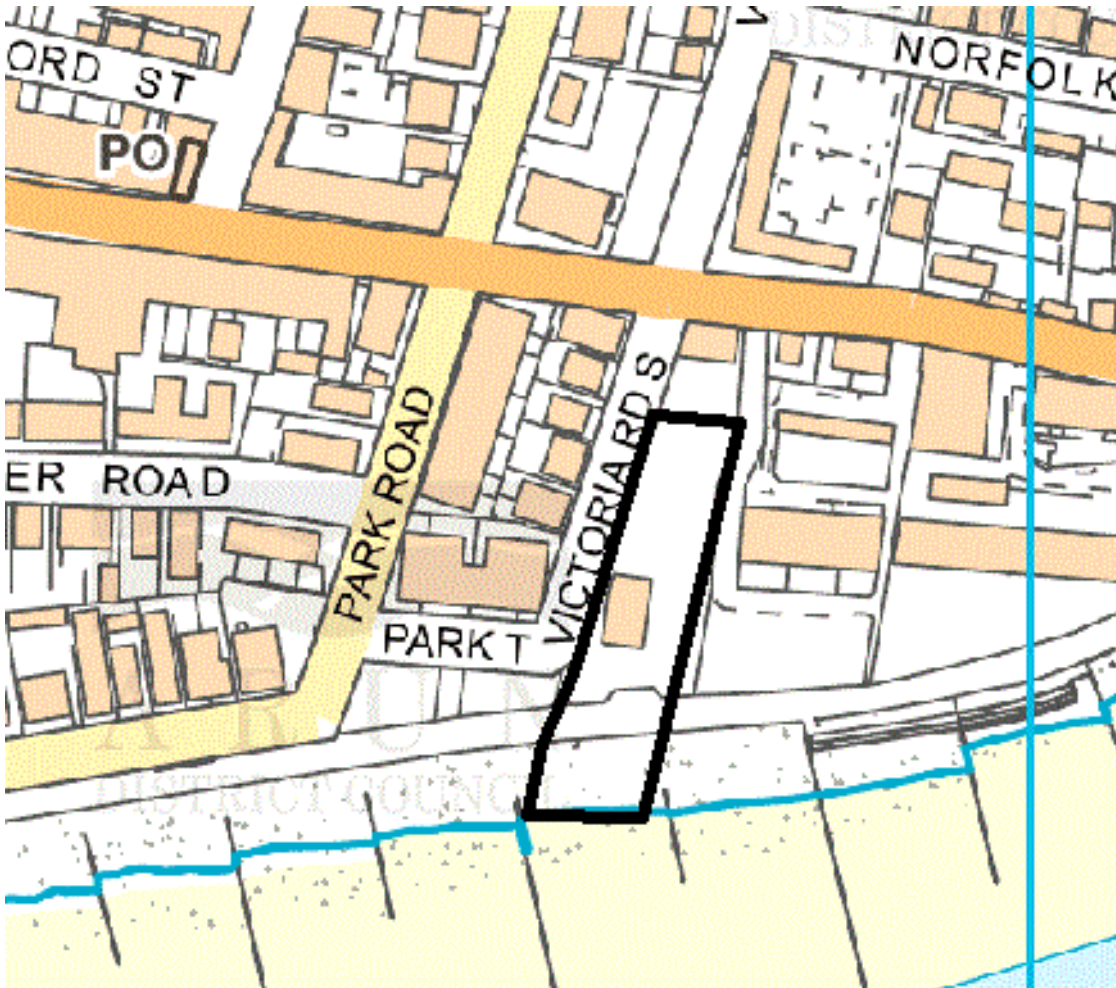
- 6 All contractors shall be made aware of the sensitivity of the site and good working practices shall be maintained to avoid any infringement on the restricted area or other pollution incidents on the site.

Reason: In the interest of protecting and conserving the ecological quality of the Bognor Reef Site of Special Scientific Interest in accordance with the NPPF paragraph 118 and policies GEN7 and GEN29 of the Arun District Local Plan.

- 7 Immediately after the works have been completed, the 'immediate work area' referred to in conditions 4 & 5 above shall be restored to its original state with such restoration works including the re-profiling of the shingle bank above the high tide line to remove any ridges caused by vehicles.

Reason: In the interest of protecting and conserving the ecological quality of the Bognor Reef SSSI in accordance with the NPPF paragraph 118 and policies GEN7 and GEN29 of the Arun District Local Plan.

- 8 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BR/272/13/ Indicative Location Plan**(Do not Scale or Copy)***(All plans face north unless otherwise indicated with a north point)*

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PLANNING APPLICATION REPORT**REF NO:** AB/116/13/**LOCATION:** 5 Martlets Court
Queen Street
Arundel
BN18 9NZ**PROPOSAL:** Proposed ground floor infill balcony. This application affects the character and appearance of Arundel Conservation Area**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The extension will be built entirely below a first floor balcony belonging to the flat above. It will not project any further forward than the balcony.
SITE AREA	N/A
TOPOGRAPHY	The site itself is predominantly flat but is located adjacent to the southern bank of the river Arun which is stepped down from the level of the site by approximately 2.5 metres.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Low brick wall with mounted metal railings, approximately 1.2 metres in height, running alongside the river bank.
SITE CHARACTERISTICS	The site is occupied by a 3½-storey building that houses a number of independent residential flats which are surrounded by communal grounds and landscaping. There are balconies on the northern elevation, facing towards the river, at first and second floor level.
CHARACTER OF LOCALITY	The site is located within Arundel Conservation Area and faces directly on to the River Arun to the north. On the opposite bank of the river there are a mixture of historic buildings, predominantly in retail use, as well as some more modern buildings containing flats at upper windows. There is also a terrace directly opposite the site with seating looking out towards the river. To the east, south and west of the site there is further mixed residential development.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Objection: The Town Council feel that the infill would affect the appearance of the Conservation area. In addition the proposed materials (UPVC) would affect the character and

appearance of the Conservation area.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The extension will not be especially prominent due to its modest scale and rear ground floor location. The space that will be in-filled is not considered to represent a significant or defining feature within the Conservation Area. The existing windows are PVCu, as are the majority of windows on the block of flats as a whole. The proposed material used will therefore not be out of keeping with the rest of the block.

CONSULTATIONS

Conservation Officer
Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

CONSERVATION OFFICER: Whilst the proposal to infill the balcony will be the first within the block of flats, its impact upon it will not be significant, and not greatly affect the established character of the building.

It is considered that, due to its location within the property, the proposal will not have a significant impact on the character or appearance of the conservation area.

This is on the basis of the windows being of high quality and well detailed. Suitable detailing of the infill doors should be provided as part of a condition.

CONSERVATION AREA ADVISORY COMMITTEE: No objection.

SOUTHERN WATER: No objection.

COMMENTS ON CONSULTATION RESPONSES:

Noted. A suitable condition will be attached to any given approval.

POLICY CONTEXT

Within Built-Up Area
Within Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	AREA2	Conservation Areas
	DEV19	Extensions to existing residential buildings
	ADS	The Arundel Design Statement by Arundel Town Council
	SPD2	Conservation Areas

PLANNING POLICY GUIDANCE

Supplementary Guidance:	ADS	The Arundel Design Statement by Arundel Town Council
Supplementary Guidance:	SPD2	Conservation Areas

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The site is located within the built-up area where the principle of development is deemed to be acceptable, subject to compliance with relevant planning policies. The site also falls within Arundel Conservation Area and, as such, extra scrutiny is given to the potential impact the proposal will have upon the protected visual quality of the area. Development will only be deemed to be appropriate if it preserves or enhances the character and appearance of the Conservation Area as detailed in Arun District Local Plan Policy AREA2.

VISUAL IMPACT:

The proposal will alter the appearance of the northern elevation of the block of flats, which is visible from the streets and viewing areas on the opposite bank of the river. However, the change will be moderate and will not be prominent or significantly change the overall appearance of the building. It is therefore considered that the established character and appearance of the Conservation Area will be preserved in keeping with policy AREA2.

DESIGN & SCALE:

The proposed in-fill is sympathetically designed in terms of design and scale. It will not project any further to the rear of the site than the balconies on the floors above it and will simply fill in an alcove currently maintained between two existing walls, which will be retained. It will therefore not appear obtrusive or unbalance the overall building.

RESIDENTIAL AMENITY:

The balcony will not appear overbearing or cause any demonstrable overshadowing of neighbouring properties due to its modest size and its positioning directly below existing balconies. The windows of the extension will face north, towards the river, and will therefore not offer any intrusive views towards neighbouring residential property.

SUMMARY:

It is considered that the proposed extension can be satisfactorily accommodated without an unacceptable impact on the character and appearance of the Conservation Area or the amenities of neighbouring residents.

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

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect for 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 it has been determined that its approval would result in a neutral impact 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).

As such, there is no requirement for any mitigation measures to be adopted.

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:-

1:1250 Location Plan;
1:500 Block Plan;
120-1;
120-2;
120-3;

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy GEN7 of the Arun District Local Plan.

- 3 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and windows and door frames of the proposed extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extension.

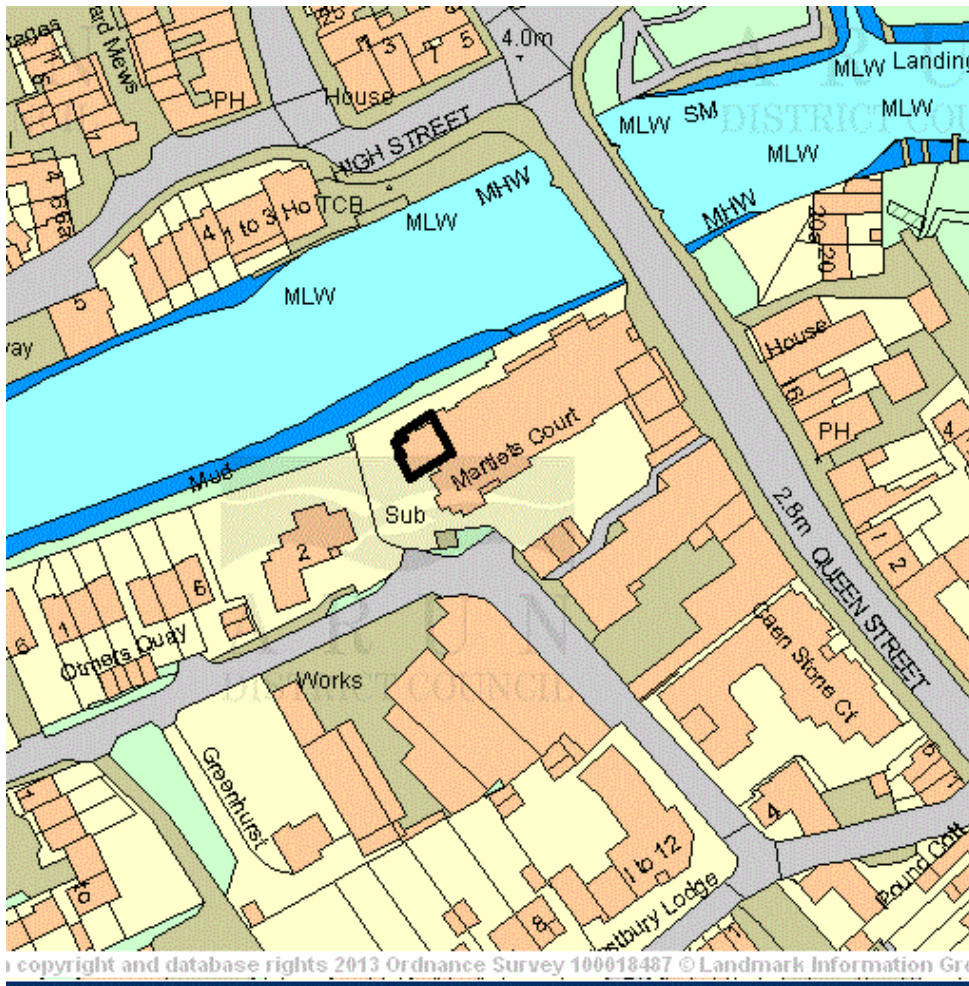
Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policies GEN7 and AREA2 of the Arun District Local Plan.

- 4 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.

AB/116/13/ Indicative Location Plan

(Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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AGENDA ITEM 9

DEVELOPMENT CONTROL COMMITTEE

15 January 2014

PLANNING APPEALS

APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

- AB/120/12/**
Received: 09-08-2013
Land adjacent to 84 Maltravers Street Arundel
Erection of 1 No new dwelling (resubmission following AB/8/12/)
Written Representations
PINS Ref: APP/C3810/A/13/2202733
- AB/121/12/L**
Received: 10-07-2013
Land adjacent to 84 Maltravers Street Arundel
Application for listed building consent for 1 No new dwelling
Written Representations
PINS Ref: APP/C3810/E/13/2200179
- AL/72/13/**
Received: 21-11-2013
Cherrywood Westergate Street Westergate
To erect one pair of timber entrance gates to the east elevation
Written Representations
PINS Ref: APP/C3810/D/13/2208753
- AW/159/13/**
Received: 17-12-2013
78 Barrack Lane Bognor Regis
New detached double garage
Written Representations
PINS Ref: APP/C3810/A/13/2209025
- AW/274/12/**
Received: 18-07-2013
Paget House 42 Aldwick Gardens Bognor Regis
Change of use from dentist (D1 Non Residential Institutions) to Dwelling (C3 Dwelling House)
Written Representations
PINS Ref: APP/C3810/A/13/2201117
- AW/53/13/**
Received: 31-10-2013
Rear of 36, 38, 40 & 44 Carlton Avenue Aldwick
Outline application for residential development consisting of 2 detached 3 bed bungalows, 2 detached 3 bed chalets & 4 semi detached 3 bed chalets with new access between no's 34 & 36.
Written Representations
PINS Ref: APP/C3810/A/13/2207853
- BN/3/13/**
Received: 30-08-2013
The Lillies Caravan Park Yapton Road Barnham
Demolition of 6 no holiday lodges, toilet block. Removal of circa 30 touring caravans/motorhomes/camping pitches & replace with erection of 38no. residential dwellings, associated garages/car parking, formation of access road & change of use from current C1 (Hotels) to C3 (Dwelling Houses) - This application is a Departure from the Development Plan
Written Representations

PINS Ref: APP/C3810/A/13/2201753

BR/207/12/
Received: 10-05-2013

R/O Beaumaris, Stapleford and Holyrood Sylvan Way Bognor Regis

Replacement of 1 No detached dwelling by 2 No detached dwellings, with new access road between them leading to 4 No detached dwellings (resubmission following BR/71/12/)

Written Representations

PINS Ref: APP/C3810/A/13/2196856

EP/100/12/
Received: 23-09-2013

37 Orchard Road East Preston

Erection of 1 No 3 bed chalet dwelling

Written Representations

PINS Ref: APP/C3810/A/13/2205105

FG/150/12/
Received: 07-08-2013

Green Gold Nursery 5 Littlehampton Road Ferring

Use of land for parking of vehicles, caravans, boats & horse trailers (B8 Storage & distribution)

Written Representations

PINS Ref: APP/C3810/A/13/2202754

FP/155/13/T
Received: 12-12-2013

15 Manor Copse Felpham

Fell 2 No Horse Chestnut trees

Written Representations

PINS Ref: TPO/C3810/3601

H/1/13/PD
Received: 25-09-2013

Test Housing Test street Test

TEST TEST Prior Notification to change from farm building to a Restaurant

Public Inquiry **25-12-2013**

PINS Ref: tttttt

LU/271/12/
Received: 05-07-2013

The Empress Ground Floor Baltic Wharf Pier Road, Littlehampton

Application for the variation of condition 6 following a grant of planning permission LU/374/03 to vary closing hours for business

Written Representations

PINS Ref: APP/C3810/A/13/2200483

LY/10/13/
Received: 19-09-2013

Old Vicarage Cottage Lyminster Road Lyminster

Retention of 1.83m fence, concrete post, feather edge panels at the front of the property.

Written Representations

PINS Ref: APP/C3810/A/13/2204062

P/28/13/

14 Churchill Walk The Parade Pagham

<i>Received:</i> 07-08-2013	Dwelling house and parking space (resubmission following P/33/12/)
	<i>Written Representations</i>
	PINS Ref: APP/C3810/A/13/2202854
P/70/12/ <i>Received:</i> 18-07-2013	Fieldview Pagham Bognor Regis Siting of additional mobile home
	<i>Informal Hearing</i> 07-01-2014
	PINS Ref: APP/C3810/A/13/2201052
Y/16/13/ <i>Received:</i> 02-12-2013	Land adjoining Little Meadow Bilsham Road Yapton Workshop/Storage Unit Building
	<i>Written Representations</i>
	PINS Ref: APP/C3810/A/13/2209725
ENF/6/12/ <i>Received:</i> 26-09-2012	Former McIntyre Nursery Littlehampton Road Ferring Alleged unauthorised car sales, repairs and MOT.
	<i>Written Representations</i>
	PINS Ref: APP/C3810/C/12/2184306
ENF/40/12/ <i>Received:</i> 06-03-2013	Flat 2 25 South Terrace Littlehampton West Sussex Alleged unauthorised windows
	<i>Written Representations</i>
	PINS Ref: APP/C3810/F/13/2193791
ENF/607/11/ <i>Received:</i> 25-06-2013	1 Longford Road Bognor Regis Unauthorised storage container
	<i>Written Representations</i>
	PINS Ref: APP/C3810/C/13/2199371
ENF/453/11/ <i>Received:</i> 07-08-2013	Greengold Nursery Tree Farm Littlehampton Road Alleged unauthorised storage use
	<i>Written Representations</i>
	PINS Ref: APP/C3810/C/13/2202729
ENF/606/11/ <i>Received:</i> 13-08-2013	Neptune Gorse Avenue Kingston Alleged unauthorised use of outbuilding as a seperate C3 dwellinghouse
	<i>Written Representations</i>
	PINS Ref: APP/C3810/C/13/2201102
ENF/128/13/ <i>Received:</i> 14-10-2013	Meadow View Highground Lane Barnham Alleged unauthorised outbuilding
	<i>Public Inquiry</i> 13-05-2014
	PINS Ref: APP/C3810/C/13/2206920

ENF/166/13/

Received: 04-12-2013

4 The Drive East Preston

Alleged unauthorised change of use of C3 dwellinghouse

Written Representations

PINS Ref: APP/C3810/C/13/2209760

LOCATION: 21 Uppark Way Flansham Park Bognor Regis West
Sussex, PO22 6QQ

SUBJECT: Alleged unauthorised change of use of land

Complaint Reference: ENF/170/12/

Appeal Decision: E.N. Upheld Var

Date: 06 November 2013

Appeal Procedure: Written Representations

Date of Enforcement Notice: 06 November 2013

Decision Process: Delegated

Appeal made against the issue of an enforcement notice requiring variously:

The removal of a 1.8 metre fence adjacent to Worms Lane;

The removal of a picket fence on land to the west of 21 Uppark Way;

Cessation of the use of the land (enclosed by the picket fence) as garden land used in association with 21 Uppark Way; the land to revert to amenity land and

The return to its original profile of the grassed soil embankment at the Head of Fittleworth Drive (in the hatched area shown on the plan) to mirror the land on the other side.

The appeal was made on grounds a), that planning permission should be granted on the application deemed to have been made, f), that the steps required in the notice were excessive and g) that the period specified for compliance was too short.

KEY ISSUES

The main issue was considered to be the effect of the development on the character and appearance of the surrounding area; the development considered in the light of Policy GEN 7 which was considered to be generally consistent with the aims of the National Planning Policy Framework.

The appeal was dismissed and the enforcement notice upheld, corrected and varied in respect of the 1.8m fence in part, the whole of the picket fence, the unauthorised change of use of the land to garden land and the excavation of the soil embankment - the development considered to intrude on the open visual aspect of the estate, adversely affecting its character and appearance contrary to policy, the NPPF and the open plan condition imposed on the original grant of planning permission of the estate. The reprofiling of the land was considered to fail to provide a good standard of amenity for residents and nor did it contribute to the quality of the overall quality of the area, contrary to the NPPF. The notice was varied to require either total removal of the 1.8m fence or its reduction to 1m in height. The time for compliance confirmed as two months from the date of the appeal, that is by 6 January 2014.

The appeal was allowed for that part of the 1.8m fence along Worms Lane between points B and C on the plan, planning permission granted. This part permitted in order to provide privacy and to be consistent with such provision for other properties on the estate.

APPLICATION FOR COSTS MADE/REASON

None

COSTS AWARDED

N/A

Background Papers: ENF/170/12/

Contact: Mrs R Dannatt

Telephone: 01903 737507



Appeal Decision

Site visit made on 31 October 2013

by **M A Champion BSc CEng FICE FIMStructE FCIHT FHKIE**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 November 2013

Appeal ref: APP/C3810/C/13/2192295

Land at 21 Uppark Way, Flansham Park, Bognor Regis, PO22 6QQ and land adjacent.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by Arun District Council.
- The appeal is made by Miss Mel Stevens.
- The Council's reference is: ENF/170/12.
- The notice was issued on 19 December 2012.
- The breaches of planning control as alleged in the notice are set out in Schedule I attached to this decision.
- The requirements of the notice are set out in Schedule II attached to this decision.
- The period for compliance with the requirements is two months.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered.

Summary of decision: The appeal succeeds in part and permission for that part is granted, but otherwise the appeal fails, and the enforcement notice is upheld with correction and variation.

The enforcement notice

1. The enforcement notice, in the requirements for Breaches 1, 2 and 3, makes reference to a gate at point A on the plan attached to the notice. In fact this is a narrow section of fence of lower height than the main fence between points A and B. Nevertheless I am satisfied that the appellant has not been misled and will correct the notice accordingly.

The appeal on ground (a) and the deemed application

Main Issue

2. I consider that the main issue is the effect of the development on the character and appearance of the surrounding area.

Policies

3. Policy GEN7 of the Arun District Local Plan 2003 deals with the form of new development.

4. This policy is generally consistent with the aims of the National Planning Policy Framework (NPPF), policies from which have also been considered. The NPPF reinforces the local plan as the main consideration in planning decisions. It requires development not to undermine the quality of life, emphasising the importance of sustainable development, high quality design, attractive places and a good standard of amenity for residents. It expects developments to contribute to the overall quality of the area.

Reasons

5. The appeal site lies in a residential area and comprises a detached bungalow and garden together with an additional area of open space on a large estate of detached, semi-detached and terraced houses and bungalows laid out around a series of short cul-de-sacs connected by a network of footpaths.
6. The front of the house is accessed by a footpath from the head of Uppark Way that continues along the southern boundary of the site to Fittleworth Drive. From here vehicular access is obtained to a detached garage in the rear garden.
7. On the land between the head of Fittleworth Drive and Worms Lane, which is partly owned by the residents of 22 Fittleworth Drive and partly by those of 21 Uppark Way, a low grassed bund was constructed. The Council states that this is amenity land. As this land is in private ownership and not open to the public, I take this to mean that it provides visual amenity only.
8. Fences have been erected along parts of the boundary of the site and within it, and the part of the earth bund lying within the site has been re-profiled.
9. The appellant states, and the Council does not dispute, that she was advised verbally by Council officers to continue working on the fence and the bund, and then to apply retrospectively for planning permission. However, any advice by officers at this stage is informal and does not bind the Council, which can only reach its decision when all the facts are considered following an application.
10. The estate was designed on the open plan principle with front gardens and amenity land being open to the street. This is reinforced by Condition 8 of the original planning permission which is directed at land forward of the buildings. The reason given for this condition is: "In order to safeguard the character and visual amenities of the locality".
11. However, rear gardens throughout the estate, even where these abut highways, are afforded privacy by means of walls or fences about 1.8 metres in height.
12. Although the appellant appears to question the designation of part of the site as amenity land, no appeal has been made on ground (b) or (c). Neither has any planning evidence been submitted to substantiate a different use. While the original developer's plan shows the whole site as one plot number (for the purpose of his development and eventual sale), this does not amount to its all being in the same use class. Indeed the land registry plan (although not itself an indicator of land use classes) submitted by the appellant shows a line from the mid-point of the garage to the northern boundary (i.e. between points G and B on the plan attached to the notice). While this may or may not be a

- fence line it coincides with the eastern end of that part of the site designated as amenity land.
13. In respect of the fence along the northern site boundary adjacent to Worms Lane, the part between points A and B abuts the amenity area, that between points B and C the rear garden of the house, and that between points C and D the front garden of the house.
 14. In order to provide privacy, and to be consistent with such provision for other properties on the estate, a fence 1.8 metres high is thus appropriate between points B and C. However, such fences between points A and B, and between points C and D, intrude on the open visual aspect of the estate, adversely affecting its character and appearance, contrary to Policy GEN7 and Condition 8 of the original grant of planning permission.
 15. Nevertheless, this fence from A to D is not internal to the estate, but runs along its boundary. Other dwellings that have a common boundary with Worms Lane, albeit they are predominantly rear garden boundaries, have tall fences along their perimeters to provide security and ensure privacy. I consider that some form of fence along the Worms Lane boundary is necessary for these reasons.
 16. With regard to the picket fence (points A to E to F to G), this is all highly visible on amenity land, and adversely impacts on its openness contrary to Policy GEN7 and Condition 8.
 17. Moreover the fences from point A to B and from points A to E to F to G surround the amenity land enclosing it with the residential garden of the site. Such enclosure, and the re-profiling of the land within, are indicative of an unauthorised change of use of this part of the site.
 18. At the time of my visit the bund had been cleared of brambles and other vegetation except grass. It had been restored to its previous shape. Nevertheless I have to consider the breach as alleged in the notice. Submitted photographs show that the re-profiled bund unbalanced its original appearance (as the part within 22 Fittleworth Drive was unaltered), and adversely impacted on the character and appearance of the area contrary to Policy GEN7. It failed to provide a good standard of amenity for residents, nor did it contribute to the overall quality of the area, contrary to the NPPF.
 19. My attention has been drawn to an application, ref: FP/252/12, for a modified scheme of fencing, that was refused on 29 April 2013. However, I have not been made aware of any appeal against this decision, nor does this scheme form part of the appeal before me.
 20. I have also been referred to a number of other developments in the area, including a storage compound further to the east in Worms Lane and an assault course on the opposite side of this lane, but the circumstances of these differ significantly from those of the appeal site.
 21. The appeal on ground (a) thus succeeds in respect of the fence between points B and C, but fails in all other respects.

The appeal on ground (f)

22. This ground of appeal is that the steps required to comply with the notice are excessive and that lesser steps would overcome the objections. The appellant states that she could paint the fence and reduce its height in front of the building. Like the Council I take this to mean the section between points C and D.
23. While I consider that painting could help the fence to blend in, I do not consider that it would be sufficient to overcome the objection. However, reducing the height of the fence to 1 metre between points C and D would result in a fence that did not significantly intrude on the open aspect of the estate and would provide a degree of security along the estate boundary.
24. In my opinion the same would apply to the fence between points A and B, where its impact would be partly screened by the bund. It would in any event be necessary to provide a fence of some sort between these points for security and to prevent people walking across the amenity land between the two highways.
25. Neighbouring residents state that a fence was previously provided here, and that it was of chain link and barbed wire some 1.5 metres in height. A 1 metre high fence of subdued colour that would become more muted with weathering would blend in with the background, not significantly impact on the visual amenity and provide a degree of security.
26. I shall vary the enforcement notice accordingly. The appeal on ground (f) succeeds to this extent.

The appeal on ground (g)

27. This ground of appeal is that the period specified in the notice falls short of what should reasonably be allowed. The appellant appears to confuse the time for compliance with the effective date of the notice if no appeal is made. She also states that another Council would give six months to comply, although no evidence of comparable cases has been submitted.
28. The works required to remove or alter the fences are relatively minor and I consider a period of two months to be sufficient. In any event s173A(1)(b) of the Act enables the local planning authority to extend the period specified at its discretion. The appeal on ground (g) fails.

Conditions

29. I have considered the need for conditions in respect of that part of the development for which I shall grant planning permission in the light of Circular 11/95: *The Use of Conditions in Planning Permissions*, but do not consider any to be necessary.

Conclusions

30. For the reasons given above I conclude that the appeal should succeed in part only, and I will grant planning permission for one part of the matter the subject of the enforcement notice, but otherwise I will uphold the notice and refuse to grant planning permission on the other parts. The requirements of the upheld

notice will cease to have effect so far as inconsistent with the permission which I will grant by virtue of s180 of the Act.

Formal decision

Appeal ref: APP/C3810/C/13/2192295

31. The appeal is allowed insofar as it relates to the 1.8 metre high fence between points B and C on the plan attached to the enforcement notice, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for this part of the development.
32. I direct that the enforcement notice be corrected by:
- A.** The deletion from "5] What you are required to do, Breach 1, The fence adjacent to Worms Lane" of the words "and iii) the gate at Section A on the attached plan, should be removed in its entirety."
 - B.** The deletion from "5] What you are required to do, Breach 2," of the words "and iii) the gate at Section A on the attached plan, should be removed in its entirety."
 - C.** The deletion from "5] What you are required to do, Breach 3, third paragraph" of the words "and gate".
 - D.** The deletion from "5] What you are required to do, Breach 3, third paragraph" of the word "their", and the substitution therefor of the word "its".
33. I direct that the corrected enforcement notice be varied by:
- A.** The deletion from "5] What you are required to do, Breach 1," of the words: "The fence adjacent to Worms Lane should be:
i) removed in its entirety between sections A to B and C to D on the plan attached to the notice;
ii) reduced to 1 metre in height between sections B and C on the same plan;" and the substitution therefor of the words: "The fence adjacent to Worms Lane should be:
EITHER
i) removed in its entirety between points A and B, and between points C and D on the plan attached to the notice;
OR
ii) reduced to 1 metre in height between points A and B, and between points C and D, on the same plan."
 - B.** The deletion from "5] What you are required to do, Breach 2" of the words: "The fence adjacent to Worms Lane should be:
i) removed in its entirety between sections A to B and C to D on the plan attached to the notice;
ii) reduced to 1 metre in height between sections B and C on the same plan;" and the substitution therefor of the words: "The fence adjacent to Worms Lane should be:
EITHER
i) removed in its entirety between points A and B, and between points C and D, on the plan attached to the notice;
OR
ii) reduced to 1 metre in height between points A and B, and between points C and D, on the same plan."

34. Subject to these corrections and variations the appeal is dismissed and the enforcement notice is upheld for: the 1.8 metre high fence between points A and B, and between points C and D, on the plan attached to the enforcement notice; the picket fence between points A and E, E and F, and F and G on the plan attached to the enforcement notice; the unauthorised change of use of the land hatched black on the plan attached to the notice from amenity land to garden land used in association with the dwelling; and the excavation of soil and flattening parts of the land to change the profile of the land hatched black on the plan attached to the notice. Planning permission is refused, in respect of these parts of the development, on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

M A Champion

INSPECTOR

Appeal ref: APP/C3810/C/13/2192295

Schedule I

The Breaches of Planning Control Alleged

Breach 1

This breach of planning control as alleged in the notice is the failure to comply with Condition 8 of planning permission ref: Y/4/71 granted on 15 March 1971.

The development to which the permission relates is an outline application for residential development on land to the south of Worms Lane and Sheepwash Farm, Flansham, behind cottages in Flansham Lane.

Condition 8 states: "Notwithstanding the provisions of the Town and Country Planning General Development Order 1963, as amended, no gate, fence, wall or other means of enclosure shall be erected or constructed forward of the buildings hereby permitted unless permission is granted by the local planning authority on an application in that behalf."

The notice alleges that the condition has not been complied with in that a 1.8 metre fence adjacent to Worms Lane, Felpham, between the points marked A and D on the plan attached to the notice, and a picket fence between the points marked A to E to F to G, have been erected without planning permission.

Breach 2

Without planning permission the erection of a fence in excess of 1 metre in height adjacent to a highway between the points marked A and D on the plan attached to the notice. The fence is not permitted development by virtue of Schedule 2, Part 2 Class A1 a) of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

Breach 3

Without planning permission the erection of a wooden fence between the points marked A to B and A to E to F to G on the plan attached to the notice, which is incidental to the unauthorised change of use of the land (hatched black on the same plan) from amenity land to garden land used in association with the dwelling at 21 Uppark Way. The change of use of the land is not a change which is permitted without a planning application in that behalf.

Breach 4

Without planning permission carrying out operational development to change the profile of the land hatched black on the plan attached to the notice. The works undertaken to excavate soil and flatten parts of the land are works which are not permitted without the submission of a planning application.

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Schedule II

The Requirements of the Notice

Breach 1

The fence adjacent to Worms Lane should be:

- i) removed in its entirety between sections A to B and C to D on the plan attached to the notice;
- ii) reduced to 1 metre in height between sections B and C on the same plan; and
- iii) the gate at section A on the same plan should be removed in its entirety.

The wooden picket fence on land to the west of 21 Uppark Way should be:

- i) removed in its entirety between sections A and E on the plan attached to the notice;
- ii) removed in its entirety between sections E and F on the same plan; and
- iii) removed in its entirety between sections F and G on the same plan.

Breach 2

The fence adjacent to Worms Lane should be:

- i) removed in its entirety between sections A to B and C to D on the plan attached to the notice;
- ii) reduced to 1 metre in height between sections B and C on the same plan; and
- iii) the gate at section A on the same plan should be removed in its entirety.

Breach 3

The wooden picket fence on land to the west of 21 Uppark Way should be:

- i) removed in its entirety between sections A and E on the plan attached to the notice;
- ii) removed in its entirety between sections E and F on the same plan; and
- iii) removed in its entirety between sections F and G on the same plan.

The fence and gate between points A and B on the plan attached to the notice should be removed in their entirety.

The land hatched black on the plan attached to the notice should cease to be used as garden land in association with 21 Uppark Way, and should revert to amenity land.

Breach 4

The grassed soil embankment at the head of Fittleworth Drive, in the area hatched black on the plan attached to the notice should be returned to its original profile and appearance (to mirror the land on the opposite side of the line marked A to E).