



Committee Manager : Carrie O'Connor (Ext 37614)

3<sup>rd</sup> June 2011

## **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<sup>th</sup> June 2011 at 2.30 p.m.** and you are requested to attend.

Members : Councillors Mrs Hall (Chairman), Mrs Goad, (Vice-Chairman), Mrs Bower, Bower, Mrs Bowyer, Charles, Evans, Mrs Harrison, Haymes, Mrs Hazlehurst, Mrs Maconachie, McDougall, Northeast, 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](http://www.arun.gov.uk/planning)**

## **SOUTH DOWNS NATIONAL PARK**

From 1<sup>st</sup> April 2011, Arun District Council will be acting as Agent for the South Downs National Park Authority. Under this arrangement, the Council can determine planning applications on sites within the South Down National Park are of the District on behalf of the National Park Authority. SDNPA applications will be clearly referred to in the proposal section of each item.

## **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 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 interest
- d) if it is a prejudicial interest, whether you will be exercising your right to speak at the application

You then need to re-declare your 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 26<sup>th</sup> May 2011 (will be circulated separately).

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

There are no such items to consider.

7. \*PLANNING APPEALS

To consider the attached report.

8. TREE APPLICATIONS

There are no such items to consider.

9. \*PLANNING APPLICATIONS

To consider the attached reports.

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

10. ENFORCEMENT MATTERS

There are no such items to consider.

## **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)  
                          Eve Hearsey           (Ext 37768)  
                          Jonathan Parsons   (Ext 37773)  
                          Daniel Vick           (Ext 37771)  
                          Juan Baeza           (Ext 37765)  
                          Delwyn Jones       (Ext 37737)

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.

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.)

**AGENDA ITEM 7**

**DEVELOPMENT CONTROL COMMITTEE**

**15 June 2011**

**PLANNING APPEALS**

# APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

## Appeals Awaiting a Decision

**AW/32/08/T**  
Received: 17-07-2008

Falklands Cypress Way Aldwick  
Fell one Macrocarpa tree

**PINS Ref:** APP/TPO/C3810/91

**FP/241/08/A**  
Received: 17-04-2009

97 Felpham Way Bognor Regis  
1 no. internally illuminated pole mounted double sided display unit.

### ***Written Representations***

**PINS Ref:**

**BR/53/10/**  
Received: 03-08-2010

5 Seafield Terrace Stocker Road Bognor Regis  
First floor balcony to south elevation.

### ***Written Representations***

**PINS Ref:** APP/C3810/D/10/2132852

**BR/162/10/**  
Received: 12-10-2010

2 Southdown Road Bognor Regis  
Vertical extensions to the South and North elevations, loft conversion, replacement of existing car compound and its timber roof with a garage to accommodate 2 cars in tandem position and raising of the existing fencing to varying heights of 2m to 2.4m with 2 new access gates to Southdown Road. This is a resubmission of BR/280/09/.

### ***Written Representations***

**PINS Ref:** APP/C3810?d/10/2136997

**FG/87/10/**  
Received: 18-01-2011

White Thorn The Warren Ferring  
Two detached bungalows.

### ***Written Representations***

**PINS Ref:** APP/C3810/A/11/2144429/NWF

**WA/109/10/**  
Received: 16-02-2011

Lake Copse Binsted Arundel  
Entrance walls, piers and oak gates - Resubmission of WA/63/10

### ***Written Representations***

**PINS Ref:** APP/C3810/D/11/2146551

**WA/63/10/**  
Received: 16-02-2011

Lake Copse Binsted Lane Arundel  
Entrance walls, piers and oak gates

### ***Written Representations***

**PINS Ref:** APP/C3810/A/11/2146544

**BE/96/10/**  
Received: 22-02-2011

Chalcroft Nurseries & Garden Centre Chalcraft Lane Bognor Regis

Proposed redevelopment of part of the site with mixed development comprising replacement (A1) retail garden & aquatic centre, 6no. 2 bed bungalows, 5no. 3 bed houses & 2no. 4 bed houses (this application is a Departure from the Development Plan)

***Written Representations***

**PINS Ref:** APP/C3810/A/11/2147041/NWF

**BR/208/10/**  
Received: 02-03-2011

45 Glamis Street & land fronting Lyon Street Bognor Regis  
Demolition of double garage and erection of 3 no 1-bed apartments, within single 3-storey building on land adjacent to 45 Glamis Street (Revised description and address; re submission of BR/312/09)

***Written Representations***

**PINS Ref:** APP/C3810/A/11/2147973/NWF

**A/159/10/T**  
Received: 08-03-2011

Land between Victoria Cottage & Taskers/Wentworth West Drive Angmering  
Fell 8no. Sycamore trees

***Written Representations***

**PINS Ref:** APP/TPO/C3810/1710

**LU/168/10/**  
Received: 09-03-2011

Land to rear of 43-45 Beaconsfield Road Littlehampton  
Erection of single detached 2 bed dwelling.

***Written Representations***

**PINS Ref:** APP/C3810/A/11/2148460

**Y/58/10/**  
Received: 09-03-2011

Land south of 34 Downview Close Yapton  
Outline application for 1 no dwellinghouse and associated works.

***Written Representations***

**PINS Ref:** APP/C3810/A/11/2148396

**WA/81/10/**  
Received: 15-03-2011

Mill Ball Binsted Lane Binsted  
Change of use of workshops and greenhouse to convert into spiritual healing centre greenhouse (D1) and freezer room/potting room

***Written Representations***

**PINS Ref:** APP/C3810/A/11/2148338/NWF

**LU/189/10/**  
Received: 15-03-2011

East Beach Cafe The Promenade Sea Road Littlehampton  
Erection of 2no. lamp posts with lights to replace existing pavement lights

***Written Representations***

**PINS Ref:** APP/C3810/A/11/2148854/NWF

**WA/41/10/**

*Received:* 17-03-2011

Walberton House The Street Walberton

Change of use of a store to a single dwelling with a porch extension.

***Written Representations***

**PINS Ref:** APP/C3810/A/11/2148926

**B/36/10/**

*Received:* 24-03-2011

Thomas Cottage 104 The Splash Wepham

Revisions to tree house refused under reference B/14/10

***Written Representations***

**PINS Ref:** APP/C3810/A/11/2149305

**R/11/11/T**

*Received:* 28-03-2011

3 Elm Farm Cottages Old Manor Road Rustington

Fell 1 no. Common Walnut tree (*Juglans Regia*)

***Written Representations***

**PINS Ref:** APP/TPO/C3810/1763

**BN/19/10/**

*Received:* 28-03-2011

Land to the rear of Laurell Yapton Road Barnham

1 no. 4 bedroom house with double garage. (This application is a departure from the development plan)

***Written Representations***

**PINS Ref:** APP/C3810/A/11/2149206/WF

**AW/295/10/**

*Received:* 19-04-2011

St Michaels and All Angels Church Queens Field East West Meads Bonor Regis

Demolition of existing church and erection of 10 No. New terraced houses with associated car parking and landscaping

***Written Representations***

**PINS Ref:** APP/C3810/A/11/2150503/NWF

**BR/27/11/**

*Received:* 28-04-2011

14 Ivydale Road Bognor Regis

Revisions to Approval BR/254/10/ comprising 1 no. additional dwelling (Plot 3)

***Written Representations***

**PINS Ref:** APP/C3810/A/11/2150918

**FG/153/10/**

*Received:* 04-05-2011

52-56 Ferring Street Ferring

Application for a 12.8m skip to remain on property driveway & installation of 1 large hardwood, Iroko finish bi-folding gate to close off driveway

***Written Representations***

**PINS Ref:** APP/C3810/A/11/2151030

**AL/21/11/**  
Received: 13-05-2011

Land Adj to 7 Beech Close Aldingbourne  
Application for outline planning permission with some matters reserved for the erection of 1 no. 2 bedroom starter home

***Written Representations***

**PINS Ref:** APP/C3810/A/11/2152080

**Y/92/10/**  
Received: 17-05-2011

April Cottage Main Road Yapton  
Retention of car port

***Written Representations***

**PINS Ref:** APP/C3810/D/11/2152146

**EG/63/10/**  
Received: 18-05-2011

Greenoaks Barnham Road Barnham  
Revised application for redevelopment of land to provide for the erection of 13 new dwellings to include 4x2 bed. semi-detached houses, 4x3 bed. semi-detached houses, 4x4 bed. detached houses and 1x5 bed. detached house together with associated access, car parking and landscaping (Re-submission of planning ref: EG/4/10/).

***Written Representations***

**PINS Ref:** APP/C3810/A/11/2152609/NWF

**P/102/10/**  
Received: 24-05-2011

15 Lion Road Pagham  
Development of single storey chalet property in the rear garden of no.15 Lion Road.

***Written Representations***

**PINS Ref:** APP/C3810/A/11/2152620/NWF

**BR/3/11/**  
Received: 25-05-2011

50 Richmond Avenue Bognor Regis  
Erection of 1 No. 1 bed bungalow and formation of new access

***Written Representations***

**PINS Ref:** APP/C3810/A/11/2152693/NWF

**CON/433/10/**  
Received: 28-01-2011

Nyton Spinney Nyton Road Aldingbourne Chichester  
Erection of 1.8 metre high fence bordering highway (Nyton Road)

***Written Representations***

**PINS Ref:** APP/C3810/C/11/2144302

**CON/103/10/**  
Received: 02-03-2011

Thomas Cottage (formerly Pages Cottage) 104 The Splash Wepham  
Alleged unauthorised tree house. ( This lies within the South Downs National Park Authority)

***Written Representations***

**PINS Ref:** APP/C3810/C/11/2147114&2147115

**ENF/341/10/**

Nelson Public House South Terrace Littlehampton



Received: 27-04-2011

Alleged unauthorised ice cream kiosk

***Written Representations***

**PINS Ref:** APP/C3810/C/11/2151551

**CON/AL/25/07/**

Received: 09-05-2011

South of Aldingbourne Nursery Church Road/Nyton Road  
Aldingbourne

Alleged unauthorised use of land.

***Informal Hearing***

**PINS Ref:** APP/C3810/C/11/2152113

**CON/AL/25/07/**

Received: 11-05-2011

South of Aldingbourne Nursery Church Road/Nyton Road  
Aldingbourne

Alleged unauthorised use of land.

***Written Representations***

**PINS Ref:** APP/C3810/C/11/2152071

**LOCATION:** Lee Corner Milton Avenue Rustington

**SUBJECT:** Erection of new, two-storey end of terrace dwelling on west elevation of Lees Corner

**Planning Application Reference:** R/188/10/

**Appeal Decision:** Dismissed

**Date:** 18 May 2011

**Appeal Procedure:** Written Representations

**Inspector:** Mr P B Jarvis

**PINS Ref:** APP/C3810/A/10/2139663

**Application Decision:** Refused

**Date:** 15 October 2010

**Decision Process:** Delegated

**Original Officer Recommendation:** Refuse

## SUMMARY OF REASONS FOR REFUSAL

The proposal would be obtrusive and incongruous feature which would unbalance the linear arrangement of Milton Avenue and compromise its established spacious and uniform appearance.

## ISSUES IDENTIFIED BY THE INSPECTOR

The site contributes significantly to the open character of the area due to its prominence as a corner site. The site forms part of the continuous and uniform gap to the front of the terraced properties along the eastern side of the road.

Whilst a tall beech hedge gives some sense of enclosure, the proposed dwelling, due to its height, width and proximity to the boundary with Milton Avenue, would be a visually obtrusive form of development that would diminish the sense of openness of this corner and the contribution it makes to the overall character of the area.

The terrace does not currently appear unbalanced and there would be no benefit from the proposed building in this respect.

The dwelling on the opposite corner of Henry Avenue and Milton Avenue is located closer to the pavement edge than the proposed dwelling would be. However, this dwelling is set at an angle with the element nearest to the boundary being only single-storey and it does not disrupt the open character of the street scene.

The appellant identified two other sites where end of terrace dwellings have been accepted by the Council. Whilst there were some similarities with the appeal scheme, the layout of the built surroundings appeared to be rather different. In any event, each application must be judged on its own merits.

On-street parking is available within the immediate vicinity although I appreciate this situation may change, particularly in the evenings. However, given that the site is located within reasonable distance of local facilities and that there was no objection from the local highway authority, I do not consider that an unacceptable level of harm would arise.

## INSPECTORS ASSESSMENT

The proposal would have a harmful effect on the character and appearance of the street scene and wider area and would fail to comply with Arun District Local plan Policy GEN7. The proposal would also not comply with national policy in PPS1 and PPS3 which seek to prevent development that is inappropriate in its context.

## RELEVANT POLICIES

ARUN DISTRICT LOCAL PLAN: GEN2, GEN7

NATIONAL POLICY: PPS1, PPS3

## POLICIES SUPPORTED

As Above.

## APPLICATION FOR COSTS MADE/REASON

None

## COSTS AWARDED

N/A

## COMMENT

The appeal inspector endorsed the Council's reasons for refusal. Please note the comments made in 'issues identified by inspector' regarding parking provision.

**Background Papers:** R/188/10/

**Contact:** Mr J Smith

**Telephone:** 01903 737761

**DEVELOPMENT CONTROL COMMITTEE**

**15 June 2011**

**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**

**WALBERTON**

<b><u>Reference</u></b>	<b><u>Development Description</u></b>	<b><u>Location</u></b>
WA/29/11/	Application for removal of conditions 2 & 3 following grant of planning permission WA/70/68	Lake Lane Nursery Park Road Barnham
<b>Case Officer :</b>	Mrs S Leeson	
<b>Recommendation:</b>	Approve	

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**MIDDLETON**

<b><u>Reference</u></b>	<b><u>Development Description</u></b>	<b><u>Location</u></b>
M/28/11/	Two storey side extension, single storey side porch & single storey infill. Rear extension and balcony	3 The Jetty West Drive Elmer Middleton-on-Sea
<b>Case Officer :</b>	Mrs J Chapman	
<b>Recommendation:</b>	Approve Cond	

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**LITTLEHAMPTON**

<b><u>Reference</u></b>	<b><u>Development Description</u></b>	<b><u>Location</u></b>
LU/92/11/	Removal of single storey rear extension, new 2 storey rear extension & pitched roof porch canopy to front elevation	69 St Mary's Close Littlehampton
<b>Case Officer :</b>	Mr J Smith	
<b>Recommendation:</b>	Approve Cond	

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**ALDWICK**

<b><u>Reference</u></b>	<b><u>Development Description</u></b>	<b><u>Location</u></b>
AW/102/11/	Single storey pitch roof porch extension to front elevation	38 Wychwood Close Craigweil Bognor Regis
<b>Case Officer :</b>	Mrs A Stroud	
<b>Recommendation:</b>	Refuse	

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**PLANNING APPLICATION REPORT**

**REF NO:** WA/29/11/

**LOCATION:** Lake Lane Nursery  
Park Road  
Barnham

**PROPOSAL:** Application for removal of conditions 2 & 3 following grant of planning permission WA/70/68

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	This application is to remove conditions imposed on application WA/70/68 for a "Packing shed and ancillary accommodation." Condition 2 relates to the use for produce grown on the site only. Condition 3 refers to the demolition of the building if it is no longer required for its proposed use. Due to agricultural/horticultural diversification, produce is no longer solely grown on site. The use of the site continues to be agricultural/horticultural. The removal of these conditions would only regularize the existing use of the site in accordance with current agricultural diversification.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY(NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	Single storey building comprising of offices and cold store, packing shed with loading bay for horticultural produce only. Internal conveyor belt.  Rest of site comprises of glasshouses and polytunnels growing plants and hanging baskets.
CHARACTER OF LOCALITY	Rural area with housing along Lake Lane and adjacent to the site are bungalows in Park Road.

**RELEVANT SITE HISTORY**

WA/48/08/	Erection of poly tunnels between existing glasshouses and on adjacent land.	Approve Cond 26-11-2008
WA/9/69	Horticultural store and lavatory	Approve Cond 12-03-1969

WA/57/07/	Polytunnels, between existing glasshouses. (Re-submission following application WA/31/07/)	Refused 05-10-2007
WA/31/07/	Polytunnels, between existing glasshouses.	Withdrawn 11-05-2007
WA/51/04/	Cold Store Extension	Approve Cond 22-09-2004
WA/52/03/	Replacement agricultural store	Approve Cond 12-11-2003
WA/41/01/	Provision of temporary accommodation for nursery management / security staff (previously approved under WA/52/97)	Approve Cond 29-08-2001
WA/40/01/	Cold store extension to packing shed	Approve Cond 09-07-2001
WA/60/98/	Amendment to approved planning application WA/38/98 to provide additional & re-arranged coldstore and packhouse accommodation.	Approve Cond 18-12-1998
WA/38/98/	Extension to existing agricultural cold store and packhouse	Approve Cond 21-08-1998
WA/9/97	Amended position of access approved under WA/24/96	Approve Cond 17-03-1997
WA/24/96	Glasshouse and new vehicular access to Lake Lane.	Approve Cond 07-08-1996
WA/70/68	Packing shed and ancillary accommodation	Approve Cond 19-01-1969
WA/24/68	Packing shed for grading and packing the products of the Nursery together with ancillary accommodation	Approve Cond 29-07-1968

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Walberton Parish Council

Walberton Parish Council

### WALBERTON PARISH COUNCIL - OBJECTION:

The Council notes the degree of correspondence - some of it contradictory, generated by this case. Some are technical points and all of which address issues that go beyond the removal of apparently simple planning conditions. It is with the fears about future intensification of the use of the site, that the following observations are made. The cold store is not deemed B8 use, no B8 or CLE has been submitted. Arun District Council policy with regard to agriculture and horticulture haulage, no change of use application is required - this is well documented in WA/69/04 and WA/64/10 Poplar Nurseries (for Stuart Lyons). On this site general haulage

and B8 use was excluded. Furthermore horticultural haulage operations have such deemed consent at Southern Glasshouse Productions (SGP) on the site and that Stuart Lyons is not in breach of planning conditions when hauling horticultural produce from the site. This is a different assertion from the claim that the whole site has a B8 use.

Condition 2 limits use to "purposes incidental to the cultivation of land" as both SGP and Stuart Lyon use the building there is a breach of the conditions. Therefore the Parish Council seek confirmation in the officer's report that no part of the site is considered in B8 use. The use of conditions on subsequent applications is questioned.

The applicant is SGP and not Stuart Lyon therefore it is the use of the land not the user that is crucial.

An application has been made to the Traffic Commissioner for a licence to keep lorries 24 hours on the site (since withdrawn) but looks that there is a broader ambition or at worse no planning controls.

In seeking the removal of these conditions and in the absence of any other seemingly clear planning status on the site, the applicant would be left able to use the site in future for any general haulage. We would be left with a site without any meaningful planning control with not even the normal B1/B8 conditions in use.

The site has a long history of conflict with neighbouring properties with the intensification generating ever higher HGV movements, on a semi-rural lane. This has led to increasing concerns about the safety for all road users, the issues of road maintenance and the effective 24 hour distribution centre in a restricted land accessed off a B road.

In summary, condition 2 is clear and concise in a planning history full of ambiguities and uncertainties, that it is reasonable and the only condition that can put a break on a type of haulage business operating out of the site in the future.

The Arun District Council Compliance Officer (letter 19th May 2010) states the support of Condition 2 "the sentiment of this condition must be preserved for the sake of the planning unit as a whole".

**BARNHAM PARISH COUNCIL - OBJECTION:**

The site should be restricted to horticulture or agriculture in order to prevent other commercial activity to protect residents in Park Road and Lake Lane.

**YAPTON PARISH COUNCIL - OBJECTION:**

The removal of the conditions will lead to a permanent significant increase in HGV movements on Lake Lane to the detriment of residents. The present levels of HGV movements on infrastructure totally inadequate for this purpose, have already greatly reduced the quality of life for residents.

**75 LETTERS OF OBJECTION (several from same house):**

Concerns about traffic on the lane, damage to sewers, noise and pollution. Affects quality of life by vibration. Unsafe for pedestrians and cyclists. The site should remain horticultural. The loss of horticulture to a B8 use would set a dangerous precedent. An haulage operation is not appropriate adjacent to housing. It is important to maintain growing in this area. The area is subject to flooding.

The Planning Department over many years has been lax in its decision making by permitting buildings without suitable restrictions. To remove the conditions would open up the building for any use. Stuart Lyon is a company "providing temperature controlled logistics throughout



the UK on a 24/7 basis".

Application WA/48/08 for polytunnels has a condition that when the use ceases they shall be demolished and the land returned to arable cultivation, therefore to remove the condition on the building is inconsistent.

Stuart Lyon applied to the Traffic Commissioner for an operating centre in Lake Lane, but withdrew their application before the scheduled Public Inquiry.

Eric Walls application BN/17/10 provided a transport statement.

Many of the growers are bringing in produce and then transporting them on and these businesses have expanded which has resulted in more HGV traffic.

The road surface is being damaged and so too are buildings. Alleged incidents between lorries and structural damage to buildings. A traffic count of lorries entering the site on one day counted 88 lorry movements.

There is a noise abatement notice on the property which shows there is a problem.

3 DVD's which show video clips of lorries, cyclists and road over run. The footage is consistent with the written comments and photographs.

#### TEN LETTERS OF SUPPORT:

The facility has been used flexibly for many years. Flexibility is important. Have worked on Lake Lane for twenty eight years and therefore am aware of the local employment generated by the site. This is required for the needs of the customer. Without this adaptation jobs could be sacrificed. The original permission was forty years ago. The modern horticultural business and supply chain needs to operate to the needs of retailers and customers. The survival of the horticultural business is important.

The use keeps the area rural. The alternative would be housing which would completely change the character. Noise has been raised as an issue, however, aircraft make more disturbance in the area.

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

##### OFFICERS COMMENTS ON PARISH COUNCILS:

Noted. The site is and will remain as an agricultural/horticultural site. Any change to a general storage B1/B8 use would require the submission of a planning application for a change of use of the land. In this case, no such change of use is considered to have taken place. Any such change of use application would require strict adherence to Policy DEV1. The policy document to be used in determining countryside applications is PPS7 Sustainable Development in Rural Areas, this was published in 2004 after the imposition of these conditions. Paragraph 27 of PPS7 supports diversification of agriculture/horticulture, to allow growers to compete in the market place by adapting to new markets and broaden their operations in order to add value to their primary product. Therefore the use of the site is in accordance with PPS7 to grow plants, receive plants, package and send to the market. World markets demand plants/flowers are provided year round.

Stuart Lyon is transporting produce to and from the site and other nurseries in the area. This has been taking place from a base in Littlehampton. The application at Poplar Nursery, also for Stuart Lyon (WA/69/08) established the fact that the transporting of produce is part of the "value added" to the product and therefore a permitted use. The applicant will re apply for a traffic licence to base 24 lorries at this site, in accordance with permitted use. These lorries are currently operating at the site and return to Littlehampton empty. Having the lorries on

site cuts down unnecessary traffic movements. It is clear the haulage is for plants, flowers or other produce only. If at any time a general haulage use operates, enforcement action would be taken.

The lifting of the restriction is to allow the diversification of the site to reflect the current market conditions in compliance with national planning policy.

**OFFICERS COMMENTS ON OTHER REPRESENTATIONS:**

Noted. Any damage to the road is controlled under the Highways Acts and the Highway Authority. The site is being used for horticultural purposes of growing, packing and transporting horticultural produce. The case officer saw no evidence of general haulage, if the site were to be used for such a purpose a change of use application would be required. Under the current use the site is an authorised horticultural use. The lifting of the two conditions allows the small section of the packhouse to be used in association with the authorised diversified use. Due to macro economics and world economies, growing is no longer localised. Customer and thus retail demands dictate the changes that have evolved at the site. This reflects the situation with other growing site throughout the district.

The polytunnels Condition 1 imposed on WA/48/08 is to protect the visual quality of the site by seeking the removal of dilapidated tunnels remaining in situ.

The Eric Wall application BN/17/10 was for an extended building and the implications of the extension required a transport statement. This is not the case with this application as the building is in existence and the use is continuous although diversified. It is the same planning use as approved.

Awaiting County Highways response to alleged incidents. The traffic count appears to accord with peak evidence from the applicant.

Noise and residential disturbance is under the authority of the Environmental Health Section and they are currently dealing with the noise issues by a noise abatement order which is addressing the issues.

## CONSULTATIONS

WSSC Local Development Divis.

Environmental Health

**CONSULTATION RESPONSES RECEIVED:**

**ENVIRONMENTAL HEALTH - OBJECTION:**

First consultation response;

The site is currently the subject of a Nuisance Abatement Notice served upon Stuart Lyons arising from arrival/departure, manoeuvring and idling of heavy goods vehicles, and also the movement of goods between the cold storage facility and vehicles. Mitigation measures have been discussed. The cold storage facility has led to an intensification of the use to seven days a week until late in to the evening. The removal of the restriction has no direct bearing upon noise arising from the site. It would facilitate the intensification of use resulting in current noise disturbance to neighbours.

Second consultation response;

Further to the above and subsequent discussions, I confirm that noise mitigation measures have been agreed and are likely to constitute the "best practice" means to minimise noise affecting the nearest residential neighbour and obviate further action in respect of the Abatement Notice. I would also confirm that the restrictions imposed by the 1968 approval have no direct bearing upon noise arising from the site and that my previous objection is not

sustainable on noise grounds.

#### COUNTY HIGHWAYS:

First consultation response;

Lake Lane comprises a series of buildings, some of which are unrestricted. The use is considered to be B8 which may generate HGV movement. The cold stores are being used for cold stores of horticultural produce from Lake Lane Nursery and other nearby growers. Thus the use of these buildings and the movements of the haulier operating from Lake Lane Nursery potentially would only replace HGV movements that could occur in any case.

The history of the site is that of growing, importation and distribution of flowers and this has generated HGV movements. The removal of the conditions would result potentially in an intensification although this is unclear. The application does not detail the vehicle movements. Nor does it provide details of how the site would operate.

Therefore due to the lack of information the Authority require further information due to the potential detrimental effects on the surrounding highway network.

Second consultation response;

Following clarity, further comments are; it has been further clarified that the building does not have an unrestricted B8 use, but that it is restricted to B8 storage and distribution associated with horticultural products. It is acknowledged that the site has historically generated a significant number of HGV movements, and regardless of the outcome of the outcome of this application that the site will continue to generate HGV activity. The Highway Authority are therefore mindful of the historical and permitted and on going uses within the site and the consequential existing potential for HGV generation. It is therefore unlikely that this proposal would result in any significant intensification of use of the site, however the submitted information does not clarify whether the use of the site will change should the restrictive condition be removed. If the Planning Authority are minded to approve this application, they should ensure that they are satisfied that the proposal will not result in any significant intensification of use of the site and HGV activity beyond that which the site may generate through the permitted uses.

The Highway Authority are aware that discussions have taken place with the applicant about the possibility of an alternative on-site route that would enable LGV's directly onto Yapton Lane and thereby avoiding Lake Lane. Due to the nature of Lake Lane, in that it is a small country lane, I can confirm that the highways authority would fully support such an initiative as a means of reducing LGV traffic on Lake Lane.

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

Noted. The use of the site is not B8 but agricultural therefore a B8 use would require a change of use application in line with Policy DEV1. The nature of agriculture/horticulture has changed significantly in response to EC Regulations and macro economic markets. The removing of the restriction will only regularise the current status. The cold store will be used as it is now, there is no proposed change in the use. As the use is currently existing without the satisfactory planning approval, it is considered that the proposal would not result in any intensification of the use.

The response to the noise assessment is noted. It is considered that the mitigating measures proposed would substantially reduce the noise levels around the site to acceptable, reasonable levels.

## **POLICY CONTEXT**

Designation applicable to site:

Outside the Built Up Area Boundary  
PDR  
SWA Interest

**DEVELOPMENT PLAN POLICIES**

Arun District Local Plan:	GEN3 GEN7 11/95 DEV3	Protection of the Countryside The Form of New Development Planning Conditions Horticulture
South East Plan:	<a href="#">SEPRE3</a> <a href="#">SEPCC1</a>	Employment and Land Provision Sustainable Development

**PLANNING POLICY GUIDANCE**

PPS1 PPS7	Delivering Sustainable Development Sustainable development in rural areas
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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 and whether these are valid conditions in terms of the tests of Circular 11/95 that is the necessity, relevance and the reasonableness of the conditions.

**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 or highway safety. It is also considered that these conditions do not comply with national planning policies in that they are not valid and they place unjustifiable burdens on the applicants.

**OTHER MATERIAL CONSIDERATIONS**

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

**CONCLUSIONS**

**PRINCIPLE:**

The site lies outside the built up area boundary where development is not acceptable unless necessary for the requirements of agriculture/horticulture. The site is a horticultural site growing and transporting flowers and plants.

**CIRCULAR 11/95 - THE USE OF CONDITIONS IN PLANNING PERMISSIONS:**

Conditions can only be imposed within the powers available. Unless the permission otherwise provides, planning permission runs with the land and any conditions imposed will bind successors

in title.

Section 4 - 1106.3 - Powers to vary or remove conditions - LPAs can grant such permission unconditionally or subject to different conditions. Section 73a of the Town and Country Planning Act permits retrospective applications which have been carried out without complying with conditions.

The circular imposes six strict tests that should be applied to all conditions:-

- (i) necessary
- (ii) relevant to planning
- (iii) relevant to the development to be permitted
- (iv) enforceable
- (v) precise and
- (vi) reasonable in all other respects.

These tests must be applied to this application.

Conditions should only be retained where there are sound and clear cut reasons for doing so. Conditions should be tailored to tackle specific problems rather than impose unnecessary controls.

A condition which has no relevance to planning is ultra vires. A condition may be unreasonable because it is unduly restrictive. A condition should not be imposed if the restriction effectively nullifies the benefits of the permission, i.e. if it restricts the occupier to run a business properly (4.115.1).

Para 4 - 1121.2. Planning Conditions are not an appropriate means of controlling the right of passage over public highways such as lorry routing.

#### CONDITIONS IMPOSED ON PLANNING APPLICATION WA/70/68 FOR PACKING SHED AND ANCILLARY ACCOMMODATION

In this case the proposal to remove Conditions 2 and 3 of WA/70/68 which states:-

2. "The building hereby permitted shall be used only for the purposes incidental to the cultivation of land comprising the Park Road Nursery."

3. "In the event of the building the subject of this permission ceasing to be used for agricultural or horticultural purposes, they shall be demolished and removed from the site and the land reinstated to the satisfaction of the Local Planning Authority."

The removal of these conditions is considered to have a neutral effect on the site because the use remains horticultural and there will be no change of use proposed to B1/B8. The removal of these conditions regularizes the current use of a small section of the building for handling imported produce as well as that grown on site. Furthermore by the tests of this circular it is considered that Condition 2 is unnecessary and unreasonable in that due to economies of scale, changes have taken place in agriculture/horticulture that have created diversification. Markets have dictated produce is available in shops year round. Seasonal produce is no longer acceptable, therefore growers have had to adapt to this demand by importing produce as well as growing on site and packaging these goods to be forwarded to supermarkets. Therefore this condition is now unreasonable to restrict the Packing Shed and Ancillary Accommodation to produce only that is

produced on the land. The nature of the business has diversified and therefore the condition is unduly restrictive. Condition 2 would be unenforceable, because it would be impossible to differentiate within the part of the building in question, whether the produce has been grown on site or imported. The tests apply to the use of the land and not to the applicant. Traditionally produce is grown, packed and then transported onto market, the only change is that these functions are being carried out by separate owners or potential owners of the site. It is the use and not the user that is controlled under the planning acts.

Condition 3 is unnecessary as the whole planning unit is in agriculture/horticultural use. It has been in situ for more than ten years therefore the condition is considered unreasonable and not enforceable.

Therefore in terms of the test, it is considered that the two conditions imposed on WA/7068 are no longer considered to be either necessary, reasonable or enforceable.

#### APPLICANTS STATEMENT (20 May 2011)

The applicant has confirmed that the level of activity at the site will remain unchanged from the current level.

The current owner SGP has owned the site since 1992 and Toddington Nurseries grows horticultural produce in glasshouse and polytunnels on site. The application site and adjacent cold stores are leased by Stuart Lyons and Landgard UK. Landgard import flowers from Europe and Africa, Holland and Italy. These flowers are packed and distributed on site. The grown produce is transported to the finishing centre at Farplants. Prior to this, the plants were transported by 12 daily HGV movements. In addition to produce movements, HGV's deliver packaging, compost and remove waste produce. Stuart Lyons distributes 70% of the produce packed on site, with the remainder on Fowler Welch and Yodel.

Stuart Lyon is the haulier for Toddington Nurseries and Landgard, along with other growers in the area and they use the cold stores on the site for the storage and distribution of cut flowers, plants and fresh produce (fruit and vegetables). The produce is distributed daily to Waitrose, Sainsburys, B&Q, Interflora and Tesco.

The current daily level of vehicular activity is approximately 60 cars, minibuses, tractors and light good vehicles and approximately 49 HGV's. This equates to a daily average of approximately 109 arrivals and 109 departures, a total of 218 daily two way movements. At peak periods (spring and summer) the site employs 100 staff.

Historically between 1997 and 2002 the site employed 200 staff and generated significant vehicular movements generating 100 to 150 cars and 40 HGV's. This took place night and day seven days without restriction. Additionally there was also significant activity from tractors and trailers, equating to 280-380 two way movements. From this it can be seen that the level of activity currently has substantially fewer movements. However, the number of HGV movements is slightly higher in the peak period this is offset by an overall reduction in total movement of all vehicles. Furthermore, the completion of the finishing centre at Farplants has significantly reduced HGV movements to/from the site, by replacing HGV with tractors for internal transport.

The applicant is prepared to accept a condition, subject to the test of Circular 11/95 to restrict the use of the building to horticultural use only. Any other use of the site, would in any case require the submission of a change of use planning application.

There has been discussion of an internal access road onto Yapton Lane, which would remove vehicular movements from using Lake Lane. This item will be discussed at the Farplants Group

next Board Meeting. This would entail lengthy discussion and would not produce a quick response, however, the applicant and other interested parties are in discussions to explore the potential. The delivery of an internal access road cannot be a reasonable requirement regarding the current application.

#### COUNTRYSIDE POLICIES:

It is further considered that the removal of these conditions is supported by countryside policies such as GEN3 and government advice such as PPS7.

#### GEN3:

Development is not permitted outside the built up area boundary:-

(i) unless it meets the operational needs of agriculture, forestry, the extraction of minerals or the deposit of waste:

(iii) the diversification of the rural economy.

The proposal is considered to comply with GEN3.

#### PPS7 - SUSTAINABLE DEVELOPMENT IN RURAL AREAS:

The government objectives of this policy are:

(iii) Promoting the development of the English regions by improving their economic performance so that all are able to reach their full potential by developing competitive, diverse and thriving rural enterprise that provides a range of jobs and underpins strong economies.

(iv) To promote sustainable, diverse and adaptable agricultural sectors where farming achieves high environmental standards, minimising impact on natural resources and manages valued landscapes and biodiversity, contributes both directly and indirectly to rural economic diversity, is itself competitive and profitable and provides high quality products that the public wants.

Para 27 (i) become more competitive, sustainable and environmental friendly,

(ii) adapt to new and changing markets

(iii) comply with changing legislation and associated guidance

(iv) diversity into new agricultural opportunities

(v) broaden their operations to add value to their primary product.

It is considered the use of the site accords with countryside policy and government advice and that the removal of the restrictive conditions adheres to these policies and advice.

#### PPS4 - PLANNING FOR SUSTAINABLE ECONOMIC GROWTH:

Policy EC2(d) seeks to prioritise previously developed land to reflect the locational requirements of businesses, such as size of the site, access and proximity to markets as well as locally available workforce.

Policy EC2(e) identifies, protects and promotes key distribution networks and locates or co-locates development which generate substantial transport movements in locations that are accessible, avoiding congestion and preserving local amenity as far as possible.

It is considered that this application is in accordance with the above policies in that the site employs a significant workforce locally and the distribution network is around this growing/distribution hub. Lorries are routed onto Yapton Lane direct to the A27 from this site

which is a major distributor road.

MINISTERIAL STATEMENT - COMMUNITIES AND LOCAL GOVERNMENT  
PLANNING FOR GROWTH 31ST MARCH 2011

This statement to Local Planning Authorities (LPA) states that the long term economic benefits should be considered by creating more robust local economies (which may, where relevant include job creation and business productivity) and be sensitive to the fact that local economies are subject to change. We are instructed to take a positive approach to change and to ensure that LPAs do not impose unnecessary burdens on development.

In particularly the statement requests LPAs to reconsider Legal S106 Agreements where they are rendering schemes unviable . This same agreement can be extended to conditions.

The packing shed and ancillary accommodation building was extended (WA/38/98) and no such restrictions as per WA/70/68 were conditioned. Such conditions were considered to be unnecessary as agriculture/horticulture had diversified and this change in policy was recognised in determining the application.

Further extension to packing and cold storage facilities on the adjacent site (SGP) WA/38/98 and WA/40/01 also did not impose a restrictive condition restricting the use of the new building only to produce grown on site.

Therefore it is considered that the continuation of conditions restricting the use unnecessary should be removed given that no such restriction was imposed on subsequent permissions outlined above. This would further enable a more consistent approach to be taken.

NEIGHBOUR AMENITY and NOISE ASSESSMENT:

The main objection from neighbours is the use of lorries at the site. The main issue appears to be one of noise nuisance and this is being dealt with under Environmental Health legislation.

The case officer visited the house of the nearest neighbour in Park Road and the loudest noise emanated from a tractor. Tractors are the traditional mode of transport on horticultural sites. Two lorries visited the site and one unloaded in the loading bay.

There is also complaint with regard to traffic issues of lorries visiting the site. These lorries are frequenting the site and other nurseries in the vicinity in accordance with the diversified horticultural use. This activity has been happening for some considerable time. Currently the lorries return to a base in Littlehampton which is unsustainable. To base the lorries at this site would result in a reduction of traffic movements. There are various options that could mitigate some of the nuisance, but this is outside of the planning controls. It would be unreasonable to restrict the traffic to and from the site via any additional condition whilst considering this application. The applicant has agreed that vehicles entering the site between 11pm and 6am will park at the SGP site to the north of the entrance, away from the residential properties.

A noise assessment has been submitted with regard to the Noise Abatement Order, discussed above under the Environmental Health consultation response. The purpose of the report is to address noise issues regarding nearby residential properties. The report states that re Fridgerated lorries collect produce from growers, take it to Lake Lane for sorting and then deliver to shops and supermarkets. The report is based on the industry standard programme identified mitigating measures that could reduce the current noise levels to a tolerable level. The identified measures are as follows:

- \* 3m high fencing for 6m along the north boundary of the grassed area in front of the office to



the north east corner of the office building;

- \* 2m high fencing along the southern boundary of the access road;

- \* 2m high fencing along the northern boundary of the Firefly garden;

- \* Modified loading bay recessed into the existing building by approx 5m with side wall and roof, with trailer perimeter seals.

The report states that if one or more of these mitigation measures are taken, a significant reduction in noise received by the residential properties can be achieved. Discussions are continuing with the Environmental Health section with regard to the report.

**SUMMARY:**

The tests of Circular 11/95 render Conditions 2 and 3 imposed on application WA/70/08 unreasonable, unnecessary and unenforceable. The site is a horticultural site that is operating in accordance with the diversification of agriculture/horticulture. Any neighbour issues with regard to the site are being addressed outside of the planning legislation. It is therefore recommended that the application is approved.

**RECOMMENDATION**

APPROVE

- 1 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

**SUMMARY**

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

**RELEVANT POLICIES**

SOUTH EAST PLAN: CC1, RE3

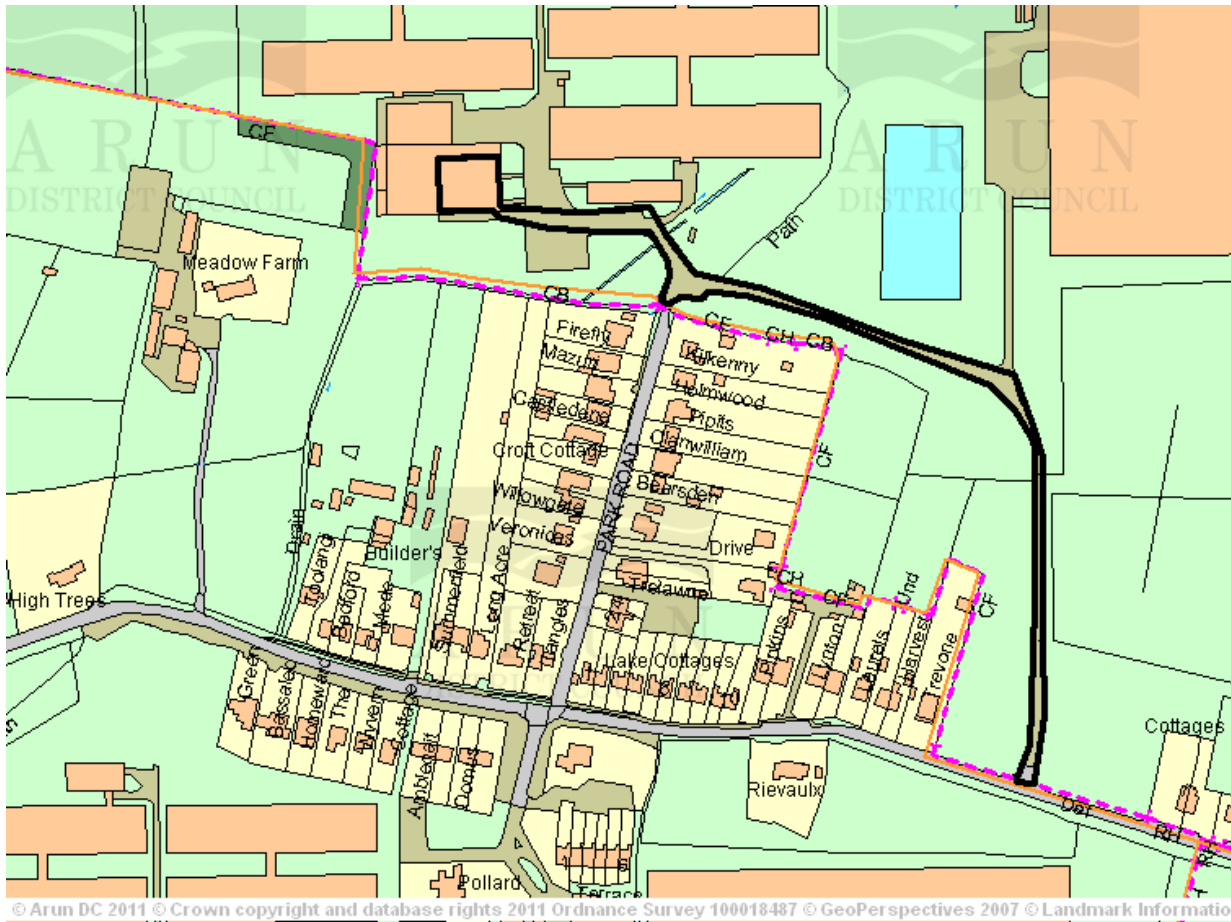
LOCAL PLAN: GEN3, GEN7, DEV3

NATIONAL POLICIES: PPS1, PPS7, PPG13

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

**WA/29/11/ 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:** M/28/11/**LOCATION:** 3 The Jetty  
West Drive  
Elmer Middleton-on-Sea**PROPOSAL:** Two storey side extension, single storey side porch & single storey infill.  
Rear extension and balcony**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 560 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front has hedging approximately 1.8m in height, west side boundary fencing + shrubs approximately 1.8m in height, east side boundary has hedging.
SITE CHARACTERISTICS	End of terrace two storey property with flat roof, integral garage, porch on side, paved area to front. The property has light brown brickwork with white PVCu cladding, white window frames.
CHARACTER OF LOCALITY	Residential comprising predominantly detached properties of various styles and designs. Open area to east of site, foreshore to south.

**RELEVANT SITE HISTORY**

M/51/93	Solar panel on roof.	Approve 06-10-1993
M/52/69	3No 3 bedroom houses with integral garages	Approve 20-08-1969

**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**

Middleton Parish Council

No objection

1 Letter of Rep

Work has already started on the site.

7 Letters of Objection (two from same household)

Extension should be single storey not two storey.

Building line to be extended eastwards.

Increase use of the access road which is narrow.

Reduce sight lines and view towards the sea.

Impinge on an area of natural unspoilt beach.

Loss of light.

Property is going to be let.

Covenants on the houses on the Elmer Beach Estate restricting use for commercial.

Builder works and vehicles entering the site by the narrow lane.

Set a precedent for development on virgin beach front land.

Increased traffic implications.

Devalue of property.

When development was approved a condition was imposed that no further development would be permitted on the eastern side of the property. This condition should be applied, irrespective of the passage of time.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Parish Council's comment noted.

Comments on other Representations:

Development already started on the site is not a material planning consideration.

The application is to consider a two storey extension and this will be assessed on its own merits with regard to overbearing affect, harmful overshadowing, overlooking or loss of privacy.

It is not considered that the proposed extension being residential in nature would generate a significant increase in traffic using the existing access road.

Loss of a view is not a material planning consideration.

The extension is to be constructed within the confines of the site and does not impinge on the foreshore.

It is not considered that the extension would create any loss of light being of a considerable distance away from neighbouring properties to the north in West Drive.

The possible renting out of the property and covenants governing the Elmer Beach Estate are not a material planning consideration.

Effect on the value of neighbouring properties and inconvenience or other problems caused by building works are not a material planning consideration.

The planning approval M/52/69 for the erection of three properties had only one condition imposed which was the standard condition relating to the development which would have had to be commenced within 5 years from the date of the permission.

**CONSULTATIONS**

**CONSULTATION RESPONSES RECEIVED:**

None

**COMMENTS ON CONSULTATION RESPONSES:**

None

**POLICY CONTEXT**

Designation applicable to site:

Built Up Area Boundary

**DEVELOPMENT PLAN POLICIES**

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

South East Plan:

**PLANNING POLICY GUIDANCE**

PPS1	Delivering Sustainable Development
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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.

**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 boundary of Middleton-On-Sea where residential development is acceptable in principle subject to relevant development control considerations which in this case include the impact on the character and appearance of the area and the residential amenities of neighbouring residents.

**Visual Amenity**

The proposed two storey side extension will be approximately 3.6m (maximum) in width, with a height of 5.7m and extend half the depth of the side elevation. There will be 4 first floor windows which will overlook the side garden of the property and the sea front beyond. The proposed single storey porch will have a flat roof and will be sited abutting the two storey side extension at the front of the property and will be approximately 3m in width, 2m in depth with a height of 2.7m.

The two storey extension is proposed to be the same height of the existing dwelling and is considered to be of an acceptable width given the ample plot width on this section of the curtilage. It will therefore have an acceptable impact on the visual appearance of the host dwelling and the character and appearance of the locality.

The proposed single storey extension will extend the length of the rear elevation with a depth of

1.3m and a height of 5.7m and will be set in line with the two storey side extension. A balcony is to be constructed beyond the rear single storey which will be supported by stilts and cover the whole width of the extended dwelling (8.6m) with a rear projection of 1.5m.

Being sited at the rear behind a staggered line of two neighbouring properties with a single storey design the rear extension and balcony will not have a detrimental impact on the street scene. The presence of a balcony on the rear of the neighbouring property no. 2 will ensure no undue impact on the visual amenities of this part of the site.

#### Residential Amenity

The existing terrace of three properties are staggered in appearance. No 2 has an existing balcony on the rear and the proposed infill extension and balcony will be set back behind this property by approximately 2m. Whilst there will be some overlooking from the proposed balcony it will be less than the overlooking experienced from the neighbouring balcony and will therefore not have an unacceptable impact on neighbouring residential amenities by way of overlooking or loss of privacy.

The application site is formed of a relatively large plot and the property to the north in West Drive No 24 is sited approximately 12m away. The proposed side extension and porch which are set back from the dwelling frontage by approximately 5m will not be readily visible from this property. Although the extension may be visible to properties in West Drive which are set forward of No 24, at a distance of approximately 42m from these properties it is not considered that this would cause detrimental harm to warrant a refusal.

The two storey side extension is located to the side of the property where the views are onto the sea side some 10m away. As a result there will be little/no impact on residential amenity.

#### Conclusions

The site still retains a significant garden area to the east of the site and the extensions are considered to be of an acceptable size and height. They are visually subservient to the main dwelling and are not out of character and appearance with the surrounding residential area. It is noted that the main objections are for the loss of outlook but this is not a material planning consideration to recommend refusal.

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

### **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 1:1250, Block 1:500 Drg No 113/5, Ground Floor 1:50 Drg No 113/3, First Floor 1:50 Drg No 113/2A, Elevations 1:100 Drg No 113/4A received on 13th April 2011.

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** **INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010**

**SUMMARY**

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

**RELEVANT POLICIES**

**LOCAL PLAN: GEN2, GEN7, DEV19**

**NATIONAL POLICIES: PPS1**

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

**M/28/11/ Indicative Location Plan**

**(Do not Scale or Copy)**

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



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**PLANNING APPLICATION REPORT****REF NO:** LU/92/11/**LOCATION:** 69 St Mary's Close  
Littlehampton**PROPOSAL:** Removal of single storey rear extension, new 2 storey rear extension & pitched roof porch canopy to front elevation**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The proposal involves the formation of a two-storey rear extension across the full width of the existing dwelling. The proposed porch is a canopy only.
SITE AREA	Approximately 620 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The rear of the site is enclosed by an approximately 1.5 metre high concrete and brick wall with timber fencing up to 1.8 metres high in places as well as additional hedging and shrubbery.
SITE CHARACTERISTICS	The site is occupied by a detached two-storey dwelling which has red/brown brick elevation walls and a tiled, hipped roof with a catslide slope on the southern side. The building incorporates an integral garage. There is a single-storey flat roof extension to the rear.
CHARACTER OF LOCALITY	The site is located on a residential road which is characterised, in general, by a linear arrangement of detached, two-storey dwelling which occupy close to the full site width leaving small visual gaps between individual dwellings. There are also occasional detached bungalows present.

**RELEVANT SITE HISTORY**

None.

**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**

Littlehampton Town Council

No objection.

One letter of objection: Will cause considerable overshadowing towards the neighbouring bungalow due to its overbearing size. Would nearly double the existing size of the building. Views from affected windows would be of a wall and roof rather than sky. Will significantly reduce the natural daylight to several rooms and completely block the bedroom window of all natural sunlight. Overshadowing will increase dampness in the walls, roof and patio area of the neighbouring property. Further ground and first floor windows on the northern elevation will cause overlooking.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted. With regards to points raised in the letter of objection, these will be addressed within the conclusions of this report.

## CONSULTATIONS

**CONSULTATION RESPONSES RECEIVED:**

None.

**COMMENTS ON CONSULTATION RESPONSES:**

None.

## POLICY CONTEXT

Designation applicable to site:  
Within Built-Up Area

**DEVELOPMENT PLAN POLICIES**

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

South East Plan:

**PLANNING POLICY GUIDANCE**

PPS1	Delivering Sustainable Development
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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.

## 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

### CHARACTER & APPEARANCE:

The proposed two-storey extension will be positioned to the rear of the existing dwelling and is not as great in height. It will therefore not have any significant visual presence on the street scene due to the screening provided from the existing dwelling as well as the dense collection of neighbouring buildings. The extension will result in the alteration of the roof line of the dwelling with the existing southern catslide roof slope replaced with a conventional hipped slope. The existing ridge will be extended to create a central hipped area leading on to the rear two-storey projection which will create a valley pitch roof of lower height than the central ridge. The street features dwellings of a variety of designs and, therefore, the altered appearance will be in-keeping with the mixture of buildings present in the surrounding area. Various styles of porch are a common feature on the street and the proposed canopy to the front would not look out of place.

### DESIGN & SCALE:

The proposal is considered to relate sympathetically towards the existing dwelling in terms of design and scale. The ridge line of the roof of the two-storey extension is lower than that of the existing roof and use of two hipped end to the roof rather than a single slope helps to reduce the bulk of the extension. These features ensure that the extension will appear visually subservient towards the existing dwelling as will the modestly sized porch canopy to the front. The hipped roof design of the extension will compliment the existing hipped roof and, by matching eaves height will ensure visual integration and a smooth transition between the existing dwelling and the extension.

### RESIDENTIAL AMENITIES:

With regards to the amenities of neighbouring residents, the proposed two-storey extension is in two sections, the section to No. 67 St Mary's Close is approx. 1m shorter than the section to No. 71 St Mary's Close in order to prevent unacceptable overshadowing of windows to the neighbouring dwelling. The northern elevation of the proposed extension will have first floor windows that are obscure glazed.

There is a ground floor window serving a kitchen on the rear elevation of a single-storey rear extension at the neighbouring dwelling, No. 71 St Mary's Close. In this case a 45° unobstructed sight line from this window will be retained, allowing for adequate sunlight provision for the kitchen. Crucially, the extension will not interrupt 45° sight lines from any primary windows at the immediate neighbouring properties.

The built area of the site will also not move any closer to the immediate neighbouring properties and it is considered this will prevent it from appearing overbearing.

Views from ground floor windows towards neighbouring properties will be obstructed by existing site boundary treatment. First floor windows on the rear elevation will face towards the rear gardens of properties on St. Flora's Road which are a sufficient distance away to prevent harmful levels of overlooking. Any views to properties to the sides will be restricted to acute angles. Views from side windows at first floor level will be towards the flank walls of No. 71 St Mary's Close and the roof slope of No. 67 St Mary's Close.

### SUMMARY:

The proposed extension would not detract from the established character and appearance of the surrounding area, would visually integrate effectively with the existing building and would not have an unacceptably adverse impact upon the amenities of neighbouring residents.

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

**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:-

1023/11/P/01B;  
1023/11/P/02A;

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 materials and finishes of the external walls and roofs of the extension hereby permitted shall match in colour and texture those of the existing dwelling.

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

- 4 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, DEV19

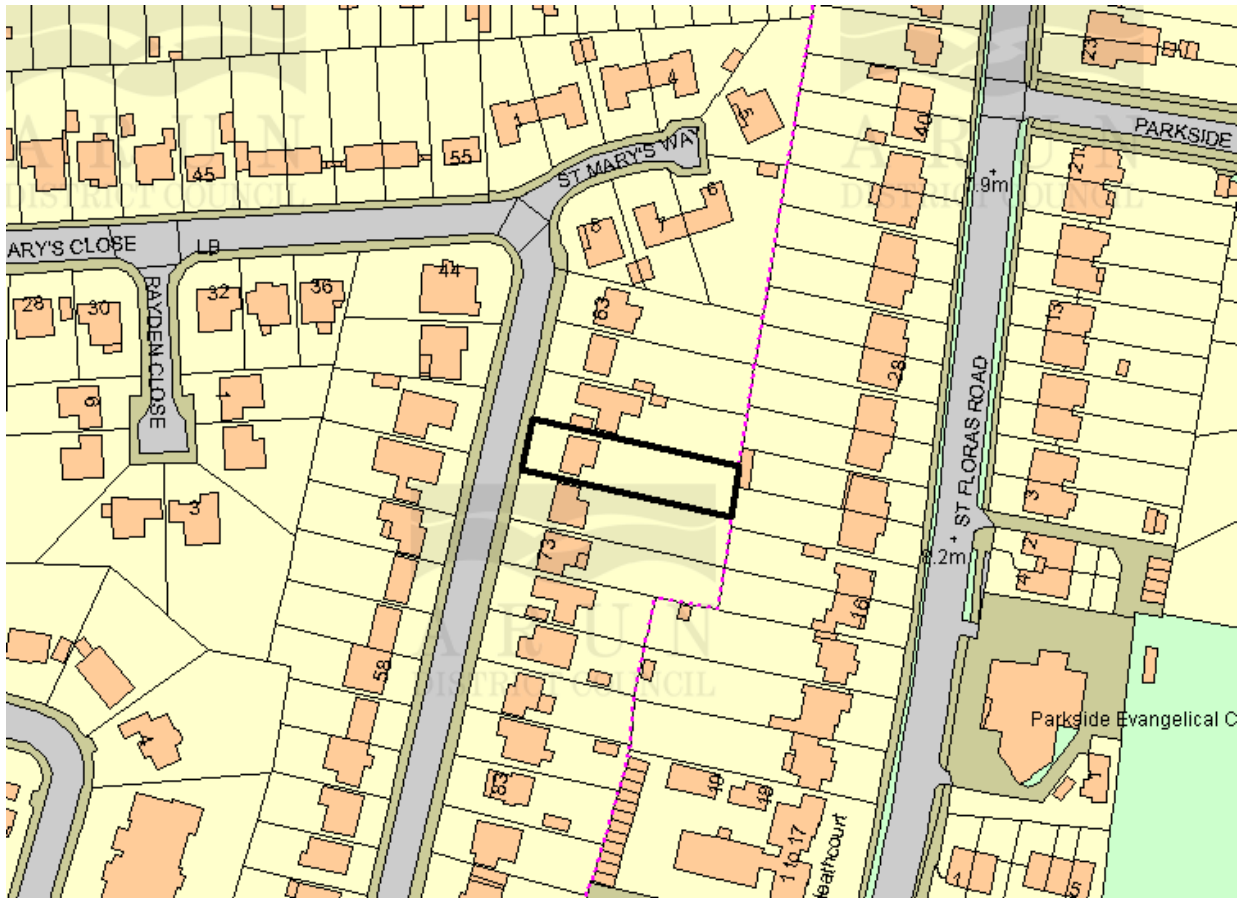
NATIONAL POLICIES: PPS1

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

**LU/92/11/ Indicative Location Plan**

**(Do not Scale or Copy)**

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



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**PLANNING APPLICATION REPORT****REF NO:** AW/102/11/**LOCATION:** 38 Wychwood Close  
Craigweil  
Bognor Regis**PROPOSAL:** Single storey pitch roof porch extension to front elevation**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Porch to front measuring approximately 3.7m in width, 2.1m in depth and 3.6m in height.
SITE AREA	Approximately 462 square metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Dwarf wall and planting to front.
SITE CHARACTERISTICS	The site is a two storey detached dwelling with painted brick faced elevations and a plain tiled hipped roof.
CHARACTER OF LOCALITY	The site is located within the Craigweil House Conservation Area, in a private residential cul-de-sac of inter-war properties of a similar style.

**RELEVANT SITE HISTORY**

None

**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**Aldwick Parish Council  
Support.

One letter of objection, raising the following main points:

- There is a form of complementary architecture and detailing within Wychwood Close, characteristic of the conservation area and recognised by the Inspector from English Heritage.
- The proposed porch will change the character and appearance of the front elevation beyond any reflected in the character of what presently exists.
- The Design and Access Statement states that a porch extension opposite at no.19 had a now lapsed approval, but this was well before the establishment of the Craigweil House Conservation Area and is not relevant to this application.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

**CONSULTATIONS**

Conservation Officer

Conservation Area Advisory Com

**CONSULTATION RESPONSES RECEIVED:**

Conservation Area Advisory Committee:

Concern regarding the loss of the original porch detail to the building. Insufficient detail in application form for us to judge.

Conservation Officer:

This proposal would involve the removal of what appears to be an original porch detail, and its replacement with a substantial forward extension. This extension would project out further than the existing building line of neighbouring properties, and would be of such a scale that it would change both the character and appearance of the property. In addition, the proposal would have the effect of damaging the appearance of this section of the Conservation Area.

It is noted that the Design and Access Statement makes reference to a previous approval for a porch extension at no.19 Wychwood Close. However, it should be remembered that, not only should each application be judged on its merits, but this was determined before the estate was designated as a Conservation Area, and therefore, should not be used as a point of reference.

It is therefore considered that due to its size and design, the proposal will have a detrimental effect on the character and appearance of both the property and this part of the Conservation Area.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted. It is agreed that the porch will not preserve or enhance the character of the Conservation Area.

**POLICY CONTEXT**

Designation applicable to site:

Within the Built Up Area

Within the Craigweil House Conservation Area

**DEVELOPMENT PLAN POLICIES**

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
	AREA2	Conservation Areas

South East Plan:

**PLANNING POLICY GUIDANCE**

PPS1	Delivering Sustainable Development
PPS5	Planning for the Historic Environment

**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 and the character and appearance of the Conservation Area.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal is considered to conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and would have an adverse impact upon the established character of the surrounding area.

Where the building is located in a Conservation Area, Section 71(1) of the Act states:  
In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.  
The proposal is considered to conflict with these criteria in that it is considered to materially affect the character of the Conservation Area.

## **OTHER MATERIAL CONSIDERATIONS**

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

## **CONCLUSIONS**

Principle

This application seeks planning permission for the construction of a porch to the front of 38 Wychwood Close. The site lies within the built-up area where the principle of additional development is acceptable, subject to the normal development control criteria.

Visual Amenity, Character and Appearance of the Conservation Area

Whilst it is appreciated that hipped roof of the proposed porch has been designed with a hipped roof in order to reflect that of the host dwelling, it is considered that the bulk and size of the proposed addition is such that it would over-dominate the existing front elevation of the building. This would be especially significant given the front location of the proposed porch in a position readily visible from the street scene.

The following is an extract from the Conservation Area Statement relating to the Craigweil House Conservation Area, this section specifically applicable to the Wychwood Walk and Close area:

'There is a predominance of buildings of a similar shape, detailing and fenestration providing a visual continuity in the street scene. Distinguishing and attractive features of this area are the leaded roofs to a number of entrance porches. The sense of a planned estate, with a distinctive continental feel prevails. A regular building line characterises the roads...'

The existing porch is of a canopy style, and is a feature found on several other properties within the immediate vicinity, as reflected in the above statement. There are no porches as proposed by this application elsewhere in the neighbouring area. It is considered that the replacement of this porch with a more substantial and differently designed structure, would fail to preserve or enhance the character and appearance of the Conservation Area.

Whilst there is no longer such a concept as a 'building line' in planning terminology, the siting of



new development forward of existing buildings within the street scene is a significant planning consideration. It is considered that the relatively extensive forward projection of the proposed porch is such that it would encroach on the pattern of development within Wychwood Close, an issue which was seen as being a special characteristic of the Conservation Area in the statement quoted above.

### Summary

It is considered that the proposed porch would represent an incongruous and obtrusive addition to the street scene. It is noted that the application makes reference to a porch extension approved in 2000 (Ref AW/96/00) at the property opposite the site, no.19 Wychwood Close. However, as mentioned previously, this porch has not yet been constructed and was approved prior to the designation of the Craigweil House Conservation Area. This current application is subject to the criteria set out in policy AREA2 of the Arun District Local Plan, which states that planning permission will be granted for development which preserves or enhances the character or appearance of a Conservation Area. The proposed development is not considered to comply with this policy, and it is therefore recommended that the application be refused, for the following reasons:

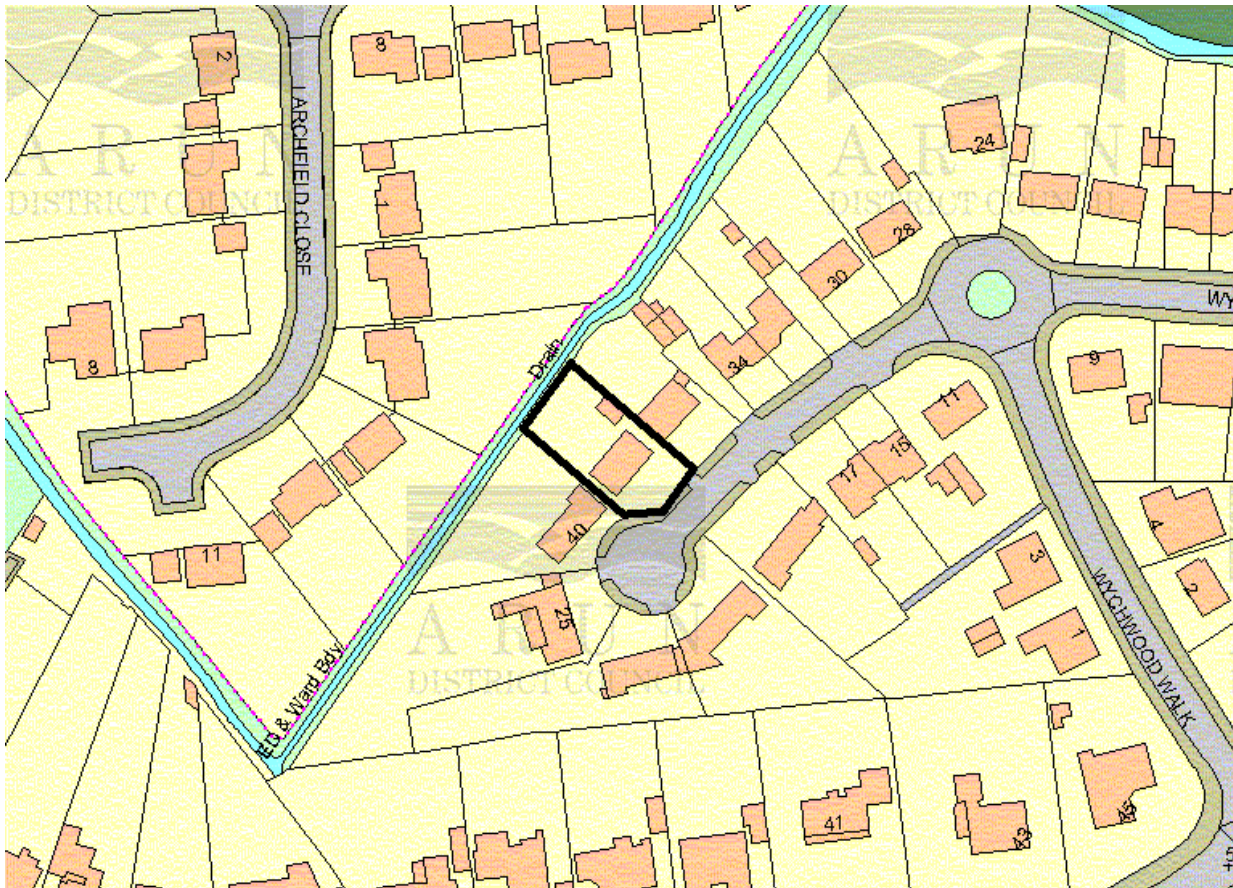
## **RECOMMENDATION**

### REFUSE

- 1 The proposed porch, by reason of its siting, design, size and bulk, would represent an incongruous and obtrusive addition to the street scene, detrimental to the visual amenities of the locality and the character and appearance of the Conservation Area, contrary to policies GEN7, DEV19 and AREA2 of the Arun District Local Plan.

**AW/102/11/ Indicative Location Plan****(Do not Scale or Copy)**

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



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