



Committee Manager : Carrie O'Connor (Ext 37614)

4<sup>th</sup> August 2009

## **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 12<sup>th</sup> August 2009 at 2.30 p.m.** and you are requested to attend.

Members : Councillors Mrs Hall, (Chairman), Mrs Goad (Vice-Chairman), Biss, Bower, Butler, Evans, Gammon, Mrs Harrison, Haymes, Mrs Maconachie, Oliver-Redgate, Mrs Olliver, Mrs Stainton, Steward and Wiltshire.

**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)**

## **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 15<sup>th</sup> July 2009 (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/CONSIDERED APPLICATIONS

AW/7/09 – Demolition of existing house and erection of 10 no.2 bedroom apartments together with garaging, parking and landscaping, reuse of existing access, Moonrakers, Dark Lane, Aldwick

To consider the attached updated report.

7. \*PLANNING APPEALS

To consider the attached report.

8. TREE APPLICATIONS

There are no such applications to consider.

9. \*PLANNING APPLICATIONS

To consider the attached reports.

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

10. \*UPDATING THE POWERS OF THE ASSISTANT DIRECTOR OF PLANNING AND HOUSING STRATEGY

To consider the attached report.

11. \*PROPOSED COMPLIANCE STRATEGY

This report proposes that a formal period of consultation is undertaken with the Town and Parish Councils on a draft Compliance Strategy.

12. \*ENFORCEMENT MATTERS

Non Confidential Items

There are no such items to consider

Confidential Items

Prior to considering the following reports, the Committee is requested to consider passing the following resolution:-

**EXEMPT INFORMATION**

That under Section 100A(4) of the Local government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the items.

(i) CIC/AB/19/03 10 HIGH STREET, ARUNDEL (Exempt – Paragraph 5 – Legal Proceedings)

To consider the attached report.

(ii) CON/BE/8/03 RICHMOND LODGE, SHRIPNEY ROAD, SHRIPNEY (Exempt – Paragraph 5 – Legal Proceedings)

To consider the attached report.

(iii) CON/FN/4/05 1 IVY COTTAGE, HORSHAM ROAD, NORTH END, FINDON (Exempt – Paragraph 5 – Legal Proceedings)

To consider the attached report.

(iv) CON/H/5/06 St EDMUNDS COTTAGE, THE STREET, HOUGHTON (Exempt – Paragraph 5 – Legal Proceedings)

To consider the attached report.

(v) ENF/181/09/ 2 LANGLEY GROVE, ALDWICK (Exempt – Paragraph 5 – Legal Proceedings)

To consider the attached report.

(vi) ENF/231/09/ THE YEOMANS, WOODLANDS AVENUE, RUSTINGTON (Exempt – Paragraph 5 – Legal Proceedings)

To consider the attached report.

(vii) ENF/ 241/08/ 9 BELLSCROFT CLOSE, LITTLEHAMPTON (Exempt – Paragraph 5 – Legal Proceedings)

To consider the attached report.

(viii) ENF/426/08 39 PRIESTLY WAY, MIDDLETON ON SEA (Exempt – Paragraph 5 – Legal Proceedings)

To consider the attached report.

(ix) ENF/498/08/ 87 HIGHDOWN DRIVE, LITTLEHAMPTON (Exempt – Paragraph 5 – Legal Proceedings)

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)  
                          Keith Wheway       (Ext 37794)  
                          Eve Hearsey         (Ext 37768)  
                          Jonathan Parsons   (Ext 37773)  
                          Daniel Vick         (Ext 37771)  
                          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 Assistant Director Planning Services and Housing Strategy, 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

15<sup>th</sup> July 2009 at 2.30 p.m.

Present : Councillors Mrs Goad (Vice-Chairman, in the Chair), Biss, Bower, Brooks (substituting for Councillor Mrs Olliver), R. Brown (substituting for Councillor Mrs Hall), Butler, Evans, Gammon, Mrs Harrison, Haymes, Mrs Maconachie, Oliver-Redgate Mrs Stainton, Steward and Wiltshire.

(Note: Councillor Butler was absent from the meeting during consideration of the matters referred to in Minutes 171 to 176 and Minutes 179 (from Application A/45/09) to 180.)

171. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Hall and Mrs Olliver.

172. WITHDRAWN APPLICATION

The Chairman advised the meeting that under Agenda Item 10, Planning Application BR/93/09 had been withdrawn from the agenda.

173. DECLARATIONS OF INTEREST

Councillor Biss gave notice of a personal interest in Agenda Item 10, Planning Application CM/7/09 and Agenda Item 11, Enforcement Matter ENF/442/08 as the applicant and defendant respectively were known to him as members of Climping Parish Council.

Councillor Brooks gave notice of a prejudicial interest in Agenda Item 10, Planning Application BR/112/09 as he knew the owner and had business dealings with him. He stated he would leave the meeting during its consideration.

Councillor Mrs Maconachie gave notice of a personal interest in Agenda Item 10, Planning Application BR/107/09, as she lived in the locality.

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174. MINUTES

The Minutes of the meeting held on 17<sup>th</sup> June May 2009 were approved as a correct record and signed by the Chairman.

175. NEW ARRANGEMENTS FOR DEALING WITH WEST SUSSEX COUNTY COUNCIL APPLICATIONS

The Committee had previously agreed at its meeting on 29<sup>th</sup> April 2009 that the Council's Constitution should be amended to put in place new procedures for dealing with West Sussex County Council Regulations 3 and 13 applications. However, at that time, County Matter applications (which usually dealt with mineral and waste proposals) were omitted from the amendment and this report sought to rectify that omission. The agreement of Members was therefore now being sought to include County Matter applications in the new arrangements and the Committee

RESOLVED

That authority for formally commenting on all County Matter applications be delegated to the Assistant Director for Planning and Housing Strategy or the Head of Development Control, unless a written request is received from the Chairman or Vice Chairman of the Development Control Committee within three weeks of the consultation date for the application to be referred to the Development Control Committee for consideration prior to providing a consultation response; and

RECOMMEND TO THE GOVERNANCE COMMITTEE

That the necessary amendments to the Council's Constitution be referred to Full Council for ratification.

176. REPORT OF THE MEETING OF THE POST COMMITTEE SITE INSPECTION PANEL – FP/55/09 – INTERNAL ALTERATIONS, MINOR AMENDMENTS TO FENESTRATION AND OTHER ARCHITECTURAL DETAILING TO ELEVATIONS. EXTEND LOFT STORAGE ENCLOSURE AND MINOR EXTENSION TO GARAGE. COMPLETION OF BALCONY CONSTRUCTION. RAISING OF REAR BOUNDARY WALL FOR PRIVACY/SECURITY PURPOSES, 6 DAVENPORT ROAD, FELPHAM

The Committee received a report from the meeting of the Site Inspection Panel held on 23<sup>rd</sup> June 2009, together with the officer's written

report update detailing substitute plans and further letters of objection received and adding Councillor Mrs Goad as being present.

In discussing the matter, members of the Site Inspection Panel stated that the main concern with the application had been the proposed height of the boundary wall. However, this had now been withdrawn as detailed in the substitute plans submitted and a further concern about the roof space was addressed by the Planning Team Leader at the meeting. A suggestion was put forward that, should the application be approved, a condition requiring self-cleaning paint should be placed on the approval but, following advice from the Planning Solicitor, this was withdrawn. The recommendation from the Site Inspection Panel to refuse the application for the reasons set out in the report was no longer deemed to be valid and the Committee therefore

RESOLVED

That the application be approved as detailed in the appendix to the report.

177. PREVIOUSLY DEFERRED APPLICATION – FP/133/08 – REDEVELOPMENT OF SITE TO PROVIDE A1 RETAIL USE WITH ASSOCIATED CAR PARKING, 126 FELPHAM WAY, FELPHAM

Prior to consideration of this item, the Chairman advised the meeting that, as currently written, the Council's Public Speaking Rules did not allow speakers to speak on items which had been deferred after an opportunity for public speaking had been exercised. However, this provision of the Constitution could be suspended for the duration of the meeting provided Standing Order 27, 'Suspension and Amendment' was complied with and provided a motion to this effect was moved and seconded and passed by a majority of votes.

As custom and practice had in the past permitted speakers to speak again if new or additional information was submitted on a deferred application, the Chairman was of the view that, in the interests of fairness, speakers who had registered to speak on this application should be permitted to do so. The Chairman therefore proposed, and was duly seconded, that Standing Order 27 be suspended for this item, which was then supported by the Committee.

The Committee received a comprehensive update report from the Strategic Development Planner which set out the detail of the results of the findings from the Council's independent transport consultant, who had been commissioned to assess the impact of the proposal on the local highway network. Members were advised that the consultant did not consider the proposals to be flawed from a highway point of view and a response from the

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applicant's agent to a number of points that had been made was also included in the report for consideration. In the officer's view, these further representations from the applicant were of a satisfactory nature.

As there was a concern that the 16 allocated parking spaces should not be greatly reduced by staff parking, it was suggested and agreed that an additional condition should be included in the recommendation to approve as follows:-

“Details of a Travel Plan, including car parking arrangements for staff, shall be submitted to and approved in writing by the local planning authority before development is commenced.”

The Committee then participated in a detailed debate on the highway merits of the proposal. Due to their local knowledge of traffic flows in the immediate vicinity of the site, Members were still extremely concerned about the highway issues and the potential for accidents and traffic backups at this particular junction and roundabout, despite the findings of the independent consultant. However, it was acknowledged that the Council had no planning reasons to justify a refusal and the Committee therefore

#### RESOLVED

That the application be approved as detailed in the report and subject to addition of the following condition:-

“Details of a Travel Plan, including car parking arrangements for staff, shall be submitted to and approved in writing by the local planning authority before development is commenced.

Reason: To accord with sustainable travel policies in accordance with policy GEN 7 of the Arun District Local Plan.

**The Chairman then called a short adjournment to the meeting.**

#### 178. PLANNING APPEALS

The Committee received and noted a report detailing appeals that had been lodged and 7 appeals that had been heard and was advised by the Cabinet Member for Planning that the appeal relating to AW/264/08, 35 Willowhale Avenue, Bognor Regis, which had very recently been heard, had been dismissed.



179. PLANNING APPLICATIONS

*(During the course of consideration of the following application, Councillor Wiltshire declared a personal interest as the applicant was also a member of Littlehampton Golf Club. He remained in the meeting and took part in the debate and vote.)*

AW/64/09 – Alterations and extension of existing 2 No. flats to form 4 No. 1 bedroom and 1 No. 2 bedroom flat, 10 & 10A Princess Avenue, Aldwick  
Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AW/68/09 – Change of use of existing 2 No. 3 bedroom flats into 1 No. 4 bedroom family house, 1 & 2 Hunters Close, Aldwick Having received a report on the matter, Members were advised that the agent was a member of staff. The Committee then

RESOLVED

That the application be approved as detailed in the report.

AW/71/09 – Taking out existing Cypress Leylandii trees to construct boundary wall and garage, 1 St Peters Close, Aldwick Having received a report on the matter, together with the officer's written report update detailing an additional condition requiring the submission of additional elevation plans prior to the commencement of the proposed development, a suggestion was put forward and agreed that no burning of materials should take place on site and that Condition 2 should be amended accordingly. The Planning Team Leader also verbally recommended a planning condition regarding the submission and approval of structural calculations for the proposed wall and garage adjacent to the footway should the application be approved. The Committee then

RESOLVED

That the application be approved as detailed in the officer report update and subject to amendment of Condition 2 and the addition of an additional condition relating to structural calculations for the proposed wall and garage to read:

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“The burning of materials obtained by site clearance or from any other source shall not take place within the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality in accordance with Policy GEN7 of the Arun District Local Plan.

No development shall take place unless and until details of the structural calculations for wall and garage flanking the footway have been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of public safety in accordance with Policy GEN7 of the Arun District Local Plan.”

A/45/09 – New fume extract system, Santa Maria Restaurant, The Square, Angmering Having received a report on the matter, together with the officer’s written report update detailing amended and additional conditions relating to implementation periods; time limit for the hours of operation of the flue; and painting of the flue, the Committee participated in a detailed debate regarding the merits of the scheme. Members were advised that the application had come forward following enforcement action and extensive discussion with the Environmental Health Department and steps were to be taken to minimise the impact of the structure on the visual amenity of the Conservation Area. The Committee

RESOLVED

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

AB/46/09 – One chalet bungalow in south garden with double garage, resubmission of AB/135/08, 21 Priory Road, Arunde! 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/87/09 – Provision of additional 1 bed flat to previously approved scheme (to provide 2 No. flats at forth floor level), 2-10 Queensway, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/93/09 – Conversion & change of use of existing ground floor offices rear of 85 Aldwick Road, into self contained two bed flat unit, 85 Aldwick Road, Bognor Regis Having received a report on the matter, the Committee had been advised that this application had been withdrawn from the agenda for the reasons detailed in the officer report update circulated at the meeting.

BR/101/09 – Erection of one 3 bed detached dwelling, 61-63 Mead Lane, Bognor Regis Having received a report on the matter, together with the officer's verbal update that an additional condition would be included to take account of the fact that no consultation response had as yet been received from the Environment Agency, the Committee

RESOLVED

That the application be approved as detailed in the report, subject to the comments of the Environment Agency and any additional conditions that may be recommended.

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

BR/107/09 – Change of use from restaurant (A3) to 3 bedroom house (C3), 2 The Steyne, Bognor Regis Having received a report on the matter, a request was made for officers to have discussion with the applicant to mitigate the problem of black sacks being left on the pavement for refuse collection. An undertaking was given that the comment would be taken up with Environmental Health. The Committee

RESOLVED

That the application be approved as detailed in the report.

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*(Prior to consideration of the following application, Councillor Brooks had declared a prejudicial interest and he left the meeting and took no part in the debate or vote.)*

BR/112/09 – Conversion of existing retail unit into two self-contained flats, 2 Maderia Parade, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing an additional representation received, the Committee

RESOLVED

That the application be approved as detailed in the report.

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

CM/7/09 – Construction of material recycling facility for construction and demolition skip waste with continuation of CM/25/08 to process plastics, paper recycling, cardboard and tyres with new yard area, stockpile area and weighbridge/office facility (This is a County Matter application and will be determined by West Sussex County Council), Hangar No. 8, Northwood Farm, Burndell Road, Yapton Having received a report on the matter, views were expressed that a routing agreement should be put in place to address concerns regarding the additional traffic movements to and from the site and that, under Crime & Disorder, security should be included to prevent instances of vandalism occurring. The Strategic Development Planner stated that these comments would be forwarded to the County Council for consideration when determining the application. The Committee

RESOLVED

That no objection be raised to the application, subject to a routing agreement being put in place and the matter of security to be included in any permission.

FG/60/09 – Erection of side extension and new gables to front elevation/rear elevation, 162 Littlehampton Road, Ferring Having received a report on the matter, some Members still expressed the same concerns that had been voiced in respect of the previous applications at this site and were of the view that the situation had not changed so materially as to enable them to now support this proposal. In a split vote, the Committee did not support the officer recommendation to approve and refused the application on the grounds as put forward for previous applications in that it was overbearing and unneighbourly and

RESOLVED

That the application be refused for the following reason:-

“By reason of its height and position it is considered that the extension would result in unacceptable overbearing onto neighbouring residential properties in Ancren Close and in consequence be an unneighbourly form of development. It is thereby contrary to Policies GEN7 and DEV19 of the Arun District Local Plan.”

P/39/09 – Continuance of use without compliance with condition No. 3 imposed under planning reference No. P/9/07 relating to new access, 6 Hook Lane, Rose Green, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

180. ENFORCEMENT MATTERS

*(Prior to consideration of the following item, Councillor Biss had declared a personal interest and, following advice from the Planning Solicitor, left the meeting and took no part in its consideration.)*

ENF/442/08 – Alleged unauthorised works to trees, Land rear of Ancton Way, Middleton on Sea The Committee received and noted an information report detailing the outcome of the court case in respect of this matter.

The Committee then had to consider confidential enforcement matters and so

RESOLVED

That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the items.

Subject to approval at the next Committee meeting

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ENF/101/09 – Alleged unauthorised adverts, Wayside, Shripney Road, Bersted Having received a report on the matter, the Committee

RESOLVED

That no enforcement action be taken in respect of the breach of planning control as it is not expedient to do so in the absence of harm to local amenity. The advertisement does not have the benefit of advertisement consent and this fact will be revealed on CON/29/A when a local Land Charges search is undertaken.

ENF/157/09 – Alleged unauthorised damage to tree, Allangate House, Rustington Having received a report on the matter, the Committee

RESOLVED

That authority be granted under section 210(4) of the Town and Country Planning Act 1990 to institute legal proceedings for the failure to comply with a Tree Preservation Order.

ENF/575/08 – Alleged unauthorised terrace, Rear of 20 River Road, Arundel Having received a report on the matter, the Committee

RESOLVED

That no enforcement action be taken in respect of the breach of planning control as it is not expedient to do so in the absence of harm to local amenity. The advertisement does not have the benefit of advertisement consent and this fact will be revealed on CON/29/A when a local Land Charges search is undertaken.

(The meeting concluded at 6.00 p.m.)

**AGENDA ITEM 6**

**DEVELOPMENT CONTROL COMMITTEE**

**12TH AUGUST 2009**

**REPORTS ON APPLICATIONS DEFERRED FROM  
PREVIOUS MEETING**

**REPORTS ON APPLICATIONS DEFERRED FROM PREVIOUS MEETING**





## REPORT UPDATE

Application No: AW/7/09/

### Reason for the Update / Changes

Reason for Update/Changes:

1. This application was deferred by the Development Control Committee at its meeting on 29th April 2009 to seek a full independent traffic analysis in terms of access and a full highway risk assessment in respect of the site

2. The Consultants considered the following:

An assessment of the Transport Safety Assessment produced by Bellamy Roberts in April 2009 including the assessment of the rationale for County Highways decision that a Road Safety Audit was not required because broader aspects of the proposed development were required and provided by the Transport Statement.

An overview of the consultation response from County Highways.

An overview of road safety implications of the development.

Although the consultants did not review personal injury statistics, the County Council have since confirmed no recorded personal injury accidents in Dark Lane or at its junction with Craigweil Drive in the last three years.

3. WSPD/T conclusions and recommendations are as follows:

#### DARK LANE

Dark Lane provides access to the seafront for pedestrians. Removable bollards have been installed to prevent vehicular access to the beach. At the time of the site visit, the middle bollard was not present allowing for vehicular traffic to proceed to the beach front. The assertion that traffic flows would reduce as a consequence of the installation of the bollards is therefore not applicable, although it is not considered that this would be significant.

#### TRIP GENERATION

The trip generation associated with the proposed ten 2 bedroom flats presented by the applicant and reviewed by WSCC is considered to be a reasonable estimate of the scale of additional vehicular movements that would be expected to use Dark Lane as a result of the proposed development.

ADC Committee Members expressed concerns that Dark Lane was not wide enough to support increases in two way traffic. A site visit was conducted on 2 July 2009 to understand the extent to which the width of Dark Lane (between Craigweil Lane and the proposed site access) is considered to be variable and thus confirm its acceptability against standards relation to vehicular and pedestrian movement.

The measurements taken confirm that the width of Dark Lane is generally 4.5m along its length. The width of Dark Lane is 4.1m at its narrowest points, which is between the Moonrakers entrance and the junction with Strange Gardens. All measurements were carried out taking

account of the occasional lamp columns located within the carriageway.

Visibility from the entrance to Moonrakers is considered to be acceptable given the low speeds expected and observed at this location. Visibility is also good at the junction between Dark Lane and Craigweil Avenue and, therefore, does not give rise to any concerns.

The low trees overhanging the carriageway to the south of the site entrance should be cut back to minimise potential conflict and improve natural lighting on Dark Lane. It is understood that this is covered by ADC Approval AW/23/04.

The Manual for Streets (MfS), which is the guiding document informing the relationship between space and place making of residential streets, suggests that a carriage way width of 4100mm allows for the safe passage of two cars travelling in opposite directions. It is also suitable for a HGV and cyclist/pedestrian to pass each other.

The above evidence suggests that the width of Dark Lane is not considered to be an issue in itself for the safe movements of pedestrian and vehicles.

In determining the suitability of residential roads, MfS suggests that its context and functions should also be taken into account. In this case, Dark Lane is a cul de sac, where the volume of traffic is expected to be low. Appropriate parking restrictions are in place to dissuade on street parking and the curvature of the road and enclosing walls encourages low vehicular speeds.

## PEDESTRIAN ACTIVITY

Dark Lane experiences a relatively high level of pedestrian activity by virtue of providing access to the beach. During the site visit, a total of 7 pedestrians, 2 dog walkers and 1 cyclist were observed using the lane.

It is anticipated that the proposed redevelopment of Moonrakers would lead to approximately a 5-10 increase in vehicular movements and 0-5 pedestrian movements in any one hour. These levels are not considered to be significant.

The MfS is not explicit about the number of dwellings which can be served from a shared surface, however. Measures of success for such environments, however, include lower trafficked roads (described as less than 100 vehicles per hour) and/or cul de sacs.

The previous guidance that MfS sought to replace, DB32, states that as a general guide, a shared surface roads may normally served up to around 25 dwellings in a cul de sac. As the redevelopment proposals would result in circa 10 additional dwellings to be served off Dark Lane and that approximately 17 dwellings are served off Strange Gardens, the proposals are considered to be generally acceptable against event the more conservative guidance.

## CAR PARKING

No details have been provided within the submitted text relating to the number of car parking spaces being provided within the curtilage of the site and whether this meets relevant

standards.

It has been assumed from Drawing 2834/PL.02 that a total of 10 garages are being provided along with an additional 10 tandem car parking spaces in front.

A total of 20 spaces would be in line with ADCs maximum residential parking standards of 2 car parking spaces per dwelling. Whilst it is anticipated that, over time, some of the garages may be used for storage, it is recognised that the standards are maximum and not minimum standards.

The only concern would relate to the ability of any visitors to park on site given that the open air provision becomes de facto allocated by virtue of it being located in front of a garage. This could encourage visitors to park on street outside of the development site, which should not be promoted. It is therefore recommended that the layout is reconfigured so as to provide at least 2 non allocated visitor spaces.

## SUSTAINABILITY

WSP is reasonably content that the location of the site allows good accessibility to key services which should maximise the opportunity for sustainable travel to take place from the proposed development which, in turn, would minimise the number of private vehicle trips.

## SUMMARY

There would be added benefit in reviewing the last three years worth of personal injury accident statistics to establish any existing safety problems along Dark Lane. This review would also broadly address the safety question raised by WSCC in their objection on 2 March 2009 in which they requested a safety audit to be undertaken. Officers have been informed that no official Accidents have been recorded in the last three years.

The estimate of trip generation suggests that the redevelopment proposals would result in only modest increases in movements, both vehicular and pedestrian.

The minimum carriageway width of Dark Lane is 4100mm, but is generally 4500mm along its length.

The width of Dark Lane is sufficient to accommodate the movement of traffic expected, in line with the relevant Manual for Street (MfS) guidance.

Given the restrictions on parking in place on Dark Lane, the applicant should demonstrate that sufficient car parking spaces are being provided for visitors to the development. Despite meeting maximum ADC standards, it is considered that the tandem spaces (including garages) become de facto allocated, restricting the availability for visitors to park within the curtilage of the site.

THE RECOMMENDATIONS WHICH ARE MADE IN RESPECT OF THE PROPOSALS ARE:

The layout shown on Drawing 2834/PL.02 should be altered to show how additional non allocated spaces could be provided for visitor use.

#### Officers Comment:

The recommendations of the independent report uphold the County Highway consultation response.

The only point on which WSP would recommend refusal was with regard to the lack of 2 visitor car parking spaces, but they recommended that a change in the layout to accommodate these spaces would be more appropriate. The applicant has now submitted a revised plan 2834/PL.02. Rev A to provide 2 visitor spaces adjacent to the entrance. These spaces are being provided with a porous finish and the construction of no-dig to avoid damage to tree roots.

It should be noted that AW/227/04 approved a guest lodge in this location and this is a material consideration as the building would have had a greater visual impact within the street scene and would have resulted in the loss of trees on the front boundary. It is considered that the car parking spaces will not be visible when approaching the site along Dark Lane and they will not adversely affect the visual amenity of the trees. As this revised plan addresses the concerns of WSP it is recommended that the revised plan is accepted and the proposal is recommended for approval subject to an additional condition requiring the development to be carried out in accordance with this revised plan.

The Officers report has been amended to include consultation response from the District Coastal Protection Engineers which has resulted in Condition 4 being amended to a finished floor level of 5.7m AOD, and a new Condition 6.

#### Representations

Strange Garden Management Company Limited and solicitor's letter. The property forms part of Strange Garden Estate and is bound by Covenants which prohibit the building of more than one detached house and garage on each property without consent in writing by Strange Garden Management Company. The consent has neither been sought or granted. One further letter of objection with no new issues raised.

Covenants are not a material planning consideration as they are a private matter.

Note: The changes to recommendation, conditions and/or reasons show under Officers Recommendation at the end of the attached report.

**Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.**

**AW/7/09/**

**PLANNING APPLICATION REPORT**

**REF NO:** **AW/7/09/**

**LOCATION:** Moonrakers  
Dark Lane, off Strange Gardens  
Aldwick

**PROPOSAL:** Demolition of existing house and the erection of 10 No 2 bedroom apartments together with garaging, parking and landscaping, re-use of existing access.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	This application is to demolish the existing dwelling and replacement with 10 flats and 10 garages.
SITE AREA	0.29 hectares
RESIDENTIAL DEVELOPMENT DEN	35 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development. Large conifers on front boundary.
BOUNDARY TREATMENT	Stone wall along the frontage. Fencing to side.
SITE CHARACTERISTICS	Large detached house adjacent to the beach. Set back from the road. Stone base with painted blue render at first floor level house. Large drive up to the house.
CHARACTER OF LOCALITY	Predominantly residential, detached houses of individual styles.

**RELEVANT SITE HISTORY**

AW/22/04/	Guest Lodge accommodation	Withdrawn 15-03-2004
AW/227/04/	Guest lodge accommodation (re-submission of AW/22/04).	Approve Cond 22-12-2004
AW/23/04/	Swimming pool and gymnasium extension	Approve Cond 02-04-2004

**REPRESENTATIONS**

**Representations received:**

Aldwick Parish Council

Objection, the structure will be overbearing and overshadow neighbouring properties. It would be out of character and therefore would not make a positive contribution to the area.

Dark Lane is not wide enough to support any increase in two way traffic.

Aldwick Preservation Society : It will be an overbearing structure and unneighbourly. The mass and form suggest that it will be out of character and therefore would not make a positive contribution to the area. Concerned about the impact of traffic in Dark Lane. It is a narrow lane with poor natural light, therefore a further 9 households will result in a significant danger to users of Dark Lane.

44 letters of objection : Not in keeping with the area. Will spoil the skyline. Dark Lane is narrow and additional traffic would be a hazard. Overdevelopment. The building will be vulnerable to the effects of the sea. There was a delay between receipt of the application and the posting of the site notice. Neighbour was not consulted. The 3 storey building will obstruct the evening sunlight. Will affect privacy to neighbour. Will increase noise and traffic. Would set a precedent. There would be chaos during demolition/construction. Would have a serious impact on the beach users. Would set a precedent. Dark Lane is a public road to the sea and people walking to the beach. It does not provide infrastructure. The area is at risk of flooding. No pavement in Dark Lane. Will devalue properties. Could damage the stability of flit walls. Balconies would overlook neighbours. The materials can become weathered and tired. Will increase sewage problems. No other apartment blocks in this area. Density too high.

**Comments on Representations received:**

Noted. It is not considered that the proposal is an over development as the the site is a large site, with the footprint of the building is only slightly larger than the existing house, there is plenty of amenity space and car parking. The existing dwellings have a balcony. It is considered that the proposal makes a positive statement to the area reflect the existing garage style on the neighbouring property. The site notice was posted in accordance with the Council's procedures. Property values are not a material planning consideration. County Highways have raised no objections.

**CONSULTATIONS**

WSCC Local Development Divis.  
Horticulturist  
Environment Agency

**Consultations responses received:**

Environment Agency : No objections.

District Arboriculturalist : It is noted that the only trees to be removed are ones previously approved to be removed (AW/23/04). Remaining trees should be retained in accordance with BS 5837:1991

County Highways : No objections. It was originally requested that a Stage One Safety Audit be submitted to review the implications of this proposal upon highway safety. The scope would have been to consider the vehicular and pedestrian access to the site. In agreement with the Highway consultant acting on behalf of the applicant, it was agreed that the scope of the audit would have been too limited in considering primarily the site access and would not provide a satisfactory assessment of access to the site along Dark Lane. Dark Lane is a no through road providing access to a number of additional dwellings. It also provides a pedestrian route only to the sea; vehicular access to the sea is restricted by bollards. Daily vehicle flows would subsequently be very low. The assumption within the submitted traffic assessment regarding existing traffic movements is therefore agreed. The proposed dwellings may be expected to

add at most an additional 40 movements per day. This estimate is based upon TRICS survey information, which is considered to be a robust form of estimating vehicle movements. Therefore the increase would not result in any material impact upon the operation of Dark Lane.

Dark Lane is approximately 4.5metres in width, which would provide a satisfactory width to enable two vehicles to pass. There is a narrow point approximately 20metres from the junction of Craigweil Drive where forward visibility is restricted. However with due consideration, the restricted carriageway width coupled with the enclosed feeling of the lane resulting from the high walls and planting would encourage low vehicle speeds along the entire length of Dark Lane, and with particular reference to the narrowing, it would be anticipated that drivers would exercise a degree of caution approaching this and therefore this point would not generate any significant concerns that would warrant a highway objection.

There are no segregated pedestrian facilities along Dark Lane. However with due consideration of the low vehicle speeds and flows, whilst the additional dwellings may result in further traffic and pedestrian movements, it is not considered there to be any highway safety grounds through the continued shared surface of the lane and would not consider there to be any requirement for this development to make provision for pedestrian footways as a consequence of this proposal.

Taking into account the characteristics of Dark Lane, it is concluded that there would be no highway safety grounds to refuse the proposal. Therefore no objection would be raised.

**District Coastal Protection Engineers**

Concerned about the siting of the proposal as it is nearer the sea than the existing building and most of the elevations facing the sea are predominantly glass. Given the shingle which is thrown up in storm conditions, there is a risk of damage. It is accepted that the site is in a low flood risk area, however it is not considered that the risk has been assessed with due allowance to proximity to the coast and existing defences. The current building has a number of measures to reduce the impact by flood walls, drainage channels and gates to let flood water out into Dark Lane. Therefore a condition should be added to address this. Such measures should be incorporated into the design and enhanced where possible. Finished floor levels should be raised to 5.7AOD to allow for the high exposure to the sea.

**Comments on Consultation responses:**

Comments noted. Condition 4 has been amended to reflect 5.7m AOD and a new condition 6 has been imposed.

**POLICY CONTEXT**

Designation applicable to site:

- Within the Built Up Area Boundary
- Tree Preservation Order
- Area of Special Character

**DEVELOPMENT PLAN POLICIES**

South East Plan:



Arun District Local Plan:	GEN7	The Form of New Development
	GEN12	Parking in New Development
	AREA1	Areas of Special Character
	AREA15	Sites of Local Importance for Nature Conservation
West Sussex Structure Plan:	GEN28	Trees and Woodlands
	DEV1	High Quality Development
	LOC1	Locational Strategy
	CH1	Character
	DEV5	Parking Provision

**PLANNING POLICY GUIDANCE**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPS9	Biodiversity & Geological Conservation

**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 proposal is to demolish the existing single dwelling house and construct a 2.5 storey block of 10 flats and the construction of 10 garages. The design is art deco with pleasant curved corners. The parapet walling above the second floor acts as a partial screen to the top floor windows. The proposal is designed to minimise light, but with attractive use of glazing bars. The proposal

includes first floor balconies which effectively replace those on the existing dwelling. The design is quite typical of seafront location with examples at East Preston and recently approved at Felpham. Garage are proposed forward of the dwelling alongside Dark Lane for 7 garages and a further 3 on the south east boundary. The site is well screened with mature trees.

**VISUAL AMENITY:**

The existing dwelling is two storey at a height of 7m, with balconies. The proposed building is 9m in height at the highest point. The house is adjacent to the beach and lies back well into the site from the road. The existing dwelling is of average design and somewhat tired. The proposed design is of a 1930's style with careful design to produce a smooth line with curves and geometric shapes. The building is set back into the site away from the entrance orientated towards the sea. There is a 2m high stone wall around the front boundary along Dark Lane leading to the slipway. Directly behind this wall it is proposed to located the block of 7 garages with a maximum height of 3.8m designed with a strong 1930's design which will be glimpsed over the wall. This visually leads the eye towards the flats which in turn has the curvy linear projecting "bay windows" which lead the eye gently around the building. From the beach the design is strongly reminiscent of a ship which is reinforced by the use of balconies. It is considered that the proposal is well designed for its location. The strong use of render breaks up the mass of the building and the glazing present a good use of the design to present an attractive building which offers a positive contribution to the area in accordance with the requirements of Policy Area 1

**RESIDENTIAL AMENITY:**

Headland House is approximately 40m to the south west, therefore there would not be any significant loss of residential amenity by reason of the separation distance involved. 15 Shorecroft lies approximately 35m to the south west and is at an oblique angle which similarly does not result in any significant loss of amenity. 17 Shorecroft is approximately 25m north east which again because of the angle of the two properties does not create any direct overlooking. The distance between the new flats and the side boundary (garden) of 17 Shorecroft is approximately 20m. The existing dwelling is only approximately 4m further away from the side boundary of 17 Shorecroft and also had first floor windows and balconies which potentially overlooked the garden area of 17 Shorecroft. It is therefore considered that the potential overlooking of the garden area of 17 Shorecroft is not significantly different to that existing and is considered acceptable given the separation distances involved or despite the development proposing flats.

**HIGHWAYS ISSUES:**

County Highways have raised no objection. Sufficient car parking has been provided. An assessment has been made as to traffic flows and pedestrian route in Dark Lane. The highway authority has concluded that the additional 40 movements per day would not result in any material impact upon the operation of Dark Lane. It has been considered that the carriage width in Dark Lane is 4.5metres is satisfactory to enable two vehicles to pass. Therefore the proposal is not considered to result in any adverse effects on highway safety.

**CONCLUSION:**

The existing two storey building is quite tired looking, it is located on a large site adjacent to the sea. The proposed 2.5 storey block of flats and garages is well designed in an art deco style and would enhance an Area of Special Character. The use of render, fenestration and curvy linear design present a very visually pleasing building which is fairly typical of seafront buildings. The proposed provision for 10 flats is an efficient use of previously development land in accordance with PPS3. It is considered that the proposal makes a positive contribution to the area with no

significant adverse effects on either neighbours or highway safety. Therefore it is 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 This permission relates to the plans as submitted and amended by substitute site plans dated 29th July 2009.

Reason: For the avoidance of doubt and because the scheme as originally submitted was unacceptable to the Local Planning Authority.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 4 No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping which shall include indication of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of amenity and of the environment of the development in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 5 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA: Finished floor levels will be set no lower than 5.7m AOD.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with guidance contained within Planning Policy Statement 25 - Planning and Flood Risk and Arun District Local Plan policy GEN10.

- 6 Before the building hereby permitted is first brought into use, the cycle store as shown on the plans hereby approved shall be constructed and completed on the site in accordance with the approved details, and such provision shall thereafter be maintained

to the satisfaction of the Local planning Authority.

Reason: In the interests of the amenities of the locality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 7 The buildings shall not be occupied until the parking spaces, turning facilities and garages shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking, turning and garaging of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies DEV1, DEV5 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 8 No part of the development shall be occupied until an external works layout, to be agreed between the applicant and the Council's Engineers is put in place. The layout shall seek to minimise penetration of seawater onto/through the site and to reduce the risk of water ingress to the dwelling, reduce the retention time of seawater on the site and to maximise the volume of seawater directed back to the sea. The construction phase and the permanent external works shall not have a detrimental effect on the coastal defences in the area.

Reason: To minimise the risks to life and property in areas at risk from tidal flooding and coastal erosion in accordance with Arun District Local Plan policies GEN 7 and GEN10.

- 9 **INFORMATIVE:** Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

#### 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

STRUCTURE PLAN: DEV1, DEV5, CH1,

LOCAL PLAN: GEN7, GEN10, GEN12, AREA1

NATIONAL POLICIES: PPS1, PPS3, PPG13, PPS25

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

- 10 **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 11      **INFORMATIVE:** This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc ) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

**AW/7/09/ - Location Plan as submitted with the application (Do not scale)**



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**AGENDA ITEM 7**

**DEVELOPMENT CONTROL COMMITTEE**

**12 August 2009**

**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

**LU/236/08/**  
Received: 20-03-2009

Littlehampton Marina Ferry Road Littlehampton  
Construction of 8 bedroom 'Boat House Hotel'.  
(Departure from development plan)  
(Dual Parish with Climping)

### ***Written Representations***

**PINS Ref:** APP/C3810/A/09/2099989/NWF

**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:** APP/C3810/H/09/2101760

**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:**

**R/278/08/**  
Received: 23-04-2009

29 Sea Avenue Rustington  
Minor amendments to new house.

### ***Written Representations***

**PINS Ref:** APP/C3810/a/09/2102381/WF

**FG/162/08/**  
Received: 06-05-2009

162 Littlehampton Road Ferring  
Erection of side extension and new gables to front elevation  
and extension to the rear of the property - Revised application  
of FG/140/08

### ***Written Representations***

**PINS Ref:** APP/C3810/A/09/2103711

**FG/12/09/**  
Received: 07-05-2009

5 Foamcourt Waye Ferring  
Demolition of bungalow and erection of 2 No semi detached  
chalet bungalows.

### ***Written Representations***

**PINS Ref:** APP/C3810/A/09/2103589



**AW/19/09/T**  
Received: 07-05-2009

131 Barrack Lane Aldwick  
Felling & surgery to various trees.

**Written Representations**

**PINS Ref:** APP/TPO/C3810/598

**LY/17/08/**  
Received: 08-05-2009

Land to N of A27 & W of Thelton House Lyminster  
Change of use of land to use for siting of Ramblers Rest comprising reception lodges, pool lodge, timber lodges, tent pitches and a toilets/shower lodge - this application is a Departure from the Development Plan.

**Public Inquiry**

**PINS Ref:** APP/C3810/A/09/2103640/NWF

**AL/7/09/A**  
Received: 22-05-2009

Spar Garage Nyton Road Westergate Chichester  
1no. internally illuminated free standing double sided display unit

**Written Representations**

**PINS Ref:** APP/C3810/H/09/2104879

**R/14/09/**  
Received: 02-06-2009

Land to rear & west of 13-17 North Lane/Wendy Ridge Rustington  
Outline application for erection of a terrace of 4 no. 3 bed houses

**Written Representations**

**PINS Ref:** APP/C3810/A/09/2104950/NWF

**FN/2/09/**  
Received: 03-06-2009

25 Beech Road Findon  
Two semi-detached bungalows following the demolition of existing garage

**Written Representations**

**PINS Ref:** APP/C3810/A/09/2105185/WF

**BR/18/09/**  
Received: 04-06-2009

72 Nyewood Lane Bognor Regis  
Subdivision of existing dwelling to 7 bedrooms with shared facilities (communal kitchen, bathrooms, laundry room) limited to 7 occupants.

**Written Representations**

**PINS Ref:** APP/C3810/A/09/2105250/WF

**BR/7/09/**  
Received: 12-06-2009

42 Madeira Avenue Bognor Regis  
Proposed new two bedroom bungalow in grounds of no 42 Madeira Avenue.

**Written Representations**

**PINS Ref:** APP/C3810/A/09/2106261

**EG/77/08/**  
Received: 15-06-2009

1 Wandleys Drive Eastergate  
First floor extension

***Written Representations***

**PINS Ref:** APP/C3810/A/09/2106379/WF

**BR/328/08/**  
Received: 26-06-2009

24 West Street Bognor Regis  
Change of shop to residential

***Written Representations***

**PINS Ref:** APP/C3810/A/09/2107233

**FG/158/08/**  
Received: 30-06-2009

15 West Drive Ferring  
Erection of a single 3 No. bedroom bungalow, single garage,  
parking with access to West Drive.

***Written Representations***

**PINS Ref:** APP/C3810/A/09/2107537/WF

**BR/15/09/**  
Received: 09-07-2009

Unit 4 Christie Place Bognor Regis  
Canopy to rear of the existing unit.

***Written Representations***

**PINS Ref:** APP/C3810/A/09/2107916/NWF

**AB/36/09/**  
Received: 13-07-2009

12 Canada Road Arundel  
Erection of a polytunnel to front.

***Written Representations***

**PINS Ref:** APP/C3810/A/09/2108254/WF

**BR/28/09/**  
Received: 14-07-2009

Tudor Cottage Norfolk Square Bognor Regis  
Demolition of existing house and erection of a terrace of four  
town houses (revised application following BR/5/08/)

***Written Representations***

**PINS Ref:** APP/C3810/A/09/2108527/NWF

**P/142/08/**  
Received: 21-07-2009

31 West Front Road Pagham  
Detached garage & front boundary piers and gates - re-  
submission following application P/13/08/

***Written Representations***

**PINS Ref:** APP/C3810/A/09/2108893/WF

**A/153/08/**  
Received: 27-07-2009

Land To Rear Of 47 Mill Road Avenue Angmering  
Proposed two bed chalet style bungalow. Re-submission  
following application A/91/08.

***Written Representations***

**PINS Ref:** APP/C3810/A/09/2109148/WF

<p><b>CIC/BE/4/07/</b>  <i>Received: 25-06-2008</i></p>	<p>Land Adjacent Manor Farm Fronting Shripney Lane Bersted          Alleged unauthorised caravans  <b>Public Inquiry</b>  <b>PINS Ref:</b> APP/C3810/C/08/2075551</p>	<p><b>02-09-2009</b></p>
<p><b>CIC/AW/4/06/</b>  <i>Received: 29-04-2009</i></p>	<p>52 The Drive Craigweil Estate Aldwick          Alleged unauthorised structure  <b>Informal Hearing</b>  <b>PINS Ref:</b> APP/C3810/C/09/2100508</p>	<p><b>06-10-2009</b></p>
<p><b>ENF/145/08/</b>  <i>Received: 05-05-2009</i></p>	<p>Unit B Littlehampton Marina Ferry Road Littlehampton          Alleged unauthorised flats  <b>Informal Hearing</b>  <b>PINS Ref:</b> APP/C3810/C/09/2101259</p>	<p><b>03-11-2009</b></p>

**LOCATION:** 35 Willowhale Avenue Bognor Regis

**SUBJECT:** Erection of 1 no. 3 bedroom house.

**Planning Application Reference:** AW/264/08/

**Appeal Decision:** Dismissed

**Date:** 14 July 2009

**Appeal Procedure:** Informal Hearing

**Inspector:** Joanna C Reid BA(Hons) BArch(Hons) RIB

**PINS Ref:** APP/C3810/A/09/2098922/NWF

**Application Decision:** Refused

**Date:** 25 February 2009

**Decision Process:** D C Committee

**Original Officer Recommendation:** Refuse

## SUMMARY OF REASONS FOR REFUSAL

The proposal would have an adverse effect on trees covered by a Tree Preservation Order. The effect on the trees would be seriously detrimental to the amenities of the area.

The proposed dwelling by reason of its size and siting would be out of keeping with the character of the street scene.

## ISSUES IDENTIFIED BY THE INSPECTOR

The main issues are the effect that the development would have on the character and appearance of the surrounding area, firstly with regard to the protected trees on and near the site and secondly with regard to the street scene in Willowhale Avenue and Fernhurst Gardens.

## INSPECTORS ASSESSMENT

The proposed dwelling would be sited so that it would damage the root system to the adjacent trees which are protected by a TPO. Their potential loss would harm the character and appearance of the area. In addition the proposed house would be so close to the trees that overhanging branches and foliage could become oppressive and overbearing and be seen as a threat to prospective occupiers.

The proposed dwelling would intrude into what is a valuable spacious setting and thereby it would serve to harm the street scene in Willowhale Avenue and Fernhurst Gardens.

## RELEVANT POLICIES

Arun District Local Plan: Policies GEN7 & GEN28

## POLICIES SUPPORTED

As Above

## APPLICATION FOR COSTS MADE/REASON

None

## COSTS AWARDED

N/A

**COMMENT**

Decision noted and welcomed.

**Background Papers:** AW/264/08/

**Contact:** Mrs S Leeson

**Telephone:** 01903 737769

**LOCATION:** 9 Bluebell Drive Rustington

**SUBJECT:** Application to fell 1 no Atlas Blue Cedar tree.

**Planning Application Reference:** LU/368/08/T

**Appeal Decision:** Allowed+Conditions

**Date:** 20 July 2009

**Appeal Procedure:**

**Inspector:** Keith Rushforth BSc(For) FArborA, MIHort

**PINS Ref:** APP/TPO/C3810/547

**Application Decision:** Refused

**Date:** 18 February 2009

**Decision Process:** Delegated

**Original Officer Recommendation:** Refuse

## SUMMARY OF REASONS FOR REFUSAL

The Atlas Blue Cedar makes a significant contribution to the character and visual amenity of the area and therefore in the absence of arboricultural justification the loss of the tree would be detrimental to the visual amenities of the locality.

## ISSUES IDENTIFIED BY THE INSPECTOR

The public amenity value and the effect of the tree upon the garden and dwelling.

## INSPECTORS ASSESSMENT

The estate of which Bluebell Drive is part has a belt of Monterey Pine with pollarded Holm Oak along Worthing Road, which prevents detailed viewing into the site from the south. North of the Pine belt is an amenity strip with a circular path around the estate with trees such as Coastal Redwood.

The tree is set 6m into the garden from the rear boundary with the amenity strip. The tree can be glimpsed through the trees from Worthing Road. From the path to the south of the site the tree is largely concealed by the Coastal Redwood except to the southwest where a large tree has been felled and there is a clear view of the tree. From within the estate it can be viewed just above the roofs of the houses. The tree gives a medium public amenity value, sufficient to require strong reasons to justify felling.

The tree is circa 14m in height with a crown spread of radius 7m. It is set 8m to the rear of the dwelling and 2.5m from the right hand boundary. The garden measures 14m x 1m, the crown therefore extends over most of the garden and to within a metre of the dwelling.

It is not considered that the height of the tree will significantly increase, however the growth in spread will increase. The current relationship of the tree to the garden and dwelling including shading is poor and this will deteriorate further, which is considered to justify the proposed felling.

The poor relationship of the tree to the garden and dwelling over rides the medium public amenity provided by the tree and thus justifies the proposal. For this reason the appeal is allowed subject to a condition that a replacement tree of a species to be agreed between the parties is planted within the garden within 6 months of the felling of the tree.

**RELEVANT POLICIES**

West Sussex Sturcture Plan: DEV1 (now cancelled)

Arund District Local Plan: GEN7

**POLICIES SUPPORTED**

None

**APPLICATION FOR COSTS MADE/REASON**

None

**COSTS AWARDED**

N/A

**COMMENT**

Comments noted.

**Background Papers:** LU/368/08/T

**Contact:** Mr P Cleveland

**Telephone:** 01903 737500 x 37370

**DEVELOPMENT CONTROL COMMITTEE**

**12 August 2009**

**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**

**RUSTINGTON**

<b><u>Reference</u></b>	<b><u>Development Description</u></b>	<b><u>Location</u></b>
R/101/09/	Extension.	1 Walders Road Rustington
<b>Case Officer :</b>	Mr P Cleveland	
<b>Recommendation:</b>	Approve Cond	

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**PAGHAM**

<b><u>Reference</u></b>	<b><u>Development Description</u></b>	<b><u>Location</u></b>
P/55/09/	New infill front extension with mono pitch roof and internal alterations.	3 Webb Close Bognor Regis West Sussex
<b>Case Officer :</b>	Ms A Paice	
<b>Recommendation:</b>	Approve	

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**LITTLEHAMPTON**

<b><u>Reference</u></b>	<b><u>Development Description</u></b>	<b><u>Location</u></b>
LU/88/09/	Erection of 1 no. 3 bedroom chalet bungalow on the land to the rear of 40 Kent Road.	40 Kent Road Littlehampton
<b>Case Officer :</b>	Mrs J Chapman	
<b>Recommendation:</b>	Approve Cond	

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**FINDON**

<b><u>Reference</u></b>	<b><u>Development Description</u></b>	<b><u>Location</u></b>
FN/37/09/	Regeneration of dilapidated stable yard and associated buildings comprising replacement dwelling with ancillary stable yard and storage barn, 3 no. holiday cottages and 2 no. residential dwellings. (Departure from the Development Plan)	Soldiers Field Stables Soldiers Field Lane Findon
<b>Case Officer :</b>	Ms E E Hearsey	
<b>Recommendation:</b>	Approve Cond	

---

**FERRING**

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
FG/72/09/	Variation of condition no.5 of planning permission FG/135/02 - to use part of the premises as a refreshment area ancillary to Highdown Vineyard.	Highdown Vineyard Littlehampton Road Ferring

**Case Officer :** Mrs A Gardner

**Recommendation:** Approve Cond

### **EAST PRESTON**

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
EP/64/09/	Amendment to previously approved planning permission EP/137/03 for extension to existing bungalow	Seacot South Strand East Preston

**Case Officer :** Mr P Cleveland

**Recommendation:** Approve Cond

### **BOGNOR REGIS**

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
BR/96/09/	Alterations to existing covered walkway to facilitate retention and effect access to ground floor bedroom.	4 Gatehouse Mews Sudley Road Bognor Regis

**Case Officer :** Ms A Paice

**Recommendation:** Approve Cond

BR/123/09/	Erection of 2 no. semi detached bungalows and garages	Land To The Rear Of 56 Richmond Road Bognor Regis
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**Case Officer :** Mr J Baeza

**Recommendation:** Approve Cond

### **BERSTED**

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
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BE/47/09/ Outline Application for the demolition of all existing buildings and redevelopment of the site with up to 70 dwellings (up to 28 Affordable), public open space and strategic landscaping. Departure from the Development Plan  
Chalcroft Nursery & Associated Lar  
Chalcraft Lane  
Bognor Regis

**Case Officer :** Mrs C Rodway

**Recommendation:** AppCond SubS106

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### **BARNHAM**

<b><u>Reference</u></b>	<b><u>Development Description</u></b>	<b><u>Location</u></b>
BN/10/09/	Roof Extension	Greenlands Park Road Barnham

**Case Officer :** Ms A Paice

**Recommendation:** Approve Cond

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### **ARUNDEL**

<b><u>Reference</u></b>	<b><u>Development Description</u></b>	<b><u>Location</u></b>
AB/75/09/	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for provision of 24m long pontoon embarkation & landing facility in the River Arun for riverboat cruises & public mooring. The existing masonry steps & landings will remain unchanged but cease to be used.	River Arun adjacent to Town Quay Immediately downstream of Queen Street Bridge Arundel

**Case Officer :** Mrs A Gardner

**Recommendation:** Approve Cond

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### **ANGMERING**

<b><u>Reference</u></b>	<b><u>Development Description</u></b>	<b><u>Location</u></b>
A/49/09/	Proposed demolition of garage and construction of a single storey side extension	12 Ferndale Walk Angmering

**Case Officer :** Mr P Cleveland

**Recommendation:** Approve Cond

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**PLANNING APPLICATION REPORT****REF NO:** R/101/09/**LOCATION:** 1 Walders Road  
Rustington**PROPOSAL:** Extension.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The 2 storey extension will measure approximately 7.8m x 7.2m x 5.3m high. The ground floor will extend approximately 1.6m further to the side of the extension.
SITE AREA	Approximately 324 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	The site is raised up from the highway.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The southern and western boundaries to the rear of the site are enclosed by 1.8m high wooden fencing and trees on the southern boundary approximately 4m high. The eastern boundary has a brick wall approximately 1.8m high.
SITE CHARACTERISTICS	Semi detached 2 storey property. Rendered white painted wall, hipped red tiled roof. Flat roof addition to the west elevation.
CHARACTER OF LOCALITY	The site is located in a corner location. Surrounded by residential properties. The area is characterised by semi detached properties.

**RELEVANT SITE HISTORY**

None

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

Rustington Parish Council

Objection: By reason of its height and mass the extension would present an overbearing appearance, which would have a detrimental impact on the visual amenities and quiet enjoyment of the neighbouring properties, in particular No.3 North Lane. Over-development of the site.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted. The proposal extends towards the highway and is not considered to result

in unacceptable loss of amenity to the neighbouring property No.3 North Lane maintaining some 6 metres from the southern boundary adjoining No.3.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

None

### COMMENTS ON CONSULTATION RESPONSES:

None

## POLICY CONTEXT

Designation applicable to site:  
Within the Built-up Area Boundary

### DEVELOPMENT PLAN POLICIES

South East Plan:

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

### PLANNING POLICY GUIDANCE

PPS1                      Delivering Sustainable Development

## 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 or legislative background.

## CONCLUSIONS

Principle

The proposed application seeks permission for a 2 storey extension to the side elevation of the property. The site is located within the built-up area boundary where development is acceptable in principle.

Visual Amenity

The extension is proposed on the eastern side of the property and would replicate the style of the existing hipped roof. While the proposed extension would alter the appearance of the semi's the replication of the existing design and careful use of materials would ensure that the extension would blend with the existing house. Overall the proposal is considered to be an attractive addition and would maintain the character and appearance of the property and pair of semi's as a whole. It is noted that the dwelling opposite the site has been significantly extended to the east side of the property.

#### Residential Amenity

The proposal is to extend towards the highway to the east of the site therefore the proposal is not considered to impact upon residential amenity of the neighbouring properties by way of the overbearing affect or loss of light. The proposal includes fenestrations to the front and rear and 2 roof lights on the side elevation. The fenestrations are not considered to give rise to further overlooking of the neighbouring property to that of the existing fenestrations. The proposal maintains some 6 metres from the southern boundary adjoining No.3 North Lane and this together with the siting of the extension is considered to minimise unacceptable loss of amenity by way of the overbearing affect or loss of light.

#### Conclusion

The proposed development is considered to be in keeping with the surrounding area with some neighbouring properties having been previously extended. The design ensures that the addition appears visually integrated to the existing building which mitigates unacceptable loss of amenity to the character and appearance of the surrounding residential area and neighbouring properties.

It is therefore recommended that the application be 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 materials and finishes of the external walls and roof of the extensions hereby permitted shall match in colour and texture those of the existing dwellings.

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

- 3 **INFORMATIVE:** Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

#### 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

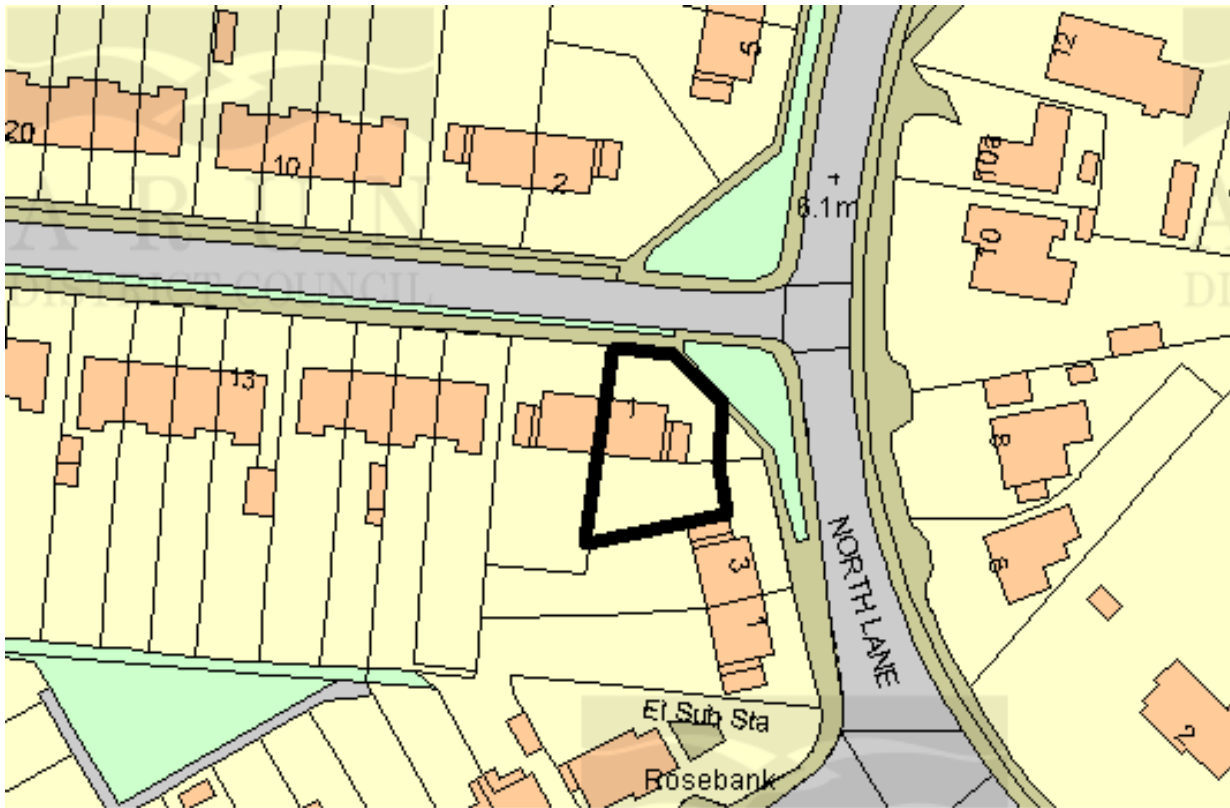
NATIONAL POLICIES: PPS1

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

**R/101/09/ Indicative Location Plan**

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**PLANNING APPLICATION REPORT****REF NO:** P/55/09/**LOCATION:** 3 Webb Close  
Bognor Regis  
West Sussex**PROPOSAL:** New infill front extension with mono pitch roof and internal alterations.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 200 square metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open to front
SITE CHARACTERISTICS	The site is a two storey terraced property with pale brick and plain tile hung elevations, with an irregularly shaped pitched roof and integral garage.
CHARACTER OF LOCALITY	The site is located in a residential cul-de-sac, whilst there are two storey dwellings within the immediate vicinity, the wider locality is predominantly of bungalow dwellings.

**RELEVANT SITE HISTORY**

None

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

Pagham Parish Council

Objection.

After careful consideration members resolved to object to this application on the basis of the following Local Plan Policies:

-DEV19:

(i) extension sympathetically relates, with visually integrated design and form?

(iii) adverse, overbearing?

(v) compromise the established spatial character and pattern of the street?

GEN7:

(i) responds positively to the identified characteristics?

(iv) unacceptable adverse impacts?

Pagham Village Design Statement:  
 -privacy, density linked buildings?  
 -significantly obtrusive enclosure of frontages?

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

Noted. Whilst it is appreciated the appearance of the dwelling would be slightly different from others in the terrace, the proposed extension is considered to be relatively modest, visually integrated with and sympathetic to the existing dwelling. It would protrude no further than the existing front elevation, and as such is not considered to result in a significant obtrusive enclosure of the frontage.

## **CONSULTATIONS**

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

None

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

Comments noted

## **POLICY CONTEXT**

Designation applicable to site:  
 Tree Preservation Order  
 Open Plan Condition  
 Within the Built Up Area

#### **DEVELOPMENT PLAN POLICIES**

South East Plan:

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

#### **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

This application seeks to construct a single storey infill extension to the front of 3 Webb Close, Paghham.

The proposed extension would measure approximately 5.5m in width, 9m in depth, with a mono-pitched roof reaching a maximum height of approximately 4.1m. The extension would provide a garage to the front of the property, whilst the existing garage would be converted to provide a dressing room and ensuite bathroom.

Since the proposed extension is an 'infill' extension, it would not result in any alteration to the appearance of the side elevations of the dwelling. There would be an up and over garage door to front, as previous, and a concrete tiled mono-pitched roof to match the existing. To the rear, the up and over door would be replaced with a high level window, and an external spiral stair case would be added to the existing first floor balcony. It is noted that an external staircase has been added to the rear of the adjoining property, no. 2 Webb Close.

It is therefore considered that the proposed development would be in keeping with the existing dwelling, and whilst it would be visible from the street scene, it is not deemed to have a detrimental effect on the visual amenities of the locality. Neither is it deemed to have a significant effect on the residential amenities of the occupiers of neighbouring dwellings by means of being overbearing, or by giving rise to overlooking.

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

## RECOMMENDATION

APPROVE

- 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 INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

### 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 22 and full reasons appear in the Officer report.

**P/55/09/ Indicative Location Plan**

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**PLANNING APPLICATION REPORT****REF NO:** LU/88/09/**LOCATION:** 40 Kent Road  
Littlehampton**PROPOSAL:** Erection of 1 no. 3 bedroom chalet bungalow on the land to the rear of 40 Kent Road.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Proposal is for a detached 3 bedroom dwelling in the rear garden of 40 Kent Road with pedestrian access to the site from Hampton Fields.
SITE AREA	Approximately 264 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Rear boundary has wall + close boarded fencing approximately 2m in height, wall to public bridleway east side boundary approximately 2m in height, west side boundary close boarded fencing approximately 2m in height.
SITE CHARACTERISTICS	Site is currently garden area to 40 Kent Road which is a bungalow. There is currently a garden shed and portable swimming pool structure to the rear with a decking area and pond.
CHARACTER OF LOCALITY	Predominantly residential characterised by a mixture of chalet, two storey and detached bungalows of similar plot size.

**RELEVANT SITE HISTORY**

LU/190/07/	Conversion of existing garage and study, to bedrooms and bathroom.	Approve Cond 03-08-2007
LU/64/96	Conservatory	Approve Cond 19-04-1996
LU/377/90	Alterations to garage, study and dining room extension approved under LU/397/87	Approve Cond 17-12-1990

LU/397/87

Garage, study, dining room and w.c extensions.

Approve Cond  
02-11-1987

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objection

It is deemed to be overdevelopment of the site. Access to the proposed property is also unclear as it appears to be via a pedestrian walkway.

6 Letters of Objection

Overlooking and loss of light to neighbouring properties. Neighbouring property sited at a lower level than the application site. Restricted access to the site and no parking provision. Bridleway and public footpath is used constantly especially for the school run. Properties in Hampton Fields own the rights to the layby in front of these houses. The proposed dwelling will look an eyesore. An additional dwelling will cause noise, congestion and increase pollution levels. Having studied the revised plans, I can see no improvement apart from the proposed property being shown a few feet further back from my boundary.

### COMMENTS ON REPRESENTATIONS RECEIVED:

Comments Noted.

It is not considered that this is overdevelopment as the dwelling is well designed and can be easily accommodated within the site and conforms to the densities and plot sizes of surrounding properties.

There would be no materially adverse effect on adjoining properties by reason of loss of outlook or light given the siting of the property and its relation to neighbouring boundaries. The site is comparable with other plots within the vicinity. The additional dwelling would not materially increase noise levels or activity at the site. Rights of access are a private legal matter.

## CONSULTATIONS

WSCC Local Development Divis.

WSCC Local Development Divis.

### CONSULTATION RESPONSES RECEIVED:

County Highways.

No objection in principle. The access width onto Hampton Fields is restricted and the residential use is assumed to have a nil car parking provision. A nil car parking provision does accord with the WSCC maximum parking standards and no highway safety concerns would be raised. The property is within walking distance of a range of services and public transport, hence there should be no reliance as such on the use of a private car. The application is in compliance with PPG13 in encouraging the use of sustainable transport.

### COMMENTS ON CONSULTATION RESPONSES:

Noted.

## POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary  
Public Right of Way

**DEVELOPMENT PLAN POLICIES**

South East Plan:	SEPH5	Housing Design and Density
Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN12	Parking in New Development

**PLANNING POLICY GUIDANCE**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

**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 lies within the built up area boundary where residential development is acceptable in principle, subject to normal development control criteria. Government advice contained within PPS1 and PPS3 advocates efficient use of previously developed land within urban areas, especially where sites are located within sustainable locations. The site meets this criteria in that it is close to bus routes and station and the size of the plot is comparable with others in the locality.

Visual Amenity/Character

The dwellings in the immediate vicinity are bungalows and two storey with terraced properties to the north in Hampton Fields. The proposal is to construct a traditional style dwelling one and a half storeys with a pitched roof which will allow for two floors. The elevations comprise red brick and rendering with high quality finishes in a Sussex style.

#### Residential Amenity

The front elevation to the east will overlook the public bridleway and the rear gardens of No 36 and 38 Kent Road, the properties being sited approximately 22m-28m away. There is a dormer window proposed which will serve the bedroom and due to its siting it is not considered that this would create any direct overlooking or loss of privacy to the occupiers of No 36 and 38. The immediate property to the rear which is a detached bungalow 'Pathside' is sited approximately 7m away and is sited on a lower level than the application site. However, substitute plans have been received which amend the siting of the dwelling and this is now sited approximately 11m away. It is considered that the proposed dwelling may create some limited overshadowing in the late afternoon but with the absence of windows on the north side elevation of the proposal it is not considered that this would create any harmful overlooking or loss of privacy.

#### Highways

The proposal does not provide for vehicular access to the property only pedestrian access and the existing access from Hampton Fields is to be utilised.

Current Government Policy encourages local authorities to relax parking provision standards or accept no parking provision in such areas where other means of transport are available such as buses and trains. County Highways have been consulted and have raised no concerns regarding highway safety. The property would be within walking distance of a range of services and public transport, hence there should be no reliance as such on the use of a private car. Cycle parking will need to be increased to reflect the county's cycle per bedroom policy. Concern is raised in relation to access for construction and it is essential that safe and convenient public access is maintained at all times across the width of the public footpath.

#### Summary

The application site falls within a sustainable location and complies with national and regional housing policies. The proposed dwelling is well designed and can be easily accommodated on the site and the site conforms to the densities and plot sizes of surrounding properties. The existing boundary wall and hedging is to be retained and soft landscaping is to be planted within the site. Furthermore, the proposal would not be obtrusive in the street scene, or compromise the established pattern of the surrounding properties.

It is therefore recommended that the application be 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 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 building has been submitted to



and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The building hereby permitted shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority to prevent surface water discharging onto the public highway.

Reason: In the interests of road safety and to accord with approved policy in accordance with policy GEN7 of the Arun District Local Plan.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no windows or other openings (other than those shown on the plans hereby approved) at first floor level or above shall be formed in the north or west side elevations of the building without the prior permission of the Local Planning Authority on an application in that behalf.

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

- 5 The building hereby permitted shall not be occupied until provision for secure and covered cycle provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: To ensure that adequate and satisfactory provision is made for the storage of cycles within the site in accordance with policy GEN7 of the Arun District Local Plan.

- 6 This permission relates to the plans as submitted and amended by substitute plans dated 2nd July 2009.

Reason: For the avoidance of doubt.

- 7 INFORMATIVE: The West Sussex County Council, Rights of Way Team would remind applicants that safe and convenient access is maintained at all times, across the full width of the public footpath and is not obstructed in any way by vehicles, plant, scaffolding or the temporary storage of materials. The applicant will also be liable for any damage/distrurbance to the surface of the route arising from construction works and would be liable for any repairs. Any repairs or proposed alterations to the surface of the path must be approved by the Public Rights of Way team prior to being undertaken.

- 8 INFORMATIVE: The West Sussex County Council as Highway Authority would remind applicants that they may have to provide on the application site, areas for the parking and unloading of vehicles, temporary contractor buildings, plant and stacks of materials as the use of the adjacent public highway for these purposes may not be acceptable under the terms of the Highways Act.

- 9 INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

#### 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, GEN12

SOUTH EAST PLAN: H5

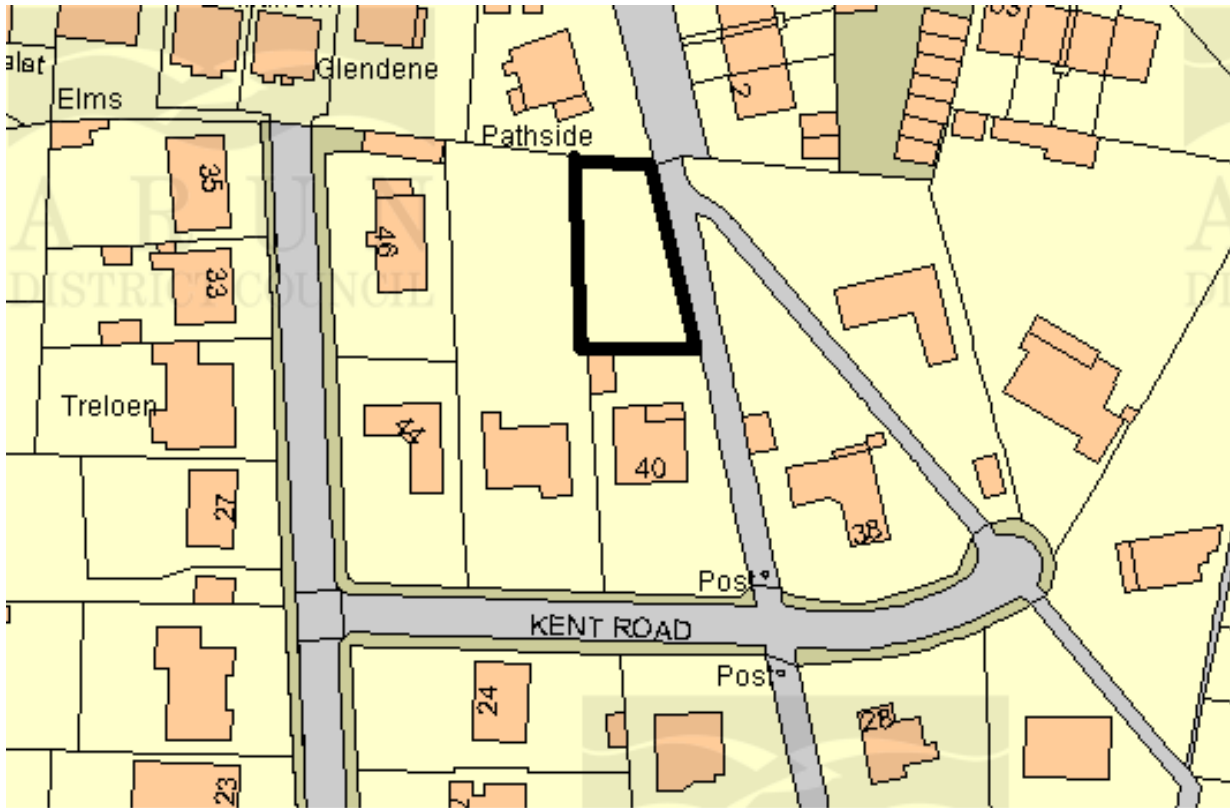
NATIONAL POLICIES: PPS1, PPS3, PPG13

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

**LU/88/09/ Indicative Location Plan**

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**PLANNING APPLICATION REPORT**

**REF NO:** FN/37/09/

**LOCATION:** Soldiers Field Stables  
Soldiers Field Lane  
Findon

**PROPOSAL:** Regeneration of dilapidated stable yard and associated buildings comprising replacement dwelling with ancillary stable yard and storage barn, 3 no. holiday cottages and 2 no. residential dwellings. (Departure from the Development Plan)

**SITE AND SURROUNDINGS**

**DESCRIPTION OF APPLICATION**

As above. The buildings within the site will be, reading in a clockwise direction from the north of the site, the proposed development will comprise:-  
 'Stables Courtyard' which comprises 2 buildings, the first building housing 5 stables with feedstore and tack room with a bathroom and bedroom over. The second building will comprise 3 stables.  
 The next plot comprises 'The Farmhouse' being a 2 storey 4 bedroom dwelling.  
 The next plot comprises 'The Barn' which is 1 and 2 storey 4 bedroom dwelling, there will also be a double garage at the entrance to this plot.  
 The southern section of the site will comprise 'The Cottage' which has a single storey perspective from the rear abutting the fields and 2 storey perspective to the front of the site. This will be a 3 bedroom dwelling.  
 To the south west corner will be a bin store which is a conversion of the existing stable building fronting Soldiers Field.  
 The last plot on the site to be mentioned is to the west of the site will house a selection of buildings being 'Holiday Stables' with 2no. stables adjoining 'Holiday Cottages' a 1 1/2 storey structure with 2 bedrooms. And finally, 'Storage Barn' which is a single storey structure for storage.

**SITE AREA** 0.352 hectares

**RESIDENTIAL DEVELOPMENT DENSITY (NET)** 8.5 dwellings per hectare.

**TOPOGRAPHY** On slightly rising land. Land continues to rise gently outside of the site up to Cissbury Ring.

**TREES** None of any significance affected by the proposed development.

**BOUNDARY TREATMENT** Trees around boundary and on the periphery mainly Cupressus type trees to front boundary area. Gates to the site are approximately 2.5 metres high. There is some walling to the site entrance. Otherwise the existing buildings form boundaries of the site.

**SITE CHARACTERISTICS** Former stable yard fallen into disrepair, informally occupied. Dwelling on site and many stables, the entrance to the site enters onto a courtyard. Buildings numbers some 14 on the site and nigh on fill the whole site with built form. Indeed the areas between the building are generally concrete paths/access. Existing vehicular access into the site off of Soldiers Field Lane. One of the buildings on site fronts onto the Lane, also in poor condition. Most of the buildings are single storey although there is a 2 storey barn structure in the centre of the site which has vehicular access and walk way through it to the northern part of the site. The buildings effectively are four sides of the site. Most are blockwork with corrugated roofs. Site very visible from the public right of way and in particular from Cissbury Ring.

**CHARACTER OF LOCALITY** Within an Area of Outstanding Natural Beauty and located outside the Built Up Area Boundary, adjacent to rights of way. However the site reads as if it were in the Built Up Area Boundary as the road that leads to the site has residential properties off to the south and west of the site. Most of the dwellings within the near locality are generally large, detached and 2 storey properties. There are public rights of ways and bridle ways leading off the site and close to the site. Cissbury Ring lies to the east of the site.

**RELEVANT SITE HISTORY**

FN/74/04/	Demolition of a 6 bedroom detached dwelling and 1.605m2 of commercial buildings and the erection of 4 detached dwellings. Departure from the Development Plan.	Refused 11-05-2005  Appeal: Dismissed 24 07 2006
FN/74/03/	Change of use for the conversion of former stables and storage buildings to B1 business use and B8 storage use	Refused 27-01-2004
FN/14/03/	Demolition of a six bedroom detached dwelling and 1.605 sq mtrs (17.276 sq ft) of commercial buildings and the erection of four detached dwellings (Departure from the Development Plan).	Refused 10-09-2003

FN/39/02/	Outline application for redevelopment of part redundant racing stables with 5no. detached dwellings (Departure from the Development Plan)	Withdrawn 11-12-2002
FN/59/01/	Outline application for redevelopment of part redundant racing stables with 5 No. detached dwellings (Departure from the development plan)	Withdrawn 12-12-2001
FN/5/73	Racing stables	Approve 02-03-1973
FN/41/72	Additional stabling	Approve 04-08-1972
FN/34/71	Staff accommodation	Approve 24-07-1971
FN/28/70	Racing stables	Approve 10-07-1970
FN/24/70	Racing stables	Approve 05-06-1970
FN/4/70	Stable boys accommodation	Approve 24-04-1970
FN/6/67	Block of 6 stables	Approve 10-03-1967

## **REPRESENTATIONS**

### **REPRESENTATIONS RECEIVED:**

Findon Parish Council

Awaited.

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

None

## **CONSULTATIONS**

WSCC Local Development Divis.

South Downs Joint Committee

Parks and Landscapes

Environmental Health

Cultural Development

### **CONSULTATION RESPONSES RECEIVED:**

District Environmental Health : No objections.

County Highways : No highway objections. The applicant has provided traffic data to show that the existing use has the potential to generate almost double the number of car movements per day and over 10 times as many lorry movements as a proposed use. This suggests that there will be no intensification of use as a result of this proposal when compared with the potential vehicular movements associated with the existing permitted use.

Safe and convenient public access is to be available at all times across the full width of the public right of way. The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and/or chemicals.

County Ecology : No strategic ecological objections subject to an Informative.

County Landscape Architecture : No strategic landscape objections although it is recommended that locally native trees and hedges are used as planting material.

District Parks and Greenspace : No objections. The proposal is an improvement in landscape terms to the existing buildings. Continuous screening in the form of a hedge should be provided on the eastern boundary of the proposed development site. Landscaping in the form of a detailed planting plan must be conditioned with any permission.

Further survey of Bats should be conditioned with any permission during the construction work.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted

**POLICY CONTEXT**

Designation applicable to site:  
 Area of Outstanding Natural Beauty  
 Outside the Built-up Area Boundary  
 Public Right of Way

**DEVELOPMENT PLAN POLICIES**

South East Plan:	SEPC3 SEPTSR2 SEPTSR5	Areas of Outstanding Natural Beauty Rural Tourism Tourist Accommodation
Arun District Local Plan:	GEN3 GEN7 GEN12 AREA9 DEV5	Protection of the Countryside The Form of New Development Parking in New Development Area of Outstanding Natural Beauty Horse Related Development

**PLANNING POLICY GUIDANCE**

	PPS1 PPS3 PPS7	Delivering Sustainable Development Housing Sustainable development in rural areas
Supplementary Guidance:	XXX3	Good Planning Practice Guide on Tourism

**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 either the Area of Outstanding Natural Beauty or the countryside in general.

## **OTHER MATERIAL CONSIDERATIONS**

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

## **CONCLUSIONS**

Principle:

The site lies within an Area of Outstanding Natural Beauty and outside the Built-up Area Boundary as defined by the Arun District Local Plan, where development not essential for agriculture, forestry, mineral extraction or disposal of waste, quiet informal recreation, rural diversification or essential community needs would likely be refused.

The current application will provide a mix of residential and tourism, in the form of a replacement dwelling, 2no. new dwellings and 3no.holiday cottages. Both the replacement dwelling and the holiday cottages will have stabling on the plots. The proposal is in line with the quiet informal recreation, and rural diversification matters as outlined within the related policies.

Previous Uses:

The site history is of importance for the determination of the proposal, for as can be seen, the original use related to a racing stable use, and indeed the site is laid out with and is virtually all covered with related stable buildings and structures. Areas not covered with buildings being concreted/tarmaced for access links.

The racing stables use has ceased some years ago and in consequence, the buildings have fallen into a poor condition. Since 2001, applications have been submitted to redevelop the site and have either been withdrawn or refused. The proposals for each of the applications were considered not to offer any benefits from the development, particularly in relation to the landscape of the AONB to outweigh any harm to the countryside location.

The last application submitted on the site was for 4no. large residential dwellings with no associated tourist, agricultural or forestry use. At appeal the Planning Inspector considered that the existing buildings would be readily noticeable in the mid distance views from Cissbury Ring and at other viewpoints along adjoining bridleway network, and that the proposed dwellings would benefit the mid-distant views such as Cissbury Ring. However he concluded that the proposal conflicted with the development plan policies for residential development in the countryside and that the small benefits arising from the scheme were insufficient to outweigh this harm and conflict with policy.

Visual Amenity and Impact on Landscape:

The existing development on the site currently covers the land with hard surfacing and buildings. From public footpaths including the important views from Cissbury Ring, the buildings have a utilitarian appearance and detract from the natural beauty of the landscape. The removal of these buildings would enhance both the landscape and the AONB.

The design of the proposed buildings reflect typical rural structures and the use of materials such as clay rooftiles, flint or timber weather boarded elevations, would also enhance the locality. The



rear perspective of the roofs of the buildings generally have no windows, this will therefore prevent glare onto the countryside views and will continue the appearance of typical rural structures.

**Residential Amenity:**

Findon village lies within the AONB and contains many residential properties which contribute to the ambience of its setting. The proposal is accessed off an existing lane which has residential properties off of it. The minimum distance of these dwellings from those proposed is some 20m and in many instances considerably further.

The 20m separation is between the 'Holiday Stables', the 'Holiday Cottages', and 'Storage Barn' section. All of which are principally single storey and will be screened by a landscaped section. Thereby it is not considered that these buildings would result in unacceptable overshadowing, or overbearing of the residential properties to the west.

**Conclusion:**

The site is a brownfield site as defined in Annex B of PPS3 within the AONB and countryside, and will be providing a group of dwellings and tourist related cottages with an equine link. The existing sandschool and grazing paddocks to the north and east will remain, (these are outside of the application site).

The buildings will provide a good design mix of typical rural structures that relate well to their surroundings and most importantly to the AONB and the countryside.

The proposal now conforms with development plan policies as it provides horse related tourist accommodation which would need a countryside location.

It offers a good use for the site as a replacement to the run down and inappropriate buildings on the site, and when viewed from outside of the site, particularly Cissbury Ring, will be a visual improvement.

The proposal is one which will result in a satisfactory scheme which would enhance its location and therefore is recommended for approval 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 Details of screen walls and/or fences shall be submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences approved have been erected.

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

- 3 The buildings shall not be occupied until the parking spaces, turning facilities, and garages shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking, turning and garaging of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The 'Storage Barn' shown on the plans hereby permitted shall be used only as an ancillary barn for the tourist equine use and for no other purpose without the prior permission of the Local Planning Authority in an application on that behalf.

Reason: To safeguard the amenities of the countryside location and neighbouring properties in accordance with policy GEN7 of the Arun District Local Plan.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and 2008, the buildings shall not be extended or altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In order to control the development in the interests of the character and appearance of this building group which is within an AONB and outside the built-up area, as defined, where normally only that development essential in the interests of agriculture/forestry is permitted in accordance with policy GEN7 of the Arun District Local Plan.

- 6 No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping/hard and soft/, which shall include indication of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

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

- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 8 INFORMATIVE: The applicant is advised to contact West Sussex County Council Legal Services (01243 642105) to obtain the necessary information to enter into a Section 59 Agreement under the 1980 Highways Act. This Agreement is required due to the traffic that would be generated during the building works and to provide a means of making good the public highway following the cessation of construction traffic and building work upon the site.

- 9 INFORMATIVE: The applicant is advised that should protected bat species be present work must stop and Natural England informed. A licence may be required from Natural England before works can re-commence, Natural England will advise.

- 10    INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

**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 the AONB, the visual or countryside amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

**RELEVANT POLICIES**

**SOUTH EAST PLAN:** SEPC3, SEPTSR2, SEPTSR5

**LOCAL PLAN:** GEN3, GEN7, GEN12, AREA9, DEV5

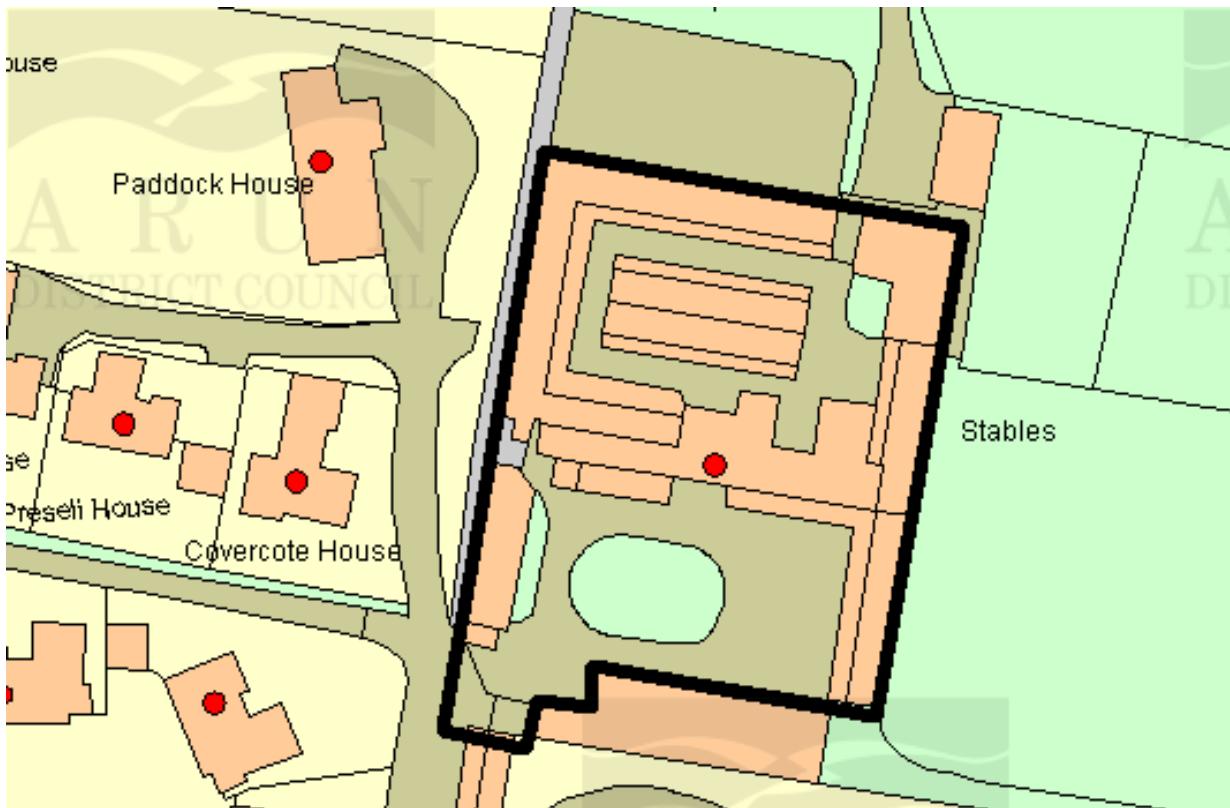
**NATIONAL POLICIES:** PPS1, PPS3, PPS7, and Good Planning Practice Guide on Tourism

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

**FN/37/09/ Indicative Location Plan**

**(Do not Scale or Copy)**

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



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**PLANNING APPLICATION REPORT**

**REF NO:** FG/72/09/

**LOCATION:** Highdown Vineyard  
Littlehampton Road  
Ferring

**PROPOSAL:** Variation of condition no.5 of planning permission FG/135/02 - to use part of the premises as a refreshment area ancillary to Highdown Vineyard.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	<p>This application relates to Condition 5 imposed on application ref: FG/135/02. The condition states that "the proposed building shall only be used for agricultural/horticultural purposes. The sale and display of produce shall at all times remain ancillary to produce grown on the land or produced at the winery.</p> <p>Reason : To control the use in the interest of the rural character of the locality.</p> <p>The proposal is to enable use of part of the existing winery building for serving refreshments to visitors and customers to the vineyard particularly those who come for wine testing/tours. This would be ancillary to the vineyard. 48 covers would be provided. Application area is within the central portion of the existing barn building and permission is sought on a permanent basis.</p>
SITE AREA	5.5 hectares approximatley.
RESIDENTIAL DEVELOPMENT DENSITY(NET)	N/A
TOPOGRAPHY	Predominantly flat. Slopes upwards from south to north by approximately 1 metre.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Post and rail fencing surrounds the vineyard. 300mm high fencing and hedge and shrubs to frontage.
SITE CHARACTERISTICS	Active vineyard with vines adjacent to roadway. Central portion of existing barn style building is currently empty. Tasting areas and sales section of building.
CHARACTER OF LOCALITY	Predominantly rural. Nursery unit to west. Several small structures and detached chalet bungalow adjoining to east. Some residential and agricultural buildings within wider area.

## RELEVANT SITE HISTORY

FG/61/07/	Variation of Conditions 1 and 9 imposed on planning permission FG/36/06 -concerning renewal of temporary use of part of ground floor for customer refreshment area and allowing opening on Bank Holidays.	Withdrawn 05-06-2007
FG/36/06/	Variation of condition no 5 of planning permission FG/135/02 - part use of ground floor for customer refreshment area.	Approve Cond 11-05-2006
FG/135/02/	Removal of condition no.5 imposed upon planning permission FG/119/99 requiring demolition of building within 12 months of cessation of use for agricultural or horticultural purposes.	Approve Cond 12-02-2003
FG/119/99/	Erection of winery	Approve Cond 12-04-2000

FG/36/06 was a temporary permission, expiring on 31-05-2007

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Ferring Parish Council

Objection. Condition 5 of planning permission FG/119/99 was rightly imposed to ensure that development was maintained for agricultural use only, in order to maintain the rural character of the area. The provision of a refreshment area in this development would set an undesirable precedent which could encourage adjoining businesses to follow suit.

The concerns of County Highways are noted on FG/160/05 in respect of the change to the pattern of traffic movement on the A259 caused by motorists generally making use of the facilities proposed which do not accord with the provisions of Policy GEN10 which seeks to protect the countryside from this sort of development.

The Parish Council sees no reason why the original decision should be modified as there has been no change to the original use as a winery and strongly objects to the proposed installation of a refreshment area.

Ferring Road Scheme Association : Objects to requesting commercial use of the vineyard premises. There should be no provision for a separate refreshment area for visitors which will increase the problems for cars going in and off the very busy A259. This is at the foot of the Downs. It is important the agriculture status of the land is retained.

Ferring Conservation Group : Proprietors clearly had another use in mind when they erected a road sign several years ago advertising a Bistro. A refreshment area, whether serving alcohol or not creates a new use of the land which is not ancillary to the agricultural/horticulture use. The condition is necessary to preserve the character of this countryside area below Highdown Hill, which is continually threatened by applications for non agricultural development. Because of the attempts to build a factory unit, offices, mobile home etc., to the north this condition is needed there to safeguard the character of this area.

The advice from Highways Authority is pithy but it must be obvious that attracting more

vehicles (including coach parties) to enter and leave the busy A259 at this point would create unnecessary hazards and obstructions.

One letter of representation stating no objection if to assist sales of wine but if to provide refreshment to passing motorists objection

Two letters of support. This facility would realise the full potential of the vineyard and enable visitors to enjoy the ambience of this attractive and interesting agriculture development. Local businesses should be encouraged at this hard time. Good attraction to tourists. Would not cause harm.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

County Highways have no objection to the proposal.

The building is currently tied to an agricultural/horticultural use. The application is to vary this use and the application will be dealt with on its own merits. The proposed change of use would not cause demonstrable harm to the character of the surrounding rural area. The site is not at the foothills of the South Downs.

**CONSULTATIONS**

WSSC Local Development Divis.

**CONSULTATION RESPONSES RECEIVED:**

County Highways:

Various correspondence. The refreshment use had ceased since it was originally implemented. Therefore suggest a 2 year temporary permission to enable to re-assess the highway implications.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted. The applications referred to by Highways are FG/36/06 and FG/61/07, where FG/36/06 varied the condition, the subject of this application. It was given a temporary permission for 1 year to monitor the effect of the proposal on traffic movements. FG/61/07 sought to make the permission permanent, however because of a legal matter unrelated to planning, the applicant withdraw the application before the decision was finalised.

**POLICY CONTEXT**

Designation applicable to site:

Outside Built Up Area Boundary  
Class A Road

**DEVELOPMENT PLAN POLICIES**

South East Plan:

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development

**PLANNING POLICY GUIDANCE**

PPS1	Delivering Sustainable Development
PPS7	Sustainable development in rural areas
PPG13	Transport

**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 rural 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**

### **BACKGROUND**

This application relates to Condition 5 imposed on application ref: FG/135/02. The condition states that "The proposed building shall only be used for agricultural/horticultural purposes. The sale and display of produce shall at all times remain ancillary to produce grown on the land or produced at the winery. Reason: To control the use in the interest of the rural character of the locality'.

FG/36/06 varied the condition, the subject of this application, and was given a temporary permission of 1 year to expire in May 2007. The reason for the temporary nature of this permission was in order to monitor the effect of the proposal on traffic movements.

FG/61/07 sought to remove the temporary permission and thus to make the customer refreshment area permanent. No objections to the proposal were raised by County Highways to the application. However, due to a legal situation, unrelated to the planning application, the application was withdrawn.

### **EXTENT OF USE**

Supporting information from the applicant states that the planning application relates to the use of part of the existing winery for the provision of refreshments to clients and customers visiting the vineyard. The refreshment use is therefore ancillary to the vineyard and will provide customers with an area in which they may take refreshments, particularly following guided tours of the vineyard which the applicants are now providing. Opening hours in terms of refreshment have previously been restricted to 10.00 am to 8.00 pm Mondays to Saturdays and from 10.00 am To 5.00 pm On Sundays.

A temporary permission for one year was previously granted under planning permission FG/36/06 for one year and this has now expired.

### **VISUAL AMENITY**

It is considered that the proposed variation of condition would be reasonable, provided it is carried out in connection with the winery and thus remains related to the agriculture/horticultural activities on the site. It is considered that this could be ensured through the use of conditions.



The proposal would involve no external changes to the building and would remain of a similar internal layout to that previously approved under ref: FG/119/99/ for the winery. Further, the proposed seating area is considered to be modest in size and would not, it is considered, cause demonstrable harm to the character of the rural area in terms of its visual impact or the increase in traffic generated to the site.

**RESIDENTIAL AMENITY**

The site is relatively isolated with no nearby residential properties and therefore no adverse effect on residential amenity.

It is therefore recommended that planning permission should be granted, subject to the conditions set out below.

**RECOMMENDATION**

**APPROVE CONDITIONALLY**

- 1 The use of the part of the building hereby permitted shall be discontinued permanently and restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, on or before the expiration of the period ending on 12th August 2011.

Reasons: To enable the Local Planning Authority to monitor the affect of the proposal on traffic movements to and from the site in accordance with policy GEN7 of the Arun District Local Plan and PPG13 Transport.

- 2 The premises shall be used as a refreshment area, ancillary to Highdown Vinery only and for no other purposes whatsoever.

Reason : To control the use in the interest of the rural character of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no first floor accommodation or mezzanine floors shall be provided unless permission is granted by the Local Planning Authority on an application in that behalf.

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

- 4 The proposed refreshment area shall be located within the area, as identified on the submitted floor plan only and for no other location unless agreed in writing by the Local Planning Authority in an application on that behalf.

Reason: To prevent the intensification of the use in the rural locality in accordance with policy GEN7 of the Arun District Local Plan.

- 5 The use hereby permitted shall not be operated on Public Holidays or at any time otherwise than between the hours of 10.00 and 20.00 Monday to Saturdays and 10.00 to 17.00 on Sundays.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy GEN7 of the Arun District Local Plan.

6 INFORMATIVE:

If food is being prepared, sold or distributed from your business there is a legal requirement to register with the Environmental Health Department as a food business at least 28 days before commencing business operations. Contact a member of the Food Safety Team on 01903 737755 or at Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF, in order to discuss any queries regarding compliance (including structural requirements) with the food hygiene regulations. It should be noted that the legal definition of food includes drinks (both soft and alcoholic).

7 INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

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,GEN3,GEN7

SOUTH EAST PLAN: C4

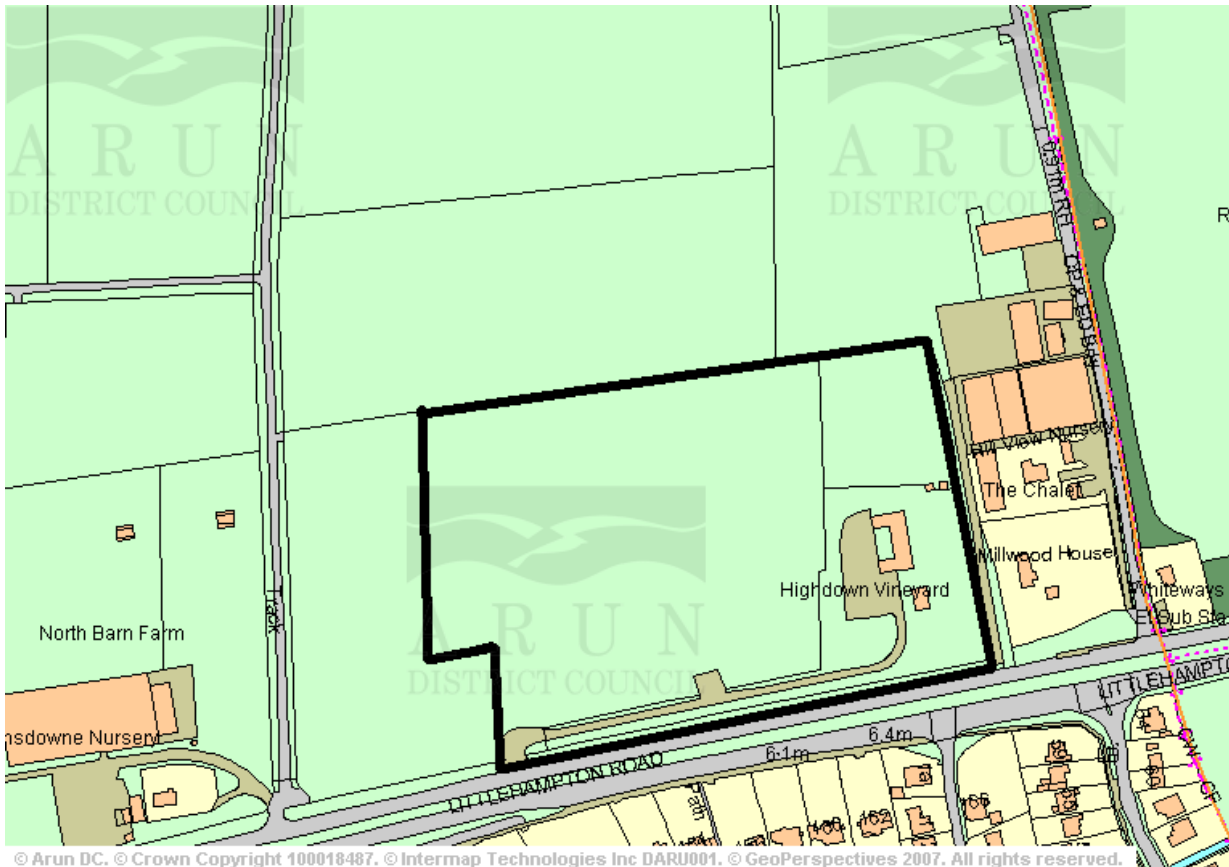
NATIONAL POLICIES: PPS1,PPS7,PPG13

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

**FG/72/09/ Indicative Location Plan**

**(Do not Scale or Copy)**

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



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**PLANNING APPLICATION REPORT****REF NO:** EP/64/09/**LOCATION:** Seacot  
South Strand  
East Preston**PROPOSAL:** Amendment to previously approved planning permission EP/137/03 for extension to existing bungalow**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The retrospective amendments from the previous approval relate to the number of the roof lights; the relocation of a door from the north elevation to the west elevation; a deeper balcony on the east elevation and cladding in lieu of tile hanging to the elevations at 1st floor level.
SITE AREA	Approximately 149 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Hedging to the east side approximately 1.8m high. Wooden fencing on eastern boundary, approximately 1.8m high. Northern boundary fronts the highway.
SITE CHARACTERISTICS	Detached 2 storey property. Render and wooden cladding elevations, gabled roof. Open porch on north elevation.
CHARACTER OF LOCALITY	The site is located within a residential area. Mix of types and styles of properties within close proximity of the site.

**RELEVANT SITE HISTORY**

EP/137/03/	Extension to existing bungalow by adding an extra storey to increase number of bedrooms to three.	Approve Cond 23-01-2004
------------	---------------------------------------------------------------------------------------------------	----------------------------

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

East Preston Parish Council

No objection, subject to Condition 2 of EP/137/03 being applied to this application for the windows and roof lights at 1st floor level on the southern and western elevations to be obscure glazed.

8 Letters of objection: (6 from 2 households)

Roof lights within the west elevation overlook 'Chance Cottage'. Conditions for obscure glazed windows and materials from the previous application EP/137/03 have not been met. Balcony of 'Lovely Cottage' is directly overlooked by one of the bedroom windows. Roof lights on the western elevation are larger than the proposed plans. Original Edwardian appearance of the house has been lost.

East Preston and Kingston Preservation Society: The timber cladding is incompatible with the existing house and surrounding buildings. Applicant should be required to remove the cladding and complete the house to its original design.

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

Comments noted. It is considered prudent to repeat the conditions as formerly applied to EP/137/03. The roof lights within the western roof elevation are approximately 1.8m to sill height and will therefore not result in unacceptable overlooking of neighbouring properties. The additional rooflight in the south elevation is set high in the roof and thereby would not result in unacceptable overlooking of neighbouring properties. The one in the north elevation would also not result in unacceptable overlooking. The timber cladding used within the construction is considered to be an acceptable use material within the street scene.

### **CONSULTATIONS**

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

None

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

None

### **POLICY CONTEXT**

Designation applicable to site:  
Within the Built-up Area Boundary

#### **DEVELOPMENT PLAN POLICIES**

South East Plan:

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

#### **PLANNING POLICY GUIDANCE**

PPS1                      Delivering Sustainable Development

### **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 or legislative background.

## CONCLUSIONS

### Principle

The proposed retrospective application is for amendments to a previously approved application EP/137/03 which was for an extension to the existing bungalow.

### Visual Amenity

The property is viewed within the street scene as it is on a corner location and given the design and scale of the works proposed, they do not detract from the character and appearance of the surrounding residential area. The proposed alterations to the 1st floor elevations of the property include cladding in lieu of the previously shown tile hanging which is considered to be an acceptable material use within the street scene. The proposal includes a slightly increased depth to the earlier approved balcony which is considered to relate sympathetically to the building and given its scale maintains subservience to the existing building.

### Residential Amenity

The proposal relocates the approved roof lights on the western elevation and omits 1no. rooflight. The proposal maintains the previously approved windows within the southern elevation which were required to be obscure glazed within the previous approval and provides an additional rooflight. The roof lights will be approximately 1.8mm to sill height from finished floor level, therefore they will not result in unacceptable overlooking of the neighbouring property to the west. It is considered prudent to attach a condition requiring the windows and roof lights at 1st floor level within the southern and western elevation to be obscure glazed to minimise the perception of overlooking.

The existing balcony is not considered to result in unacceptable overlooking of the neighbouring property 'Lovely Cottage' to the south, as it will face west with only oblique views available of the neighbouring property to the south.

### Conclusion

The proposal is considered to be of an acceptable form of development within the area with other properties within close proximity having cladded elevations. The existing roof lights are considered to be of an acceptable height as to not result in unacceptable overlooking of the neighbouring properties, however the windows within the southern elevation will face directly towards 'Lovely Cottage' to the south of the site, therefore to minimise overlooking a condition will be attached to require these windows to be obscure glazed.

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

## RECOMMENDATION

APPROVE CONDITIONALLY

- 1 Within 2 months of the permission hereby granted the windows at first floor level and

rooflights on the south and west elevations of the dwelling shall at all times be glazed with obscured glass.

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

- 2 This permission relates to the plans as submitted and amended by substitute elevation plans dated 30-06-2009.

Reason: For the avoidance of doubt and because the scheme as originally submitted was unacceptable to the Local Planning Authority.

- 3 INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

#### 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

NATIONAL POLICIES: PPS1

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

**EP/64/09/ 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/96/09/**LOCATION:** 4 Gatehouse Mews  
Sudley Road  
Bognor Regis**PROPOSAL:** Alterations to existing covered walkway to facilitate retention and effect access to ground floor bedroom.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 92 square metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Close boarded fencing approximately 1.3m high on the north-eastern (side) elevation, close boarded fencing approximately 1.8m high to the rear.
SITE CHARACTERISTICS	The site is an end of terrace mews, with white rendered elevations to the front and red brick faced elevations to the rear. The roof is pitched with brown tiles.
CHARACTER OF LOCALITY	The site is located in a short mews terrace, with a small yard to front, accessed from Sudley Road, which is dominated by commercial premises.

**RELEVANT SITE HISTORY**

BR/172/98/	Erection of 4 no. residential units (3 x 2 bedroom houses & 1 x 2 bedroom gatehouse).	Approve Cond 10-03-1999
------------	---------------------------------------------------------------------------------------	----------------------------

**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**Bognor Regis Town Council  
Awaited.

Three letters of objection, raising the following main points:

-The application is described as alterations to an existing covered walkway, however the structure was not in place when the applicant began their occupancy of the property.

- A similar unauthorised wood and plastic enclosure erected immediately prior to the present enclosure was promptly removed after notification by residents to Arun District Council.
- The application refers to the use of the enclosure to provide access to the 'bedroom'. The room referred to is in fact only approved as a garden store on both the original development plans and the Deeds relating to the properties.
- The existing garden store has a window which overlooks the garden of 3 Gatehouse Mews. Whilst there is no objection to this, there is objection to the for-mentioned garden being overlooked by a bedroom window.
- Should the council be minded to grant approval for the development, the occupant of no3 Gatehouse Mews reserves the right to mitigate the negative impact and restore some of the amenity and seclusion of their garden by means of replacement fencing, and the applicant should note this may affect the windows on the proposed northern elevation of the development.
- Presently there is no Agreement under The Party Wall Act to allow the proposed development. An agreement will not be granted.
- Should the council be minded to grant the application, it is requested that approval is conditioned to ensure that the development is moved some 900mm southwards from the northern boundary.
- It should be ensured that surface water can be disposed of properly, and that no part of the development shall overhang or encroach onto the property of 3 Gatehouse Mews.
- It is noted that the structure is to be constructed of 'timber', and no further details are given. It is asked that drawings fully detailing the proposed construction, are provided.
- The applicant has not made contact with neighbours in regard to the building of this structure and the joining of Albert Terrace to Gatehouse Mews.
- The structure must comply with building regulations.
- The Deeds of the property state an obligation to owners to 'not at any time do or cause permit or suffer to be done in or upon the property anything which may be or become a nuisance annoyance or danger or detriment to the Estate or nay part of the Estate or to the owners or occupiers thereof', the Estate is defined as the whole of the Gatehouse Mews development.
- Given the applicant's claim that the development will be used for access, it is requested that any approval is conditioned to reflect this.
- The applicant's statement outlining the need for the development has been noted, but there is not supporting medical report.
- It is asked that any permission is conditioned limiting the life of the development to that only necessary to meet the needs of Mrs Hurry.
- The Deeds state that the owners shall keep the garden land in a good state of cultivation and order and in a clean condition: the proposal contravenes this.
- The roofline shown on the drawings is impracticable to construct. The drawings are therefore incorrect.
- The applicants supporting statement refers to the need for privacy, when in fact there is a section of fence some 2m high adjoining each property. The suggestion that additional privacy is required is incorrect.
- The supporting statement appears strong in defence of the currently illegal development, but makes no reference to the privacy of adjoining properties.
- Is it not more appropriate for a stairlift to be installed to assist Mrs Hurry. A grant may be available to assist with the installation.
- The supporting statement and drawings do not accurately reflect the site.
- The windows could look directly into the garden and living room of no.3, Gatehouse Mews. the application should be for new build, with the existing structure demolished.
- The effect the proposal may have on the sale of the adjacent properties should be considered.
- The structure is more than a covered walkway, as it is enclosed with doors and windows.
- The structure has been plumbed in to the downpipe of a neighbouring building without permission.

-The structure is being used for storage, possible for a business purpose. It is assumed that a site visit following the original notification of the proposed structure. If a site visit has not taken place, could you please confirm why this is so.

-By joining the two properties together, the applicant has created a fire hazard. If a fire was to break out in this structure, any occupant contained with the room located off of it, would have no means of escape.

-The proposed development constitutes an over-development of the site, which, by virtue of its design and materials is out of character with the area and detrimental to the amenities of adjoining residents.

-The information contained in the design statement is misleading. The accommodation that the applicant states they wish to join the main building to is not a separate outbuilding, it is part of 4 Albert Terrace.

-Most of the covered walkway is actually past the door into the room that is claimed requires covered access, and is in fact being used for storage.

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

Noted. The application description is considered to be accurate, since the structure was existing at the time the application was made, and the outbuilding is 'separate' in the sense that it did not originally adjoin the main house. The site has been visited by the Local Authority on several occasions, and when these sites were conducted there was no evidence of storage for the purpose of a business. It should be noted that the issues regarding property ownership, deeds, part wall acts, building regulations and fire safety are not material planning considerations, as they are subject to their own separate legislation. There is no condition on the planning application which granted permission for the construction of Gatehouse Mews, relating to the change of use from store to ancillary residential accommodation. With regards to drainage and flooding issues, the proposed development is to be of a modest scale such that it will have no significant impact. Therefore it would be unreasonable to refuse the application or impose a planning condition seeking approval of appropriate details on these grounds.

## **CONSULTATIONS**

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

None

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

Comments noted

## **POLICY CONTEXT**

Designation applicable to site:  
Within the Built Up Area  
Permitted Development Restriction

#### **DEVELOPMENT PLAN POLICIES**

South East Plan:

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

#### **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 conflict with relevant Development Plan policies in that it would have detriment to the visual amenities of the locality and the residential amenities of the adjoining properties.

## OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. In this instance it is felt that the personal circumstances of the applicant and current occupier of the property should be taken into consideration when assessing the application.

## CONCLUSIONS

### Principle

This application seeks to acquire planning permission for alterations to an existing covered walkway, which has been constructed without the necessary planning permission. It is understood that the structure has been built in order to provide ground floor accommodation for a disabled occupant. The covered walkway provides access to an outbuilding, originally detached from the main house, which has been converted to a bedroom.

### Visual Amenity

The existing structure is entirely enclosed, essentially 'L' shaped and measures approximately 7m in length (at maximum) and 2.1m in height. The section of the structure which lies between the existing house is approximately 4.6m wide, whilst that which runs down the length of the outbuilding is approximately 1.8m wide.

The proposed alterations would see no amendments to the width or height of the structure, but to remove the elevations of the rear 3m in order to create an open sided covered storage area.

The existing walkway is constructed of a variety of materials, including different types of timber boards and stained glass windows. The proposed alterations would include the cladding of the elevations, and the addition of a felt roof. The stained glass windows would be removed, and replaced with one single obscure glazed window. It is considered that the proposed alterations would give the structure a cohesive appearance that would represent a less incongruous addition to the site. However, the structure would cover a significant part of the rear garden of the dwelling, which would be detrimental to the visual amenities of the locality, when viewed from neighbouring properties.

### Residential Amenity

It is considered that the removal of a large section of the side elevations would result in a less overbearing impact on the occupants of the adjoining properties. The window on the north-east elevation would face the adjoining garden of no.3 Gatehouse Mews, however it is to be obscure glazed and non opening, so as to avoid overlooking. It is noted that there is an existing window on the north eastern (side) elevation on the outbuilding. This is recessed approximately 1m from the side boundary and as such is considered to give rise to some overlooking, although any impact on neighbouring properties could be mitigated through the erection of a higher fence under permitted development rights, if necessary.

### Conclusion

The existing structure is deemed to be an unacceptable form of development, out of keeping with the remainder of the site and detrimental to the residential amenities of neighbouring dwellings. As such it is considered appropriate to recommend a condition ensuring that the alterations shown on the submitted plans are completed within 3 months of the date of this permission.

Whilst it is considered that the proposed development would represent an improvement to the existing structure, the view is maintained that there will be some impact on the visual amenities of the residents of neighbouring dwellings. However it is considered that the degree of impact would not be significant enough to warrant a refusal, especially when the circumstances of the applicants are taken into consideration. It is appreciated that that the proposed structure is a necessary requirement in order to improve the quality of life for the current occupier of no.4 Gatehouse Mews.

Given that the proposed development is deemed to have some degree of impact on the amenities of neighbouring residents, it is considered preferable that the structure be removed when the current occupier vacates the building, and as such it is advised that consent be granted subject to a condition restricting the permission to the present occupier.

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

### **RECOMMENDATION**

#### APPROVE CONDITIONALLY

- 1 The alterations to the existing structure, as shown in the plans submitted, shall be completed within 3 months of the date of this permission.

Reason: The existing structure is considered to cause unacceptable harm to the visual and residential amenities of the locality.

- 2 This permission shall enure for the benefit of Mr I. Hurry only and shall not enure for the benefit of the land. The structure hereby approved shall be removed within 3 months after Mrs. Hurry ceases to occupy 4 Gatehouse Mews.

Reason: In granting permission the Local Planning Authority have had regard to the particular circumstances relating to the proposal in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The external walls of the proposed building shall be clad in timber, details and samples of which shall be submitted to and approved by the Local Planning Authority before development is commenced and the materials so approved shall be used in the construction of the building.

Reason: In the interests of amenity to achieve a reasonable visible quality in the buildings in accordance with policy GEN7 of the Arun District Local Plan.

- 4 This permission relates to the plans as submitted and amended by substitute site plans and elevations dated 28th July 2009.

Reason: For the avoidance of doubt.

- 5 **INFORMATIVE:** Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

**SUMMARY**

The proposal is considered to conflict with the relevant Development Plan policies in that it would have detriment to the visual amenities of the locality and the residential amenities of the adjoining properties. It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. In this instance it is felt that the personal circumstances of the applicant and current occupier of the property should be taken into consideration when assessing the application.

**RELEVANT POLICIES**

LOCAL PLAN: GEN2, GEN7, DEV19

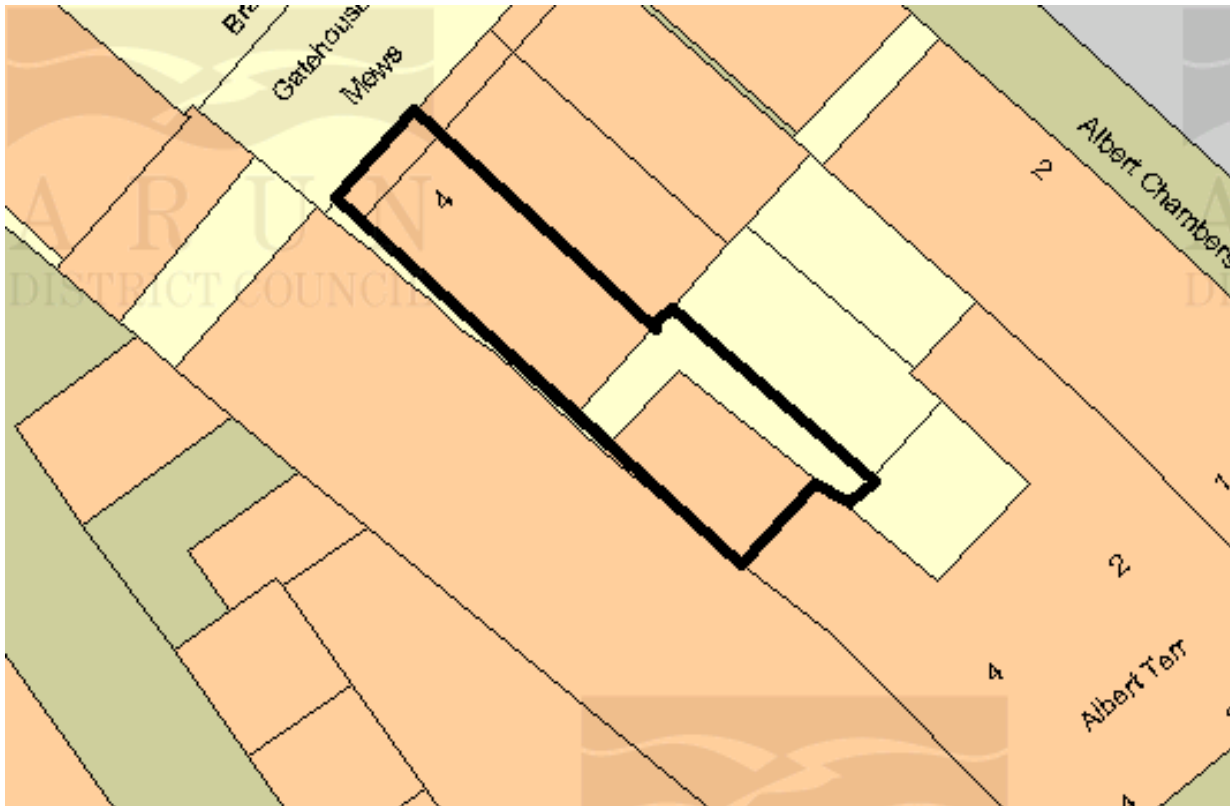
NATIONAL POLICIES: PPS1

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

**BR/96/09/ Indicative Location Plan**

**(Do not Scale or Copy)**

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**PLANNING APPLICATION REPORT****REF NO:** BR/123/09/**LOCATION:** Land To The Rear Of  
56 Richmond Road  
Bognor Regis**PROPOSAL:** Erection of 2 no. semi detached bungalows and garages**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposal is for the erection of 2 x 2 bedroom semi detached bungalows on land to the rear of 56 Richmond Avenue and 41 Westingway. The plot occupies part of the garden land belonging to these two properties.
SITE AREA	0.0983 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	20 dwellings per hectare
TOPOGRAPHY	Predominantly flat
TREES	A number of trees to boundary. Three along western boundary with 41 Westingway, one which is subject to a TPO and proposed to be retained by this application.
BOUNDARY TREATMENT	Open at the front with the remainder of the site bounded by a 1.8m close boarded wooden fence.
SITE CHARACTERISTICS	56 Richmond Road is a converted Edwardian semi-detached 2 storey (with bedrooms in the roofspace)property. There are habitable room windows along its western and rear northern facade. 41 Westingway is a two storey dwelling with a cat slide type roof on its eastern facade. There are habitable bedroom windows on the rear, northern facade.
CHARACTER OF LOCALITY	Residential. A mixture of single storey, 2 storey (with and without roofspace rooms). Detached and semis. Single storey to rear (a backland property known as 'Arbory' is accessed from Elm Grove)with a utility room window overlooking the site.

**RELEVANT SITE HISTORY**

BR/364/07/	Outline application for 4 no 1.5 storey dwellings. (Resubmission following BR/196/07)	Refused 19-03-2008
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Appeal: Dismissed  
08 10 2008



BR/408/06/	Conversion of existing semi detached house into 5 self contained flat units	Approve Cond 14-03-2007
BR/247/06/	Conversion of existing dwelling into 4 self contained flat units.	Refused 06-10-2006
BR/32/06/	Change of use from domestic dwelling to care home for people with learning difficulties.	Approve Cond 12-04-2006
BR/354/03/	Outline application for erection of one three bedroom bungalow and garage.	Refused 19-04-2004

Appeal: Dismissed  
24 01 2005

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection

West Sussex Wildlife Protection

Land needs checking for possible wildlife

8 letters of neighbour objection.

TPO Oak tree will be affected and result in overlooking of neighbouring properties. Character of the street would be radically altered by the deletion of a quiet back garden and its replacement by a car park and road entrance. This unwelcome precedent will lead to loss of privacy and loss of amenity to neighbouring gardens. The garages are clearly visible and completely out of character with the locality. Security of neighbours compromised from backing onto an open garage area as will noise disturbance from revving engines. Plans show other car parking spaces and it's not clear whether these are part of application. No details of entrance arrangements for traffic, pedestrians or landscaping. The site entrance is dangerous as it is on a blind bend and opposite the junction of a triple highway. 56 Richmond Road has been converted into 5 flats and this development will add to noise, more traffic, a greater strain on local services and more inconvenience to local residents. This is overdevelopment and will not enhance the environment as claimed by applicants. Plans are inaccurate in that names of property is wrong and none of the neighbouring house alterations are shown. An unneighbourly form of development for Elm Grove residents. The site has become a valuable wildlife habitat which will be destroyed. Residents will have to put up with the nuisance associated with building works and there will be problems with access for emergency vehicles.

### COMMENTS ON REPRESENTATIONS RECEIVED:

Any protected wildlife will be safeguarded by other legislation. TPO tree proposed to be retained and to be reinforced by condition. Together with the fact that bungalows are proposed and a suitable landscaping condition is imposed, overlooking and daylight levels of neighbouring residents should not be adversely affected as will be the case for wildlife habitat. The width of the proposed property frontage is comparable to other double properties in the locality and taking into account that they and proposed garages will be significantly set back into the site will make the proposal's impact on the character and appearance of the area acceptable. Other car parking spaces shown on plans are covered by a separate permission to convert no 56 Richmond Road into five flats. An additional 2 car parking

spaces proposed by this development should not significantly add to noise and disturbance to neighbouring residents.

The highway department consider that there is sufficient space to provide safe visibility standards. The issue concerning the free movement of emergency vehicles is not a material planning consideration and nuisance arising from building works is controlled by Environmental Health and highway legislation.

## CONSULTATIONS

WSSC Local Development Divis.

### CONSULTATION RESPONSES RECEIVED:

County Highways.

Advice. Parking provision is in accordance with parking standards. Acceptable visibility splays are required which can be provided now that the applicant has demonstrated that there is control over adjoining land belonging to 41 and 56 Richmond Road. Conditions concerning vehicle and pedestrian visibility are recommended.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted

## POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area Boundary

### DEVELOPMENT PLAN POLICIES

South East Plan:	SEPBE1	Management for an Urban Renaissance
	SEPCC1	Sustainable Development
	SEPH5	Housing Design and Density
	SEPT4	Parking
Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development

### PLANNING POLICY GUIDANCE

PPG13	Transport
PPS1	Delivering Sustainable Development
PPS3	Housing

## POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenities of the area and highway safety.

## 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. Highway safety will also be maintained.

## 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

Whilst in this built up area boundary location there is no policy objection to residential development, the effects of the proposal on the character and appearance of the area as well as the residential amenities of neighbouring residents needs to be evaluated. The issue of highway safety also needs to be considered.

The previous application reference BR/364/07 for 4 x 1.5 storey dwellings was refused by Committee in March 2008. The subsequent appeal was dismissed by the Government Inspector who stated in his decision that he accepted that 'the proposal would make efficient use of previously developed land, provide a choice of housing in the area and achieve a density of at least 30 dwellings per hectare as sought by Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 3: Housing.' However, the Inspector considered that a terrace of four 1.5 storey properties 'would be readily apparent from the area near the access and would appear cramped compared to their surroundings.' In his opinion 'the proposal would unacceptably detract from the character of semi-detached and detached frontage development in the area.'

### Character and Appearance/Visual Amenities

In keeping with the proposal the locality is generally characterised by semi detached properties. Whilst these tend to be two storey in height, the single storey nature of the proposal is mirrored by its neighbour to the north "Arbory". The semi detached properties to the south side of Westingway enjoy, in line with the proposal, a good deal of separation from their side boundaries and, like those on the north side of the road, the proposed properties are planned to have significant front garden spaces. All of this combines to make the proposal reasonably in keeping with the surrounding character and appearance.

### Residential Amenities

The east side elevation of the proposal is set back by approximately 4m from properties in Elm Grove whilst 7m separates the west side from the nearest property in Westingway. There are over 6m separating the proposal from its boundary with the single storey Arbory to the north. The only proposed windows on the side elevations are those serving bathrooms whilst to the rear there are a variety of bedroom, kitchen and dining room windows. However, in each case fencing together with other natural screening to a height of 2m will avoid any overlooking. This will be reinforced on the west boundary by a mature Oak tree which is proposed to be retained. There will be no unacceptable impact by way of an overbearing impression on neighbouring residents due to the separating distances, a single storey vertical wall (2.5m to ridge level) and pitched roofs.

It is therefore considered that residential amenity will not be adversely affected by the proposal.

### Highway Safety

The applicant has demonstrated to the satisfaction of the highway authority that nos. 41 & 56 are under their control and hence visibility splays concurrent with the road speed limit can be provided by way of a suitable condition. The access is considered to be wide enough for two passing vehicles and hence highway safety will not be compromised.

As can be seen this proposal has addressed the reasons given by the Inspector when considering application reference BR/364/07. With this revised scheme it is considered that on balance there

will not be a detrimental impact on the areas character and appearance nor on the amenities enjoyed by neighbouring residents and highway safety will be maintained to acceptable standards. It is therefore recommended that the application be approved subject to the conditions set out overleaf.

## 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 No development shall be commenced until visibility splays of 2.4 metres by 43 metres have been provided at the centre of the proposed site vehicular access onto Richmond Avenue. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metres above adjoining carriageway level.

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

- 3 No development shall be commenced until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Richmond Avenue. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metres above adjoining carriageway level.

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

- 4 The buildings shall not be occupied until the turning facilities and garages shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the turning and garaging of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy GEN7 of the Arun District Local Plan.

- 5 The buildings hereby permitted shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority to prevent surface water discharging onto the public highway.

Reason: In the interests of road safety and to accord with approved policy in accordance with policy GEN7 of the Arun District Local Plan.

- 6 No development shall take place until details of screen walls and or fences have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls and/or fences associated with them have been erected.

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

- 7 No development shall take place unless and until there has been submitted to and

approved by the Local Planning Authority a scheme of landscaping/hard and soft/, which shall include indication of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

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

- 8 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 9 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 10 INFORMATIVE: West Sussex County Council as Highway Authority would remind applicants that they may have to provide on the application site; areas for the parking and unloading of vehicles; temporary contractor buildings, plant and stacks of material as the use of the adjacent public highway for these purposes may not be acceptable under the terms of the Highway Act.
- 11 INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

#### SUMMARY

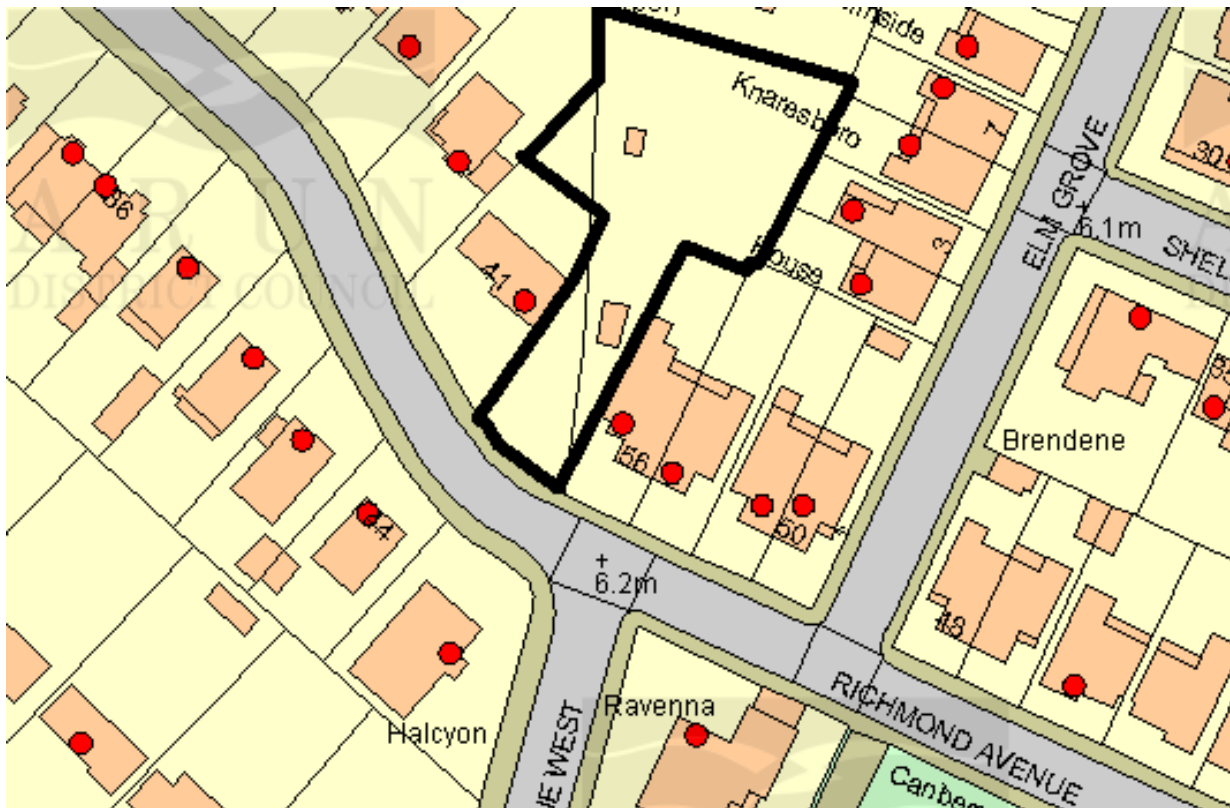
This planning permission is granted because it complies with the policies listed below in that (the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character )and there are no material considerations to indicate otherwise.

#### RELEVANT POLICIES

LOCAL PLAN: GEN2,GEN7

NATIONAL POLICIES: PPS1,PPS3,PPG13

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

**BR/123/09/ 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:** BE/47/09/**LOCATION:** Chalcraft Nursery & Associated Land  
Chalcraft Lane  
Bognor Regis**PROPOSAL:** Outline Application for the demolition of all existing buildings and redevelopment of the site with up to 70 dwellings (up to 28 Affordable), public open space and strategic landscaping. Departure from the Development Plan**SITE AND SURROUNDINGS****DESCRIPTION OF APPLICATION**

This application seeks outline planning permission for the demolition of all existing buildings and redevelopment of 1.75 hectares of the site with up to 70 dwellings (including up to 28 affordable dwellings), 0.26 hectares of public open space and the retention of 0.489 hectares of land set aside for ecological enhancements/ strategic landscaping.

The number of dwellings proposed and the means of access to the site from Chalcraft Lane, form part of the outline application with layout, scale, appearance and detailed landscaping being reserved matters.

Indicative plans have been submitted as part of the proposal, which demonstrate how the site could be laid out with up to 70 No. dwellings. The indicative layout suggests a development comprising a mix of detached, semi-detached and some terraced two and three bed family houses. The agent has stated within the submitted information that properties will be a maximum of 2.5 storeys in height. The submitted Design and Access Statement states that the intention is to provide differing traditional styles in order to achieve visual interest in the street scene and provide an attractive environment for future residents. The indicative plans also include provision for private amenity space, public open space, ecology enhancement and strategic landscaping.

**SITE AREA**

2.5 hectares.

**RESIDENTIAL DEVELOPMENT DENSITY (NET)**

31 dwellings per hectare.

This net density is calculated as recommended by PPS3 (Annex B) by including only those site areas which will be developed for housing and directly associated uses, including access roads within the site, private garden space, car parking areas, incidental open space and landscaping and children's play areas where these are

provided. The 0.26 hectares of public open spaces is therefore omitted from this calculation.

**TOPOGRAPHY**

Predominately flat.

**TREES**

There are many trees along the site boundaries. A tree survey report and a tree root protection area schedule has been submitted as part of this application.

**BOUNDARY TREATMENT**

1m high wooden fencing to the front south east boundary. The rear of the site is bordered by high tree coverage to all sides.

**SITE CHARACTERISTICS**

The site is accessed off the west side of Chalcraft lane. A gravel access leads to a large parking area to the front east side of the site.

The main site is currently occupied by Chalcraft Nurseries & Garden Centre and an Aquatic and Angling Centre.

Chalcraft Nurseries & Garden Centre is centrally located to the front of the site. Clad buildings, with shallow pitched roofs. Buildings are predominantly green in colour.

'Tropikoi Aquatic Centre' is located to the front north east corner of the site. Main building has a shallow pitched roof, with poly tunnel element attached to the west side.

A number of polytunnels to the rear of the Nursery buildings. There are also a number of sheds, caravans and storage areas.

A considerable part of the site to the rear is unused Greenfield land.

**CHARACTER OF LOCALITY**

The site is positioned adjacent to Chalcraft lane on the edge of the Built up Area Boundary. There are residential properties to the front east side of the site, adjacent to Chalcraft Lane. These properties are a mixture of one, two and two-and-a-half storey detached, semi-detached and terraced dwellings.

The Cemetery abuts the site to the south west side. The northern and western boundaries adjoin undeveloped countryside (Greenfield land).

**RELEVANT SITE HISTORY**

BE/156/07/CLE	Application for a lawful development certificate for an existing use - garden centre, aquatic sales centre and nursery	Approve 14-01-2008
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BE/136/06/	Outline application for 132 affordable residential units consisting of 27x1 bed flats, 36x 2 bed flats, 47x2 bed houses, 20x3 bed houses, 2x3 bed wheelchair compatible houses. Departure from the Development Plan and accompanied by an Environmental Statement. Resubmission of BE/15/05.	Refused 20-03-2007
BE/126/06/CLE	Application for a Certificate of Lawfulness for an existing use - garden centre, aquatic centre, straw composting, storage of building materials and plant hire storage	Refused 16-01-2007
BE/15/05/	Outline application for mixed residential development comprising 140no. houses and flats. Departure from the Development Plan and accompanied by an Environmental Statement	Refused 21-12-2005

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Bersted Parish Council

The Council Objects because the application is contrary to the South East Plan.

1. The site lies outside the built-up area and the proposal, not being for agriculture, forestry, recreation, the extraction of minerals or disposal of waste.
2. The land is not allocated in any Local Plan or identified for residential development and would not constitute infilling or redevelopment within an existing built-up area.
3. The proposal would involve development within the Bognor Regis and Chichester Strategic Gap and it is not considered that there are compelling reasons to allow it.
4. No Section 106 Unilateral Undertaking have been submitted to secure infrastructure or to secure infrastructure or to secure long term retention as affordable housing.
5. The Council is not satisfied that the existing foul sewerage system is adequate to serve the development proposed.
6. There is serious concern that run-off rain water will cause localised flooding to adjacent properties and increase the flooding problems at Chalcraft Cemetery.
7. It is still not considered that adequate visibility is provided at the redesigned junction of the new access road and Chalcraft Lane.
8. If the application is allowed Arun District Council will find it difficult to resist similar applications in the vicinity, with the effect that the character of the locality will be seriously altered to the detriment of the amenities of the area.

471 Letters of Objection (448 of which are standard letters) & 1 additional standard letter of objection with 56 signatures

Site is currently used as a Nursery & Garden Centre, which has been part of the local community for many years;

The nursery is a thriving business, supplying residents with very good products and services; There is a need for the business and it would be devastating to lose it;

The centre is preferred by many to the larger Gardens Centres in the area, thanks to the knowledge, helpfulness and enthusiasm of the staff of this small business;

Tropikoi Aquatic and Angling Centre is one of only a few businesses in Bognor to be

experiencing booming trade (up 30% June 09, V June 08).

Chalcroft Nursery and Garden Centre are also seeing rapid growth. Between the business, a dozen people are employed which looks to increase very soon.

Existing businesses do well due to good, honest and friendly service; parking; and location.

Ninety percent of custom comes from Bognor, Pagham, Rose Green, Chichester etc. not from outside the area;

Business provide a good public service and public want them here;

Tropikoi Aquatic and Angling Centre and garden centre have 6 years remaining on lease and are going no-where;

There are other proposed housing developments in the area, without losing this open site to houses over a much needed local business;

North Bersted is already overwhelmed by applications for new housing sites re the Site 6 development and the proposed development north of Chalcraft Lane for approximately 4,000 houses. The area cannot cope with all this development.

The site is part of the Strategic Gap and is not a building site;

Request that you consider that this planning has already been turned down and nothing has changed to justify the planning to be granted now. Also it is proposed that another 2,500 houses will be built on land adjacent to the nursery site;

Very unhappy that the estimated usage of the site was identified by using other Nurseries out of the area such as Winchester and Godalming. This is wholly unacceptable and cannot be accepted as correct;

Drainage and sewage is barely adequate;

Blockages have been experienced due to back up at the Stroud Green pumping station. General drainage from the site with additional metalled surfaces and high water table will create its own problems;

The Cemetery site is already not usable during wet periods, development as large as this would make the problem much worse;

Concerns over flooding;

Surface water into existing drains would cause more flooding in Chalcraft Lane, as it already floods at the eastern end. Together with run off from Site 6, there are concerns;

Sewerage in Chalcraft Lane is pumped from Stroud Green and this pumping station could not take another 70 units as they already have problems;

Local facilities such as schools and Doctors surgeries are already at maximum capacity.

The access road would be onto Chalcraft Lane which is very heavily congested at times during the day and there have been a number of traffic accidents recently;

The amount of traffic using Chalcraft Lane has increased over the years to the point where people have great difficulty leaving and entering there property;

Another entrance with the possibility of more vehicles trying to enter Chalcraft Lane will only exacerbate problems;

Concerns over increased congestion;

Concerns over highway safety;

Should the Bognor Regis Eco Quarter be granted (which we hope will be thrown out) access from the site should be made through the new development and not onto Chalcraft Lane.

Chalcroft Nursery & Garden Centre now has a floristry section, Pet supplies dept and serves local nursing homes, with their fruit and vegetable requirements, along with stocking free range eggs, potatoes and a small selection of seasonal fruit and vegetables;

Business has been turned around and is at the heart of the community;

No need to drive to nursery due to delivery service;

Also sell on the internet and use a national courier service to supply;

Employ 4 full time staff and temporary seasonal workers;

Development would result in unemployment;

How is the planning permission to commence next March (2010) with businesses still holding current leases;

Concerns over loss of privacy to properties and gardens;

Concerns over overlooking effect;

Effect of parking to rear of site on neighbouring amenities of residential properties;  
 Classification of this site as agricultural/ horticultural land has not changed to a brownfield site as stated, therefore it should be retained as a garden centre with associated businesses;  
 Bus service is not frequent. Would be impossible to get to another quality nursery or aquatic centre by bus. A considerable proportion of the residents in the area are elderly and some do not drive cars but walk to the garden centre, or use a bicycle;  
 Parking provision is below Aruns standards;  
 Site contains features of ecological value, including tree lines boundaries, areas of scrub, grassland in the western part of the site and wet ditches containing standing water. The Wildlife and Countryside Act 1981 protects such species as great crested newts, which are known to breed on the adjacent land;  
 Trees in this area may be subject to Tree Preservation Orders;  
 It is also stated that the area is mainly used as weekends, this is not accurate as the area is used throughout the day by customers, not mainly at the weekend as stated;  
 Overall effect of this development will be to decrease the quality of life of those living in the area;  
 Cemetery is the main cemetery for Bognor and the future expansion requirements should take priority over housing whether affordable or not;  
 Concerns over increase vandalism;  
 Will lead to devaluation in property prices;  
 Three storey flats would be out of character with the area;  
 Concerns over effect on residential amenity, by loss of light, loss of views and overlooking effect;  
 Environmental concerns. There are protected plant species and wildlife present on the site;  
 There are four established businesses on site, which occupy at least half of the area of the site;  
 No surprise 5 year housing land supply is not being met given current economic situation.

Willowhale Allotments Association

Objection:

Will destroy business successfully built up;  
 Members regularly buy garden and allotment supplies from Nursery and rely on garden centre for much of their requirements of seed, plants, compost and other garden essentials;  
 Would be difficult to obtain supplies from another more convenient store;

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The majority of points raised, have been addressed within the conclusion section of this report.

The site is located outside the defined built-up area boundary and within a defined strategic gap.

It is noted that there have been previous refusals on this site. As part of this application, it will be considered whether the current application has addressed any of these reasons for refusal and whether there have been any material planning considerations since this time that would warrant approval of the application.

The Environment Agency have raised no objection on the grounds of flooding.

With regard to the loss of the existing businesses on the site, the outstanding leases on the site are a private matter and outside planning control. DEV30 is not applicable in this circumstance as the proposal does not involve the change of use of the business from A1 retail. Notwithstanding this however, the intention of this policy is to protect local and villages centres that are considered to be of community benefit. Due to the isolated nature of the

units of this site, it is not considered that they could be classified as being part of a village/local centre and there is therefore no policy within the Arun District Local Plan which would prevent the loss of these businesses.

Comments are awaited from West Sussex County Council in relation to highway safety, congestion and parking provision.

The agent has confirmed that he intends to submit a Section 106 Unilateral Undertaking prior to the application being considered by members at Development Control Committee. Contributions towards education will be secured through this S106 Unilateral Undertaking.

This is an outline application to consider the number of dwellings and the means of access to the site only. Layout, scale, appearance and detailed landscaping are all reserved matters. The Cemetery abuts the site to the south west side; whilst the northern and western boundaries adjoin undeveloped countryside. There are residential properties to the front east side of the site, adjacent to Chalcraft Lane. These properties are a mixture of one, two and two-and-a-half storey detached, semi-detached and terraced dwellings. At the closest point, the properties on the indicative layout (submitted as part of the application) are positioned some 18m from the side elevation of No. 76 Chalcraft Lane and 32m from the rear elevation of No. 94 Chalcraft Lane. These distances are considered to be acceptable in principle, however the effect of the development upon the residential amenities of neighbouring properties will be considered in more detail at the reserved matters stage.

The indicative plans show properties to be a maximum of 2.5 storeys in height. No three storey flats are detailed on the submitted indicative plans.

Landscaping will be considered in detailed at the reserved matters stage. West Sussex County Councils Ecologist and Natural England are satisfied that on the basis of the information available to them and the information submitted as part of the application is satisfactory. A detailed survey in relation to reptiles is recommended to be carried out prior to full planning being granted, as well as the imposition of an informative.

The application will be considered on its own individual merits and as submitted.

Devaluation of property prices and loss of private views are not material planning considerations.

## **CONSULTATIONS**

WSCC Local Development Divis.

Southern Water Planning

Environment Agency

Natural England

Sussex Police-Community Safety

Parks and Landscapes

Property Services Manager

Engineers (Fluvial Flooding)

Planning and Housing Strategy

Bognor Regis Task Force

Local Plans

### **CONSULTATION RESPONSES RECEIVED:**

Environment Agency

No objections in principle, to the proposal as submitted provided the 9 suggested conditions are imposed on any planning permission granted.

#### Southern Water

Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewerage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvement to existing sewers will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location.

The impermeable area survey plans indicate that the site may be connected to soakaways. It is recommended that storm flow should be connected to soakaways as per the existing site. Your Council's Building Control officers or your own engineers should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Alternatively, it is recommended that surface water from the site should be drained by means of an outfall to the adjacent local land drainage watercourse. The Environment Agency and/or your Councils own technical staff should comment on land drainage, the adequacy of the local watercourses and the need for storm water storage.

Should this application receive planning approval, suggested condition and informative.

#### Natural England

Revised comments, following additional information from West Sussex County Council.

No Objection, subject to suggested condition/ informative.

The ecological scoping report attached to the application indicates that a number of further surveys should be undertaken in particular Great Crested Newt. However, large scale protected species surveys have already been undertaken in the area for the Site 6 North Bersted development which have indicated that it is unlikely that Great Crested Newts would be a significant issue for this development and therefore, following our standing advice an informative could be appended to any consent stating that if any protected species are discovered during the course of the development, then works should cease and Natural England should be informed. This is also in line with ODPM circular 06/2005 paragraph 99 which states;

"However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development."

The surveys carried out for the North Bersted site do provide evidence of reptile populations in the area and given the suitable habitat on-site we would recommend a full reptile survey to be undertaken prior to full planning permission being given and ecological clerk of works be present during any clearance of the site.

#### Biodiversity comments

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The Council should consider securing measures to enhance the

biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 14 of PPS9. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Section 40(3) of the same Act also states that conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

Sussex Police

Comment:

The proposed layout being a crescent with two cul-de-sacs off it creates good defensible space enabling residents to exercise control over their own environment and self police it. There is also good natural surveillance from one dwelling to another.

If or when the outline application is progressed, would refer the applicant to website [www.securedbydesign.com](http://www.securedbydesign.com) where they will find information that will ensure a safe and secure scheme.

Engineers

Engineer drainage comments:

No Objection, subject to suggested condition.

The applicants Flood Risk Assessment states that there is a very high risk of groundwater flooding on this site. The Councils Strategic Flood Risk Assessment (SFRA) also confirms the High Groundwater Flood Risk as shown on map G1 of the SFRA. Any soakaways or SuDS infiltration system will need to be designed in accordance with BRE 365, and will require a minimum of 12 months groundwater monitoring to determine the highest position of the groundwater table on site, and then to build in a margin of safety to the base of any soakaways or SuDS infiltration system. The long term maintenance of any surface water disposal system will need to be considered and stating who or which organisation will take responsibility for the maintenance and how it will be funded.

The developer must make clear arrangements for the future maintenance of the ditches, and into whose responsibility the Riparian responsibilities (i.e. Land ownership) will be placed.

The Environment Agency should be consulted if the Developer proposes to discharge any flows into the drainage ditches.

Parks and Landscapes

Due to the layout of the open space, do not recommend approval.

The development site does not fall within any landscape designation. The assessment of the site identifies the site to be well contained visually. The provision of landscape plans must be conditioned with any permission as a reserved matter.

The tree survey information is noted and appears comprehensive. Tree and vegetation protection measures must be conditioned with any permission.

The amount of open space provision indicated is satisfactory in accordance with Council's

guidance. The layout of the formal areas of the green space however is not satisfactory nor the location of the play area. These should be incorporated into the new development rather than act as a buffer at the rear of existing properties. The formal open space should be more closely associated with the informal green space. This will make more sense of these spaces extending and enabling their usefulness both for the public and biodiversity. Due to the proximity of water bodies a RoSPA assessment of open spaces would be required with the recommendations forming part of any permission.

In accordance with the Councils SPG a LEAP rather than the LAP indicated should be provided. The presence of a LAP is noted as part of the application. Depending on the detail of the LAP to be provided it may be suitable for off site contribution for play to be provided.

The ecological survey is noted. All recommendations must be conditioned with any permission.

Early indication of the expected maintenance and management of the open space should be provided and whether consideration to its transfer to the District Council within a S106 agreement.

Arboricultural Officer

Have had a look at the site and taken into account the comments from the Arboricultural report and am aware that there are not a large number of trees on the site which are worthy of retention. Any trees which are in the 'B' category should be considered. I note the area hatched which is presumably the root protection area, but am unable to comment further on this because of the very small print.

Request a plan of a scale which is easier to read and ascertain the exacting content of the site survey.

WSCC Landscape comments

No Landscape objection, subject to management of existing screening.

Chalcroft Nurseries site is enclosed and not visible from outside due to development on the eastern boundary and trees and hedgerows on the three other boundaries.

The tree and shrub survey is comprehensive and has identified the important trees of which there are few.

Whilst this site is outside of the built up area, it is well screened and potential development would not have any visual impact in the wider landscape provided peripheral trees and hedgerows are acknowledged in design proposals, with tree root areas protected as recommended in the CBA Report and management proposals including new planting are submitted to ensure that the existing screening is perpetuated.

**COMMENTS ON CONSULTATION RESPONSES:**

The conditions/ informatives suggested by the Environment Agency, Natural England, and the Councils own Engineers will be added to any approval on the site.

The applicant will be advised of Southern Waters comments via an informative.

The applicant will be advised of Sussex Polices comments via an informative.

With regard to the comments received from WSCC Landscapes and the Councils Parks and

Landscapes department, the application has been submitted in outline form with landscaping being a matter for consideration at the reserved matters stage. The agent has stated that there is no objection to provision of a LEAP as opposed to a LAP and is happy for a condition to be added accordingly. Further, the agent has confirmed that the client does not intend to offer the open space for adoption by ADC as they intend to make provision for a private management company to be established for this purpose funded and run by the future residents of the scheme once developed.

## POLICY CONTEXT

Designation applicable to site:

Outside Built up Area  
Class C Road

### DEVELOPMENT PLAN POLICIES

South East Plan:	SEPSP1	Sub Regions in the South East
	SEPSP3	Urban Focus and Urban Renaissance
	SEPCC1	Sustainable Development
	SEPCC3	Resource Use
	SEPCC4	Sustainable Design and Construction
	SEPCC7	Infrastructure and Implementation
	SEPH1	Regional Housing Provision 2006-2026
	SEPH3	Affordable Housing
	SEPH4	Type and Size of New Housing
	SEPH5	Housing Design and Density
	SEPT4	Parking
	SEPSCT5	Housing Distribution
	SEPSCT6	Affordable Housing
Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN5	Provision of New Residential Development
	GEN7	The Form of New Development
	GEN8	Development and the Provision of Infrastructure
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development
	GEN20	Provision of Public Open Space within New Development
	AREA10	Strategic Gaps
	DEV17	Affordable Housing
	DEV18	Affordable Housing Outside the Built Up Area

### PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS7	Sustainable development in rural areas
PPS9	Biodiversity & Geological Conservation
PPG13	Transport



PPG17	Sport and Recreation
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Development and Flood Risk

## **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 Councils SPG on Open Space and Recreation Standards is also a material planning consideration.

## **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 the application site is located outside the built up area boundary and within a Strategic Gap, as defined by the Arun District Local Plan.

## **OTHER MATERIAL CONSIDERATIONS**

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

It is considered that weight must be given to the Regional Spatial Strategy which was introduced in this area in May 2009 in the form of the South East Plan. Policy SCT5 of the South East Plan states that local planning authorities should allocate sufficient land and facilitate the delivery of 11,300 dwellings in Arun between 2006 and 2026. Further, emphasis has been placed on achieving these figures through the creation of sustainable urban extensions. The South East Plan therefore acknowledges that a proportion of new development will take place on Greenfield land and indeed, makes reference to new urban extensions and development being concentrated within OR adjacent to the regions urban areas.

Further, there is currently some doubt over whether Arun District Council can achieve their five year housing land supply, due to the current economic situation and large developments such as the Site 6 development being yet to commence development. As a result, it is considered there is a need to look more favourably upon sites that may have previously been discounted purely due to their location outside the defined built up area boundary.

## **CONCLUSIONS**

### **PLANNING HISTORY**

There is extensive planning history on the site. The most recent and relevant of these applications sought outline permission for 132 affordable residential units and was refused planning permission on nine grounds.

The first three reasons related to the site being located outside the defined built up area boundary and within a designated strategic gap. The fourth and fifth reasons related to the absence of a Section 106 Unilateral Undertaking. Reasons six, seven and eight related to technical matters, whilst the final reason was concerned with the issue of precedent. These issues will be considered in detail in relation to this application.

## SITE DESIGNATIONS

The application site is located outside the built-up-area boundary, as defined by the Arun District Plan, where development is generally not acceptable. The application is therefore a departure from the development plan.

It is acknowledged however that weight must be given to the Regional Spatial Strategy which was introduced in this area in May 2009 in the form of the South East Plan. Policy SCT5 of the South East Plan states that local planning authorities should allocate sufficient land and facilitate the delivery of 11,300 net additional dwellings in Arun between 2006 and 2026. Further, emphasis has been placed on achieving these figures through the creation of sustainable urban extensions.

An application for a lawful development certificate for an existing use as a Garden Centre, Aquatic Sales Centre and Nursery was approved in 2008 (planning ref: BE/156/07/CLE). At this time, the front portion of the site was clearly identified as being a garden centre and aquatic sales and therefore Use Class A1 retail use; whilst the rear portion of the site was labelled as a nursery. It is therefore considered that the front portion of the site can be classified as previously developed land whilst the rear portion is Greenfield. Policy SP3 of the South East Plan states that 60% of new development across the South East should be on previously developed land; however the policy also states that development should be concentrated within or adjacent to the regions urban areas. Further, development in and around urban areas, including urban infill/intensification and new urban extensions should be well designed and consistent with the principals of urban renaissance and sustainable development.

The South East Plan therefore acknowledges that a proportion of new development will take place on Greenfield land and makes reference to new urban extensions and development being concentrated within OR adjacent to the regions urban areas.

The site is identified as a Strategic Gap within the Arun District Local Plan. As part of the evidence for the development of the Local Development Framework, Arun District Council commissioned Hankinson Duckett Associates (HAD) August 2006 to carry out a landscape assessment. The aim of the study was to identify which areas of the District have capacity for development. The study also reviewed and considered the boundaries of Strategic Gaps.

The application site falls within the North Bersted Matrix. The report concludes that the landscape sensitivity for this area is Moderate, whilst the landscape value is Slight. As a result of this assessment the landscape capacity, which is the capacity for development, is Medium to high.

The HAD report also assessed the strategic gaps which form part of the current Local Plan policy with a view to future inclusion into planning policy. The report identifies that the Rose Green Coastal Plains and the North Bersted matrix do not make a significant contribution to the wider setting to Bognor Regis. They are not necessary to maintain visual separation between Chichester and Bognor Regis and their loss from the strategic gap would not erode the wider setting of either settlement. In the consultants view the strategic gap is not considered to have great value in its current form and its retention is not recommended. In light of this assessment, it is considered that the application could not be refused on these grounds.

## 5 YEAR HOUSING LAND SUPPLY

PPS3 states that Local Planning Authorities should identify specific deliverable sites to deliver housing in the first five years, in the form of a five year housing land supply.

There is currently some doubt over whether Arun District Council can achieve their five year housing land supply, due to the current economic situation and large developments such as the Site 6 development being yet to commence development.

In addition, Arun District Council has previously lost appeals for this reason, most notably Yapton Industrial Estate, Bilsham Road, Yapton (planning ref: Y/37/07/) and Land to the South of Hearnfield Road, Wick (planning ref: LU/85/08/). As a result, it is considered there is a need to look more favourably upon sites that may have previously been discounted purely due to their location outside the defined built up area boundary.

## HOUSING DENSITY

The proposal seeks a net housing density of 31 dwellings per hectare. The application is therefore compliant with PPS3: Housing, which state that 30 dwellings per hectare should be used as a national indicative minimum. Further, saved policy GEN7 of the Arun District Local Plan states that development will be permitted provided it make efficient use of land and in the case of new residential development, achieves net densities of at least 30 dwellings per hectare. Although the proposal is close to these minimum requirement, it is considered that this is appropriate given the location of the site on the urban/ rural fringe.

## RESIDENTIAL AMENITY AND CHARACTER OF THE AREA

The number of dwellings proposed and the means of access to the site from Chalcraft Lane, form part of the outline application with layout, scale, appearance and detailed landscaping being reserved matters.

Indicative plans have been submitted as part of the proposal, which demonstrate how the site could be laid out with up to 70 No dwellings. The indicative layout suggests a development comprising a mix of detached, semi-detached and some terraced two and three bed family houses. The agent has stated within the submitted information that properties will be a maximum of 2.5 storeys in height. The submitted Design and Access Statement states that the intention is to provide differing traditional styles in order to achieve visual interest in the street scene and provide an attractive environment for future residents.

The Cemetery abuts the site to the south west side; whilst the northern and western boundaries adjoin undeveloped countryside. There are residential properties to the front east side of the site, adjacent to Chalcraft Lane. These properties are a mixture of one, two and two-and-a-half storey detached, semi-detached and terraced dwellings. At the closest point, the properties on the indicative layout are positioned some 18m from the side elevation of No. 76 Chalcraft Lane and 32m from the rear elevation of No. 94 Chalcraft Lane. These distances are considered to be acceptable in principle, however the effect of the development upon the residential amenities of neighbouring properties will be considered in more detail at the reserved matters stage. The form, style and design of the properties will also be considered at the reserved matters stage; however the indicative layout is considered to be largely acceptable and the development would not it is considered detract from the character of the surrounding area.

It is therefore concluded on the basis of the information submitted that that the proposal would represent an acceptable form of development which would neither detract from the character of

the surrounding area, nor cause demonstrable harm to the residential amenities of any neighbouring property.

## RENEWABLE ENERGY

The agent has stated in his supporting design and access statement that the intention is to use 10% of their energy from decentralised sources. A sustainability rating of Code Level 3 is proposed for all housing on this site, which will be ensured through a condition.

The application is therefore fully compliant with Policy NRM11 of the South East Plan and PPS22, which seek to high levels of energy efficiency as part of new developments.

## AFFORDABLE HOUSING

It is Council policy and a policy of the South East Plan that for a scheme of this size 40% affordable housing should be provided. The applicants agent has indicated that this provision is acceptable and will form part of the Unilateral Undertaking.

## CONCLUSIONS

Taking into consideration the advice contained within the South East Plan and the increased emphasis on achieving higher housing figures in the Arun District in the coming years, together with the landscape assessment, it is considered that there have been a number of material planning considerations since the previous refusals on this site to warrant approval of the application.

Due to there being doubt over whether Arun can achieve their five year housing land supply, there is a need for the deliverability of the site to be ensured through condition. For this reason it is recommended that the time limit condition which refers to development commencing on site should be reduced from 5 years to 2 years, with the reserved matters application being required to be submitted within 6 months of approval of this outline application.

It is therefore recommended that this application be approved subject to the conditions set out below, provided that a Section 106 Unilateral Undertaking is received which relates to affordable housing and all West Sussex County Council requirements by 1st September 2009. If no Section 106 Unilateral Undertaking is received by this date, then the application will be refused on the grounds of lack of infrastructure requirements.

Owing to the consultation response from West Sussex County Council still being outstanding, it is recommended that the decision be delegated to the Head of Planning Services in consultation with the Chairman of the Committee, in order that this further consultation response may be considered and any recommendations reflected in the officers decision.

## RECOMMENDATION

### APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The permission hereby granted is an outline permission under Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 6 months beginning with the date of this permission:-

(a) Layout;

- (b) Scale;
- (c) Appearance;
- (d) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun before the expiration of 2 years from the date of this permission.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 Before the development is commenced, details of the means of surface water drainage shall be submitted to and approved in writing by the local planning authority. The details shall include taking into account the level of the groundwater table, which must be monitored for a minimum period of twelve months, and details for the responsibility of the future maintenance arrangements of any proposed SuDS scheme supplied.

Reason: To ensure that the proposed development is satisfactory drained in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7, GEN9 of the Arun District Local Plan.

- 4 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To prevent flooding by ensuring the satisfactory storage/ disposal of foul and surface water in accordance with the requirements in Planning Policy Statements 23 and 25 and Policy NRM4 of the South East Plan.

- 5 The development hereby permitted shall not be commenced until such time as a scheme to manage surface water has been submitted to, and approved in writing by, the Local Planning Authority.

This Scheme must detail or demonstrate:

1. The peak discharge rates and together with associated control structures and their position.
2. Details of the drainage system capacity (e.g. 1:30 year).
3. Safe management of critical storm water storage up to the 1:100year event.
4. Overland flow routes for events in excess of the 1:100 ( 20% Climate change).
5. Provide topographical information of pre and post development.
6. Details of agreed adoption, monitoring and maintenance of the drainage and suds features.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water in accordance with the requirements in Planning Policy Statements 23 and 25, and Policy NRM4 of the South East Plan.

- 6 The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: The development site is bordered by drainage ditches on three sides. Excessive suspended solids could reduce drainage capacity within the ditches leading to localised flooding which Planning Policy Statements 23 and 25 and Policy NRM4: Sustainable Flood Risk Management of the South East Plan 2009 require us to address. Soil from the development site could be contaminated with herbicides / pesticides / hydrocarbons etc. from the existing businesses.

- 7 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure this development proceeds in accordance with the requirements of PPS23. The historic uses of the site mean there is potential for land contamination to be present. The applicant suspects contamination on all or part of the site and the desk study has identified potential sources. Due to the location of the site on a secondary aquifer in an area of high groundwater, and adjacent to a number of surface watercourses, the risks to controlled waters from any contamination at the site must be fully investigated and understood.

- 8 A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure the satisfactory remediation of the site, if deemed necessary, in accordance with the requirements of PPS23.

- 9 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To protect controlled waters from contamination in accordance with the principles of PPS23. Due to the historic uses of the site, there may be areas of contamination on site that are not identified and characterised during intrusive site investigations.

- 10 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: To protect controlled waters from contamination in accordance with the principles of PPS23.

- 11 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect controlled waters from contamination in accordance with the principles of PPS23. Piling can create pathways for contamination to reach groundwater and thereby surface waters.

- 12 The development permitted by this planning permission shall only be carried out in accordance with the approved Ecological Scoping Survey Report 30th March 2009 / 09\_238\_Report\_MF\_SJ / GreenLink Ecology Ltd.

As detailed in section 5.1.1 of the report a Reptile Survey shall be carried out and submitted to the Local Planning Authority prior to a reserved matters application being submitted in relation to this site. If Reptiles are present, a mitigation strategy shall be submitted for approval to the local planning authority, and thereafter the development shall be carried out in a accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

Reason: This condition is necessary to ensure that Reptiles and its habitat is protected both within and adjacent to the development site. Without this condition, it is possible that avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in Planning Policy Statement 9 and Planning Policy Statement 1. The applicant could also be liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended by CROW 2000) and the Habitats Directive regulations for European Protected species.

- 13 No building or development shall take place until a scheme for the provision and management of a buffer zone alongside the watercourses located adjacent and within the site has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:

- plans showing the extent and layout of the buffer zone
- details of the planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term
- details of any footpaths, fencing, lighting etc.

Reason: Development that encroaches on watercourses / wetland areas has a potentially severe impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

- 14 No development shall be carried out until all buildings and structures existing on the application site at the date of this permission have been demolished, the debris removed from the site and the site cleared.

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

- 15 The dwelling(s) shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved

Reason: In order to achieve a sustainable development in accordance with PPS1 and policies CC1 and CC4 of the South East Plan.

- 16 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources (as described in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007)). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority [as a part of the reserved matters submissions required by condition 1]. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to seek to achieve high levels of energy efficiency in accordance with policy NRM11 of the South East Plan and PPS22.

- 17 Prior to the commencement of development, plans detailing a footpath link from the public highway to the existing public footpath at the northern corner of the site, incorporating a footbridge over the existing drain shall be submitted to an approved in writing by the Local Planning Authority. The footpath shall thereafter be constructed on site and retained in perpetuity.



Reason: To create greater connectivity between the site and the surrounding area in accordance with Policy GEN7 of the Arun District Local Plan.

- 18 All access roads constructed as part of this development shall be extended to the end of land within the applicants control and retained in perpetuity.

Reason: To create greater connectivity between the site and the surrounding area in accordance with Policy GEN7 of the Arun District Local Plan.

- 19 As part of the reserved matters application, a revision to the indicative layout of the development must be submitted to ensure that formal open space and the LEAP does not back onto existing residential properties and that the formal and informal open space be more closely associated.

Reason: To ensure that the development complies with SPG: Open Space and Recreation Standards and to protect the residential amenities of existing residential properties.

- 20 INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

#### SUMMARY

This planning permission was granted because, although the proposed development does not comply with the policies in the Development Plan Listed below in that the application site is located outside the defined built up area boundary, there are material considerations which indicate that it can be granted. These material considerations are that weight must be given to the Regional Spatial Strategy which was introduced in this area in May 2009 in the form of the South East Plan. Policy SCT5 of the South East Plan states that local planning authorities should allocate sufficient land and facilitate the delivery of 11,300 net additional dwellings in Arun between 2006 and 2026. Further, emphasis has been placed on achieving these figures through the creation of sustainable urban extensions. The South East Plan therefore acknowledges that a proportion of new development will take place on Greenfield land and indeed, makes reference to new urban extensions and development being concentrated within OR adjacent to the regions urban areas.

Further, there is currently some doubt over whether Arun District Council can achieve their five year housing land supply, due to the current economic situation and large developments such as the Site 6 development being yet to commence development. As a result, it is considered there is a need to look more favourably upon sites that may have previously been discounted purely due to their location outside the defined built up area boundary.

#### RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN3, GEN5, GEN7, GEN8, GEN9, GEN12, GEN20, AREA10, DEV17, DEV18.

SOUTH EAST PLAN: SP1, SP3, CC1, CC3, CC4, CC7, H1, H3, H4, H5, T4, T5, T6.

NATIONAL POLICIES: PPS1, PPS3, PPS7, PPS9, PPG13, PPG17, PPS22, PPS23, PPS25.

This paragraph is to comply with Article 22 General Development Procedure Order 1995

- 21 The access from the site to the public highway shall be designed, laid out and constructed with kerb radii, visibility splays and sight lines in all respects in accordance with plans and details to be submitted to and approved by the Local Planning Authority before any other operation or use authorised by this permission is commenced.

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

- 22 This permission shall relate to a maximum number of 70 dwellings but at a minimum density of 30 dwellings per hectare.

Reason: For the avoidance of doubt as this is the maximum number of dwellings applied for and to comply with policy GEN7 of the Arun District Local Plan.

- 23 INFORMATIVE:

The applicant/ developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo St. James House, 39A Southgate Street, Winchester, SO23 9EH (Tel: 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk)

- 24 INFORMATIVE:

The applicant is advised that due to the proximity of water bodies, a RoSPA assessment of the open spaces would be required to be carried out. The applicant is advised to contact RoSPA on this matter.

- 25 INFORMATIVE:

Please note that related to this permission is an agreement under Section 106 of the Town & Country Planning Act 1990.

- 26 INFORMATIVE:

The applicant is advised that if any protected species are discovered during the course of the development, then all works must cease on site and Natural England should be informed immediately.

- 27 INFORMATIVE:

The applicant is advised of the comments received from Natural England, which reads as follows:-

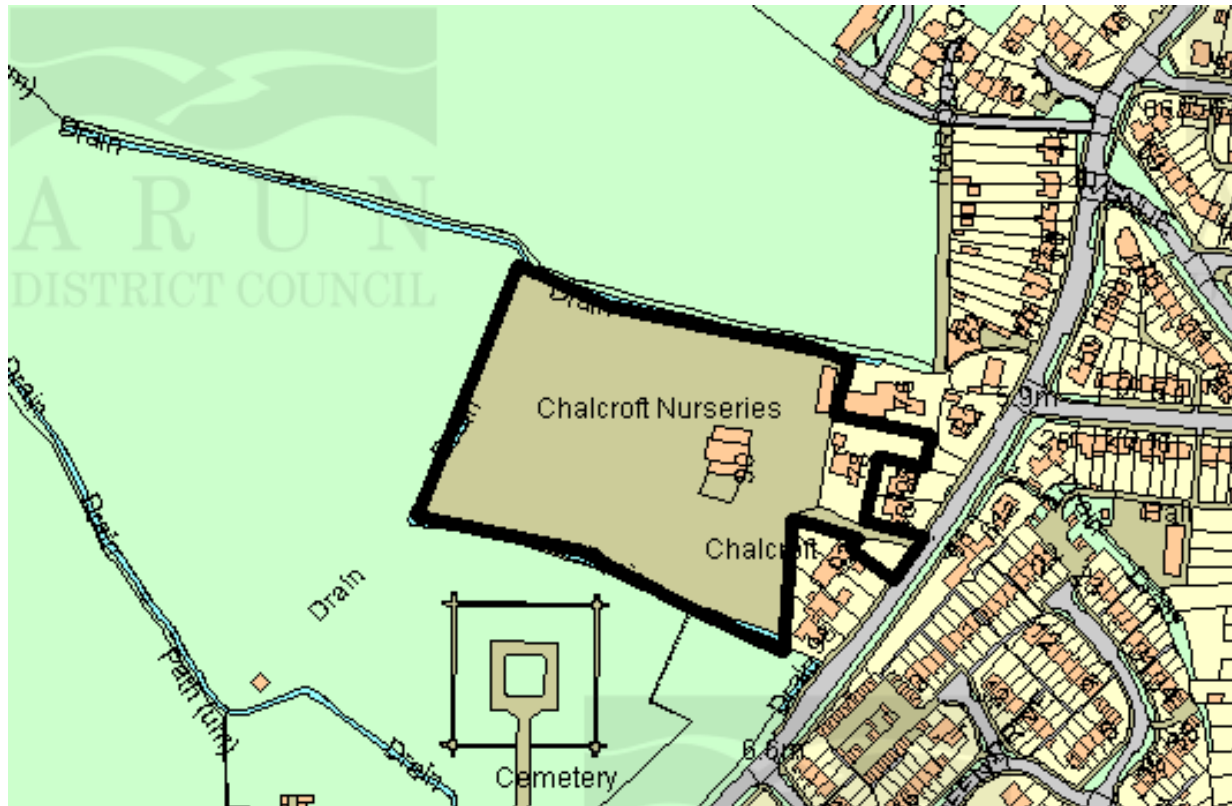
'This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes'.

- 28 INFORMATIVE: The buildings shall not be occupied until the crossing between the boundary of the site and the adjoining carriageway has been laid out and constructed to a specification to be agreed with the Local Planning Authority. Details of the specification may be obtained from the Area Engineer, West Sussex County Council, Area 1, Drayton Depot, Drayton Lane, Chichester. Telephone: 01243-836900 or from West Sussex County Council, County Surveyors Department, County Hall, Chichester. Telephone: 01243-777921.

- 29    INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 30    INFORMATIVE: The applicant is advised that, as from 6 April 2008, the submission of a 'Site Waste Management Plan' (SWMP) is mandatory for all construction projects in England with a project cost greater than £300,000 (excluding VAT) under the provisions of Section 54 of the Clean Neighbourhoods and Environment Act 2005. Further information on the requirements of SWMPs and how they should be applied in practice can be obtained from DEFRA, 6/F7 6D, Ergon House, Horseferry Road, London, SW1P 2AL, Tel. (0207) 2384847 or at their website: [www.defra.gov.uk/constructionwaste](http://www.defra.gov.uk/constructionwaste)

**BE/47/09/ 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:** BN/10/09/**LOCATION:** Greenlands  
Park Road  
Barnham**PROPOSAL:** Roof Extension**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	This application seeks to extend and alter and existing single storey bungalow to form and one and a half storey chalet style bungalow.
SITE AREA	Approximately 855 square metres
RESIDENTIAL DEVELOPMENT DENSITY(NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Mature shrubs, trees and hedging in excess of 2m in height surrounds the perimeter of the rear garden. To front there are iron railings and gates with intervening brick pillars approximately 1m in height.
SITE CHARACTERISTICS	The site is a single storey bungalow with pale painted brick elevations and a pink asbestos-concrete tiled hipped roof.
CHARACTER OF LOCALITY	The site is located within a semi rural area in Park Road, a small residential road of predominantly chalet style dwellings and bungalow accommodation, with the exception of the two storey semi detached houses adjacent to the site. There are horticultural nurseries within the wider locality.

**RELEVANT SITE HISTORY**

BN/28/89	Timber Garage	Approve Cond 09-10-1989
WA/61/72	Extension to kitchen to form breakfast/dining to extension to conservatory	Approve 27-09-1972

**REPRESENTATIONS**

**REPRESENTATIONS RECEIVED:**

Barnham Parish Council

Awaited

**COMMENTS ON REPRESENTATIONS RECEIVED:**

None

**CONSULTATIONS****CONSULTATION RESPONSES RECEIVED:**

None

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

**POLICY CONTEXT**

Designation applicable to site:

Outside the Built Up Area

**DEVELOPMENT PLAN POLICIES**

South East Plan:

Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

**PLANNING POLICY GUIDANCE**

PPS1                      Delivering Sustainable Development

**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 not considered to comply with policy DEV19 of the Arun District Local Plan in that the extension is not visually subservient to the existing building.

**OTHER MATERIAL CONSIDERATIONS**

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. The proposed extension 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.

**CONCLUSIONS**

Principle

This application seeks to construct a roof extension to 'Greenlands', Park Road, in order to convert the existing single storey bungalow to a one and a half storey chalet style dwelling. The proposal would see the existing hipped roof which reaches a maximum height of approximately 5m, replaced with a half hipped roof reaching a maximum height of approximately 6.1m. The two existing conservatories on the property would be removed.

The scheme would also involve the construction of an 'infill' extension on the northern elevation, to measure approximately 4.6m x 3m, encompassed within the replacement roof.

A gabled porch approximately 2.5m wide, 1.9m deep and 3.3m high would be constructed on the northern elevation of the dwelling.

#### Visual Amenity

The proposed development would include various renovations to the existing dwelling; the walls would be rendered and painted white, and some fenestration would be altered with the provision of French doors and oriel windows. The roof would be tiled with reconstituted slate.

Whilst it is appreciated that the proposed scheme would result in a significant change to the appearance of the dwelling, by reason of its scale, design and materials, it is considered to be in keeping with the character and appearance of other properties within the vicinity. Therefore it is deemed that the proposed development would not have a detrimental effect on the visual amenities of the locality and overall is considered to be compliant with the objectives of policy DEV19 in achieving a well designed extension.

#### Residential Amenity

The proposed development would see no great increase (approximately 1.1m) to the height of the roofline, and there would be no increase to the overall width and depth of the property. It is therefore considered that the extensions would not have an overbearing impact on neighbouring properties.

Indeed, whilst it is noted that two rooflights would be inserted into both the northern and southern elevations, their high level and angled position in the plane of the roof would be such that it is not considered that they would give rise to overlooking. The additional first floor window on the western elevation would be some 15m away from the boundary of the opposite property, 'Willowgate', whilst that on the eastern elevation would be some 24m from the rear boundary of the site. Similarly, it is not deemed that these windows would have a materially adverse effect on the occupiers of neighbouring dwellings by means of giving rise to overlooking.

#### Conclusions

The proposed extensions and alterations would result in significant changes to the appearance of the property, however it is not considered that these changes would be out of keeping with the character and appearance of the surrounding area. Therefore it is deemed that the proposed development would not have a detrimental effect on the visual amenities of the locality. Indeed, upon visiting the site it was noted that there are various other chalet style dwellings of a similar style within the immediate vicinity.

Whilst the proposed development may be contrary to Policy DEV19 of the Arun District Local Plan, in that it would not be 'visually subservient' to the existing building, it is not considered to have a significant effect on the visual or residential amenities of the locality and it is therefore recommended that the application be 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 No development shall be carried out unless and until a schedule of materials to be used for external walls and roofs of the proposed building extension has 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 by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the roof of the building without the prior permission of the Local Planning Authority on an application in that behalf.

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

- 4 **INFORMATIVE:** Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

#### **SUMMARY**

This planning permission is granted because whilst the proposed extension may not be subservient to the existing dwelling, the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character.

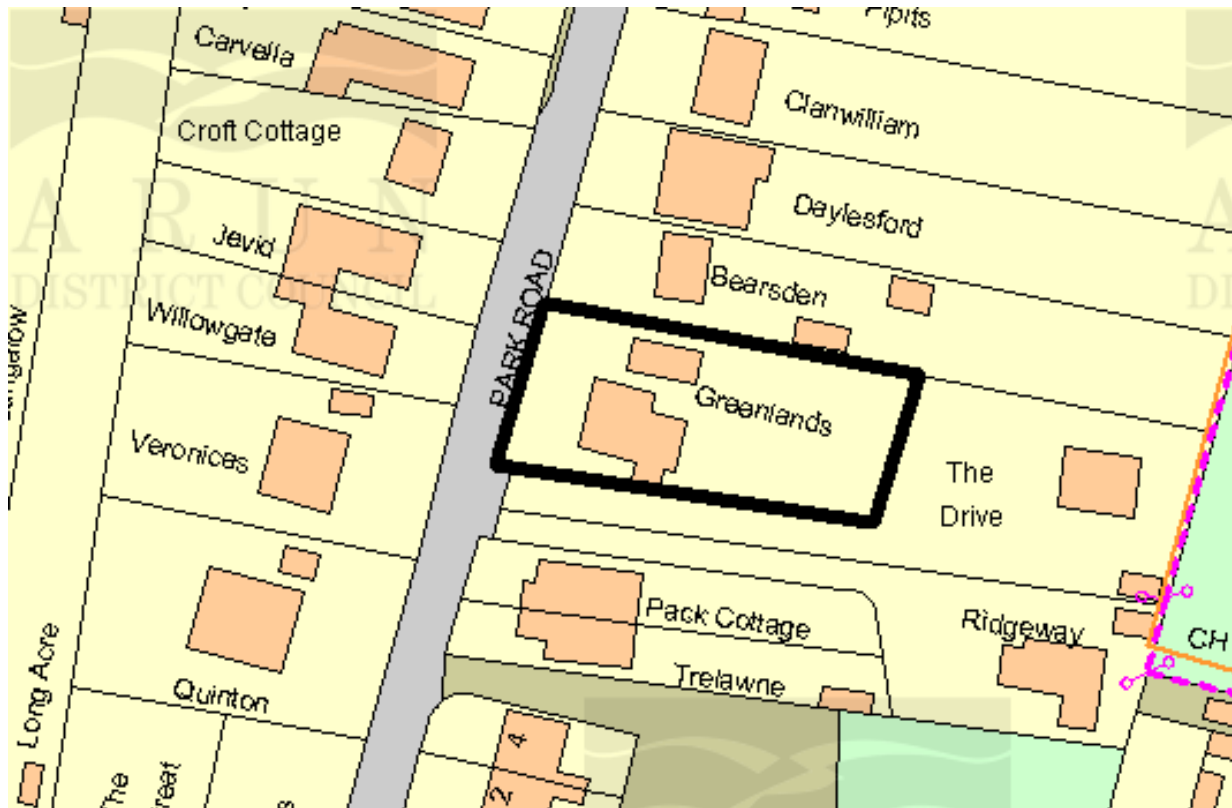
#### **RELEVANT POLICIES**

**LOCAL PLAN:** GEN3, GEN7, DEV19

**NATIONAL POLICIES:** PPS1

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.



**BN/10/09/ 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/75/09/**LOCATION:** River Arun adjacent to Town Quay  
Immediately downstream of  
Queen Street Bridge Arundel**PROPOSAL:** Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for provision of 24m long pontoon embarkation & landing facility in the River Arun for riverboat cruises & public mooring. The existing masonry steps & landings will remain unchanged but cease to be used.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Proposal is for a pontoon made of two sections measuring 12 x 2.2m each. 24m overall in length.  The pontoon would be supported on polyethylene floats and would have a galvanised steel frame structure and GRP deck with aluminium handrail. It would be located adjacent to the existing river wall close to the bridge.  The proposal is a resubmission of an earlier approved application for a pontoon in this vicinity. Its position has been amended in this current proposal to a position 5m closer to the Queen Street bridge.
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	Wall along river bank from bridge approximately 1.2m high.
SITE CHARACTERISTICS	Area adjacent to river is Jubilee Gardens a seating area. Bus stop and seating both sides of wall. Planter in the centre. Bollards. To west café and estate agents at ground floor. Newsagents opposite. Steps down to river at present. Parish information notice board in area.
CHARACTER OF LOCALITY	Town centre location. Mix residential, retail, business uses.

**RELEVANT SITE HISTORY**

AB/163/08/	Application under Regulation 3 of the Town and Country Planning General regulations 1992 for provision of 24m long pontoon embarkation and landing facility in the River Arun for riverboat cruises and public mooring. The existing masonry steps and landings will remain unchanged but cease to be used.	Approve Cond 04-02-2009
AB/129/96	Installation of a new bus stop shelter	Approve Cond 05-02-1997
AB/28/95	Siting of a temporary freestanding pontoon (April-September each year)	Approve Cond 21-06-1995
AB/10/81	Mooring along existing river wall and clearance or river bed in this area	Approve Cond 17-06-1981
AB/45/80	Sitting out area terrace	Refused 28-05-1980

AB/118/97 application under Regulation 3 of the Town and Country Planning Act General Regulations 1992 for public mooring pontoons and connecting walkway. Approved conditionally 31 October 1997.

## **REPRESENTATIONS**

### **REPRESENTATIONS RECEIVED:**

Arundel Town Council

Awaited

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

None

## **CONSULTATIONS**

WSCC Local Development Divis.

Southern Water Planning

Environment Agency

Conservation Officer

Littlehampton Harbour Board

### **CONSULTATION RESPONSES RECEIVED:**

None

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

None

## **POLICY CONTEXT**

Designation applicable to site:

Abuts River Arun

Class C Road

Designated Conservation Area

### **DEVELOPMENT PLAN POLICIES**

South East Plan:

SEPBE6

Management of the Historic Environment

	SEPTSR4	Tourism Attractions
Arun District Local Plan:	GEN7	The Form of New Development
	AREA2	Conservation Areas
	GEN23	The Water Environment

**PLANNING POLICY GUIDANCE**

PPS1	Delivering Sustainable Development
PPG15	Planning and 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.

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

Where the building is located in a Conservation Area, Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 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 comply with these criteria in that it is not 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**

Historic Context

The proposal is a resubmission of a previously approved pontoon (AB/163/08) and seeks permission for an identical structure in a revised position 5m to the east closer to the existing Queen Street bridge.

The proposed pontoon will improve the existing access to the river with arrangements that will be safer for river users. The proposal would replace the pontoon which received approval in 1997 our ref AB/118/97.

**Conservation Area Considerations**

Provided the details of the finishes and colours are controlled by conditions the pontoon will not detract from the character and appearance of the Conservation Area. It would not be a significant or visually prominent in the locality. The materials would be appropriate to its river location.

**The Water Environment**

The increased use of the pontoon area for river boat cruises and public mooring would contribute to the vitality of the town centre and would accord with policy GEN23 of the Local Plan which seeks to support initiatives which restore or enhance the water environment.

It is therefore recommended that no objections are raised to the application subject to the conditions set out overleaf.

**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 Within 2 months from the date of this permission a schedule of finishes and colours to be used for the external appearance of the pontoons have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the pontoon.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a structure of visual quality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 3 Within 2 months from the date of this permission details of the new opening in the brick walling to gain access to the landing and treatment of the truncated ends to the opening have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality in accordance with policies DEV1 and CH4 of West Sussex Structure Plan and policies GEN7 and AREA2 of Arun District Local Plan.

- 4 The detailing of the new floodgate should as far as may be practicable match the existing floodgate. Any variation from the original design must be with the written approval of the Local Planning Authority.

Reason: To preserve the appearance and character of the Conservation Area in accordance with policies CH4 of the West Sussex Structure Plan and AREA2 of the Arun District Local Plan.

- 5 Within 2 months from the date of this permission details shall be submitted and approved in writing on the self closing floodgate.

Reason: To ensure the structural integrity of existng flood defences thereby reducing the risk of flooding.

- 6 Within 2 months from the date of this permission details shall be submitted and approved in writing on the proposed opening to be formed in the existing flood wall.

Reason: To ensure the structural integrity of existing flood defences thereby reducing the risk of flooding.

- 7 Within 2 months from the date of this permission details shall be submitted and approved in writing regarding any anchorage points required to be fixed to the existing river defences.

Reason: To ensure the structural integrity of existing flood defences thereby reducing the risk of flooding.

- 8 Prior to commencement of works, provision of the new pontoon and landing area a method statement shall be submitted and approved in writing to enable an assessment of any potential impacts and how they can be avoided or mitigated. This should include (a) Details of pollution prevention measures in order to protect the river Arun during the works and (b) Timing details.

Reason: To ensure that the river Arun is protected from pollution during the works in accordance with policy DEV1 of the West Sussex Structure Plan and policies GEN7 and GEN23 of the Arun District Local Plan.

- 9 **INFORMATIVE:** Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

#### 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: BE6

LOCAL PLAN: GEN7, AREA2, GEN23

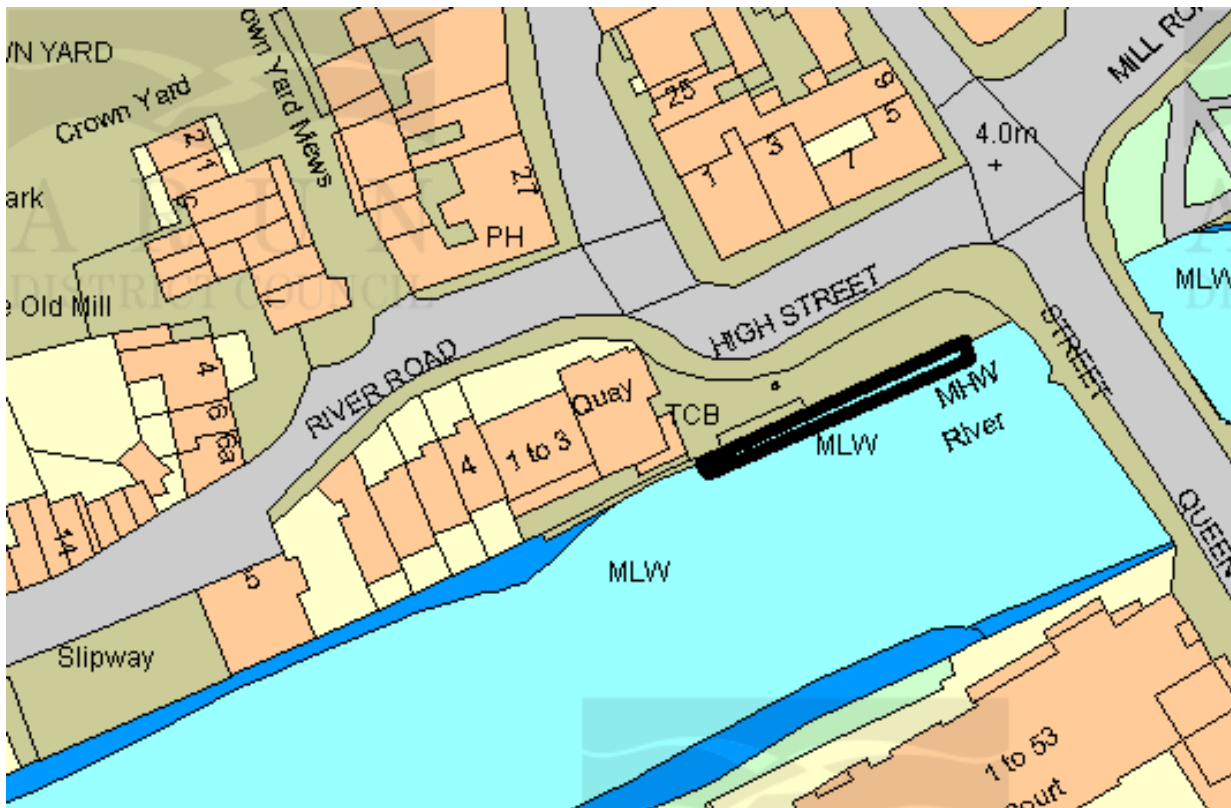
NATIONAL POLICIES: PPS1, PPG15

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

**AB/75/09/ Indicative Location Plan**

**(Do not Scale or Copy)**

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



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**PLANNING APPLICATION REPORT****REF NO:** A/49/09/**LOCATION:** 12 Ferndale Walk  
Angmering**PROPOSAL:** Proposed demolition of garage and construction of a single storey side extension**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The rear extension will measure approximately 7.6m x 3.2m x 3.5m high.
SITE AREA	Approximately 469 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	Conifer trees on the side boundary to be removed. The trees are not considered to be of any significant public visual amenity, therefore will not be made the subject of a Tree Preservation Order.
BOUNDARY TREATMENT	Open to the front of the site. Rear of the property is enclosed to the west by 1.8m high brick wall, wooden fencing to the rear 1.8m high and to the east 1.2m high and fir trees, 3m high. All measurements are approximate.
SITE CHARACTERISTICS	2 storey detached property. Red brick elevations, UPVC cladding at 1st floor level. Gabled, concrete tiled roof. Flat roof detached garage to the east of the main building.
CHARACTER OF LOCALITY	The site located within a cul-de-sac with residential properties surrounding the site. Mix of detached and semi detached properties.

**RELEVANT SITE HISTORY**

None

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

Angmering Parish Council

Objection: The removal of the garage substantially reduces off street parking. The design and external appearance of the dwelling is being altered substantially to the detriment of the site, impinging on the border of the near neighbour.

1 Letter of Objection:



Living accommodation would be moved very close to our property and boundary, resulting in loss of privacy, concerns about an increase of noise given the proposed used as a family room. The demolition of the garage would significantly alter the character and feeling of the space in the cul-de-sac, driveway leading to a reception room would not be in keeping with the surrounding detached properties. Loss of a parking space may increase parking issues. The existing garage forms the boundary of the property and the plans do not state how a new boundary would be defined. No reference to the row of trees which currently provide privacy.

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

Comments noted. The proposal maintains parking on the driveway for 2 cars. The proposed development is not considered to result in a loss of amenity to neighbouring properties given its single storey nature and scale. Although similar development is not seen within the street scene the design and scale is considered acceptable and will not detract from the character and appearance of the surrounding residential area. The trees to be removed as part of the application are not considered to of significant public visual amenity and therefore will not be made the subject of a Tree Preservation Order.

### **CONSULTATIONS**

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

None

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

None

### **POLICY CONTEXT**

Designation applicable to site:  
Within the Built-up Area Boundary

#### **DEVELOPMENT PLAN POLICIES**

South East Plan:

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

#### **PLANNING POLICY GUIDANCE**

PPS1                      Delivering Sustainable Development

### **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 or legislative background.

## CONCLUSIONS

### Principle

The proposed application seeks permission for a single storey extension to the east elevation in place of a detached flat roof garage which is to be demolished. The proposal is located within the built-up area boundary in which development is acceptable in principle.

### Visual Amenity

There is no objection in principle to the removal of the existing garage. The proposed single storey extension is considered to be attractively designed and its modest scale would ensure that it appears visually subservient to the existing dwelling. The use of matching materials would further ensure visual integration respecting the street scene of the area.

### Residential Amenity

The proposal will be approximately 0.4m from the boundary adjoining No.14 Ferndale Walk. The addition is not considered to impact upon neighbouring amenity as it will be adjacent to a 2 storey flank wall of the neighbouring dwelling, therefore the proposal is not considered to result in unacceptable loss of amenity to the neighbouring property No.14.

### Conclusion

The proposed extension is not considered to result in a loss of amenity to the neighbouring residential property No.14 as it will replace an existing detached garage and will be set back from the boundary by approximately 0.4m and is adjacent to a 2 storey flank wall of the neighbouring property. The proposal given its design will not detract from the appearance of the existing property and its scale ensures that it is not obtrusive within the street scene.

It is therefore recommended that the application be 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 materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing dwellings.

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

- 3 INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

**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

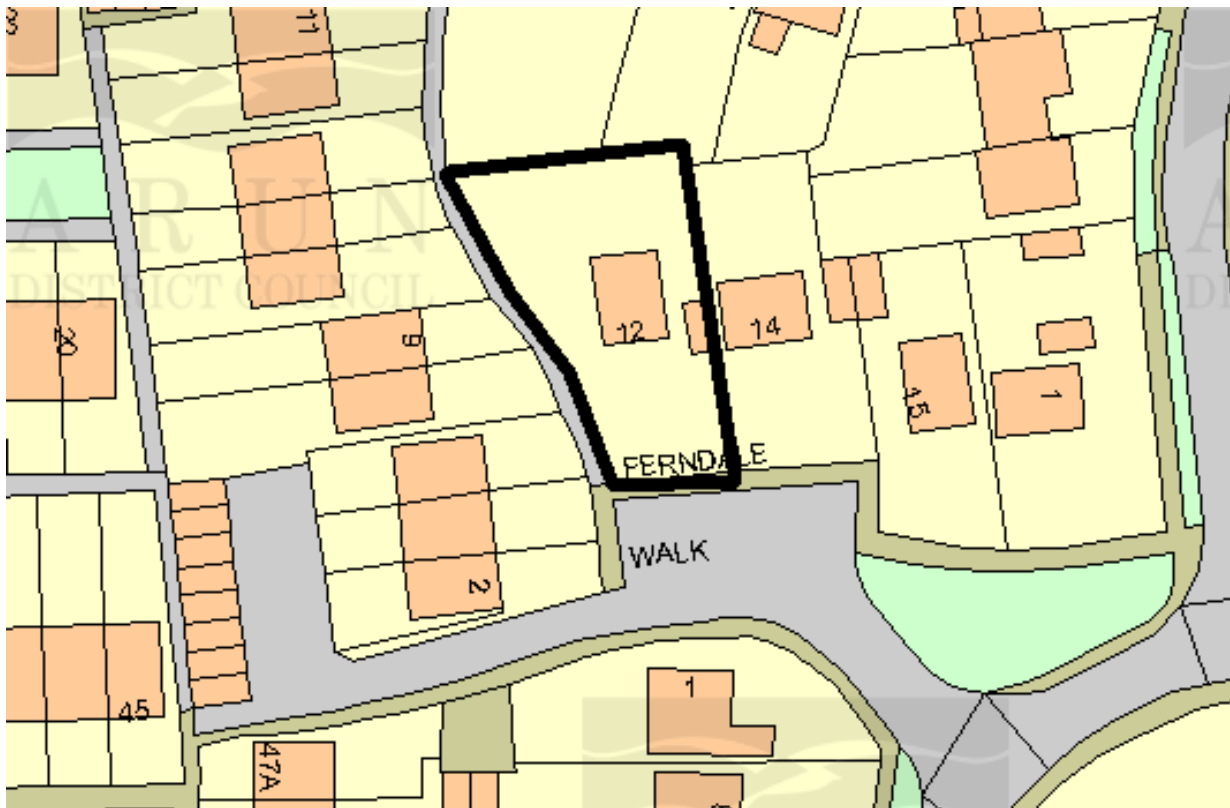
NATIONAL POLICIES: PPS1

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

**A/49/09/ Indicative Location Plan**

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ARUN DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE - 12<sup>TH</sup> AUGUST 2009

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Decision Paper

Subject : Updating of the Powers of Assistant Director - Planning & Housing Strategy [ ADP&HS ]

Report by : Delwyn Jones - Planning Solicitor Report date: 17 June 2009

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EXECUTIVE SUMMARY

To amend the Councils Constitution so as to clarify the powers of the ADP&HS by inserting this power :-

“ 1.6.10 (a) power to negotiate and agree planning obligations under the Town & Country Planning Act 1990

(b) Power to negotiate and agree modifications, variations and discharges of planning obligations under Section 106A, Town & Country Planning Act 1990.

(c ) Power to administer, appear at and represent the Council at Appeals against refusals of applications to vary, modify or discharge planning obligations under Section 106B, Town & Country Planning Act 1990.

(d) Power to act in relation to all the above when they apply to agreements made under Section 52, Town & Country Planning Act 1971 and other relevant predecessor legislation, including acting in Appeals to the Lands Tribunal under Section 84, Law of Property Act 1925”.

1.0 Purpose

1.1 To clarify the powers of the ADP&HS under the Council's Scheme of Delegation.

2.0 Powers

2.1 In the Council's Constitution, Part 3 “Development Control Committee” [DCC] , paragraph 2.1.10 page 56 states that the DCC has power “to make amendments to the Officer's Scheme of Delegation insofar as they relate to Planning Services” which gives DCC power to amend the Officers' Scheme of Delegation in the manner set out in this report.

2.2 The Council's Scheme of Delegation could be much improved and clarified if specific powers were included for the ADP&HS to negotiate, agree, vary and discharge planning obligations under Section 106, Section 106A and Section 106B, Town & Country Planning Act 1990 and planning agreements under any predecessor legislation. Further such an amendment would enable work in this area to be processed more swiftly for the convenience of both the Council and the public .

2.3 The Constitution at Part 3 para 2.6.1 .1 page 56 states that the Governance Committee ".....review[s] the Constitution with particular regard to the Delegation of Powers structure ....." hence the need to refer this item to that Committee before further reference to Full Council with a recommendation to amend the constitution and Scheme of Delegation.

3.0 Amendments to Assistant Director's Delegation under Section 106A, Section 106B, Town & Country Planning Act 1990 and Predecessor Legislation

3.1 In order to give effect to the above proposal, the Council's Constitution Part 4 "Scheme of Delegation" page 114 "Planning Services" - there should be added after paragraph 1.6.9 the following: -

" 1.6.10 (a) power to negotiate and agree planning obligations under the Town & Country Planning Act 1990

(c) Power to negotiate and agree modifications, variations and discharges of planning obligations under Section 106A, Town & Country Planning Act 1990.

(c ) Power to administer, appear at and represent the Council at Appeals against refusals of applications to vary, modify or discharge planning obligations under Section 106B, Town & Country Planning Act 1990.

(d) Power to act in relation to all the above when they apply to agreements made under Section 52, Town & Country Planning Act 1971 and other relevant predecessor legislation, including acting in Appeals to the Lands Tribunal under Section 84, Law of Property Act 1925".

3.2 An Amendment to the above effect to the Officers' Scheme of Delegation will clarify the powers of the ADP&HS . These amendments are needed to clarify existing practices and to enable an increasing workload in this area of planning to be processed in accordance with timescales and which involve matters already delegated .

3.3 Such an amendment will address for example :-

[a] planning obligations required for planning applications which are delegated

[b] planning obligations which needs variation due to minor changes in the development and/or in the timescales applicable to payments which are being increasingly sought during the present economic climate

[c] requests to clarify whether a planning obligation binds land within a residential estate which is to be used as an utility site eg electricity substation

[d] applications to discharge or vary planning obligations under Sections 106A and 106B Town and Country Planning Act 1990 which the delegated powers do not specifically refer to

all of which are recent examples of queries relevant to this area which have been received but for which the delegated powers are not entirely clear yet are not of such significance as to require a “policy input” and which decisions need to be taken within timescales

#### 4.0 Recommendation

4.1 That the Development Control Committee, under its powers listed above, recommend that Governance Committee recommend that Full Council approve the amendment to the ADP&HS ‘s Scheme of Delegated Powers .

4.2 That the Governance Committee recommend to Full Council that the Council’s Constitution, Part 3 “ Governance Committee” [DCC] , paragraph 2.6.1 .1.page 56 be amended by adding the following words to the end of that paragraph :-

“ .....but excluding amendments to the Officer Scheme of Delegation in so far as they relate to Planning Services which will be considered by the Development Control Committee and recommended direct to Full Council “

4.3 Alternatively if Recommendation 4.2 above is not carried that Governance Committee recommend to Full Council that the Council’s Constitution Part 3 “Development Control Committee “ paragraph 2.1.10 page 55 be amended by adding the following words to the end :-

“ .....and recommend to Full council that the Constitution be amended accordingly without prior consideration by the Governance Committee under Part 3 “ Governance Committee paragraph 2.6.1.1 page 56 “

Dated 28<sup>th</sup> July 2009

ARUN DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE–12<sup>th</sup> AUGUST 2009

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Recommendation Paper

Subject : Proposed Compliance Strategy

Report by : Assistant Director for Planning & Housing Strategy

Report date: August 2009

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EXECUTIVE SUMMARY

All Local Planning Authorities were encouraged to adopt a Compliance (Enforcement) Strategy. Arun has never adopted a Compliance Strategy although at least one draft has previously been prepared. This report proposes that the attached draft Compliance Strategy is subject to consultation with Town/Parish Councils.

RECOMMENDATIONS

The Committee is recommended to:-

- (i) Agree to carry out formal consultation with Town/Parish Councils re the draft Compliance Strategy and report back the consultation responses to a relevant meeting of the Committee.

1.0 Background

1.1 ‘Enforcing Planning Control : Good Practice Guide for Local Planning Authorities’ suggests LPA’s should adopt a formal policy for compliance work.

1.2 The attached draft Strategy has been prepared for consultation purposes by adopting a Strategy our customers, be they complainants or contraveners, will have a greater understanding of how we deal with the matters and the service they can expect.

2.0 Proposal

2.1 It is proposed that a formal period of consultation be undertaken with the Town/Parish Councils is undertaken. This would begin on 17<sup>th</sup> August and conclude on 11<sup>th</sup> September 2009.



- 2.2 The findings of the consultation would be reported to the Development Control Committee on 4<sup>th</sup> November 2009. However, as there are issues surrounding the scheme of delegation (Policy 5) approval for a change in the Constitution would also be needed. It is, therefore, anticipated that this would be sought at the Governance Committee on 5<sup>th</sup> January 2010.
- 2.3 The draft Compliance Strategy proposes a number of principles and standards contained within the 32 policies some of the key policies are:
- Policy 1 :** Priorities - high priority cases a visit will be undertaken in 24 hours and all other cases will be visited in the first ten days.
- Policy 5 :** Decisions to take no further action where a breach has been identified will be determined under delegated powers. Committee will only consider requests for direct action where significant costs will arise.
- Policy 27 :** The Council will explore provision of a reactive service through Building Control.
- Policy 31 :** Targeted pro-active projects will be undertaken where resources allow.
- 2.4 The majority of the other policies put into words current practices and procedures undertaken by the Compliance Team.
- 2.5 It is anticipated that the proposed adoption of the Strategy will also be reported to Cabinet and Policy Scrutiny Committee at a date to be determined.
- 3.0 Conclusion
- 3.1 The adoption of a Compliance Strategy would lead to a more transparent service and manage public expectations.
- 3.2 By undertaking consultation with Town/Parish Councils we are engaging with service users. Consultation responses may lead to changes to the draft Strategy.

**Background Papers:** None

**Contact :** Karl Roberts (Ext. 37760); Nikolas Antoniou (Ext. 37799) or Daniel Vick (Ext. 37771).

# Compliance Strategy

## Introduction

1. The Town & Country Planning Acts give discretion to the Local Planning Authority in the exercise of its powers for the control of unauthorised development. This document sets out the strategy for the planning compliance service and the approach the Council will take in investigating and remedying breaches of planning control. This Strategy was formally adopted by the Council following approval by .... on ....
2. The Council is firmly committed to the effective enforcement of planning control. The Council views breaches of planning control very seriously and has a Compliance team within the Planning Department.
3. The former Department of the Environment, Transport and the Regions published "Enforcing Planning Control - Good Practice Guide for Local Planning Authorities" in July 1997. This builds on the guidance contained in Planning Policy Guidance Note 18 – Enforcing Planning Control. The good practice guide suggests that local planning authorities should establish a formal planning enforcement policy which provides a clear statement of the decision making framework in dealing with alleged breaches of planning control, and which explains the Council's procedures and practice. Our policy outlines the approach that will be adopted by the Council in dealing with unauthorised development and the procedures that will be followed.

## What is Planning Compliance?

4. Most, but not all building/engineering work and changes in the use of land and buildings need planning permission. Sometimes development is carried out without planning permission or does not properly follow the detailed plans approved by the Council. Such cases can cause serious harm to the way in which people live and work. Complainants have a right to expect that harmful activities are dealt with effectively.
5. Other situations that can be considered by the Compliance Team include:
  - Unauthorised display of advertisements
  - Unauthorised work to protected trees
  - Unauthorised work to buildings listed as being of special architectural or historic merit
  - Unauthorised demolition of certain buildings within a Conservation Area Land or buildings in such poor condition that it adversely affects the amenity of the area.

Civil matters such as land ownership disputes and breaches of a covenant attached to deeds will not be investigated.

6. The term used to describe such cases is a 'breach of control'.
7. Planning laws are designed to manage, and where necessary control the development and use of land and buildings in the *public interest*. They are not meant to protect the private interests of one person against the activities of another.
- 8 Carrying out work or changing the use of land or buildings without planning permission is not a criminal offence. In many cases the Council will give an opportunity to apply for retrospective planning permission.
- 9 The Council will operate within Government guidelines and in accordance with Council policy. This means that:
  - The Council must decide whether the breach of planning control unacceptably affects amenity.
  - Action will not be taken ***just*** because development has started without planning permission unless environmental or amenity harm arises.
  - The Council does not always have to take action but the particular circumstances of the case ***must*** always be considered.
  - It is unusual to take formal action against a minor breach of control that causes no real harm. However, any breach of planning control will be recorded and may be drawn to the attention of the developer.

***But:***

- Enforcement action will be taken quickly when it is necessary.
- 10 Harm resulting from a breach of planning control could cause amenity or highway safety issues and include noise nuisance, loss of daylight or privacy, or danger from increased traffic flows. Harm to visual amenity could occur through unauthorised works to:- a listed building, demolition within a Conservation Area or work to a protected tree.
  - 11 Once the alleged breach has been investigated and it has been established that harm is being caused, action may then be taken.
  - 12 Harm resulting from a breach of planning control would not include:
    - Loss of property value,
    - Competition to another business,
    - Loss of a view or trespass onto someone else's land.
  - 13 It may be possible to address issues such as these by civil action and would not be a matter for the Council.

## Compliance Objectives

- 14 The Council has established the following objectives for the Compliance Strategy:-

- To remedy undesirable effects of unauthorised development.
- To strike a balance between protecting amenity/ environment and other interests of acknowledged importance, and enabling acceptable development to take place, even though it may initially have been unauthorised.
- To ensure that the credibility of the planning system is not undermined.
- To carry out all duties in accordance with the principles of the Enforcement Concordat, particularly with respect to openness, helpfulness, proportionality and consistency.
- To be pro-active in regard to the monitoring of development to ensure compliance with conditions imposed on Planning Permissions and also reactive in the investigation of complaints.
- To work with other agencies and organisations, both internally and externally to deliver acceptable outcomes.

## General Principles

- 15 Written complaints falling within the ambit of planning control, from a named person or persons regarding breaches of planning control will be investigated.
- 16 Complaints will be prioritised, depending on their urgency and potential environmental / amenity harm.
- 17 Complainants identities will be kept confidential, unless subsequent Court action warrants their evidence being made public. Complainants will be kept informed of progress of investigations and of eventual outcomes.
- 18 Action is discretionary and will only be taken where it is expedient to remedy harm and in the *public interest*.
- 19 Action will be proportionate to the breach and may be held in abeyance whilst valid planning applications or appeals are determined provided there is a reasonable prospect that permission will be granted.
- 20 All aspects of the strategy will follow the principles of the Enforcement Concordat which are set out below.

<b>Standards</b>	Clear standards must be drawn up setting out the level of service and performance the public can expect to receive.
<b>Openness</b>	The service must provide information in plain language and disseminate the information as widely as possible. All regulatory advice should be clear and confirmed in writing. It should clearly distinguish between legal requirements and best practice.
<b>Helpfulness</b>	Prevention is better than cure. Enforcement staff will seek positive solutions to problems; they will identify themselves by name and provide contact details.
<b>Complaints about the Service</b>	The Council has an accessible complaints procedure

**Proportionality** Action against a breach of planning control shall be proportionate to the impact caused by the breach.

**Consistency** The Enforcement Team will carry out its duties in a fair, equitable and consistent manner. Consistency will be promoted by regular liaison and networking with other Council's and Enforcement Authorities.

## **Customer Focus**

- 21 Officers will have due regard to the principles set out above which are designed to achieve a quality and timely service, which provide value for money and uphold the highest professional standards. Officers will pay due regard to the need to protect themselves and others from the risk of harm.
- 22 The service will publish advice including information on how people can make a complaint and the type of action the Council can take.
- 23 To monitor the effectiveness of the service, service feedback forums will be undertaken, supported by a review of a sample of closed cases and any complaints received.
- 24 To meet and inform Members, Town and Parish Councils and other groups.

## **Planning Compliance Policy**

### **Section 1: Priorities**

**Policy 1: Complaints will be investigated in accordance with the following:**

**1) High priority breaches of planning control (as defined below) will normally be subject to a site inspection within 24 hours.**

#### **High Priority**

- A. Unauthorised demolition, partial demolition or significant alteration of a building, which it is essential to retain (e.g. a listed building or building within a Conservation Area.)**
- B. Unauthorised works to trees covered by a tree preservation order (TPO) or in a Conservation area.**
- C. Any unauthorised development/activity which, causes clear, immediate, and continuous harm or danger to the locality including the living conditions of adjoining residents.**

**2) All other breaches of planning control will normally be subject to a site inspection within 10 working days.**

**Where no breach of planning control has been established following a site inspection the complainant will be notified within five working days.**

**For confirmed breaches of planning control in the ‘High Priority’ categories the Council will seek (subject to the possible need for committee consideration) to determine either that it is not expedient to take formal action or commence the process of formal action (for example instructions to legal services) within 8 weeks of the complaint being received.**

**For confirmed breaches of planning control in all other categories the Council will seek (subject to the possible need for committee consideration) to determine either that it is not expedient to take formal action or commence the process of formal action (for example instructions to legal services) within 13 weeks of the complaint being received.**

- 25 The Council receives approximately 600 complaints regarding alleged breaches of planning control each year. Although many of these do not result in a formal action, many require lengthy investigations, site surveillance or legal action over several months, and therefore the Council must give priority to those cases where greatest harm is caused. Depending on the seriousness of the alleged breach and available resources the target response times for initial response will be as set out above.
- 26 Once investigations commence its priority may change following the initial site visit or on receipt of additional information. As the investigation progresses the complainant will be advised of progress and the outcome.
- 27 The Compliance Team aims to undertake a site visit within the timescales set out above. A number of cases will be closed at this point because the investigation identified that no breach in planning control had occurred.
- 28 Where a breach has been identified, the second phase of investigation will be completed when one of the following points has been reached:
  - Case closed as breach of planning identified but resolved by negotiation.
  - A breach of planning control is identified and an application requested, but not submitted. An assessment has been made that it is not expedient to take formal action at this time.
  - A breach in planning control is identified, an assessment has been made that it is expedient to take formal action and that this has commenced (for example, instructions and or draft notices or prosecution statements have been sent to legal services).

Phase three is complete when formal action is taken and phase four is complete when compliance with formal action is secured. For each phase it is difficult to offer specific timetables for completion due to external factors which influence outcomes including appeals being lodged with the Planning Inspectorate and/or the courts.

**Policy 2: Complaints about alleged breaches of control will be accepted by letter, e-mail or on-line. Telephone calls are only accepted for Priority 1 cases. Anonymous complaints will not be entertained except in exceptional circumstances, although complainants will be encouraged to refer the matter to their ward member or town/parish council representative, should they wish to remain anonymous.**

- 29 To avoid malicious complaints, anonymous allegations of breaches of planning control will not normally be entertained. Every effort will be made to reassure anybody wishing to make a complaint that their details will be kept confidential so far as other legislation permits it to be.
- 30 To assist the Council in providing an early resolution to the issues raised it is important that the complainant provides as much information as possible about the alleged breach of control.
- 31 Once a breach of control is confirmed, the complainant may be asked to keep a log of any relevant activities. It is useful to note times, dates, names, addresses, telephone numbers and registration details of any vehicles involved.

## **Decision-making**

**Policy 3: The Council will only take action when it is considered expedient to do so in the *public interest*. In accordance with Government guidance formal action must not be instigated solely to regularise breaches in planning control. In taking formal action the Council will be prepared to use whichever available power or combination of powers that are appropriate to deal effectively with an identified breach of planning control, commensurate with the seriousness of the breach.**

- 32 In deciding whether to take action the Council will have regard to the development plan and other material considerations including national policies expressed through Government Circulars and Policy Guidance Notes and Statements.
- 33 In considering whether it is expedient to take action the decisive issue will be whether the breach of planning control unacceptably affects public amenity or the environment. Any action taken will be proportionate with the breach of planning control and will pursue the minimum remedy necessary to mitigate the harm caused by the development, in the *public interest*.
- 34 This reflects the approach set out in PPG 18 and Circular 10/97. Where it is likely that planning permission would be granted a retrospective planning application would normally be invited. PPG18 indicates it will generally be inappropriate to take formal action against a trivial or technical breach of control, which causes no harm to amenity or the environment.
- 35 In defending action on appeal and in the courts, it will be necessary to show that relevant procedures have been followed and that national policy on planning and enforcement has been taken into account.

**Policy 4: In considering whether to take action the Council will not give weight to the fact that development has commenced. Where an application is submitted retrospectively the proposal will be examined for its capacity to overcome harm caused by the development, and a decision on whether to proceed with enforcement prior to the determination of the application will be made.**

36 Other than in very specific situations (e.g. works to listed buildings) it is not a criminal offence to carry out development without planning permission and it is therefore important that unauthorised developments are treated on their merits in the same way as proposed developments. The test applied will be “would planning permission have been granted for this development had it been the subject of a planning application?”

**Policy 5: Decisions not to take action will normally be made by a ‘designated officer’ as agreed through the Council’s adopted delegation arrangements and will have regard to the best practice guide produced by the Government. Reasons for not taking action will be recorded in writing. In accordance with the adopted delegation arrangements any recommendation to take formal action against a breach of planning control in respect of a ‘significant’ case must be referred to Development Control Committee. ‘Significant’ in this context is defined as any case where to secure compliance through use of ‘direct action’ powers would be likely to result in expenditure on the on site works in default of over £100,000.**

37 It is in the public interest that decisions not to take enforcement action are properly recorded.

38 The definition of the phrase ‘significant’ as it relates to the delegation of enforcement matters relates to cases where significant expenditure could be incurred if the Council has to undertake works in default to secure compliance with any formal notices.

**Policy 6: The Council will not allow prolonged negotiation to delay essential enforcement action.**

39 Whilst the Council will endeavour to overcome harm caused by unauthorised development, by negotiation wherever possible, the enforcement system rapidly loses credibility if unacceptable developments are continued during prolonged or protracted discussions. A time limit for concluding negotiations will normally be set in accordance with the priority accorded to the case and the advice contained within PPG18 – Enforcing Planning Control.

**Policy 7: Where unauthorised development may only be made acceptable by the imposition of appropriate planning conditions or legal agreements, a planning application will be sought. Where an application is not forthcoming within an agreed time scale, an enforcement notice will be served together with a statement that the Council would be prepared to grant planning permission subject to specified conditions or with explicit and complete measures for**



**mitigation depending on the circumstances of the case (this may involve under enforcement).**

40 The Council will aim to ensure that where a development is considered to be acceptable, subject to the imposition of conditions, but which remains unauthorised, then the service of a notice along with a statement will protect the interests of future owners/developers.(para. 9 of PPG18 refers)

**Policy 8: In considering whether to take action, the Council will not give weight to non-planning considerations.**

41 It is not the purpose of the planning system to protect the private interests of one person against the activities of another. Action has to be based solely on sound planning grounds. Local opposition or support for an unauthorised development will not be given weight unless that opposition or support is founded upon valid planning reasons.

**Policy 9: In using the regulatory powers provided by the planning system the Council will have regard to the Council's obligations and powers under other legislation and also the statutory powers carried by other organisations.**

**Policy 10: The Council will seek to prosecute any failure to return formal legal documents where required by law to do so or deliberately providing any false information, where such a prosecution would be in the *public interest*.**

42 The Council will determine whether it is appropriate to take action by establishing whether a breach of control has occurred as a matter of fact. In cases where the situation is unclear a 'Planning Contravention Notice' will be served on the owner and/or occupier of the property to obtain information, which will allow the Council to determine whether a breach has occurred.

43 More effective and efficient outcomes may be achieved by use of powers outside Town and Country Planning legislation

## **Procedures**

**Policy 11: Accurate records will be kept including photographs.**

44 The collection of accurate evidence is one of the keys to successful action.

**Policy 12: The Council will make efficient use of the relevant investigative powers and will justify their use as required.**

45 Full use will be made of Planning Contravention Notices to require disclosure of information about alleged breaches of planning control where evidence is not otherwise forthcoming. Full use will be made of s330 (requisition for information) notices and similar provisions under s16 of the Local Government (Miscellaneous Provisions) Act 1976 to obtain details of those with an interest in land. Where appropriate powers of entry on to land in order to obtain information for enforcement purposes will be used.

**Policy 13: The Council will make efficient use of HM Land Registry records, the Electoral Role and other sources including its own records. Links with other service areas within the Council will be used to compile information.**

46 Information relevant to investigations is held in a variety of locations. Sources outside the Council include HM Land Registry, Town/Parish Councils, national and local amenity groups and national bodies, (e.g.: Environment Agency, Health and Safety Executive, DVLA, English Heritage). Within the Council, housing and benefit records, electoral roll, and Council Tax records are all examples of where information relevant to investigations can be located. The Council will comply with the Data Protection Act.

**Policy 14: The Council will comply with the provisions of the Police and Criminal Evidence Act 1984 (as amended) when interviewing persons suspected of a criminal offence (in so far as it applies to those being interviewed by a non police agency) and with the Criminal Procedures and Investigations Act 1996 and Section 222 of the Local Government Act 1972, when carrying out prosecutions. The Council will comply with the requirements of the Regulation of Investigatory Powers Act 2000.**

47 It is not a criminal offence to carry out development without obtaining planning permission. However, it is an offence to erect unauthorised advertisements, fell a protected tree without consent, carry out unauthorised works to a listed building, demolish a building in a Conservation Area, or fail to comply with an enforcement, breach of condition, planning contravention or stop notice. For a successful prosecution to take place it is essential that the provisions of PACE, CPIA and the Code of Conduct for Crown Prosecutors are followed. RIPA governs the Council's use of covert surveillance.

**Policy 15: The Council will ensure officers keep up to date with relevant case law and practice by providing appropriate training.**

48 It is important to ensure that Officers acting on behalf of the Council are fully aware, and informed of changes in legislation or case law to ensure accuracy and professionalism are maintained at all times.

**Policy 16: The Council will endeavour to allocate resources to ensure priority cases are resolved**

49 Once a priority investigation has been commenced, the Council will endeavour to ensure that resources are made available in order to ensure that the matter is concluded satisfactorily. This may mean that lower priority cases have less resource allocated to them

**Policy 17: The Council will be clear and precise in specifying breaches and requirements.**

50 Every effort will be taken to ensure that those being regulated, fully understand what action is being taken, the steps required to remedy the breach, and the possible implications should they fail to comply..

**Policy 18: The Council will use plain language in explaining why it is necessary to exercise the powers in the Planning Acts.**

51 Clarity and understanding should be maintained at all times.

**Policy 19: The Council will make sure the reasons for issuing an Enforcement Notice match its requirements.**

52 Only those actions necessary to remedy a breach will be included in a notice.

**Policy 20: Where action is taken the Council will not depart from the specified time limits unless a reasoned justification has been provided to permit an extension of the period for compliance.**

53 Where additional time is requested in order to comply with the Council's requirements it will only be considered acceptable where the request is deemed reasonable and there is no apparent harm to third parties. A second extension of time will not be accepted unless it is in the public interest to do so.

**Policy 21: The Council will involve the police if there is an assessed risk to personal safety of staff.**

54 Where there is a perceived threat to an officer of the Council or a member of the public, and following an appropriate risk assessment, the police will be requested to attend in order to ensure that safety of staff is not compromised .

**Policy 22: The Council will be flexible and consider genuine solutions.**

55 Where possible, alternative solutions will be considered to achieve a satisfactory conclusion to a breach of planning control. The use of formal action will usually be used as a last resort following the failure to secure a remedy by other means, for instance through negotiations.

**Policy 23. The benefits of ICT systems in recording, processing and monitoring work will be maximised.**

56 ICT systems are an essential tool in all spheres of planning control and their use in enforcement work will maximise the efficiency of the officers involved. Systems are continually changing and opportunities will be explored for allowing for effective inputting of data remotely.

**Policy 24. Where appropriate, officers will develop and maintain links with adjoining authorities and other regulatory authorities to share intelligence and will maintain links to relevant networks and organisations in order to keep abreast of best practice.**

57 The Compliance Team can benefit from team working between different authorities. Shared practices, procedures and experiences can all add value to the service.

**Policy 25. The Council will issue notices “in the alternative” where there is legal uncertainty over the exact form of the breach, if the resolution of this issue would lead to unnecessary delay.**

58 In some cases it may not be clear as to what the breach of control involves. For example, the siting of a mobile home may amount to a material change of use or it may be an operational development. To avoid delays, which may be caused by pursuing what can turn out to be a wrongly defined breach, alternative and composite notices will be served as appropriate. The Council may subsequently seek to withdraw one of the alternatives where such a course of action would be appropriate.

**Policy 26: The Council will resource out of hours site visits if they are required as an essential part of an investigation into an alleged breach of planning control.**

59 Where it is essential Council officers will visit sites out of the normal office working hours to investigate alleged breaches in planning control or collate evidence to instigate formal legal proceedings,. Out of hours site visits will only be required when no other course of action/investigation will provide the necessary evidence to resolve an investigation into an alleged breach of planning control. Such visits will be planned and are not designed to form an out of hours call out service. Prior to any out of hours site visits the Council will undertake a risk assessment and take all appropriate measures to ensure the safety of the staff involved.

## **Proactive Enforcement**

**Policy 27: The Council will explore with the providers of building control services the opportunity for them to check the compliance of individual developments with their approved planning permission on the basis of a risk assessment approach.**

60 The Council will seek to move to a more proactive regime by focusing resources over time on checking compliance with individual developments both in terms of conditions and the physical features of the development itself (ie siting). In addition there will be monitoring surveys on key developments. Priorities will be determined by the service.

61 To assist in this task the Council will seek to use the providers of Building Control Services who as part of their function, visit many development sites to advise on possible breaches of planning control. Building Control does not however visit all sites because developers can also use private sector providers. This is particularly so for larger scale residential developments. As a consequence the relevant private sector building control provider will be invited to carry out a similar function to LABC. Where they decline additional checks will be carried out by the compliance service. This approach will be based on a risk assessment approach, where sensitive developments and sites will be judged to be a higher risk.

**Policy 28: The Council will seek to develop close contacts with major developers to facilitate mutually beneficial checking of conditions and other aspects of individual developments.**

62 Many developers would welcome having a dedicated contact person to liaise with them on matters which need to be resolved quickly. Where LABC is involved then they will provide that liaison function. Where they are not then the Compliance section will provide the liaison function.

**Policy 29. Multi-agency working will be encouraged through the establishment of working groups to co-ordinate action and resolution of issues concerning the use and condition of land and buildings.**

63 Where there is an interest from several different services and partners the establishment of such groups to coordinate the joint resolution of cases is beneficial. These groups will also explore other opportunities for closer working. Possible participants include the following:

- Compliance Team
- Licensing
- Environmental health
- Housing
- Trading standards
- Police
- Environment Agency
- Community safety
- Health and Safety Executive

As part of this approach the Council will explore opportunities for closer working with other services and agencies.

**Policy 30. The Council will take a proactive stance in publicising successful action as part of its strategy for improving public awareness of the importance of managing development.**

64 It is important for the public acceptance of the planning system that cases where the Council is successful in taking positive action are fully publicised.

**Policy 31 Targeted pro-active projects**

65 The Council will undertake pro-active projects where resources allow. Such projects could include illegal advertisements in a specific area, untidy sites within a specific conservation area or checking a sample of occupancy conditions (agricultural/holiday). .

**Policy 32 A process of peer review will be used to improve the quality and enforceability of the details set out on approved plans and the conditions/agreements which form part of the planning permission.**

66 It is important that planning and compliance officers share knowledge of the practical issues involved in formulating robust conditions and agreements and the issues that can arise from unclear information on approved plans.