



Committee Manager : Carrie O'Connor (Ext 37614)

7th July 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 15th July 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 Hazlehurst, Mrs Maconachie, 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

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 17th June 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. NEW ARRANGEMENTS FOR DEALING WITH WEST SUSSEX COUNTY COUNCIL APPLICATIONS

To consider the attached report.

7. PREVIOUSLY DEFERRED/CONSIDERED APPLICATIONS

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

To consider a report from the Post Committee Site Inspection Panel held on 23rd June 2009.

FP/133/08/ - Redevelopment of site to provide A1 retail use with associated car parking. 126 Felpham Way, Felpham

To consider the attached updated report.

8. PLANNING APPEALS

To consider the attached report.

9. TREE APPLICATIONS

There are no such applications to consider.

10. PLANNING APPLICATIONS

To consider the attached reports.

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

11. ENFORCEMENT MATTERS

To consider the attached reports

12. **EXEMPT INFORMATION**

The Committee is asked to consider passing the following resolution:-

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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified again the item.

13. ENF/101/09
Wayside, Shripney Road, Bersted (Exempt – Paragraph 5 – Legal Proceedings)

To consider the attached report.

14. ENF/157/09
Allangate House, Rustington (Exempt – Paragraph 5 – Legal Proceedings)

To consider the attached report.

15. ENF/575/08/
Rear of 20 River Road, Arundel (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: 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 and Members during the meeting.

DEVELOPMENT CONTROL COMMITTEE

17th June 2009 at 2.30 p.m.

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

99. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Evans, Haymes and Mrs Hazlehurst.

100. DECLARATIONS OF INTEREST

Councillor Wiltshire gave notice of a prejudicial interest in Agenda Item 9, Planning Application R/77/09, as he knew the applicants and had discussed the matter. He reserved his right to speak on the matter.

101. MINUTES

The Minutes of the meeting held on 20th May 2009 were approved as a correct record and signed by the Chairman.

102. REPORT OF THE MEETING OF THE POST COMMITTEE SITE INSPECTION PANEL – FG/31/09 – CHANGE OF USE FROM TRAINING ESTABLISHMENT TO MOTOR VEHICLE REPAIR SHOP, INCLUDING MOTs ON BEHALF OF VOSA, 61 FERRINGHAM LANE, FERRING

The Committee received a report from the meeting of the Site Inspection Panel held on 26th May 2009, together with the officer's written report update detailing additional representations received and a consultation response from the Conservation Officer, and agreed with the Panel's recommendation to refuse the application. Members therefore did not accept the officer recommendation to approve and

RESOLVED

That the application be refused as detailed in the officer report for the following reason:-

“The proposed use by reason of noise level and car movements would represent an unneighbourly form of development and be detrimental to the quiet enjoyment of the residential locality which is within a designated Conservation Area, thereby conflicting with Local Plan Policies GEN7, GEN32 and AREA2.

103. PLANNING APPEALS

The Committee received and noted a report detailing appeals that had been lodged and 7 appeals that had been heard.

104. PLANNING APPLICATIONS

SS/5/09/A – 1 No. externally illuminated sign, The Black Rabbit, Offham, South Stoke, Arundel Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of the following application, Councillor Wiltshire had declared a prejudicial interest and spoke to the item. He then left the meeting and took no part in the debate or the vote.)

R/77/09 – Proposed extension and alterations, 55 North Lane, Rustington Having received a report on the matter, together with the officer’s written report update detailing an objection from the Parish Council and an additional representation received, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/92/09 – Conservatory to rear elevation, fencing to side and hardstanding for car to front elevation, 2 Armada Way, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of the following application, Councillors Gammon and Wiltshire declared a personal interest as they had had contact

with the applicants in the past. They both remained in the meeting and participated in the debate and vote.)

LU/95/09 – Extensions and alterations, 2 Fastnet Way, Littlehampton
Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of the following application, Councillor Bower declared a personal interest as the site had been considered at a meeting of the Cabinet on 15th June 2009 in respect of funding. He remained in the meeting and participated in the debate and vote.)

LU/97/09 – Demolition of the True Blue Public House and redevelopment to provide 6 No. houses, with associated parking, True Blue PH, Wick Street, Littlehampton Having received a report on the matter, together with the officer's written report update detailing consultation responses received and comment from the Interim Housing Enabling Manager, the Committee

RESOLVED

That the application be approved as detailed in the report.

FP/49/09 – Refurbishment of Sea Bank and Sea Lodge including revised front and side elevations. Demolition of Sea Grit and the construction of a new 3/4 storey detached house, Sea Lodge, Sea Bank and Sea Grit, Outram Road, Felpham Having received a report on the matter, a point was raised that the Wildlife Informative had not been included in the recommendation. However, officer advice was given that there were no trees on the site, only shrubs, and the Committee therefore

RESOLVED

That the application be approved as detailed in the report.

FP/55/09 – Internal alterations, minor amendments to fenestration and other architectural detailing to elevations. Extend loft enclosure and minor extension to garage. Completion of balcony construction. Raising of rear boundary wall for privacy/security purposes, 6 Davenport Road, Felpham Having received a report on the matter, together with the officer's written report update detailing an additional condition regarding the materials and finishes of the external walls, it was agreed that a site inspection should take place to assess the impact of the proposals on the character and appearance of the area and the effect on the immediate neighbours. The Committee therefore

RESOLVED

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

CL/7/08 – Extension of permitted access road by further 25 metres x 4 metres, Clapham Claypit, Clapham Common, Clapham Having received a report on the matter, together with the officer's written report update detailing further information submitted, the Committee participated in a debate on a number of issues relating to flooding; potential for leisure use; and concerns about leachate and responses were provided by the Compliance Team Leader. Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/83/09 – Demolition of existing house and self contained annexe and erection of three attached town houses. Resubmission following refusal of BR/199/08, 31 Victoria Road, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AL/25/09 – Extension and alterations to existing dwelling, Green Gables, Northfields lane, Westergate Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

105. ENFORCEMENT MATTERS

ENF/131/09 – Alleged unauthorised works to trees under TPO/AW/1/09, Land at 1 & 1 The Precinct, West Meads, Aldwick Having received a report on the matter, the Committee

RESOLVED

That the decision to take no further action in this matter be endorsed for the reasons detailed in the report.

(The meeting concluded at 4.00 p.m.)

ARUN DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE –15TH JULY 2009

Recommendation Paper

Subject : New arrangements for dealing with West Sussex County Council applications.

Report by : Assistant Director for Planning and Housing Strategy

Report date: June 2009

EXECUTIVE SUMMARY

From 1st April 2009, West Sussex County Council has assumed responsibility for publicising its Regulation 3 and 13 applications. A report was forwarded and agreed by the Development Control Committee at its meeting on 29th April 2009 agreeing the new procedures for dealing with such applications. The report, however, omitted that the new procedures should also apply to County Matter applications as well. These are the planning applications that are dealt with by the West Sussex County Council, usually concerning mineral and waste proposals. This report proposes that the new arrangements apply to these applications as a Statutory Consultee and proposes minor changes to the Council's Constitution to reflect this for which the Committee's agreement is sought.

RECOMMENDATIONS

The Committee is recommended to:

- (1) agree to amend the relevant part(s) of Council's Constitution such that the authority for formally commenting on all County Matter applications is 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;
- (2) refer the necessary amendments to the Council's Constitution to the Governance Committee and Full Council for ratification, as appropriate

1.0 BACKGROUND

- 1.1 For some time West Sussex County Council and Arun District Council have both been publicising County Matter applications, and this has caused some confusion with the public.
- 1.2 For Members clarification, County Matter applications are those planning applications made to the County Council where they will be the determining authority. These applications relate to Minerals and Waste proposals and are defined in the Town and Country Planning Act 1990.
- 1.3 As from 1st April 2009 the County Council will undertake the responsibility for posting site notices and publicising all its applications. There is no need or requirement for the District Council to advertise these applications.
- 1.4 A copy of the report regarding Regulation 3 and 13 applications is attached at Appendix 1. The same arguments and reasoning applies to County Matter applications.

2.0 CONCLUSIONS

- 2.1 The same procedures that have been adopted for Regulation 3 and 13 applications should be adopted for County Matter applications as this would streamline the existing procedures and avoid duplication between the two Authorities, but the proposed recommendation would ensure Members can refer to the Development Control Committee those applications that are likely to be controversial or create significant local interest.

Background Papers:

None

Contact : Karl Roberts (extension 37760) or Nikolas Antoniou (extension 37799)

ARUN DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 29 APRIL 2009

Recommendation Paper

Subject : New arrangements for dealing with West Sussex County Council applications

Report by : Karl Roberts, Assistant Director for Planning & Housing Strategy

Report date: April 2009

EXECUTIVE SUMMARY

From 1 April 2009, West Sussex County Council has assumed responsibility for publicising its Regulation 3 and 13 applications. This report proposes new arrangements for considering such applications as a Statutory Consultee and proposes minor changes to the Councils Constitution to reflect this for which the Committee's agreement is sought.

RECOMMENDATION

The Committee is recommended to:

- (1) agree to amend the relevant part(s) of the Council's Constitution such that the authority for formally commenting on all County Council Regulation 3 and 13 applications is delegated to the Assistant Director for Planning & 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 (DCC) within 3 weeks of the consultation date for the application to be referred to the DCC for consideration prior to providing a consultation response.**
- (2) refer the necessary amendments to the Council's Constitution to the Governance Committee and Full Council for ratification, as appropriate.**

1.0 BACKGROUND

1.1 For some time West Sussex County Council (WSSCC) has been actively considering assuming responsibility for publicising its Regulation 3 and 13 applications.

- 1.2 For Members clarification, Regulation 3 applications are those planning applications made by the County Council where they will also be the determining authority. This relates to powers under Regulation 3 of the Town & Country Planning General Regulations 1992. Regulation 13 relates to those County Council applications under the Planning (Listed Buildings and Conservation Areas) Regulations 1990.
- 1.3 It is important to note that in the case of Regulation 3 and 13 applications, the District Council is simply a Statutory Consultee as the responsibility for making a formal determination rests with the County Council. Accordingly, the District Council can only resolve to 'object' or raise 'no objections' in respect of such applications.
- 1.4 WSCC already carry out the necessary publicity in respect of County Matter Waste and Minerals applications but until 31 March 2009, Arun District Council has undertaken its own publicity in respect of those Regulation 3 and 13 applications for which it has been a Statutory Consultee. This has involved publicising these applications in the local press, on the Council's website and via a site notice, and such applications have, effectively, been processed in the same way as any other planning application received by the District Council.
- 1.5 As from 1 April 2009, the County Council will undertake the responsibility for posting site notices and publicising all its applications. Each application will be given a County reference number with the prefix WSCC and an initial consultation will be sent to the District inviting the Authority's comments on planning matters. Where relevant, the District Council's Environmental Health Service will be consulted separately and WSCC will continue to forward consultations to the relevant Parish and Town Councils.
- 1.6 This should result in a streamlined and more efficient process and less work for officers within the District Council in respect of such applications. However, they will still need to be properly recorded and reported on.
- 1.7 The new procedures will, however, have some impact on the working arrangements within Planning Services as, at present, the terms of the Council's Constitution mean that any Regulation 3 or 13 applications where the recommendation from officers is contrary to the views of the Parish/Town Council, or where five or more letters expressing contrary views to the officers recommendation are required to be referred to the Development Control Committee for a formal resolution. The same currently applies to any such applications where a Ward Member makes a formal written request for it to be considered by the DCC.
- 1.8 The vast majority of Regulation 3 and 13 applications the District Council is consulted on relate to relatively minor developments which do not raise any material planning concerns and the most common response is 'no objection'. It would therefore seem sensible for the responsibility for commenting on such applications, as a general rule, to rest with the Assistant Director for Planning & Housing

Strategy. However, it is duly acknowledged that, occasionally, such applications can raise locally important issues or are controversial. Accordingly, it would be appropriate for there to be a 'veto' mechanism whereby Members could ensure that such applications are reported to the Development Control Committee where they can be fully debated in public prior to providing a formal consultation response to the County Council. To this end it is suggested that the Chairman and Vice Chairman of the Development Control Committee should be advised of all Regulation 3 and 13 applications where a consultation has been received inviting comments from the Authority, and that they are given powers to refer any such applications to the DCC as they consider necessary or appropriate.

2.0 PROPOSAL

- 2.1 That the revised arrangements as set out in this report be agreed by the Development Control Committee.
- 2.2 That the amendments to the Council's Constitution that will be necessary to implement the revised arrangements be referred to the Governance Committee and Full Council for ratification, as appropriate.

3.0 CONCLUSIONS

- 3.1 The proposed recommendations would help to streamline what it currently a fairly onerous procedure freeing up officer time and reducing costs in terms of publicity for applications which are, ultimately, not the responsibility of the District Council to determine.
- 3.2 The proposed recommendations would, however, ensure that the DCC retains the opportunity to debate and comment upon those Regulation 3 and 13 applications that are likely to be controversial or create significant local interest.

Background Papers: None

Contact: Karl Roberts (ext.37760) or Nikolas Antoniou (ext.37799)

AGENDA ITEM 7

DEVELOPMENT CONTROL COMMITTEE

15TH JULY 2009

**REPORTS ON APPLICATIONS DEFERRED FROM
PREVIOUS MEETING**

REPORTS ON APPLICATIONS DEFERRED FROM PREVIOUS MEETING

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. (Deferred For Committee Site Visit)	6 Davenport Road Felpham
FP/133/08/	Redevelopment of site to provide A1 retail use with associated car parking. (Deferred For Further Negotiations)	126 Felpham Way Felpham

Report of the meeting of the Development Control Post-Committee Site
Inspection Panel held on 23-JUN-2009

REF NO: FP/55/09/

LOCATION: 6 Davenport Road
Felpham

PROPOSAL: 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.

Present - Councillors Haymes (Chairman), Biss, Butler, Evans, Harrison, Maconachie, Mrs. Maconachie, Mrs. Stainton. Councillor Mathews, Felpham Parish Council, and Councillor Mrs. Madeley (Ward Member).

Apologies for absence: None

Note: Councillors Butler, Maconachie and Mrs. Maconachie left before the vote took place.

The planning merits of the application were discussed in detail with regard to the effect of the proposed works on the character of the area and the amenities of neighbouring properties. Members determined not to accept the officers recommendation to approve the application but to refuse the application for the following reasons:

REASON 1:

The proposed increased height of the rear (south) wall would be out of character with the existing area and conflict with the amenities of the area in conflict with Policies GEN7 of the Arun District Local Plan.

REASON 2:

The proposed roof addition by reason of its size and design would be out of character with the area and detrimental to residential amenity in conflict with Policy GEN7 of the Arun District Local Plan.

It should be noted that two of the Councillors voted for REASON 2 whilst all those who voted in favour of the recommendation to refuse voted for REASON 1.

REPORT UPDATE

Application No: FP/55/09/

Reason for the Update / Changes

Reason for Update/Changes:

Officers Comment:

An additional condition is to be imposed regarding the materials and finishes of the external walls.

The materials and finishes of the external walls of the building hereby permitted shall be rendered and painted white within 12 months of the date of this permission.

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

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

FP/55/09/

PLANNING APPLICATION REPORT

REF NO: FP/55/09/

LOCATION: 6 Davenport Road
Felpham

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed garage extension measures approximately 3.4m in width, 1.3m in depth and 3.2m in height.

The proposed loft storage enclosure measures approximately 6.7m in width, 2.2m in depth and 0.8m in height.

The proposed rear boundary wall measures approximately 17m in length by 2.236m in height.

Window changes on the rear south elevation, additional window on the west elevation. Introduction of a parapet

	wall on the front north elevation of the building.
SITE AREA	Site on a higher level than the road.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	<p>Front boundary is open to the highway, east side boundary has dwarf brick wall then close boarded fencing approximately 1.8m in height, west side boundary is open.</p> <p>Rear boundary wall approximately 1.7m in height, east side boundary close boarded fencing approximately 1.8m-2m in height, west side boundary has close boarded fencing approximately 1.8m in height.</p>
SITE CHARACTERISTICS	Three storey flat roof building with glass roofed tower, balcony on rear. Garden has steps leading up to raised level on the southern boundary. The walls have been stripped and were previously rendered, white PVCu windows have been installed.
CHARACTER OF LOCALITY	Residential with detached properties of various styles and designs.

RELEVANT SITE HISTORY

FP/128/07/	Single storey extension to form larger garage to match and marry with existing.	<p>Refused 13-07-2007</p> <p>Appeal: Dismissed 11 04 2008</p>
FP/143/92	Modifications to existing approval FP/92/91	<p>Approve Cond 02-11-1992</p>
FP/157/05/	Amendments to FP/226/04 - internal alterations to 1st & 2nd floor layouts inclusive of central stairwell with glassed roofed stair tower over	<p>Approve Cond 12-09-2005</p>
FP/159/04/	Amendment to Planning Application FP/207/02 in respect of the approved roof and internal layout of second floor, inclusive of additional rear second floor balcony	<p>Approve Cond 16-08-2004</p>
FP/207/02/	Extensions and alteration. (Re-submission of FP/48/02)	<p>Approve Cond 02-12-2002</p>

FP/226/04/	Amendment to approved planning application FP/159/04 - add parapet wall and remove and infill false first floor balcony at Northern elevation. Revise internal layouts at first and second floor and add 4no. new south facing windows at first floor and second floors.	Approve Cond 15-10-2004
FP/48/02/	Alterations and extensions to existing dwelling.	Approve Cond 22-04-2002
FP/69/94	Provision of new living room within pitched roof on existing roof terrace. Provision of new entrance lobby extension.	Approve Cond 19-07-1994
FP/92/91	Proposed new roof to form lounge.	Approve Cond 15-01-1992
BR/323/67	Use of premises as guest house for elderly persons	Refused 07-07-1967

REPRESENTATIONS**Representations received:**

Felpham Parish Council

Objection

Felpham Parish Council are concerned at the lack of information regarding the existing and proposed structure of the roof and the amount of window space proposed for a loft storage space. Concern was also expressed regarding the exterior wall height. Both aspects are out of keeping with the area see previous application FP/128/07. The proposal will have an adverse impact on the visual amenities of the street by losing its sense of spaciousness. The proposal is therefore contrary to Policy DEV1 of the WSCC Structure Plan and Policy GEN7 of the Arun District Local Plan. Therefore to be consistent and for the same reasons as this request was declined before, the planning application for the garage extension which is beyond the building line of all the surrounding buildings to the north should be refused.

13 Letters of Objection (two from same source)

Previous applications approved and dwelling has been extended which is out of character with surrounding properties. Why would a loft storage area have three windows, does the applicant intend to build a fourth storey which was previously rejected under FP/62/06. Increased height of rear boundary wall would look out of place. Depreciation of neighbouring properties since building has been extended. There is no need to extend the garage to the north as the garage could be extended to the south. Garage extension would have a detrimental effect on the street scene. The refurbishment of the building suggests that this is to be sub-divided into flats.

Comments on Representations received:

Comments noted.

Depreciation of properties is not a material planning consideration.

Application FP/62/06 refers to 42 Davenport Road not the application site No 6. If the building were to be sub-divided then a planning application would be required. See conclusions of this report regarding storage area, boundary wall and extension of garage.

CONSULTATIONS

Southern Water Planning

Consultations responses received:

The exact position of the public sewers must be determined on site before the development is finalised. No additional loading should be imposed upon the sewer as a result of the proposed raising of the rear boundary wall.

Comments on Consultation responses:

Comments noted. If approved, an informative will be placed regarding Southern Water's comments.

POLICY CONTEXT

Within Built Up Area Boundary
PDR 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

West Sussex Structure Plan:

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
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POLICY COMMENTARY

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

Locality

The detached property is sited within a residential area on a private estate and the properties are a mixture of styles and designs with mainly open front gardens occasionally enclosed with fences and hedges.

Principle

The three storey property which has a rectangular form is in the course of renovation. Previous applications have been received for internal and external alterations with the addition of a glassed roof tower over the stairwell which was approved under FP/157/05. A subsequent application FP/128/07 for an extension to the garage was refused and dismissed on appeal as it was considered that the extension would create an over dominant feature in the street scene.

This application is for fenestration changes, extension to the garage and extension of the loft storage, introduction of a parapet on the front north elevation, increase of boundary wall on the rear boundary with the addition of a new window on the west side elevation.

Visual Amenity

There are no additional windows proposed on the south elevation but the design and style of the windows each side of the balcony area have been amended to full length windows with a juliette balcony detail. The balcony detail at second floor level which has not been constructed has previously been approved under planning permission FP/226/04. A new window has been installed at second floor level on the west elevation which serves the master bedroom.

The existing loft storage enclosure with a lantern style roof is to be replaced with a larger enclosure with window details on the south rear elevation. The existing structure is offset on the roof and the proposed replacement although larger would be central over the roof area and would be of a more acceptable design. However, the primary concern is of the roof area being used for recreational purposes and whether this creates any additional overlooking to neighbouring properties than existing.

The boundary wall on the rear south elevation facing onto the promenade is to be increased from 1.676m to 2.236m and many of the properties have walls of a similar height.

The previous application FP/128/07 for an extension to the garage was wider with a front projection of 2.3m. The garage which is positioned on the westerly side of the building has a front projection of approximately 1.3m with the addition of a window on the east side of the extension.

Residential Amenity

The addition of a new window at second floor level on the west side elevation is considered to be acceptable and to alleviate any potential overlooking onto the neighbouring property No 4 a condition will be imposed that this be obscure glazed. The larger storage area on the roof is acceptable in character and appearance and, if approved, a condition can be imposed that the roof area shall not be used as a balcony, roof garden or similar amenity area. Many of the properties have rear boundary walls of a similar height adjacent to the promenade, and it is not considered that the increase in height by approximately 560mm would detrimentally harm the appearance or character of the area. The extension of the garage by approximately 1.3m would not detrimentally harm any neighbouring property by way of overshadowing or loss of light.

Summary

The fenestration details are considered to be acceptable. The revised design and size of the loft storage area is considered to be acceptable in terms of design. The present loft storage area is offset and does not relate sympathetically to the building. The garage extension forward of the building would not result in the loss of spaciousness that presently exists in this section of the cul-de-sac and its relationship with neighbouring properties Nos 2-10 Davenport Road. The increase in height to the rear boundary wall would not detrimentally harm the character or appearance of the area.

Taking the above into account it is considered that the application should be approved, subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The materials and finishes of the external boundary wall hereby permitted shall match in colour and texture those of the existing building.

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

- 2 The roof area of the building shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The second floor window on the west elevation of the building 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.

- 4 The materials and finishes of the external walls of the building hereby permitted shall be rendered and painted white within 12 months of the date of this permission.

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

- 5 **INFORMATIVE:** Letter received from Southern Water dated 23rd April, 2009 comments that no additional loading should be imposed upon the sewer as a result of the proposed raising of the rear boundary wall.

- 6 **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.

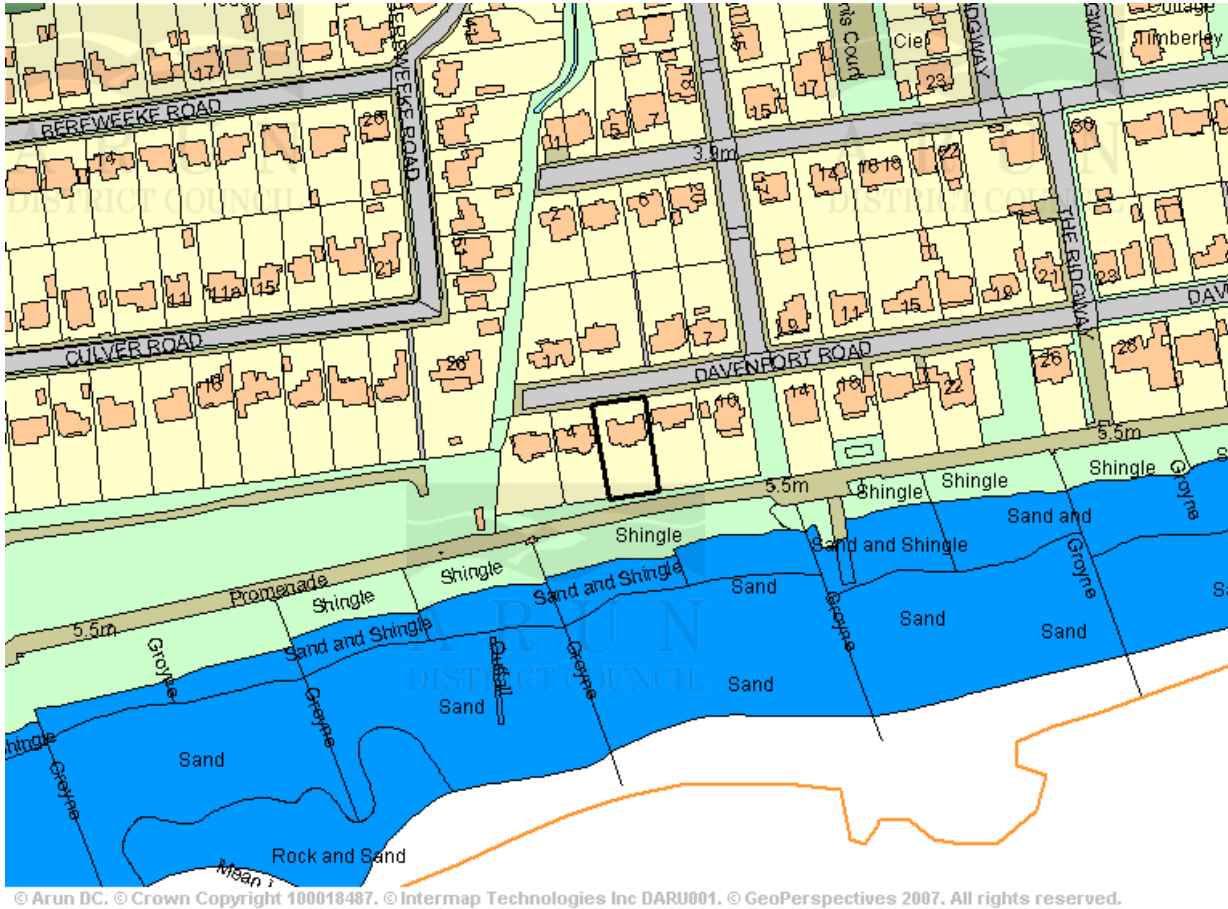
RELEVANT POLICIES

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.

FP/55/09/ - Location Plan as submitted with the application (Do not scale)



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Report following a request for further information or negotiation

REF NO: FP/133/08/

LOCATION: 126 Felpham Way
Felpham

PROPOSAL: Redevelopment of site to provide A1 retail use with associated car parking.

This application was deferred by the Development Control Committee at its meeting on 25th February 2009, to enable the views of an independent highways consultant to be obtained for their views on whether the proposed highway works, the Transport Assessment provided by the applicant and the comments of the West Sussex County Council Highways Section were valid.

REPORT UPDATE

Application No: FP/133/08/

Reason for the Update / Changes

1.

WSP Development and Transportation (WSPD/T) were appointed to provide transportation advice in respect of the proposals by Tesco Ltd., for their new convenience store on the land presently occupied by the Hyundai car dealership.

2.

The consultants considered the following topics:

- * an appraisal of the assumptions used in the transport statement along with a commentary of the approach adopted in confirming the scale of impact resulting from the proposed development;

- * an overview of the correspondence between the applicant and WSCC and whether the additional information supplied addresses the original concerns raised;

- * an overview of the road safety implications of the development;

- * consideration of the proposals taking into account of the situation with and without the proposed Bognor Regis Relief Road.

3.

WSPD/T conclusions and recommendations are as follows:-

"6.1.1

WSP Development and Transportation (WSPD/T) has been commissioned by Arun District Council (ADC) to undertake an independent review of the transport proposals associated with a new convenience store on Felpham Way, Bognor Regis.

6.1.2

The review has focused initially on the Transport Statement (TS) prepared by Pinnacle Transportation. The main conclusions drawn from this document are:

- * The methodology employed in deriving trip generation estimates is flawed. However, WSPD/T is content that this has resulted in a worst-case situation.

- * All proposals should provide an adequate level of car parking which caters for the anticipated demand of a development whilst providing for the opportunity to encourage more sustainable forms of transport. In this case, the number of parking spaces provided (16) accords with the maximum set out in the Arun District Local Plan (2003) guidelines (21).

- * There is no evidence provided in the TS to suggest that appropriate car parking restrictions are available locally to ensure that on-street parking would not occur as a result of the proposals.

- * No details have been provided regarding the type of cycle parking.

* Whilst the delivery/servicing arrangements are satisfactory in principle, some controls and restrictions are required to ensure that these do not impact on the operation of the highway network.

6.1.3

The review has also considered the correspondence that took place between the applicant and WSCC, following the submission of the planning application. This resulted in the highway authority issuing a letter of 'no objection' to the proposed development on 21st January 2009. The following main conclusions have been drawn from this correspondence:

* Given the scale of development, WSCC were content that the planning application would only require the submission of a TS. WSPD/T note that the Department for Transport (DfT) Guidance on Transport Assessment (GTA) suggest that development generating more than 30 vehicles in an hour or 100 across the day should be covered by a Transport Assessment (TA). However, the scope of the assessment is discretionary on the local authority.

* WSCC has original concerns over the operation of the highway network resulting from the proposals. The submission of trip distribution information from the applicant resulted in an 'in principle' acceptance by WSCC that the changes in flows would be acceptable.

6.1.4

In relation to road safety, additional comments are made by WSPD/T:

* The current proposals for access result in a relative betterment compared to the layout which exists currently.

* No historical traffic accident for the local highway network has been provided by the applicant.

* A reference is made in the acceptance by WSCC of a proposed layout based on Drawing PL03, provided by the applicant. WSPD/T understands that this shows the extension of the splitter island on Felpham Way and that all other principles of design have remained the same. As there is no evidence that his layout has been included with the application, ADC may wish to request this for the purpose of completeness.

6.1.5

Based on WSPD/T judgement, a number of recommendations are made:

* Based on the Department for Transport (DfT) Guidance on Transport Assessment (GTA), the local authority would be justified in requesting that a TA be submitted with the planning application as opposed to a TS. However, this is discretionary.

* In line with the GTA, local accident history should be reviewed for a three-year period, or five year period if the proposed site has been identified as within a high accident area. This would highlight any underlying issues on the local highway network and whether these would be exacerbated as a result of this development.

* Details should be provided of the proposed cycle parking facilities. These should offer safe

and secure storage for employees and visitors.

* Planning conditions should be included in any approval for servicing/deliveries to be made avoiding the peak periods of traffic between 07:00 to 09:00 and 16:00 to 18:00 (in addition to other restrictions imposed for other reasons, such as overnight). The TS states that planning restrictions for deliveries would be acceptable to the applicant.

* It would be prudent to consider conditioning the applicant to a time-limited returnable deposit to cover the cost of a TRO or survey in the future to address any potential parking problems should this be identified in the future.

* Liaison is required between ADC and WSCC regarding the potential to derive a sustainable contribution from the development. This could potentially be targeted at an upgrade of public transport facilities in the vicinity of the site.

* The original concerns expressed by WSCC over the satisfactory operation of the highway network can only be resolved technically through the commissioning of a traffic count survey and subsequent detailed junction assessment.

6.1.6

Ultimately, the requirement for further junction capacity work should be based on the likely outcomes which are to be achieved. Central to this are the implications of the Bognor Regis North Relief Road (BRNRR) a review has been undertaken by WSPDF/T with the following commentary:

* WSPD/T are content that the modelling information available shows that lower levels of traffic are forecast at the Felpham Way/Flansham Lane/Middleton Road roundabout in the future. This would suggest that the operation of the junction would be no worse than currently, even with the addition of traffic from the proposed Tesco development.

* Additional traffic counts would be useful in understanding the situation in the interim (i.e. Ahead of the BRNRR). However, depending on the timescales for the implementation of the BRNRR, any interim junction mitigation resulting from further detailed capacity assessment may prove to be potentially abortive in the long-term."

4.

It can be seen from the above the District Council's consultants do not consider that the proposals are flawed from a highway point of view but they do make a number of detailed points. These points have been forwarded to the applicant's agents and they have made the following comments:-

"Further receipt of WSPs report entitled 'Transport review of proposed convenience store' I am pleased to confirm that the report broadly agrees with Pinnacle and West Sussex County Council's ("WSCC") findings. The key points being that:

* The traffic generation figures, as agreed with WSCC, for the proposal are appropriate and the Transport Statement presented a 'worst case scenario'.

- * Approximately 30% of vehicular traffic attracted to the site would be 'pass-by' trips (i.e. Would have already been passing the site and are therefore not new trips).
- * Implementation of the Bognor Regis North Relief Road would result in a decrease in Traffic volumes passing through the Felpham Way/Flansham Lane/Middleton Road roundabout.
- * The roundabout is not subject to any capacity constraints in the PM peak (according to WSP observations on site).
- * The level of parking provision on site is acceptable in policy terms.
- * The delivery arrangements are acceptable, subject to appropriate planning conditions.
- * The proposed highway works would 'result in a relative betterment compared with the layout which currently exists'.
- * Suitable pedestrian infrastructure is already present, including dropped kerbs and surfaced footpaths in the immediate vicinity of the site.

The WSP report recommended that further information is provided regarding the following items:

Developer contributions towards new on street parking restrictions:

WSP suggest that the developer should make available to the Council funding for the potential future improvement or extension of on street parking restrictions in the vicinity of the site.

I understand that this would be acceptable to the developer and that such contributions could be secured via an agreement pursuant to Section 106 of the Town and Country Planning Act.

TYPE OF CYCLE PARKING PROPOSED:

Site plans submitted with the planning application illustrate six cycle parking spaces, in the form of 'Sheffield' type stands. This quantity of provision was confirmed within Pinnacle Transportation's Transport Statement.

TRAFFIC ACCIDENT DATA:

WSP has suggested that traffic accident data is obtained and analysed for the highway in the vicinity of the site. Accident data has been obtained for the previous three years (between April 2006 and April 2009). This data illustrates that there has been only one accident in the vicinity of the site, within the past three years. This accident did not occur on the Felpham Way/Flansham Lane/Middleton Road roundabout and was not associated with the site access.

The accident was slight in nature and did not involve a pedestrian or cyclist. With only one recorded accident within the past three years and none associated with the junction or site access, the area surrounding the site can be considered as a reasonable safe area in terms of

highway safety. Both the Council and WSP have agreed that the proposed highway works will also result in highway safety improvements. A plan illustrating the accident locations and details of each accident are enclosed.

JUNCTION CAPACITY ASSESSMENT:

The report also suggest that it may be worthwhile undertaking traffic surveys at the Felpham Way/Flansham Lane/Middleton Road roundabout and utilising the flows to undertake a capacity analysis. Surveys have been commissioned and were undertaken on Friday 15th May 2009. The peak hour flows have been utilised to undertake an ARCADY analysis, the results of which illustrate that the junction operates within capacity and also that the site traffic (even when adding peak hour site traffic [20:00 to 21:00] to network peak traffic [17:00 to 18:00]) would not cause any material difference to vehicular delay or queuing. Summaries of the ARCADY results are provided within Tables 1 and 2.

TABLE 1
EXISTING (2009) TRAFFIC FLOWS (FRIDAY P.M. PEAK):

Maximum Ratio of Flow to Capacity (RFC):

Flansham Lane	0.898
Middleton Road	0.571
Felpham Way	0.587

Mean Maximum Queue (MMQ) (Vehicles):

Flansham Lane	6.6
Middleton Road	1.3
Felpham Way	1.4

Maximum Delay Per Hour:

Flansham Lane	35.4
Middleton Road	11.4
Felpham Way	4.2

Table 1 illustrates that the Middleton Road and Felpham Way approaches operate at 57% and 59% capacity, with maximum queues of around one vehicle and the Flansham Lane approach operates at 90% capacity, with maximum queues of around six vehicles.

TABLE 2
EXISTING (2009) TRAFFIC FLOWS AND DEVELOPMENT FLOWS (FRIDAY PM PEAK)

Maximum Ratio of Flow to Capacity (RFC):

Flansham Lane	0.924
---------------	-------

Middleton Road 0.603
Felpham Way 0.590

Mean Maximum Queue (MMQ) (Vehicles):

Flansham Lane 9.4
Middleton Road 1.5
Felpham Way 1.4

Maximum Delay Per Hour:

Flansham Lane 43.8
Middleton Road 12
Felpham Way 4.2

Table 2 illustrates that the development traffic, (assuming none of the trips are 'pass-by' trips and moving peak hour traffic to coincide with network peak hour traffic) would have a negligible effect upon capacity and vehicle queues. This worst case scenario assessment suggests that the development traffic could increase the operating capacity of the Middleton Road approach by 3% and the Felpham Way approach by less than 1%.

The effect upon the Flansham Lane approach would be an increase 2.6% in operating capacity and two additional vehicles in the maximum queue. These increases are negligible and would be within daily levels of variation.

The capacity analysis has therefore illustrated that the development traffic, even in a worst case scenario and not accounting for the potential future Bognor Regis Northern Relief Road, would have a minimal effect upon traffic at the Flansham Lane/Middleton Road/Felpham Way junction.

The development proposals have now been subject to three Highways/Transportation appraisals, all of which broadly concur and support the development. Along with the traffic accident data and capacity analysis within this letter, there is more than sufficient evidence that the development will not cause any material detriment to highway capacity or safety and will in fact contribute toward a safer highway environment and promote sustainable transport. I therefore see no highways or transportation reasons for refusal of the development and recommend its approval.

5.

A further letter from Tesco's agents was received with regard to the making of a Sustainable Contribution as suggested by the WSP report.

I would refer you initially to Pages 9-10 of the Pinnacle Transport Statement accompanying the planning application. For both pedestrians and cyclists the existing infrastructure in the vicinity of the site is considered to be of a good standard. Furthermore, in terms of public transport infrastructure, the site fully complies with accepted national good practice guidance and provides a high frequency of service.

In addition, there will be a significant s278 agreement put in place. This will further improve accessibility around the site.

As you are aware, s106 contributions are made where a scheme would otherwise be unacceptable. In this instance, there is sufficient evidence to demonstrate that the existing sustainable infrastructure appropriate. On this basis we will not be making a sustainable contribution.

6.

A substitute plan has been received from the applicant's that indicates the positions of the cycle parking facilities.

7.

The applicant's have also agreed that the delivery hours to the proposed retail unit should be only between 0900 and 1600 hours.

8.

Felpham Parish Council have viewed the District Council's consultants report and repeat their continuing objection to the proposed development. They state that they are concerned that the date and timing of the area site visit is not recorded as many days around the peak traffic flow times traffic can be seen backing up in all directions. They also state that the recommendations in paragraph 6.1.5 of the WSPD/T report should be addressed. They consider that any decision should be deferred until these points are clarified or resolved.

9.

Middleton-on-Sea Parish Council still strongly objects to the planning application on the following grounds:

- * terms of reference not included as an appendix
- * no statement of whether WSP have worked for Tesco's or WSCC within last 3 years
- * only one site visit was undertaken in the evening peak. Morning peak was disregarded.
- * no traffic count undertaken
- * unclear whether WSP instructed to address the concerns raised by Parish Councils and general public
- * Major issues raised by Parish Council left unaddressed:

- i. interaction of school children/parents in the morning and afternoon
- ii. number of cyclists/children who use the pavements and roads at the point where the exist is proposed.
- iii. how drivers leaving exit and wishing to drive to Middleton will do a U turn.

- * the recommendations are couched in disclaimers
- * further work should be undertaken as report is incomplete

10

The agents consider that they have addressed the points in paragraph 6.1.5 in 4 above.

RECOMMENDATION

11.

It is recommended that the application be approved with the conditions originally proposed but with the addition of the following conditions:-

(a)

Servicing/deliveries to the retail unit hereby approved shall only take place between the hours of 0900 and 1600 of the same day.

REASON

In the interests of highway safety and residential amenity in accordance with policy GEN7 of the Arun District Plan.

12.

It is also recommended that planning permission should only be granted once a satisfactory Section 106 Agreement is completed for a time limited bond of three years to cover the cost of a TRO (Traffic Regulation Order) or survey in the future to address any potential parking problems should this be identified in the time period.

13.

It should also be noted that the original report and recommendation referred to the policies of the West Sussex Structure Plan which has now been superseded by the South East Plan. The conditions proposed have need altered to reflect the policies in the new plan.

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

FP/133/08/

PLANNING APPLICATION REPORT

REF NO: FP/133/08/

LOCATION: 126 Felpham Way
Felpham

PROPOSAL: Redevelopment of site to provide A1 retail use with associated car parking.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The proposal is to demolish the existing car sales showroom and workshops and erect a new Tesco Express convenience store with associated parking on the site. The store would occupy an area of approximately 383sqm. A small service yard is to be positioned to the south east of the store.</p> <p>The proposals include a relocated site access, along with a secondary site egress point onto Middleton Road. The proposal includes provision for 16 car parking spaces (including two disabled spaces). Space will be provided for the parking of six bicycles. A dedicated on site delivery area would be provided and service vehicles would be able to enter and exit the site in forward gear.</p> <p>The proposal is for a single storey flat roofed building constructed in composite wall cladding with a mushroom finish. The front elevation will be mainly glazed. The service yard will be enclosed by a 2.4m high close boarded timber security/acoustic boundary fence.</p>
SITE AREA	0.18 hectares
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Small brick wall to front of car sales area.
SITE CHARACTERISTICS	The site consists of an existing car showroom and workshops in the form of a single storey pitched roof building. There is also approximately half of the site used for the sale and storage of cars. There is a single point of access just to the west of the mini-roundabout.
CHARACTER OF LOCALITY	The surrounding area has a residential character of mainly detached and semi-detached properties, although immediately to the west is a play area and church, to the east is a church and opposite is a public house. To the rear is a playing field. Further to the west along the main road area small number of retail units and a petrol filling station.

RELEVANT SITE HISTORY

FP/244/86	Outline application for the erection of motor car showroom, demolition of existing dwelling and use of land for car parking ancillary to the existing garage use	Approve Cond 23-03-1987
FP/57/90	Extension of existing garage and car showroom	Approve Cond 02-07-1990
FP/61/89	Details in Persuance of FP/244/86 to demolish existing house and construct car showroom	Approve Cond 08-05-1989
FP/88/04/	Demolition of shed/store and construction of covered car wash facility.	Approve Cond 11-06-2004
BR/395/77	Change of use of land for parking of vehicles	Approve Cond 03-08-1977

REPRESENTATIONS

Representations received:

Felpham Parish Council

The Council objects on two aspects to this application. The first is the impact on traffic in the area and associated safety. Tesco will be delivering five times a day. It is proposing a right turn lane just before the roundabout to Middleton. This will create confusion and a potentially dangerous situation for pedestrians using the pelican crossing. A children's playground is in daily use in the immediate vicinity. Traffic travelling south and accelerating away from the roundabout will be met with lorries and cars turning into Tesco at slow speed. This is particularly dangerous at peak times when Tesco's delivery time window is open. Delivery vehicles will by their nature and size have to swing out into the right turn lane to turn into Tesco's entrance, causing more confusion to traffic. The Council also strongly disagrees with the Tesco's statement that the store will not significantly impact on local stores. They believe it will cause some businesses to close in the short term.

Middleton-on-Sea Parish Council

Objection on the following grounds:-

Need - There is no need for a further Tesco's store. There are plenty of other outlets in the vicinity of the proposed store and in the villages of Middleton, Elmer and Felpham to adequately service the requirements of the local population. The construction of a Tesco Express so near to the existing shops will be the "tipping point" to push marginally profitable local shops into a less making situation which will lead to their closure.

Highway Issues

The proposed site is located at the busiest local road junction/roundabout. The roundabout is busy from early morning to late at night with heavy traffic travelling along the A259 between Bognor/Littlehampton and it also is the main westerly exit from Middleton, Elmer, Flansham Park and Summerley Fields. Long queues develop at the junction with the majority of traffic wishing to turn left towards Bognor albeit there is a rapidly increasing amount of traffic turning right along the A259 towards Littlehampton as it is perceived to be easier, and safer, to join the A259 here rather than at Comet Corner (Junction A259/B2132).

Bishop Tufnell Infant and Junior Schools are situated some 300 yards from the roundabout in Middleton Road and the road is severely restricted during morning drop-off and afternoon collection times owing to the number of cars parked along Middleton Road. A significant number of these cars then depart via the roundabout and long queues build up. The situation is so severe that the local PCSO attends regularly, when available, to both control traffic and to ensure the children's safety.

Many cyclists, primarily school children and youths attending Felpham Community College, use Middleton Road/Felpham Way in the mornings and afternoons and this adds a further complexity to the traffic mix at the roundabout.

Without question, the proposed Tesco Express will increase the number of cars within the vicinity of the roundabout thereby exacerbating an already poor situation and increasing the risk of accidents and injuries, particularly to the vulnerable groups (pedestrians, cyclists, school children and the disabled).

The proposed store vehicular exit into Middleton Road is a major safety concern because:

- Sight lines along Middleton Road will be poor owing to the nearby siting of a telecommunications mast and ancillary control boxes.
- Given the queues which regularly occur in Middleton Road, those seeking to join the roundabout will either (a) back up in the Tesco Express or (b) drivers will seek to push out into the existing queue (which has priority over them) which may lead to minor accidents/frayed tempers.
- It is also likely that those drivers seeking to leave the store will pay scant regard to the cyclists passing the queuing motorists in Middleton Road on their nearside or the mothers pushing their prams along the footpath on their way home having dropped their other children at Bishop Tufnell Schools
- Drivers leaving the site and wishing to turn effectively right along Middleton Road will have to turn left onto the roundabout and take the third exit off the mini-roundabout down Middleton Road. The Transport Statement accompanying the planning application confirms (3.6) "Consultation with the Highway Authority (West Sussex County Council) has previously highlighted a requirement to minimise U-turns at the mini-roundabout". Given a third of the traffic is likely to want to turn down Middleton Road this U-turn will be regular, and dangerous manoeuvre which must not be permitted.
- Further, West Sussex County Council Highways have issued a consultation paper to the Joint Western Arun Area Committee on 30th July 2008 (attached) recommending that as part of the Site 6 A259 Traffic Management proposals that the mini-roundabout at the junction will be "Reduced in size to reduce capacity and improve the environment for non-motorised traffic" these proposals also carry the full support of Felpham Parish Council. The reduction in size of the roundabout, which is expected to proceed when the Bognor Regis Relief Road is opened, is one of the measures to discourage traffic from Felpham. The reduction in size will immediately prevent traffic undertaking a U-turn towards Middleton Road and will, de facto, increase the queues along Middleton Road further restricting vehicles leaving Tesco Express.
- There is additional traffic hazard for pedestrians wishing to cross Middleton Road in a

northerly direction at the junction using the traffic island. Given the proximity of the tactile paving to the store vehicular exit, pedestrians will have to be extremely careful that drivers do not just pull out into Middleton Road and fail to see them. It is a real accident waiting to happen!

The proposed new right turn into the store is also very problematic:

- It is clear from the information provided that the proposed 10.35m Rigid Vehicle will completely fill the right turn cut away in Felpham Way and may well overhang into the right turn lane for Middleton. Certainly, if it is the daily 8 am - 9 am delivery, it is likely that other vehicles ahead or behind the lorry will also want to cross the westbound A259 to enter the Tesco store. This will both hold up eastbound traffic and will also leave stationary vehicles across the Pelican Crossing thereby impeding pedestrians, many of whom will be wanting to take their children to Bishop Tufnell Schools.

- There is also a danger that if cars within the Tesco Store are unable to exit into Middleton Road, because of cars backed up in that road then drivers may 'take a chance' and seek an alternative exit by trying to make a right turn onto the A259 at the Felpham Way exit which will be both dangerous and will obstruct/hold up other traffic.

Once the lorry is on the store site, its manoeuvring space is extremely limited such that its proposed track touches the pedestrian walkways next to the disabled parking bays. When leaving the store, the lorry also crosses the 'spot' of the mini-roundabout. When the roundabout is reduced in size, the lorry will be unable to complete the exit manoeuvre safely. Given the proposed 28 lorry movements per week, the majority during peak traffic times, coupled with the experience of the traffic problems caused in Aldwick Road by lorries delivering to the Aldwick Tesco Express store, this proposal is flawed and must be refused.

Store Issues:

The design incorporates an ATM. There is no need for such a service - ATMs are freely available at One Stop, Middleton and at two banks in Felpham. Allowing an ATM will only increase the traffic flows to the store thereby exacerbating the already adverse traffic flows further.

The proximity to King George's Playing Field to the proposed store also gives additional concerns that youths may gather within the vicinity of the store, as has occurred previously outside One Stop in Middleton, with the possibility of under aged youths persuading those of 18 years+ to purchase alcohol for them.

Middleton-on-Sea Association

Objection

1. To place a convenience store at this location would create a serious risk to traffic and to pedestrians due to its location on a busy roundabout. The Applicants acknowledge this in the extent of the documentation which they provide in an effort to show that these problems would be overcome. The size of this proposal and its associated parking is such that major usage is envisaged, especially given the extensive housing development approved just to the north of this location. To place this development on a roundabout close to a children's playground and park and a public house is to invite disaster especially given the inevitable increases in traffic across the roundabout associated with the aforementioned housing development.

2. This development would only be short a distance from the village of Middleton-on-Sea. The village has been established for many years and has a very well-developed sense of community and a number of shops which are much valued. Some of these are now threatened by the economic downturn and the decision of the PCT to allow our pharmacy to move out of the village. If this development is permitted then village life will be seriously compromised and the Special Character of the Area put at serious risk.

89 letters of objection

- No need. Area already well served with shops
- Will force other shops to close
- Existing roundabout already busy
- No parking area for staff
- Hazardous for pedestrians
- Will cause traffic hold ups
- Dangerous for users of playschool next door
- Create litter
- Will exacerbate ingress and egress of nearby schools
- Entrance and exits will be dangerous and in conflict with existing road users
- Will cause problems with buses
- Delivery vehicles will conflict with existing traffic
- People will drive to store. They will not cycle or walk
- Will lead to many accidents
- Contrary to Local Plan policies
- Inadequate car parking area
- Inadequate surface water drainage system
- Contrary to PPG6

10 letters of support

- Can only be good for Felpham and Middleton
- Will be a reduction in car journeys in area

Comments on Representations received:

County Highways have raised no objections to the proposals and are satisfied with all aspects of highway safety. The District Council's retail consultant has also stated that the proposal will not adversely effect the viability of the existing shops.

CONSULTATIONS

Head of Highways and Transport
Southern Water Services Ltd
Environmental Health - John Green

Consultations responses received:

County Highways:

County Highways requested further information with regard to the Transport Statement submitted with the application, this information has now been received and reviewed. County Highways would not wish to raise an objection to the proposed development, subject to conditions.

The accessibility issues highlighted have been addressed and the plans have been submitted to show bus stop locations, cycle/walking isochrones and relief road locations.

Whilst traffic flow information is not required for a TS, which is the required level of assessment based upon the floor area of the site, the trip generation of 152 two-way vehicle trips in the peak hour would be considered to be a significant amount of traffic. The DfT Guidance on Transport Assessments and the WSCC Transport Assessment Guidance have thresholds based on other considerations which state that any development generating 30 or more two-way vehicle movements in any hour and any development generating 100 or more two way vehicle movements per day will require a TA. Therefore whilst we would not require a full TA based on the proposed floor space the impact of development generated traffic on the highway network is required to be assessed.

The TRICS data has been utilised to estimate the traffic generation and shows peak hour flows of 47 vehicles arriving and 48 vehicles departing, and if it is assumed that all are new trips, the number of additional vehicles on each turning movement are considered minimal. It has been assumed that 80 per cent of traffic will be utilising the main through route of Flansham Lane/Felpham Way and with the knowledge that vehicles approaching from the west will not pass around the roundabout and the same for vehicles exiting to the west due to the proposed access, the following additional flows have been anticipated on the roundabout:

1. Flansham Lane to site (via Felpham Way): 19 vehicles per hour
2. Middleton Road to site (via Felpham Way): 9 vehicles per hour
3. Site to Flansham Lane: 19 vehicles per hour
4. Site to Middleton Road: 10 vehicles per hour

It has been assumed that all other traffic would enter or exit the site via Felpham Way, not utilising the roundabout.

These flows have been considered and in terms of impact on the roundabout, it has been agreed that an ARCADY assessment would not be required.

District Council's Retail Consultant

The main issues have been:
the role of the store in relation to planning policy
the assumptions in the assessment of quantitative need
the catchment area for the assessment of quantitative need
the expenditure available in the catchment
the expenditure taken by other existing facilities
the capacity for this proposal

I suggest that the application should be granted and explain the reasons for this recommendation below.

The Proposal in the context of Planning Policy:

The retail study by G. L. Hearne suggests that the store will cater primarily for top up shopping with trips mainly being made by pedestrians and cyclists from within a five minute catchment. I agree that this would be the major role of the store. This provision would support the major thrust of government policy which is to reduce the number of car borne shopping trips. A dispersed pattern on shopping provision for local top up shopping could contribute to a reduced reliance on private transport for food shopping.

G. L. Hearne provides a comprehensive review of national, county wide and local policies pointing out that the other main objective of retail planning is to protect existing centres. The case is made that this proposal will draw from the local area for top up trips which would not compete with any local centre. The only issue here is the possible impact on the local centres of Felpham village and Middleton Road. However, since these are not classified as centres in the Arun District Local Plan it does not have the support of these policies. Another argument which would support this view is that the expenditure estimates provided suggest that there is already sufficient expenditure within the catchment to support the new store alongside these existing facilities. The justification for this assessment of quantitative need is examined below.

Quantitative Need:

G. L. Hearne adopts a conventional methodology to assessing need and base their data and assumptions on the Coastal Districts Study by DTZ. Some of the assumptions are crucial to the outcome. For instance the suggestion that 30% of all food and grocery expenditure takes the form of top up shopping rather than main weekly trips has a large influence on the estimate of expenditure available. However, since the Council has accepted the DTZ study, I have accepted the assumption rather than testing the sensitivity of the calculations to different scenarios regarding top up and main shopping.

The first issue that needed resolving was the size of the catchment area. This is important as it determines the number of resident population taken as using the store and hence the expenditure available. The Executive Summary suggests that a radius of 0.5 miles represents a "local walkable catchment". This seems likely to be the further distance shoppers are likely to walk to make top up purchases. Nevertheless it is a reasonable estimate of the area from which trade would be drawn. There are no other shopping facilities closer to the extremities of the boundary, so top up trips from the whole of the zone would be likely to be drawn by the proposal or from other local operators even if the customers travelled by car.

The Felpham East Ward was taken as the catchment boundary as this corresponds roughly to a 0.5 mile radius. No map of the area was included in G. L. Hearne's Study but I have been assured by further evidence from the company during separate discussions that this is the case.

The next issue is whether there is sufficient expenditure within this catchment to support existing stores and also the proposal. I have described the calculations for the year 2008 as this avoids any controversy about growth in population or expenditure. My analysis of the study demonstrates that there is sufficient capacity now. Census data is used to derive a population of 5210 and this is multiplied by the figure of expenditure per head from the Coastal Districts Study (1,647 Pounds) giving total convenience of 8.58 Million Pounds. Applying the 30 per cent for top up shopping gives an estimated 2.57 Million Pounds for the catchment.

The turnover of the existing stores is worked out by applying the turnover to floorspace figures from the Coastal Districts Study to the floorspace of the local Londis, Spar and Co-op to estimate their combined turnover at 1.05 million pound. The next step in the calculations is to assess how much of the turnover of these stores is drawn from outside the local catchment. The assumptions are made that the Co-op and Spar stores will derive 30 per cent of their expenditure from outside the Felpham East Ward and that the Londis will draw 50 per cent of its expenditure from beyond this catchment. This reduces the estimate of their combined trade draw from the catchment of the proposal to 698,560 Pounds.

Capacity for the new proposal is then calculated by deducting the turnover drawn from the catchment by the existing stores from total top up shopping expenditure. This gives a figure of 1.88 Million Pounds. This expenditure is then converted to an estimate of capacity for new floorspace by dividing the turnover available by the turnover per sq. metre (5,011 Pounds per sq. m. from the Coastal Districts Study) to calculate that there is capacity for 374.3 sq. m. of new convenience shopping. The net tradable area of the proposed store is 265 sq. m. which is well within this estimate of capacity.

The assumptions that significant amounts of the trade of the existing stores is taken from outside the catchment increase the estimate of the trade left available as capacity for the new proposal. While it is realistic that some of the turnover of these stores will come from passing trade the assumptions about the amount of trade that the existing stores would take from beyond the catchment are not supported by any survey work by G. L. Hearne or by the Coastal Districts Study. I have therefore checked the robustness of the conclusions by assuming that all the expenditure of the existing stores is taken from within the catchment.

The estimate of catchment area expenditure on top up convenience expenditure of 2.57 Million Pounds is based on reliable data. Assuming that all the expenditure of the existing stores of 1.05 Million Pounds is drawn from the catchment reduces the expenditure available to 1.52 Million Pounds. The proposal is for 265 sq. m. net tradable floorspace which, at the figure of 5,011 Pounds per sq. m. (from the Coastal Districts Study) equates to a turnover of 1.33 Million Pounds. This is within the current capacity of the catchment and therefore even making no allowance for existing stores capturing passing trade there is capacity.

On the basis of all these considerations I recommend that this planning application is approved.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
 Within Built-up Area Boundary
 Class A Road
 Class B Road

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	DEV26	Criteria for Retail Development
	DEV27	Retail Development Outside the Principal Shopping Areas

West Sussex Structure Plan:	LOC1	Locational Strategy
	DEV1	High Quality Development
	DEV4	Travel Needs and Choices
	DEV5	Parking Provision
	NE10	Retail development

NE13 Transport
NE17 Roads

PLANNING POLICY GUIDANCE

PPS1 Delivering Sustainable Development
PPS6 Planning for Town Centres
PPG13 Transport
PPS23 Planning and Pollution Control

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual amenity 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 nor would it have an adverse impact upon the established character of the surrounding area. Highway safety would also not be compromised. It will also not adversely effect the vitality or viability of existing shops.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

The site lies within the built-up area as defined in the Arun District Local Plan where the principle of development is acceptable subject to normal development control criteria being met.

"PPS6 Planning for Town Centres states:-

The need for local shops and services is equally important within urban and rural areas. Local authorities should, where appropriate, seek to protect existing facilities which provide for people's day to day needs and seek to remedy deficiencies in local shopping and other facilities to help address social exclusion.

Paragraph 3.3. of PPS6 advises that in the context of development control, in assessing proposed development, planning authorities should require applicant to demonstrate:

- The need for the development;
- That the development is of appropriate scale;
- That there are no more central sites for the development;

That there are no unacceptable impacts on existing centres; and that locations are accessible.

In addressing these key considerations, paragraph 3.7 states that the detail and type of evidence and analysis required should be proportionate to the scale and nature of the proposal.

Paragraph 3.10 of PPS6 advises that a needs assessment prepared in support of a planning application should whenever possible be based on the assessment carried out for the development plan. Additionally, the catchment area that is used to assess future need should be realistic and well related to the size and function of the proposed development.

Paragraph 3.11 advises that qualitative considerations, in addition to quantitative considerations, may provide additional justification for the development.

A sequential approach to site selection is expected to be applied to all development proposals outside of centres. In adopting a sequential approach paragraph 3.13 of PPS6 advises that the relevant centres in which to search for sites will depend on the development plan strategy, the nature and scale of development and the catchment that the development seeks to serve.

For impact assessments paragraph 3.23 of PPS6 expects the level of detail and type of evidence and analysis required to be proportionate to the scale and nature of the proposal. Impact considerations should take account of a number of factors including:

The impact of the proposal on the vitality and viability of existing centres within the catchment area of the proposed development;

Changes to the range of services provided by centres that could be affected; and
Potential changes to the quality, attractiveness, physical condition and character of the centres.

In addition to need, sequential and impact considerations, PPS6 also requires proposed new developments to be accessible by a choice of means of transport including public transport, walking, cycling and the car."

Policy NE10 of the Structure Plan restricts retail development outside of centres unless it meets identified needs and does not undermine the vitality, viability and retail function of local centres. The policy maintains that local shops should be permitted where they meet the identified needs of local communities.

The Structure Plan requires local plans to include policies to ensure out-of-centre retail provision complements the existing shopping offer by providing a range and type of facilities which cannot be accommodated within an existing centre, following the adoption of a sequential approach to site selection; is of a scale and nature no greater than that required to meet any identified need; does not adversely affect the vitality and viability of any nearby centre; and is accessible by a range of transport modes.

Policy DEV27 of the Local Plan refers to retail development outside the Principal Shopping Areas. The policy maintains that for food retail development will be permitted providing:-

it does not adversely affect the vitality and viability of other principal shopping areas and local

shopping areas either individually or cumulatively,
it is easily accessible by the highway network and public transport,
it includes provision for access by cycle and on foot,
it includes appropriate access for people with disabilities.

The District Council's Retail Consultant has assessed the quantitative and qualitative need for the development, and that it meets the sequential tests. He is satisfied that the proposals will not have an adverse impact on the vitality and viability of the existing local shops.

The County Surveyor was initially concerned with the original submissions as not all the information required had been submitted. Following the submission of this information the County Surveyor is satisfied that the proposals will not have an adverse impact on highway safety, including pedestrian safety. They are satisfied that 16 car parking spaces on site are sufficient room and turning space for the service vehicles. The existing access would be closed and two new accesses created to the east and west of the site, the one to the east being a "left out" only. It is considered by the County Surveyor that this arrangement will work satisfactorily.

The proposed design of the building is flat roofed and single storey, constructed in mushroom coloured metal panels, and replaces a single storey building with a corrugated pitched roof. A white fascia panel will be incorporated along the front elevation and the shop front will comprise glazing and automatic sliding doors. The design of the building is considered acceptable for this location.

Is is therefore recommended that the application is approved subject to the conditions set out below.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

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

- 2 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme. The approved details of the landscaping shall be carried out in the first planting and seeding season, 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 five years from the completion of 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.

- 3 The accesses 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.

- 4 Building work shall not commence until details of the space to be laid out for stationing vehicles clear of the public carriageway have been approved by the Local Planning Authority and the building shall not be occupied until such space has been surfaced, drained and completed. The space so approved shall not thereafter be used other than for parking of vehicles in connection with the development hereby permitted.

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

- 5 The use building hereby permitted shall not be occupied until space has been laid out within the site in accordance with details approved by the Local Planning Authority for the turning of vehicles clear of the public highway and such space shall not thereafter be used other than as a turning area.

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

- 6 The building hereby permitted shall not be occupied until all accesses to the site other than hereby approved have been stopped up permanently and obliterated.

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

- 7 The development shall not proceed until details of the proposed surface water drainage and means of disposal have been submitted and approved by the Local Planning Authority. Surface water drainage shall be carried out in accordance with such details and in conjunction with associated building works.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7, GEN9 of the Arun District Local Plan.

- 8 Details of any diversion of the public sewers shall be submitted to and approved in writing by the local planning authority before development is commenced.

Reason: In order to protect drainage apparatus in accordance with policy GEN9 of the Arun District Local Plan.

- 9 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved Scheme of Remediation must not commence until Conditions 10 to 13 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition 13 has been complied with in relation to that contamination.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 10 Further investigation and risk assessment, in addition to the Phase 2 Assessment provided with the Planning Application, must be completed in accordance with a Scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the Scheme are subject to the approval in writing of the Local Planning Authority. The Investigation and Risk Assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

" Human Health;

" Property (existing or proposed) including Buildings, Crops, Livestock, Pets, Woodland and Service Lines and Pipes;

" Adjoining Land;

" Groundwaters and Surface Waters;

" Ecological Systems;

" Archaeological Sites and Ancient Monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 11 A detailed Remediation Scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The Scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria. The Scheme must ensure that the site will not qualify as Contaminated Land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other offsite receptors.

- 12 The approved Remediation Scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the Remediation Scheme Works.

Following completion of measures identified in the approved Remediation Scheme, a Verification Report (referred to in PPS23 as a Validation Report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 13 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An Investigation and Risk Assessment must be undertaken in accordance with the requirements of Condition 10, and where remediation is necessary a Remediation Scheme must be prepared in accordance with the requirements of Condition 11, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved Remediation Scheme a Verification Report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 12.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 14 A Monitoring and Maintenance Scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years to be agreed with the local planning authority, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in that Scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 15 Servicing/deliveries to the retail unit hereby approved shall only take place between the hours of 0900 and 1600 of the same day.

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

- 16 **INFORMATIVE:** The building 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.

It should also be noted that a Section 278 Agreement is required for the access works on Felpham Way and Middleton Road and the closure of the existing access.

- 17 **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.
- 18 **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
- 19 **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, will not affect the vitality and viability of existing retail units, and not affect highway safety, and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

SOUTH EAST PLAN: SP3, CC6, T4

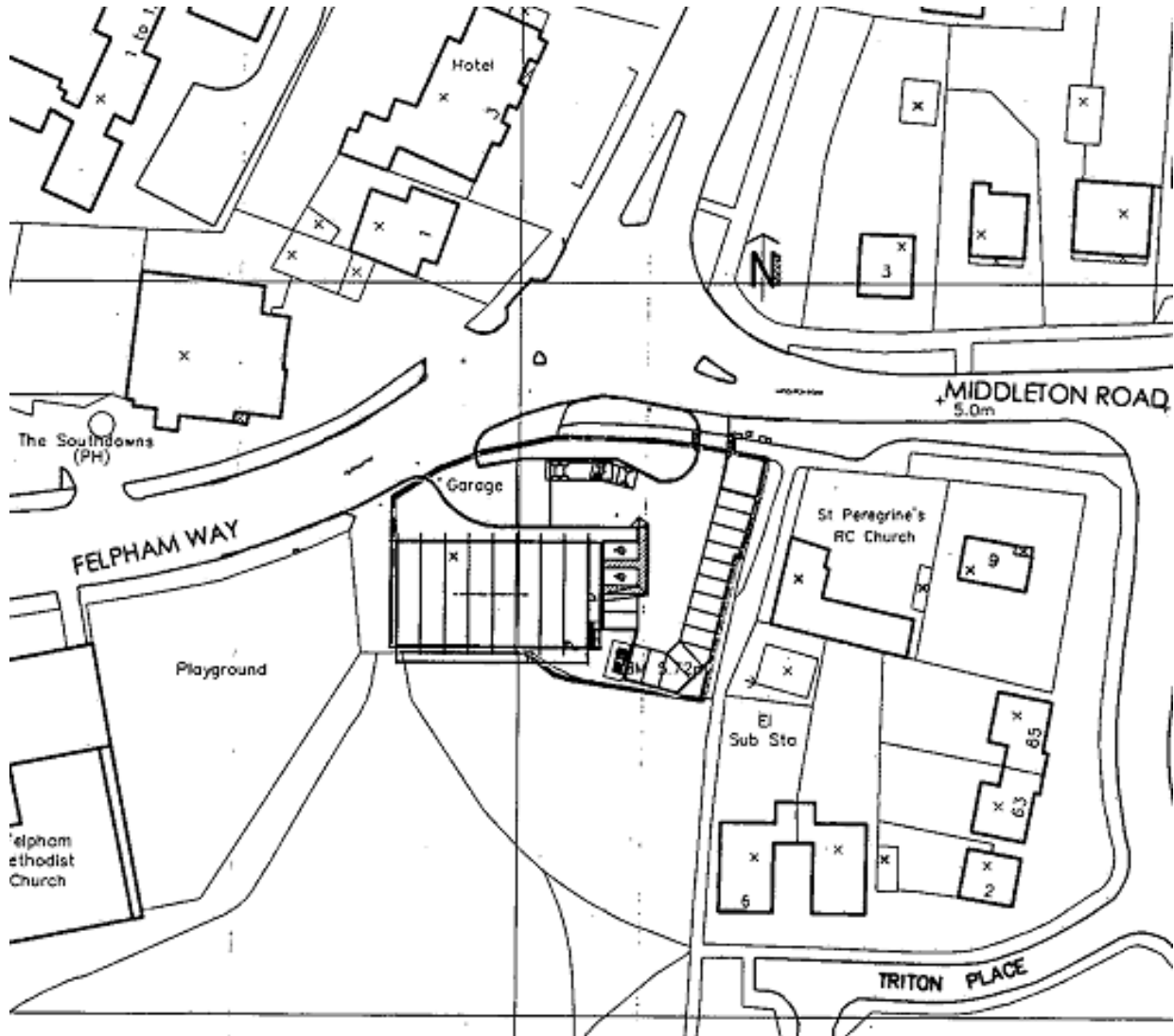
LOCAL PLAN: GEN7, GEN2, GEN9, DEV26, DEV27

NATIONAL POLICIES: PPS1, PPS6, PPG13, PPS23

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

- 20 **INFORMATIVE:** A formal application for the connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St, James House, 39A Southgate Street, Winchester SO23 9EH (tel 01962 858688) or www.southernwater.co.uk

FP/133/08/ - Location Plan as submitted with the application (Do not scale)



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AGENDA ITEM 8

DEVELOPMENT CONTROL COMMITTEE

15 July 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

AL/94/08/
Received: 27-01-2009

Land adj to Rose Cottage Nyton Road Westergate
Outline planning application for one detached dwelling

Informal Hearing **04-06-2009**

PINS Ref: APP/C3810/A/09/2094909/NWF

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

AW/264/08/
Received: 20-03-2009

35 Willowhale Avenue Bognor Regis
Erection of 1 no. 3 bedroom house.

Informal Hearing **07-07-2009**

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

AL/4/09/
Received: 22-04-2009

Land adjacent Rose Cottage Nyton Road Westergate
Outline application for one detached dwelling.

Informal Hearing

PINS Ref: APP/C3810/A/09/2102675/NWF

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

CIC/BE/4/07/

Received: 25-06-2008

Land Adjacent Manor Farm Fronting Shripney Lane Bersted

Alleged unauthorised caravans

Public Inquiry

02-09-2009

PINS Ref: APP/C3810/C/08/2075551

ENF/294/08/

Received: 17-10-2008

Aldingbourne Farm Shop Nyton Road Aldingbourne

Alleged unauthorised change of use and operational development.

Written Representations

17-03-2009

PINS Ref: APP/C3810/C/08/2085308

CIC/AW/4/06/

Received: 29-04-2009

52 The Drive Craigweil Estate Aldwick

Alleged unauthorised structure

Informal Hearing

06-10-2009

PINS Ref: APP/C3810/C/09/2100508

ENF/145/08/

Received: 05-05-2009

Unit B Littlehampton Marina Ferry Road Littlehampton

Alleged unauthorised flats

Informal Hearing

03-11-2009

LOCATION: 16 Singleton Close Bognor Regis

SUBJECT: Division of existing rear garden into two plots. Demolition of existing garage to make way for new access driveway to proposed three bedroomed bungalow.

Planning Application Reference: AW/254/08/

Appeal Decision: Dismissed

Date: 12 June 2009

Appeal Procedure: Written Representations

Inspector: David Hogger BA Msc MRTPI MIHT

PINS Ref: APP/C3810/A/09/2097735/WF

Application Decision: Refused

Date: 19 January 2009

Decision Process: Delegated

Original Officer Recommendation: Refuse

SUMMARY OF REASONS FOR REFUSAL

The proposal would constitute a cramped form of development which by virtue of its siting, plot size, access and garden size would be out of character in the area and detrimental to the visual and residential amenities of the area which is defined as an Area of Special Character.

ISSUES IDENTIFIED BY THE INSPECTOR

The main issue is considered to be the effect of the proposed bungalow and new access on the character and appearance of the locality.

INSPECTORS ASSESSMENT

Singleton Close includes bungalows and chalet bungalows but there was no backland development in the vicinity of the site.

Although many of the existing plots in the Close could not be described as large, many are nevertheless larger than the two plots that would result from this proposal.

The proposed bungalow, the new driveway and the associated fencing would be visible from the end of the Close and it is considered that the size of the proposed plots, the creation of a new access and the intensification of built form, would result in the development appearing cramped when compared to its surroundings.

Planning Policy Statement 3: Housing (PPS3) supports the effective and efficient use of land. However, it also advises that more intensive development is not always appropriate. It states that design which is inappropriate in its context should not be accepted and that new development should be well integrated with and complement the local area. It is considered that the proposal would not meet the objectives of PPS3.

It is agreed with the appellant that, per se, the design of the bungalow would complement the design of similar properties nearby but the appearance of the property would not overcome concerns with regard to the cramped nature of the proposed development.

The proposal is not considered to comply with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan, which seek to ensure that new development responds positively to the local context and enhances local distinctiveness.

The council expressed concern, echoed by the neighbour, regarding the impact of the development on the living conditions of the occupier of no.15, particularly with regard to disturbance caused by vehicles using the drive.

Existing levels of noise are likely to be comparatively low because the properties lie at the end of a cul-de-sac. It is noted that there is a significant screen between the appeal site and the back garden of no.15 which would assist in mitigating the impact of noise and also ensure that there would be no significant visual impact on the outlook from the garden of the neighbouring property.

Although there would be additional vehicular movements, it is considered that the traffic generated by one additional dwelling would not have a significant impact for neighbouring residents.

A number of residents voiced concern regarding parking and highway safety issues but there was no objection from the Highway Authority, and therefore only little weight can be attached to this matter.

It is concluded that the appeal be dismissed.

RELEVANT POLICIES

LOC1, DEV1, CH1, GEN2, GEN7

POLICIES SUPPORTED

As Above

APPLICATION FOR COSTS MADE/REASON

None

COSTS AWARDED

N/A

COMMENT

The Inspector supported the Officer's decision

Background Papers: AW/254/08/

Contact: Mrs S Leeson

Telephone: 01903 737769

LOCATION: Averys House 56 High Street Findon

SUBJECT: Application for Listed Building Consent for the removal of existing stair

Planning Application Reference: FN/51/08/L

Appeal Decision: Allowed+Conditions

Date: 02 June 2009

Appeal Procedure: Informal Hearing

Inspector: Tim Wood BA (Hons) BTP MRTPI

PINS Ref: APP/C3810/E/08/2092443

Application Decision: Refused

Date: 14 November 2008

Decision Process: Delegated

Original Officer Recommendation: Refuse

SUMMARY OF REASONS FOR REFUSAL

The staircase is an important feature in the historic floor plan and layout of the building and its removal is prejudicial to the character, integrity and appearance of the listed building.

ISSUES IDENTIFIED BY THE INSPECTOR

The effects of the works on the special architectural and historic interest of the listed building.

INSPECTORS ASSESSMENT

The appeal property is a detached Grade II Listed Building consisting of 3 elements. The oldest section dates from around 1701- 1741 which is closest to the road; the rear and side section dating from 1783- 1838; and the latest element from 1871- 1901. The special interest in the building derives from its age, the retention of elements of its historic plan form and the elements that show the evolution of the building.

The original staircase in the oldest part of the building was removed at the lower level between 1783- 1838 and a new grander one constructed towards the rear of the house which still survives. The secondary staircase was constructed between 1912-1926, probably in connection with previous use of the building as shops, private hotel and tea gardens. This staircase is now removed and the subject of the appeal.

The second flight of the subject stairs still survives and photographs of the now removed stairs have been submitted, which show a simple design. Planning Policy Guidance 15 Planning and the Historic Environment (PPG 15) advises that stairs are often the most considerable piece of design within a building and states that the removal of any historic staircase is not normally acceptable.

It is considered that there was not any intrinsic quality in the design or craftsmanship of the now removed staircase. From inspection of the upper flight and the photographs it is concluded that this is to be the case. The Council suggest that the value of the staircase stems from its indication of the evolution of the building and its changing functions.

The principal staircase remains in the building which is of some age and interest. The upper flights of the oldest stairs and the secondary stairs remain and act as a reminder of the former

layout. Whilst I accept that the subject stairs may have been an indicator of a previous pattern of use of the building, I do not consider that this is an important point in understanding or determining the special interest of the listed building.

For the reasons above it is concluded that the removal of the staircase preserves the special architectural and historic interest of the listed building and is in accordance with the aims of (now cancelled) Policy CH5 of the West Sussex Structure Plan and the advice in PPG 15.

RELEVANT POLICIES

Planning Policy: PPS15

West Sussex Structure Plan: CH5(now cancelled)

POLICIES SUPPORTED

Planning Policy: PPG15

West Sussex Structure Plan: CH5 (now cancelled)

APPLICATION FOR COSTS MADE/REASON

None

COSTS AWARDED

N/A

COMMENT

This is a somewhat disappointing decision. The inspector clearly outlined within his own report that PPG15 Planning and the Historic Environment advises that staircases are often the most considerable piece of a design within a building and states that the removal of any historic staircase is not normally acceptable.

Background Papers: FN/51/08/L

Contact: Mrs A Gardner

Telephone: 01903 737529

LOCATION: Land at 18a The Grove Bognor Regis

SUBJECT: Chalet bungalow.

Planning Application Reference: FP/238/08/

Appeal Decision: Dismissed

Date: 12 June 2009

Appeal Procedure: Written Representations

Inspector: David Hogger BA MSc MRTPI MIHT

PINS Ref: APP/C3810/A/019/2100447

Application Decision: Refused

Date: 11 February 2009

Decision Process: Delegated

Original Officer Recommendation: Refuse

SUMMARY OF REASONS FOR REFUSAL

The proposal would constitute a cramped form of development which, by virtue of its siting, limited plot size, and inadequate private amenity space, would be out of character in the area and detrimental to the visual amenities of the area. The proposal represents overdevelopment of a site of restricted size.

ISSUES IDENTIFIED BY THE INSPECTOR

The main issue is considered to be the effect of the proposed development on the character and appearance of the locality.

INSPECTORS ASSESSMENT

Although there is a range of dwelling styles in The Grove, most enjoy reasonably sized rear gardens which contribute to the overall character of the area. The proposed bungalow would sit in a very small plot. The dwelling itself would sit forward of the adjacent properties (Numbers 20 and 22) and this, together with the lack of any significant setting, would make the property appear cramped and incongruous in the street scene.

Planning Policy Statement 3: Housing (PPS3) supports the effective and efficient use of land. However, it also advises that more intensive development is not always appropriate. It states that design which is inappropriate in its context should not be accepted and that new development should be well integrated with the local area. It is considered that the proposal would not meet these objectives.

A number of other properties in the locality were shown to the Inspector by the appellant, however the Inspector concluded that only little weight would be attached to these examples.

It is concluded that the proposal would not meet the requirements of GEN7 of the Arun District Local Plan and DEV1 of the West Sussex Structure Plan, which seek to ensure that new development has regard to its context and enhances local distinctiveness.

Whilst the design of the chalet bungalow may be acceptable, this does not outweigh concerns regarding the paucity of amenity space when compared to other properties in the street and the cramped nature of the proposal. It is therefore concluded that the appeal be dismissed.

RELEVANT POLICIES

DEV1, NE2, LOC2, GEN7, PPS1, PPS3

POLICIES SUPPORTED

As Above

APPLICATION FOR COSTS MADE/REASON

None

COSTS AWARDED

N/A

COMMENT

The Inspector supported the Officer's decision.

Background Papers: FP/238/08/

Contact: Mrs S Leeson

Telephone: 01903 737769

LOCATION: Land to rear of 7 & 9 Cove Road Rustington

SUBJECT: Erection of four new dwellings with associated access, car parking and amenity space

Planning Application Reference: R/225/08/

Appeal Decision: Dismissed

Date: 22 June 2009

Appeal Procedure: Informal Hearing

Inspector: W C Cunningham BSc MRTPI

PINS Ref: APP/C3810/A/09/2097791/NWF

Application Decision: Refused

Date: 03 February 2009

Decision Process: Delegated

Original Officer Recommendation: Refuse

SUMMARY OF REASONS FOR REFUSAL

The development constitutes a cramped form of development which would be out of character with the locality.

Permission would make it difficult to resist similar proposals in the vicinity.

ISSUES IDENTIFIED BY THE INSPECTOR

The impact of the scheme on the street scene through siting, massing and overall scale.

INSPECTORS ASSESSMENT

The site and its surroundings, when viewed along Chanctonbury Road, currently enjoys a spacious character. The proposal is to remove vegetation from the site and introduce two storey built development together with hard surfaced forecourts.

The impact made by the appeal proposal would contrast materially from, and be detrimental to, the existing spacious character of the street scene.

RELEVANT POLICIES

West Sussex Structure Plan ¿ DEV1, CH1 & LOC1
Arun District Local Plan - GEN7

POLICIES SUPPORTED

As Above

APPLICATION FOR COSTS MADE/REASON

None

COSTS AWARDED

N/A

COMMENT

There was a large public presence at this hearing and their views together with those of the Council were fully endorsed by the Inspector.

Background Papers: R/225/08/

Contact: Mrs A Gardner

Telephone: 01903 737529

AGENDA ITEM 10

DEVELOPMENT CONTROL COMMITTEE

15 July 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**

ALDWICK

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
AW/64/09/	Alterations & extension of existing 2 no. flats to form 4 no. 1 bedroom & 1 no. 2 bedroom flat.	10 & 10A Princess Avenue Aldwick
Case Officer :	Mrs S Leeson	
Recommendation:	Approve Cond	

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
Case Officer :	Mrs J Chapman	
Recommendation:	Approve Cond	

AW/71/09/	Taking out existing Cypress Leylandii trees to construct boundary wall and garage	1 St. Peters Close Aldwick
Case Officer :	Ms A Paice	
Recommendation:	Approve Cond	

ANGMERING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
A/45/09/	New fume extract system	Santa Maria Restaurant The Square Angmering
Case Officer :	Mr P Cleveland	
Recommendation:	Approve Cond	

ARUNDEL

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
AB/46/09/	One chalet bungalow in south garden with double garage, resubmission of AB/135/08.	21 Priory Road Arundel
Case Officer :	Mrs A Gardner	
Recommendation:	Approve Cond	

BOGNOR REGIS

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
BR/87/09/	Provision of additional 1 bed flat to previously approved scheme (to provide 2 no flats at fourth floor level)	2-10 Queensway Bognor Regis

Case Officer : Mrs S Leeson

Recommendation: Approve Cond

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
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Case Officer : Mrs J Chapman

Recommendation: Approve Cond

BR/101/09/	Erection of one 3 bed detached dwelling.	61-63 Mead Lane Bognor Regis
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Case Officer : Mrs S Leeson

Recommendation: Approve Cond

BR/107/09/	Change of use from restaurant (A3) to 3 bedroom house (C3).	2 The Steyne Bognor Regis
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Case Officer : Mrs J Chapman

Recommendation: Approve Cond

BR/112/09/	Conversion of existing retail unit into two self-contained flats	2 Madeira Parade Bognor Regis
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Case Officer : Mrs S Leeson

Recommendation: Approve Cond

CLIMPING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
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CM/7/09/ Construction of material recycling facility for construction & demolition skip waste with continuation of CM/25/08/ to process plastics, paper recycling, cardboard & tyres with new yard area, stockpile area & weighbridge/office facility - This is a County Matter application & will be determined by the WSCC

Hanger No 8
Northwood Farm
Burndell Road
Yapton

Case Officer : Mrs C Rodway

Recommendation: No Objection

FERRING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
FG/60/09/	Erection of side extension and new gables to front elevation/rear elevation.	162 Littlehampton Road Ferring

Case Officer : Mr P Cleveland

Recommendation: Approve Cond

PAGHAM

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
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

Case Officer : Mrs J Chapman

Recommendation: Approve

PLANNING APPLICATION REPORT**REF NO:** AW/64/09/**LOCATION:** 10 & 10A Princess Avenue
Aldwick**PROPOSAL:** Alterations & extension of existing 2 no. flats to form 4 no. 1 bedroom & 1 no. 2 bedroom flat.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	This application is a resubmission following refusal of AW/216/08 as the external staircase was considered unneighbourly. This application remains as the previous application, but without an external staircase. The access to the first floor flats is now internal.
SITE AREA	0.049 hectares
RESIDENTIAL DEVELOPMENT DENSITY(NET)	82 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing and mature hedging to the sides and rear
SITE CHARACTERISTICS	Large detached property, brick ground floor with render above. Two storey side extension over car port. Rear single storey extension with pitched roof.
CHARACTER OF LOCALITY	Predominantly residential. Mix of flats and detached houses. Some properties have rear balconies. Adjacent house has 3 first floor windows, 2 opaque.

RELEVANT SITE HISTORY

AW/216/08/	Alterations & extension of existing 2 No flats to form 4 No 1 bedroom & 1 No 2 bedroom flat.	Refused 21-01-2009
AW/277/07/	Alterations & extension of existing 2 no flats to form 4 no.1 bedroom & 1 no. 2 bedroom flats (Resubmission of AW/217/07)	Refused 13-12-2007
AW/217/07/	Alterations & extension to form 5 no 1 bedroom flats & 1 no 2 bedroom flat	Refused 21-09-2007

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

Objection. Overdevelopment and not in keeping. Will cause overlooking and has no garden, communal space.

Clarehaven Court Ltd. Overdevelopment and very intensive, the extension is a few inches from our boundary. Parking in the garden will be a noise nuisance.

8 letters of objection. More cars crossing the footpath are dangerous to pedestrians. Insufficient parking. Causes additional pressure on infrastructure. Too high a density. Out of keeping with the character of the area. How many times can a landlord keep applying? Princess Avenue is changed beyond recognition from family homes into HMO's and derelict properties awaiting planning consent. Devalues property values. It will leave very little green space. Demand for 1 bedroom flats has slumped. Will overlook Clarehaven Court. The policy is to preserve old buildings in Bognor not pulling them down to replace them with ugly bigger buildings. Rear car parking is unneighbourly.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Pedestrian visibility is maintained. The character of the area is mixed. The existing property is 2 flats, the proposal is to increase to 4. Property values are not a material planning consideration. The proposal is to alter the existing building, not rebuild it and the old Bognor properties referred to are at least Victorian/Edwardian. This property is a 1960's property. The rear extension is only single storey and will not adversely affect overlooking significantly from the existing. Rear parking was considered acceptable on previous applications.

CONSULTATIONS

WSCC Local Development Divis.

Environmental Health

CONSULTATION RESPONSES RECEIVED:

County Highways. No objections. This application is similar to a previous application. The parking and turning areas are acceptable. The areas through the covered way areas to be widened.

Environmental Health. A number of room sizes appear to be inadequate for private rental market. Means of escape appears inadequate.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Build Up Area Boundary

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPH5	Housing Design and Density
Arun District Local Plan:	GEN7 GEN12	The Form of New Development 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**

This application has been submitted to overcome the Committee's previous objection, which was the external staircase. All other elements of the application are as previously submitted.

HISTORY

This is the fourth application to convert the existing 2 flats into 4 with a rear single storey extension 10m x 4.3m, totalling 5 flats. Previous reasons for refusal were the size of the proposed extension and inadequate parking and turning on site. In refusing the previous application no objections were raised to the size of extension which had been reduced in size and parking and turning which had been increased to meet highway standards.

RESIDENTIAL AMENITY

The building is currently divided into 2 flats. The principle of 5 flats was not considered unreasonable on any of the previous applications. The proposed room sizes may not be acceptable under the housing acts, however, that is separate legislation to which the applicant must comply independently of planning. The single storey rear extension was considered acceptable on the previous application without significant detriment on neighbours amenities due to an absence of any direct overlooking of neighbouring windows. This is because the only extension is a single storey rear extension.

VISUAL AMENITY

There are no major changes to the appearance of the building within the street scene. There is car parking to the front of the property for 2 cars which is a characteristic of the area generally and would not be a visual distraction particularly as parking is already available at the front of the

dwelling.

HIGHWAYS' ISSUES

County Highways have not raised an objection to this or the previous application, subject to imposing conditions on access and parking.

SUMMARY

The application is as the previous application (AW/216/08) but with the external staircase removed. It is therefore considered that the previous reason for refusal has been overcome, and it is recommended that the application is approved subject to the following condition.

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 building.

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

- 3 The use shall not be implemented until the parking spaces and turning facilities 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 and turning 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.

- 4 The use hereby permitted shall not be carried on 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 policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 5 **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.

- 6 **INFORMATIVE:**

The applicant is advised to contact Mr R Findlay, Environmental Health (01903 737686) because the room sizes do not conform to the Housing Acts standards if they are to be rented out in the private rental market. Additionally the means of escape appear inadequate.

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: GEN7, GEN12

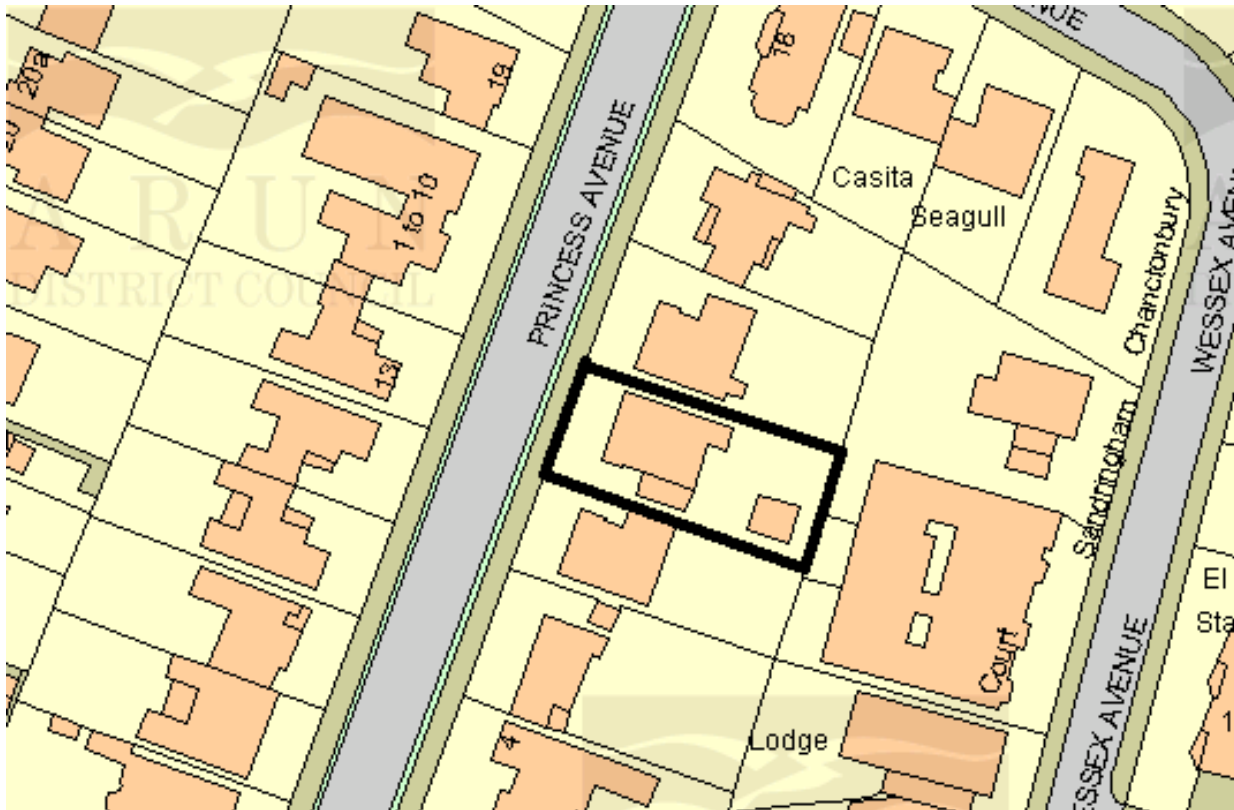
SOUTH EAST PLAN H5

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.

AW/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: AW/68/09/

LOCATION: 1 & 2 Hunters Close
Aldwick

PROPOSAL: Change of use of existing 2 no. 3 bedroom flats into 1 no. 4 bedroom family house.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 600 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front boundary has hedging approximately 1.5m in height, west side boundary to The Ridings hedging approximately 2m in height, east side boundary hedging approximately 3m in height.
SITE CHARACTERISTICS	Detached two storey property with balconies on south and north elevation. The walls are smooth rendered painted white, brown tiled roof with white window frames.
CHARACTER OF LOCALITY	Within the Aldwick Bay Conservation Area. Private residential estate comprising detached properties predominantly two storey of various styles and designs.

RELEVANT SITE HISTORY

BR/952/72	Extension	Approve Cond 09-01-1973
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REPRESENTATIONS**REPRESENTATIONS RECEIVED:**Aldwick Parish Council
No objection

Members voted unanimously in favour of this application.

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary
 Within the Aldwick Bay Conservation Area
 Tree Preservation Order

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPH1	Regional Housing Provision 2006-2026
	SEPH2	Managing the Delivery of the Regional Housing Provision
	SEPH6	Making Better Use of the Existing Stock
Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	AREA2	Conservation Areas

PLANNING POLICY GUIDANCE

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 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 and the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

Principle

Conversions of existing housing can provide an important source of housing. Both PPS3 and the South East Plan place a demand on local planning authorities to provide additional housing. The South East Plan Policy H6 encourages the conversion of larger houses to flats in appropriate locations. In this instance the property is to be converted from two flats into one dwelling and although the proposal would result in the loss of one residential unit this reduction is not considered significant especially as a family residential unit is being created.

Visual Amenity

The application seeks to convert the two storey detached property which is currently two three bedroom flats into a four bedroom family house. The existing property has a main entrance on the front elevation which serves flat No 1 and the entrance to No 2 is located on the eastern side. Both flats have a defined garden area with hedge screening. The main entrance on the front elevation will remain and although there may be some internal alterations there are no external alterations proposed.

Residential Amenity

The surrounding properties are two storey in character so the proposed change of use from two dwellings into one would not significantly affect the surrounding residential properties.

Summary

The application site falls within an established residential area and although the proposal would result in the loss of one residential unit this reduction is not considered significant. The proposed change of use would not compromise the established pattern of the surrounding properties nor would it affect the character or appearance of the Conservation Area.

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 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

THE SOUTH EAST PLAN: H1, H2, H6

LOCAL PLAN: GEN2, GEN7, AREA2

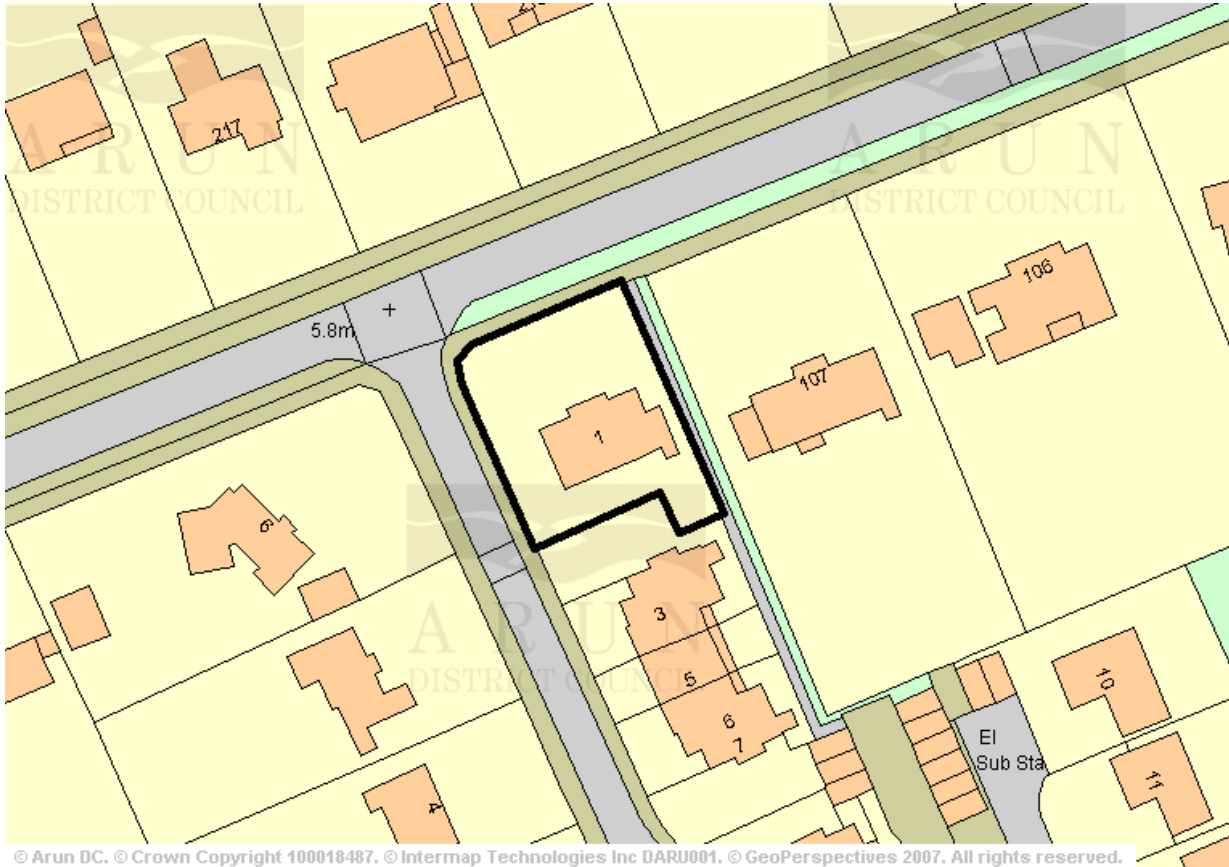
NATIONAL POLICIES: PPS1, PPS3

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

AW/68/09/ 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:** AW/71/09/**LOCATION:** 1 St. Peters Close
Aldwick**PROPOSAL:** Taking out existing Cypress Leylandii trees to construct boundary wall and garage**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	To remove existing Cypress Leylandii trees and to construct a replacement boundary wall, approximately 2.3m high, and garage, measuring approximately 7m x 4m, with a pitched roof reaching a maximum height of approximately 4.5m.
SITE AREA	Approximately 600 square metres
RESIDENTIAL DEVELOPMENT DENSITY(NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	The Leylandii subject of this application are the only trees to be affected by the proposed development, however they are not deemed to be worthy of retention.
BOUNDARY TREATMENT	Existing Leylandii hedging in excess of 3.5m in height. Hedging approximately 1.2m high to front.
SITE CHARACTERISTICS	The site is a semi detached two storey dwelling with brick faced elevations and a tiled pitched roof.
CHARACTER OF LOCALITY	The site is located in a residential estate, and is part of a group of two storey properties although bungalow dwellings are predominant within the wider locality.

RELEVANT SITE HISTORY

AW/157/03/	First floor extension over existing ground floor extension with new pitched roof over porch and WC	Approve Cond 08-08-2003
BR/949/84	Proposed kitchen and dining room extension and front porch and toilet	Approve Cond 21-11-1984

Application BE/17/64
124 Bungalows and 78 Houses**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**

Aldwickpcclerk@tiscali.co.uk

Objection.

Members felt the development to be overbearing and unneighbourly. The entire surrounding estate is open plan. The height of the wall immediately adjacent to a public footpath was also felt to be both intrusive and against the open plan objectives.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The location of the proposed wall to the side of the site is such that it is not considered to represent an intrusive addition to the open plan estate.

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

Open plan condition

Tree Preservation Order

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 and/or legislative background.

CONCLUSIONS

This application seeks to remove a Leylandii hedge on the north eastern (side) boundary of 1 St Peter's Close, and to construct a brick wall approximately 2.3m high, in its place. This application also seeks to construct a garage, forward of the main dwelling house, adjacent to the north eastern boundary.

It is noted that the site is located within an open plan estate, indeed Condition 1 of the planning permission relating to the original development of the site states that:

'No gate, fence, wall or other means of enclosure shall be erected or constructed in front of the building line unless permission is granted by the Local Planning Authority on an application in that behalf'.

No.1 St Peter's Close occupies a corner plot at the intersection between St Peter's Close and Churchill Avenue. The proposed wall would be located on the side boundary of the site, adjacent to a substantial grass verge which lies between the site and the highway. The size and position of the proposed wall is such that it is not considered to represent an intrusive addition to the street scene, or to be out of character with the open plan nature of the surrounding locality.

The proposed garage would be situated forward of the main dwelling. However it would not project further from the building line than no.'s 5 and 7 St Peter's close, in addition to which it is considered that the front garden is of such a size that it can easily accommodate the proposed garage.

The height and location of the proposed garage is such that it is not considered to have a significant effect on the residential amenities of the occupiers of neighbouring dwellings by means of being overbearing, or giving rise to overlooking.

Whilst it is considered that the proposed development is considered acceptable, it should be noted that the Local Planning Authority requires the submission of plans depicting both side elevations prior to the issue of any decision.

It is therefore recommended that the application be approved, subject to the receipt of satisfactory plans showing both side elevations of the garage, and 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 burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on 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.

- 3 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.
- 4 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 amendd) 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.
- 5 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.

AW/71/09/ Indicative Location Plan

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



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PLANNING APPLICATION REPORT**REF NO:** A/45/09/**LOCATION:** Santa Maria Restaurant
The Square
Angmering**PROPOSAL:** New fume extract system**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The carbon cell filter box and silencer will measure approximately 1.4m high. The flue will be positioned on the ground for 3.2m and then raised up 1.4m. The flue will be positioned within the west section of the grounds and behind the existing flint wall.
SITE AREA	Approximately 216 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	The site is located on a hill.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front of the site is open to the highway. Rear and side area is enclosed by a flint wall, approximately 1.6m high.
SITE CHARACTERISTICS	Detached single storey property. Wooden cladding elevations, shop window to front elevation. Gable pitched roof. Wooden addition to the west of the site. Existing flue on the east (side) elevation of the building.
CHARACTER OF LOCALITY	The site is within a Conservation Area, located on a corner location within Angmering Village. Residential properties to the rear of the site within Church Road. Retail units opposite the site with flats above.

RELEVANT SITE HISTORY

A/48/08/	To include takeaway use (A5) at the restaurant	Approve Cond 30-05-2008
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REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Angmering Parish Council

There is no evidence in the application as to the measures to be taken to protect the flint wall, particularly in the areas where the ground will be excavated. Require a structural inspection to ensure the work is not detrimental to the integrity of the wall.

9 Letters of Objection:

Santa Maria does not exist, which makes the application invalid, it is a takeaway known as Shafiques. Previous change of use was for a Restaurant/Takeaway, has now become a takeaway on its own. Odour problems from extraction fan. Unsuitable and out of keeping with the Conservation Area. Application submitted on 21-5-09 and not issued to an officer, why is the orange notice displayed. Unable to open any windows between 17.00 - 23.00 7 days a week due to odours, the site is untidy and the extractor would be a bigger eyesore. During the construction of the ventilation system the stability of the flint boundary wall will be vulnerable. Inappropriate signs and satellite dish.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The Councils Structural Engineer has been consulted in order to assess the impact upon the flint wall.

The application is valid, the given address gives the location of the premises. The previous application is not being considered as part of this current application. The application completed validation on the 21-05-09 and allocated to the officer, and the site was visited on the 22-05-09 at 14.10 by the Planning Officer. It is considered that the extractor fan will be screened by the existing boundary wall. The signs and satellite dish do not form part of the application. Environmental Health have raised no objections on odour or noise grounds.

CONSULTATIONS

Environmental Health

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Environmental Health:

Odour Control: The proposed system attempts to achieve a very high level of odour control in order to confine the effects from cooking odours and discharge a diminished residue of odour at a reduced height. The proposal would result in a higher level of control to be achievable in contrast to the current inadequate odour control equipment.

Noise Control: Providing the terminal shuts down at 23.00 hours, it is not considered that the impact from noise will be significant.

Conservation and Design Manager:

As long as equipment sits below the wall at all points in its length then it should be satisfactory. Needs to be sprayed a suitable colour (black). The proposal seems to reduce land levels behind the wall, therefore care needs to be taken to ensure the stability of the flint wall is not affected.

Conservation Area Advisory Committee:

Care to be taken that the unit is concealed by the wall and to ensure that the wall remains stable.

Structural Engineers:

It is highly likely that the existing wall has no proper foundations and is built virtually straight off the ground. It is possible there may be some pieces of large chalk and flint compacted below ground to a depth of 100 to 200mm. However the excavation required for the box could undermine the wall making it unstable. Recommend that a trial pit inspection is made to establish the depth of any foundations with due consideration given to underpinning the wall for just over the length of the box.

Flint walls can be brittle and unstable due to their general construction. The quantity and irregularity of the mortar joints means that any underpinning bays have to be kept to a minimum

to help prevent tension occurring and the flints falling out under the natural arching of the wall over the underpin excavation. This in practice may be quite difficult especially as many flint walls have most erosion to the bed joints at the base of the wall. If underpinning is the only means of providing the flue then we advise that properly re-pointing the wall prior to the underpinning works will provide a greater chance of maintaining the flints in position

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The proposed flue is to sit below the flint boundary wall, therefore it will not be viewed within the street scene, therefore it would be unreasonable to request that the ventilation is to be sprayed black.

POLICY CONTEXT

Designation applicable to site:
Within the Built-up Area Boundary
Conservation Area
Class B Road

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	AREA2	Conservation Areas
	DEV27	Retail Development Outside the Principal Shopping Areas

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPG24	Planning and Noise
PPS23	Planning and Pollution Control

POLICY COMMENTARY

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

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:
Where the building is located in a Conservation Area, Section 71(1) of the Act states:
In the exercise, with respect to any buildings or other land in a Conservation Area of any powers

(under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to 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 or legislative background.

CONCLUSIONS

Principle

The proposed application is for a ventilation fume extraction system associated with the hot food takeaway unit. The proposed development is within the built-up area boundary and is acceptable in principle.

Visual Amenity

The extract system would extend from the side elevation of the existing adjacent to the existing boundary wall. The extractor system will be approximately 1.4m above the existing ground level. It is considered that the existing flint wall boundary approximately 1.6m high enclosing the rear and side of the site will screen the proposal from view from Church Road and the B2225. It is therefore not considered to result in unacceptable impacts upon the character and appearance of the surrounding Conservation Area.

Historic Context

The proposed flue has resulted from the fact that the existing unauthorised flue is having a negative impact on the Angmering Conservation Area and is also not up to standard in as far as the adequate dispersal of cooking odours.

The applicants have liaised with the Councils Environmental Health before submitting this current proposal to replace the inappropriate flue.

The considerations for the position and type of flue provision were therefore three fold, to limit or neutralise odour emissions; not to result in a noise nuisance and that the physical structure would not result to visual harm to the Conservation Area

Current Considerations

The proposed system attempts to achieve a very high level of odour control by incorporating a multi-carbon filter system in order to confine the effects from cooking odours and discharge a diminished residue of odour at a reduced height.

The ventilation system is designed to achieve less than 50dBA at 3m from the duct terminal. This should achieve significantly below 45dBA at noise sensitive premises and is to shut down at closing time (which is 23.00 hours).

By digging out the ground level by some 200mm the trunking of the flue will thereby sit slightly lower than ground level. It will be located behind the flint wall and therefore out of sight. The last section of the flue changes from horizontal to vertical, with an overall height of 1.4m from the existing ground level, thereby some 100mm below the height of the flint boundary wall. The flue will therefore not be viewed from outside the site and in consequence will not harm the visual quality of the Conservation Area.

The Council's engineers have suggested that the excavation next to the flint wall could undermine the wall making it unstable. This matter can be covered by way of a condition requiring structural calculations to be submitted to and approved by the Local Planning Authority before the development is begun.

Conclusion

The proposal is to be screened by the existing flint wall on the boundary of the site, therefore the proposal will not be readily visible within the street scene. Environmental Health are satisfied that the proposed ventilation systems are adequate so as not to detrimentally impact on the amenity of neighbouring properties. The Conservation Officer is of the opinion that the development is acceptable, it is therefore considered that the installation of flue will not detract from the character and appearance of the surrounding Conservation Area or the locality in general.

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 Within 2 months following the installation of the flue hereby permitted the existing ventilation system shall be removed to the satisfaction of the Local Planning Authority.

Reason: To protect the character and appearance of the Conservation Area in accordance with policies GEN7 and AREA2 of the Arun District Local Plan.

- 3 No development shall take place unless and until details of the structural calculations for the underpinning and excavation works close to the existing flint boundary wall have been submitted to and approved by the Local Planning Authority, and the boundary wall shall be maintained in accordance with such approved details.

Reason: In the interests of public safety in accordance with policy GEN7 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 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

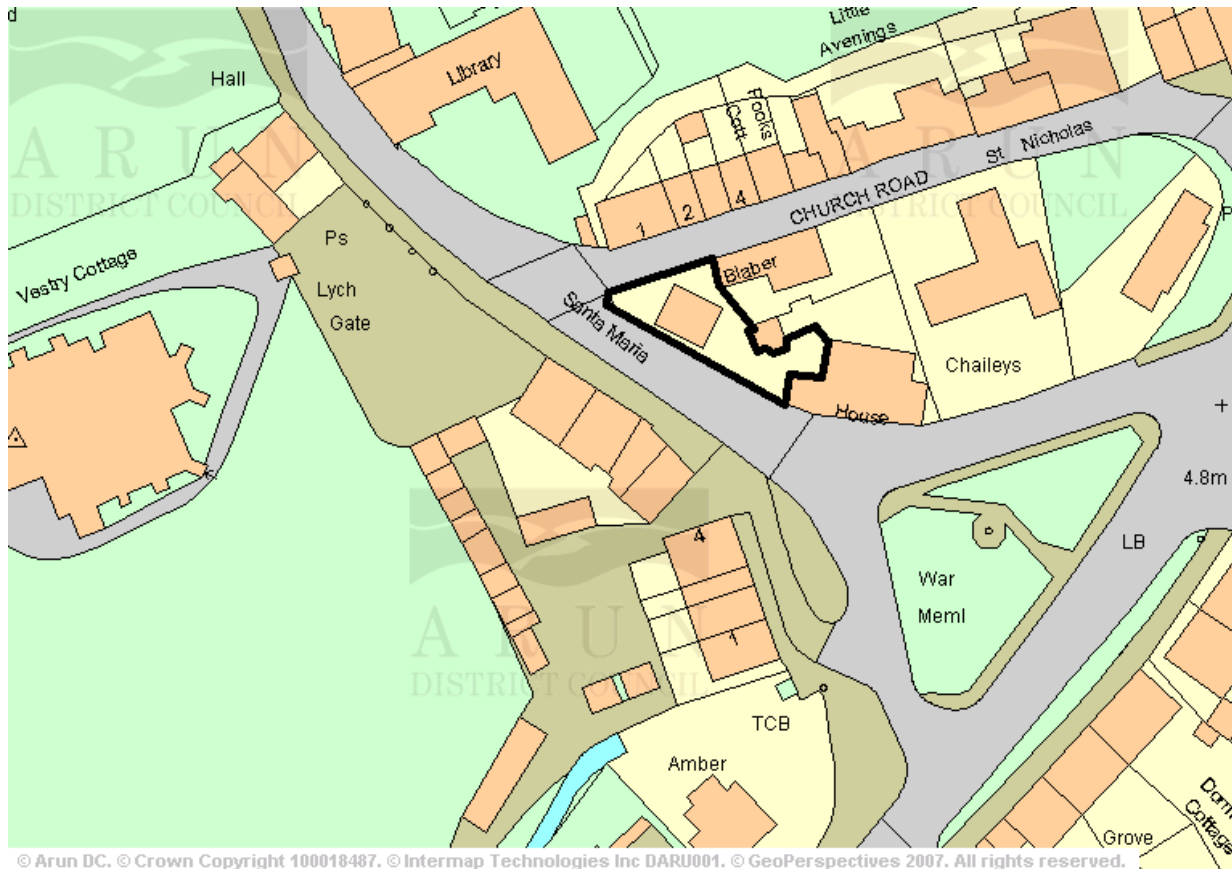
LOCAL PLAN: GEN2, GEN7, AREA2

NATIONAL POLICIES: PPS1, PPG23, PPG24

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

A/45/09/ Indicative Location Plan
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PLANNING APPLICATION REPORT

REF NO: AB/46/09/

LOCATION: 21 Priory Road
Arundel

PROPOSAL: One chalet bungalow in south garden with double garage, resubmission of AB/135/08.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposal is for a dwelling and garage in the side garden of 21 Priory Road. The property would front onto Maxwell Road. The dwelling would be two storeys in height and would have three bedrooms. The garage would be detached with a pitched roof. The dwelling would be 6.12m high, with a width of 8.2m and length of 9.1m. The roof and tile hanging proposed would match the existing dwelling as would the rendered colour wash elevational treatment.
SITE AREA	.051 hectares
RESIDENTIAL DEVELOPMENT DENSITY(NET)	20 dwellings per hectare
TOPOGRAPHY	Predominantly flat. Site slopes downhill from Priory Road.
TREES	None of any significance affected by the proposed development. Canopy of large Ash tree on road corner is approximately 4m from proposed house.
BOUNDARY TREATMENT	Priory Road Leylandii hedging to 3m height. On Maxwell Road frontage 1.8m fencing with trellis above to 2m. Leylandii hedge behind to approximately 2.5m.
SITE CHARACTERISTICS	Application dwelling is two storey some first floor accommodation in roof. Rendered elevations. Tiled roof. No. 8 chalet style dwelling with one obscure glazed window facing onto site. Flat roofed garage on side.
CHARACTER OF LOCALITY	Predominantly residential characterised by mainly detached dwelling of varying design.

RELEVANT SITE HISTORY

AB/135/08/	Two three bedroom dwellings in south garden with parking for two cars	Refused 24-11-2008
AB/31/04/	Extension to existing chalet bungalow to provide ground floor living room and guest suite and first floor bedroom with en-suite bathroom	Refused 30-04-2004

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council

Objection : Insufficient details, objection on grounds that the forward building line, its design and the location of the car parking spaces (which were not easily accessible) are indications that the proposal constitutes an overdevelopment of the site and would have highway safety implications for the immediate locality. The development would conflict with the adopted Arundel Design Statement and cause harm to the character and appearance of the area.

11 letters of objection : Access onto Maxwell Road is dangerously close to roundabout, amenity space for the size of the property is inadequate, style and layout of the proposed dwelling is out of character with surrounding properties in the area. Plot is not large enough to have a dwelling of any size to be built on to it. Dwelling appears to be in front of building line that currently exists. Moving forward on plot is out of character. Lack of quality amenity area with reduced light. Not in keeping with ethics and integrity of the Arundel Design Statement. No. 8 would overspan adjoining bungalow. Overlooking to adjacent property and loss of light. The proposal is in the area of an earlier application for an extension which was refused due to its bulk and effect on neighbours. To allow this now would be perverse. Location of slope would result in prominent development. Bulk is accentuated by large dormers that are out of proportion with roof.

Ash tree although indicated to be retained, would eventually die as a result of the development.

COMMENTS ON REPRESENTATIONS RECEIVED:

The plot size is readily compatible with others in the locality. The property would be set back 5m from Maxwell Road frontage and 8m from Priory Road frontage. The property at No. 23 on the opposite side of Maxwell Road is only 3m from the road frontage. The proposed dwelling would be located outside of the canopy of the Ash tree on the site which would not be adversely affected. The height, design and materials of the dwelling are not out of keeping in this vicinity.

The site lies within Character Area 6 of The Arundel Design Statement which states "it is characterised by mainly detached houses of mixed style, materials and age. They generally have large gardens, with space around the houses. Many of the houses are even not fully visible from the road due to trees and bushes in the front gardens. There are also trees lining the pavement in most of the roads, and off road parking is prevalent". The proposal would not compromise the criteria of the Design Statement.

The Village Design Statement has been endorsed as a material planning consideration by the Council and the advice contained therein has been afforded appropriate weight in the determination of this application. However, in this instance, there are other proposal conflicts with them in this instance, there are other policies/considerations carrying greater weight which would suggest that permission should be granted for the proposed development."

CONSULTATIONS

WSSC Local Development Divis.

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan: GEN7 The Form of New Development

PLANNING POLICY GUIDANCE

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 amenity. There are no relevant policies in the South East Plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it 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 usual development control criteria being met.

The proposal is to provide a three bedroom two storey dwelling and detached garage in the side garden area of 21 Priory Road. The dwelling would front Maxwell Road. The existing conservatory to the side of 21 Priory Road would be demolished as part of the proposal. While the proposal is less than 30 dwellings per hectare, in this case for the reasons outlined below a lower density is considered to be acceptable.

VISUAL AMENITY/CHARACTER

The provision of a chalet style dwelling in this location is acceptable. The plot size measures 15m x 31m and would be comparable with others in Maxwell Road. Priory Road and east side of Maxwell Road are characterised by detached dwellings of varying design. No. 21 is a chalet bungalow and No. 8 is two storey. The proposed chalet style dwelling would be in keeping with the size and design of these properties. A pitched roof garage is proposed adjacent to No. 8. The site is located on a corner at the junction of Maxwell Road and Priory Road and properties are set back from both road frontages. The dwelling and double garage would be located 8m from the Priory Road frontage and 5m from Maxwell Road frontage, approximately in line with the front elevations of Nos. 21 and 8. The retained gap would be adequate to provide sufficient space to preserve the character of the area.

The dwelling would be 6.1m high, with an eaves height of 2.4m. The site is elevated above the property to the east in Maxwell Road, but given its limited height it would not be adversely prominent or obtrusive. It would have the same ridge height as the existing dwelling at 21 Priory Road. A 2m gap would be retained between both dwellings which would ensure that space is retained around both buildings to preserve the character of the area. The rear garden area would be limited in size given the position of the garage, but the space retained would be adequate to provide an acceptable amenity space. There would therefore be no adverse effect on the character of the locality.

RESIDENTIAL AMENITY

The dwelling would be sited 13m from the boundary with 8 Maxwell Road and a first floor bathroom window would be provided in the south east elevation which would face onto No. 8 no other windows are provided at first floor window in the elevation. One bedroom dormer would be located in the centre of the rear roof slope which would face onto the sides of No. 21. There would therefore be no adverse overlooking resulting to adjoining properties. In addition, given the distances to boundaries and height of the structures proposed no adverse overbearing effects would result.

PREVIOUS HISTORY

An application for a two storey side extension to No. 21 was refused on 30/4/04 (our ref: AB/31/04). The proposal was not subservient to the existing dwelling and would have resulted in a prominent and obtrusive feature in the street scene. It is not considered that this application is directly comparable. The addition of a dwelling would preserve the existing dwelling and provide and retain space between both properties. Whilst the dwelling would be located in a similar position given the separation distances and space to road frontages it would not appear as a bulky or prominent feature in the street scene.

The previous application AB/135/08 which was refused on 24/11/08 was for two detached two storey dwellings with eaves height of 5m. Both properties were closer to the Maxwell Road frontage and had smaller plot sizes.

CONCLUSION

The proposal is considered to meet development control criteria in terms of visual and residential amenity and provides a dwelling in keeping with the character of the area. It is therefore recommended that the application is approved subject to the Conditions set out below.

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the building 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: To enable the Local Planning Authority to control the development in detail in the interests of the amenities of adjoining residential occupiers and the locality in general in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The window at first floor level on the north east elevation of the building shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy GEN7 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 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: GEN7

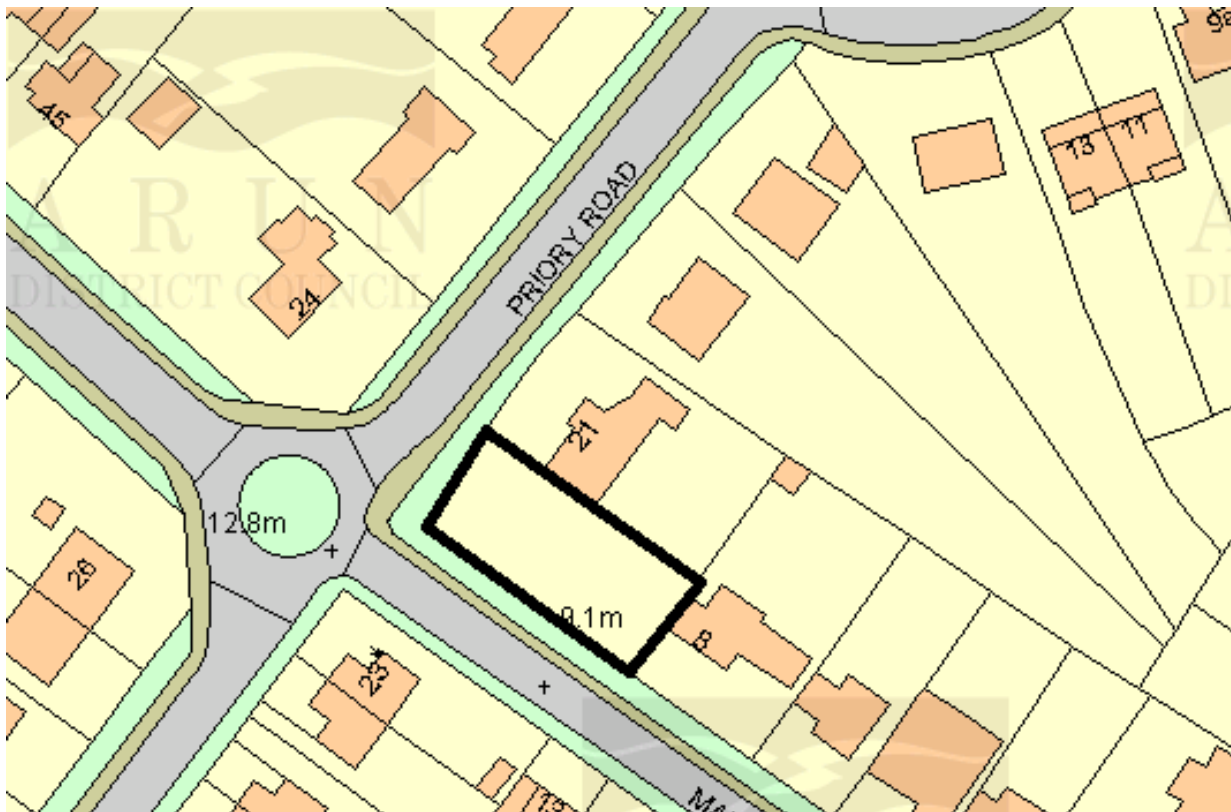
NATIONAL POLICIES: PPS1,PPS3

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

AB/46/09/ Indicative Location Plan

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PLANNING APPLICATION REPORT

REF NO: BR/87/09/

LOCATION: 2-10 Queensway
Bognor Regis

PROPOSAL: Provision of additional 1 bed flat to previously approved scheme (to provide 2 no flats at fourth floor level)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to divide the existing fourth floor property into two flats.
SITE AREA	0.1 hectares
RESIDENTIAL DEVELOPMENT DENSITY(NET)	250 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	Roof terrace above Hatters Pub. Central pebble dashed concrete, with brick at first floor level, with some render.
CHARACTER OF LOCALITY	Shopping Centre. Church opposite.

RELEVANT SITE HISTORY

BR/278/08/	Addition of one residential unit to 4th floor of previously implemented scheme	Approve Cond 10-11-2008
BR/134/08/	Extension & conversion of 3rd floor to form additional 4 no. 2 bed flats following BR/275/06 & BR/13/07 and lift over run to top of 3rd floor	Approve Cond 16-07-2008
BR/235/07/	Conversion of 1st, 2nd and 3rd floors to form 19 flats - Amendments to previously approved applications BR/275/06 and BR/13/07	Approved Cond 01-10-2007
BR/13/07/	Extension & conversion of 2nd & 3rd floors to form 5 No. 2 bed. flats (Resubmission following BR/275/06)	Approve Cond 13-03-2007

BR/275/06/	Conversion of the 1st & 2nd floors of 2-10 Queensway to form 7no. 1 bedroom & 3 no. 2 bedroom flats to first floor and 2 no. 1 bedroom & 3 no. 2 bedroom flats to second floor involving change of use at first floor from D2 to C3	Approve Cond 25-10-2006
BR/58/96	Change of use from A1 (shops) to D2 (Assembly and Leisure) at first floor level. Provision of 1 no. residential unit at second floor level. Ground floor to remain as existing.	Approve Cond 11-09-1996

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Objection due to insufficient information and internal plans.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. It is considered that the proposal is clear from the application, design and access statement and floor and elevational plans.

CONSULTATIONS

WSSC Local Development Divis.

Environmental Health

CONSULTATION RESPONSES RECEIVED:

County Highways:

Whilst no car parking provision is proposed, as the property is in a town centre location this is acceptable in accordance with PPG13.

District Environmental Health:

No objections

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within a Built Up Area Boundary

Class B Road

Class C Road

Principal Shopping Area

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPH5	Housing Design and Density
Arun District Local Plan:	GEN7 GEN12	The Form of New Development 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 subdivision of the fourth floor flat into two studio flats increases the density of development from the approved 230dph to 250dph. PPS3 promotes higher densities in urban areas particularly in town centre locations where there are no adverse impacts in design and amenity terms.

The proposal would improve the housing mix of the development by providing two lower cost studio flats to which there is no objection in principle.

Visual Amenity:

The proposal does not significantly alter the external appearance of the previously approved fourth floor flat (BR/278/08, just minor fenestration changes. The structure will barely be seen within the street scene as it is so high up and set back from the stores below.

Residential Amenity:

The new proposed fenestration to form two flats instead of one flat will not cause any significant loss of residential amenity by overlooking. Environmental Health have not raised an objection, therefore the proposed living environment is considered to be acceptable for the future occupiers of the units.

Summary:

The provision of one additional flat by sub-dividing the previously approved flat into two will not result in any significantly adverse effects on neighbours or the street scene. It is presenting an

additional type of accommodation in the form of studio flats, which will provide accommodation for the lower end of the market meeting local demand within the town centre. 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 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 roof of the proposed extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extension hereby permitted.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/setting of the the Listed Building/ 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.

- 3 All windows shall be fitted with double-glazed units with acoustic trickle vents.

Reason: In the interests of the amenities of future occupiers in accordance with policy GEN32 of the Arun District Local Plan.

- 4 **INFORMATIVE:** It should be noted that the Section 106 Obligation agreed under application reference BR/275/06 with regards to education and library contributions is still applicable and the requirement to provide these contributions is not altered by this latest permission.

- 5 **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: H5

LOCAL PLAN: GEN2, GEN7, GEN8, GEN18, GEN32

NATIONAL POLICIES: PPS1, PPS3, PPG13, PPG24

This is only a summary of reasons for granting to comply with Article 22 and full reasons

appear in the Officer report.

BR/87/09/ 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/93/09/

LOCATION: 85 Aldwick Road
Bognor Regis

PROPOSAL: Conversion & change of use of existing ground floor offices rear of 85 Aldwick Road, into self contained two bed flat unit.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 255 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Rear and side boundaries close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Single storey building located to the rear of 85 Aldwick Road which was formerly used as offices. Access to the building is via a passageway at the side of Nos 85 and 87 Aldwick Road. The building is constructed of red brickwork, combination of metal and wooden window frames with a flat roof. Patio area on the east side serves offices at No 85, external staircase serves flats above.
CHARACTER OF LOCALITY	Parade of shops with combination of offices and residential above. Residential in the immediate vicinity of detached properties of various styles and designs.

RELEVANT SITE HISTORY

BR/242/05/	Conversion of existing 1st & 2nd floor flat into 3 self contained flat units.	Approve Cond 27-09-2005
BR/54/95	Proposed hobbies & games rooms with disabled cloakroom, staffroom & laundry	Approve Cond 21-04-1995
BR/345/90	New ground floor windows and minor alterations to existing ground and first floor offices	Approve Cond 21-11-1990
BR/119/65	Alterations and extensions	Approve 19-11-1965

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council
Objection

The Committee felt that a change of use of these premises would result in additional on street parking in an already busy road. The Committee also deplores the loss of commercial premises, which could provide suitable accommodation for a small business. Whilst it is acknowledged there is a need for local accommodation, it is felt this is not an ideal conversion being somewhat over intensive.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

The proposed change of use is in line with PPS3 which promotes the use of existing buildings by forming additional units of accommodation. Whilst parking provision cannot be achieved within the site current Government policy encourages local authorities to relax parking standards in an area where other means of transport are available and in this instance the site is within walking distance to public transport.

CONSULTATIONS

WSCC Local Development Divis.
Environmental Health

CONSULTATION RESPONSES RECEIVED:

No objection

The proposal is for the conversion and change of use of existing ground floor offices into a self-contained two bedroom flat and it is assumed to have a nil car parking provision. There is some parking along the frontage of 85 Aldwick Road, however this should not always be relied upon. A nil car parking provision does accord with WSCC maximum parking standards and considering the property is situated in a sustainable location and is within walking distance of a range of services and public transport, there should be no reliance on the use of the private car. Therefore the application complies with PPG13 in encouraging the use of sustainable transport. Cycle parking has been included in the application and would appear to be in accordance with WSCC minimum standards.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. If approved, a condition is to be imposed regarding secure and covered cycle provision.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary
Class B Road

DEVELOPMENT PLAN POLICIES

South East Plan:

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**Locality**

The site is within the defined Built Up Area Boundary and within a parade of shops with residential accommodation above. The single storey building which was previously used as offices is located to the rear of offices at 85 Aldwick Road and is accessed via a passageway between 83 and 87 Aldwick Road. The surrounding area is a mixture of commercial and residential with varied housing, close to local facilities and access to public transport.

Principle

The application seeks to convert this single storey building into a two bedroom self-contained flat which would require the removal of a door on the rear elevation and bricking up the opening with the entrance being located on the west side elevation. There is an existing external staircase to the rear which serves the flats above and this is to remain. The area on the east side is to be fenced off and this will provide a garden area. The proposal also involves the area to the west which is garden land of 28 Nyewood Lane and this area will provide a patio garden area with bin and cycle store.

Residential Amenity

The building which is located to the rear and is well screened has residential properties to the south and west. With adequate distance to these properties it is not considered that the conversion would create any direct overlooking.

Highways

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. The site is within a sustainable location within walking distance to public transport. County Highway's have been consulted and have raised no objection regarding highway safety. However, they have requested that a condition be imposed regarding secure and covered cycle provision.

Summary

The proposed change of use is in line with PPS3 which promotes the most efficient use of previously developed land by providing re-use of existing buildings by forming additional units of accommodation. The proposal would be in character with the area as it is within a residential area and the building has residential living accommodation above.

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 change of use of 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.

- 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

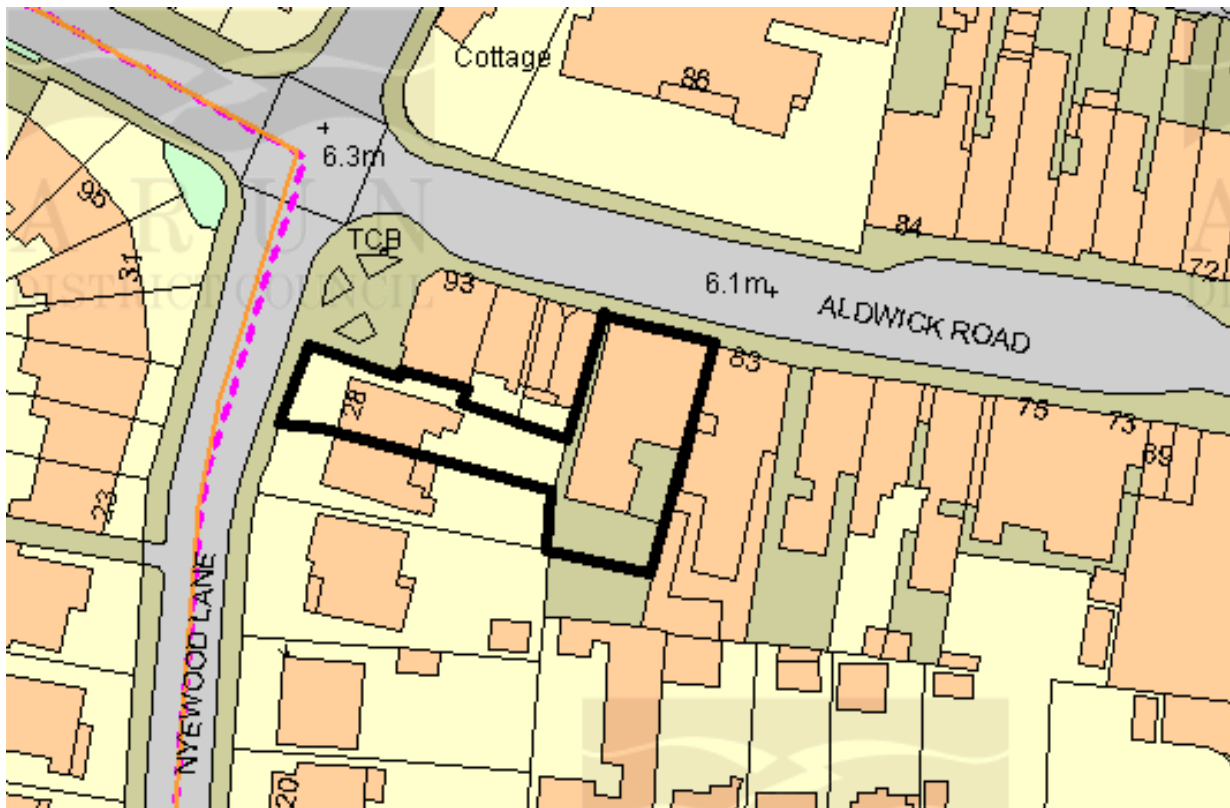
LOCAL PLAN: GEN2, GEN7

NATIONAL POLICIES: PPS1, 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/93/09/ Indicative Location Plan**(Do not Scale or Copy)**

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PLANNING APPLICATION REPORT

REF NO: BR/101/09/

LOCATION: 61-63 Mead Lane
Bognor Regis

PROPOSAL: Erection of one 3 bed detached dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to demolish a garage and side single storey extension at 63 Mead Lane and erect a detached house.
SITE AREA	0.06 hectares.
RESIDENTIAL DEVELOPMENT DENSITY(NET)	17 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing and mature hedging to rear. Open frontage.
SITE CHARACTERISTICS	63 is a semi-detached Victorian house, painted brick with slate roof and side cat slide single storey roof. Pitched roof detached garage (63) and flat roof garage (61). 63 has a side gable window at first floor and second floor and so does 61.
CHARACTER OF LOCALITY	Predominantly residential. Mead Lane is a narrow lane of terraced housing on the south side and a mix of detached and semi-detached on the north. 67 Mead Lane is a detached flint thatched house gable end on to the street. 57 Mead Lane is a 1970 house. All small plots. 61 Mead Lane is a 1960s house.

RELEVANT SITE HISTORY

BR/9/98	Alteration to garage roof - removal of original flat roof. Front overhang added with pitched roof and welsh slated	Approve Cond 06-04-1998
BR/272/88	Outline Application to demolish side extension and garage and develop a new building to form a 1 x 3 bedroom house with integral garage and parking space attached to existing building.	Refused 14-11-1988 Appeal: Dismissed 13 10 1989

BR/422/73	Demolition of 3 garages and stores and erection of a 2 bed flat and double garage O/L	Refused 12-06-1973
BR/118/63	1 detached dwelling	Approve Cond 02-10-1963

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection.

8 (3 of which are standard letters) letters of objection:

A new house in an historic conservation area would set a precedent. Would block view, ancient lights and devalue property value. Would create noise pollution, and pollution from car exhausts. Would add to the existing car parking problems. This part of Mead Lane is two way traffic.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. There is no right to a view and ancient lights and property values are not material planning considerations. It is not considered that the development of one dwelling would create any significantly detrimental pollution or congestion.

CONSULTATIONS

WSSC Local Development Divis.

Environment Agency

Conservation Area Advisory Com

CONSULTATION RESPONSES RECEIVED:

County Highways

No objection. The new layby replicates the existing parking provision west of the site. The layby is situated on private land and is to be used for the proposed dwelling and existing dwellings only. The layout is substandard and does not provide for 45 degree splays at both ends. Nevertheless provision is made for 3 car parking spaces 6m in length. The 3 paralld parking spaces would be accessible. The layby must be constructed in a bond material in order to prevent material being carried onto the highway and measures should be installed to prevent surface water drainage running off onto the public highway. The tie in of the layby to the highway will require permission from WSSC Area Engineer. The proposal results in a loss of parking spaces, at a standard of 1 space per dwelling, however this is within the parking standards.

Conservation Area Advisory Committees comment:

Concern was expressed at the car parking at street level.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Three car parking spaces have been proposed in front of 61 and the new dwelling.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary.

Within a Designated Conservation Area.

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPCC6	Sustainable Communities and Character of the Environment
Arun District Local Plan:	GEN7 GEN12 AREA2	The Form of New Development Parking in New Development Conservation Areas

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
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.

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

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

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

Principle:

The proposal is to demolish two garages, one at 61 Mead Lane and one at 63 Mead Lane and to erect a detached two storey dwelling. The site lies within the built up boundary wherein the principle of residential development is accepted subject to normal development control considerations and Government advice contained within PPS1 and PPS3 advocates the efficient use of previously developed land within urban areas subject to high quality design reflecting character and appearance of the area. The site is within a Conservation Area where development must enhance or preserve the character and appearance of the area.

Visual Amenity and effects on the Conservation Area:

The proposal to remove one pitched roof garage and one flat roof garage to replace with a dwelling is considered to represent a visual enhancement within the Conservation Area. The design is well designed to reflect styles of both adjoining properties. This part of Mead Lane is characterised by terraced housing on the south side and a mix of less dense detached and semi detached houses. This proposal is considered to be visually in keeping with the spacial characteristic of this part of Mead Lane. Currently car parking to the existing properties is on a drive directly in front of the dwellings. It is proposed to erect a dwarf flint wall in front of 61, 63 and the new dwelling with parking proposed with three spaces in front of this walling. This would be a visual enhancement as it would represent a more traditional parking arrangement, in keeping with a Conservation Area. In the SPG the main characteristic of the Upper Bognor Road and Mead Lane Conservation area is stated as being of brick and flint front boundary walling, which this application is introducing on the front boundary. Also the SPG states "the appearance of the street could be greatly enhanced with better quality and more appropriate road and pavement surfacing, which this application is proposing.

History of the Site:

A previous application BR/272/82 was dismissed at appeal for "Outline Application to demolish side extension and garage and develop a new building to form 1 x 3 bedroom house with integral garage and parking space attached to existing building". The application was dismissed as the proposed off street car parking proposed in the front gardens would have had an adverse effect on the streetscape which is characterised by enclosing boundary walls. It is considered that this proposal overcomes this reason for refusal for the reason given above.

Residential Amenity:

The proposal does not propose any side first floor windows other than in bathroom window, which can be conditioned to be opaque glazed. The rear of the property is 22m away from the rear of the Upper Bognor Road which is considered a satisfactory distance away from that property to prevent any direct overlooking of neighbouring windows. Therefore it is considered that there is no significant loss of residential amenity.

Flood Issues

The site lies within Flood Zone 2 at risk of fluvial flooding. A flood risk assessment (FRA) has been submitted with this application. The FRA states that the existing buildings and hard surfacing is 159.53 sq metres, and that the footprint of the proposed dwelling is 54 sq metres with car parking and and footpaths to be constructed using a permeable bound gravel surface thus

reducing the surface water runoff which reduces the risk of flooding. This is therefore considered to be satisfactory.

Summary:

For the reasons given above, it is considered that the proposal is a visual enhancement within the street scene which does not result in any loss of residential amenity or increase in flood risk as a result of the development. Therefore it is recommended that the application is approved subject to the conditions set out below.

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 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 policy GEN7 of the Arun District Local Plan.

- 3 Building work shall not commence until details of the space to be laid out for stationing vehicles clear of the public carriageway have been approved by the Local Planning Authority and the building shall not be occupied until such space has been surfaced, drained and completed. The space so approved shall not thereafter be used other than for parking of vehicles in connection with the development hereby permitted.

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

- 4 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.

- 5 The windows on the east elevation at first floor level of the building shall at all times be glazed with obscured glass and non-opening unless the parts of the window which can be operated are more than 1.7 metres above the floor of the room in which the window is installed.

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

- 6 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 side elevations of the building at first floor or above 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.

- 7 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.

- 8 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: GEN7, GEN12, AREA2

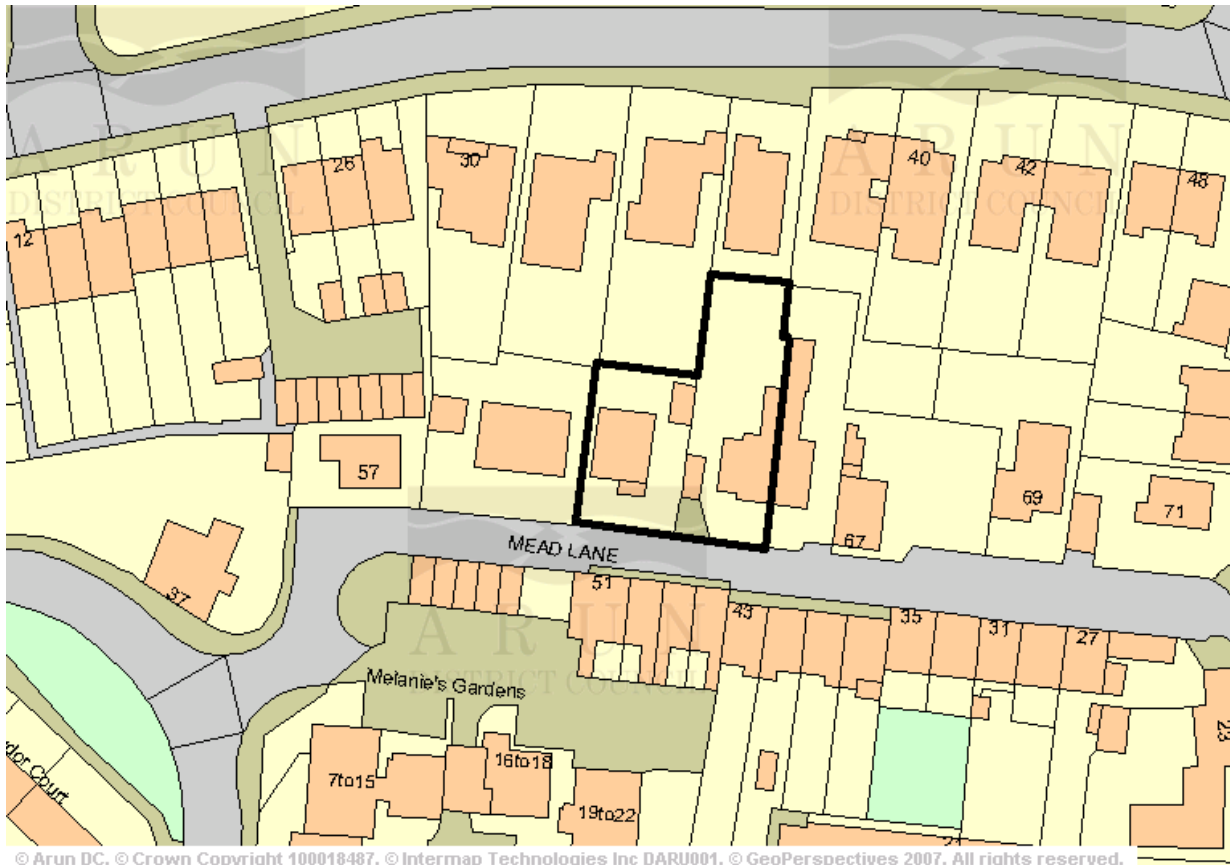
SOUTH EAST PLAN: CC6

NATIONAL POLICIES: PPS1, PPS3, PPG13, PPG15

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BR/101/09/ Indicative Location Plan**(Do not Scale or Copy)**

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PLANNING APPLICATION REPORT

REF NO: BR/107/09/

LOCATION: 2 The Steyne
Bognor Regis

PROPOSAL: Change of use from restaurant (A3) to 3 bedroom house (C3).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 80 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Property is on a corner plot directly onto highway.
SITE CHARACTERISTICS	Building of Special Character. Two storey with single storey addition on the rear. The property has mauve painted walls with maroon paintwork, slate roof with white PVCu windows.
CHARACTER OF LOCALITY	Within the Steyne and Waterloo Square Conservation Area. Predominantly residential centred around gardens comprising two, three and four storey terraced properties and apartments of notable character, some of which are listed.

RELEVANT SITE HISTORY

BR/62/02/	Change of use from restaurant to 2/3 bedroom house.	Approve Cond 01-05-2002
BR/146/87	Change of use from retail shop to restaurant	Approve Cond 18-05-1987
BR/37/53	Alterations and additions	Approve 30-03-1953

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**Bognor Regis Town Council
Objection

The Committee regrets the loss of this restaurant as an amenity for tourists. This loss is in opposition to the BR Masterplan that agreed to provide a Cafe Quarter as part of the grand scheme of things. This restaurant is in the heart of the town and should be retained as a tourism facility to maintain the heritage of the town as a friendly seaside resort.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

The Bognor Regis Masterplan is a Council planning document and although a consideration carries limited weight in planning policy terms because it is not a Supplementary Policy Guide or Development Plan Document under the Local Development Process. Under this masterplan this area is designated as a Cafe Quarter but there are no specific planning policies within the Local Plan that requires the retention of restaurants (A3 uses). A previous application BR/62/02 was approved for the change of use from restaurant to 2/3 bedroomed house but this was not implemented.

CONSULTATIONS

WSCC Local Development Divis.

Environmental Health

Conservation Area Advisory Com

CONSULTATION RESPONSES RECEIVED:

County Highway's

No Objection

The proposal is for the change of use from restaurant A3 to 3 bedroom house C3. For the purposes of this application, the residential use is assumed to have a nil car parking provision. A nil parking provision does accord with the WSCC maximum parking standards and no highway safety concerns would be raised. However, in terms of transport, the property is situated in a sustainable location. 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 the private car. The application is therefore in compliance with PPG13 in encouraging the use of sustainable transport. This application appears to have no notable highway implications. However, a condition should be imposed regarding secure cycle parking.

Environmental Health

No objections.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The property occupies the whole of the site and cycle parking cannot be achieved.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary

Building of Special Character

Within the Conservation Area

DEVELOPMENT PLAN POLICIES

South East Plan:

SEPH1

Regional Housing Provision 2006-2026

	SEPH2	Managing the Delivery of the Regional Housing Provision
	SEPH6	Making Better Use of the Existing Stock
Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN12	Parking in New Development
	AREA2	Conservation Areas

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 and the affect on 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 or the character or appearance of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

Principle

Originally the property was a fisherman's cottage and has recently been used as a shop and the last use a restaurant bar with residential accommodation over. This application seeks to change the use of the property into a 3 bedroom house and in 2002 planning permission was granted under BR/62/02 to change the use from a restaurant to a 2/3 bedroom house. However, this was not fully implemented and the restaurant use continued. The proposed change of use is in line with PPS3 which promotes the most efficient use of previously developed land by re-use of existing buildings by forming additional units of accommodation.

Visual Amenity

The property occupies the whole of the site and there are external alterations proposed so the appearance of the building remains the same.

Residential Amenity

The proposal would be in character with the area as it is within a residential area and the existing use of the first floor is residential. It is within a town centre location and within walking distance of a range of services and public transport.

Highways

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 Highway's have been consulted and have raised no objection regarding highway safety but have requested that cycle parking be provided within the site. This cannot be achieved within the site and there is no justification to refuse the application for the lack of cycle parking.

Summary

It is not considered that the proposal would detrimentally harm the character or appearance of the building of special character, nor would it harm the character of appearance of the surrounding residential area. It is also considered to comply with policies on re-use of buildings for residential use.

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

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 **INFORMATIVE:** If any external alterations are proposed then an application for planning permission will need to be submitted 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.

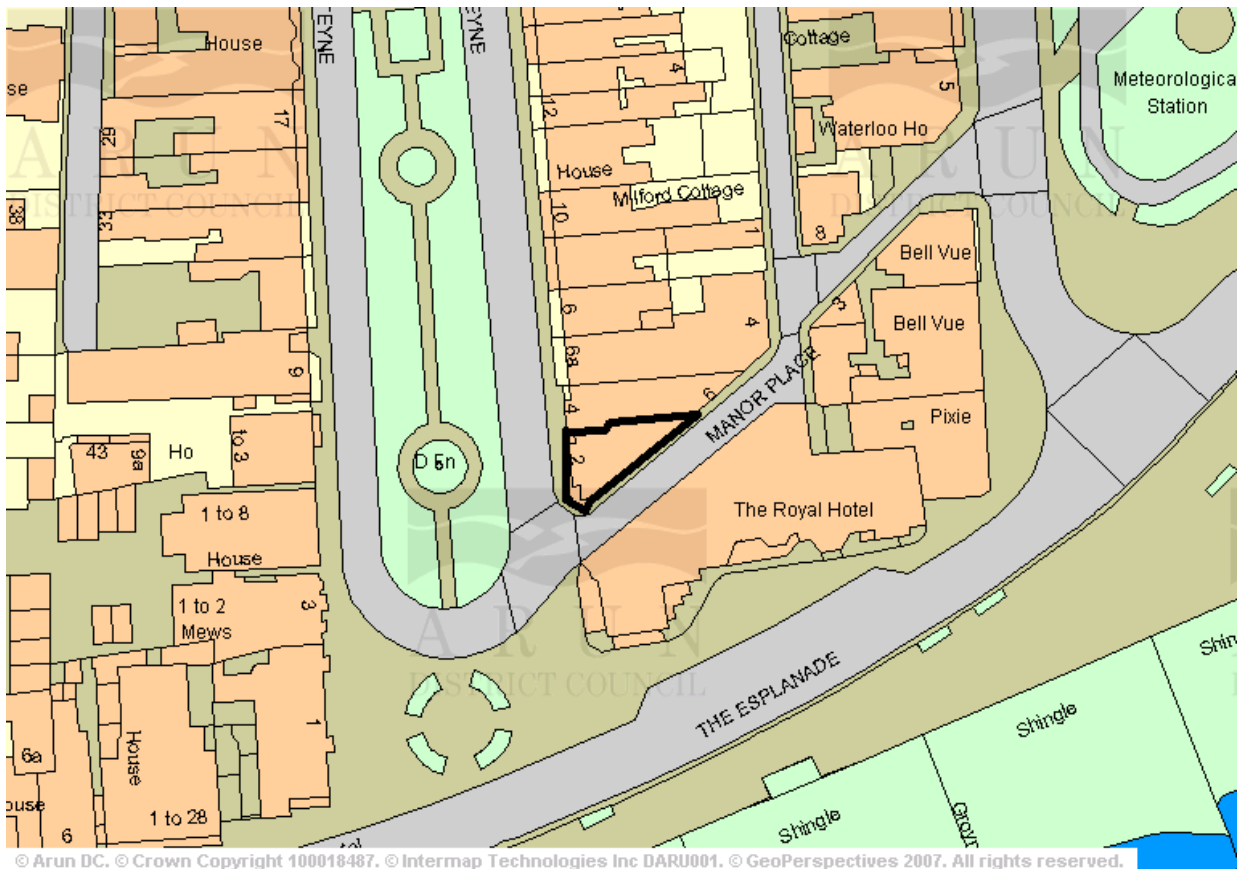
RELEVANT POLICIES

SOUTH EAST PLAN H1,H2, H6

LOCAL PLAN: GEN2, GEN7, GEN12, AREA2

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/107/09/ 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/112/09/

LOCATION: 2 Madeira Parade
Bognor Regis

PROPOSAL: Conversion of existing retail unit into two self-contained flats

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is to change the use from A1 retail to residential at ground floor level.
SITE AREA	0.0089 hectares
RESIDENTIAL DEVELOPMENT DENSITY(NET)	112 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	Last used as retail unit, Sun-X sun bed and blind shop. Residential above. To the rear is an access road. The rear of the shops at ground floor level have a flat roof extension, this unit has a pedestrian door plus two windows.
CHARACTER OF LOCALITY	3 Madeira Parade is residential at ground floor. Opposite at the rear is a bungalow.

RELEVANT SITE HISTORY

BR/101/00/	Conversion of existing maisonette to two flats	Approve Cond 09-06-2000
BR/126/97	Proposed 3 No. flats from existing shop & maisonette above	Refused 11-03-1998 Appeal: Dismissed 04 08 1998
BR/155/90	Conversion of maisonette to form 2 flats	Refused 09-07-1990

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Objection:

The Committee regrets the loss of any retail unit. This is in opposition to the Bognor Regis Masterplan that planned to support retail outlets to boost the local economy. With the continuing loss of retail outlets visitors and local residents will be left with no choice but the multiples and out of town shopping to the detriment of the town centre and various parades of shops.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Madeira Parade is not within the town centre of Bognor Regis and therefore the Masterplan is not relevant.

CONSULTATIONS

WSCC Local Development Divis.

Property Services Manager

Env. Amenities & Comm. Safety

CONSULTATION RESPONSES RECEIVED:

County Highways:

The site is in a sustainable location within walking distance of a range of services and public transport. No vehicle parking is proposed. Parking operates on a first come first served basis and there are no parking restrictions in the area. However the impact on parking is not anticipated to be detrimental to highway safety.

District Property Service:

It would appear that the ability to re-let shops in a tertiary parades such as this is fast becoming more and more difficult. Couple this with the recession and it is not surprised that landlords are turning to residential uses. I understand that at least three other shops in this parade have been converted into residential use. I conclude that effort has been made to find a retail use and in the circumstances conversion to residential whilst not preferable is in all probability inevitable.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPH6	Making Better Use of the Existing Stock
Arun District Local Plan:	GEN7	The Form of New Development
	DEV30	Local and Village Centres
	GEN12	Parking in New Development

PLANNING POLICY GUIDANCE

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 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 convert the retail unit on a shopping parade to a residential unit. Alterations are proposed to the front elevation to provide a central door with windows either side. The proposal retains the stall riser.

Policy DEV30:

Local Plan Policy DEV30 seeks to resist the loss of retail units outside the principal shopping areas. The applicant is required to demonstrate that the retail use is no longer viable. The applicant states that the unit has been marketed since September 2007, evidence is provided to confirm this by an Estate Agent. Other units on this shopping parade have previously been granted consent for a change of use from retail to residential, therefore it is considered that the policy has been complied with.

Visual Amenity:

The proposed alteration to the shop front retains the stall riser and is designed with a central door with windows either side, thereby retaining the style of the traditional shop front. To the rear of the property the minor changes in fenestration do not significantly alter the visual appearance of the property.

Residential Amenity:

The proposal is similar to other residential changes of use that have been permitted on the parade. The site is in a predominantly residential area with residential use above the shop. Any increased noise and disturbance created by the residential use is not considered any greater than the previous retail use. It is therefore considered that the proposal does not result in any loss of

residential amenity.

Highway Issues:

County Highways have not raised an objection as there is considered to be sufficient on street parking availability and the site is in a location served by public transport.

Summary:

It is considered that the applicant has demonstrated satisfactorily that a retail unit is no longer viable. In this economic climate it is considered that Policy DEV30 has been complied with. The proposal is considered acceptable particularly in light of permissions on other units on the parade for residential use. Therefore it is recommended that the application is approved subject to the conditions set out below.

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 alterations hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance 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: GEN7, GEN12, DEV30

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/112/09/ 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: CM/7/09/

LOCATION: Hanger No 8
Northwood Farm
Burdell Road Yapton

PROPOSAL: Construction of material recycling facility for construction & demolition skip waste with continuation of CM/25/08/ to process plastics, paper recycling, cardboard & tyres with new yard area, stockpile area & weighbridge/office facility - This is a County Matter application & will be determined by the WSCC

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This is a County Matter application, to which Arun District Council are a consultee only. West Sussex County Council are now responsible for advertising such applications and all external consultation responses and letters of representations will be sent directly to West Sussex County Council for consideration. The only consultee in this instance is the Councils own Environmental Health Department.

This planning applications seeks permission for a Material Recycling Facility (MRF) to handle a maximum total annual throughput of 15,500 tonnes per annum of Construction and Demolition/skip waste. This will incorporate the existing permitted recycling operations on site for 9,500 tpa (planning ref: CM/25/08/). The total recyclable material on site would therefore equate to 25,000 tpa.

Principle materials in general construction and demolition/skip waste consist of a wide range of materials including:-
Soils;
Concrete/ brick;
Wood;
Metals;
Plasterboard;
Plastic;
Tyres (already being recycled); and
Glass.

The development would comprise the following elements:-
- The construction of a building (MRF) measuring 42.75m in length, 24.60m in width and 8.0m in height. Two thirds of the building would be used as MRF and one third as a storage facility for grain/ farm use.
- A new weighbridge with office, which will be used to monitor the amount of waste on the site and improve operations.

- The existing hanger (hanger No. 8) would be retained, to continue to be used for storage of tyres and bailing of recycled products/ shredding of paper and repacking of any other reusable or recycled products.
- Existing building and uses retained.
- Storage bays for plaster board, plastic and glass; and
- Creation of new yard area.

Proposed hours of operation would be 07:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday. The site will not be operational on a Sunday. These hours of operation are those currently in place, as per condition 7 of planning permission CM/22/06/. There would be an additional 4 employees working at the site.

SITE AREA	0.5 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Dense hedge coverage along front north east boundary, which is approximately 3.5m in height. Tree coverage to south east side; metal fencing that is approximately 2m in height along north west boundary.
SITE CHARACTERISTICS	<p>The site is accessed off Yapton Road by a long access road. Open fields (meadow) to south east side of site; long grasses to north west side.</p> <p>Single storey detached hanger. Buildings on site are industrial in appearance.</p>
CHARACTER OF LOCALITY	The application site is situated off Yapton Road. There is a rifle range situated to the south, a storage yard to the east and open land to the north and east. The closest residential property to the site is approximately 130m to the north of the hanger.

RELEVANT SITE HISTORY

CM/25/08/

Application to vary planning permission CM/22/06/ - Change of use from agricultural engineers/ service centre to recycling yard for scrap tyres and waste cardboard (This application is a County Matter & will be determined by WSCC).

Approved Conditionally WSCC 26-11-2008

CM/13/06/

Change of use from agricultural engineers/ service centre to skip hire operations/ waste recycling.
Withdrawn 20-10-2006

CM/22/06/

Change of use from agricultural engineers/ service centre to recycling yard for scrap tyres & waste cardboard (This application is a County Matter & will be determined by WSCC).
Approved Conditionally WSCC 19-02-2007

CM/34/84/

Use of existing building for repairs of agricultural machinery.
Approved Conditionally 28-11-1984.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

None.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Environmental Health

No Objections in principle.

With effective management it is not considered that any increase in noise or atmospheric emissions arising from the proposal will have a significant impact on nearby residential neighbours. It is assumed that the site will be operated under an Environmental Permit from the Environment Agency that should ensure such management.

It is noted that the proposal provides for an external stockpile area for recycled materials including fines. The application indicates that this may be of assistance in minimising wind entrainment of fine materials and may be required by an Environmental Permit.

It is noted that the Acoustic Consultant assumes that plant operating within the hanger will be a loading shovel and tracked excavator and that no other mechanical screening plant will be utilised.

An increase in HGV traffic through Yapton village may give rise to local concern and alternative routings should be considered if practicable. This is the third increase in throughput on the site in recent years and the continuing incremental increase in traffic arising from the site is of concern.

COMMENTS ON CONSULTATION RESPONSES:

Environmental Health raise no objection to proposal in principle and the use would be operated under an Environmental Permit.

It is noted that fines are fine materials i.e. dust.

POLICY CONTEXT

Designation applicable to site:

Outside Built up Area Boundary
 Area of Special Control for Adverts
 Article 4 direction
 No Public Sewer

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPNUM9	Air Quality
	SEPNUM10	Noise
	SEPW2	Sustainable Design, Construction and Demolition
	SEPW6	Recycling and Composting
	SEPW7	Waste Management Capacity Requirements
	SEPW17	Location of Waste Management Facilities
Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN32	Noise Pollution
	GEN34	Air Pollution

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS7	Sustainable development in rural areas
PPS10	Planning for sustainable waste management
PPG24	Planning and Noise

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, nor would it cause demonstrable harm to the residential amenities of any neighbouring property by way of noise or disturbance.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

The site is situated off Yapton Road within a hanger on Northwood Farm. There is a rifle range situated to the south, a storage yard to the east and open land to the north and east. The closest residential property to the site is located approximately 130m to the north of the hanger.

The proposal seeks permission for a Material Recycling Facility (MRF) to handle a maximum total annual throughput of 15,500 tonnes per annum of Construction and Demolition/skip waste. This will incorporate the existing permitted recycling operations on site for 9,500 tpa (planning ref: CM/25/08/). The total recyclable material on site would therefore equate to 25,000 tpa.

The proposal is considered acceptable in this location. The closest residential properties are sited some distance north of the proposed use and it is considered that with the imposition of some restrictive conditions (as imposed on previous permission on this site), the use would be able to operate without causing demonstrable harm to the residential amenities of said properties.

Environmental Health have raised no objection in principle to the development. They are of the opinion that with effective management any increase in noise or atmospheric emissions arising from the proposal will not have significant impact on nearby residential neighbours. It is acknowledged that an increase in HGV traffic through Yapton village may give rise to local concern and it would be desirable for alternative routings to be considered; however it is not considered that these concerns would warrant raising an objection to the application and this would be a matter of detail to be considered by West Sussex County Council.

Finally, the proposed building is considered to be of an acceptable scale, form, height and design that would, it is considered, be acceptable within this location and would not cause demonstrable harm to the character of the surrounding rural area.

This application is to be determined by West Sussex County Council and it is recommended that no objections are raised, subject to West Sussex County Council imposing conditions as before, to protect the visual and residential amenities of the area.

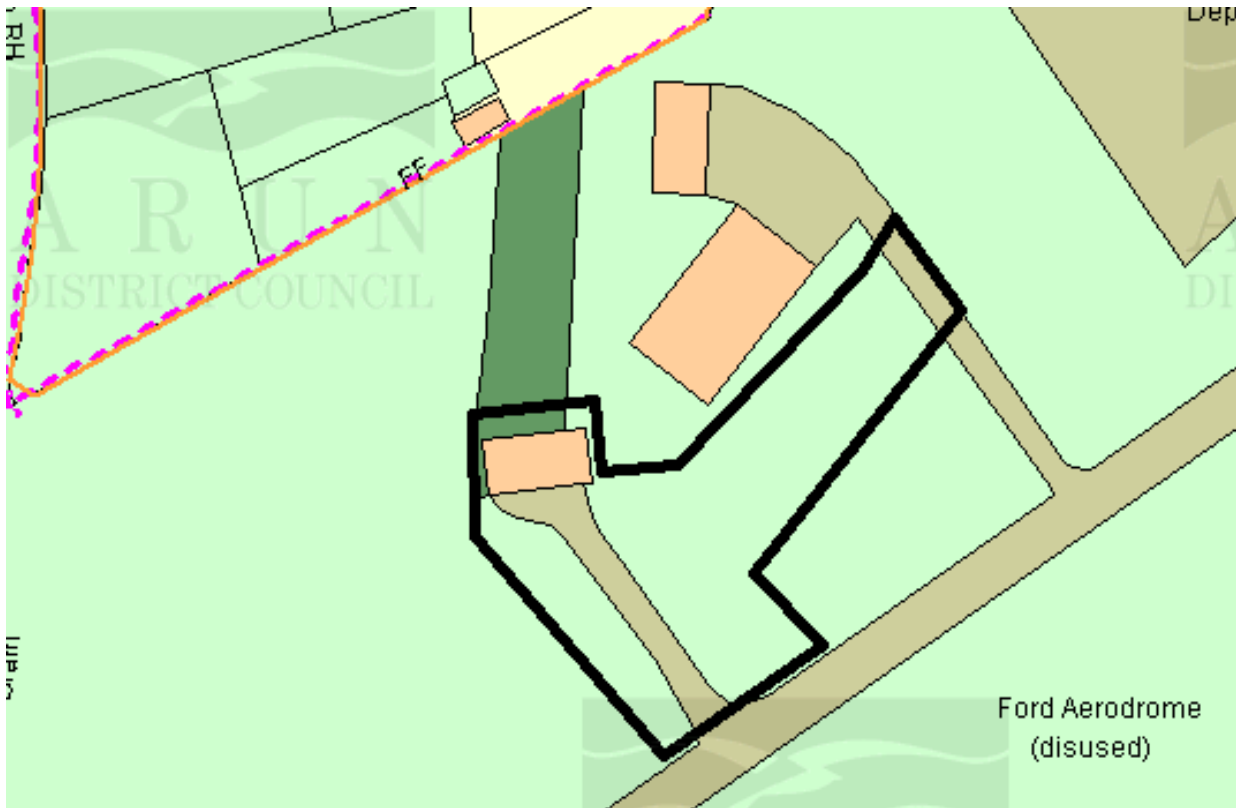
RECOMMENDATION

NO OBJECTION

CM/7/09/ Indicative Location Plan

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PLANNING APPLICATION REPORT

REF NO: FG/60/09/

LOCATION: 162 Littlehampton Road
Ferring

PROPOSAL: Erection of side extension and new gables to front elevation/rear elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The proposed side extension will measure approximately 16.5m x 3.1m x 5.8m high (existing garage measures approximately 12.2m x 4.8m x 4.8m high, the flat roof addition to the rear of the garage measure approximately 5.4m x 5.5m x 2.6m high). The ridge height of the existing garage is being raised by approximately 1m and extending forward of the existing garage by approximately 0.8m. The 2 windows on the eastern elevation are to be removed and replaced by a single door.</p> <p>The retrospective proposal includes 2 gables above 1st floor windows to the front of the property and a gabled pitched roof above the existing 2nd floor flat roof dormer on the rear roof elevation.</p>
SITE AREA	Approximately 0.2 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	There is an approximately 2 metre high red brick wall on the northern boundary and on the eastern and western boundaries to the front of the existing dwelling. The rear of the site is enclosed by approximately 1.8 metre high timber close board fencing. In many places there are large established trees.
SITE CHARACTERISTICS	The site is occupied by a detached two storey dwelling which has a double gable roof dormer in the rear roof slope, forming a second floor bedroom. The elevation walls are brown brick and the main roof is hipped and tiled. There is a two storey flat roof projection to the front of the existing building alongside a projecting window which has a gable end roof above it and a painted render section below. There is a ground floor extension to the west elevation with a pitched roof that contains a bedroom with a rear facing dormer. To the rear of the building the roof slopes down to the ground floor window heads and

there are two dormers at first floor and one at second floor level. Work is currently under way on the construction of the proposed garage.

CHARACTER OF LOCALITY

The site is located alongside a main road which is lined on the south side by detached dwellings of two and three storey height. To the immediate east and south of the site there are detached bungalow dwellings which are part of Ancren Close. To the north of the site there is the main road followed by downland. A vineyard is directly opposite.

RELEVANT SITE HISTORY

FG/162/08/	Erection of side extension and new gables to front elevation and extension to the rear of the property - Revised application of FG/140/08	Refused 04-02-2009
FG/140/08/	Erection of side extension and new gables to front elevation, extension to rear including new dormer window. (Resubmission following FG/107/08)	Refused 21-11-2008 Appeal: Dismissed 22 04 2009
FG/107/08/	Erection of side extension, new gables to front elevation & extension at rear including new dormers windows	Refused 03-09-2008 Appeal: Dismissed 22 04 2009
FG/58/74	New room in roof with dormer at rear	Approve Cond 18-07-1974
FG/113/71	Covered way	Approve Cond 08-10-1971
FG/139/70	New kitchen and alterations to garage	Approve Cond 08-01-1971

FG/162/08: Erection of side extension and new gables to front elevation and extension to the rear of the property- revised application of FG/140/08. Currently at appeal.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Objection: The revised plans do not alter the fundamental principle that they do not relate sympathetically to the main dwelling or the surrounding area. The roof height of 6m above ground level would still have an overbearing affect on the adjoining premises. The development would lead to a precedent being set.

5 Letters of Support:

Support the proposed development. The Parish Council object to most applications in

Ferring. This application should be judged on its own merits. The proposal will greatly improve the appearance of the house.

2 Letters of Objection:

Height of the garage will result in loss of light to the property of 1 Ancren Close. The outlook from the main window of 1 Ancren Close will directly look onto a brick wall at eye level. The extension protrudes into the rear garden making a brick wall and high tiled roof creating loss of light to No.1 and 2 Ancren Close. The proposed plan has failed to understand any increase in size will be detrimental to the bungalows in Ancren Close. No change to previous applications.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The proposed single storey extension maintains a distance of approximately 1.4m- 2.2m from the eastern boundary, therefore minimising unacceptable loss of amenity to the neighbouring properties.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
 Within the Built-up Area Boundary
 Class A Road
 Tree Preservation Order

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:	GEN2 GEN7 DEV19 GEN11	Built-up Area Boundary The Form of New Development Extensions to existing residential buildings Inland Flooding
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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 is for a single storey extension to the rear and side of the property and retrospective gables to the front and rear existing dormers/windows. The site is located within the built-up area boundary, therefore development is acceptable in principle.

Comparison

The proposal follows three previous applications FG/107/08, FG/140/08 and FG/162/08 for side extensions to the property. All of which were refused for similar reasons, by reason of height and position, unacceptable overbearing onto neighbouring residential properties in Ancren Close and an unneighbourly form of development. The current proposal significantly reduces the scale of development to that of the previously refused schemes. The proposed pitched roof on the single storey side extension slopes away from the boundary to the east. The eaves height is approximately 2.2m high and the apex of the roof pitch will be some 3m distance from the eaves which will range from approximately 4.4m-5.2m from the boundary.

Residential Amenity

The proposal looks to address the previous reason for refusal in that the current proposal is for a single storey addition to the eastern elevation of the property which maintains a distance range of approximately 1.4m-2.2m from the boundary to the east which is brick wall approximately 2m high. The existing garage is approximately 4.8m to the ridge height with the proposal increasing the height to approximately 5.8m high. Although the width of the existing garage is slightly increased within the proposal, it is to extend to the width of the existing flat roof addition to the rear of the site. This maintains a distance range of approximately 1.4m-2.2m from the boundary of the properties in Ancren Close along with the pitched roof sloping away from the existing boundary, is considered to be acceptable in that it will not result in unacceptable overbearing effects upon the neighbouring properties within Ancren Close.

Visual Amenity

The single storey extension will have a pitched gable roof, and will match the height of the existing ground floor eaves height. The retrospective gable sections to the existing windows and dormers to the front and rear of the property alter the appearance of the dwelling but are not considered to have a negative impact on the appearance of the dwelling. The proposed works are considered to relate sympathetically to the design of the existing property. It is therefore considered that the proposed alterations will appear visually integrated to the existing building and the single storey nature and scale of development ensures subservience to the host dwelling.

Conclusion

The proposed gable sections above the existing windows and dormers are considered to relate sympathetically to the existing property and are considered to enhance the character and appearance of the existing property.

The previous proposal by means of its height and position was considered unacceptable as it would have resulted in unacceptable overbearing onto neighbouring residential properties in Ancren Close. This application omits a large section of roof extension shown on FG/162/08. The roof section omitted measures 9.2m high x 2.7m deep x 7.3m wide. The remaining roof will only relate to the side extension and will be some 5.8m high. It is considered that the extension as proposed would not now result in unacceptable overbearing onto the properties in Ancren Close.

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 roofs of the extensions hereby permitted shall match in colour and texture those of the existing building.

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

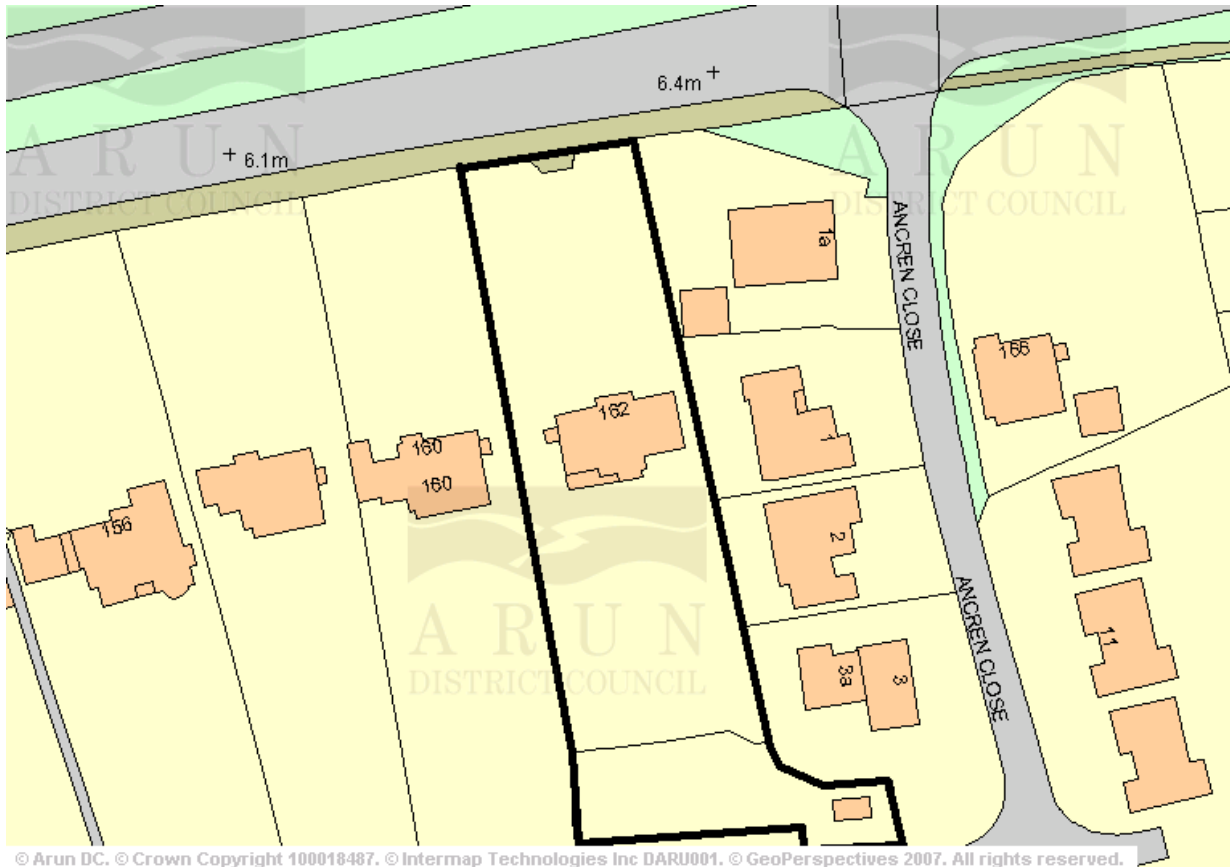
NATIONAL POLICIES: PPS1

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

FG/60/09/ Indicative Location Plan

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PLANNING APPLICATION REPORT**REF NO:** P/39/09/**LOCATION:** 6 Hook Lane
Rose Green
Bognor Regis**PROPOSAL:** Continuance of use without compliance with condition no.3 imposed under planning reference no P/9/07 relating to new access**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 0.13 hectare.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front boundary has access with hedging approximately 1.8m in height, west side boundary has close boarded fencing on concrete plinth approximately 2m in height, east side boundary has hedging approximately 1.8m in height.
SITE CHARACTERISTICS	Detached property with front and rear dormers, garage extension on west side. The property has pebble dash rendered elevations, hipped roof with reddish/brown tiles, white window frames.
CHARACTER OF LOCALITY	Main road comprising residential properties, predominantly detached of mixed styles and designs.

RELEVANT SITE HISTORY

P/39/08/	2 bedroom bungalow	Refused 30-05-2008
P/9/07/	2 storey extension and new access to Hook Lane.	Approve Cond 05-04-2007
P/73/99/	Proposed bungalow and new access to Hook Lane	Approve Cond 19-10-1999
P/25/99/	Proposed chalet bungalow and new access drive to 6 Hook Lane.	Refused 21-07-1999

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

WSSC Local Development Divis.

CONSULTATION RESPONSES RECEIVED:

County Highway's

I would have no significant concerns with the applicant retaining the existing access as opposed to having an in and out access. An in and out arrangement rarely works in practice as the first vehicle in usually blocks the second. However, the above address has a generous frontage and has enough space for an in and out access to work but the existing single access should be sufficient for the site needs. In terms of vehicular movements, the proposal is unlikely to result in any material increase or any detrimental impact. Providing the proposed car parking does not exceed the WSSC Maximum Standards, no highway concerns would be raised.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Class C Road

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:

GEN2

GEN7

Built-up Area Boundary

The Form of New Development

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 and/or legislative background.

CONCLUSIONS

The application submitted is for non-compliance with Condition 3 which was imposed on planning permission P/9/07 which was approved for a two storey extension and new access to Hook Lane. The condition read as follows:-

The access from the site to the public highway shall be designed, laid out and constructed with 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 policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

The condition was imposed in response to the County Highway's comments and they recommended that the condition be placed on any approval. Since that time the two storey extension has been constructed and the access has not been implemented. The existing access which is located to the western side is adequate to accommodate vehicular and pedestrian traffic to and from the site and the proposed new access is no longer required. County Highways have been consulted and have raised no objection to the single access with regard to vehicular movements which is unlikely to result in any material increase or any detrimental impact.

Taking the above factor into consideration, it is not considered that the proposal would detrimentally impact upon the residential amenities of the occupiers of any neighbouring property.

It is therefore recommended that the application for non-compliance with Condition 3 of planning consent P/9/07 be approved.

RECOMMENDATION

APPROVE

- 1 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

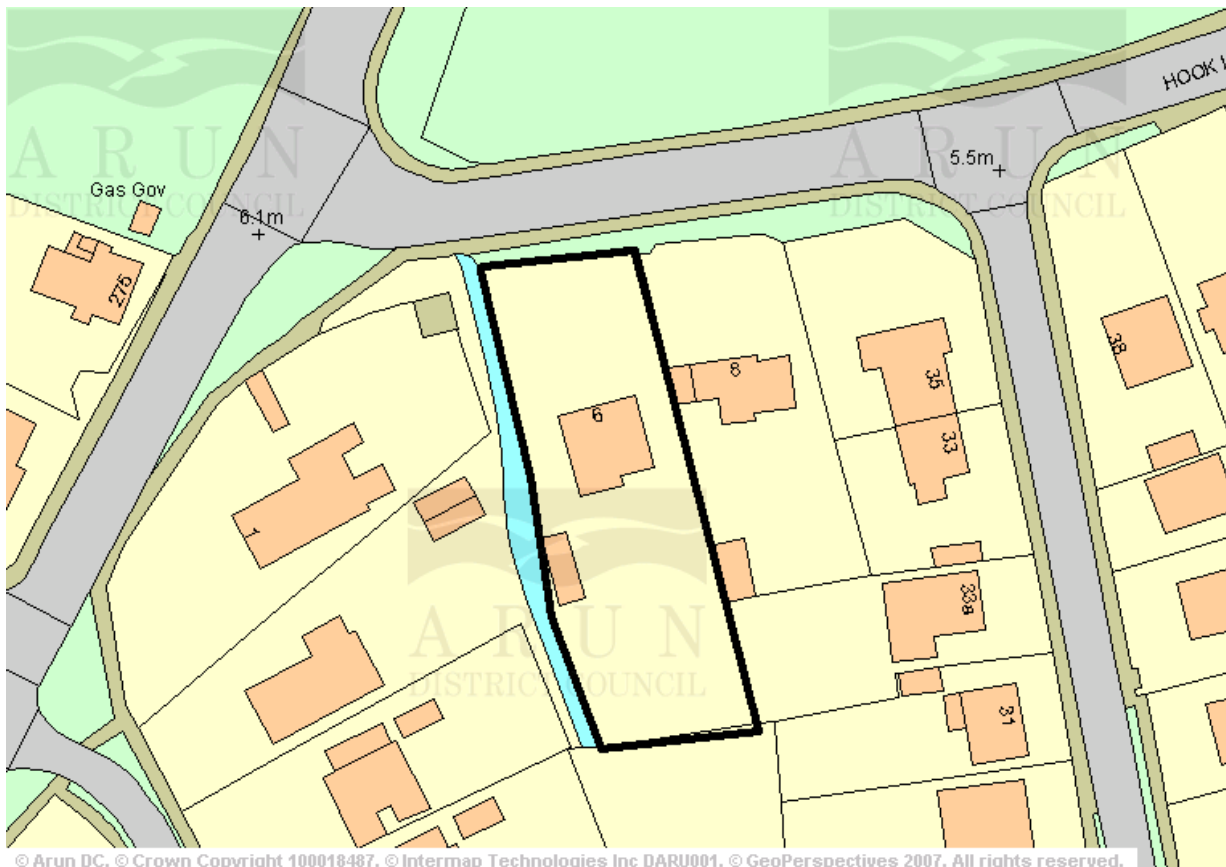
NATIONAL POLICIES: PPS1

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

P/39/09/ Indicative Location Plan

(Do not Scale or Copy)

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



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DEVELOPMENT CONTROL COMMITTEE

15 July 2009

ENFORCEMENT MATTERS

COMPLIANCE INVESTIGATION

LOCATION: Land rear of, Ancton Way Middleton-on-Sea

COMPLAINT: Alleged unauthorised works to trees.

IMPORTANT

Following the report taken to Development Control Committee on 21st January 2009 with approval to prosecute for the above matter, an update is issued regarding the outcome of the Court case. This summary is included only in this section, whilst the remainder of the report is replicated from the previous report heard at this Committee on the aforementioned date.

The case for prosecution was heard at Chichester Magistrates Court on Thursday 4th June 2009 under Section 210 (4) of the Town and Country Planning Act 1990.

1. Verdict in respect of all three Defendants:

All Defendants acquitted of charges.

2. Reasons for Justices' decision:

The Defendants admitted that a Tree Preservation Order was in place where works to trees had been undertaken. It was also admitted that works were done to the trees covered by it and the works were unauthorised.

The burden of proof shifted onto the defence to prove on the balance of probability - namely a 51 % likelihood of the defence being proven - that the trees subject to the works were dangerous.

With the local planning authority's expert witness and the defence expert witness only involved after the event, the only witnesses who were present were the defendants. The Court decided that these were reliable, reasonable and prudent citizens who exercised proper care in assessing whether or not the trees were dangerous. Since it was claimed that there was previous danger posed to farm vehicles with an instance of damage to machinery, the defence of dangerous was accepted.

3. Costs

As foreshadowed in the previous report to Committee on 21st January 2009 that costs may be applied for, the defendants' have applied for costs in the region of £8000-10000. Since it was not demonstrated that the case was unreasonable by the Prosecutor in bringing the prosecution before the Court, the costs bill will not come from Arun District Council's own resources. Instead, the costs bill is to be submitted to the National Taxation Team for assessment which in effect is Central Government.

4. Result of prosecution:

Closure of the investigation file since there has been no breach of planning control.

SITE AND LOCATION

The road of Ancton Way marks the northern extent of the Elmer Estate and is a Private Road. Further to the north is a woodland which is approximately 550 metres in length and approximately 35 metres in depth.

There is a group Tree Preservation Order on this woodland under reference TPO/1/91/M which was passed on 29th October 1991.

The woodland can be accessed on foot from Ancton Way and Sunnymead Close. A footpath runs along the length of the woodland, approximately through the centre of the belt, parallel with Ancton Way.

COMMENT ON RELEVANT SITE HISTORY

There have been two previous enforcement investigations relating to the site.

CIC/M/16/95 'Alleged unauthorised felling of a tree' which resulted in No Further Action on 30-11-1995.

CIC/M/2/07 'Alleged unauthorised felling of trees' which led to No Further Action on 26-07-2007.

COMPLIANCE INVESTIGATIONS

A complaint was received on 26th August 2008 alleging that trees were being worked on in the woodland north of Ancton Way in Elmer.

A site visit was conducted on 26th August 2008. It was evident that works to trees had been undertaken and these trees were within the protected woodland order which had a group Tree Preservation Order under reference TPO/M/1/91. Boughs of trees had been lopped and vegetative debris including branches and sections of trunk were on the ground.

The length of the woodland was investigated and photographs taken. Based on received information, a Samsung digger which broadly matched the reported description of the complaint, was found along the southern extent of an agricultural track which ran due south from the Oystercatcher Public House, itself along Grevatt's Lane.

On 27th August 2008, a further site visit was conducted which involved a methodical cataloguing of trees which had severe and ostensibly recent works undertaken. A survey involving charting the approximate positions of the trees was made, together with photographs taken of each one. When visiting the farm, a vehicle was seen to push vegetative debris into the woodland and off the agricultural land to the north. The driver was spoken to and it was established that the agricultural tenant had instructed the works to be carried out.

On 28th August 2008, an arboricultural assessment was made of the works from a Arboricultural Officer at Arun District Council. It was assessed that 66 trees were affected in the recently reported incident.

On 30th September 2008, a letter was sent to the agricultural tenant stating that a taped recorded interview would be held on 22nd October 2008 and the intention was to establish whether any offence under Section 210 of the Town and Country Planning Act 1990 had been committed.

On 22nd October 2008, a taped recorded interview was held. During the interview, it emerged that the agricultural tenant had instructed one of their workers to undertake the works.

On 24th November 2008, a tape recorded interview was undertaken with the worker.

Based on evidence received, it is apparent that no application was received for the works undertaken. The agricultural tenant admitted that no permission had been sought and they were unaware of the Tree Preservation Order. The central point of defence was that branches were overhanging the agricultural land and posed a danger to vehicles and workers under them. If a prosecution is undertaken, the Court may decide against the Council and costs could then be sought.

THE BREACH OF PLANNING CONTROL

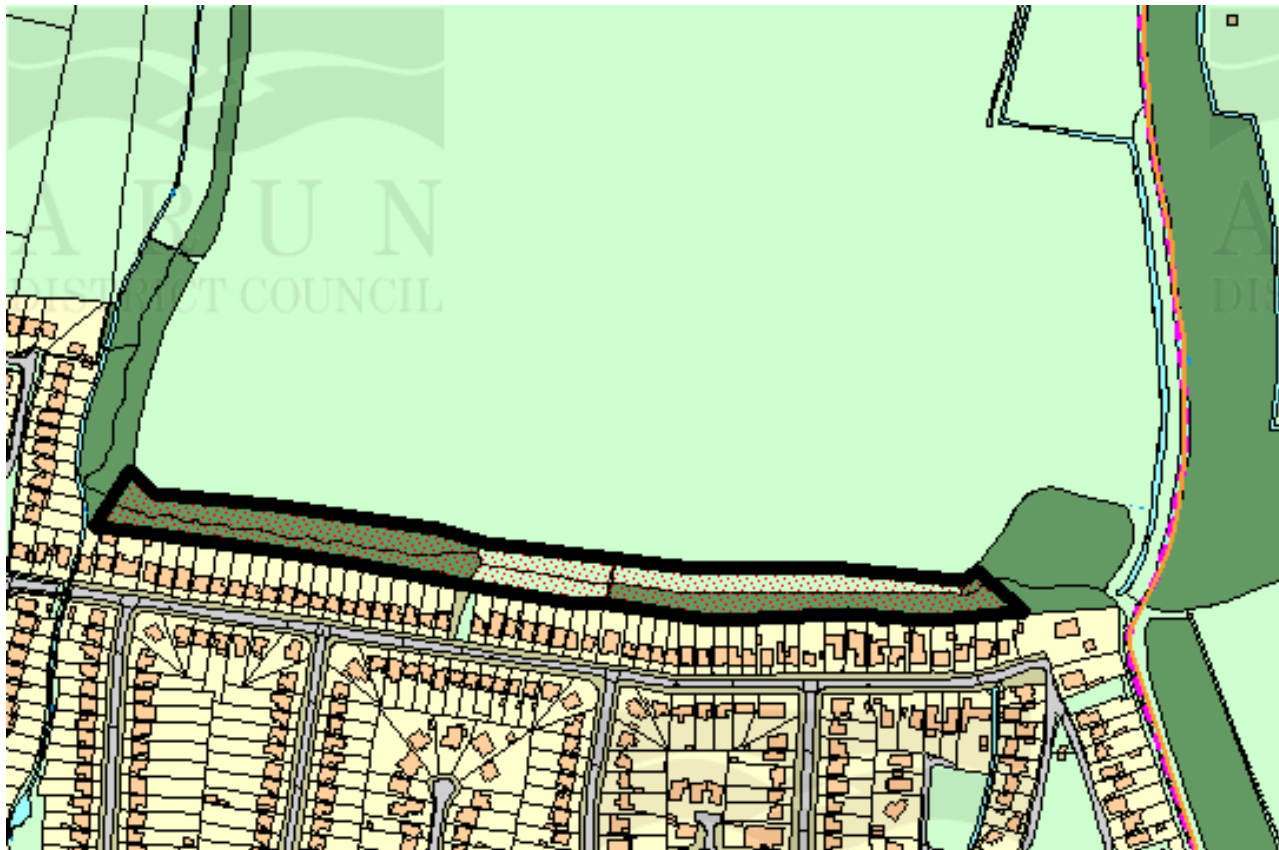
For the unauthorised works including major limb loss, multiple branch breakages, bark wounds, trunk gashing and bark scarring carried out to 66 trees protected under the group woodland order TPO/1/91/M. Whilst the work involved 66 trees, the recommended prosecution only related to several specimen cases.

RECOMMENDATION

This is the recommendation that was approved by Development Control Committee on 21st January 2009 and reproduced below. For an update of the prosecution case heard at Chichester Magistrates Court on 4th June 2009, please see the Important box at the beginning of this report.

That authority is granted under Section 210 of the Town and Country Planning Act 1990 to institute legal proceedings for the wilful works to trees protected under Tree Preservation Order reference TPO/1/91/M.

Location Plan for Enforcement ref: ENF/442/08/ (Do not Scale or Copy)



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