



Committee Manager : Carrie O'Connor (Ext 37614)

9th June 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 17th June 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 20th May 2009 (attached).

5. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES.

6. PREVIOUSLY DEFERRED/CONSIDERED APPLICATIONS

FG/31/09 – Change of use from training establishment to motor vehicle repair shop, including MOTs on behalf of VOSA

To consider a report from the Post Committee Site Inspection Panel held on 26th May 2009.

7. PLANNING APPEALS

To consider the attached report.

8. TREE APPLICATIONS

There are no such applications to consider.

9. PLANNING APPLICATIONS

To consider the attached reports.

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

10. ENFORCEMENT MATTERS

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 & 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

20th May 2009 at 2.30 p.m.

Present : Councillors Mrs Hall (Chairman), Biss, Mrs Brown (substituting for Councillor Bower), Butler, Evans, Mrs Harrison, Haymes, Mrs Maconachie, Mrs Olliver, Mrs Stainton, Steward and Wiltshire.

Note: Councillor Dingemans was also in attendance for part of the meeting.

28. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Bower, Gammon, Mrs Goad and Mrs Hazlehurst.

29. WITHDRAWN APPLICATIONS

The Chairman advised the meeting that Planning Applications AL/83/08, FN 21/09 and R/49/09 had been withdrawn from the Agenda.

30. DECLARATIONS OF INTEREST

Councillor Butler gave notice of a personal interest in Agenda Item 10, Planning Application WA/16/09, as he occasionally carried out unpaid commentary work on school race days.

Councillor Haymes gave notice of a personal interest in Agenda Item 10, Planning Application Y/10/09, as the applicant was known to him as they were both members of the Parish Council.

Councillor Wiltshire gave notice of personal interests in Agenda Item 10, Planning Application LU/73/09 as a member of the Littlehampton Town Council Planning Committee and Planning Application LU/517/04 as the Council's representative on the Conservation Area Advisory Committee.

31. MINUTES

The Minutes of the meeting held on 29th April 2009 were approved as a correct record and signed by the Chairman.

32. REPORT TO SEEK AUTHORISATION TO START INJUNCTION PROCEEDINGS UNDER S187B TOWN & COUNTRY PLANNING ACT 1990 (Exempt – Paragraph 5 – Legal Proceedings)

The Chairman agreed that this report could be dealt with as an urgent item at the end of the meeting as authorisation to commence legal proceedings was required of the Committee.

33. START TIMES 2009/10

The Committee

RESOLVED

That the start times of meetings for the remainder of 2009/10 be 2.30 p.m.

34. REPORT OF THE MEETING OF THE POST COMMITTEE SITE INSPECTION PANEL – AW/29/09 – GARAGE AND PORCH EXTENSION, 25 KINGSWAY, CRAIGWEIL, ALDWICK

The Committee had received a report from the meeting of the Site Inspection Panel and as that meeting was not quorate and could not put forward a recommendation, the Committee had been requested to accept the officer recommendation to approve the application. However, since publication of the report, comments had been received from the Conservation and Design Manager and the officer recommendation was to now refuse the proposal, as detailed in the officer report update circulated at the meeting, which also advised that substitute plans had been received but it was not considered that the revised plans sufficiently addressed the concerns of the Conservation and Design Manager.

The Ward Member for Aldwick East stated that the spaciousness of the estate must be protected, particularly as it had recently been designated as a Conservation Area.

In considering the item, the Chairman of the Site Inspection Panel wished to have it recorded that Councillor Mrs Harrison had given her apologies for the site inspection but these had not been passed on.

Following consideration, the Committee

RESOLVED

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

“By reason of its size and form the proposed garage extension would appear incongruous and detract from the symmetrical

design of the front elevation of the property. The proposal fails to preserve or enhance the character or appearance of the Conservation Area in conflict with Policy GEN7 of the Arun District Local Plan and PPG15 Planning and Historic Environment.”

35. PLANNING APPEALS

The Committee received and noted a report detailing appeals that had been lodged and 11 appeals that had been heard.

36. PLANNING APPLICATIONS

AL/83/08 – Proposed Eco House – resubmission following AL/19/08 (This application is a departure from the Development Plan), Former Council Depot, Blackmill Lane, Aldingbourne Having received a report on the matter, the meeting had been advised that this application had been withdrawn.

AW/45/09 – Erection of 1 No. attached 3 bed dwelling, 14 Tangmere Gardens, Bognor Regis Having received a report on the matter, together with the officer’s written report update detailing the Appeal Decision on the previous application, the Committee

RESOLVED

That the application be approved as detailed in the report.

A/29/09 – Approval of reserved matters following outline consent A/44/06 for car showrooms, Land south of A259, Littlehampton Having received a report on the matter, together with the officer’s written report update detailing an additional condition relating to the workshops on each of the buildings, the Committee

RESOLVED

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

AB/27/09 – A new house in the garden & partial demolition of a single storey building (resubmission of planning approval permit AB/28/06), 55-57 High Street, Arundel Having received a report on the matter, together with the officer’s written report update detailing a new indicative location plan, the Committee

RESOLVED

That the application be approved as detailed in the report.

AB/28/09/L – Application for listed building consent for partial demolition of a single storey building and garden wall, works to facilitate construction of a new house in the garden (resubmission of planning approval permit AB/29/06/L), 55-57 High Street, Arundel Having received a report on the matter, together with the officer's written report update detailing a new indicative location plan, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/30/09 – Detached prefab garage to front of property, 17 Roman Fields, Bognor Regis Having received a report on the matter, concerns were raised that this was a retrospective application that was totally out of keeping and had a detrimental impact on the rest of the Close. Further concerns were raised about the materials of the garage not matching the houses in Roman Fields and that vegetation and trees could be removed exposing the garage to further unsightly view. Permission could also set a precedent for other garages in the area. Members agreed with the views expressed and therefore did not accept the officer recommendation to approve and the Committee then

RESOLVED

That the application be refused for the following reason:-

“The garage would represent an unacceptable visual intrusion by reason of its construction, design and materials, be out of keeping with the character and appearance of the area. The proposal would be contrary to Policy GEN7 of the Arun District Local Plan.”

Advice was then sought from the Planning Solicitor as to what course of action should be followed in respect of enforcement action, following which the Committee

RESOLVED

That the Assistant Director of Planning and Housing Strategy be authorised to commence enforcement action against the garage for the reasons set out in the Reason for Refusal. The extent of enforcement action to be at the discretion of the Assistant Director of Planning and Housing Strategy.

EG/12/09 – Single detached chalet bungalow. Resubmission following EG/52/08, Land to the south of Crantock, Fontwell Avenue, Eastergate Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

EG/13/09 – The construction of extension at first floor level to the side of the property & single storey extension to the rear. (Resubmission following application EG/64/08), Crofton Cottage, Barnham Road, Eastergate Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

FG/26/09 – Foaling unit, livery stables and 1 No. mobile home (Resubmission following FG/68/08), Hangleton Farm Equestrian Centre, Hangleton Lane, Ferring Having received a report on the matter, the Committee

RESOLVED

That the application be refused for the reasons detailed in the report.

FG/31/09 – Change of use from training establishment to motor vehicle repair shop, including MOTs on behalf of VOSA, 61 Ferringham Lane, Ferring Having received a report on the matter, together with the officer's written report update detailing an additional representation received, the Committee agreed that a site visit should be arranged to assess the impact of the proposal on the residential area, particularly in view of the fact that it was a Conservation Area. It was also requested that comments from the Conservation and Design Manager should be sought for inclusion in any further report. The Committee then

RESOLVED

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

FG/37/09 – 1 No. chalet bungalow with detached garage (resubmission of FG/23/08), 5/6 Langbury Close, Ferring Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

FN/21/09 – Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for construction of new training tower (This application will be determined by West Sussex County Council), Findon Ffire Station, Horsham Road, Findon Having received a report on the matter, the meeting had been advised that this application had been withdrawn from the Agenda as it had been dealt with by way of delegated powers.

LU/73/09 – Change of use of small area of Public Open Space land to temporary sales car park area to serve plot 393, Eden Park/Elysian Fields, Worthing Road, Toddington, Littlehampton Having received a report on the matter, together with the officer's written report update detailing a correction to the report and amended Informative, strong views were expressed that there was very little public open space available on the site and yet there were many families and children already living there. It was felt that the public open space must be protected, even though this proposal was only seeking a temporary permission. The Planning Team Leader reiterated that the proposal was to utilise this particular area for parking in front of the show home as it was the only area that could practically be used. However, the Committee did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason:-

“The provision of the car parking would result in an unacceptable loss of Public Open space to the detriment of the character of the area and would also be detrimental to the existing residential amenity of the locality. It is therefore in conflict with Policies GEN7 and GEN20 of the Arun District Local Plan.”

LU/517/04 – Mixed use development with part retail use to ground floor and 24 No. one bedroom flats, 18 No. two bedroom flats, 6 No. three bedroom flats to part of the ground/upper floors and 3 No. two bed houses and 1 No. three bedroom house with public and private hard and soft landscaped areas, Former Littlehampton Indoor market, 26-30 Surrey Street, Littlehampton Having received a report on the matter, together with the officer's written report update detailing additional representations received; additional and revised conditions relating to comments from the Environment Agency; an update from the Planning Officer relating to the sequential test; and a consultation response from the Council's Parks and Greenspace Section, the Committee participated in a lengthy debate involving the merits of the scheme.

The Committee received a detailed presentation from the Conservation and Design Manager wherein it was acknowledged that this was an extremely difficult site to develop and it was felt that the expensive cost of remedial flood drainage works justified the high density of the scheme. In the opinion of the Conservation and Design Manager, this proposal was of a high quality architectural and contemporary design that fitted in well with the Littlehampton Vision.

However, Members did not agree with this view and expressed serious concerns about the lack of parking both on site and nearby; the fact that a contribution for off site play provision would be provided rather than for on

site; and the design itself was unacceptable. It was felt that the proposal as it stood would be the foundation for social problems in the future which would be further exacerbated by lack of parking and a view was expressed that it was reminiscent of the bad planning practices that took place 30 years ago. The Committee did not accept the officer recommendation to approve the application and

RESOLVED

That the application be refused for the following reasons:-

(1) The design of the development in terms of its external appearance and provision of play space is below the standard required for this important town centre location and the proposal conflicts with PPS 1 (Delivering Sustainable Development), PPS 3 (Housing), Policy CC6 of The South East Plan and Policy GEN7 of the Arun District Local Plan.

(2) The proposed development does not provide sufficient on - site car parking which would be detrimental to the amenities of the occupiers of the development and the amenities of the locality and would be in conflict with Policies GEN7 and GEN12 of the Arun District Local Plan.

(3) The development proposed generates a need for public infrastructure in the form of Primary Education, Library, Fire and Rescue and off-site play contributions which cannot currently be met in the locality. No contributions have been secured as part of the application and the proposal therefore conflicts with Policy CC7 of The South East Plan and Policy GEN8 of the Arun District Local Plan.

R/49/09 – House and detached garage (Amendment to previously approved R/271/08), 8 Bushby Avenue, Rustington Having received a report on the matter, the meeting had been advised that this application had been withdrawn as it had been dealt with under delegated powers.

(Prior to consideration of the following item, Councillor Haymes declared a personal interest as a member of Yapton Parish Council, which had undertaken a visit to the site last year. He remained in the meeting and took part in the debate and vote.)

WA/11/09 – Horticultural finishing centre – single storey double pitch building with profiled metal sheet walls and roof. Single storey staff rest/WC portable cabin – this application also falls within the Parish of Yapton, Farplants Finishing Centre, Lake lane, Barnham Having received a report on the matter, together with the officer's written report update on the receipt of substitute plans and comments received from Walberton Parish Council, the Committee

RESOLVED

That the application be approved as detailed in the report.

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

WA/16/09 – Proposed new low energy sustainable office building and educational facility for greenpower – resubmission following application WA/59/08, Land adjacent to Car Park, Fordingbridge Plc, Arundel Road, Fontwell 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 item, Councillor Haymes had declared a personal interest. Following advice from the Planning Solicitor, he left the meeting and took no part in the debate or vote.)

Y/10/09 – Resubmission following application Y/14/08 for 1 No. 4 bed detached dwelling and 2 No. 3 bed semi detached dwellings, Land rear of Wayside, Burndell Road, Yapton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

37. ENFORCEMENT MATTERS

CIC/Y/4/07 – Alleged unauthorised floodlights, Little Meadow, Bilsham Road, Yapton Having received a report on the matter, the Committee

RESOLVED

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

38. EXEMPT BUSINESS

The Committee

RESOLVED

That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following 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 against the item.

39. REPORT TO SEEK AUTHORISATION TO START INJUNCTION PROCEEDINGS UNDER S187B TOWN & COUNTRY PLANNING ACT 1990 (Exempt – Paragraph 5 – Legal Proceedings)

The Committee received a report from the Team Leader Compliance which was seeking authorisation to commence injunction proceedings to remedy a breach of planning control at land where other remedies had failed. Following consideration, the Committee

RESOLVED

That authorisation to commence injunction proceedings to remedy the beach of planning control at the land be agreed.

(The meeting concluded at 6.10 p.m.)

AGENDA ITEM 6

DEVELOPMENT CONTROL COMMITTEE

17TH JUNE 2009

**REPORTS ON APPLICATIONS DEFERRED FROM
PREVIOUS MEETING**

REPORTS ON APPLICATIONS DEFERRED FROM PREVIOUS MEETING

FG/31/09/

Change of use from training establishment to motor vehicle repair shop, including MOT's on behalf of VOSA

(Deferred For Committee Site Visit)

61 Ferringham Lane
Ferring

Report of the meeting of the Development Control Post-Committee Site
Inspection Panel held on 26-MAY-2009

REF NO: FG/31/09/

LOCATION: 61 Ferringham Lane
Ferring

PROPOSAL: Change of use from training establishment to motor vehicle repair shop,
including MOT's on behalf of VOSA

Present: Councillors Haymes(Chairman), Bower, Evans, Mrs Goad, Mrs Hall, Mrs Harrison, Mrs Stainton

Brian McCansh, Ferring Parish Council and Roger Elkins, Ward Member

Apologies for absence: Councillor Butler

The planning merits of the application were discussed in detail with regard to the Conservation Area and the effect the use would have on neighbouring residential properties and Members determined not to accept the Officer's recommendation to approve the application but to refuse the application for the following reason.

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

REPORT UPDATE

Application No: FG/31/09/

Reason for the Update / Changes

Representations:

One additional letter of objection: Use which was acceptable 29 years ago is not now appropriate in this location. Proposal does not preserve or enhance the character of the area. Main entrance is blind to traffic from south. Bus Stop opposite the site with no pavement. All roads surrounding the site area maintained by households who pay for upkeep. Proposal would result in additional maintenance costs. Houses opposite would be unable to enjoy gardens or open windows due to noise and emissions created by businesses. Only four minute walk away is a site for this operation having some of the equipment already installed for MOT testing and available for rent.

Officers Comment:

Maintenance and upkeep of road is a private matter. A condition is proposed to ensure works are only carried out inside the building which would adequately control noise and emissions from the site.

Note: The changes to recommendation, conditions and/or reasons are attached on the amended replacement recommendation sheet.

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

FG/31/09/

PLANNING APPLICATION REPORT

REF NO: FG/31/09/

LOCATION: 61 Ferringham Lane
Ferring

PROPOSAL: Change of use from training establishment to motor vehicle repair shop, including MOT's on behalf of VOSA

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposal is to use the existing premises and forecourt previously used as a workshop for Ferring Country Centre to a motor repair vehicle repair shop, including MOTs on behalf of VOSA. It is intended two staff would be employed at the premises and the premises would operate 8 a.m. to 5.30 p.m. Monday to Friday and 8 a.m. to 12.30 p.m. Saturday.
SITE AREA	.0427 hectares
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open frontage. Wall to Farm Cottages is leaning.
SITE CHARACTERISTICS	Single storey flat roofed building. Hard surfaced parking area between building and Ferringham Lane. Formerly the Ferring Country Centre, Brook Lane, workshop. Seating area in verge. Shop window in corner section of building. Garage doors adjacent to Home Farm Cottages. Toilets in rear side extension.
CHARACTER OF LOCALITY	Benton Weatherstone builders merchants to rear mainly single storey buildings. Area is predominantly residential characterised by a variety of building styles.

RELEVANT SITE HISTORY

FG/103/88	Erection of modular type building to increase engineering works space	Approve Cond 04-01-1989
FG/144/89	Construction of spray booth	Approve Cond 13-11-1989

FG/31/09/

FG/48/95	Retail shop within workshop	Approve Cond 15-11-1995
FG/109/63	Resiting of petrol pumps and kiosk	Approve Cond 23-01-1964
FG/132/55	Resiting of petrol pumps	Approve Cond 18-11-1955
FG/195/79	Change of use from garage and showroom to storage and repair of automatic machines	Approve Cond 27-02-1980
FG/25/51	Workshop	Approve Cond 17-08-1951
FG/26/55	Installation of petrol tank	Approve 13-04-1955
FG/65/67	Additional office of first floor	Approve 09-06-1967
FG/70/60	Workshop	Approve 23-06-1960

REPRESENTATIONS

Representations received:

Ferring Parish Council

Objection:

Proposed spray shop constitutes a hazard to health by the storage and spillage of toxic chemicals and risk of vapour explosion and air pollution within a residential area contrary to GEN34. Suitable provision has not been made to prevent oil or other chemicals from polluting the surface and foul water sewers or soakaways contrary to Policies GEN9 and GEN23. Parking provision is adequate for the business proposed. Noise pollution will increase contrary to provisions of GEN32.

Ferring Conservation Group

Objection:

Use of building is a good conservation measure. MOT testing centre in village would be a useful service. However there are already premises for car repair and servicing in the village. Conservation Area is small and was designated after the previous garage business was abandoned. Serious doubts as to whether a vehicle workshop with panel beating, paint spraying and other unneighbourly noisy and fume-ridden activities is compatible with the residential character of the immediate neighbourhood. It is understood Environmental Health regulations would limit nuisance but experience shows that controls are not always effective. Concern regarding increased vehicle movements and hazards at Brook Lane/Ferringham Lane Junction.

Ferring Residents and Owners Association
Objection:

Proposed garage would cause additional car parking and traffic at this site and increase an already hazardous S bend where there are frequently cars parked outside the church centre and a bus stop.

26 letters of objection:

Inappropriate use in a Conservation Area. An increase in volume of traffic, on site parking, noise and toxic fumes from paint spraying would be detrimental. Loss of peace and quiet of residents. Surely there are better alternative sites for vehicle repairs such as Frosts garage. Dangerous access from Brook Lane to Ferringham Lane is blind and already dangerous from large Benton lorries. Dangerous congestion restricting access for lorries from parked vehicles. Substantial risk to pedestrians especially given the lack of pavements. Soakaways would be compromised by chemical spillage. Over-development. Additional wear on roads maintained by residents. Storage of oil and waste would be a problem. MOT and repairs are available within one mile of the site. Residential gardens abutting the site would be unusable. More cars would enter Ferring to use the facility causing more air pollution. Detrimental effect on house sales. Notice is not posted on other premises that could be affected. No information on ventilation systems. This type of business should be in a remote rural area.

Adjoining property has rear garden adjacent to site. Concern regarding noise and explosions. Paint spray booth, although not part of application could be added later without permission. Proposal will not preserve or enhance Conservation Area. If allowed use should be restricted by conditions.

1 letter of support:

Application is for a change of use from training establishment back to motor vehicle repair shop. The premises were built as a garage and operated successfully as a garage serving the local community for many years prior to operating as a training establishment.

Comments on Representations received:

The spray booth and paint mixing room have been deleted from the application. Environmental Health have no objection to the proposal provided the repairs are undertaken in the workshop and the hours of operation are limited. Devaluation is not a material planning consideration. County Highways Officer has no objection in terms of the level of parking and highway safety.

The site does lie within a Conservation Area. Maintenance of the building would preserve the Conservation Area and would be preferable to an empty building on an unmaintained site. Applicant has confirmed oil would be disposed of safely in accordance with legal requirements.

CONSULTATIONS

WSCC Local Development Divis.
Environmental Health
Conservation Officer

Consultations responses received:

Environmental Health Officer:

To minimise the impact of noise/odour on nearby residential premises it is suggested that all vehicle repair and maintenance work should be carried out within workshop and the hours of operation should be limited.

Conservation Area Advisory Committee:

No comment provided there are no external alterations.

County Highways:

Number of staff would suggest a very low number of movements as this would limit the number of MOTs during the course of the day. Hence combined with the provision of nine spaces no significant issues or overspill car parking are foreseen. The parking standard as a maximum would be eleven spaces. Nine are proposed. This is just below, but still near the top end of the maximum standard.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area Boundary

Within Designated Conservation Area

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan:	DEV1	High Quality Development
Arun District Local Plan:	GEN7	The Form of New Development
	GEN32	Noise Pollution
	GEN34	Air Pollution

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPG4	Industrial and Commercial 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 is for a vehicle repair shop including MOTs. The scale of use would be limited by the size of the building. It is proposed two staff would be employed and that the premises would open between 8 a.m. to 5.30 p.m. Monday to Friday and 8.00 a.m. - 12.30 p.m. on a Saturday. Only one MOT bay is proposed and the applicant has confirmed only one MOT can be undertaken an hour. The maximum number per day would therefore be eight.

The building is currently empty and re-use of the building would be acceptable in principle. The site lies in a Conservation Area. No external changes are proposed and the use is likely to be relatively low key. The re-use of the building which would include its maintenance would preserve the Conservation Area. The building has little architectural merit and has the appearance of a structure that has previously been used as a garage premises.

The application drawings have been amended to delete reference to the paint spraying which no longer forms part of the proposal. A condition is proposed to ensure that the installation of a booth would require a separate application. The use of the premises for car repairs and MOTs would be acceptable in a residential area provided the scale and level of activities is adequately controlled to prevent any material nuisance from noise resulting to neighbouring properties. The adjoining residential cottages to the south have rear gardens adjacent to the building and their rear boundaries are flanked by Benton Weatherstone premises. Provided repair works to cars are carried out within the building and hours of operation are restricted then residential amenity would not be materially affected.

The application is recommended for approval subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

- 2 Car repairs and MOT work shall not take place anywhere on the site except within the existing buildings.

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

- 3 The repair shop and MOT use shall not be operated except between the hours of:-

8.00am and 5.30pm on Mondays to Fridays inclusive,
8.00am and 12.30pm on Saturdays,

not at any time on Sundays or Public Holidays.

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.

- 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

STRUCTURE PLAN: DEV1,

LOCAL PLAN: GEN7,GEN32,GEN34

NATIONAL POLICIES: PPS1,PPG4

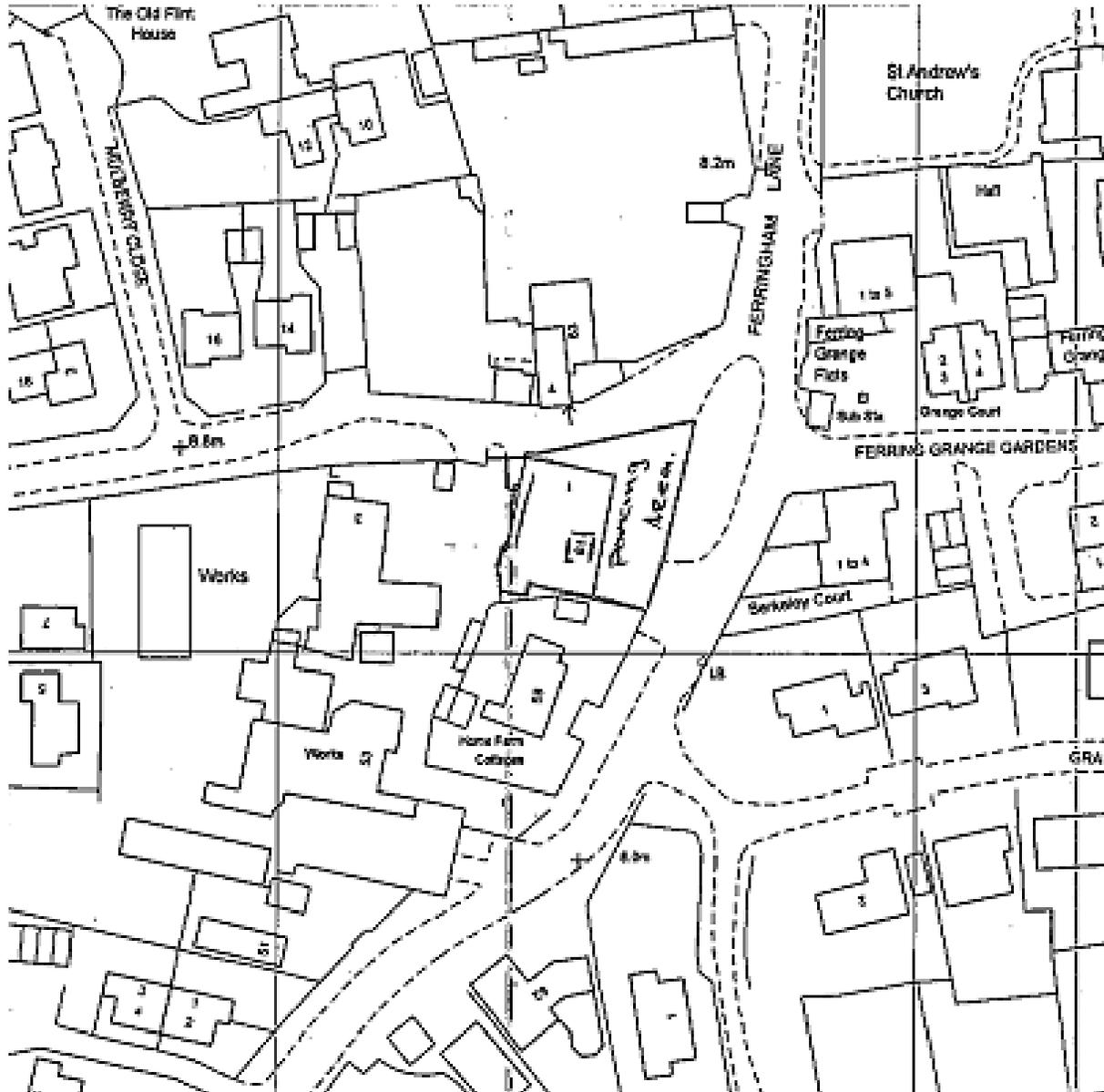
This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

- 6 **INFORMATIVE:** For the avoidance of doubt this permission relates to vehicle workshop use and MOT work and does not purport to grant consent for paint spraying which would require the submission of a separate application for planning permission.

- 7 This permission relates to the plans as submitted and amended by substitute site plans dated 29-04-2009.

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

FG/31/09/ - Location Plan as submitted with the application (Do not scale)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487.

AGENDA ITEM 7

DEVELOPMENT CONTROL COMMITTEE

17 June 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

FP/134/08/T
Received: 30-10-2008

Verge adjacent 9 Whitelands opposite 11 & 15 Shirley Drive Felpham
Crown reduction by 30% to suitable growth points, reshaping top and removing all dead wood of one Monterey Cypress Tree.

Written Representations

PINS Ref: APP/TPO/C3810/265

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

R/225/08/
Received: 19-02-2009

Land to rear of 7 & 9 Cove Road Rustington
Erection of four new dwellings with associated access, car parking and amenity space

Informal Hearing **16-06-2009**

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

AW/254/08/
Received: 09-03-2009

16 Singleton Close Bognor Regis
Division of existing rear garden into two plots. Demolition of existing garage to make way for new access driveway to proposed three bedroomed bungalow.

Written Representations

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

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/238/08/
Received: 24-03-2009

Land at 18a The Grove Bognor Regis
Chalet bungalow.

Written Representations

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

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

M/98/08/

Received: 29-05-2009

4 Sea Way Middleton-on-Sea

Front two storey extension

Written Representations

PINS Ref: APP/C3810/A/09/2105029/WF

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

CIC/AL/13/07/

Received: 30-04-2009

2 Wyndham Acres Northfields Lane Aldingbourne

Alleged unauthorised development and non-compliance with permission.

Public Inquiry

23-09-2009

PINS Ref: APP/C3810/C/09/2099654

CIC/AL/13/07/

Received: 30-04-2009

2 Wyndham Acres Northfields Lane Aldingbourne

Alleged unauthorised development and non-compliance with permission.

Public Inquiry

23-09-2009

PINS Ref: APP/C3810/C/09/2099892

ENF/145/08/

Received: 05-05-2009

Unit B Littlehampton Marina Ferry Road Littlehampton

Alleged unauthorised flats

Informal Hearing

PINS Ref: APP/C3810/C/09/2101259

LOCATION: Land adj to 6 Seafield Terrace Stocker Road Bognor Regis

SUBJECT: Re-submission of previous application BR/142/08 for new dwelling

Planning Application Reference: BR/299/08/

Appeal Decision: Dismissed

Date: 27 May 2009

Appeal Procedure: Written Representations

Inspector: S Holden BSc MSc CEng MICE MRTPI FIH

PINS Ref: APP/C3810/A/09/2096286/WF

Application Decision: Refused

Date: 05 December 2008

Decision Process: Delegated

Original Officer Recommendation: Refuse

SUMMARY OF REASONS FOR REFUSAL

The proposal is unacceptable in that the design and height of the proposed building would be prejudicial to the amenities of the residents in the adjoining properties of the area, by being overbearing.

ISSUES IDENTIFIED BY THE INSPECTOR

The main issue is the effect of the proposed dwelling on the living conditions of occupants of the adjoining flats in relation to loss of outlook and visual intrusion.

INSPECTORS ASSESSMENT

The appeal proposal is to construct a town house at the end of a short terrace, adjacent to No 6 Seafield terrace and where there is a plot of sufficient size to accommodate an additional dwelling.

The western elevation of the proposed development would be close to the shared boundary with No 1 Stocker Road, an older two storey house which has been sub divided into flats. There is a large window serving the ground floor flat of No 1 Stocker Road on the elevation that looks towards Seafield Terrace. It is considered that the construction of the proposed dwelling, close to this shared boundary and three stories high would be overbearing, and would introduce a sense of enclosure and would adversely affect the outlook from this window, the only window in a habitable room.

It is therefore concluded that the proposed development would be harmful to the living conditions of the occupants of this flat as a consequence of loss of outlook and visual intrusion.

The scheme would make efficient use of land and adequate amenity space for both the new and the host dwelling could be provided. The proposed design would be appropriate in this context and sufficient parking space could be provided at the front of the building.

However none of these positive attributes is sufficient to set aside the harm identified to the living conditions of occupiers of the adjoining flat. For this reason, it is concluded that the appeal should be dismissed.

RELEVANT POLICIES

DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan

POLICIES SUPPORTED

As Above

APPLICATION FOR COSTS MADE/REASON

None

COSTS AWARDED

N/A

COMMENT

The Inspector supported the Officer's decision.

Background Papers: BR/299/08/

Contact: Mrs S Leeson

Telephone: 01903 737769

LOCATION: 4 Felpham Road Bognor Regis

SUBJECT: Conversion and change of use of existing residential care home to 4 no private flats (Resubmission of FP/99/08)

Planning Application Reference: FP/217/08/

Appeal Decision: Allowed+Conditions

Date: 05 May 2009

Appeal Procedure: Written Representations

Inspector: Doug Cramond BSc MRTPI

PINS Ref: APP/C3810 A/09/2094313

Application Decision: Refused

Date: 28 November 2008

Decision Process: Delegated

Original Officer Recommendation: Refuse

SUMMARY OF REASONS FOR REFUSAL

Adequate provision cannot be made within the site for the parking of vehicles in a satisfactory manner to the standard required by the Local Planning Authority.

ISSUES IDENTIFIED BY THE INSPECTOR

The main issue is considered to be whether sufficient and suitable car parking is provided within the site.

INSPECTORS ASSESSMENT

It is not considered that there would be a difficulty with the three car scheme proposed. This would be adequate provision given on street parking availability, even accepting this is well used, and the nearby public carpark.

Furthermore, the site is well located and it would not be unreasonable to expect many trips to be made by means other than private car. It is quite conceivable that not every occupier of these small slats would have a car in any event.

Numerically and in size terms the scheme would be appropriate. No on-site turning would be available but this is not unusual in this vicinity or in many urban instances. Observing local physical and traffic conditions, including road alignments, traffic speeds and volumes, I believe that manoeuvring could be safely carried out without this turning provision.

This scheme would provide sufficient and suitable car parking within the site.

RELEVANT POLICIES

NE17, DEV5, GEN7, GEN12

POLICIES SUPPORTED

None

APPLICATION FOR COSTS MADE/REASON

None

COSTS AWARDED

N/A

COMMENT

None

Background Papers: FP/217/08/

Contact: Mrs S Leeson

Telephone: 01903 737769

LOCATION: 4 Felpham Road Bognor Regis

SUBJECT: Conversion and change of use of existing residential care home to 5no. private flats.

Planning Application Reference: FP/99/08/

Appeal Decision: Dismissed

Date: 05 May 2009

Appeal Procedure: Written Representations

Inspector: Mr D Cramond BSC MRTPI

PINS Ref: APP/C3810/A/09/2094318/NWF

Application Decision: Refused

Date: 15 July 2008

Decision Process: Delegated

Original Officer Recommendation: Refuse

SUMMARY OF REASONS FOR REFUSAL

The proposal would represent an unsympathetic intrusion in the locality to the detriment of the visual amenities by reason of the mansard roof.

ISSUES IDENTIFIED BY THE INSPECTOR

The main issue is the effect of the alterations on the character and appearance of the building and the locality.

INSPECTORS ASSESSMENT

The Council has raised no concerns to the principle of residential accommodation within the existing corner dwelling. Despite its previous commercial uses this building, in this locality alongside other dwellings, is suitable for use as flats. The visual effects of the proposed mansard roof former the only reason for the refusal of this scheme.

The proposed top floor has been deliberately designed to contrast with the existing building through the use of modern materials, creating a 'Penthouse' flat. In this instance it would look alien in the street scene, given the scale and designs of the buildings around and their predominantly pitched roof nature.

The proposed roof design would detract from the building's visual qualities and appearance not just from the public domain but from residential properties which face the site. The large addition, extensive windows and unembellished form would make for an uncomfortable outlook and be at odds in character terms with, for example, some of the attractive villas found on the northside of Havelock Close.

It is not considered that the proposed scheme would make a positive visual contribution to the locality.

This scheme would conflict with development plan policy objectives, which seek to protect environmental quality and secure attractive, well designed and appropriate development.

RELEVANT POLICIES

CH1, DEV1, 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: FP/99/08/**Contact:** Mrs S Leeson**Telephone:** 01903 737769

LOCATION: The Old Pumping Station Ferry Road Littlehampton

SUBJECT: Change of use to B8 (open storage)

Planning Application Reference: LU/155/08/

Appeal Decision: Dismissed

Date: 14 May 2009

Appeal Procedure: Informal Hearing

Inspector: Mr R J Marshell LLB DipTP MRTPI

PINS Ref: APP/C3810/A/08/2089871/NWF

Application Decision: Refused

Date: 17 July 2008

Decision Process: Delegated

Original Officer Recommendation: Refuse

SUMMARY OF REASONS FOR REFUSAL

The site lies in a rural area and the proposal, being unrelated to the needs of agricultural, forestry, recreation, the extraction of minerals or disposal of waste.

The proposal would involve development within the Littlehampton to Middleton on Sea strategic gap.

The proposal would be obtrusive and damaging to the landscape by reason of the nature and extent of development, and inadequate boundary treatments to the site.

ISSUES IDENTIFIED BY THE INSPECTOR

Main issue is whether the proposed development would accord with local and national policy on the location of new development and its effect on the character and appearance of the surrounding area.

INSPECTORS ASSESSMENT

The appeal site lies in outside the built-up area boundary, within the identified Littlehampton to Middleton strategic gap. The previous use of site as a waste water treatment works was discontinued a few years ago, since then unauthorised development has occurred. The Council has served enforcement notices seeking removal of various development, in the main this has not been complied with.

The application proposes a change of use to B8 open storage, but plans also show a new internal access road, car parking spaces and a site office. Appellant confirmed this was not for this operational development. The agents statement refers to the proposal being for marine related open storage, however the appellant said it was not his intention to limit storage in this way. Decisions are made having regard to these matters of clarification.

Planning policy Statement PPS7: sustainable development in rural areas seeks to ensure that the quality and character of the countryside is protected. Which is supported by West Sussex Structure Plan policies LOC2, Local Plan policy GEN2. Within the strategic gaps there are greater constraints, Structure Plan policy CH3, and Local Plan AREA10. The intention is to keep settlements apart, and development will not be permitted if it would compromise the objectives

and integrity of the gap.

The proposed development does not require a countryside location. The site is fairly substantial, with flat farmland to the south and west of the site, to the north east is a marina on higher land than the site containing some large buildings and varying outside storage. This land is identified for marina use in the Local Plan. Open storage on the appeal site can be viewed from long distance within Ferry road to the West would be seen against the marina development to an extent that would minimise its impact on the character and appearance of the area and on the strategic gap. Close up views of the development appears as a substantial and unattractive incursion into the countryside and strategic gap.

Screening on the western boundary is insufficient, however trees and hedging on the southern boundary is better, but is still considered to be inadequate to screen the proposed development. Any planting would take a long time to become effective and may not remain.

Previous development associated on the land is not clearly defined, and buildings shown on an ordinate survey map was unclear of what was building where previously on this site. Without any substantial evidence the previous development was unlikely to be of a limited scale, which does not justify the greater scale of development now proposed.

The appellant indicated for security purposes a larger entrance gate with lights would be required for people on the site. This would add to the degree of harm caused by the development. Outside storage in this location would require improved security by the provision of substantially larger boundary fencing than currently exists. The harm that would arise from the development individually is sufficient to warrant a refusal and if development was allowed it would be difficult for the Council to resist further encroachment into the countryside and Strategic Gap.

The proposed development would not accord with the local and national policy, and it would harm the character and appearance of the surrounding area.

RELEVANT POLICIES

GEN2, GEN3, GEN7, AREA10, LOC2, DEV1, CH3, PPS7

POLICIES SUPPORTED

GEN2, AREA10, LOC2, CH3, PPS7

APPLICATION FOR COSTS MADE/REASON

None

COSTS AWARDED

N/A

COMMENT

Comments noted.

Background Papers: LU/155/08/

Contact: Mrs S Leeson

Telephone: 01903 737769

LOCATION: 43 Sea Lane Pagham

SUBJECT: Revised planning application for the erection of 1 no. new bungalow (resubmission of P/112/07).

Planning Application Reference: P/84/08/

Appeal Decision: Dismissed

Date: 14 May 2009

Appeal Procedure: Written Representations

Inspector: Mr D Cramond BSC MRTPI

PINS Ref: APP/3810/A/08/2092061/WF

Application Decision: Refused

Date: 22 August 2008

Decision Process: Delegated

Original Officer Recommendation: Refuse

SUMMARY OF REASONS FOR REFUSAL

The erection of a bungalow on this site would represent an unacceptable form of backland development in conjunction with the access that will be unneighbourly to surrounding properties by reason of noise and disturbance and out of character with the immediate area.

ISSUES IDENTIFIED BY THE INSPECTOR

The main issues are considered to be the effects of the proposal on the character and appearance of the locality and the living conditions of neighbours.

INSPECTORS ASSESSMENT

Number 43 Sea Lane is a chalet bungalow on a large plot in a low density suburban setting of distinctive and pleasant character and fairly 'leafy' appearance. Whilst not always open to public view the extensive rear gardens give a feeling of spaciousness and tranquillity.

It would be alien to position a single bungalow in a one-off backland position to the rear of the appeal property even allowing for the fact that the appeal garden is somewhat larger than those to either side. No matter how little this would be seen from the main road frontage, this proposed development would bring a radical change to the pattern of development in the locality. Piecemeal development is not appropriate in this established setting.

Other than being a bungalow, the scheme makes no obvious attempt to integrate with, or complement, the locality. Whilst there is a national and local planning policy requirement to make efficient and effective use of land, this must not be at the expense of permitting poor design and layout.

There would be an obvious intensification of built form viewed by local people and glimpsed from the street, and inactivity levels generally would increase; the scheme would be at odds with the existing character and appearance of the locality.

The rear garden area is presently used fairly intensively with vehicle associated activity and the case is put that a new dwelling and the movements associated with it, would be an improvement. However a change to a new dwelling would be a permanent position whilst the activities

associated with the present occupier would not necessarily be long term.

It is considered that the dwelling proposed would bring additional and unacceptable noise and disturbance. The new home would be sited very close to the south east boundary and quite close to the north east. In addition to noise it is considered that the visual effect of having this building uncharacteristically close to secluded and quiet rear gardens, with its upper elements highly visible, would be unsettling for neighbours and adversely affect outlook. The new property would be much more extensive and bulky in all respects and very clearly not an ancillary structure but rather a fairly large new home impinging, by its associated activity and physical form, on neighbours.

It is concluded that the proposal would have unacceptably adverse effects on the character and appearance of the locality and the living conditions of neighbours.

RELEVANT POLICIES

CH1, DEV1, 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: P/84/08/

Contact: Mrs S Leeson

Telephone: 01903 737769

LOCATION: Manchester House Church Hill Slindon

SUBJECT: Application for Listed Building Consent for minor modifications to existing shopfront to improve thermal efficiency and provide means of escape

Planning Application Reference: SL/22/08/L

Appeal Decision: Dismissed

Date:

Appeal Procedure: Written Representations

Inspector: T Wood BA(Hons)BTP MRTPI

PINS Ref: APP/C3810/E/08/2090674/NWF

Application Decision: Refused

Date: 01 August 2008

Decision Process: Delegated

Original Officer Recommendation: Refuse

SUMMARY OF REASONS FOR REFUSAL

The removal of the former shop window would be a loss of an historic feature on the listed building and would result in a visual appearance that would be detrimental to the appearance of the building within the street scene.

ISSUES IDENTIFIED BY THE INSPECTOR

The effects of the proposals on the special architectural and historic interest of the listed building within the Conservation Area.

INSPECTORS ASSESSMENT

The appeal relates to this Grade II Listed Building, within the Slindon Conservation Area. The building comprises of 2 main elements, one indicating a construction date of 1791 and the western element said to date from the mid 19th Century.

The front elevation of the older element contains a decorative surround and timber windows with glazing bars, under a tiled roof with a modillion eaves cornice. The front elevation of the later section contains a 1st floor window of similar proportions and styles to the older part and the ground floor contains former shop window which projects from the face of building with a flat roof above, with a central doorway with glazing on all 3 sides of the window.

The special interest of the listed building derives from its age and position at the heart of the historic village and Conservation Area. The shop windows are of considerable importance as they are of some age and a reminder of the former function of this building. This assessment is made with regard to PPG15 which states, cumulative changes reflecting the history of use and ownership are themselves an aspect of the spatial interest of some buildings.

This proposal would result in the removal of the shop window and replacement with 2 separate projecting windows. This appeal proposes large windows, including ones to the sides of the bays.

The effect would be the loss of the shop window and replacement with a more domestic feature. The proposal would allude to the previous use of this part of the building, therefore this important

reference and feature would be lost. It's loss would fail to preserve the special architectural and historic interest of the building and is unacceptable and would also fail to enhance or preserve the character and appearance of the Conservation Area. The proposal would be contrary to Policies CH1, Ch4 and CH5 of the West Sussex Structure Plan, AREA2 of the Arun District Local Plan and advice within PPG15.

Appellant refers to improvements to privacy; ventilation and means of escape from the property; and thermal efficiency. It is considered that there is other measures available which not have unacceptable impacts on the Listed Building. Thermal efficiency may be improved, however this does not outweigh the unacceptable affect on the special interest of the Listed Building.

For reasons given above and taking account of all matters, I conclude that the appeal should fail.

RELEVANT POLICIES

CH5, PPG15

POLICIES SUPPORTED

CH1, CH4, CH5, AREA2, PPG15

APPLICATION FOR COSTS MADE/REASON

None

COSTS AWARDED

N/A

COMMENT

Comments noted.

Background Papers: SL/22/08/L

Contact: Mrs S Leeson

Telephone: 01903 737769

LOCATION: Manchester House Church Hill Slindon

SUBJECT: Application for Listed Building Consent for minor modifications to existing shopfront to improve thermal efficiency and provide means of escape

Planning Application Reference: SL/23/08/L

Appeal Decision: Dismissed

Date:

Appeal Procedure: Written Representations

Inspector: Tim Wood BA(Hons) BTP MRTPI

PINS Ref: APP/C3810/E/08/2090671

Application Decision: Refused

Date: 01 August 2008

Decision Process: Delegated

Original Officer Recommendation: Refuse

SUMMARY OF REASONS FOR REFUSAL

The removal of the former shop window would be a loss of an historic feature on the listed building and would result in a visual appearance that would be detrimental to the appearance of the building within the street scene.

ISSUES IDENTIFIED BY THE INSPECTOR

The effects of the proposals on the special architectural and historic interest of the listed building within the Conservation Area.

INSPECTORS ASSESSMENT

The appeal relates to this Grade II Listed Building, within the Slindon Conservation Area. The building comprises of 2 main elements, one indicating a construction date of 1791 and the western element said to date from the mid 19th Century.

The front elevation of the older element contains a decorative surround and timber windows with glazing bars, under a tiled roof with a modillion eaves cornice. The front elevation of the later section contains a 1st floor window of similar proportions and styles to the older part and the ground floor contains former shop window which projects from the face of building with a flat roof above, with a central doorway with glazing on all 3 sides of the window.

The special interest of the listed building derives from its age and position at the heart of the historic village and Conservation Area. The shop windows are of considerable importance as they are of some age and a reminder of the former function of this building. This assessment is made with regard to PPG15 which states, cumulative changes reflecting the history of use and ownership are themselves an aspect of the spatial interest of some buildings.

This proposal would result in the removal of the shop window and replacement with 2 separate projecting windows. This appeal proposes smaller windows in only the front of each bay.

The effect would be the loss of the shop window and replacement with a more domestic feature. The proposal would allude to the previous use of this part of the building, therefore this important reference and feature would be lost. Its loss would fail to preserve the special architectural and historic interest of the building and is unacceptable and would also fail to enhance or preserve the character and appearance of the Conservation Area. The proposal would be contrary to Policies CH1, Ch4 and CH5 of the West Sussex Structure Plan, AREA2 of the Arun District Local Plan

and advice within PPG15.

Appellant refers to improvements to privacy; ventilation and means of escape from the property; and thermal efficiency. It is considered that there are other measures available which not have unacceptable impacts on the Listed Building. Thermal efficiency may be improved; however this does not outweigh the unacceptable affect on the special interest of the Listed Building.

For reasons given above and taking account of all matters, I conclude that the appeal should fail.

RELEVANT POLICIES

CH5, PPG15

POLICIES SUPPORTED

CH1, CH4, CH5, AREA2, PPG15

APPLICATION FOR COSTS MADE/REASON

None

COSTS AWARDED

N/A

COMMENT

Comments noted.

Background Papers: SL/23/08/L

Contact: Mrs S Leeson

Telephone: 01903 737769

DEVELOPMENT CONTROL COMMITTEE

17 June 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**

SOUTHSTOKE

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
SS/5/09/A	1no. externally illuminated sign	The Black Rabbit Offham
Case Officer :	Mr P Cleveland	South Stoke
Recommendation:	Approve Cond	ARUNDEL

RUSTINGTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
R/77/09/	Proposed extension & alterations	55 North Lane Rustington
Case Officer :	Ms E E Hearsey	
Recommendation:	Approve Cond	

LITTLEHAMPTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
LU/92/09/	Conservatory to rear elevation, fencing to side and hardstanding for car to front elevation	2 Armada Way Littlehampton
Case Officer :	Mr P Cleveland	
Recommendation:	Approve Cond	

LU/95/09/	Extensions & alterations.	2 Fastnet Way Littlehampton
Case Officer :	Mr P Cleveland	
Recommendation:	Approve Cond	

LU/97/09/	Demolition of True Blue Public House and redevelopment to provide 6 no. houses, with associated parking.	True Blue PH Wick Street Littlehampton
Case Officer :	Mrs A Gardner	
Recommendation:	Approve Cond	

FELPHAM

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

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 & Sea Grit Outram Road Felpham

Case Officer : Mrs S Leeson

Recommendation: Approve Cond

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

Case Officer : Mrs J Chapman

Recommendation: Approve Cond

CLAPHAM

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
CL/7/08/	Extension of permitted access road by further 25 metres x 4 metres.	Clapham Claypit Clapham Common Clapham

Case Officer : Mr D J Vick

Recommendation: Approve

BOGNOR REGIS

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
BR/83/09/	Demolition of existing house & self contained annexe and erection of three attached town houses. Resubmission following refusal of BR/199/08.	31 Victoria Road Bognor Regis

Case Officer : Mrs S Leeson

Recommendation: Approve Cond

ALDINGBOURNE

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

AL/25/09/

Extension & alterations to existing dwelling.

Green Gables
Northfields Lane
Westergate

Case Officer : Mrs J Chapman

Recommendation: Approve Cond

ADVERTISEMENT CONSENT REPORT**REF NO:** SS/5/09/A**LOCATION:** The Black Rabbit
Offham
South Stoke ARUNDEL**PROPOSAL:** 1no. externally illuminated sign**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	1 no. externally illuminated double boarded pole sign, measuring approximately 2.85m x 100mm x 4.5m high.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	Many mature trees within the surrounding area and close to sign, none affected by the proposed development.
BOUNDARY TREATMENT	Wooden post and rail fencing approximately 1.4m high.
SITE CHARACTERISTICS	The sign is located at the entrance to the main site. Adjacent to highway.
CHARACTER OF LOCALITY	The site is located within an Area of Outstanding Natural Beauty. Residential properties on opposite side of road to sign. The River Arun is adjacent to the site. White Cottage overlooks the sign.

RELEVANT SITE HISTORY

SS/6/01/A	One non-illuminated pole sign with face board	Refused 23-10-2001
SS/1/90/A	1 no. externally illuminated pole sign at public house entrance and 1 no. non-illuminated pole sign situated opposite entrance to the Wildfowl Trust.	Part Apprv/Ref 09-05-1990

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

South Stoke Parish Meeting

Objection: Object to the nature and position of the pub sign. The position of the sign compromises views from the 4 adjacent properties, and the level of lighting is of concern.

Requests from residents which were agreed to with regard to the position of the sign but not honoured.

1 Letter of Objection:

The size of the sign has a significant impact on the view from the property to the north. The lighting is very bright and is often left on after 11.30pm. The sign has already been erected without permission and before any community consultation.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The proposed nature of the sign is considered acceptable and sympathetic to the character and appearance of the surrounding residential area. In planning terms there is no right to a view.

CONSULTATIONS

WSSC Local Development Divis.

CONSULTATION RESPONSES RECEIVED:

County Highways: It does not appear that the sign is in a location where it could obstruct the highway, the sign is not to be illuminated. Developments of this kind are unlikely to cause a large increase in pedestrian traffic in the area.

2nd Response:

I can confirm that even taking into consideration the fact that the sign will be illuminated, the low level of illumination and position of the sign itself would not warrant any concerns or objections on highway grounds.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The sign is to be externally illuminated at a level of 250 cd/m.

POLICY CONTEXT

Designation applicable to site:
 Outside the Built-up Area Boundary
 Grade II Listed Building
 Area of Outstanding Natural Beauty
 Permitted Development Restriction

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan:

Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	AREA9	Area of Outstanding Natural Beauty

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS7	Sustainable development in rural areas

POLICY COMMENTARY

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Regulation 3(1)(a)(b), 3(2)(a)(b) and 4(3) of the Town and Country Planning (Control of

Advertisements) Regulations 2007 states:-

"3(1) A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account -

- (a) The provision of the development plan, so far as they are material; and
- (b) Any other relevant factors.

(2) Without prejudice to the generality of paragraph (1)(b) -

(a) Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;

(b) Factors relevant to public safety include -

(i) The safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(ii) Whether the display of the advertisement in question is likely to obscure or hinder the ready interpretation of any traffic sign, railway sign or aid to navigation by water or air;

(iii) Whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

4(3) In determining an application for consent for the display of advertisements, the local planning authority may have regard to any material change in circumstances likely to occur within the period for which the consent is requested.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

Principle

The proposed retrospective application is for advertisement consent for externally illuminated sign. The sign will be located at the entrance to the Black Rabbit Public House. The site is located outside the built-up area boundary and within an Area of Outstanding Natural Beauty.

Visual Amenity

The sign is powder coated aluminium with a satin black finish, traditional gold leaf text and a hand painted pictorial sign. The sign is considered to be of an acceptable design which is not considered to detract from the character and appearance of the surrounding Area of Outstanding Natural Beauty and the design also ensures that it is in keeping with its rural setting. The existing sign on the north side of the access road is to be removed and the Agent states that the directional sign would be erected in its stead. However this will need Advertisement Consent in its own right.

Residential Amenity:

The proposal will be at the entrance to the site on the south side of the access road. There is neighbouring properties to the north of the site which overlooks the area of sign. The sign will be some 15m from the properties to the north, therefore the sign will not result in demonstrable overbearing affects of these properties. The proposed sign will be seen as apart of the view from the properties to the north but in planning terms there is no right to a view and therefore it is not considered that either the positioning of the sign or its illumination would detrimentally affect the amenity of nearby properties.

County Highways:

County Highways have been consulted and have raised no highway objections to the proposal.

It is therefore recommended that Advertisement Consent should be granted subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: As required by Regulation 14(1)(a) of the Town & Country Planning (Control of Advertisements) Regulations 2007.

- 2 No advertisement shall be sited or displayed so as to-
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle

Reason: As required by Regulation 14(1)(a) of the Town & Country Planning (Control of Advertisements) Regulations 2007.

- 3 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: As required by Regulation 14(1)(a) of the Town & Country Planning (Control of Advertisements) Regulations 2007.

- 4 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

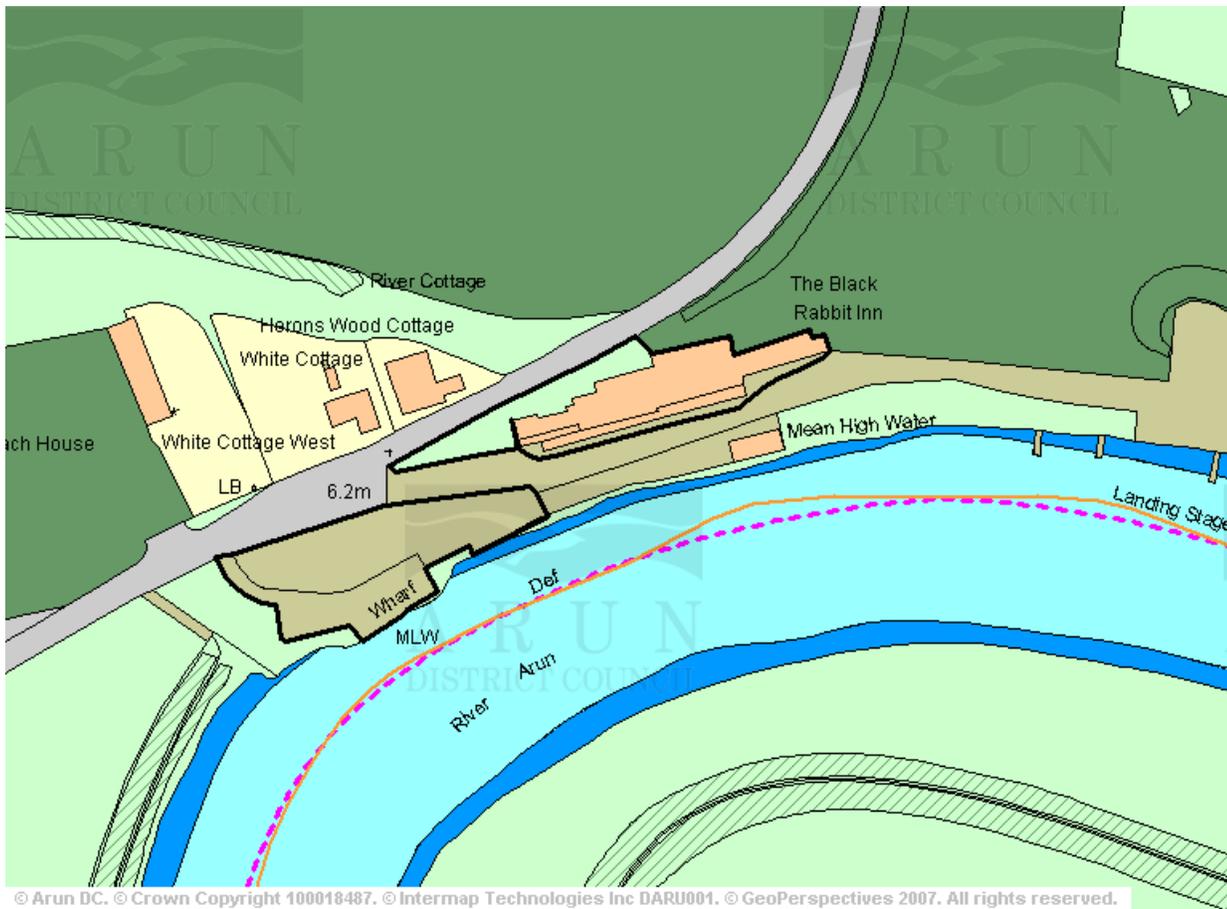
Reason: As required by Regulation 14(1)(a) of the Town & Country Planning (Control of Advertisements) Regulations 2007.

- 5 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: As required by Regulation 14(1)(a) of the Town & Country Planning (Control of Advertisements) Regulations 2007.

- 6 Within 2 months from the date of this permission, the existing display advertisement sign shall be removed to the satisfaction of the Local Planning Authority,

Reason: To prevent a cluttered appearance within this rural area in accordance with policies GEN3 and GEN7 of the Arun District Local Plan.

SS/5/09/A Indicative Location Plan**(Do not Scale or Copy)***(All plans face north unless otherwise indicated with a north point)*

Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487.

PLANNING APPLICATION REPORT**REF NO:** R/77/09/**LOCATION:** 55 North Lane
Rustington**PROPOSAL:** Proposed extension & alterations**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The proposal is a reduced and amended application to R/40/09
SITE AREA	Approx. 923 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat, the east side of North Lane is on higher ground than the west side.
TREES	2 Cherry trees to front. Hawthorn tree to boundary No. 57. Not worthy of a TPO.
BOUNDARY TREATMENT	Predominantly fencing, some walling. Evergreen hedging approx. 2.5m high Beech hedging approx. 2m high to front.
SITE CHARACTERISTICS	One and a half storey detached dwelling, with half hipped roof, ground floor window facing No. 57. Newly constructed shed and relocated greenhouse to the rear of the site. Vehicular access to the south next to the boundary with No. 53. Drive leads down to a concrete hardstanding which clearly held a garage, has now been demolished. Portion of rear of dwelling demolished along with other garden structures. At time of visit a large steel blue container plus a mobile home were positioned within the front garden area, close to the boundary with No. 57
CHARACTER OF LOCALITY	Predominantly residential, mixture of house types, sizes and designs, mainly detached properties. The east side of North Lane is on higher ground than the west side (the application side). Site visit was also undertaken to No. 53 which is a detached bungalow with hipped roof and flat roof garage next to boundary with No. 55, also a shed onto the same boundary. Site visit was made to No. 57 which is a high pitched roof bungalow with rooflights. A prefabricated garage and a shed to the boundary. Front door of No. 57 facing application site, also rooflight within roofslope facing application site. No's 51 and 49 2 storey semi-detached properties, and No. 70 of a very similar design to the current proposal.

RELEVANT SITE HISTORY

R/40/09/	Proposed extension & alterations. Re-submission following R/281/08.	Refused 03-04-2009
R/281/08/	Proposed extension & alteration	Refused 16-02-2009

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

Awaited.

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area Boundary
Class C Road

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan:

Arun District Local Plan: GEN7 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. There are no specific policies relevant to this application within 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

This application is an amendment to a previously refused application, and reduces the built form from that refused. For example the ridge of the main extension has been lowered by 300mm; there will be a 1m gap to the boundary to No. 53; the dormers to the north elevation have been moved back into the site, are narrower and will now be flat roofed.

Because of the overall scale of the previous proposed form of development, it was considered that the design and form would not visually integrate with the existing dwelling and thereby it would alter the simple character of the dwelling and in consequence impact on the spatial quality and character of the locality. Further, it would have resulted in an unacceptable loss of outlook and have an overbearing impact onto No. 53.

As stated above, this application has been greatly amended to resolve the issues raised within the reasons for refusal, and a site visit to both the adjoining properties revealed that the changes made have indeed had a positive effect onto both these properties, particularly No. 53. In line with Local Plan policy for 2 storey extensions, although the proposed extension will be 1 and a half storey, there is a 1m gap between the boundary and the proposal, this coupled with the fact that No. 53 has a garage between it and the boundary, creates a greater, visual spatial separation, this is in addition with the reduction of the ridge height of the 1 and a half storey extension by 300mm, and the fact that the bulk of the extension closest to No. 53 will be the single storey garage portion. The proposal does not now result in an unacceptable outlook or cause unacceptable overbearing onto No. 53. A small window is proposed in the elevation facing No. 53, which is a secondary window providing light to the living room/kitchen area. This will not result in direct overlooking of the neighbouring property due to the existing boundary treatment.

With regard to the neighbouring property No. 53, the proposed rear side extension will be single storey. The 2no. dormers proposed which will be facing onto No. 53 will serve a bathroom and an en-suite, (a rooflight between the dormers will provide light to the landing), it would therefore be appropriate, if approved, to condition to be obscure glazed.

The main extensions would be to the rear of the property, which include parts of those discussed above, and because of the off setting factors within the roof i.e. by varying roof sections with dormers and half hipped roofs, this affords a greater reduction in bulk than an all embracing roof form. The properties to the rear are some 25m distant, and thereby the proposal does not

adversely affect their residential amenities.

Turning now to the street scene and its character, as identified above under 'Character of Locality', the street scene is characterised by varying designs, sizes and styles of dwellings, indeed there is a property, No.70, which is very similar in design as that proposed. Further, by reducing the scale of the proposal it immediately visually integrates with and becomes subservient to the existing dwelling. The design and character of the original dwelling is also maintained by the changes.

It is thereby considered that the changes now offer an acceptable design solution which will not result in unacceptable harm onto neighbouring residential properties or the character of the locality in general and therefore it is recommended that the application be approved subject to the conditions set out overleaf:-

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

- 2 No windows (other than those shown on the plans hereby approved) shall be constructed in the 1st floor and/or roof elevations of the extensions hereby permitted which face No's 53 or 57 North Lane without the prior permission of the Local Planning Authority on an application in that behalf.

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

- 3 The en-suite and bathroom windows on the north elevation of the development hereby permitted, 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 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

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

R/77/09/ Indicative Location Plan
(Do not Scale or Copy)

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



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487.

PLANNING APPLICATION REPORT**REF NO:** LU/92/09/**LOCATION:** 2 Armada Way
Littlehampton**PROPOSAL:** Conservatory to rear elevation, fencing to side and hardstanding for car to front elevation**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The proposed conservatory will measure 7.5m x 3m x 3m high. The fencing to the side of the property will be close board wooden fencing 1.8m high. The hard standing area will measure 4.8m x 2.4m. All measurements are approximate.
SITE AREA	Approximately 226 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Red brick wall to eastern boundary approximately 2m high. The south and west boundary is enclosed by approximately 1.8m high wooden fencing.
SITE CHARACTERISTICS	The site is occupied by a 2 storey end of terrace property. Red brick walls, gable tiled roof. The property is on a corner location.
CHARACTER OF LOCALITY	The site is located within a residential area. Characterised by 1 and 2 storey properties. Many properties within the street have existing driveways.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Littlehampton Town Council

Objection: Concerns raised regarding the vehicle access to the proposed hard standing as this plot is on a corner. Also loss of sight lines at the side and general over development of the site.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The site lines are not affected by the proposal.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:
 Within the Built-up Area Boundary
 Permitted Development Restriction
 Open Plan Condition

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan:

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

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
------	------------------------------------

POLICY COMMENTARY

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

Principle

The proposed application is for a conservatory to the rear of the existing property; 1.8m high wooden fencing on the west boundary; and hard standing area to the front of the property. The proposed development is within the built-up area boundary, therefore the development is acceptable in principle.

Visual Amenity

The proposed conservatory and fencing will be viewed within the street scene but given their design and scale are not considered to detract from the visual amenity of the surrounding residential area. The scale and pitched roof of the conservatory ensures that the proposal maintains subservience and appears visually integrated with the existing building.

Residential Amenity

The conservatory is to be fully glazed above the height of 1.8m, therefore the development is not considered to result in any overshadowing of the neighbouring properties as light will permeate the sections of the structure which are higher than the existing boundary treatment. The proposal is not considered to give rise to overlooking of neighbouring properties as the existing boundary treatment will screen direct overlooking of the neighbouring gardens. Further it is sited approximately 1m from the boundary with its direct neighbour No.4 Armada Way, thereby minimising its affect on that property.

The proposed fencing will extend from an existing boundary wall by approximately 4m in place of existing hedging and is to be set back from the highway by some 5-6m. The proposed fencing is not considered to result in any loss of visual amenity to the surrounding residential area and will not be out of keeping with neighbouring properties. It is noted that other properties within the locality have similar boundary fencing. It will also not impact on the open plan nature of the frontage.

The proposed driveway/hard standing within the front garden of the property is considered to be in keeping with the neighbouring properties within the Armada Way, many of which have driveways to the front of the properties. Subject to appropriate materials this would not detrimentally affect the street scene.

Conclusion

The development is considered to be an acceptable form of development due to its design and scale. It is not considered to result in detrimental impacts on the neighbouring amenity nor the surrounding residential 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 The proposed hardstanding hereby permitted shall be block paved, details and materials of which are to be d in writing with the Local Planning Authority.

Reason: In the interests of amenity in accordance with policy and 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

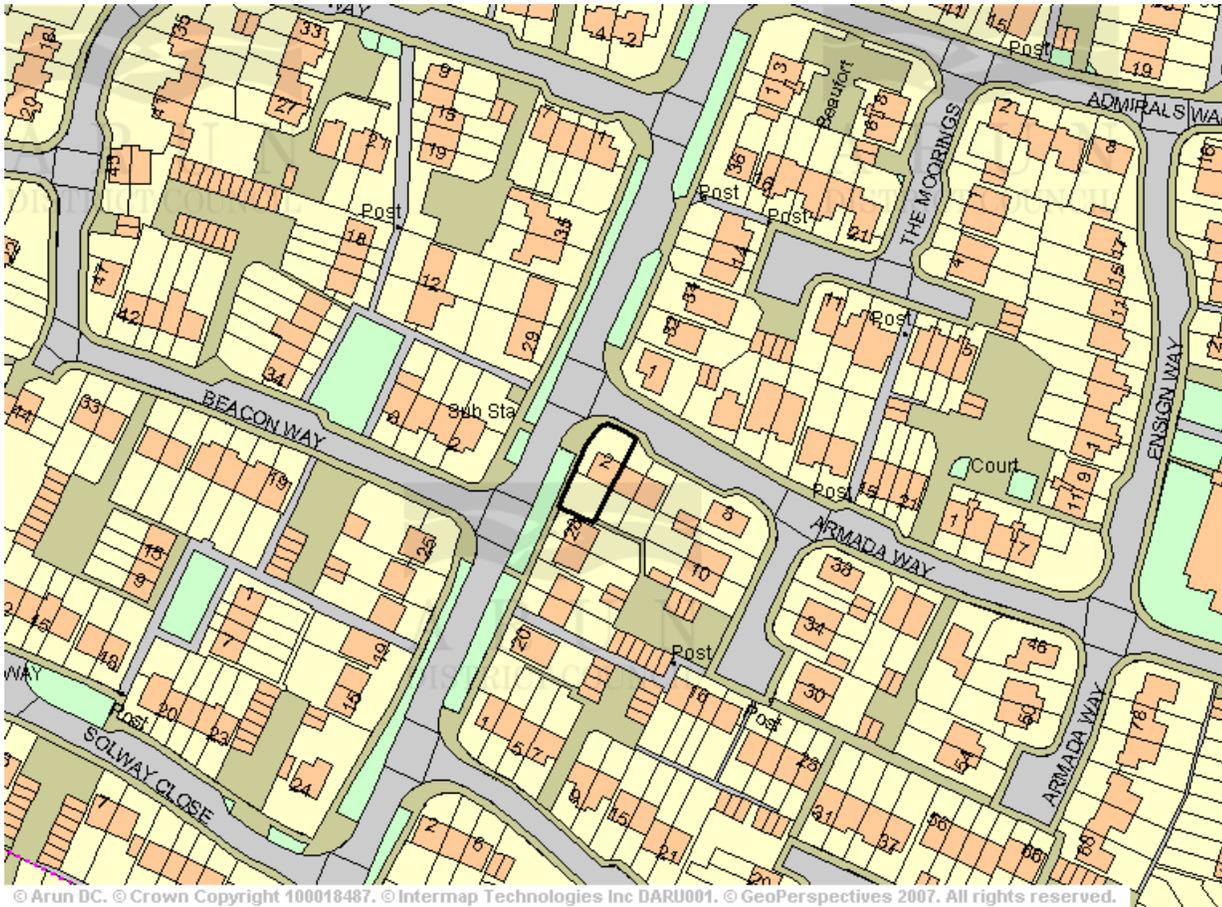
LOCAL PLAN: GEN2, GEN7, DEV19

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.

LU/92/09/ Indicative Location Plan
(Do not Scale or Copy)

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



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487.

PLANNING APPLICATION REPORT**REF NO:** LU/95/09/**LOCATION:** 2 Fastnet Way
Littlehampton**PROPOSAL:** Extensions & alterations.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The rear extension will measure approximately 4.5m x 6.5m x 3.8m high. The extension to north side elevation of the property will measure approximately 4.2m x 1.2m x 3.4m high. A pitched roof on the existing detached garage will be approximately 0.4m higher than the existing flat roof and an extension to the south elevation to increase the size of the existing bay window.
SITE AREA	Approximately 363 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Rear garden enclosed by approximately 2m high close board wooden fencing and fir trees on southern boundary approximately 3.5m high.
SITE CHARACTERISTICS	The site is occupied by a 2 storey detached property, positioned on a corner location. Red brick walls and hanging tiles. Gable red tiled roof. Flat roof garage to the rear.
CHARACTER OF LOCALITY	The site is within a residential area. Mix of different types and styles of building surrounding the site. Footpath runs along rear of the site. Property to the north has a single storey rear extension.

RELEVANT SITE HISTORY

None

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Littlehampton Town Council

Objection. Overdevelopment of the site.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. However it is not agreed that the single storey extensions in the form proposed constitute an overdevelopment of the site.

CONSULTATIONS

Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

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

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan:

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

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
------	------------------------------------

POLICY COMMENTARY

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

Principle

The proposed application is for a single storey extension to the rear and side (north and east)

elevation of the property and to extend the existing bay window on the southern elevation. The proposal also includes a pitch roof on the existing flat roof garage and the repositioning of the front door and cloakroom window. The proposed development is within the built-up area boundary and is therefore acceptable in principle.

Visual Amenity

The extensions and alterations will be partially screened by the approximately 2m high boundary treatment with only the roof elevations being viewed within the street scene. The proposed extensions are considered to appear visually integrated to the main building in terms of their design and scale. The single storey nature of the additions also ensure that the proposal appears subservient to the existing building. The proposed pitch roof above the existing garage is considered to improve the design of the existing flat roof and its appearance within the street scene.

Residential Amenity

The extension to the side (north) and rear (east) elevations will be screened by the northern boundary treatment of approximately 2m high wooden fencing adjoining No.4 Fastnet Way, which will screen overlooking from the proposed fenestration. The single storey addition will be set back from the boundary by approximately 0.5m which is considered to mitigate unacceptable overbearing impacts upon the neighbouring property. The proposed pitched roof above the garage will be approximately 0.4m higher than the existing roof and therefore is not considered to give rise to any significant loss of amenity to the neighbouring properties No.4 Fastnet Way or No.67 Southfields Road.

Conclusion

The development is at ground floor level and is not considered to result in unacceptable loss of amenity to neighbouring properties by way of the overbearing affect or loss of light. The development is considered to appear visually integrated to the existing building and therefore is not considered to detract from the character and appearance of the surrounding residential 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

LOCAL PLAN: GEN2, GEN7, DEV19

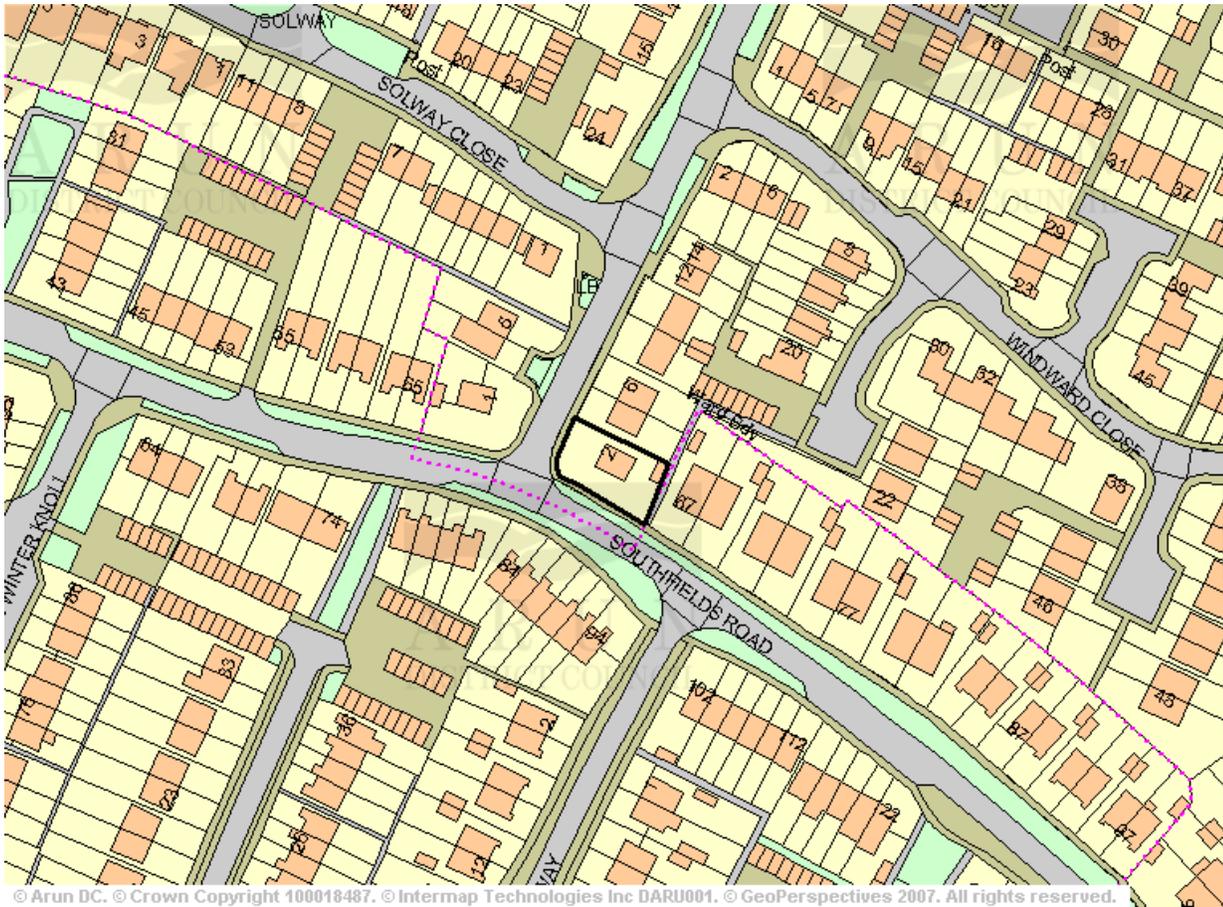
NATIONAL POLICIES: PPS1

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

LU/95/09/ Indicative Location Plan

(Do not Scale or Copy)

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



© Arun DC. © Crown Copyright 100018487. © Intermap Technologies Inc DARU001. © GeoPerspectives 2007. All rights reserved.

Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487.

PLANNING APPLICATION REPORT

REF NO: LU/97/09/

LOCATION: True Blue PH
Wick Street
Littlehampton

PROPOSAL: Demolition of True Blue Public House and redevelopment to provide 6 no. houses, with associated parking.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposal is for six 3 bedroom houses in two terraces of three units. The properties would be two storeys and plots 1-3, and 5 will have some accommodation in the roof. The windows in the roof would be served by windows in the east elevation only. Eight parking spaces are included.
SITE AREA	0.1 hectares.
RESIDENTIAL DEVELOPMENT DENSITY(NET)	60 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front 1m high brickwall. Fencing 1.8m close boarded to houses to rear.
SITE CHARACTERISTICS	Detached two storey public house. Brick elevations. Structures to the rear include a smoking area. Plain tile roof. Garden to the rear. Vehicular access to the south, where some parking took place. Former front garden area tarmaced. Low brick wall approx. 700mm to front pavement.
CHARACTER OF LOCALITY	Site lies within retail area of Wick, with retail uses to the north, first unit is a fish and chip shop. Some residential above ground floor retail uses. To the south, existing access and footpath adjoined by two storey properties, shops to ground floor, first floor flats above, rooflights in roof. No front gardens to the properties to the south of the True Blue. Residential uses to rear of site. Opposite church/school building.

RELEVANT SITE HISTORY

LU/284/85	Internal alterations and extension to provide new public bar & gents wc	Approve Cond 08-07-1985
-----------	---	----------------------------

LU/87/60	Formation of a lean to store	Approve
		13-05-1960
LU/33/50	Erection of lean to shed	Approve
		26-06-1950

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objection:

Overdevelopment of site with 4 x 3 bed and 2 x 2 bed homes leading to a lack of parking and garden provision for these types of family homes.

4 letters of objection (2 from the same household)

3 houses looking down garden facing back fence is unacceptable. Would overlook garden and bungalow. Results in loss of privacy. Out of character. Devaluation of property. Three storey height would add to overlooking. Access to side of pub is still required for properties to rear. Will houses be allotted to a housing association? Concern regarding parking spaces blocking access to shops, dust and dirt pollution and noise pollution from construction.

COMMENTS ON REPRESENTATIONS RECEIVED:

It is not considered this proposal represents overdevelopment of the site, the dwelling type and plot size are comparable with others in the locality. Parking and garden provision are acceptable. No material loss of privacy or overlooking would result to properties to rear. 9.6m is achieved to the rear/side boundary of adjoining properties and some 19m and more from proposed dwellings and dwellings to the west. Rooms in the roof would face eastward not on to rear gardens of neighbouring properties. Devaluation of property is not a planning matter. Access to the side of the site is to be retained and will be unaffected by the proposal, therefore access to the shops will remain unaffected. Two tandem parking spaces are proposed adjacent to it and access would be gained from it.

CONSULTATIONS

WSCC Local Development Divis.

Env. Amenities & Comm. Safety

CONSULTATION RESPONSES RECEIVED:

County Highways:

No objection. There is an existing, unadopted access road on the southern side of the building from which access to the proposed parking area and proposed lay-by is to be taken. The existing access onto the public highway is to remain unchanged and no concerns would be raised with its use in connection with this proposal. Confirmation should be sought over the following, aisle width of 6m; lay-by spaces minimum width of 6m; access width be widened to 4.5m. Subject to confirmation of these points, no objection. Conditions re: car and cycle parking suggested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Confirmation of details regarding access width, aisle width and parking space width have been addressed in substitute plans dated 19-05-2009.

POLICY CONTEXT

Designation applicable to site:
 Within built-up area boundary
 Class A road

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan:

Arun District Local Plan:	GEN5	Provision of New Residential Development
	GEN7	The Form of New Development
	GEN12	Parking in New Development
	GEN15	Cycling and Walking

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. Additionally the South East Plan contains policy H5 Housing Design and layout which is relevant.

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 for demolition of the existing public house and replacement with six dwellings in two terraces of three properties on the site, which includes the pub garden to the rear. The agents have confirmed the pub has been closed for approximately eighteen months and has been extensively marketed for twelve months, and clearly therefore it is no longer viable. The application is for lower cost open market housing and would contribute towards meeting the need for such housing as identified in the Council's housing waiting list.

Visual Amenity/Character:

The traditional design of the dwellings in two terraces is acceptable in this location. Terraced properties adjoin the site to the south and opposite to the east. Brick elevations and concrete roof tiles are proposed which would reflect materials in the locality. Each property has a front and rear garden and the density and plot size are compatible with development in the area. The front gardens would be defined by 750 mm high wall which would be suited to the 1m high wall. The terraces would be lower in height than the existing public house and would vary in roof shape. The terrace to the rear would have a hip roof reducing the bulk and prominence. The terraces would retain a gap to both site boundaries and the bulk of the development in relation to its appearance in the street scene would be reduced. The public house currently straddles the site and has a larger site coverage than the proposed front terrace. The impact of the built form is therefore reduced.

Residential Amenity:

The three units to the front of the site would be no closer to adjoining residential properties than the existing public house. The three units to the rear would be 9.6m from the rear site boundary and first floor windows would face directly out to rear garden area of 1 Grand Avenue. It is considered that this distance would ensure no materially adverse overlooking or loss of privacy would result to this property or its garden. The windows in the roof would face east. Therefore no second floor windows would be provided in the rear elevation. The side elevations of the rear block would face onto accesses so no adverse overbearing effects would result. Access and parking would be located in the centre of the site where access to True Blue Precinct adjoins. No additional noise or activity would therefore be generated adjacent to residential properties and no adverse effect would result to neighbouring residential amenities.

The previous pub use would have generated noise and activity from the garden area adjacent to 1 Grand Avenue.

Highways:

The proposal provides eight car parking spaces for the six units. The number of spaces meets adopted standards and access off the areas located to the side is appropriate. County Highways have no objection subject to cycle and car parking conditions being imposed. Substitute plans have been received addressing minimum distances requested by County Highways.

Conclusion:

The proposal is considered to meet development control criteria in terms of visual and residential amenity and provides a well thought out residential scheme which will compliment the character of

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

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 No windows shall be constructed in the roof of the buildings in the west elevation hereby permitted which adjoins the side boundary with 1 Grand Avenue without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.
- 4 The buildings shall not be occupied 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 policy GEN7 of the Arun District Local Plan.
- 5 The buildings shall not be occupied until the cycle spaces 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 of cycles.

Reason: To encourage sustainable modes of transport in accordance with policies GEN7 and GEN15 of the Arun District Local Plan.
- 6 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme for the front garden areas to units 1-3 fronting Wick Steet. 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.

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

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

- 8 This permission relates to the plans as submitted and amended by substitute plan dated 19-05-2009.

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

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

SUMMARY

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

RELEVANT POLICIES

LOCAL PLAN: GEN5,GEN7,GEN12,GEN15

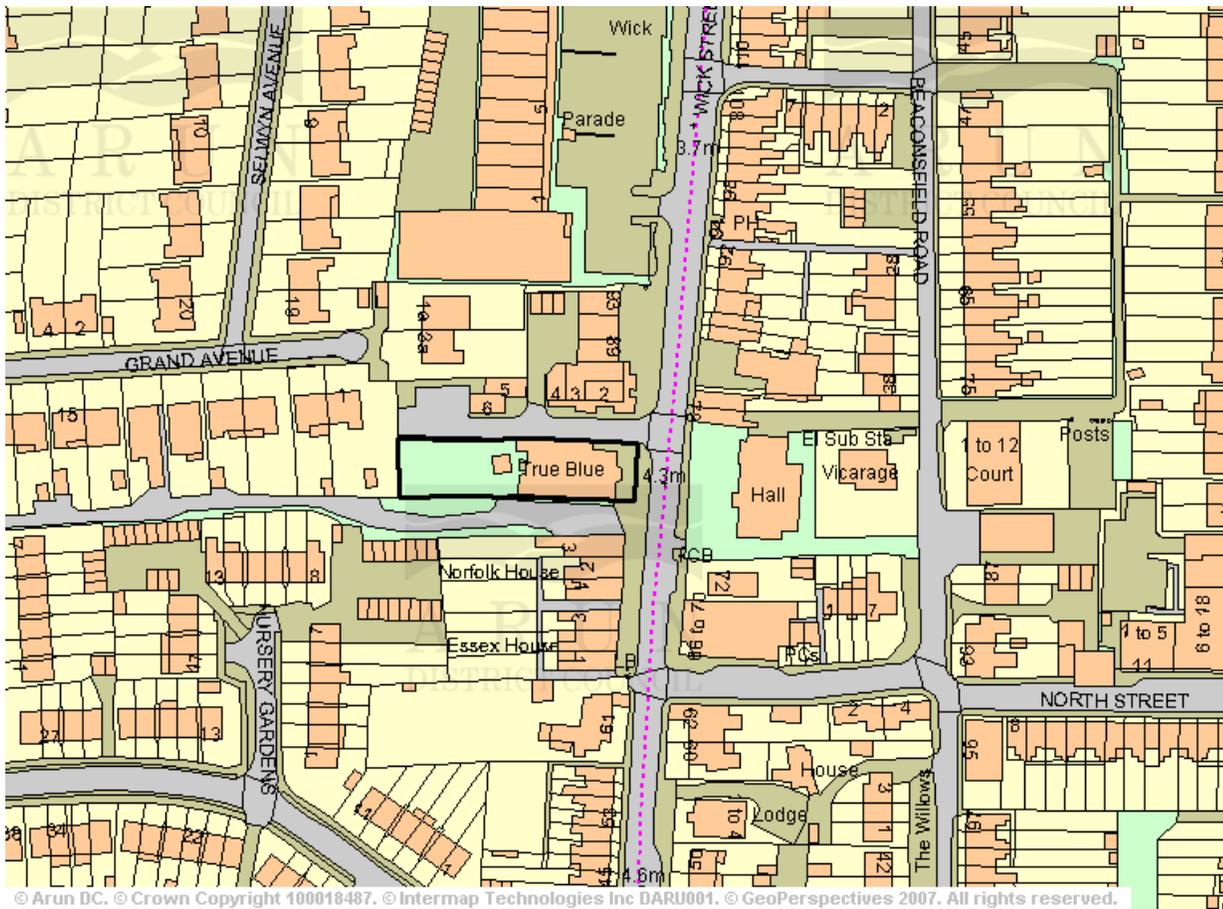
NATIONAL POLICIES: PPS1,PPS3

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

LU/97/09/ Indicative Location Plan

(Do not Scale or Copy)

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



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487.

PLANNING APPLICATION REPORT

REF NO: FP/49/09/

LOCATION: Sea Lodge, Sea Bank & Sea Grit
 Outram Road
 Felpham

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is to convert the existing 2 storey building which consists of 2 dwellings and extending these 2 along the front elevation by 1.8m x 14.3m in order to provide a balcony/roof terrace looking over the sea. Also the existing railway carriage dwelling is to be replaced by a 3 storey detached dwelling. This is a resubmission following the approved application FP/153/08. This approval permitted three new dwellings in place of the existing two storey building and the railway carriage dwelling.
SITE AREA	0.078
RESIDENTIAL DEVELOPMENT DENSITY(NET)	39 dwellings per hectare
TOPOGRAPHY	Predominantly flat but on a ground level below the sea.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Sea wall with three separate steps down to the site. Walling to the front of the site and to the rear.
SITE CHARACTERISTICS	Large 2 storey dwelling rendered and painted white with dormers overlooking the sea. Slate roof. Windows on the side gable ends at second floor, this currently directly overlooks the rear of Merry Moments garden area. Cast iron rainwater gear. Sea Girth is a converted railway carriage, single storey and clad in timber.
CHARACTER OF LOCALITY	The site is adjacent to the sea. North west of the site is a 2 storey dwelling (Two Decks) with 2 storey flats directly opposite. South west of the site are single storey converted railway carriages.

RELEVANT SITE HISTORY

FP/153/08/	2 No semi-detached and one detached sea front town houses - Re-submission following FP/271/07/	Approve Cond 24-09-2008
------------	--	----------------------------

FP/271/07/	Construction of 4 sea front houses and demolition of existing buildings on the site	Withdrawn 12-02-2008
BR/211/51	Conversion of 1 house to 2 dwelling houses	Approve 21-12-1951

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

The application is out of keeping, overbearing on surrounding properties and out of character with neighbouring properties.

7 letters of objection

The detached house is totally out of character, too high and too dominant. The ground floor contains a games room and laundry room, no living accommodation should be on the ground floor. The road is narrow and the proposal will add to parking and turning problems. There should either be 3 town houses or none. The size and style of the detached house are jarring and prominent along the shoreline. The refurbishment of the house is already taking place. Trees/bushes on the site have already been cut down. The balcony will overlook the neighbour at Merry Moments and the 6 foot wall is close to the side boundary leaving only a few inches between the borders and Merry Moments. Request privacy screen at the end of each balcony. Disruption should be kept to a minimum.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The agent has clarified that all side balconies on the west adjoining Merry Moments will be glazed to screen overlooking. It is not considered that the detached dwelling is any more overbearing than that previously approved (FP/153/08). The new dwelling will contribute positively to the coastline and contributes in its own right. There were no trees worthy of a TPO on the site. The space between the new dwelling and the boundary remains at 2.5m and the number of windows on the west elevation have been reduced.

CONSULTATIONS

WSSC Local Development Divis.

Southern Water Planning

Environment Agency

Engineers (Coastal Protection)

CONSULTATION RESPONSES RECEIVED:

Environment Agency

No objection subject to conditions

Southern Water

No objection subject to conditions

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan:

Arun District Local Plan:	GEN7	The Form of New Development
	GEN10	Tidal Flooding and Coastal Defence
	GEN12	Parking in New Development

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPS25	Development and Flood Risk

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity. Additionally the South East Plan contains relevant policies H5 Housing Design and Layout and NRMF Sustainable Flood Risk Management.

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 amend a previously approved application for 3 new houses, FP/153/08 to extend the existing 2 dwellings Sea Lodge and Sea Bank to the front of the properties by 1.8m x 14.3m to provide a front terrace/balcony along the front. Also it is proposed to slightly amend the previously approved detached dwelling by squaring off the rear to provide a lift shaft. To compensate windows on west elevation have been reduced to two above first floor level which are high level to serve a bathroom and a kitchen. The existing dwellings will remain unchanged on the north, south and rear elevations

Visual Amenity

The principle elevations viewed from Outram Road remain unchanged. The front elevation which overlooking the sea is being slightly enlarged by 1.8m x 14.3m to provide a terrace/balcony which overlooking the sea is appropriate. The new dwelling as viewed from the seafront is basically unchanged. The east elevation is also seen from the seafront, the previous approval was for 2 new dwellings, this application is to extend the existing and to provide a balcony overlooking the sea but remains a two storey dwelling with dormers.

Residential Amenity

The nearest property is Merry Moments the south elevation on the existing dwelling will remain as is, with the advantage of removing ground and first floor windows, and maintaining only the second floor window. With regard to the new dwelling, the side wall with Merry Moments has been extended to the rear, rather than indented as previously. This is to accommodate a lift shaft. The building is 2.1m off the boundary. However the change does not have any detrimental effects on Merry Moments, as the only side windows are high level windows serving a kitchen and bathroom. Therefore it is not considered that there would be any loss of residential amenity.

Flooding Issues

The site is directly adjacent to the sea front and is therefore liable to flooding. A Flood Risk Assessment was submitted with the application, and the Environment Agency have raised no objection to the proposal. Therefore any potential flood risk has been mitigated by condition of the finished floor levels.

Summary

The proposal is to amend the existing two storey building for two dwellings and construct a new single unit. This is considered a satisfactory amendment to that previously approved (FP/153/08) in terms of visual amenity, residential amenity and flooding issues. 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 roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

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

- 3 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. No building shall be occupied until the drainage works have been carried out in accordance with such details.

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

- 4 No development approved by this permission shall commence until details of the emergency plan during flood events have been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the safety of occupants in accordance with Arun District Local Plan policy GEN10 and Paragraph 8 of PPS25.

- 5 No development approved by this permission shall commence until details of the flood barriers and gates (as referred to at 6.19 and 6.20 of the submitted FRA have been submitted and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To reduce flood risk in accordance with Arun District Local Plan policy GEN10 and Paragraph 8 of PPS25.

- 6 Floor levels of habitable rooms are set no lower than 6.5m above Ordnance Datum (AOD) as stated in part 4 of the design and access statement.

Reason: To mitigate the risk of flooding in accordance with policy GEN11 of the Arun District Local Plan and PPS25.

- 7 The building shall not be occupied until the covered secure cycle parking spaces have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the secure cycle parking.

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

- 8 The access to the proposed site shall be laid out to provide visibility splays on each side of the access 2m by 2m has been provided on either side of the access onto Outram Road.

The splay areas shall be kept free from any obstruction to visibility in excess of 0.6 metres above the level of the adjoining carriageway.

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

- 9 The buildings shall not be occupied until the parking spaces shown on the submitted plans have been provided, surfaced and marked out in accordance with a detailed construction plan to be submitted to and approved in writing by the planning authority. The areas of land so provided shall not thereafter be used for any purpose other than the parking of vehicles.

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

- 10 The balconies on the west elevation of plot 3 shall be provided prior to first occupation of the dwellings hereby permitted and shall thereafter be retained in situ and shall at all times be glazed with obscured glass to a height of 1.8m.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy of the Arun District Local Plan.

- 11 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.

12 INFORMATIVE

The proposal to remove the concrete steps and infill the openings within the raised concrete sea defence needs to have formal approval from the Environment Agency under its byelaws. This aspect will need careful consideration by the applicant to ensure it will be undertaken sympathetically to its surrounding (i.e. carefully blended in to match existing).

13 A formal application for 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.

14 INFORMATIVE:

Contaminated Land

It is recommended that the requirements of PPS23 Planning and Pollution Control Annex2: Development on Land Affected by Contamination.

15 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 stack of materials as the use of the adjacent highway for these purposes may not be acceptable under the terms of the Highways Act.

16 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 or with regard to flooding and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, DEV10, DEV12

SOUTH EAST PLAN: H5, NRM4

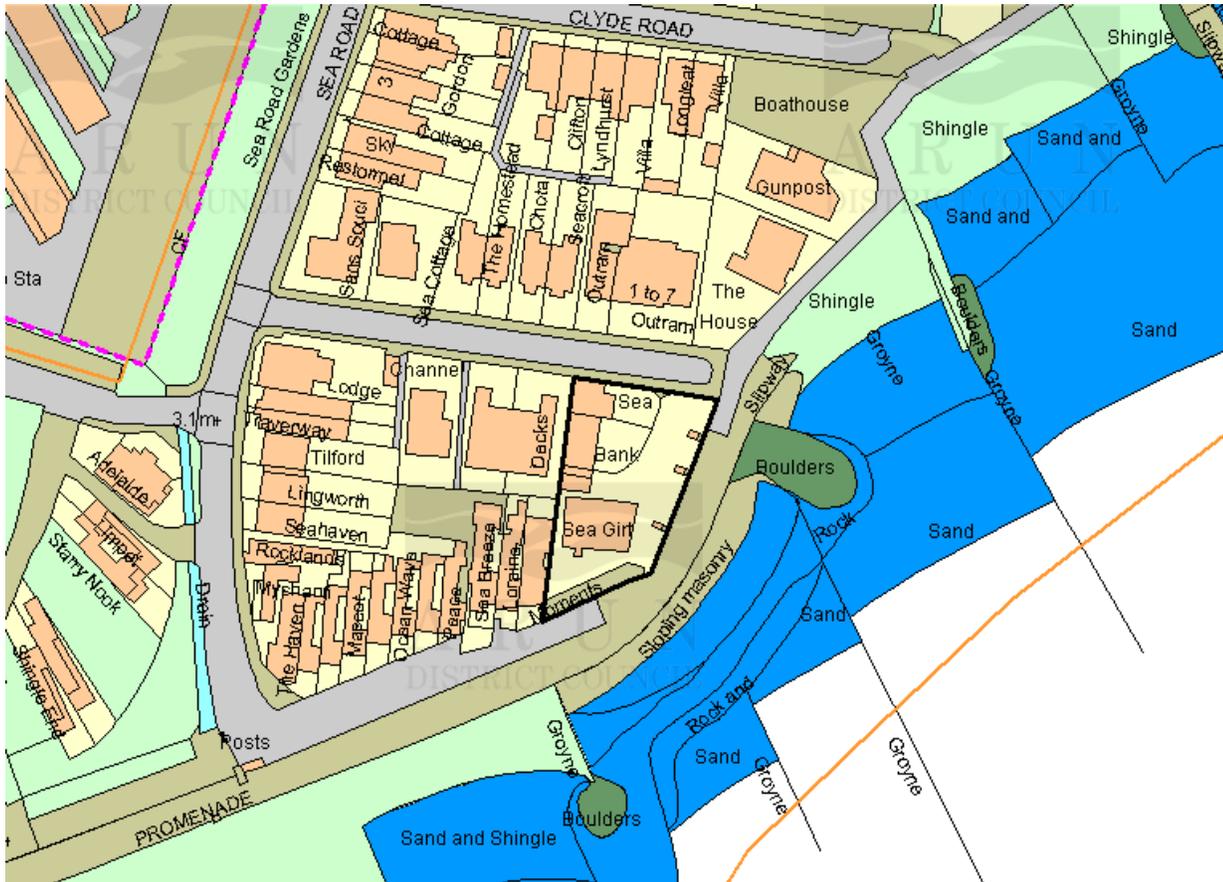
NATIONAL POLICIES: PPS1, PPS3, PPG13, PPS25

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

FP/49/09/ Indicative Location Plan

(Do not Scale or Copy)

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



© Arun DC. © Crown Copyright 100018487. © Intermap Technologies Inc DARU001. © GeoPerspectives 2007. All rights reserved.

Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487.

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	<p>The proposed garage extension measures approximately 3.4m in width, 1.3m in depth and 3.2m in height.</p> <p>The proposed loft storage enclosure measures approximately 6.7m in width, 2.2m in depth and 0.8m in height.</p> <p>The proposed rear boundary wall measures approximately 17m in length by 2.236m in height.</p> <p>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.</p>
SITE AREA	Site on a higher level than the road.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	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.	Refused 13-07-2007	Appeal: Dismissed 11 04 2008
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	Approve Cond 12-09-2005	
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/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	Approve Cond 16-08-2004	
FP/207/02/	Extensions and alteration. (Re-submission of FP/48/02)	Approve Cond 02-12-2002	
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/143/92	Modifications to existing approval FP/92/91	Approve Cond 02-11-1992	
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

CONSULTATION 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

West Sussex Structure 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

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 560m 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 policies DEV1 of the West Sussex Structure Plan and 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 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.

- 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

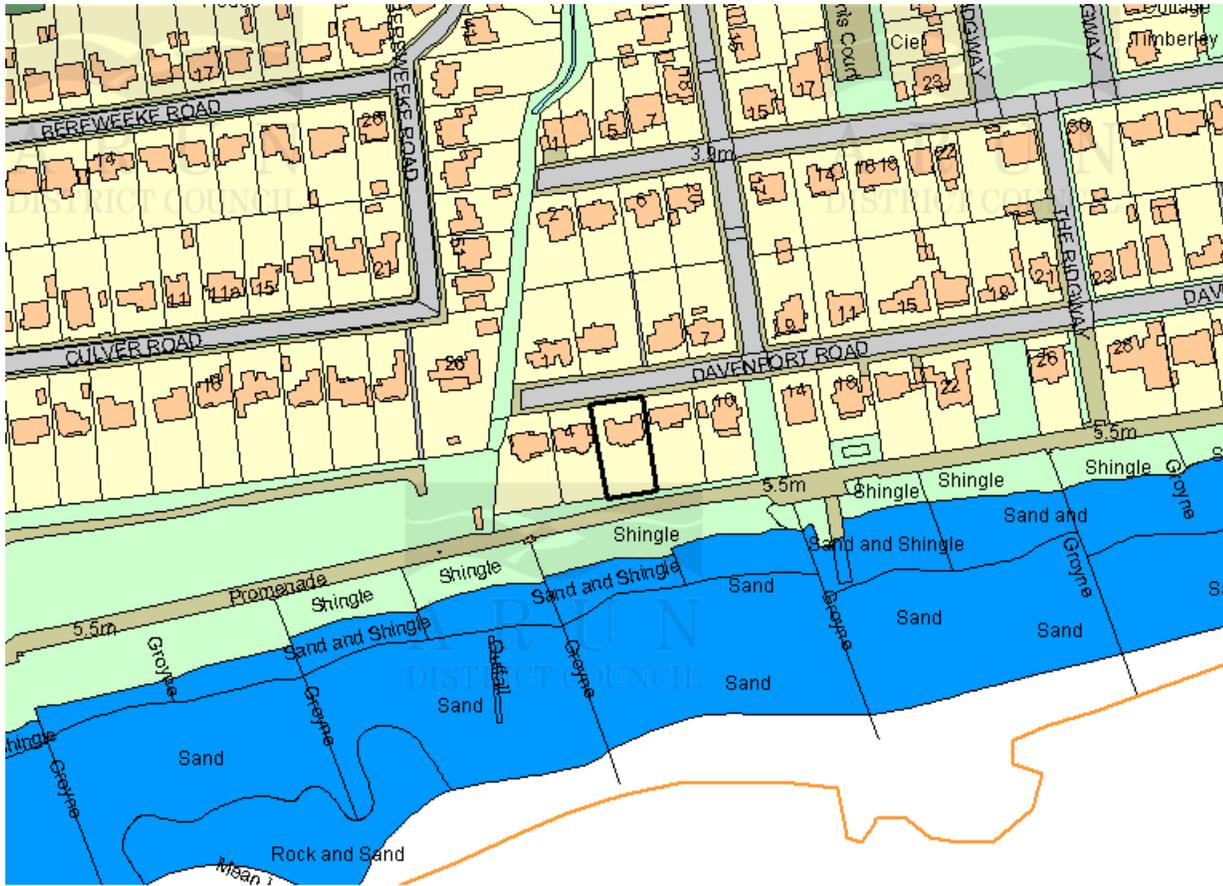
NATIONAL POLICIES: PPS1

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

FP/55/09/ Indicative Location Plan

(Do not Scale or Copy)

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



© Arun DC, © Crown Copyright 100018487, © Intermap Technologies Inc DARU001, © GeoPerspectives 2007. All rights reserved.

Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487.

PLANNING APPLICATION REPORT**REF NO:** CL/7/08/**LOCATION:** Clapham Claypit
Clapham Common
Clapham**PROPOSAL:** Extension of permitted access road by further 25 metres x 4 metres.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The application proposed the extension of an existing road which stretches across land previously used as a landfill site. The proposal would increase the length of the road by 25m and the road would be 4m wide. Due to the changes in the contours of the land the road is up to 1.8m above ground level at the most northerly section of the road. The application is retrospective in nature.
SITE AREA	100 square metres
RESIDENTIAL DEVELOPMENT DENSITY(NET)	N/A
TOPOGRAPHY	Due to the previous use the site varies in level and undulates. The area of woodland to the west is generally the lowest part of the site and the highest part of the site is adjacent to the site access on the south.
TREES	To the west of the proposed development (and within the area of ownership of the applicant) lies an area of ancient woodland which is protected by a Tree Preservation Order.
BOUNDARY TREATMENT	The site (the subject of the application as defined by the red edge) has no boundary treatment. The wider site (defined by the blue edge)has a variety of boundary treatments which principally comprises fencing adjacent to the nearby building supply merchant and County Council Depot.
SITE CHARACTERISTICS	The area of the application site (edged red) has the character of an area of hardstanding made up of rubble. The wider site (edged blue) has a rural character comprising woodland and pasture. Part of the site at the entrance is laid to hardstanding.
CHARACTER OF LOCALITY	The area is rural with a collection of residential development. There are two significant employment sites in the locality.

RELEVANT SITE HISTORY

CL/12/03/	Change of use to open storage for building materials	Refused 01-09-2003 Appeal: Dismissed 26 07 2004
CL/6/00/	Erection of detached dwelling, detached car port and stable block (Departure from Development Plan)	Refused 04-12-2000 Appeal: Dismissed 18 12 2001
CL/3/98/	Continuance of restoration without compliance with Condition No 2 imposed under CL/2/97 for extension of time limit until 1st September 1999 (This is a County Matter and will be determined by the West Sussex County Council)	No Dec'n Issued 15-02-1999
CL/2/97	Restoration with imported soil materials to protect clay cap over completed landfill and construction of haul road to leachate chamber. (This application will be determined by West Sussex County Council)	ApprvdCond-WSCC 07-10-1997
CL/20/89	Continuance of use without complying with Condition No. 2 imposed on planning permission CL/8/79 - continuation of restoration of claypit by controlled landfill until 30th August 1990.	No Objection 05-07-1989
CL/1/89	Extension to existing controlled landfill site	Refused - WSCC 25-04-1989 Appeal: Dismissed 18 12 1989
CL/1/85	Continuance of use without complying with Condition 6 to include putrescible industrial & commercial waste	Approve Cond 19-03-1986
CL/8/79	Tipping	Approve Cond 02-10-1980
CL/16/78	Change of use of existing building and land from brick manufacturing and storage to builders merchants use	Approve Cond 13-03-1979
CL/3/66	Re-instatement of clay pit by tipping of ash and solid filling	Approve Cond 14-04-1966
CL/6/55	Winning and working of clay for brick and tile making	Approve Cond 05-10-1955

There is a varied planning history on the site. The previous landfill use has ceased.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Clapham Parish Council

Clapham Parish Council Objection

Owner of site has history of failure to comply with various instructions and requirements which has led to current unsatisfactory state of site.

More waste on site than agreed original permitted road buried.

Bore holes removed or buried so it is no longer possible for gas levels/migration to be measured.

Trees damaged that were supposed to be protected.

The site has not been restored.

Application tries to justify non approved section of road and need.

No evidence of leachate monitoring chamber ever being used and agreement to pump ceased years ago.

Road construction in excess of any requirement for likely use. The depth is more than required for main road.

The site has not been used for clay pigeon shooting and is too small.

Application should be rejected and material removed with as little delay as possible. High number of vehicle movements already so increase for vehicle to remove would not be a problem. Bore holes should be reinstated to allow for proper monitoring.

11 letters of objection.

No development needed that could encourage or help business in predominately private dwelling estate. Need for road unproven. Site not suitable for agricultural use. Material dumped as ongoing action which has resulted in more waste on site than originally permitted. Protected trees have been killed as a result. Questions as to gas levels which can not be measured due to removal or blocking of bore holes. Application would encourage further tipping. Clapham and Patching is a lovely village and should be left alone. Retrospective application law being flouted. If matter not pursued you give a green light to anyone to ignore planning regulations. Removal would not be in the interest of local residents as it would result in additional lorry movements. Why is it necessary to extend the road for landfill that has been completely refilled. Council should write to applicant stating no further landfill to be introduced. Roadway has caused flooding to property. Original permission was for roadway to remove leachate proposed extension starts past the leachate chamber and leachate pumping station stopped in 1996 so not permitted. Permission to import soils/waste refused in CL/3/98 as there is no landfill gas scheme 70% of venting and monitoring boreholes are missing. Under EU legislation minimum aftercare period is 30 years there has been no aftercare at this site despite planning requirements. There has been no agricultural or recreational use of the site. Roadway is access to nowhere, except my property. AONB all previous applications refused. Land levels on site already higher than plans show. If this roadway is not removed the applicant will be encouraged to continue making deposits. As per CL/3/98 further deposit of material could exacerbate landfill gas migration - evidence to east of site where trees were planted and died and strong smells of methane on public footpath. Amendment (submitted report) has no impact on comments. Original access road is not permitted because it was allowed due to false information supplied by applicant. Actual extension is already wider/longer than application. Owner has been subject to numerous planning contraventions.

COMMENTS ON REPRESENTATIONS RECEIVED:

The previous actions of the owner are not a material consideration.

The permission to bury waste was issued by WSCC, restoration of the site is a matter for them.

The road does appear to be constructed of waste type products eg rubble.
 The situation with regards to the bore holes has been subject to consultation with the Environmental Health team.
 The Parks and Greenspaces team have been consulted about the impact of the development on the trees.
 The issues relating to leachate monitoring is not relevant to this application.
 The roadway is up to 1.8m in height at the northern end.
 The LPA are not aware of any clay pigeon shooting having taken place on the land.
 There are two large business enterprises nearby (Travis Perkins and WSCC Highways Depot). The existing use of the land is described as being 'agricultural and occasional recreational events' and this is unlikely to generate significant additional traffic movements.
 The site is agricultural, although the uses are limited.
 The Arboricultural officer has not provided any evidence to state that the construction of the road has had an adverse effect on the protected trees.
 The application is for the road alone, it does not include any further tipping.
 The fact that the application is retrospective is not a material planning consideration.
 If the application were refused and the road removed through successful enforcement action there would be a temporary increase in vehicle movements.
 The LPA have no evidence to show increased flooding to properties as a result of the construction of the road.
 The site is within the AONB but all previous applications have not been approved.

CONSULTATIONS

Horticulturist - Mr Everson

Environmental Health - John Green

CONSULTATION RESPONSES RECEIVED:

Environmental Health

Report reviewed and it shows no evidence of landfill gas outside the boundary of the site outside the boundary of the waste fill. It would be prudent to obtain a copy of the maintenance/calibration certificate for the Flame Ionisation Detector used in the sampling.

No evidence in report to state that access road is built on top of clay bund that surrounds the waste mass. Plans should be submitted showing exact location of waste fill and clay cap.

Parks and Greenspaces

Road already constructed. There is some soil piled up to create a car park, or place for vehicles to pass.

In the area of recent construction there are self seeded pioneer species such as Goat willow, silver birch and bramble. The same effect is seen beside the established road way with additional species.

The TPO woodland area has 80% trees in reasonable health but remainder near roadway are dying and some are completely dead.

I have no good reasons to believe that the construction of the track will have any effect on the

trees apart from altering the soil level in the adjacent woodland. Its construction would have to be more solid to address the issue of subsidence. I believe the death of the oak and other trees has not been caused by the construction of the track but has been caused by leaching into the soil of toxic material from waste in the clay pit and percolated across the clay over a period of several years.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Area of Outstanding Natural Beauty
Outside Built-up Area
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan:		
Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	AREA9	Area of Outstanding Natural Beauty

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

PLANNING

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

PLANNING

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.

The above context includes consideration of the South East Plan including policies SP3 and CC1.

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 lays outside the built up area boundary and within the Area of Outstanding Natural Beauty where development is strictly controlled. The road has been constructed but the retrospective nature of the proposal is not relevant.

The road has been subject to an investigation by the Compliance Team. It was initially stated by the applicant that it was required only for agricultural purposes. On that basis it may have been permitted development under Part 6 of the General Permitted Development Order. However the applicant has also stated that the road is required for potential leisure purposes such as paintballing. Therefore the submission of an application for planning permission is required.

The road partly covers a previous haul road used on the site during/after the use of the land as a landfill site. It is accepted that at the northern end the road is up to 1.8m high to ensure that it is level.

The road is not immediately obvious from public view points in the immediate area. It is not considered that the road causes harm to the character or appearance of the area or the residential amenities of neighbouring properties. There have been concerns raised about the impact on nearby trees (that are the subject of a TPO) but there is no evidence from the Arboricultural Officer to show that the road has had a detrimental impact on those trees.

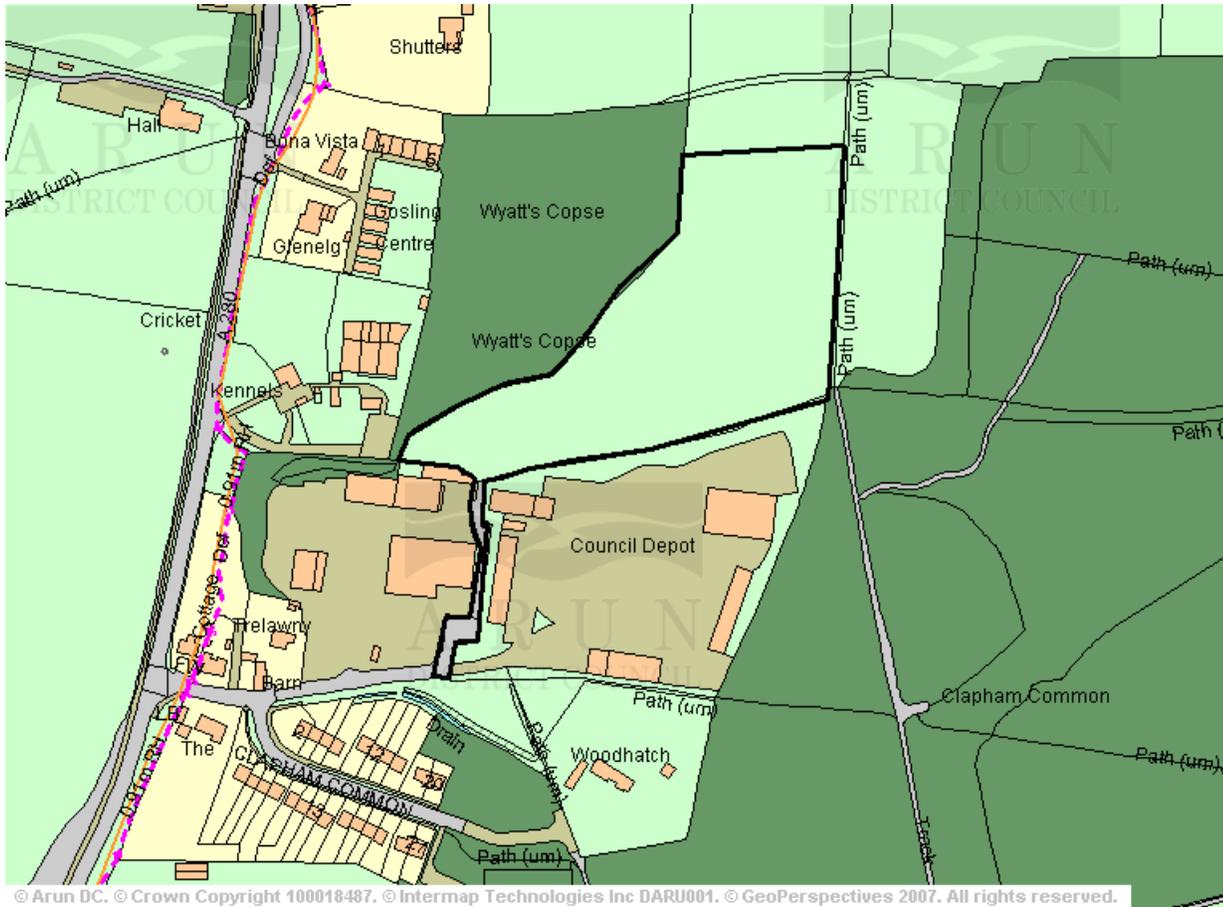
It is therefore recommended that the application be approved.

RECOMMENDATION

APPROVE

CL/7/08/ Indicative Location Plan
(Do not Scale or Copy)

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



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487.

PLANNING APPLICATION REPORT**REF NO:** BR/83/09/**LOCATION:** 31 Victoria Road
Bognor Regis**PROPOSAL:** Demolition of existing house & self contained annexe and erection of three attached town houses. Resubmission following refusal of BR/199/08.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	This application is a resubmission of BR/199/08 for three dwellings. This application addresses the reasons for refusal by re-siting the bin storage and cycle storage to the rear of dwellings 1 and 3 and reducing the width of the dwellings to provide an additional 1.5m on the side boundary with 29a Victoria Road. Additionally, it is proposed to reinstate front boundary walling at a height of 600mm.
SITE AREA	0.043 hectares
RESIDENTIAL DEVELOPMENT DENSITY(NET)	70 dwellings per hectare
TOPOGRAPHY	Predominantly flat, on slightly higher land than the road.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Dwarf wall to front, 2m brick wall to east side.
SITE CHARACTERISTICS	Detached red brick house and attached garage. Tiled roof. Single storey flat roof extension to the side.
CHARACTER OF LOCALITY	Predominantly detached houses, of individual styles. 29A has no first floor windows on the side.

RELEVANT SITE HISTORY

BR/199/08/	Proposed demolition of existing house and self contained residential annexe and erection of three attached town houses.	Refused 15-08-2008
------------	---	-----------------------

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council

Objection:

Over-development and over intensive. It changes the face of the area and represents a loss

of a substantial building. It conflicts with the Master Plan to retain original buildings. There is no increase in infrastructure to accompany this development.

One letter of support from direct neighbour:

The existing building is in disrepair and doubt that it would ever be environmentally or economically sound. It is a good opportunity to tidy up the street and area.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The Master Plan refers to a limited town centre area and is not applicable to this site. It is not considered that the proposal represents an over-development as there is sufficient amenity space.

CONSULTATIONS

WSCC Local Development Divis.

CONSULTATION RESPONSES RECEIVED:

County Highways:

The proposed parking is within the County standards. Ideally this should be two spaces per dwelling to reduce the pressure for on street parking along Victoria Road. Similarly with cycle storage which has been provided. Ideally it should be increased to reflect the County's one cycle per bedroom. The new access must not exceed 4.5m in width and details must be submitted and approved by the highway authority.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The car parking and cycle storage are in accordance with standards and therefore considered satisfactory.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area

DEVELOPMENT PLAN POLICIES

West Sussex Structure 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

Principle:

The site lies within the built-up area boundary where development is acceptable in principle. There are no objections to the proposal for 2.5 storey terraced housing which is a revision of a previously refused scheme.

Visual Amenity:

The building has been reduced in width by 1.3m providing a spacious side boundary gap to 29a Victoria Road of 2.5m. Parking is located to the front of the units and would be landscaped to soften the impact in the street scene. The previous application proposed the location of bin storage and cycle storage for all units on the frontage and this has been relocated to the rear for unit 1 and 3 thus reducing the impact upon the street scene. The proposal also includes a proposed dwarf wall and this feature is considered to be acceptable and would further the visual impact of the parking area.

Collectively these alterations improve the feeling of spaciousness and visual amenity of the proposal and it is considered to integrate with the street scene and character of the area.

Residential Amenity:

There are no windows proposed on the first floor south elevation. Therefore there is no potential overlooking of the neighbouring property. The proposal is 2.3m off the side boundary with 29a, therefore the proposal is not considered to significantly overshadow the neighbouring property. The proposed first floor windows on the north elevation do not directly overlook any properties. To the rear of the property there are first floor windows existing and proposed within the roof only roof lights are proposed, therefore no significant overlooking is considered to occur because of the town centre location the site is within. Furthermore the dwellings do not extend any further into the site than the existing building. Therefore this does not significantly alter the existing relationship of overlooking.

Highway Safety:

The proposal provides car parking spaces in accordance with the County Standards. County Highways have commented that they would ideally like two spaces per dwelling in order to reduce on street parking. However, the proposal is acceptable as it stands and we must determine the application as is submitted.

Summary:

The proposal has overcome the previous reason for refusal by providing the bin storage and cycle storage to the rear of the site for units 1 and 3. The parking area has been landscaped and the design of the units are considered attractive. The proposal is acceptable in visual terms and does not represent any loss of residential amenity. 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no windows or other openings shall be formed in the south elevation at first floor level 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, of the Arun District Local Plan.

- 4 The accesses to the proposed dwellings shall not exceed 4.5.m in width and shall be laid out to provide visibility splays on each side of the access in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

These splays shall be:-

- (1) 2 metres by 2 metres on each side of the proposed access based on the existing highway boundary.

No other work shall be carried out on the site until the above-mentioned sight lines and splay lines have been provided and thereafter the said sight lines and splay areas shall be kept free from any obstruction to visibility in excess of 0.6 metres above the level of the adjoining carriageway.

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

- 5 The buildings shall not be occupied until the secure covered cycle parking spaces and bin storage 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 secure storage of cycles and bins.

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

- 6 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme for the front gardens. 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.

- 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.

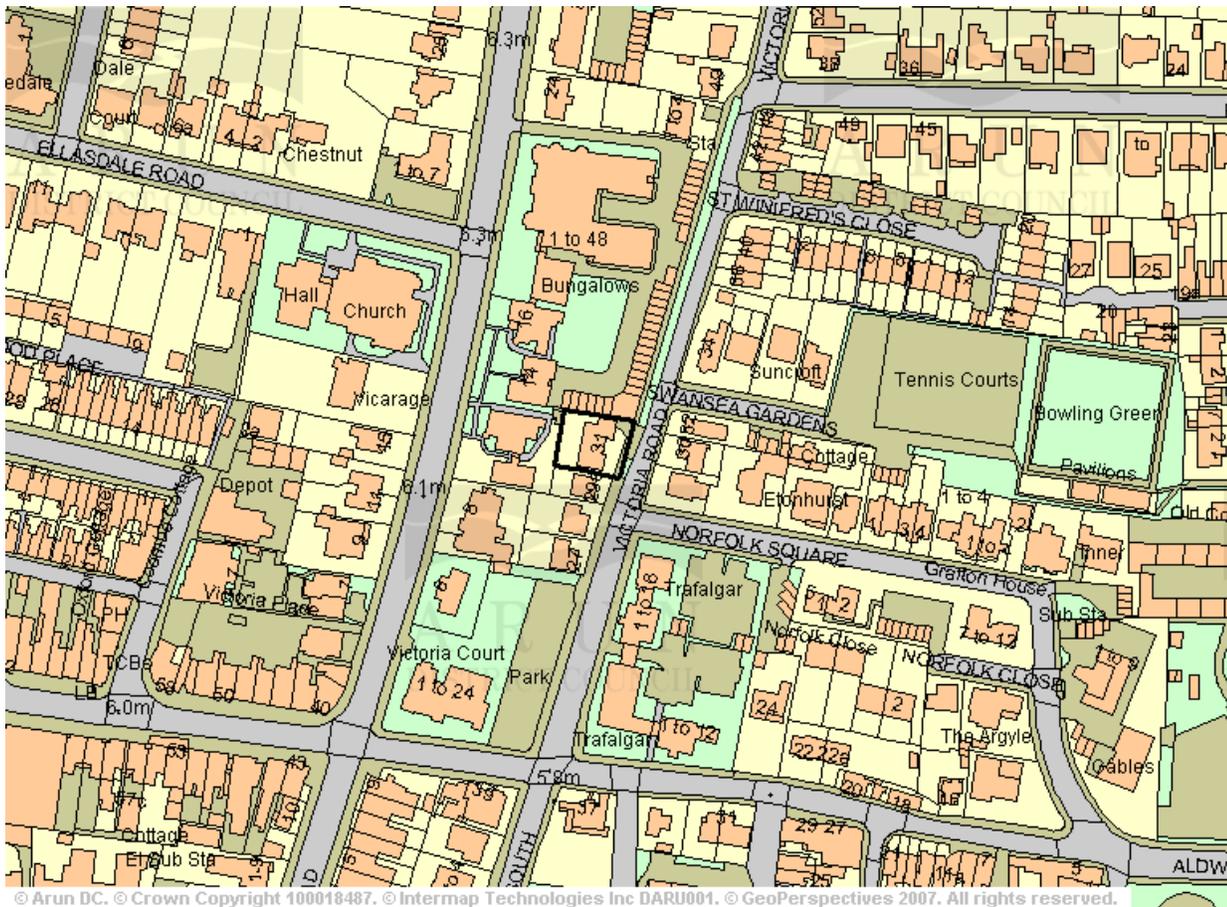
RELEVANT POLICIES

LOCAL PLAN: GEN7, GEN12

SOUTH EAST PLAN CC1, CC6, 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.

BR/83/09/ Indicative Location Plan**(Do not Scale or Copy)***(All plans face north unless otherwise indicated with a north point)*

Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487.

PLANNING APPLICATION REPORT

REF NO:	AL/25/09/
LOCATION:	Green Gables Northfields Lane Westergate
PROPOSAL:	Extension & alterations to existing dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The proposed first floor extension with dormers measures approximately 15m in width, 10.2m (maximum) in depth and the height increases from 4.8m to 6.7m.</p> <p>The ground floor bay measures approximately 4.6m in width by 2.2m in depth by 3.1m in height.</p> <p>The new entrance measures approximately 2.5m in width by 1.1m in depth by 3.3m in height.</p> <p>Re-configuration of existing ground floor area with conversion of existing garage to form larger garage with study.</p>
SITE AREA	Approximately 0.11 hectare.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	<p>Front boundary has wooden ranch type fencing + conifer screening, south and north side boundaries close boarded fencing approximately 1.8m in height.</p> <p>Rear boundary has close boarded fencing approximately 1.8m in height, north and south side boundaries close boarded fencing approximately 1.8m in height.</p>
SITE CHARACTERISTICS	Detached bungalow with integral garage and tarmac drive. Covered swimming pool in rear garden. The walls have reddish brown brickwork, brown tiled roof with white window frames.
CHARACTER OF LOCALITY	Rural area with detached bungalows and two storey properties on large plots of various styles and designs.

RELEVANT SITE HISTORY

AL/98/06/	Installation of a wind turbine	Refused 05-02-2007
AL/90/88	Erection of double garage	Approve Cond 24-10-1988
AL/23/84	Demolish car port & flat roof over garage. Construct new entrance lobby and study with pitched roof over	Approve Cond 28-03-1984

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

Awaited.

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

West Sussex Structure 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 conflict with relevant Development Plan policies in that the extension is not visually subservient to the main dwelling, which is not in accordance with Policy DEV19. The extension would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

The detached bungalow which has previously been extended with a conservatory on the rear is set back from the front of the highway by approximately 12m.

The application seeks to extend the property at first floor level to create additional accommodation comprising four bedrooms and two bathrooms. The roof height is to be increased from 4.8m to 6.7m with the addition of dormers to the front and rear. The property is sited approximately 1m from the side boundaries with the neighbouring properties to the north and south and there is an existing conservatory on the rear of the dwelling that is to be demolished. A new entrance hall is to be created on the front elevation with an extended bay on the south side of the dwelling and the existing garage and bedroom on the front north side of the dwelling are to be converted to create a larger garage with study area.

There are no properties to the rear and the neighbouring properties to the west are approximately 30m from the proposal. The two storey property to the north 'Stanwick' is set back from the proposal and there are no windows proposed at first floor level on the north side elevation that would create any overlooking or loss of privacy. The neighbouring bungalow to the south 'The Croft' has a lounge and conservatory extension on the front north side of the property. There are no windows on the side elevation of this extension and the proposal has no windows at first floor level on the side elevation of the extension so it is not considered that this would create any overlooking or loss of privacy. It is not considered that the proposal by reason of its height would be overbearing or create any harmful overshadowing, overlooking or loss of privacy to any neighbouring properties.

The extension is considered to comply with Policy DEV19 in respect of (i) (iii) (v). In respect of (ii) although the extension is not visually subservient to the main dwelling the design, height and appearance of the extension does not detract from the main dwelling and compliments the existing structure in its revised shape and form.

The extension would not be obtrusive in the street scene, nor would it harm the established character of the surrounding rural 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 This permission relates to the plans as submitted and amended by substitute plans dated 28th April, 2009.

Reason: For the avoidance of doubt.

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

SUMMARY

This planning permission was granted because, although the proposed development does not comply with Policy DEV19 (ii) in that the extension is not visually subservient to the main dwelling, there are material considerations which indicate that it can be granted.

These material considerations are that the extension would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character.

RELEVANT POLICIES

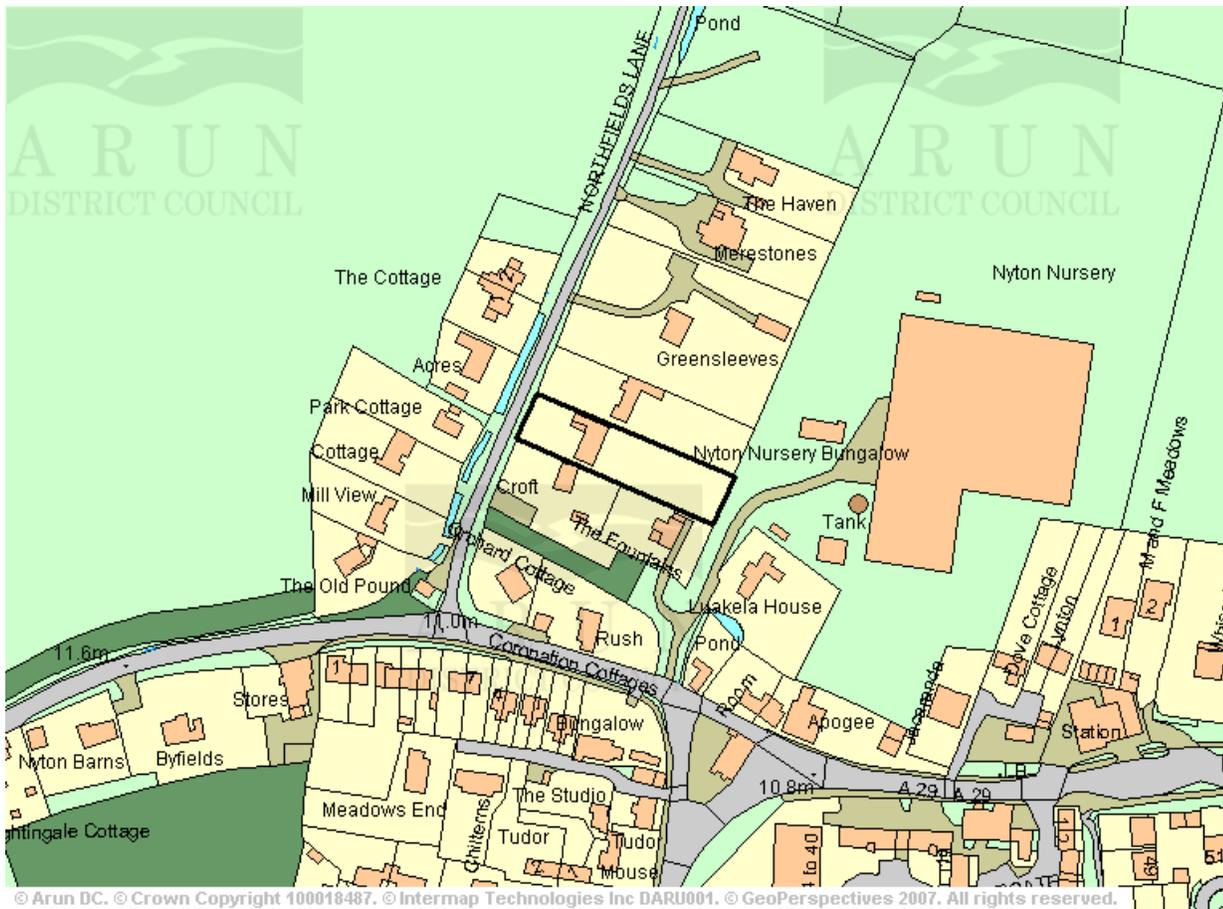
LOCAL PLAN: GEN2, GEN7, DEV19

NATIONAL POLICIES: PPS1

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

AL/25/09/ Indicative Location Plan
(Do not Scale or Copy)

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



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487.

DEVELOPMENT CONTROL COMMITTEE

17 June 2009

ENFORCEMENT MATTERS

COMPLIANCE INVESTIGATION

LOCATION: Land at 1 & 2 The Precinct, West Meads Aldwick

COMPLAINT: Alleged unauthorised works to trees under TPO/AW/1/09.

SITE AND LOCATION

Works were undertaken to trees on the verge situated between Queen Fields East which is a Class D road and The Precinct. The Precinct consists of mainly retail outlets with a central walkway given over to pedestrian access. The verge continues to the south and extends along Queen Fields West as well, although no works were undertaken to trees situated over this area.

COMMENT ON RELEVANT SITE HISTORY

None

COMPLIANCE INVESTIGATIONS

A telephone complaint was received on 20th March 2009 alleging works to trees covered by a Tree Preservation Order. A West Sussex County Council Highways van was identified in proximity to the trees that were worked on.

A site visit was conducted immediately on 20th March 2009. It was determined that works to trees had occurred under group banding T5 and G3 from a Tree Preservation Order passed on 13th February 2009 under reference TPO/AW/1/09. It was noted that there was multiple limb loss on a Norway Maple (T5) and a Horse Chestnut (G3). There was nobody to question about the works when the site visit was conducted.

Contact was made with County Highways department and it was confirmed that the department undertook the works. However, they were unaware of the Tree Preservation Order recently placed on the trees. Although letters of notification regarding the Tree Preservation Order were sent to the County Secretary at West Sussex County Council, it was claimed that they should have been sent to the arboriculturalist at Western Area Office, Drayton Lane offices in Chichester instead. Consequently, the lack of notification of a Tree Preservation Order led to the works being carried out. A verbal apology was received on the telephone.

On 2nd April 2009, a letter was sent to West Sussex County Council with thirteen questions required to be answered in writing by 14th April 2009.

On 15th April 2009, a written response was received from Mark Warwick. All the questions were answered and it was claimed that the works were undertaken to provide long-term clearance of the footway, carriageway, adjacent buildings and provide some uniformity to the lower crown profile. It was asserted that he authorised the works but was unaware of the TPO placed on the trees since neither an original nor copy of the appropriate documents were received.

After this letter, legal advice was sought.

THE BREACH OF PLANNING CONTROL

Without appropriate consent, works to trees covered under group order reference TPO/AW/1/09.

PLANNING CONSIDERATIONS

The site lies Within the Built-Up Area Boundary with a group order Tree Preservation Order placed on the trees along the verge to the south of the Precinct under reference TPO/AW/1/09. No consent was sought or granted for the works undertaken.

RECOMMENDATION

That the Committee endorse the decision to take no further action in this matter. This is due to:

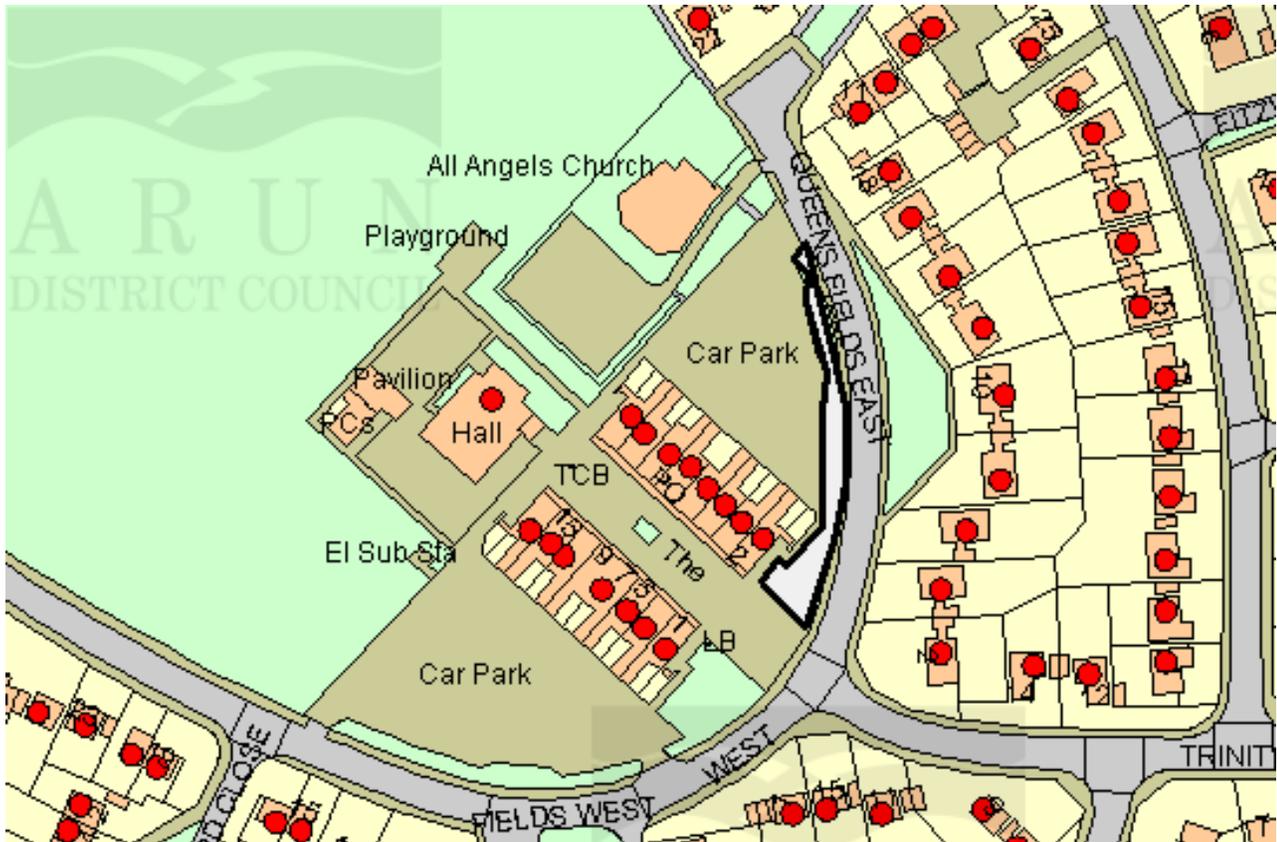
- The works do not harm the amenities of the area.
- The action is not wanton and consent may have been granted retrospectively.
- West Sussex County Council can be relied upon to act responsibly as the Tree Preservation Orders A Guide to Law and Good Practice Guide 2000, published in August 2000, acknowledges.
- Such incidents are unlikely to re-occur.
- After legal consultation, it is considered that justification of a prosecution seems limited.
- Two Councils appearing in Court may be deemed unseemly.

However, it is proposed to send a warning letter/reprimand to West Sussex County Council under Section 210 of the Town and Country Planning Act, for causing or permitting works to trees in contravention of Tree Preservation Order TPO/AW/1/09, without the relevant consent.

The salient points of the letter will include:

- It is standard practice, as required by Section 231 Local Government Act 1972, to serve all papers on a Local Authority or other corporation via its clerk or secretary.
- Previously, Arun District Council has served the County Council via the clerk with no similar problems.
- It will be emphasised that before works are undertaken, an enquiry should be carried out, especially when the notices were still on several of the tree trunks along the verge.
- The works to the trees should not have occurred and if there is a repetition of events on this site or another, then this case will form the initial recorded warning.

Location Plan for Enforcement ref: ENF/131/09/ (Do not Scale or Copy)



Copyright 100018487. © Intermap Technologies Inc DARU001. © GeoPerspectives 2007. All rights reserved.

Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487.