The Planning Inspectorate

# Appeal Decision

Inquiry held on 11 October 2016

Site visit made on 11 October 2016

**by R J Jackson BA MPhil DMS MRTPI MCMI**

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

**Decision date: 09 November 2016**

**Appeal Ref: APP/C3810/W/16/3151980**
**Land to north of Roundstone Bypass (A259), Angmering, West Sussex BN16 1ED**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Caffyns Plc against the decision of Arun District Council.
- The application Ref A/162/15/PL, dated 4 November 2015, was refused by notice dated 31 March 2015.
- The development proposed is a car showroom and workshop and associated access, car parking and landscaping.

## Decision

1. The appeal is allowed and planning permission is granted for a car showroom and workshop and associated access, car parking and landscaping on land to north of Roundstone Bypass (A259), Angmering, West Sussex BN16 1ED in accordance with the terms of the application, Ref A/162/15/PL, dated 4 November 2015, subject to the conditions in the Schedule to this decision.

## Procedural Matters

2. Before the Inquiry opened the Council resolved that it did not wish to defend the appeal. Consequently after confirming this in opening, it did not present any evidence to the Inquiry, although it was represented. The Council participated in the section of the Inquiry dealing with conditions to be imposed in the event that the appeal was allowed, expressing differences of opinion from the appellant as to the extent of these. The Council confirmed at the Inquiry that it agreed with the appellant's position on all other matters.

3. However, a local resident attended and participated in the Inquiry. He opposed the development, principally due to his concerns about the effect of the proposal on his living conditions.

4. The Council's change in position was due to the submission of an additional plan showing greater detail as to the proposed landscaping scheme (Landscape Strategy Plan 873/L4). The local resident confirmed that he was fully aware of this plan prior to the Inquiry. At the Inquiry it was agreed that this plan was, in fact, an amended plan which was to replace an application drawing (100D). As the affected local resident was aware of the plan and was able to make comments upon it at the Inquiry I accepted this plan as an amendment to the proposal.

5. Prior to the Council making its original decision a number of additional documents were submitted. The Council made that decision based on these documents and I will also use them.

## Main Issues

6. The main issues are:

   - the principle of development on the site in the manner proposed bearing in mind the planning policies for the area;
   - the effect on the character and appearance of the area; and
   - the effect on the living conditions of the occupiers of neighbouring properties in terms of light pollution, smell and noise and disturbance.

## Reasons

7. The appeal site lies to the north of the A259 Roundstone bypass. It currently consists of two houses and their curtilages and an area of glasshouses and associated hardstandings. It has an area of approximately 1.12 ha. There are two copper beech trees close to the southern boundary which are protected by a Tree Preservation Order[1] and a further two trees, a Monterrey Cypress and poplar, in the southwest corner.

8. The southern boundary of the site to the A259 is made up with a mixture of brambles and hedging. These are due to be removed as part of the proposals to dual the A259, which is scheduled to occur in the next couple of years, irrespective of the decision on this appeal. The A259 is lit on the southern side in the approach to the Roundstone roundabout.

9. There are currently a number of accesses to the appeal site. Both of the dwellings have an access to the A259, although sharing a single section of dropped kerb. The more westerly of these dwellings, Appletree Cottage, also has an access to the west to Roundstone Lane (B2225) a short way to the north of its roundabout junction with the A259. In addition there is an access to the glasshouse area further north from Roundstone Lane. This last access also provides servicing access to the garden centre to the east through the appeal site. There are two raised speed humps or 'sleeping policemen' on this service road.

10. In addition to the garden centre building and associated display areas there are three separate retail units within that overall area, which has an extensive communal car park which is well landscaped. The visiting public use separate access and egress arrangements from and to the A259 further to the east.

11. To the north and west of the southern part of the appeal site is Kelston House which is a dwelling, and to the north of the appeal site is another dwelling, Quiet Waters. To the north of Quiet Waters is the former West End nursery site, which is being developed for 246 dwellings. Further to the north and west is the village of Angmering.

[1] TPO/A/3/15

*The principle of development*

12. The Council adopted the Arun Local Plan (the ALP) in 2003. This provided policies for the area up to 2011, however, a number of the policies were saved by Direction of the Secretary of State in 2007, and remain in force. In this plan the appeal site is shown to be outside a Built-up Area Boundary (BUAB), defined by Policy GEN2 of the ALP, and thus in the countryside. In addition, under the terms of the ALP the appeal site lies in a local gap.

13. In 2015 the Council made the Angmering Neighbourhood Plan 2014 – 2029 (the ANP). Figure 3.7 of the ANP shows the various Character Areas of the parish. This shows the northern part of the appeal site, that being the area of the site apart from the two dwellings, as being "Employment Sites". Figure 3.8 sets out a "Map Showing Spatial Challenges and Constraints to Development". This covers the whole of the appeal site, together with other land, with grey hatching. Paragraph 3.66 of the plan states "The grey hatched areas identify employment sites that **the Plan** seeks to protect" [emphasis in the original]. The local gap is not shown as covering the appeal site with Roundstone Lane forming the eastern boundary of the local gap and it then extending to the west.

14. Where there is conflict between policies in development plan documents the resolution must be resolved in favour of the most recently adopted plan, which in this case is the ANP. In light of this I am therefore satisfied that the site lies outside the local gap.

15. The ANP makes it clear that it only amended the BUAB in one location (Mayflower Way). Policy HD1 stated that the ANP allocates sufficient land to deliver at least the minimum housing requirement in the emerging Arun Local Plan (the eALP) and that, without a BUAB, significant further development would encroach into open countryside. Policy ER2: Local Employment is the only specific policy dealing with employment and this sets a general presumption against the loss of locations that provide employment. This policy does not deal with additional employment proposals but there would be compliance with the policy in respect of that part of the site which is currently covered by a glasshouse. The eALP, however, is stalled in its progress towards adoption due to concerns over housing numbers and can only be given very limited weight.

16. Policy GEN3 of the ALP indicates that outside the BUAB the countryside will be safeguarded for its own sake. Development will not be permitted unless if falls within a limited list of development types. The appeal proposal does not fall within any of these types. Policy DEV8 states that planning permission may be granted to local firms, currently located in the District, proposing development outside the built-up area, provided that the applicant can comply with various criteria and subject to certain occupancy restrictions in the event that planning permission is granted.

17. The National Planning Policy Framework (the Framework) indicates in paragraph 215 that due weight should be given to policies in existing plans according to their degree of consistency with the Framework, with greater weight given to policies closer to the policies in the Framework.

18. In seeking to protect the countryside Policy GEN3 of the ALP is in general conformity to the Framework, which sets out in paragraph 17 that one of the

core planning principles is to recognise the intrinsic character and beauty of the countryside. However, paragraph 20 of the Framework makes it clear local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. The boundaries to the built-up areas were defined to meet the development requirements of the District up to 2011 and do not address the needs of the area beyond that date. It is therefore clear that the built-up area boundaries do not meet the current and forthcoming development needs of business (or other matters) and are thus not consistent with the Framework and therefore can only be given lesser weight.

19. Policy DEV8 of the ALP allows local firms to develop outside BUABs. The policy defines local firms as those currently located in the District and in strict terms the appellant company does not fall within the definition in that it is seeking to relocate from outgrown premises in the adjoining district. Given that planning policy should be read objectively this policy is not engaged. While it was asserted that the Council has used this policy in what were said to be similar circumstances to permit development, I do not have the full details and consider that it would not be appropriate to give the proposal positive weight under this policy.

20. The appellant maintained that the vast majority (over 92%) of the appeal site was made up of previously developed land as defined in Annex 2: Glossary of the Framework. The site is predominantly made up of two distinct areas; the glasshouse area and the dwellings area.

21. When planning permission was granted in 2011 for what is now the garden centre the application site included the glasshouse area. That permission has been implemented and I am advised, without dispute, that the glasshouse has been used for ancillary storage for the garden centre. I am therefore satisfied that this part of the site represents previously developed land as it represent land which is occupied by a permanent structure, including its curtilage, and does not fall within any of the exceptions.

22. The decision of the High Court in *Dartford Borough Council v Secretary of State for Communities and Local Government*[2] makes clear residential gardens outside built-up areas fall within the definition of previously developed land. As the site lies within the terms of the ALP and ANP outside the BUAB it lies for policy terms in the countryside. Within this development plan context I am satisfied that land outside a BUAB is synonymous with land outside built-up areas. Consequently the dwellings and their gardens, being outside a BUAB, represent previously developed land.

23. Paragraph 111 of the Framework indicates that planning decisions should encourage the effective use of land by re-using land that has been previously developed, provided that it is not of high environmental value. I conclude below that the appeal site is not of high environmental value and consequently I give the re-use of the previously developed parts of the site weight in favour of the proposal.

24. Apart from expenditure and employment during the construction process, once operational the proposal would provide employment for 31 people, the vast majority of whom I was advised are employed full-time, as well as indirect

[2] [2016] EWHC 635

employment by suppliers. Although it is not clear whether these are all new jobs since future plans for the existing site in Worthing have not been finalised, this would be an expansion of at least 10 jobs from the existing situation. This weighs in favour of the development.

25. Taken overall, I am satisfied that given the ANP, as the most recent component of the development plan, has indicated that the site is an employment site that it seeks to protect, and the proposal would comply with Policy ER2 in respect of that part of the site covered by the glasshouse. The proposal would represent the redevelopment of previously developed land and there would be an economic benefit from the proposal. However, it would be contrary to Policies GEN2 and GEN3 of the ALP. Policy GEN2 is not consistent with the Framework for the reasons given and thus should be given limited weight. The degree of conflict with Policy GEN3 should be considered as regards the effects of the proposal on the character and appearance of the area, which I will consider in the next section.

*Character and appearance*

26. Although situated outside the BUAB the evidence to the Inquiry both through evidence of the landscape witness and the Landscape, Townscape and Visual Appraisal (the LTVA) submitted with the application was that the site was located in a developed urban fringe townscape. It was also maintained that the area had changed and was continuing to change since the definition of the BUAB in 2003.

27. The site is not subject to any landscape or heritage designation. The preliminary ecological appraisal submitted with the application did not show any ecological designation or evidence of bats or other protected species beyond the trees having the potential for birds to breed within them. Given this, I am satisfied that the site is not of high environmental value.

28. To the east of the appeal site is the recently developed garden centre with its large buildings and extensive areas of car parking to the front and side which is clearly visible from the A259. With the development of the West End nursery site for housing the area to the north of the appeal site is becoming urbanised and there is the incremental development taking place to the south evidenced through the recent expansion of the hotel and public house. That the A259 will be turned into a dual carriageway in the near future, with the loss of vegetation immediately to the south of the appeal site, will only add to urbanisation in the area.

29. I would therefore concur that the existing character of the area is more urban than rural and that, ignoring the appeal proposal, it will become more urban in the near future.

30. The proposed building would be located on the eastern part of the site and would be of similar height to the garden centre buildings and in relative close proximity to those buildings. It would be located closer to the A259 than the garden centre buildings, and would feature extensive areas of glazing at the southern end of the building. However, the revised landscaping plan shows that there would be the introduction of new landscaping along the southern boundary as well as the retention of the two copper beech, the Monterrey Cypress and poplar trees, which would filter views of the building and parking areas, whether of vehicles on display or of customers' cars. The landscaping

proposals would utilise similar species to the landscaping of the garden centre and would be in keeping with the area.

31. Subject to the implementation of this landscape plan the proposal would therefore be in keeping with the character and appearance of the area. It would therefore comply with Policy GEN7 of the ALP which seeks a high quality of design and layout, responding positively to the characteristics of the site to create attractive places and spaces, and improving the visual amenities of the particular locality in scale, external appearance, hard and soft landscaping and materials. It would also comply with paragraph 58 of the Framework that seeks that developments should be visually attractive as a result of good architecture and appropriate landscaping. That being the case I consider that there would be only limited harm when considering the proposals against Policy GEN3 of the ALP.

*Living conditions*

32. Kelston House is a detached two storey house located towards the western end of its curtilage with access to Roundstone Lane. There are a number of outbuildings within the curtilage including some close to the boundaries. The garden is quite long, being approximately 75m from the rear of the house, with a number of trees within the rear garden. At the time of the site visit in early autumn this meant that there was limited visibility from the rear of the house to the rear boundary fence, but as a number of these trees are deciduous this will not be true the whole year. The existing boundaries to the rear garden are made up of approximately 1.8m high close boarded fences.

33. The existing service road to the service area of the garden centre passes adjacent to the northern boundary of Kelston House. The local resident explained that HGVs travel along this and there is noise as the vehicles pass over the sleeping policemen, and occasionally drivers' park up, sometime for extended periods, if they arrive before the service area opens for deliveries.

34. The particular concerns for the potential effects on the living conditions of the occupiers of Kelston House can be summarised as light pollution from the proposed building and surrounding area, smells from any spray booths, and noise and disturbance from activities within the appeal site, with this last effect considered against both daytime activities and out of normal business hours events.

35. The design of the proposed showroom building would have extensive glazing in the western elevation at the southern end. This would have the potential of providing a light "bloom" over the rear and side fences into the rear garden. Similarly, depending on the nature of any lighting within the car parking areas, an ill-considered lighting scheme could introduce lighting close to the rear of Kelston House and its outbuildings. This would be harmful to the living conditions of the occupiers. However, if both the physical nature of the lighting and the hours when it was to be lit, both within and outside the building, were to be controlled by a planning condition I am satisfied that that the proposal would be acceptable.

36. The appellant confirmed that there was no proposal to have any car spray booths within the appeal site and none are shown on the application drawings. However, as planning permission would not be required for the reconfiguration of the building once constructed, it would be appropriate to impose a condition

on any planning permission to prevent the installation of a car spray booth. This would ensure that the occupiers of Kelston House, and other neighbours, were not adversely affect by smell.

37. Noise and disturbance which may adversely affect the living conditions of the occupiers of Kelston House could come from a number of sources. These were identified as activities within the building, activities outside the building, being valeting and manoeuvring of vehicles, the shutting of car doors and noise associated with deliveries. Whilst acknowledging that these had the potential to cause unacceptable effects on the living conditions of neighbours if unrestricted, the appellant wished for any restrictions to allow the specific delivery of vehicle parts between 04:00 and 08:00 hours which the Council objected to.

38. To look at the question of noise and disturbance more generally first. The appellant's evidence to the Inquiry consisted of a noise impact assessment. Because of the length of the garden of Kelston House calculations were taken based on an assessment location 25m from the eastern boundary of the appeal site, ie about two-thirds of the depth of the garden measured from Kelston House. I consider this a robust assessment location since, while there are a number of outbuildings within the rear garden of Kelston House, the main ones are at the Kelston House end of the garden rather than the eastern end.

39. This assessment, which was undertaken in accordance with the recommendations in the relevant British Standard[3], showed that there would be cumulative 'rating' level of 50dB at the assessment location. This would be 2dB above the prevailing background noise level and recommended limit. The proposal, as identified on the amended Landscape Strategy Plan, would therefore be to include 1.8m high acoustic fences on the rear boundary of Kelston House and for the eastern sections of the two side (north and south) boundary fences. There would also be acoustic fences on some of the boundaries with Quiet Waters. These acoustic fences would reduce the sound level at the assessment location by 7dB to below the background noise level and within the recommended limit. I am therefore satisfied that this would ensure that the living conditions of the occupiers of Kelston House and Quiet Waters were not adversely affected by the on-going activities provided that the hours of operation were restricted by condition so that the more sensitive early morning, evening and night-time hours were not affected.

40. However, the noise consultant confirmed that the noise impact assessment had not taken into account noise generated by the loading/unloading of car transporters which would take place immediately to the east of the rear garden of Kelston House. Loading/unloading of car transporters only occurred relatively infrequently, in the order of twice a week, and for relatively short periods of time. I am therefore satisfied that provided that loading/unloading only took place during day-time hours then this would not give rise to unacceptable noise effects.

41. Concern was expressed about car doors being 'slammed shut' in the vehicle display areas adjacent to the curtilage of Kelston House particularly on Sundays. However, while this would be distinguishable from the normal background noise, particularly from traffic noise from the A259, given the

[3] BS 4142:2014 Methods for rating and assessing industrial and commercial sound

acoustic fences and other fences around the perimeter of Kelston House, I am satisfied that this would not be an unacceptable noise effect.

42. As noted above the service road to the north of Kelston House would continue to provide access to and egress from the garden centre service area, as well as egress for the car transporters. In light of comments made at the Inquiry about noise from HGVs passing over the sleeping policemen the appellant indicated that it was willing to remove both sleeping policemen as the highway evidence was that they would be no longer necessary to slow traffic due to the change in access geometry to the service area. This would therefore enhance the situation and can be secured by condition.

43. Although discussed as part of the section of the Inquiry relating to conditions as out-of-hours deliveries would have the potential to affect the living conditions of the occupier of Kelston House it is appropriate to consider this issue at this point. The appellant explained that the manufacturer of the cars delivered parts to workshops overnight. This would involve, generally, a single delivery at some point between 04:00 and 08:00 hours by a 7.5 tonne vehicle. The vehicle would access the site from Roundstone Lane, reverse to an "overnight delivery" room, and deliver parts in rubber wheeled cages. In order to allow for resilience the appellant asked for two deliveries even though only one was normally necessary.

44. It was noted that both the Site Plan – Proposed[4] and the Landscape Strategy Plan[5] showed gates which would require to be opened to allow this delivery. It was therefore proposed, in the event that early morning deliveries were permitted, that an amended detail would need to be secured by condition to re-locate the gates further into the site so that they did not need to be opened to facilitate deliveries.

45. Evidence was provided to the Inquiry about traffic levels on the A259 during the early morning, and about a similar situation at another site on the same parts delivery route at the Northbrook site in Worthing. I visited the Northbrook site and saw the relationship between the dwellings there and the delivery area.

46. If access was unrestricted during night time hours then this would lead to unacceptable levels of noise and disturbance to the occupiers of Kelston House. This is a matter of balance as requiring parts to be delivered to another location, then to be brought to the appeal site would be less efficient. Taking into account the background noise level of traffic on the A259, I am of the view that a single delivery at some point between 04:00 to 08:00 hours using the access to Roundstone Lane would be acceptable; having two deliveries would be excessive.

47. I am therefore satisfied that, subject to conditions, the proposed development would not have an unacceptable effect on the living conditions of the occupiers of Kelston House and Quiet Waters in terms of light, smell, and noise and disturbance. It would therefore comply with Policy GEN7 of the ALP which requires development not to have an unacceptable adverse impact on adjoining occupiers. It would also comply with paragraph 17 of the Framework which

[4] Drawing 30680-060 Rev A
[5] Drawing 873/L4

seeks a good standard of amenity for all existing and future occupants of land and buildings.

**Other matters**

48. The LTVA identified that the appeal site could be seen from a public footpath on Ecclesden Hill within the South Downs National Park. In line with paragraph 115 of the Framework great weight should be given to conserving landscape and scenic beauty in National Parks. When viewed from Ecclesden Hill the proposed development would be seen within the context of the garden centre and the new residential development on the West End nursery site and would be barely distinguishable. I am therefore satisfied that the landscape and scenic beauty of the National Park would be conserved.

49. Concerns were raised at the application stage about the increase in traffic that would be occasioned by the development. This was considered in the Transport Assessment which accompanied the application and in evidence given at the Inquiry. I also note that the Highway Authority had no objection to the proposal accommodating as it does both the existing single carriageway A259 and the design of the proposed dual carriageway. I am therefore satisfied that the traffic could be satisfactorily accommodated into the local highway network.

**Planning Balance**

50. The Framework indicates in paragraphs 6, 7 and 8 that the purpose of the planning system is to contribute the achievement of sustainable development, which has three mutually dependent dimensions; economic, social and environmental.

51. The proposed development would provide a number of jobs both during the construction period and when operational, both directly and indirectly. It would therefore be economically beneficial. As an employment use it would also comply with the social role by supporting the community.

52. The main areas of concern relate to the environmental effects. While the proposal would be in the countryside and therefore contrary to Policy GEN3 of the ALP it is shown as "employment sites" in the ANP and would comply with Policy ER2 of that plan in respect of part of the site. I have concluded that the BUABs in the ALP are out-of-date as they do not address the current and future needs of the area. The proposal represents the redevelopment of previously developed land which is not of high environmental quality and, subject to appropriate landscaping, would be in keeping with the existing urban character and appearance of the area. Subject to conditions, the proposal would not have an adverse effect on the living conditions of the occupiers of neighbouring properties. I am therefore satisfied that the proposal would lead to no material harm to the environment.

53. That being the case, the proposal would comply with the development plan as a whole and three dimensions of sustainable development would be satisfied. Therefore the appeal should be allowed and planning permission granted.

**Conditions**

54. I have considered the conditions put forward in the Statement of Common Ground and as discussed at the Inquiry against the requirements of the

Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition requiring details of materials to be used for both the building and ground hardsurfacing areas to ensure that these are appropriate for the character and appearance of the area.

55. In order to ensure flooding does not occur, as recommended by the Flood Risk Assessment submitted with the application, a surface water drainage scheme should be completed prior to first occupation, although details of the scheme itself need to be agreed prior to implementation to ensure that the agreed details are incorporated into construction in a satisfactory manner, particularly with regard to trees.

56. In order to protect the living conditions of the occupiers of Kelston House and Quiet Waters the Construction Management Plan submitted with the application needs to be adhered to, and a condition imposed preventing the installation of a car spray booth.

57. To ensure that the development is in keeping with the character and appearance of the area and to ensure that the living conditions of the occupiers of the adjoining dwellings are protected I have imposed a condition requiring the implementation of the Landscape Strategy Plan, with the hard landscaping elements needing to be delivered before first occupation and the soft landscaping elements in the first planting and seeding seasons following that occupation. In order to ensure the health and longevity of the identified trees on site tree protection measures need to be implemented prior to works commencing on site and maintained for the construction period.

58. In the interests of highway safety conditions requiring the laying out of the accesses to the highway, the internal access roads, car park and turning areas prior to first occupation are necessary. Similarly, in the interests of highway safety with the exception of the early morning parts deliveries considered above, heavy goods vehicles, including car transporters, need to be routed from the A259 to Roundstone Lane only.

59. In order to protect the living conditions of the occupiers of Kelston House and Quiet Waters conditions requiring the limits to the noise level at the assessment location discussed above, the implementation of a noise monitoring regime and alteration if necessary, the removal of the sleeping policemen and restricting how and when lighting may be illuminated, as well as hours of opening and deliveries need to be imposed, together with when construction operations may take place. There was a dispute over this last element, with the appellant seeking a 30 minute extension to the hours suggested by the Council. I consider the hours recommended by the Council are necessary. These are, in my experience, standard construction hours for sites close to dwellings and while longer hours would allow the development to be completed slightly quicker, this would only be marginal, particularly as during winter months the longer hours in the evening would not be able to be utilised as it would be in the dark, and longer hours would be harmful to the living conditions of the occupiers of neighbouring dwellings.

60. A Phase 1 Geo-environmental Assessment was submitted with the application, but in the event that unexpected contamination is discovered measures to deal with this are required in the interests of health and the protection of the environment.

61. Otherwise than as set out in this decision and conditions, I have imposed a condition specifying the relevant drawings as this provides certainty, although to remove the need to open and shut gates when making overnight deliveries a revision needs to be made secured by condition. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

**Conclusion**

62. For the reasons given above I conclude that the appeal should be allowed.

*R J Jackson*

INSPECTOR

## Schedule of conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

| Drawing No | Title | Date |
|---|---|---|
| 3068-040 Rev B | Site Location Plan | 15 February 2016 |
| 3068-C50 Rev B | Site Plan Existing | 15 February 2016 |
| 3068-054 | Site Elevations – Existing north and west | 3 November 2015 |
| 3068-055 | Site Elevations – Existing south and east | 3 November 2015 |
| 3068-056 | Existing houses elevations | 3 November 2015 |
| 3068-060 Rev A | Site Plan Proposed | 15 February 2016 |
| 3068-061 | Ground Floor Plan Proposed | 3 November 2015 |
| 3068-062 | First Floor Plan Proposed | 3 November 2015 |
| 3068-063 | Roof Plan Proposed | 3 November 2015 |
| 3068-064 | Site Elevations – Proposed north and west | 3 November 2015 |
| 3068-065 | Site Elevations – Proposed south and east | 3 November 2015 |
| 3068-066 | Building Elevations – Proposed north and west | 3 November 2015 |
| 3068-067 | Building Elevations – Proposed south and east | 3 November 2015 |
| 3068-068 | Building Sections – Proposed A and B | 3 November 2015 |
| 3069-070 | Valet Building Proposed | 3 November 2015 |
| 873/L4 | Landscape Strategy Plan | August 2016 |
| | Factual Ground Investigation Report | February 2016 |
| Version 1.3 | Flood Risk Assessment | 25 May 2016 |
| CAFF/16/3096 | Construction Traffic Management Plan | April 2016 |
| CAFF/16/3096/TP01 | Framework Travel Plan | March 2016 |

3) Notwithstanding condition 2, the gates shown on drawings 3068-060 Rev A and 873/L4 between the eastern garden boundary fence of Kelston House and the showroom and workshop building shall not be installed in the location shown. The development hereby permitted shall not be occupied until gates have been installed between this fence and the building to the south of the doors to the overnight delivery room in accordance with details submitted to and approved in writing by the local planning authority. These gates shall be kept shut except when the site is operational in accordance with conditions 18, 19 and 20.

4) No development shall take place until details of the proposed surface water drainage have been submitted to, and approved in writing by, the local planning authority. The development hereby permitted shall not be occupied until all the drainage works have been carried out in accordance with the approved details.

5) No equipment, materials or machinery shall be brought on site in connection with the development hereby permitted, and no works, including site clearance or any other preparatory works, undertaken until the tree protection measures set out in as shown in Figures 2 and 3 of British Standard BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations' have been erected on site in locations in accordance with details submitted to and approved in writing by the local planning authority and agreed in writing as complete by the local planning authority. The protection shall be retained until the development is complete and nothing shall be placed within the fencing, nor shall any ground levels be altered or excavations made without the prior written consent of the local planning authority.

6) The construction of the development shall be carried out in accordance with the submitted Construction Traffic Management Plan (CTMP) dated April 2016 (reference CAFF/16/3096) and any amendments to the submitted CTMP approved in writing by the local planning authority.

7) No work relating to the construction of the development hereby permitted, including works of demolition or preparation prior to operations, shall take place except between the hours of 08:00 and 18:00 on Mondays to Fridays, and 08:00 and 13:00 on Saturdays. There shall be no work on Sundays or Public Holidays.

8) If, during development, contamination not previously identified is found to be present at the site then no further development within the affected area shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

9) Prior to any above ground construction work commencing samples of the materials to be used in the construction of the external surfaces of the buildings and the external hardsurfaced areas hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

10) The hard landscaping shown on the Landscape Strategy Plan (reference 873/L4), that is all fences and hardsurfaced areas, shall be completed prior to the first occupation of the building hereby permitted.

11) All remaining elements shown on Landscape Strategy Plan (reference 873/L4) not covered by condition 10 shall be carried out in the first planting and seeding seasons following the occupation of the buildings; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

12) No part of the development hereby permitted shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details to be submitted to and approved in writing by the local planning authority, incorporating the recommendations given in the Stage 1 Road Safety Audit and as shown indicatively in drawings 2015/2654/001 Rev B and 2015/2654/003 Rev B.

13) The development, hereby approved, shall not be occupied until such time as the internal access roads, car park and turning areas have been constructed and laid out in accordance with the approved site plan (reference 3080-060 Rev A). The land thereafter shall be retained for the purpose of providing access, parking, and turning for the proposed development.

14) Prior to the occupation of the development hereby permitted the two existing speed reduction humps on the service road from Roundstone Lane shall be permanently removed from the site with the service road made good.

15) The development hereby permitted shall not be occupied until details of a scheme for lighting of the site, both internal and external, including hours of operation, has been submitted to and approved in writing by the local planning authority. The lighting of the site shall only be in accordance with the approved scheme.

16) The noise rating level of the valet, MOT and workshop bay activities and fixed building services plant at the site shall not exceed the background noise level at Kelston House, at a location 25m west of the east garden boundary. Measurements and assessments shall be made in accordance with BS 4142:2014 'Methods for rating and assessing industrial and commercial sound'.

17) Prior to the occupation of the premises, a scheme of the mitigation measures, necessary to achieve a rating level not exceeding the background noise level at the location stated in condition 16, shall be agreed in writing with the local planning authority and thereafter carried out in accordance with the approved scheme. Within one month of implementation a test shall be carried out and the results submitted to the local planning authority to demonstrate that the attenuation measures specified in the agreed scheme are effective and achieve the levels specified within the scheme. Where necessary, calculations shall be presented to demonstrate noise levels at the assessment location, where access to that location is not available. In the event that the specified noise levels have not been achieved, then a further scheme of attenuation works shall be submitted to the local planning authority within 28 days and shall be installed within 2 months of being approved in writing by the local planning authority and thereafter retained.

18) The car showroom hereby approved shall not open outside the hours of 08:00 to 18:00 Mondays to Fridays, 08:30 to 17:00 on Saturdays, and 10:00 to 16:00 Sundays and Public Holidays.

19) Except as allowed for in condition 21, between the hours of 07:00 and 08:00 Mondays to Fridays and 07:00 and 08:30 Saturdays the site shall only be open for the purposes of dropping or collecting vehicles within the customer parking area as shown on drawing 3068-060 Rev A.

20) The MOT, servicing and valet areas of the development hereby permitted shall not be operational outside the hours of 08:00 to 18:00 Mondays to Fridays and 08:30 to 12:30 on Saturdays with no operations on Sundays or Public Holidays.

21) No deliveries shall be received at or dispatched from the buildings outside the hours of 08:00 to 18:00 Mondays to Fridays and 08:30 to 17:00 on Saturdays, Sundays or Public Holidays, other than a single daily delivery which may take place between the hours of 04:00 and 08:00 Mondays to Fridays and 04:00 and 08:30 on Saturdays. This exception shall only be

made by a vehicle not exceeding 7.5 tonnes gross plated weight and shall only be made by utilising the access from Roundstone Lane.

22) With the exception of the delivery of parts by a vehicle not exceeding 7.5 tonnes gross plated weight permitted in accordance with condition 21 means of access for Heavy Goods Vehicles to the site, including car transporters, shall be from the south from the A259 and such vehicles shall egress to the north via the service road onto Roundstone Lane only, as shown in drawing 2015/2564/002 Rev B and 2015/2654/004 Rev B.

23) No car spraying booth shall be installed within the site.

END OF SCHEDULE

## APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

| | |
|---|---|
| Mr Delwyn Jones | Solicitor to Arun District Council |

He did not call any witnesses, but Mr Juan Baeza, Team Leader, Ms Anita Gardner, Case Officer, and Ms Carol Reynolds, Environmental Health Officer, all participated in the session of the Inquiry dealing with conditions.

FOR THE APPELLANT:

| | |
|---|---|
| Mr Mark Lowe, Queens Council | Instructed by Mr Craig Noel of Strutt & Parker LLP |
| He called | |
| Mr Mark Harrison FCA | Consultant to the appellant |
| Ms Catherine Shelton BSc(Hons) MPhil FLI | Principal, Catherine Shelton Associates Limited |
| Mr Phillip Russell CIHT | Managing Director, Russell Giles Partnership Ltd |
| Mr Graham Bowland BSc MIOA | Chief Consultant, Hepworth Acoustics Ltd |
| Mr Craig Noel MSc DipUP MRTPI | National Partner, Strutt & Parker LLP |

INTERESTED PERSONS:

| | |
|---|---|
| Mr Malcolm Brunning | Local Resident |

## INQUIRY DOCUMENTS

1 Signed Copy of Statement of Common Ground between the appellant and the Council
2 Extracts from the Arun Local Plan 2003
3 Enlarged area from Angmering Neighbourhood Plan showing Employment Character Area
4 Bundle of Appeal Decisions
5 Transcript of *Dartford Borough Council v Secretary of State for Communities and Local Government* [2016] EWHC 635
6 Aerial Photograph of VW Caffyns, Littlehampton Road, Worthing and surrounding area
7 Comparison Staff Lists
8 Opening statement on behalf of the appellant
9 Opening statement on behalf of the Council
10 Revised version 873/L4 including acoustic fences
11 Traffic figures 0400 to 0700 for A259
12 Drawing 205/2564/SK04 Rev B showing vehicle tracking inside site
13 Copy of Decision Notice and Location Plan reference A/109/10/ relating to Haskins Garden Centre
14 Revised suggested conditions