



Appeal Decision

Inquiry Opened on 26 November 2019

Site visit made on 29 November 2019

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

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

Decision date: 20th December 2019

Appeal Ref: APP/C3810/W/19/3224632

Blastreat and Greenhurst, 14 Fitzalan Road, Arundel, BN18 9JS

- 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 Renaissance Retirement Ltd against the decision of Arun District Council.
 - The application Ref AB/36/18/PL, dated 30 March 2018, was refused by notice dated 30 Nov 2018.
 - The development proposed is demolition of existing buildings & erection of a block of 46 sheltered apartments for the elderly (comprising 22 x 1-bedroom apartments and 24 x 2-bedroom apartments age restricted to 60 years and over), with associated access, electric buggy/cycle stores and refuse bin store and 32 parking spaces.
 - The inquiry sat for 4 days on 26 to 29 November 2019.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Arun District Council ('the Council') refused planning permission for 5 reasons, with 2 of these referring to access arrangements and other transport-related matters. In an attempt to address these concerns the appellant submitted amended plans showing alterations to the proposed access, a new footway around the site with footway widening, and a new pedestrian crossing point of Fitzalan Road at the eastern side of the site. These amendments would require some alterations outside the appeal site, on highway land, and West Sussex County Council as local highway authority is satisfied that these would address its concerns, and could be achieved by way of an agreement under section 278 of the Highways Act 1980.
3. The appellant requested that the appeal be determined on the basis of these amended plans, and the Council raised no objection to this. Although the Rule 6(6) Party, 'Affordable Housing in Arundel' (AHA!) considered that the original plans should still be used, I am satisfied that the proposed amendments are of a relatively minor nature, and do not consider that anyone with an interest in this case would be unduly disadvantaged if I accept the amended plans. I have therefore determined the appeal on the basis of the amended plans. As a result, the Council did not defend its third and fourth reasons for refusal.
4. After the inquiry had closed, but in accordance with an agreed timescale, the appellant submitted a completed planning obligation in the form of a unilateral

undertaking, made under section 106 (S106) of the Town and Country Planning Act 1990, as amended. I deal with this matter in more detail under one of the main issues.

Site description, surrounding area and details of the appeal proposal

5. The appeal site comprises about 0.36 hectares (ha) of previously developed land situated in the southern part of Arundel, south of the River Arun and lying just to the west of the Arundel Conservation Area. It is bounded on its northern and eastern sides by Fitzalan Road, and mainly backs onto the rear gardens of residential properties in Queens Lane to the south. Its western boundary is formed by a private access road running southwards from Fitzalan Road and serving a British Telecom (BT) building set in a backland location. There are also a number of tall, mature trees at this western side of the site, including cypress and willow, which would be removed as part of the appeal proposal.
6. The appeal site itself is generally flat, and consists of 2 separate planning units. The western part is occupied by Greenhurst, a 2-storey detached dwelling set well back from Fitzalan Road, behind a large front garden. The dwelling is unoccupied and the garden is largely overgrown. It is bounded by a low flint wall to the road frontage.
7. The eastern part of the site is occupied by Blastreat, an industrial and architectural blast cleaning company. It comprises a mix of single-storey and 2-storey industrial buildings of various types and styles, along with an open yard area. At the very eastern side of the site there is a late 19th century part single-storey/part 2-storey brick-built building with pitched roof, which was part of the now demolished Swallow Brewery complex. Although not formally listed, the Council and appellant consider this former brewery building to comprise a non-designated heritage asset.
8. The immediately surrounding area is predominantly residential, with detached, semi-detached and terraced properties of 1 and 2 storeys set in plots and gardens of varying sizes. These properties generally extend westwards along Fitzalan Road, and also lie to the south in Queens Lane. There are also some 3 and 4-storey flatted developments, primarily for elderly occupants, lying close to the appeal site, including Martlets Court to the north-east, Caen Stone Court to the east, and Westbury Lodge to the south.
9. Some other former Swallow Brewery buildings, now in commercial use, lie to the east of the appeal site, on the eastern side of Fitzalan Road, within the Arundel Conservation Area. The main part of this Conservation Area lies to the north of the river, encompassing most of the town, but a small 'spur' extends south of the river, covering properties either side of Queen Street, as far south as Queens Lane. There are many listed buildings within the Conservation Area to the north of the river, and some in reasonable proximity to the appeal site, including at 1-5 Queen Street.
10. Under the appeal proposal all buildings on the site would be removed and be replaced by a block of 46 sheltered apartments, restricted to those over 60 years of age. This block would comprise 2 new 3-storey buildings, joined by a single-storey link with a roof terrace. It would contain 22 1-bedroom and 24 2-bedroom apartments. The western building would have 5 front-facing gables and be constructed of buff bricks under a slate-tiled roof. It would sit about 0.6m-1.5m from the back of the footway.
11. As the appeal site lies within Flood Zone 3 a suggested condition would require finished ground floor levels to be set no lower than 3.9m above Ordnance Datum (AOD). The road levels in this area are around 2.6m-2.7m AOD, so the new

buildings would be set on a plinth some 1.2m-1.3m high. As a result, the ridge height of this western building would be about 12.1m above the road level.

12. The eastern building has been designed to 'turn the corner' of Fitzalan Road. It would be constructed of red brick under a slate-tiled roof and again would have a ridge height of about 12.1m, with 3 gables on the eastern elevation which would be set back about 1.5m from the back of the proposed new footway. The north-facing elevation, which would be set back between about 0.5m-1.0m from the back of the footway, would have 2 lower gables. First and second floors would be recessed as they turn the corner of Fitzalan Road. A row of 20 car ports would sit alongside much of the site's southern boundary and there would be 12 further parking spaces, all located to the rear of the new buildings. These parking spaces would be accessed by a new driveway adjacent to the site's western site boundary.

Planning policy context

13. At the time the Council refused to grant planning permission the development plan included the Arun Local Plan 2011-2031, adopted in July 2018, and the Arundel Neighbourhood Development Plan 2014-2029 (ANP1), made by the Council in April 2014. The Council cited policies from both of these plans in its reasons for refusal, with Policies 3 and 5 of ANP1 being of particular relevance.
14. Policy 3 explains that the Plan provides for the development of a minimum of 60 homes during the 2014-2029 period, with Policy 5 stating that support would be given to a housing development of approximately 24 dwellings at Fitzalan Road (the appeal site), comprising a mix of dwelling types. Whilst acknowledging the flood risk problems of developing this site (which are considered to be surmountable through appropriate design), the supporting text to Policy 5 seeks a design which would achieve a suitable transition from the lower density and build heights of land further along Fitzalan Road and the more recent, higher density schemes on Queen Street.
15. However, the Arundel Town Council has been undertaking a review of ANP1, and following its examination the Arundel Neighbourhood Plan Review 2018-2031 (ANP2) went forward to its referendum on 19 November 2019, a week before the opening of the inquiry. Over 80% of those who voted were in favour of ANP2. The Planning Practice Guidance (PPG) explains that a neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum, but notes that an Order must be made by the local planning authority before it has effect¹. I have therefore had regard to the relevant policies from both the Local Plan and ANP2 when considering the main issues, below.
16. ANP2 Policy AR3 allocates the appeal site for residential redevelopment and indicates that development proposals will be supported provided a number of key requirements are met. The first of these is that any scheme should comprise approximately 24 dwellings of a mix of dwelling types, including an appropriate level of affordable housing which includes those that are suitable for smaller households, with primary consideration given to first time buyers and those looking to rent their first home. The policy also requires full regard to be had to the identification of the Swallow Brewery building on the site as a non-designated heritage asset, and that the height of buildings should have regard to the Local Plan policy requirements in respect of the location of the site within the setting to Arundel.

¹ Paragraph: 064 Reference ID: 41-064-20170728

17. ANP2 Policy AR5 relates specifically to the part single-storey/part 2-storey building at the eastern edge of the appeal site, which was part of the former Swallow Brewery. The policy identifies this building as a non-designated heritage asset and makes it clear that any development of the overall site, pursuant to Policy AR3, should take account of this building and the opportunities for its incorporation into the wider redevelopment scheme. The policy goes on to explain that subject to viability considerations, development proposals for the wider site will be supported if they retain and incorporate the building into the redevelopment scheme, most notably the east-facing façade to Fitzalan Road; and incorporate building and boundary materials and architectural features used in the original brewery complex.
18. At the national level, the National Planning Policy Framework ('the Framework'), updated in February 2019, and the aforementioned PPG, last updated in October 2019, are also material considerations in the determination of this appeal.

Main issues

19. In light of the evidence presented, I consider that the main issues in this case are:
 - i. The effect of the proposed development on the character and appearance of the street-scene and the surrounding area;
 - ii. The effect of the proposed development on the setting of designated and non-designated heritage assets;
 - iii. Whether it would be viable to redevelop the appeal site in the way sought by ANP2 Policy AR5
 - iv. Whether the type and mix of housing proposed would be acceptable;
 - v. Whether the submitted planning obligation would satisfactorily address the impact of the proposed development;
 - vi. Other relevant matters raised by interested persons; and
 - vii. Whether the proposal would amount to sustainable development, as set out in the Framework.

Reasons

20. Before considering the main issues, it is necessary to examine the current extent of the Council's housing land supply (HLS), to assess how this affects the way in which this appeal should be determined. The Statement of Common Ground (SoCG) agreed between the Council and the appellant explains that when the Officers' Report was being prepared for this proposal, the Council considered that it had a 5.3 years' supply of deliverable housing land. However, the Council's Annual Monitoring Report for the period 1 April 2017 to 31 March 2018, published in June 2019, calculated the HLS to be just 4.7 years. This was agreed to amount to a shortfall of some 333 units.
21. The SoCG also explains that the Council failed to deliver sufficient housing to achieve the 95% threshold set out in the Government's Housing Delivery Test, and because of this it was required to prepare an action plan to identify the key reasons for the failure to deliver against the District's assessed housing requirement and to identify the measures it intends to undertake to increase the delivery of new housing. The Council considers that one way of addressing this shortfall is to invite applications on 'deliverable' Housing Employment Land Availability Assessment sites to help boost housing supply and delivery.
22. But until a 5 year HLS is re-established the presumption in favour of sustainable development, set out in paragraph 11 of the Framework, has to apply. Part (d) of this paragraph indicates that in circumstances where the Council cannot demonstrate a 5 year supply of deliverable housing sites, the policies which are

most important for determining an application have to be seen as out-of-date. This is the case here. However, as ANP2 has only recently become part of the development plan, I consider that its policies should still carry weight in this appeal.

23. In the circumstances described above, the 'tilted balance' set out in Framework paragraph 11(d) applies, such that planning permission should be granted unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
24. Policies relating to designated heritage assets fall under 'i' above, but the SoCG records the agreement between the Council and the appellant that the appeal proposal would not have an adverse impact on the setting of any nearby listed buildings. Nor do any of the reasons for refusal allege an adverse impact on the setting of the Conservation Area. AHA! takes a different view on these matters, and I return to consider this point later in this decision – but in view of the agreement of the main parties I am satisfied, at present, that it is appropriate to continue on the basis that Framework paragraph 11(d)(i) does not apply in this case. Because of this I undertake a planning balance at the end of this decision, after I have considered all the benefits and disbenefits of the proposal.

The effect of the proposed development on the character and appearance of the street-scene and the surrounding area

25. In its first reason for refusal the Council criticises the lack of housing mix and the layout of the proposed development, alleging that it would be of an excessive scale, footprint and site coverage, and would have a lack of landscaped space. As such, it maintains that the proposal would amount to an unacceptable overdevelopment of the site which would be harmful to the visual amenities of the locality and would detract from the character of the area. In its second reason for refusal the Council criticises the proposed position of the development on the site and the absence of any significant set-back from the Fitzalan Road frontage, again arguing that the proposal would not be in keeping with the character and appearance of the area, but rather would significantly detract from the character of the area.
26. In light of these points the Council considers the proposal to be in conflict with Local Plan Policies H DM1, D SP1, D DM1 and SDSP1a, as well as with the aforementioned Policies AR3 and AR5 of ANP2. Local Plan Policy H DM1 indicates that for developments of 11 units or more the Council will require a balanced mix of market and affordable dwelling sizes, including family-sized accommodation, based on the most up-to-date Strategic Housing Market Assessment (SHMA) recommendations. Having regard to any viability considerations the policy states that the tenure mix for development schemes will be negotiated on a case by case basis. This policy also explains that a proportion of the housing provided over the Plan period should be designed to meet the needs of older people, possibly provided as part of the general mix of 1 and 2-bedroomed homes.
27. Amongst other matters, Policy D SP1 requires all development proposals to seek to make efficient use of land, but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Similar points are also raised in Policy D DM1. Policy SD SP1a sets out the Council's approach to achieving sustainable development, and

amongst its criteria the spatial strategy for the District seeks to enable development that recognises the sustainable and historic character of the town of Arundel with its historic buildings at the foot of the South Downs.

28. The appeal site lies within the urban area of Arundel, and there was general agreement that the relevant area for considering character and appearance should include the block of development to the east of the appeal site, fronting onto Queen Street (including Martlets Court), extending down to Queens Lane. It should also include the area lying between Queens Lane to the south and the buildings fronting onto Fitzalan Road to the north, extending westwards along Fitzalan Road to the area around the Holmes Foundation dwellings. There was, however, a difference of opinion between the parties as to how this area should be characterised.
29. In my assessment there is a distinct difference in the feel and character of the area around that part of Fitzalan Road which runs to the east of the appeal site, compared to the area centred on that length which runs along the site's northern boundary and further west. I share the views expressed by both the Council and the appellant that at this eastern side there is a clear urban feel to the area, with a mix of taller buildings, such as the large 4-storey Martlets Court and the 3-storey Westbury Lodge and Caen Stone Court. These taller buildings sit comfortably in this setting, as this part of Fitzalan Road is noticeably wider than the length which runs along the site's northern boundary.
30. I also saw at my site visit that this eastern area has a general absence of planting and vegetation, an industrial/commercial character from the antiques centre and the rear of the Co-op store on the eastern side of the road, and some buildings hard up against the carriageway edge, including the former Swallow Brewery building on the appeal site. Taking these points together, and leaving aside for the moment the question of whether or not the former brewery building should be retained, I consider that the massing and the eastern elevation of the proposed building would sit reasonably comfortably in this part of the street-scene, especially with the increased set-back proposed from the edge of the carriageway. I acknowledge that the design has tried to reflect a brewery style of building, and in my opinion this part of the building would not be unacceptably out of keeping with its surroundings.
31. However, I have reached a very different conclusion with regard to the proposed impact on the area to the north of the appeal site. Facing onto this noticeably narrower stretch of road, the proposed buildings would present an uncharacteristically tall and largely unbroken length of frontage of some 60m or so, despite the different facing materials and the proposed articulation. As much of this frontage would only be set back about 0.6m from the back of the footway, and would rise to a height of over 12m, the building would appear unacceptably dominant and out of keeping with the character of the surrounding area, especially that opposite the appeal site on the northern side of Fitzalan Road.
32. Because of the depth of the proposed buildings the single-storey link would be unable to prevent the appearance of terracing from most viewpoints, other than more or less directly in front of this lower element. Moreover, although the submitted plans show small areas of planting at the proposed access and along the site frontage, with some small trees, I am not persuaded that this would result in any meaningful 'greening' of this part of Fitzalan Road, or any real softening of the tall and largely unbroken frontage. This would clearly be at odds with the character to the north and west of the site, where significant trees and planted garden areas

are common, including the front garden area of Greenhurst and the tall group of trees at the north-western corner of the site.

33. I accept the appellant's point that the significant set-back of Greenhurst and its large front garden is unusual in this area, and creates a poor townscape. But I do not consider that removing all the trees and bringing tall and bulky development very close to the back of the footway of this relatively narrow stretch of road is an appropriate design response at this location. Indeed the siting of the proposed buildings very close to the road would be appreciably at odds with the general positioning of buildings to the north and west of the appeal site. In the main these existing dwellings are set noticeably further back from the road than would be the case with the appeal buildings, with the grain of the existing development broken up by courtyards, driveways and areas of planting. Moreover, the fact that the buildings to the north and west of the appeal site are either single-storey or just 2-storey emphasises the more open and suburban feel of the area.
34. In this regard I note that one of the appellant's amended plans, the Location and Block Plan (Drawing No 1650 50D) purports to show that there would be acceptable distances between the proposed buildings and existing buildings, particularly at this western end of the site. However, whilst the east/west separation between the appeal buildings and the eastern elevation of the Fitzalan Mews properties seems reasonable, the separation from the properties at Otmers Quay would only be acceptable because these Otmers Quay dwellings, themselves, are set well back from the road. I do not consider that this justifies the proposed buildings being so close to the road, especially as they would be noticeably higher and appreciably more bulky than these other nearby buildings.
35. Considered in isolation, I am satisfied that the appeal proposal represents a well-designed and attractive sheltered housing complex. But it seems to me that the appellant's desire to achieve this number of dwellings on this site, and the decision to place the necessary parking spaces and larger patio and landscaped areas to the rear has, of necessity, meant that the buildings themselves have had to be positioned very close to this relatively narrow stretch of Fitzalan Road. Whilst such a design approach may well be appropriate on a differently-sized and located plot, for reasons already given above it is my assessment that it is not acceptable or appropriate here. I consider that this situation has arisen, at least in part, because the appellant has not paid sufficient heed to the community view expressed first in Policy 5 of ANP1 and more recently in Policy AR3 of ANP2, that approximately 24 dwellings is seen as the appropriate capacity of this site.
36. Drawing the above points together, I share the Council's view that buildings of the size, form and massing proposed would contrast starkly and unfavourably with the pattern of development immediately to the north of the site, from where its main elevation would be viewed, and to the west. As such, and notwithstanding my favourable findings with regards to the proposed eastern elevation, on balance I conclude that the appeal proposal would have an unacceptable impact on the character and appearance of the street-scene and the surrounding area. Accordingly it would be in conflict with Local Plan Policies D SP1, D DM1 and SD SP1a, along with Policies AR3 and AR5 of the ANP2, all as referred to above.

The effect of the proposed development on the setting of designated and non-designated heritage assets

37. The appeal site lies outside, but adjacent to the southern part of the Arundel Conservation Area, and the closest listed buildings lie to the south-east at 1-5

Queen Street. The SoCG notes that although the appeal site forms part of the street-scene within which the Conservation Area would be experienced, none of the Council's reasons for refusal refer to any adverse impact on the Conservation Area. Moreover, the SoCG records agreement between the Council and the appellant that the appeal proposal would not have an adverse impact on the setting of any nearby listed buildings.

38. A different view, however, was taken by the Rule 6 Party, AHA!. Mr Arthurs stated, in his proof of evidence, that the proposal would impact on the setting of the Arundel Conservation Area and the setting of important listed buildings. However, dealing first with the Conservation Area, AHA! provided no specific detail as to how it considered the proposed development would harm the Conservation Area's setting, other than to claim that it would affect the views to and from the Conservation Area, including by the total loss of the non-designated heritage asset.
39. In this regard I have considered the verified photomontages submitted by the appellant, and the further montages (not visually verified) submitted by the Council and AHA!, and also viewed the appeal site from within the town, including from a number of the viewpoints referred to in Local Plan Policy LAN DM2. The various montages attempt to portray a number of views, with and without the proposed development, from the A27 to the south and from locations within the town. In my assessment these show that although it would be possible to gain glimpses of the proposed development from these and other locations, there would be no unacceptably harmful impact.
40. I share the appellant's view that from these distant and medium-distant viewpoints the proposed development would sit comfortably within the urban fabric, and would not have any material impact on the town's layered occupation of the hillside. I acknowledge that there would be some impact on views - indeed the very fact that the proposed buildings would be taller than those currently on the site means that this would be inevitable. But I am not persuaded that any such impact would be so severe as to materially affect the setting of the Conservation Area.
41. Furthermore, although AHA! claims that the proposed development would have an adverse impact on the setting of listed buildings, no specific supporting detail is provided, save the contention that being able to see the new buildings from listed buildings and other locations within the town would be harmful. However, simply being able to see the proposed development does not, in my opinion, equate to harm. From the distant and medium-distant viewpoints I visited the proposed buildings would be seen amongst and against other existing buildings and would not be unduly prominent or noticeable. Moreover, AHA! has not provided any information as to how it considers the appeal proposal would impact upon the significance of any designated heritage asset, as required by both Local Plan Policy HER SP1 and the Framework.
42. In light of the above points I am satisfied that insofar as designated heritage assets are concerned, the proposed development would preserve the settings of listed buildings and would not have an unacceptable impact on the significance of the Arundel Conservation Area.
43. With regards to non-designated heritage assets, the former Swallow Brewery building on the appeal site does not feature on the Council's list of Locally Listed Buildings or Structures of Character. However, this does not prevent it from being considered a non-designated heritage asset as is made clear by the PPG, which explains that such assets may sometimes be identified as part of the decision-

making process on planning applications², as appears to be the case here. All parties are agreed that this building should be considered as a non-designated heritage asset for the purpose of this appeal, and I note that the Council made an Article 4 Direction on this property in January 2018, and confirmed it in July 2018, so as to remove permitted development rights to prevent its demolition.

44. Much was made at the inquiry of a request from the Town Council to Historic England (HE) to have the building formally listed, and there was disagreement between the parties as to whether or not HE considered the building to have a clear local historic interest. What is clear, however, is HE's conclusion that the building does not fulfil the criteria for national listing. My own assessment is that this part single-storey/part 2-storey building is a rather unremarkable 19th century industrial building of no particular merit. As such, I share the appellant's view that HE's reference to a 'clear local historic interest' relates to the Swallow Brewery as a whole, and not to the appeal building in isolation.
45. In taking this position I have been mindful of HE's comments that the building is built of standard materials to a simple design and is typical of its type and date, demonstrating little architectural interest or innovation; that it has been subdivided internally and that no original fixtures or fittings relating to the brewery process remain; and that none of the associated brewery buildings survive, obscuring the role and purpose of this building. Whilst I understand, on this latter point, that some other buildings associated with the former brewery are still present on the eastern side of Fitzalan Road, they have been altered and are now in other uses, such that very little semblance of a former brewery complex remains. The best that can be said comes from the countersigning comments section of the HE report, where it is noted that the building does have some local interest.
46. With these points in mind, it is quite understandable that the design before me has not sought to retain this building, as there was no indication in ANP1 Policy 5, extant at the time the application was submitted, that this building should be seen as a non-designated heritage asset. Time has moved on, however, and I have to have regard to both the Framework's guidance on the matter of non-designated heritage assets, and the relevant policies in ANP2.
47. Dealing first with the Framework, paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. It makes it clear that for applications that directly or indirectly affect such assets it will be necessary to carry out a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset. As has already been noted above, ANP2 Policy AR3 makes reference to the need to have full regard to this building as part of any scheme for the appeal site, whilst Policy AR5 provides further detail as to what would be expected of any such development.
48. This latter policy indicates that subject to the viability of the proposal concerned (which I look at in more detail under the next main issue), development proposals for the wider site will be supported if they would retain and incorporate the building into the redevelopment scheme, most notably the east-facing façade to Fitzalan Road; and incorporate building and boundary materials and architectural features used in the original brewery complex. The policy also states that proposals that

² Paragraph: 040 Reference ID: 18a-040-20190723

would result in the loss of the building will be considered on the basis of Local Plan Policy HER DM2 'Locally Listed Buildings or Structures of Character'.

49. Although the building does not feature on this list, as a matter of principle I see no reason why the requirements of this policy should not apply in this case, namely that applications which would result in the total loss of such a building should demonstrate that the building or structure cannot be put to a beneficial use or re-use. In such cases, replacement structures need to be of a high quality design, and the policy also notes that there may be circumstances where the public benefit from the proposed development outweighs any proposed harm. In other words, a balancing exercise similar to that referred to in the Framework is necessary.
50. Such a balancing exercise can only really be undertaken once all the benefits and disbenefits of the proposal have been assessed. I therefore have to defer making a full conclusion on this issue at present. However, I am able to conclude that the proposed development would not have an unacceptable impact on the significance of any of the designated heritage assets identified.

Whether it would be viable to redevelop the appeal site in the way sought by ANP2 Policy AR5

51. As has been noted above, there was no requirement in ANP1 to seek to retain the former brewery building on the appeal site in any redevelopment proposals, pursuant to Policy 5. However, now that ANP2 has been approved at referendum it is necessary to have full regard to Policy AR5 which does seek to retain and incorporate this building into any redevelopment scheme, subject to viability considerations. The appellant's position is that retention of this building would simply not be viable, and that in this regard the demolition of the building would not place the appeal proposal in conflict with Policy AR5.
52. The appellant reached this view after instructing Align Property Consultants Ltd (APC), a firm of Chartered Surveyors, to carry out a building survey of this property. Their report, dated October 2018, forms part of the evidence before the inquiry and I have had regard to its Schedule of Dilapidations, along with the accompanying Photographic Schedule. I also visited the ground floor and first floor of this building during my accompanied site visit. APC estimates that repairs to the building, excluding any cost of conversion, would be in the region of £772,000, and whilst their report does not provide any conclusion regarding the condition of the building, the appellant describes it as 'extremely poor'.
53. However, this assessment was not shared by either the Council or AHA!. Mrs Holland made a number of detailed criticisms of the APC survey report in her proof of evidence, while Mr White referred to the written views of Mr Whitmore, a local developer/surveyor who had recently worked on a project in the town to convert some buildings associated with the former Eagle Brewery to residential use. Mr Whitmore had been asked by the Town Council to express an opinion on the possible conversion of the existing building on the appeal site, and having read the APC survey report he still considers that a conversion would be viable. Neither Mrs Holland nor Mr Whitmore provided any detailed alternative survey information or costings, and this severely limits the weight I can give to their evidence. Nonetheless, I consider it appropriate to at least give some weight to Mrs Holland's views as several of the points she raised were not fully addressed by the appellant.
54. APC also costed a theoretical scheme for the conversion of this former brewery building to a total of 6 residential units, comprising 3 2-bedroom units and 3 1-

bedroom units. Allowing for the raising of the ground floor level to address flood risk concerns, the total cost was estimated to be in the region of £1.292 million, to include construction costs and on-costs. However, it is unclear how much reliance can reasonably be placed on this estimate as Mr Tanner, for the appellant, was unable to address concerns and queries raised by AHA! on such items as 'Demolition & Alterations', 'Substructures' and 'Roof Coverings', and also had to concede that the estimate may contain discrepancies on items such as 'Sanitary Appliances'.

55. This estimate was used by Bailey Venning Associates (BVA) who were asked by the appellant to undertake viability assessments of 2 possible development options for the site, both of which would retain the former brewery building and convert it to 6 residential units as detailed above, with additional units on the remainder of the site. The first option looked at a conversion of the existing building together with the erection of a further 12 dwellings, whilst the second option combined the conversion of the existing building with the erection of 22 retirement units. In both cases BVA concluded that the development would provide a return less than the benchmark value for the site, meaning that neither option would be economically viable.
56. I acknowledge that this BVA work is the only detailed assessment of viability before the inquiry. However, as noted above, there are question marks against some of the estimated costs for the conversion, and neither of these development options reflect the quantum and/or type of development sought for this site through ANP2 Policy AR5. It is therefore unclear why the appellant chose to test these particular options. Insofar as the first option is concerned, AHA! pointed out that it would be possible to achieve a higher number of dwellings on the site if a smaller dwelling footprint was chosen – perhaps more akin to the nearby Fitzalan Mews dwellings – and if the proposed gardens were dispensed with for the redevelopment of the existing building. I share this view, and consider that other potential development options are also clearly possible.
57. Drawing the above points together, I acknowledge that on the basis of the best, detailed evidence available to the inquiry it has been shown to not be viable to pursue either of the 2 options tested. However, it is also the case that there are some unanswered questions and queries regarding the work which under-pins the appellant's conclusions in this regard, and neither of these options would reflect the amount and/or type of development favoured by the local community through ANP2. As a result, I do not feel able to come to a definite conclusion as to whether or not it would be viable to develop the appeal site in the way sought by ANP2 Policy AR5. More importantly, on the basis of the available evidence I am unable to firmly conclude that retention of the former brewery building, and its incorporation into a redevelopment of the site, would not be possible.

Whether the type and mix of housing proposed would be acceptable

58. ANP Policy AR3 allocates the appeal site for a residential redevelopment scheme and indicates, amongst other things, that support will be given to schemes which comprise a mix of approximately 24 dwellings, including an appropriate level of affordable housing suitable for smaller households and with primary consideration given to first-time buyers and those looking to rent their first home. By seeking to provide a scheme of 46 units, all of one type (sheltered units for the elderly – albeit a mix of 1-bedroom and 2-bedroom units) the appeal proposal would be at odds with this policy, notwithstanding the fact that the appellant would also make a contribution of £200,000 towards off-site affordable housing.

59. The appellant recognises this conflict, but points out that the proposed development would, in fact, help to address what the Council's most up-to-date SHMA highlights as a large and increasing need for specialist housing for the elderly in Arun, and indeed for this type of housing – owner occupiers downsizing. This is reinforced by Local Plan Policy H DM1 which, amongst other things, states that over the Plan period a proportion of the housing provided should be of a type that meets the needs of older people, as has been noted earlier. Furthermore, Local Plan Policy H DM2 deals specifically with independent living and care homes, and sets out a number of criteria which proposals for such dwelling units would need to meet. With the exception of the need for the design and scale to be appropriate to the local context – which I have already found against under the first main issue – I consider that the appeal proposal would accord with this policy.
60. In light of the above points a proposal for elderly persons' dwellings on this site would not be at odds with the Local Plan, a point acknowledged by the Council in the SoCG. The Council also accepts that significant weight should be given to the 46 units of elderly persons' accommodation proposed through this scheme. I take this as the Council's formal position on this matter, notwithstanding the fact that evidence presented at the inquiry by Ms Knight somewhat contradicted this position, by alleging that as Arundel already has some 5.6% of the District's total of specialist housing for the elderly there is no need for any more, especially as the existing housing schemes have vacancies.
61. But on this point I share the appellant's view that neither the fact that Arundel already has a relatively high number of specialist elderly units, nor the presence of vacancies, can be taken as demonstrating a lack of need for further accommodation of this type. Moreover, the appellant's point that such accommodation needs to be in urban areas, with good access to shops and services, is clearly correct – indeed, this is spelled out in Local Plan Policy H DM2.
62. Mrs Simpson, for the Town Council, made much of the fact that paragraph 5.17 of ANP2, which is part of the supporting text for Policy AR3, cross-references to housing stock evidence for the town in paragraph 5.13. However, the only such evidence given in this paragraph is that Arundel has a considerably higher proportion of housing confined to occupation by older households – 4.3% - than the figure for the District as a whole – 2.6%. But whether the figure is 4.3% or the higher 5.6% put forward by Ms Knight, I consider that it has little bearing on the assessment of need for such accommodation, and its need in locations like Arundel, for the reasons given above.
63. However, whilst accepting the appellant's point that sheltered housing on the appeal site is not specifically precluded by ANP2 Policy AR3, the local community has given a clear expression of its aspirations for the type of housing development it wishes to see on this site – primary consideration to first-time buyers and those looking to rent their first home, as noted above. Providing opportunities for more young people to remain in the District or be able to move to the District would address an imbalance highlighted in Ms Knight's evidence, and seems to me to be a legitimate aspiration, according with the 'Vision for the District' set out in the Local Plan.
64. Drawing all the above points together, I acknowledge that there is a need to continue to provide appropriate accommodation for the elderly in Arun District, in accordance with the Local Plan. But there is no imperative for such accommodation to be provided on this site, especially at a quantum almost double the community's preferred housing density, and when it would clearly be at odds with the type of

housing sought for this site through ANP2 Policy AR3 – which is also much needed in the District. For these reasons I conclude that the type and mix of housing proposed through this scheme would not be an acceptable development option for this site.

Whether the submitted planning obligation would satisfactorily address the impact of the proposed development

65. The SoCG indicates that there is agreement between the Council and the appellant regarding the 2 financial contributions offered through the S106 planning obligation. The first of these is a commuted sum of £200,000 towards off-site affordable housing. For all developments of 11 residential units or more, Local Plan Policy AH SP2 requires the provision of a minimum of 30% of the units as on-site affordable housing. But the policy indicates that a lower figure can be acceptable if it can be proven that a 30% provision would not be viable; and a commuted sum for off-site provision can be acceptable in very exceptional circumstances if supported by robust evidence, including viability evidence.
66. In this case the Council has considered the submitted viability evidence and has taken the view that if this proposal was to be granted planning permission, then the agreed commuted payment would be acceptable and policy compliant, having regard to the special nature and characteristics of sheltered housing for the elderly. I consider that this contribution would accord with the guidance in paragraph 56 of the Framework as it would be necessary to make the development acceptable in planning terms; would be directly related to the development; and would be fairly and reasonably related in scale and kind to the development. It would therefore also meet the requirements of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010, as amended.
67. The second contribution is £13,897 to West Sussex County Council towards the provision of new library stock. The proposed development would clearly increase the local resident population and would be likely to put additional pressure on the County Council's Library Services. No evidence has been submitted to suggest that this contribution would not be appropriate, and again I see no reason to conclude that it would not accord with the aforementioned CIL Regulation 122.
68. A further contribution of £1,134 was requested by West Sussex County Fire and Rescue Services, with the SoCG stating that this would be used towards the supply and installation of additional fire safety equipment to vulnerable persons' homes in the West Sussex County Fire and Rescue Services area. Mr Boarer spoke at the inquiry in support of this contribution, pointing out that any development has an impact on the resources of the Fire and Rescue Services, and although the contribution requested is only a small amount, it would help with prevention measures such as community linked smoke detectors for vulnerable people's homes. Mr Boarer argued that this contribution would allow the Fire and Rescue Service to use its resources more effectively.
69. However, the appellant commented that the proposed development would have its own fire alarm mechanism and that there have been no specific requests for the installation of special fire prevention equipment. Moreover, the appellant maintained that the contribution sought amounted to a request for assistance with a public authority's overall funding, which would not accord with CIL Regulation 122.
70. I share this view, and do not consider that this very general request for a contribution could be shown to be directly related to the proposed development. As such, I do not consider that the appellant should be required to make such a

contribution in this case. Overall, I therefore conclude that the submitted planning obligation would satisfactorily address the impact of the proposed development, and would therefore accord with the relevant development plan policies to which I have already referred.

Other relevant matters raised by interested persons

71. Drainage and flooding. Concerns about drainage and flooding were mentioned in a number of the written representations, and were raised at the inquiry by AHA!. In particular, Mr Arthurs for AHA! argued that the scale of the proposed development would result in undue impacts on the infrastructure, including drainage and sewers, and I have had regard to some photographs of flooding in the area and drainage problems³, submitted by the occupier of 44 Fitzalan Road.
72. However, insofar as the risk of flooding is concerned, the Environment Agency has raised no objections to this proposal, subject to any development taking place in accordance with the submitted Flood Risk Assessment. This could be secured by a condition, in the event of planning permission being granted. No firm, authoritative evidence has been submitted to contradict this view, and in these circumstances I see no reason why this proposal should fail on grounds of flood risk.
73. With regards to drainage, the drainage strategy submitted with the proposal indicates, contrary to the assertions of AHA!, that no surface water drainage from the site would be put into the local foul or highway surface water networks. Indeed, Mr Tanner explained that the drainage strategy would remove some 90% of the rainwater run-off from the site which currently flows into the shared sewer. The appellant accepts that at times of high rainfall this current arrangement can cause surcharges and overflows, as indicated in the submitted photographs, but this situation would not arise with the proposed drainage strategy. Again, no authoritative evidence was put forward to cause me to doubt the appellant's position on this matter, and as a result I am satisfied that the proposed development would not give rise to unacceptable drainage problems.
74. Parking. Objections in the written representations and from AHA! on this topic centred mainly on the view that the amount of on-site parking proposed would be insufficient, and that as a result the proposal would result in additional on-street parking in this area, where demand for on-street spaces is already high.
75. However, the Revised Transport Statement submitted with the application shows that the proposed quantum of 32 parking spaces is in excess of the parking provision required for private sheltered housing, in accordance with the Council's Supplementary Planning Guidance on Parking Standards. In any case, the proximity of the proposed development to facilities and services within Arundel Town Centre would serve to reduce the need for residents to own a car.
76. Furthermore, email correspondence submitted to the inquiry on behalf of the local highway authority⁴ indicates that only a single on-street parking space would be lost if this development was approved, to allow for a safer crossing point of Fitzalan Road. The local highway authority has raised no objections to this, and indeed considers that it would be a preferred situation from a highway safety perspective. No firm, contrary evidence has been submitted on these points, and as a result I do not consider that this proposal should fail for any parking-related reasons.

³ See Document 16

⁴ See Document 28

77. Highways and access. A similar situation arises with concerns about highways and access matters expressed in the written representations and by AHA! at the inquiry, in that no detailed, authoritative evidence was put forward by objectors to support their concerns. The Revised Transport Statement referred to above indicates that there is only predicted to be a very modest increase in morning peak hour traffic generation from the proposed development, compared to the existing use of the site, with no increase in trips at all in the evening peak hour. Furthermore, there is only predicted to be an increase of about 19 trips in total over a 12-hour period. This slight increase in trip generation would have no material impact on the surrounding highway network.
78. Moreover, although AHA! raised concerns about the visibility splays at the proposed access passing over unregistered land at the BT access, the local highway authority has confirmed that this would not create a problem as this unregistered land, needed to provide the necessary visibility, would be adopted as highway under section 228 of the Highways Act 1980. In the absence of any firm evidence to the contrary, I am satisfied that this development could proceed without giving rise to unacceptable highways or transport concerns.
79. Living conditions of nearby residents. These concerns, relating particularly to privacy and daylight and sunlight, were raised by interested persons in written representations, and by AHA! at the inquiry. AHA! objects to the number of proposed windows and doors (with balconies) looking northwards into the historic townscape, arguing that these would overlook and dominate neighbouring houses and gardens. It further maintains that overlooking would be compounded by the height of the proposed block on the road frontage, meaning that future occupants would be able to look downwards directly into neighbouring beds and bedrooms.
80. However, I saw at my site visit that the closest residential property to the north of the site is 2 Fitzalan Road, with the garage and first-floor bedroom of this property being just over 11m away from the proposed buildings. As is noted in the Council Officers' report on this application, such a distance is generally considered sufficient to prevent any unacceptably adverse overlooking, particularly given that the sites are separated by a public highway, in the form of Fitzalan Road. Other windows at this property would be further away from the proposed buildings, whilst the closest windows at the Otters Quay dwellings would be further away still, at about 21m. Private amenity areas of these existing dwellings are located on their northern sides, and overall I do not consider that the appeal proposal would result in any unacceptable loss of privacy for existing occupiers of these properties.
81. The next closest building is the 2-storey detached part of Martlets Court, which I visited at my site visit. This has a first floor window facing the appeal site, but as this would be over 13m away from the proposed buildings, and would be opposite the set-back elements at the corner of Fitzalan Road, I do not consider that any unacceptable loss of privacy would arise if planning permission was to be granted.
82. AHA! also maintains that the proposed development would result in a loss of sunlight and daylight. In this regard, detailed assessments of the impact the proposed development would have on sunlight and daylight reaching neighbouring properties has been undertaken on behalf of the appellants. Whilst these assessments do show that in some cases there would be a worsening compared to the existing situation, all windows except one under an overhanging porch at 2 Fitzalan Road are predicted to still meet the British Research Establishment (BRE) guidelines, which are generally accepted for development control purposes. The

single window just referred to would comply with the BRE guidelines if the overhang was not included – showing that it is the overhang and not the proposed development which causes this window to fail.

83. I have noted the comments by the owner of 2 Fitzalan Road, Mr Burrows, that the appellant's consultants did not assess a 'missing window' which serves a habitable room at this property. In this regard it is clear that the window above the garage, facing Fitzalan Road, is a relatively recent addition, as it does not appear in photographs of 2 Fitzalan Road included in the Design and Access Statement, submitted with the application and does not appear to be directly referenced in the BRE report. However, I have had regard to the cross-sectional drawings which form part of Mr Marlow's evidence, and I also viewed the appeal site from this first-floor window at 2 Fitzalan Road. Taking account of the amended plans, my assessment is that it is unlikely that there would be an unacceptably detrimental impact on daylight reaching this window.
84. Drawing the above points together, and having had regard to the relationship of the proposed buildings with all other immediately surrounding dwellings, I conclude that the proposed development would not have an unacceptable impact on the living conditions of nearby residents, with reference to privacy and sunlight/daylight. The appeal proposal would therefore not conflict with Local Plan Policy D DM1 which, amongst other matters, seeks to ensure that new development would have a minimal impact on users and occupiers of nearby properties, by avoiding significant loss of sunlight, privacy and outlook.
85. Impact on protected trees. Although an Arboricultural Assessment & Method Statement was submitted with the application, AHA! is critical that this only covered the appeal site. It argues that it should also have considered trees on adjoining land, in particular trees subject to Tree Preservation Orders (TPOs), which have a significant amenity value and visual impact on the Conservation Area. In particular, AHA! argues that works to the sewerage system and flood walls around the site may impact on the root protection areas and that a full tree report, covering all trees likely to be affected by the development, should be submitted.
86. However, there is no firm evidence before me to suggest that the root protection areas of trees on the opposite side of Fitzalan Road would be adversely impacted upon by the proposed works. In any case, as pointed out by the appellant, a statutory undertaker carrying out any work on sewers in Fitzalan Road would be bound by a statutory duty to have regard to, and protect, trees covered by TPOs. Accordingly, I do not consider that this matter would prevent planning permission being granted, if all other matters were to be in the proposal's favour.

Whether the appeal proposal would represent sustainable development in the terms of the Framework

87. The Framework makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 explains that there are 3 overarching objectives to achieving this - economic, social and environmental – and that these objectives are interdependent and need to be pursued in mutually supportive ways. I explore how the appeal proposal would perform against each of these objectives in the following paragraphs, and what weight this should carry in my overall assessment. Then, as the Council cannot demonstrate a deliverable 5-year supply of housing land, I assess the proposal in accordance with the Framework paragraph 11(d)(ii), and also have regard to Framework paragraph 14.

88. The economic objective. Some economic benefits would arise from the construction of the proposed 46 residential units, comprising direct benefits to the construction industry and subsequent increased spending in the local economy by future residents. Moreover, research has shown that the average person living in specialist housing for older people saves the National Health Service and social services about £3,490 per year⁵. In addition, the appeal proposal would result in contributions of £200,000 towards the delivery of off-site affordable housing and £13,897 towards the provision of new library stock. In view of these points I consider that the appeal proposal should be regarded as satisfying the economic role of sustainable development, and that these benefits should be given significant weight.
89. The social objective. Amongst other things, the Framework explains that that this objective seeks to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations. The appeal proposal would go some way towards achieving this objective by the provision of much needed housing to provide for the needs of an ageing local population. Moreover, by enabling local elderly people to downsize from under-occupied dwellings it would be likely to result in the release of some homes more suitable for families back onto the market. The provision of suitable accommodation for older people would also contribute to keeping them healthy, and would support them in living independently.
90. But whilst the proposed development would certainly provide one form of accommodation recognised as needed throughout the District, it would not provide the quantum, type or mix of dwellings favoured and sought as a priority by the local community in its aspirations for the redevelopment of this site through ANP2 Policy AR3. Because of this, although I acknowledge that the appeal proposal would satisfy the social objective of sustainable development, I consider that it only warrants moderate weight.
91. The environmental objective. As part of achieving this objective, development should contribute to protecting and enhancing the natural, built and historic environment; make effective use of land; and use natural resources prudently. The appeal proposal would make more efficient use of this previously developed site, and by providing housing in close proximity to shops and services it could well reduce the need to travel by car. However, I have already concluded, under the first main issue, that the proposed development would have an unacceptable adverse impact on the character and appearance of the surrounding area. As such it would fail to protect or enhance the built environment.
92. It would also fail to protect or enhance the historic environment, as it would result in the total loss of the former Swallow Brewery building on the site, which all parties agree should be considered a non-designated heritage asset. Whilst I acknowledge that the acceptability of this loss is a matter which requires a balanced judgement to be taken in accordance with paragraph 197 of the Framework, I consider that to be a separate matter to the assessment of whether or not the environmental objective of sustainable development would be achieved.
93. In light of the above points there would be clear environmental disbenefits arising from this proposal and I therefore conclude, on balance, that the proposed development would not satisfy the environmental objective of sustainable

⁵ From a 'Homes for Later Living' report, published in September 2019 and placed before the inquiry as Appendix 20 to Mr Tanner's evidence

development. As a result the proposal as a whole cannot be considered to be sustainable development.

Summary and overall conclusion

94. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 I am required to assess this proposal in accordance with the development plan, unless material considerations (which include the Framework), indicate otherwise. As the Council accepts that it is currently unable to demonstrate a 5 year supply of deliverable housing land, this proposal has to be considered under the tilted balance set out in paragraph 11(d)(ii) of the Framework. This indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
95. In this case there would clearly be some significant benefits arising from the provision of 46 much-needed units of accommodation for elderly persons, along with the economic and social benefits which would flow from the provision of these new dwellings, as detailed above. These dwellings would assist in addressing the shortfall of some 333 dwellings arising from the fact that the Council can, at present, only identify a 4.7 year HLS.
96. However, these benefits would come at a cost – not least the fact that the appeal proposal would not satisfy the environmental objective of sustainable development, and therefore cannot be considered to represent sustainable development. This is because the proposed development would have an adverse impact on the character and appearance of the street-scene and the surrounding area and would fail to retain the non-designated heritage asset on the appeal site. This places the appeal proposal at odds with relevant Local Plan policies referred to above, which carry weight regardless of the Council's lack of a 5 year HLS. Moreover, by failing to clearly show that the quantum and/or form of development sought through ANP2 Policy AR3 would not be viable, the proposal would also be in conflict with ANP2 Policies AR3 and AR5.
97. Paragraph 14 of the Framework makes it clear that where the presumption at Framework paragraph 11(d) applies to applications involving the provision of housing (as here), the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided a number of listed criteria apply – all of which seem to me to apply in this case.
98. With this in mind, and having regard to the harm outlined above and the conflict with both Local Plan and ANP2 policies, I conclude that the adverse impacts of this proposed development would, indeed, significantly and demonstrably outweigh the benefits, when assessed against the relevant policies in the Framework as a whole. This conclusion means, insofar as the heritage balance is concerned, that there would be no over-riding public benefits from this proposal to justify the loss of the non-designated heritage asset on the site, discussed earlier.
99. Because of these points, my overall conclusion is that this appeal should be dismissed. I have had regard to all other matters raised, but they are not sufficient to cause me to reach a different conclusion.

David Wildsmith

INSPECTOR

APPEARANCES

FOR THE COUNCIL

Mr Jeremy Cook of Counsel	instructed by Arun District Council (ADC)
He called:	
Ms Hilary Knight	Retired resident of Arundel
BA(Hons) MBA	
Mr Martyn White	Principal Conservation Officer, ADC
BA(Hons)TP DipTP MSc(Hist Conservation) MRTPI	
Ms Eimear Murphy	Murphy Associates
BSc(Hons) PGDipUD MSc(Hist Bldgs) MRTPI IHBC	

FOR THE APPELLANT

Mr Rupert Warren QC	instructed by Renaissance Retirement Ltd
He called:	
Mr Laurie Marlow	Director, David James Architects & Partners Ltd
BA(Hons) Arch PGDip Arch ARB RIBA	
Mr Edward Kitchen	Associate, Planning & Development Department, Gerald Eve LLP
MA (Cantab) MA	
Mr Peter Tanner	Senior Associate Planner, Renaissance Retirement Ltd
BA DipTP MRTPI	

FOR AFFORDABLE HOUSING IN ARUNDEL (AHA!) RULE 6(6) PARTY

Mr Adrian Burrows	
He called:	
Mr Patrick Arthurs	Arthurs Planning and Development
BA MA DipTP MRTPI	
Mrs Victoria Holland	Victoria Holland Architecture
RIBA	

INTERESTED PERSONS OPPOSING THE PROPOSAL

Mrs Susan Simpson	For Arundel Town Council
Mr David Boarer	For West Sussex County Fire and Rescue Services

DOCUMENTS & PLANS SUBMITTED AT THE INQUIRY, AND SHORTLY BEFORE

Document	1	Letter of notification of the appeal, and list of persons notified
Document	2	Opening submissions on behalf of the appellant
Document	3	Opening submissions on behalf of the Council
Document	4	Addendum to Ms Knight's proof of evidence, submitted by the Council
Document	5	Appendix A to Mr Arthurs' proof of evidence, Submitted by AHA!
Document	6	Bundle of 9 submission plans, refused planning permission, submitted by the appellant
Document	7	Bundle of 7 amended plans, submitted by the appellant
Document	8	Revised proof of evidence of Mrs Holland, submitted by AHA!

Document	9	Aerial photograph showing the location of listed buildings in proximity to the appeal site, submitted by AHA!
Document	10	Information explaining when a Neighbourhood Plan becomes part of the development plan, submitted by Mrs Simpson
Document	11	Information relating to a housing development at Ford, covered by Local Plan Policy H SP2, submitted by AHA!
Document	12	Speaking Note and bundle of 4 attachments, submitted by Mrs Simpson
Document	13	Email from Peter Hayward, on behalf of West Sussex County Highways, indicating acceptance of the latest version of the SoCG, which resolves reasons for refusal 3 and 4, submitted by the appellant
Document	14	Extract from the Arundel Neighbourhood Plan Review 2018-2036, Pre-Submission Plan, November 2018, submitted by the appellant
Document	15	Revised proof of evidence (Verbal Summary) of Mr Arthurs, submitted by AHA!
Document	16	Photographs showing flooding in the vicinity of 44 Fitzalan Road, as referred to in Mr Arthurs' proof of evidence, submitted by AHA!
Document	17	Bundle of documents relating to the formation and constitution of AHA!, and related matters, submitted by AHA!
Document	18	Extract from the Arun Local Plan – Policy LAN DM2: The Setting of Arundel, submitted by the appellant
Document	19	List of 17 suggested conditions, agreed between the Council and the appellant
Document	20	List of 2 additional conditions, agreed between the Council and the appellant
Document	21	List of 6 additional suggested conditions, submitted by AHA!
Document	22	Photograph showing existing buildings at the eastern end of the appeal site, submitted by the appellant
Document	23	Topographical Survey, Drawing No 2366-SV-1, submitted by the appellant
Document	24	Regulation 16 Consultation Response to the Arundel Neighbourhood Plan Review 2018-2036, made by the appellant in July 2019
Document	25	Additional objection to the proposed development, handed in at the inquiry
Document	26	Closing submissions on behalf of the Town Council, submitted by Mrs Simpson
Document	27	Closing submissions on behalf of AHA!, submitted by Mr Burrows
Document	28	Email from Peter Hayward, on behalf of West Sussex County Highways, responding to highways concerns raised by AHA!, submitted by the appellant
Document	29	Closing submissions on behalf of the Council
Document	30	Closing submissions on behalf of the appellant
Document	31	Plans showing suggested site visit route and itinerary, agreed between all parties