



Appeal Decision

Hearing Held on 8 October 2019

Site visit made on 8 October 2019

by D J Board BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2019

Appeal Ref: APP/C3810/W/19/3220233

Pound Place, Roundstone Lane, Angmering, BN16 4AL

- 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 Hallmark Care Homes against the decision of Arun District Council.
 - The application Ref A/51/18/PL, dated 6 April 2018, was refused by notice dated 15 November 2018.
 - The development proposed is erection of a 64 bedroom care home (C2), with car park, landscaped gardens and access from Roundstone Lane, following demolition of the existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a 64 bedroom care home (C2), with car park, landscaped gardens and access from Roundstone Lane, following demolition of the existing dwelling at Pound Place, Roundstone Lane, Angmering, BN16 4AL in accordance with the terms of the application, Ref A/51/18/PL, dated 6 April 2018, subject to the conditions in Annex A.

Application for costs

2. At the Hearing an application for costs was made by Hallmark Care Homes against Arun District Council. This application will be the subject of a separate Decision.

Procedural Matters

3. The scheme was amended during the course of the planning application. Amended plans were submitted to the Council that changed the scheme to a 64 bed care home and made changes to the footprint, height and massing of the building. The Council made its decision based on these plans. As such the appeal is considered on this basis. In addition, the description I have used in my decision reflects these changes and was agreed by parties at the hearing.
4. The Council confirmed that Arun Local Plan (LP) policy ENV DM5 was referred to in error within its second reason for refusal.

Background and Main Issue

5. The Council's statement of case confirmed that it was no longer seeking provision of affordable housing within the appeal scheme. As such it was

confirmed that the Council was no longer defending this part of reason for refusal 3.

6. Reason for refusal 3 included a requirement for the scheme to make provision for 'infrastructure' and additional health care. The submission from West Sussex County Council clarified that the infrastructure requirements would be for health, library services and fire and rescue service contributions.
7. At the Hearing the Council explained that after the planning application was determined but prior to the appeal hearing planning permission was granted for erection of a 62 bed care home on the site¹. The officer report² for this scheme considers that the viability assessment submitted by the appellants for that scheme is a reasonable approach. At the hearing the Council accepted that there was no dispute that the same methodology had been applied to the 64 bed appeal scheme. As such the Council submitted that it did not intend to defend the remaining element of reason for refusal 3 which related to infrastructure payments, including those for fire services and libraries as set out by West Sussex County Council.
8. Accordingly, considering the content of reasons 1 and 2, the main issue is the effect of the provision of the care home on the character and appearance of the area.

Reasons

Policy background

9. In addition to the Arun Local Plan (LP) and the Angmering Neighbourhood Plan (NP) I have been referred to both a Masterplan and Visioning Brief (VB) which cover the area within which the site is located. Neither of these documents has been formally adopted. The Council pointed out that the VB reflects the design policies of the LP. The Council acknowledge that the Masterplan document provides guidance but also submit that it reflects the policies of the LP. Therefore, I agree with the Council and the appellants that the VB and Masterplan are both material considerations in determination of the appeal. However, the documents have not been adopted and therefore I attach moderate weight to them.

Character and appearance

10. The site is located within an area where the prevailing character is one of residential development. The form and layout of the dwellings varies along Roundstone Lane. There are dwellings surrounding the site in Lambert Way, Brougham Grove and on the opposing side of Roundstone Lane. There is an area of open space along Alexander Avenue which the site would be adjacent to. The Council accept that there is no policy conflict in terms of formal provision of public open space for the scheme. The area of concern relates to the footprint of the building, its position and the amount of space around the building and resulting localised harm.
11. The layout of the scheme at the east end of the site would include the lounge/dining area within the building. It would connect to the outside area within this part of the site which the plans indicate would include a patio,

¹ LPA ref A/9/19/PL

² Appendix 2 of the Council's Statement

exercise paths and garden area. I appreciate that there would be some form of enclosure of the site at the east end and that the Council is concerned about this configuration not providing enough setting for the building. Nonetheless, it would be possible to secure the detail of the boundary treatments and when viewed from Alexander Avenue the existing open areas would continue to provide setting to the appeal site. The plans demonstrate that the height and design of the building would provide a height and appearance that would complement the existing housing. As such I consider that the garden area within the site and the areas in Alexander Avenue taken together would be sufficient to provide setting and relief to the building.

12. The second area of concern raised by the Council is the view of the new building within the site from Roundstone Lane itself. The existing situation is a substantial single dwelling which is set back from the road with space around it. The Council suggest that within the street scene that mainly dwellings are seen close to the road. The existing dwellings that are nearby are closer to the road than the existing dwelling on the appeal site. Some front onto Roundstone Lane and some onto the roads that feed from it. However, there are also generous grass verges and set backs from the street frontage. Therefore, the appreciation of the Roundstone Lane street scene is interspersed with areas of grass and trees. Within this context the frontage of the appeal site contributes to the setting of the area.
13. The appeal scheme would increase the amount of built form on the site. The care home building would have a substantial footprint that would extend toward the Roundstone Lane frontage. At the front of the site an area would be used for a parking and turning area. The plans show that the existing trees would be retained up to the front of the new building and there would be a further landscaped area directly in front with pathways that would link up with those around the building. I appreciate that the Council consider that the existing situation on the appeal site represents an anomaly within the area given the housing schemes that have taken place around it. Nevertheless, the combination of the set back from the road, scale and design of the building, retained trees and the new landscaping proposed would ensure that the provision of the new building would not be overly prominent or appear out of place within the street scene, from both close and long views. Indeed, the plans demonstrate that the elevation that may be glimpsed from the elevated position on the pavement opposite would have the appearance of a large dwelling. As such it would not appear out of character.
14. A condition to require the provision for an additional building on the front of the site was suggested by the appellants. I appreciate that within the 62 bed scheme the Council has 'approved' this solution. Nonetheless, such a building is not in the scheme before me. In addition, it is not shown in the plans that have been deposited and consulted on. As such I do not consider that it would be a reasonable approach to require the submission of a building by using a condition. In addition, given my conclusions on character and appearance of the building within the street scene this would not be necessary in any event.
15. The Council submitted that the approved 62 bed scheme would be preferable to this scheme. Specifically, that more open space would complement the area and lessen the impact of a new building. I appreciate that the Council has granted planning permission for the 62 bed scheme and that the layout of the appeal scheme is different. However, I have considered the scheme before me

on its individual merits. Furthermore, for the reasons set out above, I have found it would be acceptable in terms of its relationship to the surrounding area.

16. There is no dispute that the appeal scheme would not reflect the illustrative layout shown in the Masterplan³ document. Nevertheless, the masterplan itself is clear that the illustrative layout is one possible way that development could be laid out, it is no binding. Therefore, given my overall findings on character and appearance, I do not consider that a scheme that departs from the illustrative layout can be resisted solely on that point.
17. The Council do not dispute that there is no requirement for a vehicle linkage. The concern relates to pedestrian links from the site to the wider area, in particular removing the need for pedestrians to cross the road to use a footpath. The appellants outlined that it would be possible to provide a footpath across the site frontage. There would not be any other linkages between the site and the wider area. However, a footpath across the frontage would sit outside of the red line site. In addition, it would not connect to another footpath to the north of the site. As such whilst it would be desirable, I do not consider that this requirement is necessary for this scheme to go ahead.
18. The VB sets out that it was prepared to broadly illustrate how and where growth might be delivered in the area. The appeal site is within the area covered by the VB⁴. The vision statement is seeking a mix of housing types in a leafy and attractive environment, which complements existing housing in the area. I understand that one of the features in the brief is green spaces. I appreciate that the appeal scheme as shown on the plans would not provide specific links as shown in the VB. Nonetheless, overall, it has been demonstrated the scheme would accord with the aim to provide landscaping that would complement the existing area and provide an attractive neighbourhood for residents.
19. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the area. It would not be in conflict with LP policies D SP1, D DM1, T DM1, T SP1 and NP policies HD5, HD6, HD7 and TM1 which amongst other things seek to secure high quality new development that reflects the characteristics of the site and local area.

Other matters

20. Whilst not raised as reasons for refusal local residents have raised concerns regarding loss of existing trees, use of a fence on boundaries, an increase in traffic and lack of parking and lighting on site. I have carefully considered these points and address each in turn.
21. The plans show that the substantial existing trees on the boundaries closes to Roundstone Lane would be retained. I am satisfied that any additional boundary treatment and landscaping can be controlled through the use of a hard and soft landscaping condition. There was no objection to the level of parking or vehicle movements from the Local Highway Authority. I have no evidence that would lead me to a different conclusion. Any lighting scheme is controlled by condition and would not alone be a reason to resist the scheme.

³ Figure 5.1

⁴ Page 3

22. There was no dispute at the hearing that the residential units could count in some way towards housing provision. There was also no dispute that the Council cannot identify a five-year supply of housing land as required by the Framework. As such the provision of the residential accommodation, albeit C2, would be a benefit that weighs in favour of the scheme.
23. The Council has drawn my attention to an appeal decision for a care home scheme⁵. However, this is for a scheme in the greenbelt and in a different borough. As such it is not directly comparable to the appeal scheme which I have considered on its merits in any event.

Conditions

24. I have considered the conditions put forward and discussed at the hearing against the Framework, the Planning Practice Guidance and where necessary I have amended the wording in the interests of precision. Conditions 1 & 2 are required because they set the necessary time limit and the approved plans and documents as this provides certainty.
25. To manage the water environment of the development and mitigate the impact on flood risk and water quality a condition to secure the submission of a surface water drainage strategy and its subsequent implementation are necessary. In the interests of the character and appearance of the area I consider that it is necessary to impose a condition that would secure the detail of hard and soft landscaping and boundary treatments and secure their management as well as detail of material finishes. I have amended the wording from that suggested in conditions 5,6 and 12 in the list discussed at the hearing. Linked to this I have considered the Council's suggestion regarding the removal of permitted development rights for enclosure. In this case, given the arguments made at the event around the site location and scheme quality, in this case I find the use of this condition is both reasonable and necessary.
26. In the interests of ecology, it is necessary to impose a condition to ensure that the submitted mitigation is carried out and retained as appropriate. In the interests of highway safety, it is necessary to secure the provision of the access and visibility as set out on the highway drawings and also to secure a construction method statement. I consider that this condition would cover matters of contractor car parking. Therefore, I have amended the condition relating to the 'use of land for car parking' to be more precise in specifying the end use of a care home. It would also be necessary to secure details of cycle parking. In the interests of the living conditions of existing occupiers nearby it is necessary to secure the submission of a construction management plan.
27. I have not imposed suggested condition 9 in the hearing documents. It was agreed that this was suggested in error. I was asked to consider the use of a condition to secure a footpath link on the site frontage. Whilst this would be desirable, I have no evidence and heard nothing at the hearing that satisfied me that this would be necessary and that without it planning permission would be refused. As such I do not consider a condition seeking this would be reasonable.

⁵ APP/H2265/W/18/3202040

Conclusion

28. The scheme would not harm the character and appearance of the area. In this regard it would not be in conflict with policies of the development plan. The scheme would make provision for residential (C2) development which would also weigh in its favour. There would be some conflict with the VB and Masterplan. However, these are material considerations of moderate weight, and this conflict would be limited. Therefore, in this case, I find that there are not other considerations that would outweigh my findings on the scheme's conformity with the development plan.
29. Therefore, for the above reasons and having regard to all other matters raised I conclude that the appeal should be allowed.

D J Board

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Douglas Bond
James Rowntree
Kevin Brown

Woolf Bond Planning
Hallmark Care Homes
Hallmark Care Homes

FOR THE LOCAL PLANNING AUTHORITY:

Juan Baeza
Anita Gardner

Arun District Council
Arun District Council

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Planning Permission ref A/9/19/PL
- 2 Comparison plan 1388/001 L
- 3 Aerial photograph of site and surrounding area

Annex A – Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the following approved plans: 1388 000 Location plan; 1388 001C Site layout plan; 1388 002C Site layout block plan; 1388 003D Information site plan; 1388 004 Bin store plan and elevations; 1388 101C Ground floor plan; 1388 102C First floor plan; 1388 103A Second floor plan; 1388 104 Roof plan; 1388 201B Elevations; 1388 202B South and West elevations; 1388 203B North and East elevations; 1338 204A Section elevations; AD18024 1.01 A Site survey Tree protection plan dated 5 April 2018; 68011-TRK-001A Large refuse vehicle swept path; 68011-TS-001 Access arrangements.
3. Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme, including details to demonstrate how the scheme would prevent surface water discharging onto the public highway have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.
4. Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the Local Planning Authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.
5. No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i. a statement setting out the design objectives and how these will be delivered;
 - ii. earthworks showing existing and proposed finished levels or contours;
 - iii. means of enclosure and retaining structures;
 - iv. boundary treatments;
 - v. vehicle parking layouts;
 - vi. other vehicle and pedestrian access and circulation areas;
 - vii. hard surfacing materials;

- viii. minor artefacts and structures e.g. furniture, play equipment, refuse or other storage units, signs, etc.;
 - ix. proposed and existing functional services above and below ground e.g. drainage, power, communications cables, pipelines etc. indicating alignments, levels, access points, supports as relevant;
 - x. lighting, floodlighting and CCTV;
 - xi. water features;
 - xii. an implementation programme, including phasing of work, and details for managing 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.
- b. The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.
6. Notwithstanding condition 5 and the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be positioned on the eastern site boundary.
7. Development shall take place in accordance with the mitigation detailed in the Bat Emergence Survey (Jan 2019). The scheme as implemented shall thereafter be retained in perpetuity.
8. Before the development is occupied the proposed vehicular access to Roundstone Lane shall be constructed and provided with visibility zones, in accordance with the approved highway plan 68011-TS-001. Thereafter these are all to be permanently maintained and the visibility zones shall be kept permanently clear of any obstruction higher than 600mm.
9. The use of any land for car parking in association with the use of the care home shall not be commenced until it has been laid out, surfaced and drained and such land shall not be used thereafter for any purpose other than the parking of vehicles.
10. No part of the development shall be used until the covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. The approved cycle storage/parking spaces shall thereafter be permanently retained in good working order.
11. No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

12.No development shall commence, including works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with West Sussex County Council and the Council's Environmental Health Officers). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- An indicative programme for carrying out of the work.
- The anticipated number, frequency and types of vehicles used during construction.
- The method of access and routing of vehicles during construction.
- The parking of vehicles by site operatives and visitors.
- The loading and unloading of plant, materials and waste.
- The storage of plant and materials used in construction of the development.
- The erection and maintenance of security hoarding. - Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery.
- Measures to control the emission of dust and dirt during construction.
- Details of flood lighting (including intensity of illumination, type and direction of light sources).
- A scheme for recycling/disposing of waste resulting from demolition and construction works.
- Hours of construction works.
- An effective vehicle wheel-cleaning facility.