

4 Myddleton Terrace
Shripney Lane
Bersted
Bognor Regis
PO22 9NS
23/1/12

ADC Planning

Bersted Parish Council
Planning Committee

Application BE/151/11 with revised Layout Drawing "Proposal 01B"

Extension to existing caravan park to provide 12no. additional mobile homes, associated parking area, formation of access and construction of electrical intake housing.

Please accept this revised letter, and 2 attachments, as formal notification of our continued OBJECTION to the above (revised) application on the following grounds;

1) We agree with and continue to support the view expressed by Bersted Parish Council on 6 May 2008 when reviewing an identical application for the same proposed development on the same site, viz; (extract from BPC minutes of 6 May 2008)

"App. No. BE/38/08

Applicant: Mr. C Lineton

Site: ShripneyGardenCaravanPark

Application: Change of use of land for the extension of caravan park to provide an additional 12 no. mobile homes and new vehicular access (This is a departure from the Development Plan).

RESOLVED to make the following comments:

OBJECTION

The application is a departure from the Arun District Development Plan.

The extension of the site will be an intrusion into the rural area and out of character with the surroundings.

The access lane is narrow and unsuitable to take further vehicular traffic."

All of the circumstances referred to in the above resolution remain the same and we respectfully request that BPC make and communicate the same "Objection" resolution to Arun District Council and that ADC refuse the application on these and other grounds.

2) We agree with and continue to support the view expressed by Her Majesty's Inspector David Vickery in January 2009 when dismissing the appeal into the refusal of the identical application BE/38/08, viz; (extracts)

"The site lies outside the built-up area boundary of Bognor Regis and in the countryside as defined in the Local Plan. I saw that it is an open, level, grassed field, roughly square shaped, which lies between an existing caravan park to the north and residential development to the south. Access would be from the narrow Shripney Lane to the west. There is another field to the east, and mainly agricultural land to the west of the lane. The Council stated that the site is officially classified as Grade 1 or 2 agricultural land, and the appellant has not disputed this.

I saw that the site appears to be part of the countryside and that it links the open land to the west with that to the east. It acts as a distinct physical break between residential development and the caravan site to the north. I therefore consider this to be an environmentally sensitive site.

I conclude that the proposal would harm this environmentally sensitive site in the countryside by placing mobile homes on the land together with roads, pedestrian paths and other necessary development to service them.

This would have a serious and adverse urbanising effect on the character and appearance of the rural area. It would thus be contrary to the development plan and Government policies above.

Given my conclusion above the proposal would also be contrary to the advice in PPS7 at paragraphs 28 and 29 as it would be a development of high quality agricultural land which is avoidable because the need for it is not proven."

All of the circumstances referred to in the above appeal decision remain the same and we respectfully request that BPC make and communicate an "Objection" resolution to Arun District Council for these reasons and that ADC refuse the application on these and other grounds.

- 3) The current application (BE/151/11) makes no attempt to prove any marketing need for additional mobile homes in the Bognor Regis Area. However, the previous application (BE/42/10) did include a Market Needs Assessment which the applicant paid Mssrs Humberts Leisure Services to produce.

Arun District Council failed to submit that document for expert consultation response (which is the subject of an ongoing complaint to the Local Government Ombudsman) and erroneously accepted its paid-for findings.

We commissioned (for no fee) a review of that document which is available to BPC and ADC, on request. The conclusions from that review of the Humberts Market Need Assessment include;

"In reviewing the content of the Humberts' study, we have identified 29 specific instances, with detailed reasons, where we would strongly object to the validity of the inference or conclusion drawn by Humberts, from the data presented in the study. There is a lot of data in the Humberts report but virtually NONE that actually relates to the specific "owned-static-holiday-caravan" sector of the market in the Bognor Regis area – either on the demand or supply side of the market.

The only hard data Humberts have presented, which was specific to the supply of generic camping and caravanning units or bed spaces in Arun, shows an availability increase of 1700 units between 2008 & 2009. This indicates a substantial current supply surplus and removes any trace of justification for a further 12 units at Shripney Garden.

Summarising the results of this examination of the Humberts Leisure Market Needs Assessment, we assert the following;

There are no quantified or substantiated demand data for owned static caravans in the Bognor Regis area.

The ONLY quantified or substantiated data on the availability (supply surplus or shortage) of static caravans in the Bognor Regis area clearly indicated a recent INCREASE in supply of some 1700 units, creating a substantial supply surplus.

This supply surplus removes any trace of justification for a further 12 caravans at Shripney Garden. A recent spot survey indicated an availability of at least 94 static holiday caravan units for sale in the Bognor Regis area.

We conclude that no responsible planning officer, who had applied the required diligence to reading the Humberts Leisure report, could have reasonably used the report to override all but one of the reasons given by 2 previous planning officers and one planning inspector for refusing to grant planning permission for this 12 unit extension to Shripney Garden caravan park, three times previously."

All of the circumstances referred to in the above review remain the same and we respectfully request that BPC make and communicate an "Objection" resolution to Arun District Council for these reasons and that ADC refuse the application on these and other grounds.

- 4) The development proposed by the latest application has already commenced and has included the demolition of a 1.8m-high historic brick wall which provided good screening of the development from the adjacent public footpath (PROW149) and conservation area. The absence of this wall now exposes the whole of the development and seriously damages the visual amenity of the area and its appearance from within the conservation area.

Many of the consultation responses to BE/42/10 relied upon the screening provided by that wall to influence their view of the proposed development. All of those consultations need now to be revisited.

For this reason we request that BPC make and communicate an "Objection" resolution to ADC and that ADC refuse the application on these and other grounds.

- 5) The new vehicular access proposed by the latest application has also already been constructed and is completely different to that approved by WSCC Highways. The developer has constructed an access that does not provide the required visibility splays to the north. Also, the actual construction places the access much closer to our neighbouring property, than shown on the approved plans, creating a much greater intrusion into our lives and its design threatens our safety and that of our children, who play in the quiet private track, especially when being used by the large commercial vehicles that visit the site. **(See comments on revised layout drawing of January 2012)**

For this reason we request that BPC make and communicate an "Objection" resolution to ADC and that ADC refuse the application on these and other grounds.

- 6) The new layout of the site proposed by the latest application places seven 10-foot-tall mobile home units little more than 10 feet from the house and garden of our adjacent family home, seriously damaging our residential amenity through over-bearing presence and over-looking. **(See comments on revised layout drawing of January 2012)**

For this reason we request that BPC make and communicate an "Objection" resolution to ADC and that ADC refuse the application on these and other grounds.

7) The revised application contains a Design and Access Statement (which was not included in the previous application, despite being a legal requirement) that indicates the plan to plant boundary trees and hedges that will take away significant light from our adjacent family home, No 4 Myddleton Terrace.

For this reason we request that BPC make and communicate an "Objection" resolution to ADC and that ADC refuse the application on these and other grounds.

8) The applicant previously secured approval based on submitting an anticipated increase in traffic movements resulting from this development as 12 per day i.e. 1 per unit per day. This is re-stated in the Design and Access Statement included with the latest application. This is at significant variance from accepted statistics, which would predict 3.3 movements per unit per day. (The TRICS Traffic Generation Database records an average of 3.3 movements per unit per day for mixed and affordable housing.) This would mean an additional 40 vehicle movements per day along the narrow private track. This will create an unacceptable additional traffic burden for all the occupiers of Myddleton and Chalfont Terraces especially when considered alongside the increased need for very large commercial vehicles to visit the site to deliver and collect mobile homes as well as deliver goods and collect waste.

For this reason we request that BPC make and communicate an "Objection" resolution to ADC and that ADC refuse the application on these and other grounds.

9) Both WSCC, in its only detailed consultation response to the proposed development at Shripney Garden (in response to BE/38/08, but referred to in the responses to BE/77/09 & BE/42/10) and ADC, within the officer's report on BE/42/10, refer to the fact that the site is "reasonably well screened...with a 1.8m wall along the western boundary". In addition, the applicant's own agent refers to the presence of the wall in their letter accompanying the discharge of conditions application. Since this circumstance has now completely changed, we believe that it is vital that WSCC and the planning committees for ADC and BPC make repeat site visits to evaluate the real and actual visual amenity affects of the development connected to the revised access.

10) Since the new access to the site differs so greatly from that originally approved, in terms of visibility splays to the north and the proximity of the entrance to the neighbouring residential property, we believe that a site visit by WSCC highways is also vital to the proper assessment of the new access.

11) The Design and Access Statement submitted by the applicant's agent is a material planning consideration and is likely to have a strong influence on the decision made on application BE/151/11. The statement contains many deliberate errors and misrepresentations, intended to deceive ADC planning and the Development Control Committee. ADC has a responsibility to verify all of the content of the statement and correct it where necessary. We have reviewed that statement and this review is attached.

12) The Design and Access Statement submitted does not meet the requirements of DCLG Circular 01/2006. The circular requires that a DAS should cover the following aspects of the proposal; *"amount, layout, scale, landscaping and appearance (and use) of*

the development”.

The required content of each aspect is set out in sections; 81, 82, 88, 90, 91, 93, 96, 98, 99 & 102 of the above circular (and are detailed below). The submitted DAS fails to meet the following requirement sections; 88, 90, 91, 93, 96, 98, 99 & 102.

The circular states that the responsibilities of the LPA include;

*56. Section 42 of the 2004 Act substitutes a new section 62 of the 1990 Act and amends section 10 of the Listed Buildings Act so as to provide that a statement covering design concepts and principles and access issues is submitted with an application for planning permission and listed building consent. **Section 42 also inserts a new section 327A into the 1990 Act, which prohibits, among other things, a local planning authority from entertaining an application unless it is accompanied by a design statement and an access statement, where required.***

13) Since none of the previous applications for this development including BE/42/10, which was approved, included a Design and Access Statement, we allege that ADC's processing of those applications and the approval of BE/42/10 was ultra vires.

We also respectfully request that the members of the BPC Planning and Environment Committee and the ADC DCC make a site visit to evaluate the potential effects of this development on the local area.

The revisions to the layout drawing (01B) make some very small improvements to our situation but also introduce some further detrimental aspects, which require modification – see attached review of layout drawings.

Thank You

Yours Faithfully

Mr & Mrs R Jolley

Attached; Review of Design & Access Statement, Review of Layout Drawing 01B.

*DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT
DCLG Circular 01/2006*

Section 3 – Design and Access Statements

Legislative Provision

*56. Section 42 of the 2004 Act substitutes a new section 62 of the 1990 Act and amends section 10 of the Listed Buildings Act so as to provide that a statement covering design concepts and principles and access issues is submitted with an application for planning permission and listed building consent. **Section 42 also inserts a new section 327A into the 1990 Act, which prohibits, among other things, a local planning authority from entertaining an application unless it is accompanied by a design statement and an access statement, where required.***

For the proposed development in question, the following sections of the circular set out the required content of the Design and Access Statement; 81, 82, 88, 90, 91, 93, 96, 98, 99 & 102. (see the detail below) The scope of these requirements are identified in section 81, thus;

“81. A design and access statement should explain the design principles and concepts that have been applied to particular aspects of the proposal – these are the amount, layout, scale, landscaping and appearance (and use) of the development.”

The above circular, and the legislation to which it refers, requires that ADC should not have entertained any of the applications on this site without a design and access statement. This is particularly true when considering approval for new development outside the built up area boundary that does not accord with the provisions of the local development plan.

ADC failed to respect this legislation in firstly accepting the earlier applications without a DAS and secondly in accepting a DAS that does not cover all the requirements.

(82. The **amount** of development is how much development is proposed. For residential development, this means the number of proposed units for residential use and for all other development, this means the proposed floor space for each proposed use.

88. **Scale** is the height, width and length of a building or buildings in relation to its surroundings.

90. For detailed applications, and outline applications that do not reserve scale, the design and access statement should explain and justify the scale of buildings proposed, including why particular heights have been settled upon, and how these relate to the site's surroundings and the relevant skyline. The statement should also explain and justify the size of building parts, particularly entrances and facades with regard to how they will relate to the human scale.

91. **Landscaping** is the treatment of private and public spaces to enhance or protect the amenities of the site and the area in which it is situated through hard and soft landscaping measures. Statements should also explain how landscaping will be maintained.

93. For detailed applications, and outline applications that do not reserve landscaping, the design and access statement should explain and justify the proposed landscaping scheme, explaining the purpose of landscaping private and public spaces and its relationship to the surrounding area. Where possible, a schedule of planting and proposed hard landscaping materials to be used is recommended.

96. For detailed applications, and outline applications that do not reserve appearance, the design and access statement should explain and justify the **appearance** of the place or buildings proposed including how this will relate to the appearance and character of the development's surroundings.

98. In the light of this understanding of the context, a design and access statement should explain how this has been considered in relation to its proposed **use**. The use is the use or mix of uses proposed for land and buildings. Use cannot be reserved within an outline application. Design and access statements for both outline and detailed applications should explain the use or uses proposed, their distribution across the site, the appropriateness of the accessibility to and between them, and their inter-relationship to uses surrounding the site.

99. In addition, the statement should explain how this context has been considered in relation to the physical characteristics of the proposal, that is, the amount, layout, scale, landscaping and appearance of the development.

102. The design and access statement should also explain the policy adopted in relation to access and how relevant policies in local development documents have been taken into account. The statement should also provide information on any consultation undertaken in relation to issues of access and how the outcome of this consultation has informed the development proposals.)

Review of Layout Plans for The Shripney Garden Extension

The only approved layout is that contained within drawing AG/CL 2, dated August 2009, that accompanied planning application BE/42/10.

Condition 2 of that approval required that the development adhered to the layout shown on the above drawing.

The actual layout constructed was at considerable variance from that approved and shown on AG/CL 2, but rather than pursue adherence to the stated condition and drawing, ADC chose to offer the developer the opportunity to "legalise" the breach of condition represented by the built layout, through the acceptance of new application BE/151/11, accompanied by a layout drawing reference "Proposals 01" dated 28 November 2011.

"Proposals 01" was superseded by "Proposals 01A" on 19 December 2011.

"Proposals 01A" was superseded by "Proposals 01B" on 18 January 2012 (after the closing date for comments).

Principal Differences 01 to 01A

- 1) In 01A the words "indicative only" have been added beneath the original note that read; "Positions of mobile Homes 1-12 "

Principal Differences 01A to 01B

- 2) In 01B the new access gates have been relocated an indicated 7m further north, away from the adjoining residential dwelling known as 4 Myddleton Terrace.
- 3) In 01B the distances of mobile homes 10, 11 & 12 from the southern boundary fence have been increased to an indicated 6m, 7m & 8m, respectively. This moves them further away from the boundary to the adjacent conservation area and domestic dwelling.
- 4) 01B indicates the addition of 2 maple trees in the space between mobile home No 12 and the western boundary fence.
- 5) 01B indicates that a "native hedgerow in 2 rows, staggered" will be planted inside the portion of the southern boundary that borders No 4 Myddleton Terrace and inside the portion of the western boundary between No 4 Myddleton Terrace and the new access gates.
- 6) 01B indicates that a "native hedgerow in a single row" will be planted inside the portion of the western boundary between the new access gates and the northern boundary fence.

Comments Regarding the Layout Drawings

Item (1) above would probably be acceptable with some specific tolerances on the actual positions of the mobile homes, e.g. "plus or minus 0.5m in any direction", to prevent placement too close to the neighbouring domestic dwelling and conservation area.

Item (2) above represents an improved position for the gates at approximately 20m from the boundary with No 4 Myddleton Terrace, however, the angled tarmac entrance still begins within 1m of that boundary, creating the potential for increased disturbance and increased risk to the occupiers of 4 Myddleton Terrace from vehicles using the access. This will be particularly true when large commercial vehicles visit the site to collect waste or to deliver goods and mobile homes.

The need for the new access that provides a direct connection from the development site to the unadopted track has never been proven. There is already an existing double-gate-width access from the track into the south-west corner of the existing mobile home park immediately to the north of the dividing fence between the existing park and the development site. There is also another double-gate-width access from the existing park to the development site, only 10m from that access. These 2 existing access points appear entirely capable of providing access to the development site without any need for a new direct access.

This means that there was no need to demolish the screening wall and no need to place a new access so close to the immediately neighbouring domestic dwelling.

The real reason for building the new access at variance from the approved plan and for demolishing the wall, was to provide an angled access suitable for large lorries delivering new mobile homes, even though this will probably only happen once in the lifetime of the park – unless the developer has an as yet unstated plan to extend the park even further and deliver even more mobile homes.

The fairest, safest and most reasonable strategy would be for any approval of the new access to require that it be used exclusively for mobile home delivery and for all normal traffic to use the 2 existing accesses identified above. This would minimise the disturbance and danger presented by this new access to the occupiers of No 4 Myddleton Terrace.

Item (3) above represents an improved position for those mobile homes, with respect to their potential to create disturbance for No 4 Myddleton Terrace through overlooking and over-bearing presence. The relative positions would now be similar to the layout indicated on drawing AG/CL 2 in May 2010 and approved by ADC in July 2010.

Item (4), above, represents a potentially worse situation than on AG/CL 2, from 2 standpoints. Firstly, the southernmost of the proposed maple trees is shown only 5m from the boundary and only 6m from the house at No 4 Myddleton Terrace. Experts appear to recognise that the safe planting distance for a maple tree is between 12m and 20m from any building. Secondly, the potentially large crown that would grow on the maple trees would significantly reduce the light available to the house and garden at No 4 Myddleton Terrace.

Item (5), above, needs to be part of the landscaping plan that would require approval from the local authority. The requirements for the southern and western boundaries may, however, be different. The western boundary badly needs screening to replace that provided by the 1.8m brick wall that was demolished. The southern boundary that borders No 4 Myddleton Terrace must provide adequate privacy but not take light away from the house and garden. Expert opinion is required in the selection of specific species of hedge.

Item (6) above also needs to be part of an approved landscaping plan aimed at replacing

the lost screening at the western boundary of the site.

General Comments

All of the layout drawings clearly show that the actual area developed is in fact 0.558 hectares, not the 0.429 hectares approved in application BE/42/10. This consumes even more grade 1 & 2 agricultural land, which is contrary to the provisions of PPS 7.

Conclusions

Whilst some of the revisions shown in layout drawing 01B, of January 18 2012, represent a slight reduction in the damage to the visual amenity of the local area and to the residential amenity of No 4 Myddleton Terrace, there are other revisions that represent further threat to those characteristics.

The residual damage to visual and residential amenity of the area around the new development remains serious and unacceptable.

The revised layout makes some small improvement to 2 of the 13 reasons for objection submitted against the application on January 5 2012.

The remainder of the objections remain valid and applicable.

Planning Application BE/151/11

Review of Design and Access Statement

1.02 The claim that the layout of the site did not need to match that on the approved drawing is totally repudiated by the existence of application BE/151/11, which has been created to legalise the built layout, which was at significant variance from that approved.

1.03 The claim that base No 12 was located in accord with the approved layout drawing is plainly false. Comparative examination of the 2 drawings (within BE/42/10 and BE/151/11) clearly shows that within 42/10 the drawing places base No 12 at least 20 feet from the southern boundary whilst that within 151/11 places base No 12 less than 10 ft from that boundary, which separates the site from the conservation area and a residential home.

1.04 The claim that a mobile home was relocated to preserve 2 trees on the site is interesting since the application form for BE/42/10 stated that there were no trees or hedges on the site or nearby.

1.05 The statements about the new access are inaccurate as to the location but accurate as to the reason for the design of the access – but this is not what was proposed or approved within application BE/42/10 and creates considerable danger and disturbance to the occupiers of the adjacent family home.

1.06 The agent once again (in desperation!) claims that the layout did not need to meet the original approved drawing whilst admitting that the layout breaches of the actual development when compared to the approved drawing ARE the reason for the new application.

2.01 The statement that the site is as the approved plan apart from the eastern boundary being approximately 12m eastwards is wholly incorrect and misleading.

- Not one of the caravan pads is in the same position as the original plan
- The eastward boundary has moved 30m not 12m as the applicant has laid a tarmac road some 20m beyond the last caravan
- The access has moved significantly closer to the conservation area
- The car park has changed
- There is one access road not two
- There is a new brick structure housing the electrical intake

2.02 How interesting that none of the 5 trees identified on the new layout plan were shown on the plan included with application BE/42/10. Also the electrical intake box was not shown.

3.01 The claim that the proposal now accords with the Local Development Plan is not only completely incorrect, it is ridiculous. This is development outside the built up area that both destroys high value agricultural land and represents a departure from the provisions of the local plan. The only attempt at justifying the need for the development on tourism grounds has been roundly discredited by the detailed review of the Market Needs Assessment that found 29 instances where inferences and conclusions drawn were not justified by the data.

The DAS states that there is no material greater impact from the changes, however some

of the mobile homes to the south side are half the distance from the neighbouring properties than they were originally designed to be. Those properties are within the conservation area. Planning guidance specifically states that any development near a conservation area should be sensitive to the area. Placing seven mobile homes within 4m is NOT being sensitive.

The further intrusion of the extension to the eastwards is in an extremely exposed position (note that trees T3 and T4 previously gave some limited form of screening – and now there is none).

Note that the original application by Henry Adams said that there were no trees on the site – so it is wholly inaccurate and misleading that Henry Adams is now claiming that a significant change in the layout of the site was to protect a tree! The officer's original report said that there were no trees of any significance affected by the proposed development.

4.03 The claim that the wall had to be removed due to instability must be considered to be completely bogus unless and until the applicant can provide independent evidence of an appropriately dated expert report stating that this was the case. The applicants own agent used the presence of the wall as a justification for the absence of screen planting on the western boundary in the discharge of conditions application DOC110. In addition the tree-planting plan must be approved by the LPA.

5.01 The access proposed for approval has already been constructed BEFORE any plans have been approved, as required by condition 6 of the approval given to BE/42/10. Clearly WSCC highways will need to be consulted.

5.02 The applicant has previously submitted the anticipated increase in traffic movements resulting from this development as 12 per day i.e. 1 per unit per day. This is at significant variance from accepted statistics which would predict 3.3 movements per unit per day. (The TRICS Traffic Generation Database records an average of 3.3 movements per unit per day for mixed and affordable housing.) This would mean an additional 40 vehicle movements per day along the narrow private track.

Conclusion

This review identifies some 20 errors and misrepresentations regarding the true situation surrounding the proposed development.

ADC must reject this document and demand a fully accurate Design and Access Statement in order to properly brief the decision makers.