



Committee Manager : Carrie O'Connor (Ext 37614)

25 August 2016

DEVELOPMENT CONTROL COMMITTEE

A meeting of this Committee will be held in the **Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton**, on **Wednesday 7 September 2016 at 2.30 p.m.** and you are requested to attend.

Members : Councillors Mrs Maconachie (Chairman), Mrs Hall (Vice-Chairman), Bower, Brooks, Charles, Dillon, Gammon, Hitchins, Maconachie, Mrs Oakley, Oliver-Redgate, Mrs Pendleton, Miss Rhodes, Mrs Stainton and Wells

PLEASE NOTE THAT THE ORDER OF THE AGENDA MAY BE ALTERED AT THE DISCRETION OF THE CHAIRMAN AND SUBJECT TO THE AGREEMENT OF THE MEMBERS OF THE COMMITTEE

PLEASE ALSO NOTE THAT PLANS OF THE APPLICATIONS DETAILED IN THE AGENDA ARE AVAILABLE FOR INSPECTION AT THE COUNCIL'S PLANNING RECEPTION AT THE CIVIC CENTRE AND/OR ON LINE AT www.arun.gov.uk/planning

A G E N D A

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of personal and/or prejudicial/pecuniary interests that they may have in relation to items on this agenda.

You should declare your interest by stating :

- a) the application you have the interest in
- b) whether it is a personal interest and the nature of the interest
- c) whether it is also a prejudicial/pecuniary interest
- d) if it is a prejudicial/pecuniary interest, whether you will be exercising your right to speak at the application

You then need to re-declare your prejudicial/pecuniary interest and the nature of the interest at the commencement of the application or when the interest becomes apparent.

3. VOTING PROCEDURES

Members and Officers are reminded that voting at this Committee will operate in accordance with the Committee Process Procedure as laid down in the Council's adopted Local Code of Conduct for Members/Officers dealing with planning matters. A copy of the Local Code of Conduct can be obtained from Planning Services' Reception and is available for inspection in the Members' Room.

4. MINUTES

To approve as a correct record the Minutes of the meeting held on 10 August 2016 (attached).

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

6. TREE APPLICATIONS

To consider the attached report. .

7. *PLANNING APPLICATIONS

To consider the attached reports.

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

8. *PLANNING APPEALS

To consider the attached report.

9. PLANNING REFUSAL A/162/15/PL – PROPOSED CAR SHOWROOMS AND WORKSHOP WITH ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING, LAND NORTH OF ROUNDSTONE BYPASS, ROUNDSTONE BYPASS, 1259 ANGMERING, FOR CAFFYNS LTD, AUDI

To consider the attached report.

10. DEVELOPMENT CONTROL COMMITTEE – PROPOSED CHANGES TO PUBLIC SPEAKING FOR MAJOR APPLICATIONS

To consider the attached report.

Background Papers

In the case of each report relating to a planning application, or related matter, the background papers are contained in the planning application file. Such files are available for inspection/discussion with officers by arrangement prior to the meeting.

Members and the public are reminded that the plans printed in the Agenda are purely for the purpose of locating the site and do not form part of the application submitted.

Contact Officers : Nikolas Antoniou (Ext 37799)
 Neil Crowther (Ext 37839)
 Daniel Vick (Ext 37771)
 Juan Baeza (Ext 37765)

Note: *Indicates report is attached for Members of the Development Control Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager or accessed via the website at www.arun.gov.uk.

Note: Members are reminded that if they have any detailed questions would they please inform the Chairman and/or the Head of Development Control, in advance of the meeting. This is to ensure that officers can provide the best possible advice to Members during the meeting.

DEVELOPMENT CONTROL COMMITTEE

10 August 2016 at 2.30 p.m.

Present: Councillors Mrs Maconachie (Chairman), Mrs Hall (Vice-Chairman), Bower, Brooks, Charles, Dillon, Gammon, Hitchins, Maconachie, Mrs Oakley, Oliver-Redgate, Mrs Pendleton, Miss Rhodes and Mrs Stainton.

[Note: Councillor Oliver-Redgate was absent from the meeting during consideration of the matters referred to in Minutes 171 to 173 (up to Planning Application BR/100/16/PL).]

171. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions of the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a Member declares a "Prejudicial Interest" this will, in the interests of clarity for the public, be recorded in the Minutes as a Prejudicial and Pecuniary Interest.

Councillor Dillon declared a personal interest in Agenda Item 7, Planning Application BR/100/16/PL as a member of Bognor Regis Town Council's Planning & Licensing Committee.

172. MINUTES

The Minutes of the meeting held on 13 July 2016 were approved by the Committee and signed by the Chairman as a correct record.

Development Control
Committee – 10.08.16.

173. PLANNING OBLIGATION ASSOCIATED WITH FORTHCOMING INQUIRY FOR PLANNING APPLICATION WA/22/15/OUT

With the agreement of the Chairman, this item was dealt with as a matter of urgency as a decision was required in order to complete a legal agreement prior to the forthcoming Inquiry, which had been scheduled for November 2016 following the call-in of the application by the Secretary of State.

The Head of Planning Policy & Strategic Development reminded the Committee that in December 2015 it had determined that the application be approved subject to the Heads of Terms setting aside leisure related contributions to be spent locally and that the relevant Parish Councils of Walberton and Eastergate be requested to put forward their views as to how the money should be spent. The Parish Councils had been duly contacted and had submitted their proposals. However, following legal advice, it was considered that the facilities being requested failed to meet the strict tests set down by the CIL (Community Infrastructure Levy) Regulations. The view of the applicant was the same and they had stated they would not be willing to accept the request for unlawful contributions and would make that case, if necessary, at the forthcoming Inquiry.

Eastergate and Walberton Parish Councils had been informed accordingly and the Head of Planning Policy & Strategic Development now sought the Committee's agreement to give the two Parish Councils a further time limit of 26 August 2016 to submit proposals that would comply with the CIL Regulations. Should that not be forthcoming, then the Director of Planning & Economic Regeneration to be given delegated authority, in consultation with the Chairman, to approve the S106 Heads of Terms for Leisure Payments to be spent at Arun Leisure Centre and to not pursue Leisure Payments to the Parish Councils.

Following a brief debate, the Committee

RESOLVED – That

(1) Eastergate and Walberton Parish Councils be given until 26 August 2016 to submit their proposals that adhered to the CIL Regulations as to how contributions should be spent under the Heads of Terms; and

(2) should those proposals not adhere to the CIL Regulations, delegated authority be given to the Director of Planning & Economic Regeneration, in consultation with the Chairman, to approve the S106 Heads of Terms for Leisure Payments to be spent at Arun Leisure Centre and to not pursue Leisure Payments to the Parish Councils.

174. PLANNING APPLICATIONS

AL/34/16/PL – Retention of pond & associated groundworks, Crunchy Cottage, Park lane, Aldingbourne Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

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

BR/100/16/PL – Change of use of Ashley House from a care home (Class C2 use) to a House in Multiple Occupation (HMO) to provide team member accommodation on behalf of Butlin's, Bognor Regis, together with external alterations to the building, two car parking spaces (one disabled space), a minibus parking space, a designated cycle store for in excess of 40 spaces, a designated bin store & associated landscaping, 120 Aldwick Road, Bognor Regis Having received a report on the matter, the Committee received a presentation on the detail of the application from the Planning Team Leader, who advised that it was considered that the change of use would be less intensive than the previous C3 history and particularly highlighted conditions 3 and 8 relating to cease of use by Bourne Leisure and noise mitigation measures respectively. A written officer report update was also circulated at the meeting which summarised additional representations received and additional information provided by the applicant.

In discussing the matter, Members expressed views that the proposal did not sit well with the character of the area and was an unacceptable increase in residency. A view was expressed that Policy GEN7 would not be met as it was felt that the character of the area would be adversely affected and would contribute to an over-provision of HMOs. Further comments related to foul drainage; internal space standards; unneighbourliness; management of the premises; noise; and car parking, all of which were responded to at the meeting by the Planning Team Leader.

It was acknowledged that the premises had been empty for a long period of time and something had to be done to get it back into use. Comment was made that there appeared to be a lot of misinformation and speculation going on, which were not planning reasons for refusal.

Following consideration, the Committee

Subject to approval at the next Committee meeting

136

Development Control
Committee – 10.08.16.

RESOLVED

That the application be approved as detailed in the report.

CM/13/16/PL – New agricultural building, Hobbs New Barn, Gravetts Lane, Climping Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

FG/12/16PL – Rationalisation of existing buildings to provide amended B1 (office & light industrial uses), B8 (Storage & Distribution) A1 retail & Café. Insertion of mezzanine level of office accommodation within rear building for Kingsley Roofing, together with revised opening hours and installation of parking barrier, 50 Ferring Street, Ferring Having received a report on the matter, concerns were raised relating to the proposal being out of character with the area; unneighbourly; and with the potential for noise nuisance. However, those concerns were addressed by the Planning Team Leader and, following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

FG/95/16/PL – Polytunnels, outdoor growing beds, tree nursery, storage & welfare facilities for a horticultural enterprise, Land between Lansdowne Nursery & Highdown Vineyard, Littlehampton Road, Ferring Having received a report on the matter, together with the officer's written report update detailing an additional representation received, the Committee

RESOLVED

That the application be approved as detailed in the report.

K/11/16/PL – Demolition of existing dwelling & erection of new dwelling house, Spring Tide, Gorse Avenue, Kingston Having received a report on the matter, the Planning Team Leader advised Members that this proposal was a reduction to the original application and, due to the variety of designs in the street scene, was considered to be acceptable.

In discussing the matter, a concern was raised that the proposal constituted an overdevelopment and would be out of character with the area. The modern design was not liked. However, on being put to the vote, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/131/16/PL – 3 No. terraced chalet bungalows with car parking. This application is a Departure from the Development Plan, Land adjoining Knightscroft, Toddington Lane, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

WA/25/16/PL – Conversion of 2 No. flats into 1 No. dwelling with two storey front & rear extensions, 1 & 2 Stafford Cottages, Yapton Lane, Walberton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

175. PLANNING APPEALS

The Committee received and noted the planning appeals that had been received.

176. DIVERSION OF FOOTPATH NO. 139 AT NORTH BERSTED

The Committee received a report from the Planning Solicitor which sought approval to the making of an Order to divert Footpath No. 139 at North Bersted.

Following consideration, the Committee

RESOLVED – That

(1) an Order be made and advertised for diversion of the Footpath in the essence of the terms of the Draft Order attached to the report, but allowing for delegated powers for the Director Planning and Economic Regeneration, and those whom he authorises, to make drafting and plan drafting amendments;

(2) if no objections are received to the Order, or if objections are withdrawn, the Director of Planning and Economic Regeneration will have delegated powers to adopt and confirm the making of the Order

Subject to approval at the next Committee meeting

138

Development Control
Committee – 10.08.16.

and may take all steps to advertise that, with any modifications to the Order; and

(3) if any objections are made and not withdrawn then the Order and objections be referred back to Committee for consideration.

(The meeting concluded at 4.30 p.m.)

DEVELOPMENT CONTROL COMMITTEE

07 September 2016

PLANNING APPLICATIONS

**LIST OF TREE APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION
AT THE DEVELOPMENT CONTROL COMMITTEE**

BOGNOR REGIS

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
BR/160/16/T	Repollard to previous points to 2 No. Holm Oak trees & crown lift to a clearance of 5.2m over vehicular entrance to 1 No. Common Ash tree & 1 No. Silver Birch tree.	Chibley Court Hawthorn Road Bognor Regis PO21 2XA
Case Officer :	Mr R Leal	
Recommendation:	Approve Conditionally	

**LIST OF APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION AT
THE DEVELOPMENT CONTROL COMMITTEE**

MIDDLETON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
M/59/16/PL	1 No. replacement dwelling.	1 Deepdene Close Middleton on Sea PO22 6HX
Case Officer :	Mr D Easton	
Recommendation:	Approve Conditionally	

EAST PRESTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
EP/63/16/PL	Demolition of existing hotel & erection of 9 No. dwellings with associated parking.	Bradbury Hotel Station Road East Preston BN16 3FF
Case Officer :	Mrs A Gardner	
Recommendation:	App Cond sub to S106	

BERSTED

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

[BE/77/16/OUT](#) Outline application with all matters reserved for up to 50 residential units, landscaping, amenity space, car & cycle parking, roads, service & drainage infrastructure & other associated works. Departure from the Development plan. Land West of New Barn Lane Bersted

Case Officer : Mr D Innes
Recommendation: App Cond sub to S106

[BE/93/16/PL](#) Construction of new vehicular/pedestrian/cycle route onto New Barn Lane for residential purposes New Barn Lane Bersted Bognor Regis PO21 5DL

Case Officer : Mr D Innes
Recommendation: Approve Conditionally

ANGMERING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
A/105/16/PL	Reconfiguration of existing car parking area for 1 No. flat with 5 No. car-barns below (resubmission following A/8/16/PL). This application affects the character & appearance of the Angmering Conservation Area.	Land at The Cottrells Angmering BN16 4AF

Case Officer : Mrs A Gardner
Recommendation: Approve Conditionally

TREE WORKS CONSENT REPORT

REF NO: BR/160/16/T

LOCATION: Chipley Court
Hawthorn Road
Bognor Regis
PO21 2XA

PROPOSAL: Repollard to previous points to 2 No. Holm Oak trees & crown lift to a clearance of 5.2m over vehicular entrance to 1 No. Common Ash tree & 1 No. Silver Birch tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	Trees in grounds of Chipley Court.
SITE CHARACTERISTICS	Flats
CHARACTER OF LOCALITY	Generally residential

RELEVANT SITE HISTORY

BR/171/15/T	Reduce eastern lateral branches to 1No. Beech tree & 1No. Austrian Pine tree to provide a 3m buffer away from Chipley Court.	ApproveConditionally 21-10-2015
BR/82/13/T	Remove 2 No branches on the west side of the crown to 1 No Monterey Pine tree	Refused 09-05-2013 Appealed Appeal: Dismissed 06 08 2013
BR/313/12/T	Reduce most easterly limb of 1no. Corsican Pine by 4 metres from the tip. Reduce back the overhanging branches from driveway by 1-2 metres & remove any deadwood	ApproveConditionally 08-02-2013
BR/272/12/T	Remove one branch from 1 No Monterey Pine tree which is overhanging driveway	Refused 10-12-2012 Appealed Appeal: Decline Jurdctn 26 02 2013
BR/301/11/T	1 No Beech tree to be reduced by 3-4m from the North East to remove overhang and shade	ApproveConditionally 02-02-2012
BR/354/04/T	Removal of branches from two Pinus Radiata trees, overhanging 4 & 5 Woodend	ApproveConditionally 22-12-2004
BR/1045/80/T	To prune 16 trees	ApproveConditionally 18-02-1981

Site history noted.**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council

NO OBJECTION subject to the approval of the ADC Arboriculturist. It is recommended, if approved, that no work should be carried out if any birds or bats are nesting.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATIONS RESPONSES RECEIVED:

Arboricultural officer:-

For T1 the applicant has applied to re-pollard to the previous points. From the site inspection it is evident that the proposed pruning operation does emulate the previous pruning operations.

For T2, the applicant has applied to re-pollard to the previous points. From the site inspection it is evident that the proposed pruning operation does emulate the previous pruning operations.

For T3, the applicant has applied to crown lift to 5.2 meters over the car parking area.

For T4, the applicant has applied to crown lift to 5.2 meters over the car parking area.

For T1, I would have no objection to the proposed re-pollarding operation that has been proposed in this application.

For T2, I would have no objection to the proposed re-pollarding operation that has been proposed in this application.

For T3, I would have no objection to the proposed 5.2 meter crown raise as it designed to prevent conflict with users of the onsite car park.

For T4, I would have no objection to the proposed 5.2 meter crown raise as it designed to prevent conflict with users of the onsite car park.

Conditions required.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

Publication Version of the
Local Plan (October 2014):

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under references ID 36-090-20140306 and ID 36-091-20140306, are not specific to trees.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 198 of the Town and Country Planning Act 1990 states:

"If it appears to a Local Planning authority that it is expedient in the interest of amenity to make provision for the preservation of trees.... they may for that purpose make an order"

The works to the trees are to be judged having regard to amenity.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

The tree officer has raised no objection to the application. It is therefore recommended that the application be approved subject to conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal neutral impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The crown clean should consist of deadwood and stub removal where all cuts should be made to the branch collar. Where crossing branches are encountered the weaker branch/branches should be reduced or removed to avoid contact between them. The remaining branch/branches should be shortened as appropriate to relieve "end weight" and sudden exposure by reducing the leaf bearing branch tips by no more than 30%.

Reason: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- 2 All side branches to be retained should be at least 1/3rd in diameter of the removed branch. Pruning cuts must be flat and smooth, kept as small as possible by cutting at an optimum angle and should not exceed 100mm in diameter.

Reason: In the interests of the trees continued health and vitality to accord with current industry guidelines and sound arboricultural practice.

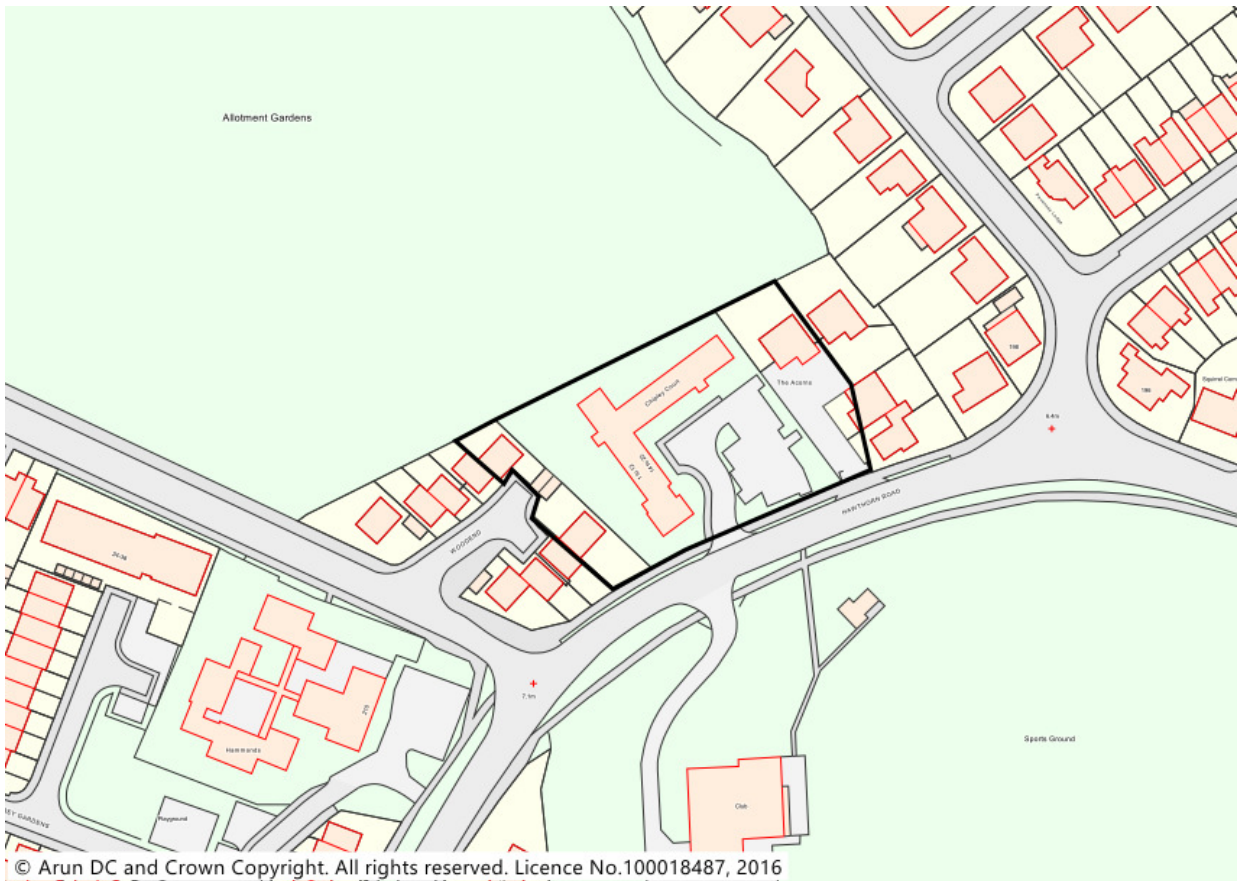
- 3 Branches found within the clearance height having diameters greater than 100mm should be shortened and no more than 15% of the leaf bearing growth of that branch should be removed.

REASON: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- 4 **INFORMATIVE:** This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 5 **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

BR/160/16/T Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a North Point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487.2015

PLANNING APPLICATION REPORT**REF NO:** M/59/16/PL**LOCATION:** 1 Deepdene Close
Middleton on Sea
PO22 6HX**PROPOSAL:** 1 No. replacement dwelling.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Demolition of the bungalow and its replacement with a 2.5 storey dwellinghouse. The dwelling will measure 12m in depth, 7m in width, with an eaves height of 6m and a maximum ridge height of approximately 9.6m. The dwelling features pale grey standing seam roof and walls at first floor level with render to match adjacent properties at ground floor level.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The north, east and west boundary consists of 1.5m - 1.8m high close boarded fencing with the southern boundary of the site consisting of hedging to approximately 3m in height.
SITE CHARACTERISTICS	Detached bungalow with rendered elevation and a slate roof.
CHARACTER OF LOCALITY	Predominantly residential featuring properties of various designs and styles with semi-detached two storey properties constructed from brick and tile to the north and west; bungalows primarily featuring rendered elevations to the south; and a three storey block of flats to the east.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Middleton Parish Council

Objection.

- 1) Overall mass, height and scale is out of keeping with surrounding properties
- 2) The proposed development is overbearing.

27 letters of objection from 26 individuals:

- 1] Dwelling due to its height will give rise to overshadowing of neighbouring properties.
- 2] Dwelling would give rise to unacceptably adverse overlooking.
- 3] Replacing an existing dwelling and therefore needs to be of a similar height.
- 4] Will result in a loss of privacy.
- 5] Conflicts with the Human Rights Act (Protocol 1, Article 1).
- 6] The proposal is larger than the existing dwelling and as such is not a replacement.
- 7] The proposal is out of character with the locality.
- 8] The proposal results in a loss of views.
- 9] The proposed dwelling would have an adverse impact upon property values.
- 10] The proposed garage will measure 4.65m in height which is too high.
- 11] Construction vehicles would obstruct the road/restrict access to their driveways.
- 12] Drainage is an issue in Deepdene Close.
- 13] On street parking is restricted in this location.
- 14] Conflicts with policy GEN1 and GEN7(iv) & (v) of the Local Plan.
- 15] Proposal conflicts with the NPPF.

9 letters of support:

- 1] Will not appear out of character (when viewed against the existing "Villa Plage")
- 2] Proposal is of an aesthetically pleasing design and benefits the existing street scene.
- 3] The proposed dwelling will be an enhancement.
- 4] Proposal has been thoughtfully designed and does not impact on its neighbours in loss of light and does not restrict views.

COMMENTS ON REPRESENTATIONS RECEIVED:

Parish Council comments are noted and are considered further in the conclusion to this report.

In response to the 27 letters of objection:

- 1 & 2] The impact upon residential amenity of neighbours is considered further in the conclusion.
- 3] There is no requirement for a proposal to be of a similar design/size to what it replaces.
- 4 & 5] The impact of the proposal on the residential amenity, privacy and rights of neighbours will be considered in the conclusion.
- 6] The proposal is considered to constitute a replacement dwelling.
- 7] The impact of the proposal on the character of the locality is considered in the conclusion.
- 8 & 9] Loss of views and reduction in property values is not a material consideration.
- 10] The garage measures 2.95m in height as shown on the submitted plans.
- 11] Obstruction by vehicles is not a material consideration and is a private matter.
- 12] The dwelling replaces an existing dwelling. However, surface water drainage conditions have been recommended by the Council's drainage engineer.
- 13] The provision of parking will be considered in the conclusion to this report.
- 14 & 15] The proposals accordance with development plan policies will be considered in the conclusion.

Comments made in the 9 no. letters of support are noted.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Engineers (Drainage):
Infiltration to be investigated for new surface water drainage.

Please apply standard conditions ENGD2A.

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also enclosed for information.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and condition included.

POLICY CONTEXT

Designation applicable to site:
Within built area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2 GEN7	Built-up Area Boundary The Form of New Development
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality D DM2 Internal Space Standards D DM3 External Space Standards D SP1 Design SD SP2 Built-Up Area Boundary	

PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework
	NPPG	National Planning Practice Guidance
Supplementary Guidance:	MDS	Middleton-on-Sea Village Design Statement by Middleton PC

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can

carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

Middleton Parish Council do not benefit from a made Neighbourhood Plan and as such there are considered to be no relevant Neighbourhood Plan policies to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site is situated in the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy considerations in the determination of this application are GEN7 of the Arun District Local Plan; policies D DM1, D DM2, D DM3 and D SP1 of the Emerging Local Plan; and the NPPF.

DESIGN AND VISUAL AMENITY

The dwelling measures approximately 9.5m high which is not considered unacceptable given the character of the locality and scale of development in close proximity to the site - 7 and 8 Deepdene Close (to the west of the site) measure approximately 8.1m high with 1 and 2 Villa Plage and the main Villa Plage development exceeding 10m high. The dwelling exceeds the height of two storey dwellings in Deepdene Close by approximately 1.4m and will be lower than development in the wider locality and clearly visible within the street scene. Despite the proposals presence within the street scene it is considered that the spatial pattern and character of the locality will be retained - the distance the property is set back from the road will match that of dwelling on the western side of Deepdene Close. The proposed development is considered in keeping with the character of the locality and is deemed to retain the spatial pattern of Deepdene Close.

The dwelling will be clearly visible within the street scene but is not considered to adversely impact upon the established character of the locality. The ground floor of the dwelling features render to match properties in close proximity to the site, whilst the first floor and roof is intended to feature pale grey standing seam metal. It is acknowledged that the material at first floor level and above is unusual in the locality - however, the locality features a mix of materials including bricks, tile and cladding and as such the materials are not considered to have an unacceptably adverse impact upon visual amenity or the character of the locality.

The development is considered an improvement over the existing dilapidated bungalow and it is considered that the proposal constitutes an enhancement on the site. Therefore, the development is considered to accord with policy GEN7(ii) of the Local Plan.

The detached garage is situated forward of the primary elevation and measures approximately 2.95m high. By virtue of its design, scale and location the proposed garage is not considered to have an adverse impact upon the established character of the locality.

RESIDENTIAL AMENITY

The dwelling at its closest point will be situated 6.9m from the north boundary; 1.1m from the east boundary of the site; 4.9m from the south boundary; and 3.5m from the west boundary of the site. The dwelling will be situated 19.4m to the south of 28-31 Villa Plage; 15.8m from development to the south of the site; and at its closest point 12m from development to the west of the site these distances are considered sufficient to prevent unacceptable adverse overbearing impacts upon neighbours to the north, south and west of the site.

The dwelling will be situated in closer proximity to Villa Plage to the south-east of the site than any other development in this locality. The dwelling will be located approximately 8m to the north-west of Villa Plage which in conjunction with the height of the proposed dwelling is considered to have the potential to give rise to adverse impact upon the residential amenity of neighbours. It must be acknowledged that at second floor level the floor will be set back 5.29m from the rear of the dwelling which is considered sufficient to protect the residential amenities of neighbours and prevent any unacceptably adverse overlooking to the south, west or east.

The balcony at first floor level measures approximately 2.4m deep but will not extend to the rear of the dwelling with the side of the balcony being screened by the walls of the dwellinghouse providing

screening and protecting the residential amenity of neighbours to the east. Due to the orientation of the proposed dwelling in relation to Villa Plage it is considered that unacceptable overlooking will only be possible if standing in the south-eastern corner of the first floor balcony. The windows on the rear of the dwelling at first floor level will be set back 2.46m from the rear of the proposed dwelling and as such the design of the proposal prevents unacceptable overlooking when residents are inside the dwelling. The proposal is not considered to generate unacceptably adverse overlooking of Villa Plage to the south-east.

The windows proposed at first floor level on the north elevation of the dwelling are considered to have the potential to give rise to detrimental overlooking of properties to the north. As such a condition has been included requiring these windows are obscurely glazed and non-opening in order to protect residential amenity. The roof lights on the east elevation are shown approximately 2.4m above floor level - sufficient to prevent any unacceptably adverse overlooking.

The detached garage is located forward of the primary elevation abutting the boundary of the site. The garage measures approximately 2.95m in height which is not considered to result in any unacceptably adverse overbearing or overshadowing impacts on neighbours.

Therefore, subject to the proposed conditions it is considered that the development proposed is in accordance with policy GEN7(iv) of the Arun District Local Plan.

The dwelling has a gross internal floor area of approximately 142 sq.m which exceeds that specified within the Nationally Described Space Standards by 34 sq.m. The rear garden measures approximately 106 sq.m which exceeds the requirement specified by policy D DM3 of the Emerging Local Plan. Whilst, the proposal fails to deliver a rear garden depth of 10m due to the properties close proximity to the sea it is deemed to provide sufficient amenity space to ensure a good standard of amenity for future occupiers in accordance with para 17 of the NPPF. Due to the configuration of the amenity space and the limited depth of the rear garden a condition is included removing permitted development rights to ensure this amenity space is protected.

CONCLUSION

The development is considered to accord with relevant development plan policy and as such is recommended for approval subject to the below conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal no impacts have been identified upon any protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

- 2 The development hereby approved shall be carried out in accordance with the following approved plans: Proposed Block Plan & Roof Plan - 512-1-001 Rev 00; Proposed Floor Plans - 512-1-002 Rev 00; Proposed Elevations - 512-1-004 Rev 01; and Proposed Garage/Bin Store Plans/Elevations - 512-1-005 Rev 01.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 Development shall not commence until full details of the proposed surface water drainage scheme 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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No 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.

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

- 4 Prior to the occupation of the dwelling hereby approved the windows shown on 'drawing no. 512-1-004 Rev 01' at first floor level and above on the northern elevation shall at all times be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: In the interest of amenity in accordance with policy GEN7(iv) of the Arun District Local Plan.

- 5 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions or alterations (including porches or dormer windows) to the new dwelling house shall be constructed or buildings, enclosure or swimming pools shall be

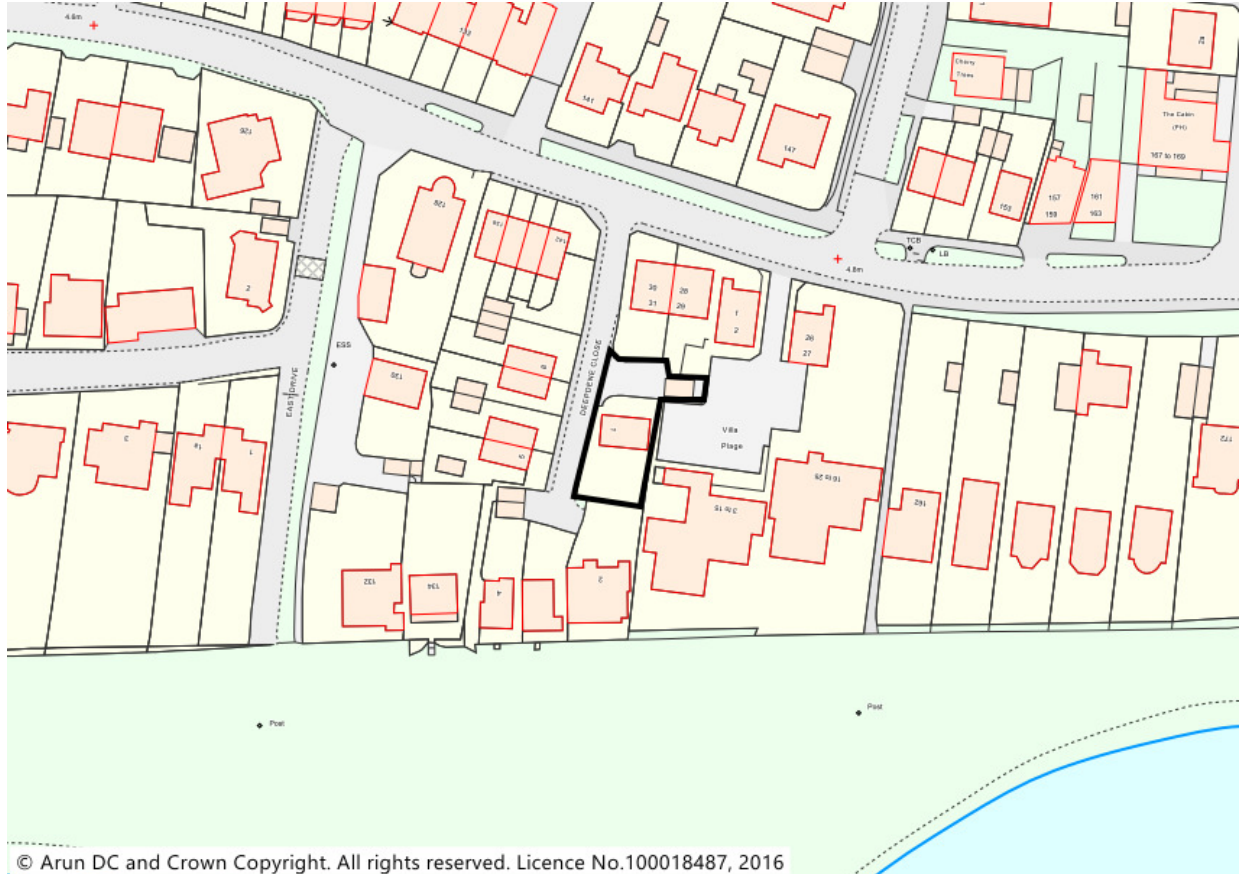
erected within the curtilage of the new dwelling house unless permission is granted by the Local Planning Authority on an application in that behalf.

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

- 6 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

M/59/16/PL Indicative Location Plan
(Do not Scale or Copy)

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



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487.2015

PLANNING APPLICATION REPORT**REF NO:** EP/63/16/PL**LOCATION:** Bradbury Hotel
Station Road
East Preston
BN16 3FF**PROPOSAL:** Demolition of existing hotel & erection of 9 No. dwellings with associated parking.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposal relates to demolition of the existing 2 storey home for the blind and the provision of 5 detached dwellings to the rear, 2 and a half storeys high and 2 pairs of 2 storey semi detached dwellings on the site frontage.
SITE AREA	2,334 q metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	38 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of significance affected by the development.
BOUNDARY TREATMENT	Rear to Langmeads 2m high close boarded fencing. Fencing to side boundaries. Frontage planting obscured by hoardings approximately 2.5m high.
SITE CHARACTERISTICS	Mock tudor style large detached property with single storey utilitarian extensions.
CHARACTER OF LOCALITY	Predominantly residential characterised by mainly new development to the north and south comprising flats and houses that are 3 storeys high with rooms in the roof.

RELEVANT SITE HISTORY

EP/98/16/DEM	Notification for prior approval for demolition of Bradbury Hotel	No Objection 25-07-2016
EP/45/15/PL	Redevelopment of the site & erection of 24No. retirement apartments for older persons with communal facilities & associated parking & landscaping.	Refused 26-06-2015
EP/116/03/	Extension/Alteration of hotel accommodation for the blind & partially sighted	ApproveConditionally 22-12-2003

The previous application for sheltered accommodation was refused for reasons of an undesirable intensification of residential development and that given its height, width, depth, roof profile, footprint

and excessive number of openings in the side elevation and dormer windows on the site frontage the proposal would be prominent and obtrusive and out of scale with the existing development in the locality and detrimental to the character and appearance of the street scene in conflict with policy GEN7 of the Arun District Local Plan.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

Rustington Parish Council

Rustington Parish Council

East Preston Parish Council - First response - Objection

Although there is no great opposition to the site hosting nine properties, the committee agreed unanimously it would object to this proposal on the following grounds.

At the front (western) side of the proposed development, the committee felt plots 3 and 4 were poorly designed looking too tall and narrow. The council would prefer these plots to be another pair of Type A properties.

The committee was concerned plots 5 to 9 are set too far east on the site and would prefer them to be shifted westwards slightly so the back of plot 5 is in line with the adjacent property in Langmeads Close, and the back of plot 9 to be in line with the back of no. 15 Churchfields. The committee applauded the fact plots 5 to 9 are not in a straight line front and back this stepped and staggered feel is more in keeping with the area.

The committee believes plots 5 to 9 are also too tall. Section 4.14 of the East Preston Neighbourhood Plan states new buildings that exceed two stories in height will rarely be acceptable. The committee felt the plots were definitely three storeys, confirmed by the table in section 1.3.2 of the Application's Transport Statement, and this would result in a top-heavy look for these properties.

The committee believes the amount of weatherboarding on the western elevations of several of the properties is too great and more variety would be appreciated. Section 4.12 of the East Preston Neighbourhood Plan asks that materials used in new or altered buildings should harmonise in both colour and texture with the materials used in adjoining buildings. Of course, this does not mean the materials need to be exactly the same as is seen in the applauded proposed use of clay tiles for the roofs. Perhaps some reference back to the existing building with its use of dark-stained wood would provide some welcome variety.

Until very recently, the site of this proposed development and the sites immediately to the north and south of this development comprised just four properties, three of which were single homes. This proposed development will complete an increase from those four homes to a total of thirty-five homes, almost an eight-fold increase. With such an increase inevitably comes an increase in parking required and traffic movements. Section 3 of the Transport Statement refers to Parking Standards and correctly states eighteen is the correct number of spaces for nine three-bedroom properties. This council would appreciate some provision for dedicated visitor spaces? Visitors unable to park on site will be forced to park in Station Road this council has already raised concerns to West Sussex County Council about existing parking problems in Station Road and the danger such parking poses to residents of Churchfields, Langmeads Close and ultimately this development in exiting those sites. Section 6 of the Transport Statement seems to assume the Bradbury Hotel was a traditional hotel and its traffic movements were standard for a traditional hotel. The hotel was a respite hotel for blind and partially-sighted customers and traffic movements were less than and not comparable with a standard hotel; therefore the assertion any increase in traffic flows would be negligible is perhaps founded on incorrect information.

The site seems to be covered by a general Tree Preservation Order. Where mature trees cannot be incorporated into the scheme mature replacement soft landscaping should be provided.

Although broadly in favour of the proposal, this council would like Arun District Council to refuse Planning Permission for this development until all, or most, of the above concerns have been satisfactorily addressed.

Second response - Objection

The committee thanked the developers for having moved the eastern building line of plots 5 to 9 westwards and also for having changed the design for plots 3 and 4 on the western side of the proposal.

However, the committee believes plots 5 to 9 are still too tall. Section 4.14 of the East Preston Neighbourhood Plan states new buildings that exceed two storeys in height will rarely be acceptable. The committee felt the plots were definitely three storeys, confirmed by the table in section 1.3.2 of the Application's Transport Statement, and this would result in a top-heavy look for these properties. The Planning Officer's report for Demolition Notice EP/98/16/DEM on the same site refers to mainly new development to the north and south comprising flats and houses that are 3 storeys high confirming existing new development would now be considered contrary to the made East Preston Neighbourhood Plan.

The committee believes the amount of weatherboarding on the western elevations of several of the properties is too great and more variety would be appreciated. Section 4.12 of the East Preston Neighbourhood Plan asks that materials used in new or altered buildings should harmonise in both colour and texture with the materials used in adjoining buildings. Of course, this does not mean the materials need to be exactly the same as is seen in the applauded proposed use of clay tiles for the roofs. Perhaps some reference back to the existing building with its use of dark-stained wood would provide some welcome variety. We would prefer no weatherboarding at all as it is not a vernacular style for this part of Sussex, but if that is not possible, please could any weatherboarding come no lower than the first floor. A number of properties in adjacent Langmeads Close and Churchfields do not have any weatherboarding and that does not seem to have affected their desirability.

Until very recently, the site of this proposed development and the sites immediately to the north and south of this development comprised just four properties, three of which were single homes. This proposed development will complete an increase from those four homes to a total of thirty-five homes, almost an eight-fold increase. With such an increase inevitably comes an increase in parking required and traffic movements. Section 3 of the Transport Statement refers to Parking Standards and correctly states eighteen is the correct number of spaces for nine three-bedroom properties. This council would appreciate some provision for dedicated visitor spaces? Visitors unable to park on site will be forced to park in Station Road this council has already raised concerns to West Sussex County Council about existing parking problems in Station Road and the danger such parking poses to residents of Churchfields, Langmeads Close and ultimately this development in exiting those sites. Section 6 of the Transport Statement seems to assume the Bradbury Hotel was a traditional hotel and its traffic movements were standard for a traditional hotel. The hotel was a respite hotel for blind and partially-sighted customers and traffic movements were less than and not comparable with a standard hotel; therefore the assertion any increase in traffic flows would be negligible is perhaps founded on incorrect information.

Although broadly in favour of the proposal, this council would like Arun District Council to refuse Planning Permission for this development until all, or most, of the above concerns have been satisfactorily addressed.

Rustington Parish Council

Objection. Support objections of East Preston Parish Council

East Preston and Kingston Preservation Society

Objection. The proposed development is of a disappointingly poor standard of design. The detached houses are excessively narrow for their height, so that their appearance would be badly unbalanced. The houses on the eastern side of the site are too near the boundary with Langmeads Field and the houses on the western side of the site are ahead of the building line and too near the road. The houses therefore need to be moved closer to the centre of the site. The use of weatherboard as the facing material on the houses fronting the road is an undesirable feature: synthetic weatherboarding is not a part of the historic character of the area.

The poor design and layout of the development and the inappropriate materials render it incompatible with Policy GEN7 of the Arun Local Plan, because it does not respond positively to the characteristics of the area to create an attractive place that enhances local distinctiveness; it is incompatible with Policy 1 of the East Preston Neighbourhood Plan, because the design and materials do not reflect and enhance the architectural and historic character of the surrounding buildings; and it is incompatible with paragraph 4.10 of the Neighbourhood Plan because it does not strengthen the present characteristics of the village. This application should therefore be refused. The development might be made acceptable if the detached houses were replaced by terraced or semi-detached houses, placed nearer the centre of the site, and if their materials were characteristic of the area.

Friends of Langmeads - No Objection to the principle of development, but have concerns over the height of the units to the rear which are significantly taller. They will therefore have an adverse overbearing impact on the park contravening policy 1i of the East Preston Neighbourhood Plan.

11 Objections - Having studied the revised plans for the Bradbury Hotel site, welcome the change to the build line on the Eastern side of the plot which is now in line with that of Langmeads Close and Churchfields. However, all other previous suggestions have been disregarded, namely:

- The building heights are still three storeys, not two. This recommendation was made to reduce the shadow over the surrounding areas and add to a variety of the adjoining properties
- There does not appear to be preservation of existing trees with preservation orders.
- There is no allowance for visitor parking. The increase in the number of properties and therefore visitors to this area has put a lot of pressure on Station Road and surrounding areas. There are problems in Langmeads Close because of this and this should be addressed at the planning stage in this new development. It is already dangerous turning out of Langmeads Close when cars are parked right up to the junction, as there are no yellow lines. This problem is only going to get worse and could lead to road traffic accidents.
- proposed materials are not in keeping.
- Concerns over congestion and access/egress to Hurst Road. It is already challenging and dangerous. Need reassurance that builders will not use Hurst Road. Measures to ban parking along this stretch of road should be considered.
- Not clear what landscaping is proposed and what trees are to be removed. Concerned that there would insufficient landscaping to soften the development. The front 4 properties should be set back.
- rear units should be no higher or closer to Langmeads Park than those neighbouring the site, but support their staggering.
- properties opposite in Station Road will be overlooked.
- a demolition and construction plan will be required.
- outlook from side windows of neighbouring dwelling to the north will be adversely affected and right to light.

- adverse impact on infrastructure and the street scene.
- windows on the side elevations of plots 1,4,5 and 9 should be obscure glazed.
- The submitted tree survey is incorrect, the tree diameter of the preserved tree is inaccurate and does not adequately resolve the intrusion of plot 4 and the retaining walls within the Root Protection Area.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comment on Parish Council representation - The substitute street scene illustrates that the ridge heights of the units to the rear are no higher than the adjacent dwellings to the south, although the dwellings to the south are sited on land levels which are slightly higher and these dwellings are therefore slightly shorter. The increase in overall height of proposed dwellings of 0.5m is negligible and does not result in development that is significantly different to its neighbours. Brick and timber effect cladding would be in keeping with materials used on the neighbouring development. County Highways have no objection to the proposal in terms of highway safety and parking numbers.

Additional comments on other representations - A demolition application has been submitted separately and approved outlining the method of demolition and a condition relating to means of construction has been included in the recommendation.

The proposal is not considered to adversely affect the residential amenities of adjoining properties by reason of adverse overlooking or over bearing impacts or loss of outlook. The properties on the opposite side of Station Road are a sufficient distance away from the development to prevent loss of privacy and the windows in the side elevation of the dwelling to the south are secondary.

The issue of the size of the Root Protection Area of the adjacent preserved tree has been discussed with the agents and a revised tree report and landscape plan have been submitted. When the amended RPA for Beech T1 is applied, the proposed dwellings are still situated outside of the RPA (i.e. no impact). A small area (i.e. less than 5m²) of the proposed driveway for Plot 4 is situated on the outer edge of the RPA for T1. Given this small incursion and the proposed use of a 'no dig' permeable hard surface (now detailed within the report) the impact on T1 will be minimal and/or acceptable and the proposals will therefore not have an adverse impact on the health of the tree. A condition is imposed to ensure the Root Protection Area is adequately controlled.

CONSULTATIONS

Engineers (Drainage)
Engineering Services Manager
WSCC Strategic Planning
Parks and Landscapes
Arboriculturist
Surface Water Drainage Team

CONSULTATION RESPONSES RECEIVED:

COUNTY HIGHWAYS - (First Consultation)

Background and Summary

The site currently has a C1 usage as a hotel with accompanying parking facilities. The proposals seek to demolish the existing hotel building and construct 9 dwellings with a new access onto Station Road and associated parking spaces. Station Road is a 'B' class road subject to a 30 mph speed limit. The application is supported by way of a Transport Statement (TS). In summary the proposals are considered acceptable from the highway point of view, further detail and justification is provided in the report below.

Access and Visibility

A new re-sited access is proposed onto Station Road. As the site accesses onto a residential

road with a speed restriction of 30mph, it would be appropriate for the development to be considered alongside Manual for Streets (MfS) guidance. The proposed visibility splays, taken from a setback of 2.4m, is acceptable and achieve the required 43 metres. MfS does provide some allowance for occasional on-street parking within the visibility splay and it would appear that in this area, where most properties have some sort of off-street parking facility, that there is not an extensive demand for on-street parking particularly during peak movement time. The access should be a minimum of 4.8 metres in width with 6 metre kerb radii. The access proposals would be subject to a full Section 278 Agreement with the WSCC Implementation Team.

The LHA have reviewed data supplied to WSCC by Sussex Police over a period of the last 3 years. There have been no recorded injury accidents at the proposed access onto Station Road. There is no evidence to suggest that the existing highway network is operating unsafely, or that the proposed change of use would exacerbate an existing safety concern. Capacity within the TS the applicant has provided a Transport Consultants report a comparison on the traffic the proposal will generate over the existing use and proposed uses, the report concludes that there will be a small increase in traffic movements over the existing uses. No data has been provided showing the assessment undertaken. The LHA have run our own assessment through the TRICS (Trip Rate Information Computer System) database based on the proposed and existing uses and consider the information provided is comparable to the TRICS outputs. It is considered that there will be no material increase in traffic movements over the existing use. In addition there are no known capacity and congestion issues within the immediate vicinity of the site. From a capacity perspective we are satisfied the proposal will not have a severe residual impact.

Parking and Layout

A total of 18 car parking spaces will be provided on site. This provision has not been considered against the WSCC Parking Demand Calculator, rather the superseded PPG13 standards which have since been replaced by the PDC in 2010. However having assessed the number of spaces against the PDC, the proposed provision does exceed the requirement generated by way of the PDC. Cycle parking is provided; this should be secure and covered.

In line with MfS principles the access road will take the form of a 4.8 metre wide shared surface arrangement, this can narrow to 3.7 within the site. This is considered suitable as this will be a low speed, low traffic environment.

Refuse collection will take place from within the site. The waste collection authority should be consulted to obtain their views on the suitability of this arrangement. Within the TS there has been a swept path analysis provided showing how a larger vehicle including a refuse vehicle can safely turn within the site.

Construction

Matters relating to access during the construction of the proposed would need to be agreed prior to any works commencing. Vehicular access to the site is possible only from Station Road. A comprehensive construction management plan would be sought through condition should permission be granted. The construction management plan should amongst other things set out how deliveries are to be managed along Station Road in light of the carriageway width and presence of other vulnerable road users.

Sustainability

The submitted Travel Survey does suggest that persons using the site could arrive on foot, cycle, bus, train or by car. Directly opposite the site and a short walking distance to the north there is a bus stop which provides regular services to local facilities. Station Road does have footway links that lead to Station Parade which is within short walking distance of the site. The Parade includes a Post Office and Co-operative food store. Further to the north is Angmering Station which

provides travel along the coast to Brighton and north to Gatwick Airport and London Victoria.

The station is accessible via the existing footway links.

Although the site and surrounding area does not benefit from an established local cycle network, the wide roads and low speeds enables cycling to be a viable alternative for shorter journeys. The main roads connecting to the larger urban centres tend to be relatively narrow and unlit, appealing more to experienced and confident cyclists.

Conclusion

The proposed development is forecasted to generate a small increase in the number of vehicular movements than has been previously developed by the C1 usage. These movements will be spread across the day with only negligible movements during the peak hours.

A review of the Station Road junction indicates there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that this area of highway has been operating unsafely.

The Local Highway Authority (LHA) does not consider that the proposed would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal.

Second Consultation response - The previous comments issued by the LHA on the 8th June would still apply to this latest consultation response. The proposed parking available within the site is considered acceptable. We are aware there have been local and Parish concerns regarding further on street parking in the local area as a result of these proposals; therefore we have provided some further comments:

The area is not subject to enforceable waiting restrictions along the carriageway restricting parking. It is therefore not an offence to park on Station Road and given the good visibility in both directions it is not considered that parking would be detrimental to highway safety the carriageway is circa 7.2m in width and provides ample space for another vehicle to pass a parked vehicle. It may result in vehicles having to wait for a few moments while giving way to an oncoming vehicle before pulling out to pass the parked vehicle however, this is not considered to be a severe impact.

What the LHA is not able to control through planning is whether drivers choose to commit an offence. It wouldn't be possible to insert a condition on a planning consent that prevented drivers parking on the footway, as this is outside the control of the Applicant and is an offence in its own right. There are legal mechanisms for action to be taken to discourage this behaviour, enforced by either Civil Enforcement Officers or the Police. Parking on the footway can be considered to be a wilful obstruction of the free passage of a highway, contrary to section 137 of the Highways Act 1980.

PARKS AND GREENSPACE OFFICER

Developments of 7 dwellings or more are expected to provide open space provision on site. The Council's SPG guidelines which apply to developments of houses and are based broadly upon the National Playing Fields Association's (NPFA) "Six Acre Standard". Under superseded Fields in Trust guidelines (FIT) this requires that 3.2 hectares of open space are provided for every 1,000 people ie 32 square metres of open space per person. As this is not indicated on the layout plans we would require a sum of £1000 per property to offset this. Whilst no formal play is required, this would be a commuted sum towards play provision facilities, this would be for offsite provision for local play area improvements.

Trees

These proposals indicate the development of buildings in close proximity to the site boundaries. The site is bounded by significant tree cover particularly to the southern boundary and neighbouring properties. Any considered tree works either within the site or to the boundaries must be in consultation and agreement with Arun District Councils Tree Officer.

Before construction, a tree protection scheme must be in place for all retained trees including and particularly the significant trees whose root protection areas fall within the construction zone from neighbouring land. This should be in accordance with BS 5837:2012 'Trees in relation to construction' The layout of the proposed new buildings would appear to be in conflict with the existing site tree cover.

Landscaping

A full landscape scheme would be required to be submitted for approval, detailing species choice, position, densities and size at time of planting. This should be plotted in plan and list form and in relation to the trees and vegetation to be retained so that a clear picture of the proposals can be seen. These details are required to assure the adjacent properties privacy is maintained and the development setting is uncompromised.

ARBORICULTURAL OFFICER - (First Consultation response) Objection.

The applicant has failed to submit any documentation relating to the trees that could potentially be affected by the development process that has been proposed. It is evident that the Root protection Area from an offsite tree will protrude into the development area (this tree also being subject to an active TPO order TPO/EP/1/71). This does mean the applicant has failed to meet the BS 5837:2012 Trees in relation to design, demolition and construction Recommendations.

Second Consultation response - The applicant has submitted a tree survey ref. CCFEP.0207.TS01 Rev A, and a tree survey EP-96-07. It is evident that there is an inconsistency between both submitted documents, namely in relation to the stem diameter of the offsite mature beech tree.

·I would also question the accuracy of the data provided within arboricultural report to accompany application at site of Bradbury hotel, station road, East Preston (29/06/2016) in relation to the stem diameter of the offsite beech tree. The applicant has stated a stem diameter of 755 mm. I actually recorded a measurement of 2800 mm, giving a RPA circle of 33.6 m² or a square with side of 59.6 m².

Recommendation:

·I would object to this application as the applicant has failed to meet the BS 5837:2012 Trees in relation to design, demolition and construction Recommendations

Third Consultation response - The applicant has submitted a tree survey ref. DPA69909-BRADBURY HOTEL, STATION ROAD, EAST PRESTON-AIS-REV2. This document accurately outlines the Root Protection Area to be protected for the duration of the development operation.

Recommendation:

· I would have no objection to this application as it has met the requirements of the BS 5837:2012.

· The following condition must be adhered to when completing the proposed development operation:

If any root structures with a diameter over 25mm are exposed during the excavation of the foundations for the development then these should be retained unless otherwise agreed in writing with the Local Planning Authority. Any removal of roots over 25mm in diameter that has been agreed with the Local Planning Authority shall then be carried out under the supervision of the Council's Arboricultural Officer.

DRAINAGE ENGINEER

Soakaways to be investigated. Please apply ENGD2A, ENGD5A and ENGD5B

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted. A tree survey was submitted with the original application, but was not initially scanned. The tree officer was re-consulted when the error was noted. The agent's were advised of the inaccuracies in the tree report and have submitted a revised plan and tree report which the Council's Arboricultural officer now has no objection to.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Class B road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development

Publication Version of the Local Plan (October 2014):	ECC SP2 Energy and climate change mitigation
	D SP1 Design
	D DM1 Aspects of Form and Design Quality
	D DM2 Internal Space Standards
	D DM3 External Space Standards
	W DM1 Water Supply and Quality
	W DM2 Flood Risk
	W DM3 Sustainable Urban Drainage Systems

East Preston Neighbourhood Plan 2014 Policy 1	Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 4	Design in Character Area Three

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. Policies 1 and 4 of East Preston Neighbourhood Plan are considered to be relevant to determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site lies within the built up area boundary where redevelopment of the site is acceptable in principle subject to usual development control criteria being met.

RESIDENTIAL AMENITY

The site is currently occupied by a former home for the blind which is to be demolished and replaced with 9 dwellings located along the rear boundary and on the site frontage in a similar layout to the recent development at the former site of Malvern and Kerria to the south of the site. Residential cul-de-sacs of detached dwellings/flats adjoin the site to both the north and south. The dwellings to the north are 3m from the shared boundary to the front of the site and 2.8m to the rear and on the southern Churchfields boundary they are 4.2m from the boundary to the front of the site and 1.8m to the rear. The proposed development is 12m from the site frontage and 10m from the rear Langmeads boundary.

The dwellings to the rear replicate the pattern of development either side and retain an acceptable distance to the existing adjacent dwellings to ensure no materially adverse overbearing effects result. The rear and front elevations of each development are similarly positioned with a relatively small extent of projection and will not result in material harm. Any secondary windows on the side elevation would be obscure glazed to prevent any adverse overlooking resulting. Following negotiation Unit 5 has been moved 1m further from the rear boundary to better align with the rear elevation of the dwelling to the north.

The proposed semi detached units to the front of the site would reflect the position of the dwellings to the north and retain an adequate distance to the adjoining dwellings to the north to prevent a materially adverse impact on neighbouring residential properties resulting from overbearing effects. In addition, whilst there are windows on the side elevation of the dwelling which would lose their outlook these are secondary windows and no materially adverse impact on residential amenity would result. The windows on the side elevation of the proposed dwellings are conditioned to be obscure glazed to prevent overlooking and loss of privacy.

VISUAL AMENITY AND CHARACTER OF THE AREA

The site lies between 2 recent residential developments which are two and a half storeys high and comprise mainly detached dwellings with space around them. The proposal would demolish the existing 2 storey property and replace it with two and two and a half storey development which retains a reasonable space around the development and is comparable in ridge line height and layout with the developments to the north and south of the site.

Through negotiation the application has been amended and revised plans received which have moved the proposed southern dwellings approximately 2m further from the site frontage and altered them from detached to a pair of semis. They are now better aligned with the dwellings to the south and the appearance of the development is more balanced and symmetrical in the street scene. The type of development proposed comprising detached and semi detached dwellings is in keeping with the style and pattern of development in the locality and breaks up the built form and creates a perception of space. The current structure on the site has the appearance of a large detached residential dwelling. The proposed residential accommodation is therefore in keeping with the existing character of the area.

The front roof form of Churchfields, the neighbouring new development, when viewed from the frontage contains velux windows and the Langmead Close development to the south has roof lights to the frontage and small dormers facing forward on the units to the rear. The built form proposed provides accommodation in the roof of the units to the rear with velux windows in keeping with adjacent developments which have a similar two and a half storey height.

To the rear from Langmeads the development to the south has rooms in the roof area with a triangular form and this proposal would incorporate windows at second floor level of similar design which is considered to be acceptable in terms of visual amenity.

The front boundary treatment includes some rebuilding of the existing wall and the inclusion of railings to match the development to the south with landscaping behind. This ensures continuity along the road frontage and aid the assimilation of the development in the street scene.

The proposed materials include timber effect boarding, bricks and clay tiles would reflect the palette of materials in the locality. The details of materials are to be controlled by condition.

EAST PRESTON VILLAGE DESIGN STATEMENT AND NEIGHBOURHOOD PLAN

The village design statement and Neighbourhood Plan have been endorsed as a material planning considerations. Station Road lies in Character Area Three of the Village Design Statement. The criteria for this area states applications will be supported provided the scale is in character with the area. Increasing density is only acceptable where the character of the road isn't altered.

The Village Design Guide has been incorporated into the Neighbourhood Plan. The proposal does not conflict with Policy 1 as the scale, density, height and layout reflect the architectural style, height and scale of the surrounding buildings and would therefore be in keeping with the character of the area and compliant with Arun District Local Plan policy.

HIGHWAY SAFETY

County Highways have no concerns in relation to highway safety or the level of parking proposed.

IMPACT ON TREES AND LANDSCAPING AND OPEN SPACE PROVISION

No trees on the site are intended to be retained but additional landscaping is indicated which would help to soften the impact of the development. The trees to be removed are not considered to be worthy of retention. Landscaping and tree protection could be dealt with by conditions, but the Local Planning Authority has sought to ensure that the protected tree on the adjoining site would not be adversely affected by the development.

COMPLIANCE WITH INTERNAL AND EXTERNAL SPACE STANDARDS

The proposal complies with the General Internal floor areas for three bedroom semi detached a detached dwellings. The detached units comply with the standards for a 6 person 3 bedroom house and the front units with the standards for a 4 person 3 bedroom house.

The proposal does not fully accord with the Emerging external space standards policy EDDM3 in that the units require rear garden sizes of 85 sqm and 10m depth. Whilst the 10m depth is provided most of the garden sizes are below the standard area (ranging from 52sqm to 86 sqm). However the sizes are directly comparable with those on the site to the north and refusal of the application on this basis could not therefore be justified.

CONCLUSION

The application is recommended for approval subject to the following conditions and a S.106 legal agreement covering Public Open Space.

However, if the S.106 legal agreement has not been signed within 3 months of the date of the resolution to approve then the application should be refused under delegated powers for the following reasons:

(1)The application fails to make a financial contribution towards the cost of providing accessible natural open green spaces and the proposal is therefore not in accordance with Policy ENV DM2 of

the Arun Local Plan 2011-2031 (Publication Version);

(2) The proposed development makes no contribution towards public open space or children's play equipment and is thereby contrary to the aims and objectives of Policy GEN20 and the Supplementary Planning Guidance of the Arun District Local Plan;

HUMAN RIGHTS ACT

FOR APPROVAL

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

The scheme is of a size and nature that generates a requirement for commuted sum payments in respect of open space of £1000 per unit. An agreement is in the process of being signed.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

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

- 2 The development hereby approved shall be carried out in accordance with the following approved plans PO46-01a, 02A, 04C, 05B, 06A, 07B, 08B, 09B, 10A, 11, 12B, 13, 14B

and 15B.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 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 buildings.

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

- 4 No development above damp proof course (DPC) level shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected.

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

- 5 The windows at first floor level and above on the side elevations of the buildings hereby approved shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m above internal floor level.

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

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the side walls of the buildings at first floor level and above without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policy GEN7 of the Arun District Local Plan.

- 7 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

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

- 8 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period

of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 9 Development shall not commence until full details of the proposed surface water drainage scheme 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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No 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.

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

- 10 Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32.

- 11 Upon completed construction of the SuDS System but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system

and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32.

- 12 No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of road safety

- 13 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. 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,
- 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,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

- 14 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The cycle spaces so provided shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 15 No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Station Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

- 16 The development shall proceed in accordance with the submitted Tree Report. DPA69909-BRADBURY HOTEL, STATION ROAD, EAST PRESTON-AIS-REV2. If any root structures with a diameter over 25mm are exposed during the excavation of the foundations of plot 4 then these should be retained unless otherwise agreed in writing with the Local Planning Authority. Any removal of roots over 25mm in diameter that has been agreed with the Local Planning Authority shall then be carried out under the supervision of the Council's Arboricultural Officer.

Reason: To ensure the retention and maintenance of trees and vegetation; which is an important feature of the area in accordance with sound arboricultural practice.

- 17 No development above damp proof course (DPC) level shall take place until details of bat

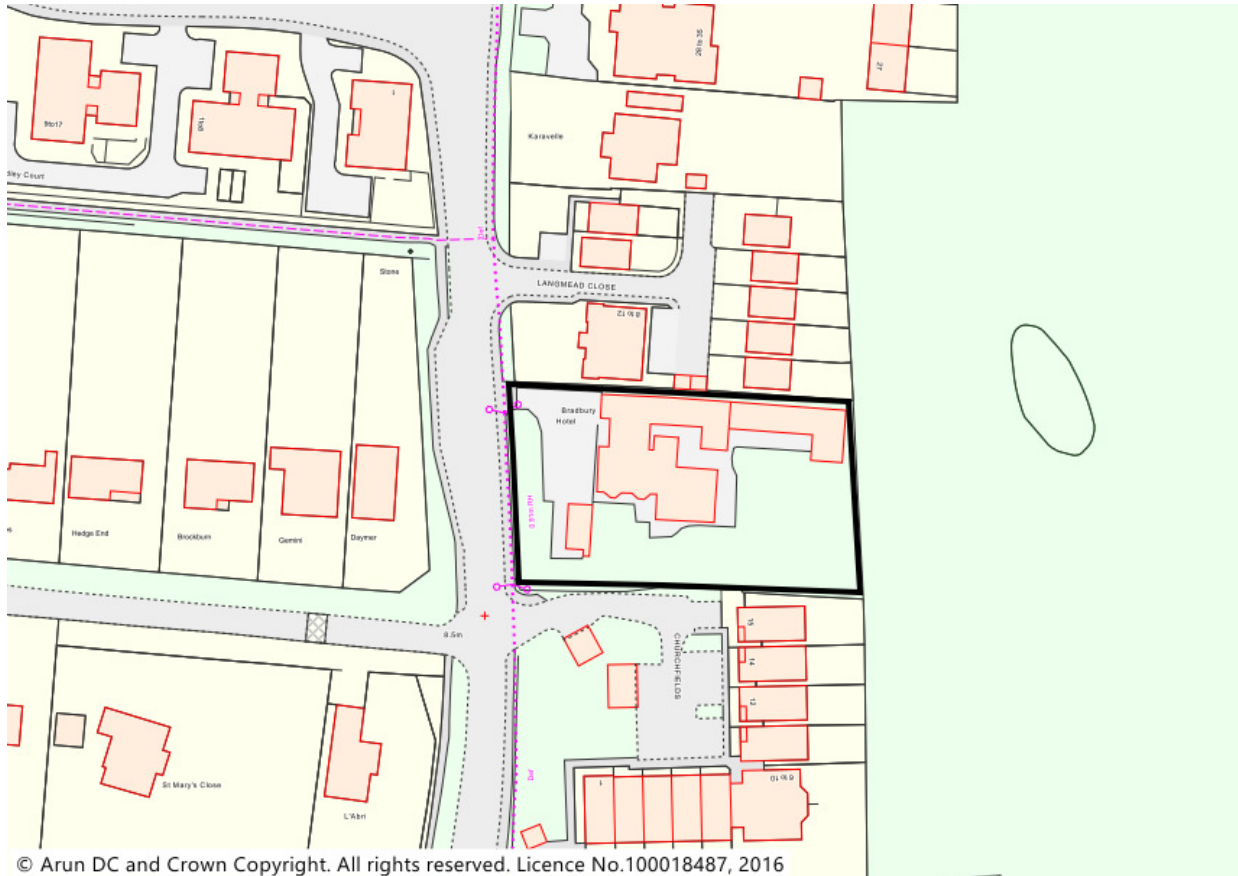
and bird box provision referred to in the Bat Presence/Absence Survey submitted with the application have been submitted to, and approved by, the Local Planning Authority. No occupation of the development shall take place until the agreed provision for bats and birds have been secured/provided and they shall thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason: To safeguard the ecology of the area, and in the interests of bats/birds to ensure that a habitat remains for them during and after development in accordance with policy GEN7 of Arun District Local Plan

- 18 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a commuted sum in lieu of open space provision.
- 19 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 20 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 21 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

EP/63/16/PL Indicative Location Plan
(Do not Scale or Copy)

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



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487.2015

PLANNING APPLICATION REPORT**REF NO:** BE/77/16/OUT**LOCATION:** Land West of New Barn Lane
Bersted**PROPOSAL:** Outline application with all matters reserved for up to 50 residential units, landscaping, amenity space, car & cycle parking, roads, service & drainage infrastructure & other associated works. Departure from the Development plan.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION

The proposal is for an Outline application for up to 50 residential units, associated open space, access and car parking.

The included Masterplan indicates a layout of 50 units comprising:

- The indicative housing mix shown includes 13 x 2 Bed; 20 x 3 bed and 17 x 4 bed dwellings.
- Public Open Space equates to 0.52ha.

The indicative development layout is set out in a figure of eight road layout. Detention ponds are shown located in the north-east corner near to the New Barn Lane access point and one indicated in the south-east corner near the Jubilee Recreation Ground.

An indicative access point for the proposal is shown from New Barn Lane via the Public right of way. This is the same access as approved by DC Committee in January for the Landform development - Application reference BE/142/15/OUT

The site is generally rectangular in shape and has been used for grazing. There is fencing along the field boundaries with trees and hedgerows beyond the fence line, forming the edge of the red line boundary of the site.

Public Footpath (PROW134) runs along the northern boundary of the site. It leads to the fields beyond the site linking to Lower Bognor Road to the west and Chalcraft Lane.

SITE AREA

1.94ha

RESIDENTIAL DEVELOPMENT

density of 37dph

DENSITY

TOPOGRAPHY

Predominantly flat.

TREES

There are trees and hedging along the four site boundaries. However no Tree Retentions and Removals Plan has been submitted with the outline application. Two trees have been proposed for retention in a temporary Tree Preservation Order, This includes an Oak and Silver Birch located on New Barn Lane.

BOUNDARY TREATMENT

The site is enclosed by fencing around the rectangular enclosed field. The red line application site includes hedgerows and trees around the site.

SITE CHARACTERISTICS

This is an open site to the West of Bersted located within a medium/small scale agricultural landscape. The site and surrounding undeveloped land to the west is flat with fields separated by hedgerows, some boundary trees and drainage ditches.

CHARACTER OF LOCALITY

The nearby housing in Bersted to the west of Chichester Road is suburban in character, mainly 1950s and 60s single and two storey houses, often with open plan front gardens and low planting. To the south-east of the site is the Jubilee recreation ground.

RELEVANT SITE HISTORY

BE/142/15/OUT - Adjoining site to the north has been approved in February 2016 for 90 residential units subject to a s106 agreement. This application established the principle of residential development to the west of Bersted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

Bersted PC - Object

The above Outline Planning application does not comply with this vision according to policies in the BNDP:

- Policy ES3 Protecting the Strategic Gap- The proposed development falls within the strategic gap outlined in the BNDP. The boundary is defined in the 2003 and emerging ADC Local Plan.
- Policy ES7 The proposed development is outside the built up area as per BNDP Appendix F map.
- Policy HDQ5 the proposed development does not reflect the character of the location. It does not incorporate any bungalows in its design. Bungalows are the predominant street scene of New Barn Lane and Winston Crescent. The height of the proposed town houses (2.5) is an overdevelopment of the area.

The following Arun DC planning policies:

- GEN2 and GEN 3 - the proposed development site lies outside the built up area and the proposal being unrelated to the needs of agriculture, forestry, recreation, the extract of minerals or disposal of waste, conflicts with these policies which seek to protect the

countryside and ensure that the amount of land taken for development is kept to a minimum.

- GEN2 - the proposed development site is not allocated in any Local Plan or otherwise identified by the Local Authority for residential development. The proposed development would constitute infilling, so conflicts with this policy.
- GEN7 - contrary to policy GEN7, the application is an unneighbourly form of development which would be detrimental to the character and amenities of the surrounding residential area

The PC does not consent to the proposed bridge over the ditch linking the development to Jubilee Field. Access to the field already exists off Winston Crescent.

The Parish Council has concerns about:

Highway safety & traffic with the outline planning permission given for 90 houses under BE/142/15/ OUT, the proposed development will significantly increase the level of traffic through New Barn Lane and Brazwick Avenue onto the Chichester Road. A WSCC modelling review of traffic and access to and from the proposed site is requested.

Should Arun District Council grant Planning permission for this application the Parish Council would like the following criteria for design, planning and open space to be considered as a minimum on the proposed development:-

- CLW4: Provision of Allotments where proposed developments exceed 20 houses a CIL contribution is required to fund allotment space.

ES8: Renewable Energy both Bersted and Arun Council s support and encourage the use of renewable energy schemes and this scheme should include it.

HDQ2 Integration of new housing with a sympathetic housing mix suitable to reflect the character of Bersted. The Parish Council would prefer bungalows are considered especially fronting onto the existing dwellings in New Barn Lane. The answer to question 53 of the public BNDP consultation ranks the housing desire as:

- 1st: 2/3 bedroom houses
- 2nd: 1/ 2 bedroom bungalows
- 3rd: 1/ 2 bedroom flats
- 4th: sheltered bungalows
- 5th: Sheltered housing and
- 6th: 4+ bedroom houses.

HDQ4: Housing Mix

The Bersted NP states that a proposal for new housing must deliver a range of housing types and tenures with a proportion required to meet Lifetime Home Standards so that homes are suitable for households whose needs change. The Parish Council would like to see a reduction in the number of 4-Bedroom houses allocated, as per GL Hearn s Objectively Assessed Need for Housing March 2015 commissioned by Arun District Council where 2 -3 bedroom housing has been identified as most needed. Table 6.20 show 80% of requirement are in these two bands.

HSQ6: Outdoor space

A private outdoor garden or a shared amenity must be provided for all new dwellings. HDQ8: Car parking

The provision of parking to be in line with Bersted Neighbourhood Development Plan Policy i.e. a minimum of 2 per dwelling.

PUBLIC REPRESENTATIONS

Representations

12 representations have been received objecting to the proposal. The following is a summary of the points made.

- Roads unsuitable for additional traffic
- Congestion at junction with Chichester Road
- Loss of oak tree and impact on wildlife
- Noise and disturbance
- Flood risk
- Reduction in quality of life
- Departure from the Development Plan
- Increased pressure on local schools
- Medical Services at near capacity
- Local infrastructure unable to cope
- Loss of outlook
- Lots of development in this area already
- Impact on local residents should be considered
- Green field site which is a local amenity
- Site is within the strategic gap between Bognor Regis & Chichester
- Contrary to the Bersted Neighbourhood Development Plan
- There is already a local parking problem causing congestion
- Unacceptable burden on the surrounding area when taken in conjunction with the adjacent approval of planning permission for 90 homes
- Disturbance to bats
- The Neighbourhood Plan required bungalows and open plan development to fit in with the local area
- Erode rural ambience and visual amenity of the area
- Land is not allocated in the Local Plan and conflicts with housing policies
- Overshadowing
- Design does not integrate with the semi-rural nature of the surrounding area
- Dangerous access
- Sewage pipe cannot accommodate any further properties

COMMENTS ON REPRESENTATIONS RECEIVED:

Many of the points raised by the Parish Council and public representations are covered in the application assessment. Specifically the current planning policy position relating to housing and the loss of a greenfield site; encroachment into the gap between settlements; and, the BNDP.

Traffic, highways, and parking concerns are addressed in the assessment.

Comments have been received regarding the oversubscription of services. As with all major residential applications there is a requirement for the developer to enter into a legal agreement to make contributions towards infrastructure.

The comments relating to flooding and drainage are addressed by consultee responses from Southern Water, and WSCC flooding and ADC Flooding.

Concerns are also raised regarding the form of the development and the site layout - This is an application for Outline planning permission. An illustrative master plan has been submitted which provides a layout but if the development principle is accepted by members the detailed design would be submitted with the Reserved matters application.

A number of representations refer to the recently adopted Bersted Neighbourhood Plan and

the loss of a greenfield site within the strategic gap. This is assessed later in the report.

The potential loss of the oak tree is raised. At this time the applicant has not indicated the loss of any trees. However following a request from a member of the public to review the trees at this location, the council's tree officer has made recommendations that the oak and silver birch are worthy of protection. A temporary TPO has been granted and landowners notified.

The PC raise the policy requirement for the provision of allotments. The PC were previously asked by officers to provide details of the site and justified costs for allotment provision. If the PC cannot justify the request for a developer contribution that is acceptable in terms of the CIL regulations, the request cannot be included in the s106. The case officer directed the PC to plan for allotment provision following the 90 unit proposal earlier this year.

CONSULTATIONS

Highways England
Ecology Advisor
Archaeology Advisor
Sussex Police-Community Safety
Planning and Housing Strategy
Parks and Landscapes
WSCC Strategic Planning
Environment Agency
Surface Water Drainage Team
Arboriculturist
Southern Water Planning
Engineering Services Manager
Engineers (Drainage)
Economic Regeneration
Environmental Health

CONSULTATION RESPONSES RECEIVED:

WSCC
Education Contributions
Primary - £191,653 - South Bersted Primary School
Secondary - £206,266 - Felpham Community College
6th Form - 48,320 - Felpham Community College

Libraries - £17,196 - Bersted
Fire & Rescue - £1,634 - Bersted

Total £465,069

WSCC Highways

The LHA raises no objection to the principle of development.

Vehicular site access, particularly compatibility with the adjacent scheme, will need to be considered in greater detail as part of the resolution of access matters. An indicative access is shown in the north east corner of the site. Access for both the proposed development and the consented to the north should either have junction spacing in accordance with current guidance, or be consolidated into a single point of access.

Internal details, such as the layout of the estate roads and the provision of parking, would need to be considered as part of any layout reserved matter submission. It is anticipated that conditions may be required as part of any subsequent reserved matters submission - this would include conditioning of visibility splays, number of parking spaces etc.

Housing Strategy

The applicants have provided a revised dwelling mix for the affordable proposing the 15 units being delivered as follows: 5 x 1 bed units, 8 x 2 bed units, 1 x 3 bed and 1 x 4 bed, which is acceptable.

I would recommend that the affordable housing tenure split comprises of 8 x Affordable Rent and 7 x intermediate housing as prescribed by the NPPF, with the specific dwelling mix for each tenure type to be agreed and defined in the S106 Agreement.

WSCC Flood Risk Management Consultation - No objection

The site is at low risk from surface water flooding however the surface water management strategy should consider this risk and any suitable mitigation measures if appropriate. Any surface water flow paths across the site should be maintained or appropriate mitigation strategies proposed.

The site is at high risk from ground water flooding. The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans.

No development should take place within 5m of any ordinary watercourse. If works are undertaken within, under, over or up to an Ordinary Watercourse, even if this is temporary, an Ordinary Watercourse Consent (OWC) may need to be applied for from the District or Borough Council.

The FRA/drainage strategy included with this application proposes that a SuDS system, porous paving and attenuation ponds with outfalls to the existing ditch system, would be used to restrict the run off from the development to pre-development Greenfield rates.

Ground water monitoring and percolation testing during the winter period would be required to determine the feasibility of using infiltration methods as the primary solution. Should infiltration not be suitable the original strategy of attenuation would, in principle, meet the requirements of the NPPF, PPG and associated guidance documents.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 100 year, plus 30% for climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the

SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Sussex Police

The Design & Access Statement (DAS) failed to mention crime prevention measures to be incorporated into the design and layout.

The development in the main has good active frontage. Where communal parking occurs this must be in view of an active room with direct visual connection. Gable ended windows can assist in observation opportunities.

Dwelling frontages should be open to view with low boundaries between public spaces and private areas. The post and wire fencing shown in the DAS should be replaced with wooden post and rail fencing. Perimeter fencing must be adequate with vulnerable areas such as side and rear gardens needing robust barriers 1.8m high. Gates providing side or rear access should be robust, the same height as the fence and lockable.

Active rooms should overlook public open space and play areas with low foliage. Play areas should be fenced and landscaped and provide consideration for all age ranges.

Lighting throughout the development should conform to BS 5489:2013.

Highways England - No objections, however concerned with the cumulative impact of other applications in the area. Consider at what point housing in this location will affect the strategic road network and how such development may contribute to appropriate mitigations.

Archaeology Adviser - Field evaluation by trial trenching having proved negative, no further archaeological intervention or mitigation measures are justified.

Engineers (Drainage) - Comments in respect to surface water drainage:
Attenuation is proposed for surface water drainage. We allow storage immediately above the peak level. Please apply standard conditions ENGD2B, ENGD3A, ENGD4A, ENGD5A, ENGD5B, ENGD6A.

Percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or similar and cater for the 1 in 10 year storm between the invert of the entry pie to the soakaway and the base of the structure. There must also be capacity in the system to contain below ground level the 1 in 100 year event plus 30% allowance for climate change. Adequate freeboard must be provided between the base of the structure and the highest recorded annual groundwater level identified in that location.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Watercourses/ditches must retain a three metre easement for access and maintenance. Any redundant field crossings must be removed. Any culverting would require land drainage consent. A maintenance manual for the surface water drainage system must be drawn up and ditches

maintained in line with riparian responsibilities.

Environment Officer -

We agree the findings of the ecological report and support the enhancements suggested also we wish to see the following from said report implemented before determination: "4.13 In order to determine the assemblage of bats present further surveys are recommended. The site is deemed to be of low habitat quality for bats in accordance with the Bat Conservation Trust's guidance¹⁸. Therefore, it is recommended that seasonal bat transects (spring, summer and autumn) are carried out and on each survey occasion a single static detector will be deployed. The static detector will be positioned at a different location on each occasion and will be left insitu for a minimum of five nights."

The following will need to be conditioned: "4.31 No dormouse records have been identified following consultation. However, the hedgerows on site provide suitable habitat for dormouse and contain several species of value including hazel, sessile oak, bramble and blackthorn. These species provide nesting and foraging opportunities for dormice in the form of fruit, flowers and insect provision. It is also accepted that the south east and west of the UK are a stronghold for this species and they are thought to be under recorded in such areas. Due to the severance of hedgerow H1 for access, precautionary presence/absence surveys are recommended to determine dormouse status within the site.

Reptiles

4.32 All common UK reptiles species are partially protected under Schedule 5 (Sections 9(1) and 9(5)) of the Wildlife and Countryside Act 1981 (as amended).

4.33 Habitats for reptiles were restricted to the hedgerow bases, ditches, ruderal vegetation, scrub and narrow field margins which provide habitat suitable for commuting, foraging and for refuge.

Records of adder, common lizard and slow-worm have been identified, with all three species recorded within 500m of the site boundary. It is considered that further surveys are not necessary due to the limited area of suitable habitat available for reptiles on site. These habitats are restricted to the site boundaries and are to be retained and enhanced as part of the GI; therefore the development is likely to enhance the site's value for reptiles. A precautionary Method Statement will be written at the detailed planning stage, when a finalised design has been confirmed, this will detail measures to ensure if reptiles are present within the retained habitats that they are protected from harm, injury or death. Such measures will include passive displacement from areas where there will be potential temporary or permanent losses of habitat.'

The proposed development is also within the SPA zone of influence for Pagham harbour SPA zone of influence, with any net increase in the number of dwellings resulting in a payment needing to be paid the Pagham harbour disturbance mitigation scheme. Clearance of suitable nesting bird habitat (i.e. removal of trees, hedging, dense shrubs and dismantling / demolition of any building) should ideally be undertaken outside the breeding bird season, i.e. should be undertaken in the period September to February inclusive.

Should it prove necessary to clear bird nesting habitat during the bird nesting season, then a pre-works check for nesting birds should be undertaken, by a CIEEM ecologist (with 24 hours of any works). If any active nests are found, activities (e.g. tree felling / vegetation clearance / building dismantling / demolition) should cease and an appropriate buffer zone should be established. This buffer zone should be left intact until it has been confirmed that the young have fledged and

the nest is no longer in use.

We would like to see the placement of nesting opportunities for birds (species such as swallows, swifts, housemartins, house sparrows and starlings). Along with bat roosting structures being put on/around the new building. Appropriate designs can be found in the publication "Designing for Biodiversity: A technical guide for new and existing buildings". Ecological advice should be sort in when deciding where and which of these structures should be placed for maximum effectiveness, because thermal tolerances of each species are very important. Other ecological enhancements that could be put in place reptile refugia, new ponds/ditches and ecologically sympathetic planting schemes. Lighting will need to be kept to a minimum, as lighting levels have a effects on nocturnal species such as bats, flying invertebrates and various mammal species.

Southern Water -

There is no capacity for the development without additional infrastructure.

SW request a condition to be added that requires a drainage strategy detailing the means of foul drainage and an implementation timetable.

An informative should also be added that requires the applicant/developer to enter in to a formal agreement with SW to provide the necessary sewerage infrastructure.

There is a requirement for SuDSscheme and the ongoing management of the SuDS.

Greenspace

Developments of 10-200 dwellings or more are expected to provide open space on site. The Council's SPG guidelines which apply to developments of houses and are based broadly upon the National Playing Fields Association's (NPFA) "Six Acre Standard". Fields in Trust guidelines (FIT) requires that 3.2 hectares of open space are provided for every 1,000 people ie 32 square metres of open space per person. We would require confirmation of the areas of public open space being proposed with this development. As there are 50 dwellings proposed for this site, then provision of LAP and LEAP would be sought on site with the addition of Multi- Use Games Area (MUGA) contribution being sought.

Landscape/Tree protection

LVIA and Landscape strategy information would need to be submitted to provide details of the proposed landscaping including proposals for the long term maintenance and management. Forming part of the application and prior to any consent being given a full landscape scheme should be submitted for approval, detailing species choice, position, densities and size at time of planting. This should be plotted in plan and list form and in relation to the trees and vegetation to be retained in the locale, so that a clear picture of the proposals can be seen. These details are required to assure the adjacent land setting is maintained, the setting is uncompromised and the proposals are appropriate to its setting. The illustrative masterplan does set back the dwellings from New Barn Lane and details a central open space area which would create a useable and desirable space. The retained vegetative areas to the periphery of the site would create wildlife corridors and for the retention of valuable established vegetation. Any trees or vegetation that fall within the proposed or periphery of the development, may provide significant aesthetic impact to the location. Any trees in particular along the boundaries, which adjoin neighbouring land, in particular is the vegetation cover to be seen to all boundaries particularly to the north, south and west of this site and T1 in the North (proposed access road) corner could provide potential valuable screening and should be retained particularly any adjoining/bordering the settlement

boundary. Any considered tree removal from this site should be agreed with Arun District Councils Tree Officer. Root protection Areas (RPA) should extend into the development site and to those in neighbouring land. Before construction, a tree protection scheme must be in place for any retained trees including trees whose root protection areas fall within the construction zone from neighbouring land. This should be in accordance with BS 5837:2012 'Trees in relation to construction' Any removed trees should be mitigated for allowing for inclusion of native species for biodiversity purposes and fitting to the semi-rural setting.

An ecological report detailing biodiversity and habitat, an LVIA and full tree survey should be submitted for approval, along with the proposed landscaping including proposals for the long term maintenance and management.

ADC Parks & Greenspace Arboriculture - Recommendation:

I would advise the relocation location of the proposed site access road to a location where it does not have an intrusion into the outlined Root Protection Area for T1.

Conditions:

Roots with diameter above 25mm - LAW17

If any root structures with a diameter over 25mm are exposed during the excavation of the foundations for thethen these should be retained unless otherwise agreed in writing with the Local Planning Authority. Any removal of roots over 25mm in diameter that has been agreed with the Local Planning Authority shall then be carried out under the supervision of the Council's Arboricultural Officer.

Reason: To ensure the retention and maintenance of trees and vegetation; which is an important feature of the area in accordance with sound arboricultural practice.

Environmental Health - The Desktop Study Report indicates that the contamination risk is low. Apply the following condition:

ENV 5 Unsuspected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason - To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policy DEV1 of the West Sussex Structure Plan and policies GEN7 and GEN31 of the Arun District Local Plan.

NHS

Views Awaited

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

Additional comments and conditions from WSCC Highways have been sought. The proposed site access has been through a Stage 1 Road Safety Audit and designer's Response and there is no safety objection to the design. The access was approved under BE/142/15/OUT.

An update on these matters will be provided to planning Committee Members.

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	DEV17	Affordable Housing
	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	AREA11	Local Gaps
	GEN5	Provision of New Residential Development
	GEN7	The Form of New Development
	GEN8	Development and the Provision of Infrastructure
	GEN20	Provision of Public Open Space within New Development
	GEN12	Parking in New Development
	GEN11	Inland Flooding
	GEN14	Public Transport
	GEN15	Cycling and Walking
	GEN25	Water Resources
	GEN18	Crime Prevention
	GEN26	Water Quality
	GEN9	Foul and Surface Water Drainage
	GEN28	Trees and Woodlands
	GEN29	Nature and Conservation Across the District
	GEN32	Noise Pollution
	GEN33	Light Pollution
	DEV37	Existing Caravan Sites
Publication Version of the Local Plan (October 2014):	C SP1	Countryside
	D SP1	Design
	ENV DM4	Protection of Trees
	H DM1	Housing Mix
	H SP1	Strategic housing, parish and town council allocations
	H SP2	Affordable Housing
	SD SP2	Built-Up Area Boundary
	SD SP3	Gaps Between Settlements
	W DM1	Water Supply and Quality
	W DM3	Sustainable Urban Drainage Systems
Bersted Neighbourhood Plan 2014 Policy CLW3		Sport and Leisure Provision
Bersted Neighbourhood Plan 2014 Policy CLW4		Provision of Allotments
Bersted Neighbourhood Plan 2014 Policy ES1		Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2		Surface water management
Bersted Neighbourhood Plan 2014 Policy ES3		Protecting the Strategic Gap/Green Infrastructure Corridor
Bersted Neighbourhood Plan 2014 Policy ES7		Development outside of the Built Up Area Boundary
Bersted Neighbourhood Plan 2014 Policy HDQ1		Housing Site Allocations
Bersted Neighbourhood Plan 2014 Policy HDQ2		Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ4		

Bersted Neighbourhood Plan 2014 Policy HDQ5	Housing mix
Bersted Neighbourhood Plan 2014 Policy HDQ6	Design of new housing development
Bersted Neighbourhood Plan 2014 Policy HDQ7	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ8	Attention to detail
	Car parking

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal does not comply with the Development Plan in that it proposes residential

development outside the village development boundary, however there are material considerations that justify the officer recommendation.

OTHER MATERIAL CONSIDERATIONS

Neighbourhood plans are an important part of the plan-led system. The Government's policy intention when introducing neighbourhood planning was to provide a powerful set of tools for local people to ensure they get the right types of development for their community, while also planning positively to support strategic development needs.

Decision makers may find themselves considering applications in an area with a neighbourhood plan that has passed referendum and been "made", and thus forms part of the development plan, but where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

In such instances paragraph 49 of the Framework is clear that "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites." Paragraph 49 applies to policies in the statutory development plan documents which have been adopted or approved in relation to a local planning authority area. It also applies to policies in made neighbourhood plans.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the Framework states that the presumption in favour of sustainable development requires the granting of planning permission, 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; or specific policies in the Framework indicate development should be restricted.

In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning.

This includes paragraphs 183-185 of the Framework; and paragraph 198 which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

CONCLUSIONS

PROPOSAL

The application site is currently an agricultural field which sits to the south-west of New Barn Lane. The outline proposal is for 50 dwellings (of which 30% = 15 units are affordable). The site is 1.94ha with 0.52ha of Public Open Space.

The site is generally contained by the trees and hedgerows/vegetation that forms the boundaries to the site. The predominantly flat site sits 5.0m AOD.

PRINCIPLE:

The site lies in a countryside location outside the built-up area boundary where the principle of development is considered to be unacceptable. Development Plan policies seek to exert strict control over development in the countryside to protect it for its own sake. Development will only be permitted where there is a strong justification for a countryside location. The Government's advice indicates that planning authorities should continue to ensure that the quality and character of the

wider countryside is protected and where possible enhanced.

Arun District Local Plan policies GEN2 and GEN3 seek to focus development within built up areas however these boundaries have reduced weight as they are time expired since they do not relate to housing provision beyond 2011. The Arun Local Plan 2011-2031 Publication Version reflects the need to provide housing on land outside of the defined built up areas. It sets out allocations for future housing for Parish and Town Councils that they should bring forward over the plan period. Policy H SP1 of the Emerging Plan requires Neighbourhood Plans to bring forward proposals for housing delivery.

The Bersted Neighbourhood Development Plan (BNDP) now forms part of the development plan, having been adopted on 4 November 2014. As set out in the introduction to the BNDP all Neighbourhood Plans must be in line with the NPPF and local policy (ADC Local Plan). There is a housing allocation for the Bersted Parish of 50 dwellings. The BNDP has a defined settlement boundary for Bersted and designates the area to the west of New Barn Lane as "Gap Between Settlements". This is in general conformity with the emerging Arun Local Plan.

The Bersted NDP does not support development outside the built up area, however, as the Council is currently unable to demonstrate a 5 year National Planning Policy Framework compliant supply of housing and with the current objectively assessed housing need for the District at 845 dwellings per year and completions below the required rates, it is clear that housing supply needs to be increased. This means that the Council should not be refusing applications for development outside of the built up area boundary solely on the grounds of principle.

This position has been further endorsed by the Secretary of State in a recent decision which confirms that where there is a lack of 5 year housing land supply this renders the policies relating to housing allocations within a Neighbourhood Plan out of date. Planning Policy Guidance has also been updated, as set out in the material considerations section above. This confirms how planning applications should be determined where there is a made neighbourhood plan, but where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.

The NPPF states "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites". NPPF Para 49.

The site is in a sustainable location and has a positive relationship to the built up area to the east. It is near to shops, services, existing major routes for good public transport links and would be physically and visually connected to the existing built up area. This outline planning application demonstrates that this site is available and deliverable. It can assist with the delivery of new housing of new housing in the short term at a time when new housing is required to address a significant supply shortfall.

DESIGN

Planning Policies and Central Government Advice support the efficient and effective use of land. Policy GEN7(i) requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Central Government Advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted. Furthermore new development should be well integrated with and complement the local area in terms of, for example, layout.

Policy GEN7 also sets out a requirement for schemes to display high quality design and layout. The NPPF also attaches great weight to the design of the built environment and states that good design is a key aspect of sustainable development and should contribute to making places better for people.

Paragraph 7 of the NPPF states that one part of the sustainable development principle is a high quality built environment and para 9 expands by confirming that this is through seeking improvements to the quality of the built environment and widening choice of high quality homes. One of the 'core planning principles' at para 17 is securing high quality design and a good standard of amenity.

Section 7 of the NPPF relates to 'requiring good design'. The section states good design is a key aspect of sustainable development (para 56), that developments should establish a strong sense of place and be visually attractive as a result of good architecture (58). Para 64 confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

The indicative layout of the development with access from the north-east corner of the site would be acceptable and the location of the public open space along the edges of the site and a commitment to provide a financial contribution for improvements at Jubilee Field. This is on the basis that there would be new formal play areas within the consented scheme to the north a requirement for a LAP within the development and it may be better to contribute to a play area at Jubilee Field that serve the wider community.

The PC refer to the policy HDQ5 of the Bersted NDP which requires proposals for new housing development to be of high quality and designed to reflect the local character. The PC sets out that as the predominant street scene includes bungalows, bungalows should be incorporated into the design. The application is an outline and while the indicative layout does not included single storey dwellings this would be a design matter for the reserved matters application.

NEIGHBOUR AMENITY

Arun District Local Plan Policy GEN7 indicates planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. The NPPF states that new development should contribute positively to making places better for people. These guiding principles are also contained in the Bersted NDP.

The proposed layout for the site would likely ensure that there would be no undue harm to the residents of the proposed dwellings; however the development of this open area would result in some residents on New Barn Lane and Winston Crescent no longer having the benefit of views of open countryside. While a view is not a planning consideration the development proposed has carefully considered the New Barn Lane frontage.

The detailed design will be a reserved matter, however the general principles of the indicative layout are in accordance with Policy GEN7 of the Arun LP and Policy SDP1 of the emerging Local Plan. The indicative layout also seeks to be in accordance with Bersted NDP policy ES1

AFFORDABLE HOUSING

The applicant has discussed the proposals with the Housing Strategy and Enabling Manager and an agreed residential mix and tenure have been proposed. The development proposes 30%

affordable housing which amounts to 15 units. The recommended affordable housing tenure split comprises 8 x affordable homes for rent and 7 x intermediate housing units as prescribed by NPPF.

HIGHWAYS, TRANSPORT AND PARKING

Highways England had no objections to the proposal. WSCC as Local Highway Authority has provided detailed comments. The LHA has no objections to the proposal subject to detailed design. As this is an outline application WSCC cannot comment on the internal site layout as this would be a reserved matter.

Access

The LHA raises no objection to the principle of development.

Vehicular site access, particularly compatibility with the adjacent scheme BE/93/16/PL and BE142/15/OUT, will need to be considered in greater detail as part of the resolution of access matters. An indicative access is shown in the north east corner of the site. Access for both the proposed development and the consented to the north should either have junction spacing in accordance with current guidance, or be consolidated into a single point of access.

Internal details, such as the layout of the estate roads and the provision of parking, would need to be considered as part of any layout reserved matter submission. It is anticipated that conditions may be required as part of any subsequent reserved matters submission - this would include conditioning of visibility splays, and number of parking spaces.

There is a requirement in the Bersted NDP for a minimum of 2 car parking spaces per unit.

A number of objection letters referred to the potential congestion that this development would create. All three junctions demonstrated no noticeable impact occurring as a result of the development proposals. This was demonstrated by the approved 90 unit scheme and the additional 50 units does not make any significant difference that would warrant a highway objector

Should the principle of residential development be accepted conditions can be added that require the submission of additional details which would be considered as part of the detailed design of the layout.

Access to the site is a reserved matter, the applicant has demonstrated that the approved access (Access A) for the Landform development for 90 units can be a shared access to the site. The potential impact of the development has been assessed and is not considered to be significant, with junctions continuing to operate within capacity.

Implications of Alternative Access (BE/93/15/PL)

The alternative access proposed at New Barn Lane is a separate application proposed by Landform. It proposes a replacement access for the 90 dwelling scheme to the north of the application site. The proposal is accompanied by a unilateral Undertaking - a legal agreement that sets out that, if approved, that one of the 2 access points will be built, the other access would no longer proceed. The Church Commissioners or their successors in title will have the option to use the alternative access without having to pay a 'ransom' cost, but would be required to pay their share of the design and build cost.

The council has met with both parties and a negotiated agreement can be reached. While this is in part a civil matter between two landowners, the council need assurances that two controlling landowners within the West Bersted housing expansion area can reach agreement in order that if permission is granted the development can be built in the short term without potential legal delays.

FLOOD RISK AND DRAINAGE

The proposed site is at low risk from surface water flooding. A small amount of higher level risk is shown associated with the exiting watercourses/drains along the perimeter of the site.

The area of the proposed development is shown to be at 'high risk' from ground water flooding based on the current mapping. This risk and appropriate mitigation should be considered in any future design especially with regard to underground structures and utilities. Conditions covering drainage, SuDS and percolation testing is required along with winter monitoring.

The Environment Agency has no objections to the proposal. Environment Agency mapping shows that the site is not within flood zone 2 or 3.

Some of the objection letters referred to the site's potential to flood, WSCC has no records of historic flooding within the site boundary or nearby. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

There are issues with the ditches adjacent to the site. Clearance and desilting of the ditches would be required. Ditch connectivity should be ascertained, especially at the south western corner of the site. If infiltration isn't feasible for the SUDS system, a suitable outlet should be provided. Some ditches drain to Southern Water surface water sewers, and Southern Water may not want extra land drainage being connected to the system. Some work has been done by adjacent landowners on the other side of the proposed access route in. Any ditch crossings will require land drainage consent.

Any SUDS or soakaway design will need to include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. An objector was concerned that the trial pits had been dug during the summer months and there would be a need to carry these out during the winter period. This is a requirement and would be added as a condition.

Ditches will require easements for access and maintenance. No development should take place within 5m of any watercourse. Maintenance details for the surface water drainage system should also be provided.

FOUL DRAINAGE

There is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public system and existing properties and land may be subject to a greater risk of flooding as a result.

If approved the Developer would enter into a formal agreement with Southern Water to provide the necessary infrastructure. Additional off site sewers or improvements to existing sewers will be required.

NOISE/LIGHT POLLUTION

Residents have raised concerns as to the potential for noise/disturbance from the new houses/cars, and for light pollution from street lighting and air pollution from exhaust fumes. If this site is developed, there will be increased noise/disturbance/light pollution to existing residents. It is not considered that these impacts will result in significant harm. Street lighting will be controlled by condition. There has also been a request from the ecologist that lighting is considered in relation to the location of street lights and security lights due to the existence of bats near the site.

IMPACT ON TREES

There are no Tree Preservation Orders on the trees around the periphery of the site and a detailed tree survey showing the location of trees to be retained and any to be felled. This updated document has been accepted by the Council's Tree Officer. A condition has also been included that requires a full landscape scheme to be submitted for the site as a reserved matter. A condition is also proposed that protects existing trees during the construction phase.

A temporary TPO has been prepared for 2 trees to the north of the site outwith the site boundary.

ECOLOGY

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Where any hedge is to be removed as detailed within the survey, a new hedgerow should be planted. Conditions are included to ensure this.

The lighting scheme for the site will need to take into consideration the presence of bats.

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours notice of any work).

SUMMARY

It is considered that the this application is acceptable on the basis that it creates a residential development in a sustainable location near to services, main routes which offer public transport opportunities. The addition of this residential development on local infrastructure can be accommodated as demonstrated in this report. There will be a requirement to upgrade foul drainage as there is currently no capacity. The developer would also be required to make significant contributions for education, library and fire and rescue.

The applicant has demonstrated that the traffic associated with the 50 dwelling proposal can be accommodated on the local road network but as the access is to be a reserved matter all the conditions that would relate to access and parking would be considered and added to the Approval of Reserved matters should the application be approved.

The developer has also agreed to a housing mix and tenure as set by the Housing and Enabling Manager which delivers 15 affordable housing units to the area.

The undersupply of housing within the area means that there is an urgent need to find sustainable housing sites that can be delivered in the short/medium term to assist Arun DC meet its housing

target.

It is considered that the application should be approved subject to conditions and a s106.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal neutral impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

SECTION 106 DETAILS

The s106 will need to include:

- Open Space;
- Amenity Spaces;
- Management and Maintenance Commuted Sum;
- Affordable Housing;
- Education Contributions;
- Fire and Rescue contribution;
- Library Contribution;
- NHS Contribution;
- Pagham Harbour SPA contribution
- Allotments contributions; and
- Public Right of Way improvement contributions.

Developer contributions for the heads of terms above can only be included within the s106 where there is justification and that the request is in line with CIL regulations.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

1 The permission hereby granted is an outline permission under s92 of the Town and

Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 2 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Landscaping; and
- (e) Access.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before expiration of 1 year from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby approved shall be carried out in accordance with the following approved plans:

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 4 Development shall not commence until full details of the proposed surface water drainage scheme 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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No 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.

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

- 5 Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SuDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure the efficient maintenance and on going operation of the SuDs system and to ensure the best practice in line with guidance set out in 'The SuDs Manual' CIRIA

publication ref: C753 Chapter 32.

- 6 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

- 7 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Plan policy GEN7.

- 8 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 9 No development including site access, or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be

exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and in accordance with policy GEN7 of the Arun District Local Plan.

- 11 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. 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,
- 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,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.
 -

Reason: In the interests of highway safety and the amenities of the area.

- 12 Prior to the commencement of construction works details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management/maintenance) and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

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

- 13 Prior to the commencement of construction works on each phase of the development of any preparatory works a detailed ecological enhancement scheme (which shall include the installation of bat boxes and bird boxes throughout the site) shall be submitted to the LPA for approval and will be based on the recommendations within the supporting ecological statement and as appropriate. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of

the site in line with national guidance and Policy GEN23 and GEN29 of the Arun District Local Plan (2003).

- 14 No operational or construction vehicles shall be operated on the site except between the hours of:

7.00 and 19.00 on Mondays to Fridays inclusive

7.00 and 13.00 on Saturday

Not at any time on Sundays or Public Holidays

Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 15 The landscape details referred to in Condition 1 shall include a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens. The landscape management plan shall be implemented in accordance with the approved details.

Reason: In the interest of amenity and the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 16 No development shall take place until details of laying out, timetable for provision and future maintenance of Public Open Spaces has been submitted to and approved by the local planning authority. The layout details submitted in compliance with Condition 1 shall define the boundaries of such areas, their proposed use, the items of equipment, means of enclosure and all other structures to be installed. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the informal open space, which is considered a necessary part of the development, is provided to an acceptable standard within an agreed timescale in accordance with policies GEN7 and GEN8 of the Arun District Local Plan.

- 17 No demolition, ground clearance or vegetation clearance works shall take place within the bird nesting season (between 1 March and 31 August inclusive in any year). If such works cannot be undertaken outside of the nesting season, a nesting bird check shall be required, which should be undertaken by a suitably qualified ecologist immediately prior to the works taking place. Subsequently if any active nest sites are identified, these nests should remain undisturbed until all the young have fledged naturally.

REASON: To minimise disturbance to nesting birds.

- 18 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or equivalent fabric first standards that would secure a 10% reduction in energy use. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority [as a part of the reserved matters submissions required by condition 2]. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In order to seek to achieve high levels of energy efficiency in accordance with the aims of the NPPF.

- 19 No development shall take place until a street lighting scheme has been submitted and

approved in writing by the Local Planning Authority. This must comply with the Institute of Lighting Engineers Guidance Notes for the reduction of obtrusive light.

Reason: To enable the LPA to control the development in detail in the interests of residential amenity and in accordance with GEN7 of the Arun District Local Plan and also to ensure there is no impact on Bats within the vicinity of the site.

- 20 Prior to the commencement of the development details showing the proposed location of one fire hydrant (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services. These approvals shall not be unreasonably withheld or delayed.

Prior to the first occupation of any dwelling unit forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of fire fighting. The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004).

Reason: In the interests of amenity and in accordance with policy GEN7 of the Arun District Local Plan 2003

- 21 INFORMATIVE

Please note that related to this permission there is an agreement under Section 106 of the Town & Country Planning Act 1990.

- 22 INFORMATIVE:

The reserved matters application will provide full details of all roads and footpaths associated with the development. In the event that neighbouring land is approved for development at some point in the future this layout must include footpath and pedestrian links right up to the boundary to ensure access.

- 23 INFORMATIVE:

If there is a requirement for security lighting during construction or proposed at any dwelling prior to installation the lighting details must be provided to and approved by the Local Planning Authority.

- 24 INFORMATIVE:

Section 59 of the 1980 Highways Act - Extra-ordinary Traffic

The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

- 25 INFORMATIVE:

Section 278 Agreement of the 1980 Highways Act - Works within the Highway

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

26 **INFORMATIVE:**

Section 38 Agreement of the 1980 Highways Act - Provision of Adoptable Highway
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

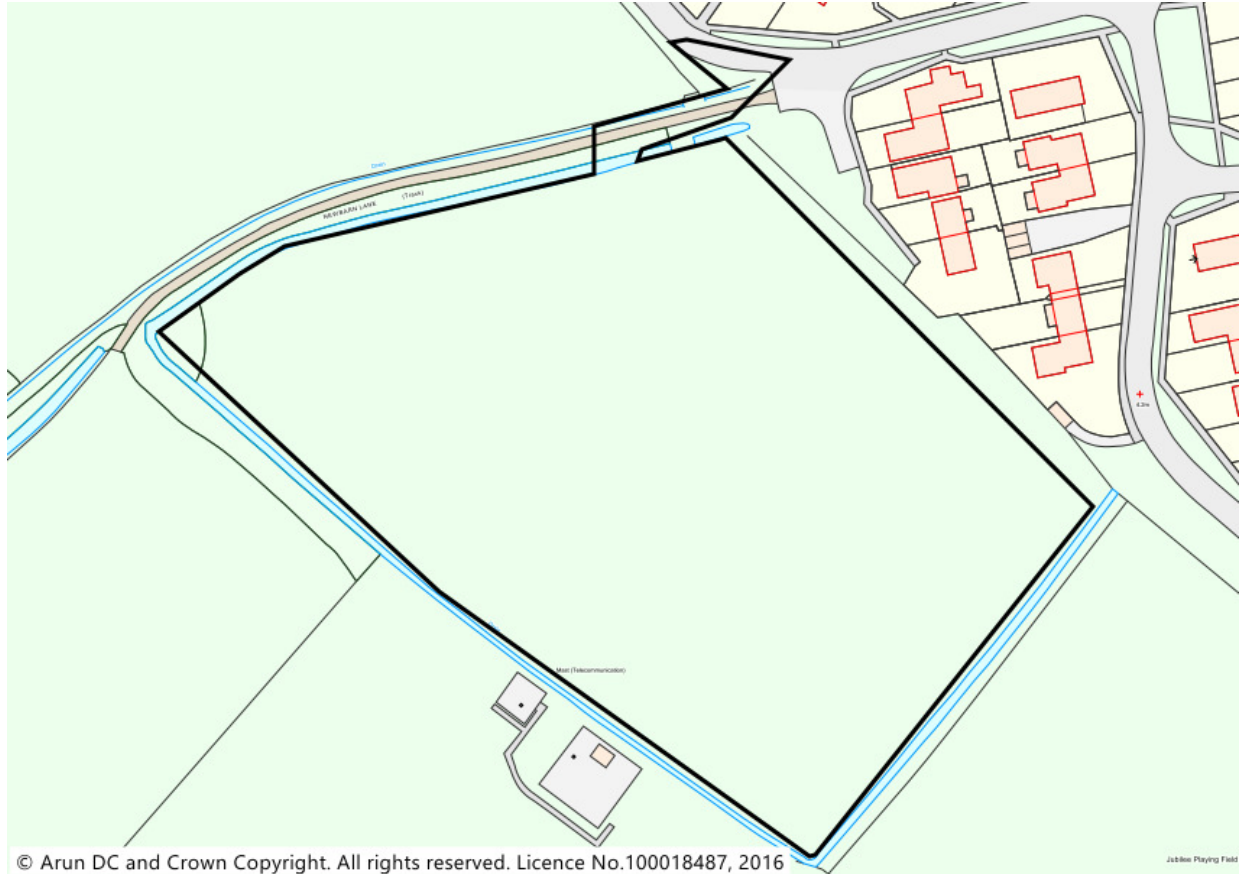
27 **INFORMATIVE:**

The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

BE/77/16/OUT Indicative Location Plan
(Do not Scale or Copy)

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



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487.2015

PLANNING APPLICATION REPORT**REF NO:** BE/93/16/PL**LOCATION:** New Barn Lane
Bersted
Bognor Regis
PO21 5DL**PROPOSAL:** Construction of new vehicular/pedestrian/cycle route onto New Barn Lane for residential purposes**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	0.12HA
TOPOGRAPHY	Predominantly flat.
TREES	There are three trees within the vicinity of the proposed access. T1 - Elder, T2 - Silver Birch and T3 Sycamore. All are to be retained. It is proposed to prune the lower branches of the sycamore T3.
SITE CHARACTERISTICS	The application site form part of a field that has been granted planning permission for 90 residential units. The field is located to the west of Bersted where the nearby housing to the west of Chichester Road is suburban in character, Mainly 1950's and 1960's single and two storey housing, often with open plan front gardens.

RELEVANT SITE HISTORY

BE/142/15/OUT	Outline application with some matters reserved for a mix of up to 90 No. residential units, associated open space, landscaping, access & car parking. This application is a Departure from the Development Plan.	App Cond with S106 24-02-2016
---------------	--	----------------------------------

The application for 90 dwellings was granted planning permission for outline planning consent in February 2016.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Bersted Parish Council

Bersted Parish Council - OBJECT for the following:

Highway safety - Visibility and the proximity of the driveway of 38 New Barn Lane being directly opposite and the narrow opening for HGV vehicles, not just refuse collection vehicles, making deliveries.

Conflicts with policy GA1 of the Bersted Neighbourhood Plan Pedestrian and cycle connections;

The new access conflicts with the sus trans cycle route.

The original vehicle access is preferred and the parish feels this should not change.

The parish also suggests that an alternative option that was previously considered for access to be at the north of the site from Brazwick Avenue should be looked at again, now that the strip of land at the front of the development has been bought by the developer.

Representations

12 representations have been received objecting to the proposal. The following is a summary of the points made.

- Danger to traffic
- Congestion
- Hazard to cyclists and pedestrians
- Original access should be used
- Hazard to residents
- Loss of trees
- Noise and disturbance
- Flood risk
- Wildlife survey required
- Reduction in quality of life
- Not in accordance with Neighbourhood Plan

COMMENTS ON REPRESENTATIONS RECEIVED:

The Comments are noted and considered in the assessment below.

CONSULTATIONS

WSCC Strategic Planning

Highways England

CONSULTATION RESPONSES RECEIVED:

Highways England - No objection

WSCC Strategic Planning -

First Response 5 July 2016

West Sussex County Council, in its capacity as the Local Highway Authority, has been consulted on the proposed access of New Barn Lane. This proposed access is to replace the access approved through BE/142/15, associated with the development of 90 units to the south of New Barn Lane.

It is proposed to relocate the access slightly to the north, away from the route of the PROW. The access itself remains fundamentally the same as permitted through BE/142/15. The Applicant has reviewed the revised access against the recommendations of the Road Safety Audit: Stage 1 and it is considered that the RSA recommendations are still relevant given the minor change in location. A Stage 2 Audit will be required as part of any future detailed design and S278 submission.

Second response also made on 5 July where the Highway Authority were asked to consider the adjoining proposal and the potential of two access points.

The introduction of a separate access at the location shown would not be compatible with the proposed access to BE/77/16, which proposes to intensify the usage of the existing agricultural

field access/PROW. The presence of two accesses in close proximity which experience regular and frequent use could lead to confusion between drivers looking to emerge and drivers indicating to turn into one of the accesses. Drivers indicating to turn left into the second access could be confused with the intention to turn into the first access, with vehicles emerging into their path as they continue to the second access to turn in, thus resulting in the risk of side-impact collisions. Similarly, there is an increased chance of rear-shunt collisions where vehicles may slow to turn unexpectedly if the following driver assumes that they are indicating to turn into the second access. It is understood that the Applicant is now in ownership of the land between New Barn Lane and the application site, which was not previously owned as the time of the original submission. It is recommended that the access is relocated further north, towards Brazwick Avenue, and a separation of approximately 43m between junctions on the southern side of New Barn Lane. The formation of a crossroads with Brazwick Avenue should also be avoided. An updated RSA1 would be required, as the relocation would represent a material change from the previously agreed access arrangements.

Alternatively, the existing access location should be retained and the access shared to provide a single point of access from both BE/142/15 and BE/77/16.

COMMENTS ON CONSULTATION RESPONSES:

The above highways comments indicates that in relation to a single access point to the residential developments to the west of Bersted the replacement Access A (approved) could be replaced by Access B (proposed BE/93/16/PL). However the replacement access cannot co-exist should Access A be constructed. Access A provides both a Public Right of Way (PROW) and vehicular access to the field to the south, between the Landform 90 dwelling site and the Jubilee Field which is the subject of a proposal for 50 dwellings. Full assessment in the conclusions below.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7 GEN8 GEN14 GEN15 GEN28 GEN33	The Form of New Development Development and the Provision of Infrastructure Public Transport Cycling and Walking Trees and Woodlands Light Pollution
Publication Version of the Local Plan (October 2014):	D SP1 Design ENV DM4 Protection of Trees	
Bersted Neighbourhood Plan 2014 Policy ES1 Bersted Neighbourhood Plan 2014 Policy ES7		Design of new development Development outside of the Built Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

Application BE/142/15/OUT was approved by DC Committee earlier this year. The access (access A) was submitted in detail, all other matters were reserved. Access A forms a continuation of New Barn lane, using the Public Right of Way (PROW).

This proposal is for a replacement access (Access B) which is around 8m north of Access A.

The applicant has explained that there was a 1m strip of land the length of the New Barn Lane frontage that had formed a ransom strip. Following the approval, Landform purchased the strip and are proposing to relocate the access location.

The relocation of the access in principle would be an acceptable proposal, however in this instance the planning considerations are:

Highways;

Trees; and

The implications for application BE/77/16/OUT - 50 dwellings

Highways Considerations

The Local Highway Authority have made two consultation responses. One indicated Access B itself remains fundamentally the same as permitted through BE/142/15 (Access A). The Applicant has reviewed the revised access against the recommendations of the Road Safety Audit: Stage 1 and it is considered that the Road Safety Audit (RSA) recommendations are still relevant given the minor change in location. A Stage 2 Audit will be required as part of any future detailed design and S278 submission.

This suggests that the design and operation of a single access in this location would not cause a highway safety issue. Therefore the objections from the parish Council and objections from residents relating to highway safety are not supported by the Highway Authority, on the basis of a single access.

The Highway Authority were then requested to take Access B and Access A into account. While the access in relation to BE/77/15/OUT is reserved, the application indicates in the Transport Assessment that Access A would be used, an access that has already been approved.

The introduction of a separate access (B) at the location shown would not be compatible with the proposed access to BE/77/16, which proposes to intensify the usage of the existing agricultural field access/PROW. The presence of two accesses in close proximity which experience regular and frequent use could lead to confusion between drivers looking to emerge and drivers indicating to turn into one of the accesses. Drivers indicating to turn left into the second access could be confused with the intention to turn into the first access, with vehicles emerging into their path as they continue to the second access to turn in, thus resulting in the risk of side-impact collisions. Similarly, there is an increased chance of rear-shunt collisions where vehicles may slow to turn unexpectedly if the following driver assumes that they are indicating to turn into the second access. It is understood that the Applicant is now in ownership of the land between New Barn Lane and the application site, which was not previously owned as the time of the original submission. It is recommended that the access is relocated further north, towards Brazwick Avenue, and a separation of approximately 43m between junctions on the southern side of New Barn Lane. The formation of a crossroads with Brazwick Avenue should also be avoided. An updated RSA1 would be required, as the relocation would represent a material change from the previously agreed access arrangements.

Alternatively, the existing access location should be retained and the access shared to propose a

single point of access from both BE/142/15 and BE/77/16.

To address this, the applicant has provided a draft layout plan that indicates that Access B can include an arm leading south into the adjoining site.

The applicant has also provided a unilateral undertaking (legal agreement) that confirms that (subject to both applications being approved) (1) only one Access A or B can proceed; and (2) that the use of either access can be used by the Church Commissioners, to serve the residential use of the land to the south.

While this suggests that a workable single access point can be provided that serves both sites, the right to connect by the Church Commissioners will require a separate agreement to address various matters, such as determination of the construction costs, which are not appropriate for the Undertaking.

This is not a planning matter as it is an agreement between two adjoining landowners, however the council would not wish to have housing sites which are intended to provide short term housing land supply needs delayed as a result of landowner negotiations/ransom situations. The applicant has confirmed that the landowner has agreed not to seek a premium in respect of any benefit arising from the provision of such rights to connect.

The advice from the council's planning Solicitor will be available at DC Committee.

Trees

The location of the revised site access is between mature trees. T1 - an Elder; T2 a Silver Birch; and T3 a Sycamore. Initially the applicant confirmed that all three would be retained, subject to pruning of T3. This was later clarified by the applicant's arboriculturist:

T1: C Category elder - This tree is a poor species and was shown for removal for development purposes on our Preliminary AIA which forms part of the now consented proposals. It is a large multi-stemmed bush with a 7.2 m RPA and will not fit on the narrow strip shown on the revised drawing without extensive root loss. It will still need to be removed to achieve the revised layout.

T2: B Category silver birch - The bell mouth encroaches slightly into the RPA and pre-emptive root pruning is recommended to minimise root damage. The footpath through the RPA will need to be of No-Dig construction. The canopy height is currently 1m and some minor facilitative pruning will be necessary.

T3: The footpath shown through the RPA must also be No-Dig. It must not extend closer than 0.5 m towards the tree.

To summarise trees; T2 and T3 would be retained and protected in line with BS5837:2012 as long as No-Dig construction is used for the paths. T1 still needs to be removed for development purposes.

The council's Tree Officer has following a request from a member of the public been asked to consider a TPO on a group of Sycamores, T2 - Silver Birch and an Oak which sits to the south of New Barn Lane PROW. In the approved application BE/142/15/OUT these trees were not shown to be removed so all were assessed. The advice is that the sycamores are not worthy of a TPO. The Oak and Silver Birch qualify and a Temporary TPO has been issued.

The Oak is unaffected by this proposal. The Silver Birch will require, as stated above root pruning. This has implications for the Silver Birch and potential damage from having the tree located in a narrow parcel of land between the edge of the highway and the proposed footpath/cycleway.

The implications of this application on BE/77/16/OUT

The Church Commissioners(CC)application for 50 dwellings is seeking permission in principle for a residential development of up to 50 dwellings. All matters including access are reserved. The CC application has provided a transport statement that considers traffic impact but as no access is included in the current application there are no compatibility issues at this time. This proposal is seeking to relocate the access and it is deemed to be acceptable in highway safety terms. The applicant has included a Unilateral Undertaking to only build one access A or B; while making provision to grant to the CC the right to connect to and have access over Access A or Access B, as relevant, from the Church Land.

The applicant/landowner and the CC are continuing legal discussions regarding the Undertaking and the rights of connection.

The Council requires the Unilateral Undertaking to allow for deliverability of both developments should the Committee approve BE/77/16/OUT. Following the submission and approval of all reserved matters, The council would not want to have any issues regarding deliverability.

An update is to be provided to members at Committee.

HUMAN RIGHTS ACT

FOR APPROVAL

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

FOR REFUSAL

Human Rights Act:

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life),

Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

Unilateral Undertaking that confirms that only one access can be built either Access A or Access B; right for adjoining landowner to connect and to have access over the Access A or B. No impediments to deliverability where a shared access is used.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Drawing No 01084_SK_005 - Site Plan
507-021 Rev A - Revised Access
507-017 - tracking plan
507-018 - agricultural tracking plan

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The use of the new access shall not commence until visibility splays of 2.4m by 43m have been provided at the proposed site vehicular access onto new Barn Lane in accordance with the approved drawing 507-021 Rev A. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level or as otherwise agreed.

Reason in the interests of road safety.

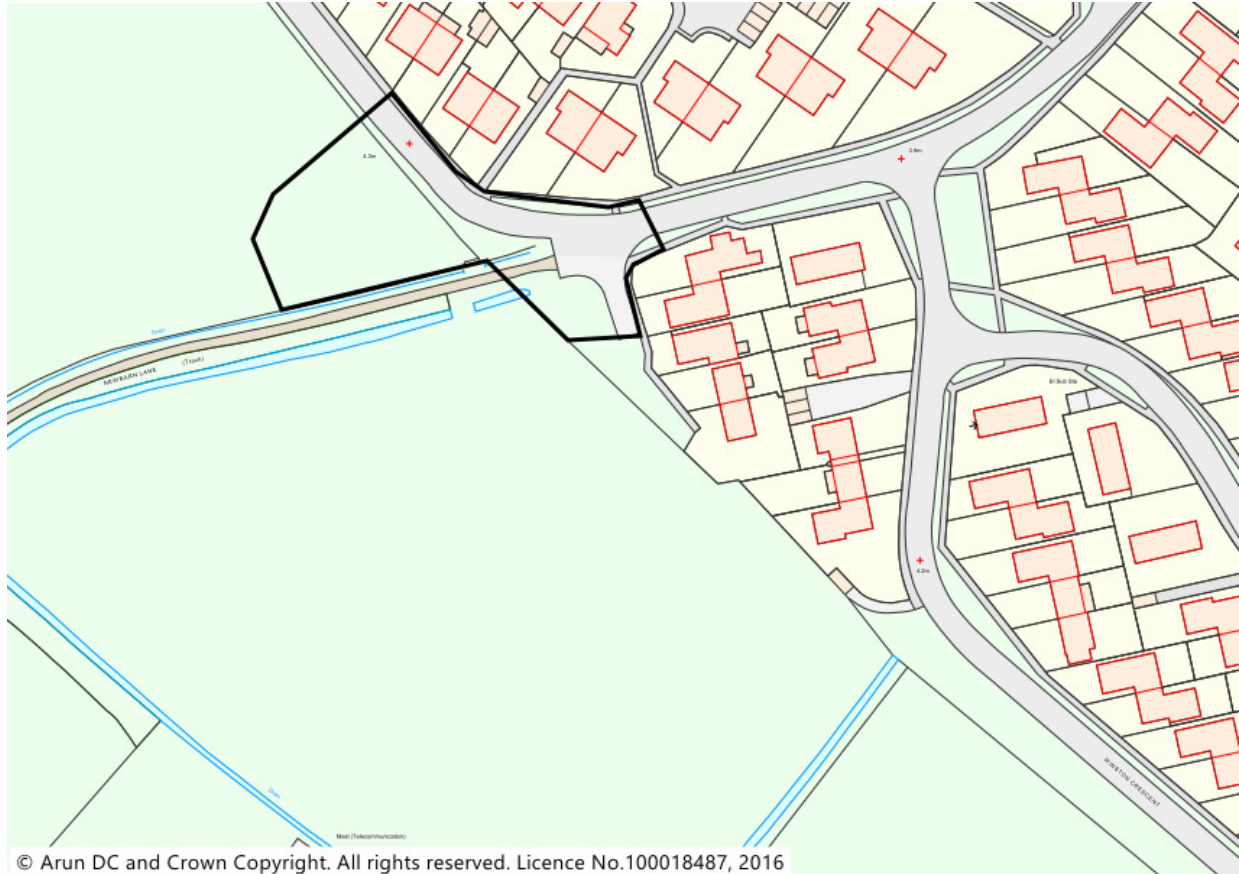
4 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- 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,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.
-

Reason: In the interests of highway safety and the amenities of the area.

BE/93/16/PL Indicative Location Plan
(Do not Scale or Copy)

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



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487.2015

PLANNING APPLICATION REPORT**REF NO:** A/105/16/PL**LOCATION:** Land at
The Cottrells
Angmering
BN16 4AF**PROPOSAL:** Reconfiguration of existing car parking area for 1 No. flat with 5 No. car-barns below (resubmission following A/8/16/PL). This application affects the character & appearance of the Angmering Conservation Area.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The proposal is for a detached 2 storey development of modern design. The property has a height of 6.8m and is L shaped with a rear length of 14.3m and a side length of 10m. It would be constructed of timber cladding, red stock bricks and a grey slate roof. 5 car ports are provided at ground floor, together with a hallway, garden store and refuse/cycle store to serve the 2 bedroom flat above. A rear garden area of 35 sq m is being provided.
SITE AREA	0.03 hectares
RESIDENTIAL DEVELOPMENT DENSITY	33 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Walling enclosing part of frontage and side boundary to approx. 1.5m height and close boarded fencing to the rear to approximately 1.8m height on top of flint walling to rear. Small section of flint walling to 2m in height in rear corner of site.
SITE CHARACTERISTICS	Area is currently hard surfaced and used for car parking. A single detached garage is located within it.
CHARACTER OF LOCALITY	Predominantly residential characterised by a mix of dwelling type and design. The site is located within the Conservation Area which is defined as the historic core of the village. Adjoining garage/annexe building has timber clad elevations.

RELEVANT SITE HISTORY

A/8/16/PL	New single 2-bedroom dwelling. This application affects the character and appearance of Angmering Conservation Area	Refused 24-03-2016
A/158/01/	Erection of 3 no. dwellings with 2 no. integral garages and access thereto and 1 no. detached garage and access thereto.	ApproveConditionally 10-01-2002

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Angmering Parish Council - Objection on the following grounds:

- Adverse impact on highway safety in The Cottrells and High Street
- Loss of existing parking provision (which runs contrary to the aims of section 9 of the Angmering Neighbourhood Plan)
- Adverse impact on the surrounding area

The opinion of ADC's planning solicitor on the compliance with the existing s106 agreement is based on inaccurate information in the application regarding the existing number of parking spaces on the site, which is understood to be 8 or 9 rather than the 6 stated.

16 letters of objection - There are 2 deeds relating to the land requiring it to be surfaced and made available only for the parking of private motor vehicles belonging to residents of The Cottrells dating from when the bungalows opposite were built 20 years ago. The agents have misrepresented the facility provided by the current car park stating there are 6 spaces at present when there are 8. Up to 10 cars can use the parking area at the moment. Resident parking will be forced out of the car park onto the surrounding public highways and impact on those residents. Allocated parking is not appropriate. How will parking area be managed?

Amendments to the application have been suggested including a differing footprint shape and the provision of a balcony.

Impact on the loss of undeveloped space and built form on the character and appearance of the Conservation Area.

Impact of visual intrusion and overbearing nature of the buildings. The roof lights have a minimum height above floor level of 1.5m which will result in loss of privacy to adjoining gardens.

Don't need an additional dwelling.

The upheaval to residents will be horrendous.

Additional fencing will restrict access. Light will be reduced to neighbouring properties as well as gardens.

The proposal would be detrimental to the Conservation Area. The chalet style dwelling is not in keeping.

Potential adverse impact on property values.

Issue of unstable and unsafe existing garage.

The Cottrells is a very compact close, a cul-de-sac with primarily two bedroom terraced houses built as workers cottages 100 years ago. There are 22 cottages with no off road parking and the road is not wide enough to accommodate parking on both sides of the street. Contractors and tradesmen also have to be considered.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comment on Parish Council representation - The proposal is considered acceptable in terms of highway safety. County Highways have no objection. The loss of car parking is not considered significant in terms of overall provision since parking is still maintained for use by

The Cottrells in accordance with the Agreement. It is agreed that the current parking provision is probably 8 spaces and that 6 spaces are being provided for The Cottrells resulting in a net loss, however, the Council's Solicitor has concluded that regardless of the number of spaces retained the development accords with the existing Agreement in that parking provision for The Cottrells is retained.

The proposal would improve the appearance of the Conservation Area by upgrading and improving the existing hard surfaced parking area and deteriorating garage. The design and appearance of the proposed building are considered to be in keeping with the appearance of the Conservation Area.

Comment on other representations - The management of the parking area is not a planning matter. The retention of car parking accords with the requirements of the legal agreement. Devaluation of property is not a material planning consideration.

The proposal is not considered to have a materially adverse impact on the appearance of the area or residential amenity. Whilst the lower height of the roof lights is 1.5m, realistically the amount of overlooking that would result is limited since the windows are angled and cannot be looked through below 1.7m given the frame depth and roof slope.

CONSULTATIONS

WSCC Strategic Planning
Engineering Services Manager
Engineers (Drainage)
Conservation Officer
Planning Solicitor
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - The application is for fewer than two properties outside of the Lidsey WWTW catchment area. Please apply standard condition ENGD2A if required.

County Highways - (First Consultation)

West Sussex County Council, as the Local Highway Authority (LHA), was consulted previously on Highway Matters for this location under planning application A/8/16 which highways raised an objection to due to the land in question being subject to a S106 Agreement that stated that the land must be available for parking for no 1-6 The Cottrells. The application was refused by the District.

This resubmission has reconfigured the building to contain 5 x car barn spaces with a 2-bedroom flat above and two additional car parking spaces on the land. The two additional spaces will be accessed via a new dropped kerb crossover which would need a licence, obtained from WSCC Highways. The seven total spaces will serve 1-6 The Cottrells and the new flat by providing one space each. The LHA note that the Application Form states that Arun Legal Department has now confirmed that these proposals are in accordance with the S106 Agreement.

From an inspection of the plans the car barn spaces do appear to be short of the required 3m by 6m per parking space. Ideally the spaces should meet WSCC requirements to enable the parking provision to be met. However it is appreciated that there is limited space on site. Therefore, it is requested that a Swept Path Analysis is provided to demonstrate that parking and turning is achievable on site. This should use a family sized car and show that the spaces are large enough for a car each and demonstrate turning on site. It is appreciated that turning may warrant a multipoint manoeuvre.

Second Consultation -

Vehicle Tracking - The applicant has provided a swept path tracking plan (Drawing No: 290) which demonstrates how a family sized vehicle can access each of the spaces and turn within the confines of the site while not using the other parking spaces provided. A multi-point manoeuvre will be required to facilitate the turn on site and given the context of the site I would view this to be in accordance with guidance set out within Manual for Streets paragraph 8.3.53. It should be noted that it is likely that not all of the spaces will be occupied at any one time and this would provide additional space for manoeuvring. There may be situations whereby a vehicle has to reverse out onto The Cotterells, however given the context of the location it would be difficult to substantiate that this would result in a highway safety issue.

Vehicle Parking Provision - It is noted there have been significant representation made with regard to the loss of the existing parking provision and the increased pressure this will place onto on street car parking. The application form states that 6 spaces are existing and 7 will be proposed. Scaling from the plans provided and Ordnance Survey mapping this does appear to be an accurate assessment of the existing provision, though up to 8 spaces could be provided on site at present.

Consideration is given that the proposed flat will attract some parking demand. Using the WSCC Parking Demand Calculator it would be anticipated that the flat would create the demand for one space, this has been allocated on site. On this basis it would be assessed that the proposal will result in a net loss of two car parking space.

The site is sustainably located and within walking and cycling distance to services and amenities within Angmering, with longer trips achievable by use of bus or train. Given this and the small scale nature of the proposal it would be difficult to substantiate that the loss of parking provision would result to a severe highway safety issue.

If the Local Planning Authority feel there is an amenity issue with the loss of the existing parking provision it would be advised that a car parking capacity survey is conducted, in accordance with current WSCC guidance, to demonstrate that on street car parking is available within a reasonable distance of the site.

Visibility - Visibility would appear adequate, although visibility plans have not been provided. The LHA would advise that any boundary wall/fence/planting to the front of the proposed dwelling is no higher than 0.6m. To allow good pedestrian visibility for pedestrians using the footway and also to vehicles exiting the site to be able to see pedestrians and other road users using highway.

Conclusion - On balance the Local Highways Authority does not consider that this proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal. If the LPA are minded to grant planning consent conditions and an informative note would be advised.

Planning Solicitor - Provided the application doesn't prevent car parking as per Schedule 2 the application complies with the s106 Agreement.

I have seen nothing to suggest it doesn't.

The application is for "retention of existing car parking provision with associated single flat only"--- which implies that "the application would meet the terms of the existing Sec 106".

Only the area edged blue is reserved for "cars belonging to residents ofCottrells "

Puzzlingly it also refers to "area "edged green" -and the wording may not be that clear or effective because it reads as if para 1 allows car parking for any cars ----not just residents cars ----and para 2 refers to residents cars but to 2 areas -blue and green ---which suggests ---to me that :-

On blue land ----any cars can be parked On green land -residents cars only can be parked. There is no mention in the s106 deed of houses numbered 1-6. There may be a private arrangement among residents about this That said , I think that in any event , the s106 deed could be subject to an application to vary at any time and the "does it still fulfil a useful purpose" within s106A would still need to be applied. I add this for fullness and completeness. If such an application were received the WSCC as highway authority could comment. In any event a previous s106 can always be amended/changed and this is a material consideration.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Drainage for a single dwelling is covered by Building Regulations so the suggested condition has not been imposed.

POLICY CONTEXT

Designation applicable to site:
Within designated Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7 GEN12 AREA2	The Form of New Development Parking in New Development Conservation Areas
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality D DM2 Internal Space Standards D DM3 External Space Standards HER DM3 Conservation Areas HER DM1 Listed Buildings HER SP1 The Historic Environment	
Angmering Neighbourhood Plan 2014 POLICY EH1		Development in the Conservation Area
Angmering Neighbourhood Plan 2014 POLICY HD4		Materials
Angmering Neighbourhood Plan 2014 POLICY HD5		Built Form
Angmering Neighbourhood Plan 2014 POLICY HD6		Housing Layout & Design
Angmering Neighbourhood Plan 2014 POLICY HD8		Parking for New Developments

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can

carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. Policies HD4: Materials, HD5: Built Form and HD6: Housing Layout& Design, HD8: Parking for New Developments and EH1: Development in the Conservation Area of Angmering Neighbourhood Plan are considered relevant.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area. Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The proposal relates to the provision of a dwelling above car ports on an area of hard standing currently used for car parking within the Conservation Area. The site lies within the built up area boundary where the principle of residential development is acceptable.

PLANNING HISTORY

The proposal follows an earlier refusal for a detached 2 bedroom dwelling on the site of modern design located adjacent to the site frontage. It was refused for reasons relating to the lack of affordable housing contributions, the adverse impact of the proposal on the Conservation Area by reason of its size, height, design and materials and unsympathetic and obtrusive appearance in the locality to the detriment of the visual amenities and character of the area and that the site is used for car parking and no permission has been granted to its lifting. The proposal would have resulted in displaced vehicle parking adversely affecting the residential and visual amenities of the locality and highway safety in conflict with policy.

This proposal has retained some parking for The Cottrells to accord with the Agreement and the affordable housing policy is no longer being applied. The design and appearance of the development has also been altered to incorporate a more traditional design and the building is located towards the rear of the site.

VISUAL AMENITY AND IMPACT ON THE CHARACTER OF THE CONSERVATION AREA

The area currently provides a visual gap to development in the locality and serves to provide a relatively open, but enclosed and defined area. To the north of the site is an ancillary garage building. The site occupies an elevated position in relation to development to the North. The proposed dwelling would be sited in approximately the same position as the garage to the North, 9m from the road frontage. The property would be L shaped with the rest of the development set back 19m from the site frontage. This footprint and layout would retain the open area and sense of space which is a contributory factor to the character of the area and the Conservation Area.

In addition the revised design of the dwelling is more in keeping with the surrounding development. A front gable feature is now incorporated reflecting the design of nearby properties. The hipped roof also assists in reducing the length and prominence of the roof. The use of roof lights, rather than dormers, produces an uncluttered appearance to the roof and reduces the visual impact of the first floor.

The proposal would no longer dominate the appearance of the street scene. It would not sit at odds with the adjoining development, slate roofs are dominant within the Conservation Area.

Part 12 of the National Planning Policy Framework (NPPF)(2012) refers to Conserving and enhancing the historic environment. It is considered that the proposal complies with paragraphs 131 to 133. Para 132 of the Framework requires that 'great weight should be given to an asset's conservation' and where its significance is affected any harm or loss should require clear and convincing justification. In this case, the removal of a dilapidated garage and the replacement of hard surfacing with block paving would enhance the appearance of the Conservation Area and be in compliance with the NPPF.

The proposal contains limited detail in relation to design and materials. Policy HD6 of Angmering Neighbourhood Plan requires new development to demonstrate high quality design, reflect local distinctiveness and seek to incorporate local design features evident in the surrounding area. It is considered that the design and materials proposed would adequately reflect their surroundings and a condition is imposed to ensure that the quality of materials is acceptable. The impact of the displaced car parking, which amounts to 2 spaces, on the visual amenities and character of the area can be considered as part of this application. The requirement for this limited additional on street car parking in the area, resulting from the use of the site for residential purposes would not have a materially adverse impact on the appearance of the area. The area is already dominated by car parking and restricted access.

There is a lack of housing supply demonstrated by the Local Planning Authority and the NPPF infers this site should be granted planning permission provided the proposal makes a positive contribution to local character and distinctiveness.

The economic, social and environmental roles identified in the NPPF should not be undertaken in isolation, because they are mutually dependant. Economic, social and environmental gains should be sought jointly and simultaneously. The environmental role includes protecting and enhancing the historic environment. There are policies protecting the historic environment throughout the NPPF, with a specific section covering conserving and enhancing the historic environment (paragraphs 126 to 141).

Consideration of the historic environment and its heritage assets is a principal objective of sustainable development and hence of the NPPF and all development plans that conform to it. Therefore, harm to the historic environment is not sustainable development. In addition, as stated above harm to the historic environment is not outweighed by issues such as Housing land supply. However in this particular case it is considered that the proposal does make a positive contribution to the appearance of the Conservation Area and therefore represents a sustainable form of development.

RESIDENTIAL AMENITY

The 2 storey dwelling would be located at the end of gardens fronting The Cottrells and High Street. It would have an eaves height of 3m and a ridge height of 6.67m. The roof would pitch away from the site boundaries and given the design, siting and height of the structure it would not result in materially adverse overbearing impacts. In addition the roof light windows would have a lowest outside height of 1.7m which is considered adequate to prevent any materially adverse overlooking effects and loss of privacy to adjoining gardens. The main living/kitchen window faces over the parking area and views would be towards to The Cottrells road frontage where there would be no loss of privacy.

SPACE STANDARDS

The proposal accords with policies relating to internal and external space standards in the Emerging Plan policies DDM 3 and DDM 4. The rear garden size of 35sqm and internal floor space of 66sqm meets the guideline for a 3 person 2 bedroom flat and the proposal is therefore considered acceptable.

PLANNING OBLIGATION

The site is the subject of a planning obligation to provide the land for car parking by residents of some of the properties in The Cottrells and for no other purpose. This is on the basis that the application previously approved A/65/96 did not contain sufficient on site parking for the approved dwellings and the area was accordingly designated as car parking for the dwellings. No application has been made to remove/discharge this obligation prior to submission of this application, but the

proposal retains some car parking for these properties in accordance with the Agreement as agreed by the Council's planning solicitor.

HIGHWAY SAFETY AND PARKING

County Highways have raised no objection to the proposal on highway grounds. The parking area is heavily used but it is now intended that it would remain available for car parking for properties in The Cottrells, albeit that the total number of spaces is reduced.

CONCLUSION

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

HUMAN RIGHTS ACT

FOR APPROVAL

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal neutral impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

- 2 The development hereby approved shall be carried out in accordance with the following approved plans MP-01 01revA, 02revA and E6613 290

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority. A 'statement of detail' shall be submitted setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of details' so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in details in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) or alterations to the dwelling house shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

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

- 5 No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

- 6 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

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

- 7 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 8 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

- 9 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the

development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.'

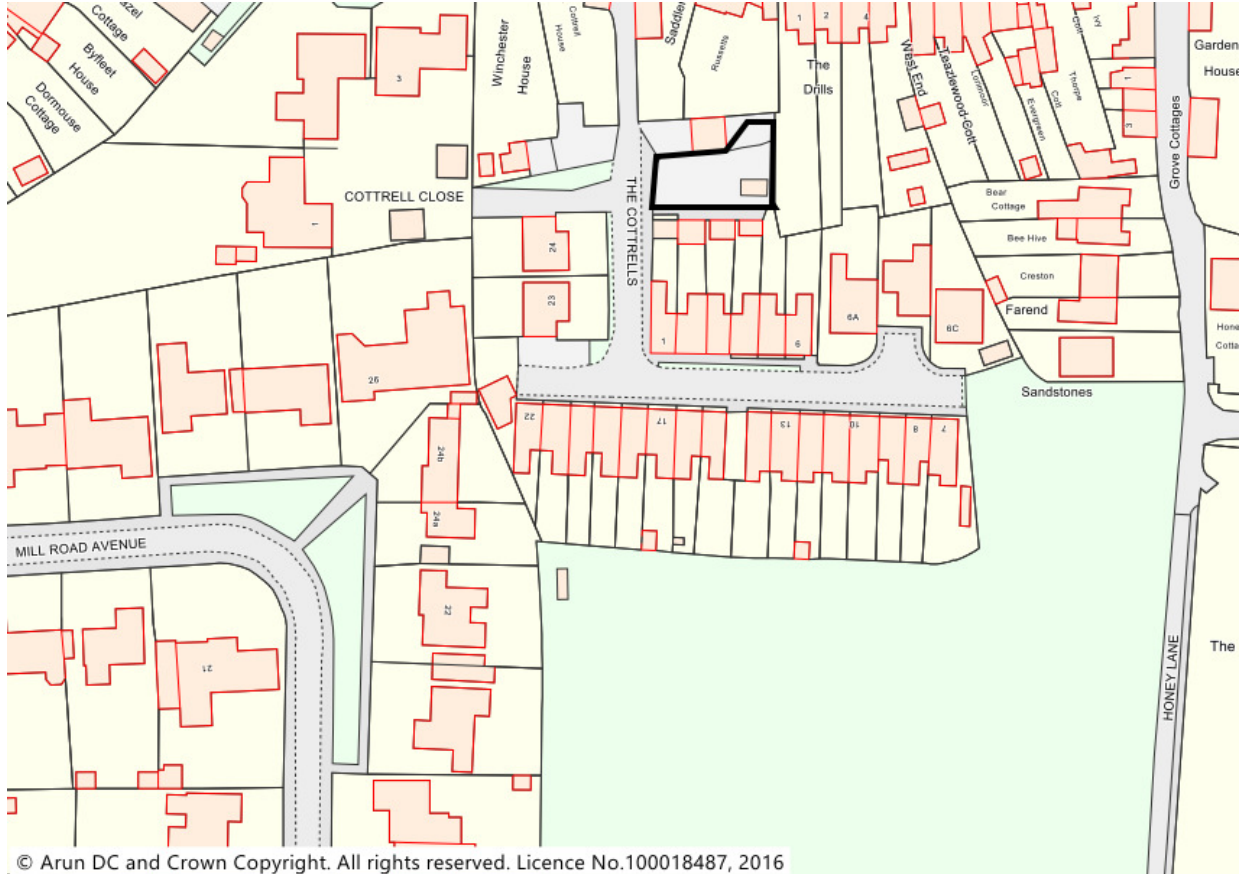
Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 10 **INFORMATIVE:**
Minor Highway Works - The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.
- 11 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

A/105/16/PL Indicative Location Plan

(Do not Scale or Copy)

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



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487.2015

AGENDA ITEM 8

DEVELOPMENT CONTROL COMMITTEE

07 September 2016

PLANNING APPEALS

APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

A/162/15/PL
Received: 30-06-2016

Land North of Roundstone-By-Pass Roundstone By Pass
Angmering
Car showroom & workshop with associated access, car parking
& landscaping.

Public Inquiry

11-10-2016

PINS Ref: APP/C3810/W/16/3151980

AB/115/14/OUT
Received: 24-02-2015

12 & 14 Canada Road Arundel
Outline application with some matters reserved for 2 No. 3 bed
semi detached houses

Written Representations

PINS Ref: APP/C3810/W/15/3003824

AL/16/16/HH
Received: 07-07-2016

2 Meadow Way Westergate Street Westergate
Remove existing hedging & fit Larch lap fencing

Written Representations

PINS Ref: APP/C3810/D/16/3152551

AW/367/15/PL
Received: 06-07-2016

Brus Lodge 28 Kingsway Aldwick
Erection of 1 No. dwelling. This application affects the characte
& appearance of the Craigweil House Conservation Area.

Written Representations

PINS Ref: APP/C3810/W/16/3146804

BR/163/15/PL
Received: 24-05-2016

Royal Norfolk Mews West Street Bognor Regis
Phase II development of Norfolk Mews to provide 4 new dwellin
(a terrace of 3 & a detached dwelling), associated car parking fc
8 cars & landscaping. Access will be through the existing acces
of West Street - This application affects the character and
appearance of The Steyne & Waterloo Square Conservation
Area

Written Representations

PINS Ref: APP/C3810/W/16/3148376

BR/211/15/PO
Received: 07-04-2016

43 Rock Gardens Bognor Regis
Application to discharge planning obligation dated 19/4/84
reference BR/1078/83, restricting the occupation of the flat to
persons of 65 years of age or over.

Written Representations

PINS Ref: APP/C3810/Q/16/3142811

BR/31/16/PL

Rear of 83 Pevensey Road Bognor Regis

Received: 06-07-2016

1 No. dwelling
Written Representations
PINS Ref: APP/C3810/W/16/3152756

BR/84/16/OUT
Received: 04-08-2016

3 Southdown Road Bognor Regis
Outline application with some matters reserved for construction
2 No. 3-bed dwellings & associated works (resubmission
following BR/291/16/OUT).
Written Representations
PINS Ref: APP/C3810/W/16/3153767

FG/171/15/PL
Received: 18-08-2016

1 Green Park Ferring
1No. chalet bungalow together with parking & landscaping.
Resubmission of FG/24/15/PL
Written Representations
PINS Ref: APP/C3810/W/16/3154452

FG/26/15/OUT
Received: 03-11-2015

Eastlands Littlehampton Road Ferring
Outline application with all matters reserved for the erection of 1
No. four bedroom dwelling. This is a Departure from the
Development Plan.
Informal Hearing **14-06-2016**
PINS Ref: APP/C3810/W/15/3132939

FG/84/15/PL
Received: 03-11-2015

Eastlands Littlehampton Road Ferring
Temporary stationing of 1 No. residential caravan for 3 years.
Informal Hearing **14-06-2016**
PINS Ref: APP/C3810/W/15/3135188

LU/55/15/OUT
Received: 10-05-2016

Land South of The Littlehampton Academy Littlehampton
Application for outline planning permission with some matters
reserved for 68 No. dwellings (resubmission following LU/51/14/
Informal Hearing **15-09-2016**
PINS Ref: APP/C3810/W/16/3147195

M/123/15/PL
Received: 06-07-2016

Byway House 1 The Byway Middleton-on-Sea
First floor & single storey extensions to South elevation.
Written Representations
PINS Ref: APP/C3810/W/16/3151935

WA/22/15/OUT
Received: 20-01-2016

Land to the East of Fontwell Avenue Fontwell
Outline application with some matters reserved to provide up to
400 No. new dwellings, up to 500 sqm of non-residential
floorspace (A1, A2, A3, D1 and/or D2), 5000 sqm of light
industrial floorspace (B1 (b)/(c)) & associated works including

access, internal road network, highway works, landscaping, selected tree removal, informal & formal open space & play areas, pedestrian & cyclist infrastructure, utilities, drainage infrastructure, car & cycle parking & waste storage. This application is a departure from the Development Plan & also lies within the parish of Eastergate.

Public Inquiry

01-11-2016

PINS Ref: APP/C3810/V/16/3143095

Y/60/14/OUT

Received: 17-11-2014

Land to the south of Ford Lane East of North End Road Yapton Outline planning application with some matters reserved for 4.5 hectares of residential development comprising 3.4 hectares of land for up to 100 dwellings (up to 30 (30%) affordable housing) together with 1.1 hectares of land set aside for public open space and strategic landscaping and 2.2 hectares of public open space and green corridors with vehicular access from Ford Lane and pedestrian/cycle access only from North End Road. This application is a Departure from the Development Plan.

Public Inquiry

07-07-2015

PINS Ref: APP/C3810/A/14/2228260

ENF/199/15/

Received: 03-11-2015

Eastlands Littlehampton Road Ferring West Sussex
Alleged unauthorised breach of Condition 1 of FG/41/14/PL

Informal Hearing

14-06-2016

PINS Ref: APP/C3810/C/15/3135180

ENF/192/14/

Received: 30-11-2015

Eastlands Littlehampton Road Ferring
Alleged unauthorised car ports and gazebo

Informal Hearing

14-06-2016

PINS Ref: APP/C3810/C/15/3132558

ARUN DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 7 SEPTEMBER 2016

Decision Paper

Subject: Planning refusal A/162/15/PL - Proposed car showroom and workshop with associated access, car parking and landscaping, Land North of Roundstone-By-Pass, Roundstone bypass, A259 Angmering for Caffyns Ltd, Audi.

Report by: Nikolas Antoniou

Report date: August 2016

EXECUTIVE SUMMARY

The purpose of this report is two-fold. Firstly, to inform Members of the legal advice from Counsel received during the appeal process which advises not to defend the appeal and seek agreement from Members that this be the case. Secondly, Members are asked to agree that the amended plans received during the appeal process represent an improvement over those originally submitted upon which the refusal was based.

RECOMMENDATIONS

There are two options/recommendations

1a) Members agree not to defend the appeal.

b) Members agree to note the amended drawing and endorse the changes as an improvement.

Or

2) Members proceed with the appeal in support of their original decision in the light of the projected associated costs and additional information received

1.0 BACKGROUND:

1.1 On 30-03-2016 the application was presented to Committee (see appended officer report) and Members agreed the recommendation and accordingly the refusal decision was issued on 31-03-2016 for the following three reasons:

1) The site lies in a rural area and the proposal, which comprises an undesirable form and extent of commercial development unrelated to agriculture/horticulture, would

be prejudicial and out of keeping to the rural character and visual amenities of an area where permission for development unrelated to an essential rural activity will not normally be granted. The proposal is therefore contrary to policies GEN3 and GEN7 of the Arun District Local Plan and the National Planning Policy Framework (NPPF).

- 2) Given the shape and size of the plot and the close proximity of the proposed layout to the neighbouring residential property Kelston House, the proposal would detract from the amenities and quiet enjoyment of the nearby residential property in conflict with policies GEN7 and GEN32 of the Arun District Local Plan and the NPPF.
 - 3) The size, design, materials and appearance of the showroom, together with the amount of car parking would adversely affect the visual amenities and character of the area in conflict with policy GEN7 of Arun District Local Plan and the NPPF.
- 1.2 Subsequently the application has been taken to appeal with an Inquiry date set for 11-10-2016. Following receipt of the appeal documents an external consultant has been appointed to defend the appeal on the Council's behalf and legal advice has been sought to assess the robustness of the decision and the likelihood of the Appeal being successful.

2.0 PROPOSAL:

- 2.1 This report seeks to request Members agreement to endorse the amended plans and to not defend the appeal. Members are not being asked to re determine the application.
- 2.2 Following receipt of the appeal the council sought legal advice from Counsel who carried out a full review of the case and concluded there was little or no prospect of winning the appeal and advised to withdraw from the process. This view was also endorsed by external planning consultants. It is hoped to have available a report update for Members from the Council's legal representative further confirming this position.
- 2.3 In the light of this advice Officers have approached the agents acting for Caffyns Ltd to seek that the appeal is held in abeyance or withdrawn and that an application is resubmitted with additional information in relation to the business imperative, boundary screening and landscaping.
- 2.4 However the agents acting for Caffyns Ltd have advised that such an approach is not commercially acceptable to their client. The issue is one of timing. They are currently trading from premises in Broadwater Road, Worthing, which fall short of Audi's requirements in a number of ways. They have been granted a special dispensation to continue operating the Broadwater franchise pending a site search for replacement premises. That dispensation was extended to allow for determination of a Planning Appeal following the refusal of planning permission on the application site at Angmering. However, the current dispensation expires shortly and there is a very considerable risk that unless timely progress can be

demonstrated, the franchise will be withdrawn by Audi and vacate their Worthing site with no replacement site in place. While agreements between Audi and Caffyns are private commercial matters on this occasion it does explain why Caffyns are not in a position to make a resubmission. For this reason, Caffyns are obliged to continue with the present appeal process, but they are prepared to work with the Authority to minimise our exposure to Appeal costs.

- 2.5 The appeal will therefore continue and the applicants agent has agreed in writing that if Members resolve not to contest the Appeal on the basis of the revised plans which are considered by Officers to be an improvement over the originals, Caffyns will undertake not to make an application for costs against this Authority at the Appeal hearing. Only wording of conditions will remain as a matter for discussion and it is hoped that the Inspectorate will agree to downgrading the appeal from a two day Inquiry to an Informal Hearing.
- 2.6 Officers have been negotiating hard as part of the appeal process to improve the site frontage of the application and ensure that the residential impact of the development on the neighbouring property 'Kelston House' is minimised. At the same time plans for the dualling of the A259 are progressing so that there is a clearer position of the precise site boundaries, the height and species of existing planting that is being retained and space available for landscaping. The submitted details will screen parts of the frontage and soften the overall appearance of the development. The agents have taken note of the approved landscaping scheme for Haskins and will be incorporating similar design details and planting within the scheme to ensure visual consistency. The fencing details to the shared boundary with the residential neighbour are to be finalised and discussions with the occupiers are ongoing with the agent.
- 2.7 The changes can be dealt with within the scope of the current Planning Appeal as they do not involve any fundamental change to the proposal, or any additional land outside the Application site boundary, nor does the nature of the changes prejudice any third parties.

3.0 OPTIONS/IMPLICATIONS:

- 3.1 Should Members not agree the proposed course of action the Local Planning Authority will have no alternative other than to continue with the appeal, (which is very likely to be allowed by the Inspector), utilising the services of external Consultants and legal representation which will incur significant costs potentially £40,000 minimum of consultancy fees and in addition possible meeting of the appellants significant appeal costs if the Council lose the appeal.
- 3.2 If Members agree to the first recommendation officers will approach the Planning Inspectorate (PINS) on the 8th September formally withdrawing our involvement and it is down to PINS to decide whether to proceed with an inquiry with the Inspector undertaking advocacy or whether the appeal is downgraded. Officers would still participate in negotiating appropriate conditions in the event the appeal is allowed.

4.0 REASON FOR RECOMMENDATION:

- 4.1 As outlined above the Council has been advised that there are very low prospects for winning the appeal. Caffyns has set out its reasoning for not being able to withdraw the appeal. On the basis of the appeal continuing, Members are asked to endorse the revised plans for the reasons outlined. The appeal continuing is also the most efficient approach for the Local Planning Authority in terms of cost, time and resources.

Background Papers: None

Contact: Nikolas Antoniou, Head of Development Control
Tel: 01903 737799
Email: nikolas.antoniou@arun.gov.uk

ARUN DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 7 SEPTEMBER 2016

Decision Paper

Subject : Development Control Committee – Proposed Changes to Public Speaking for Major applications.

Report by : Nikolas Antoniou

Report date: August 2016

EXECUTIVE SUMMARY

Recent changes to the Scheme of Delegation have reduced the numbers of applications referred to the Development Control Committee (DCC). The DCC now considers a smaller number of more complex applications. This paper proposes an increase in the numbers of objectors/supporters able to speak on major applications from two to three persons. It is felt that the additional public speaking slot will allow the public a greater opportunity to have their say and contribute towards a more informed debate on larger development proposals.

RECOMMENDATIONS

There are two options:

- 1) Members agree in principle to increase the numbers of public speakers for major applications and the matter is referred to the Constitutional Review Task and Finish Working Party for consideration and necessary changes to the constitution.
- 2) Members vote not to accept the proposals and the public speaking arrangements remain unchanged.

1.0 BACKGROUND:

1.1 In June 2016 Members agreed proposed changes to the Scheme of Delegation which has resulted in only the larger more significant applications being heard by Committee. Given that the DCC Agendas are now smaller in size with a fewer number of more complex applications it is felt appropriate to increase the number of speakers both for objectors and supporters on major applications as set out below:

2.0 PROPOSAL(S):

2.1 Existing Rules concerning public speaking are set out in Part 5 – Rules of Procedure for Meetings Section 3 – Public Speaking. The number/order of speakers table is replicated below for convenience:

Order	Speaker	Time Allowed
1	Planning Officer to present and if necessary update the report, particularly regarding further written representations received	
2	Town or Parish Council/Meeting One Representative only	3 minutes
3	Objectors to the Application Two Representatives only	3 minutes
4	Applicants/Agents/Supporters Two Representatives only	3 minutes
5	Ward Councillors	In the interest of fairness the Chairman will request Ward Councillors to limit their presentation to 3 minutes.
6	Planning Officer to deal with any errors of fact which have arisen or any necessary clarification of policy or other issues	
7	Committees to debate and determine the application, involving officers as necessary	
8	No Further Right for Public Speaking	

2.2 The proposal is to increase the numbers of objectors in 3) above from two speakers to three speakers and also increase the numbers of applicants/agents/supporters in 4) above from two speakers to three speakers for major applications only. Major development is defined as the provision of 10 dwellings or 0.5 hectares or more. The provision of building/s where the floor space created by development is 1000 square metres or more or development carried out on a site of 1 hectare or more.

2.3 The purpose of this change is to allow the public more time to convey their views to Members before entering into debate about the merits of an application. Making this change does not undo any of the efficiency measures achieved through the recent changes to the Scheme of Delegation as the number of applications, presentation preparation etc. will not change. The only difference is the potential for one additional supporter or objector to speak on a major application. Given that the agendas are now more focused, the offer of an additional supporter/objector can only be seen as of benefit.

3.0 OPTIONS/IMPLICATIONS:

- 3.1 Should Members agree the proposed public speaking changes a paper will be prepared for consideration by the Constitutional Review Task & Finish Working Party.

4.0 REASON FOR THE DECISION:

- 4.1 As outlined above changes to the scheme of delegation have reduced the number of committee items and it is therefore possible to increase the amount of public speaking beneficial to all participating in the process.

Background Papers: None

Contact: Nikolas Antoniou, Head of Development Control
Tel: 01903 737799
Email: nikolas.antoniou@arun.gov.uk