



Committee Manager : Carrie O'Connor (Ext 37614)

13 November 2016

DEVELOPMENT CONTROL COMMITTEE

A meeting of this Committee will be held in the **Council Chamber** at the Arun Civic Centre, Maltravers Road, Littlehampton on **Wednesday 30 November 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 2 November 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

There are no applications to consider.

7. *PLANNING APPLICATIONS

To consider the attached reports.

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

8. *PLANNING APPEALS

To consider the attached report.

9. PROPOSED TEMPORARY CHANGES TO COMPLIANCE STRATEGY

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

2 November 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.

Councillor Ambler was also present at the meeting.

277. 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.

No declarations of interest were made.

278. MINUTES

The Minutes of the meeting held on 5 October 2016 were approved by the Committee and signed by the Chairman as a correct record.

Development Control
Committee – 02.11.16.

279. PLANNING APPLICATIONS

LU/202/16/PL – Retention of built fire escape staircase & 1st and 2nd floor windows to western elevation to three storey extension. This application affects the character & appearance of the Littlehampton Seafront Conservation Area, 7 Western Road, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

A/131/16/OUT – Outline planning application with some matters reserved for 9 No. one & a half storey houses with garaging, including 3 No. affordable housing units. This is a Departure from the Development Plan, Land between New Place Bungalow & Arundel Road, Angmering Having received a written report on the matter, the Committee was advised by the Planning Team Leader that Members had been copied into an email sent by Angmering Parish Council which requested a deferral of the application as legal advice was being sought on a site in Yapton similar to this proposal where the policies were supported by the Secretary of State. He was able to confirm that Counsel's advice had been received earlier in the day and, following consultation with the Council's own legal team, it was felt that it appeared to support the officer's view (as set out in the report) that the relevant policies in the Yapton Neighbourhood Plan and the Angmering Neighbourhood Plan (ANP), whilst similar, were fundamentally different. In summary, it was considered that Policies HD1 and HD2 of the ANP were out of date in accordance with the NPPG and NPPF where there was an absence of a 5 year Housing Land Supply.

The Committee also received a written report update which was circulated at the meeting and which the Chairman was comfortable with taking into consideration as it did not dramatically change the content of the original report or the recommendations. She requested the Planning Team Leader to present the update in detail.

The updated report took account of:-

1. An error in the 'Principle' section had been corrected when reference was made to the application as a 'Reserved Matters' application this should have read 'Outline'.
2. The 'Principle' section of the Conclusion to the report has been updated to provide additional clarity in relation to Policies HD1 & HD2 of the Angmering Neighbourhood Plan.
3. Policy HD2 added into relevant policy considerations in 'Policy Commentary' section.

4. Comments from ecology had now been received and included in the report.
5. Condition 11 had been amended to include the requirements of the ecology consultation response.
6. Informative 17 was added following the ecology consultation response.
7. Ecology Section of Conclusion updated to reflect the consultation response received.
8. Amended 'Section 106 Details' to include comment "figure and location of the public open space to benefit is to be confirmed by the Greenspace Department.
9. 2 x additional letters of representation were submitted to the Local Planning Authority on 31 October 2016 which requested a deferral of the application. A response was prepared to these letters and a copy provided in the 'Officer Comments on Reps' Section of the updated report.

The Head of Development Control and the Planning Team Leader explained to Members the issues around the appeal decision at the site in Yapton and why it was felt that the relevant policies in the two Neighbourhood Plans were not comparable. The Director of Planning Services & Regeneration was quite satisfied that the matter could be determined with conditions at this meeting.

In the course of debate some Members expressed serious concern that they were being asked to determine this application without having sight of the legal advice that had been received. The Head of Development Control read out at the meeting 2 relevant paragraphs of Counsel's advice to allay those concerns. However, it was proposed and duly seconded that the matter be deferred to enable Members to properly consider the legal advice received. Prior to the vote on that amendment, officer advice was given that the applicants would be within their rights to submit an appeal for non-determination and the Council would then lose control over conditions to be placed on any approval if the appeal was successful.

On the amendment to defer being put to the vote, it was declared LOST.

The Committee then turned to the substantive recommendation and

RESOLVED

That the application be approved as detailed in the report update and subject to a s106 legal agreement.

AL/48/16/PL – Variation of condition 4 imposed under AL/25/13 relating to permanent gypsy traveller use & removal of name "Mrs Sarah Keet", The Paddock, 5 Northfields Lane, Westergate Having received a report on the matter, together with the officer report update which advised on the status of the Aldingbourne

Subject to approval at the next Committee meeting

256

Development Control
Committee – 02.11.16.

Neighbourhood Plan and an amendment to condition 3 to add the word “occupation” after the word “use”, the Committee

RESOLVED

That the application be approved as detailed in the report, subject to amendment of condition 3 to read:-

This permission does not authorise the use/occupation of the mobile home by any persons other than Gypsies and Travellers, as defined in paragraph 15 of Circular 01/2006 – Planning for Gypsy and Traveller Caravan Sites.”

AL/83/16/OUT – Outline application with all matters reserved for residential development of up to 8 No. dwellings & associated works including access, landscaping & open space. This application is a Departure from the Development Plan. Resubmission of AL/8/16/OUT, Land south & west of Burnside & east of pond, Hook Lane, Aldingbourne Having received a report on the matter, together with the officer report update detailing an additional neighbour objection; the status of the Aldingbourne Neighbourhood Plan having recently passed referendum (and the fact that it did not alter the recommendation to approve); and mention with respect to the legal opinion already discussed under Application A/131/16/OUT, the Committee was divided in its view as to the suitability of this proposal in this location.

Members were reminded that this was an outline application for access and that officers would be able to negotiate with the applicant with regard to the internal layout of the site. Although views were expressed that Hook Lane was unsuitable for further development, no material planning reasons were put forward in the debate.

The Committee

RESOLVED

That the application be approved as detailed in the report.

(As the vote was tied, the Chairman used her casting vote to approve the application.)

280. PLANNING APPEALS

The Committee received and noted the planning appeals that had been received and 2 appeals that had been heard.

(The meeting concluded at 3.45 p.m.)

AGENDA ITEM 7

DEVELOPMENT CONTROL COMMITTEE

30 November 2016

PLANNING APPLICATIONS

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

NONE FOR THIS COMMITTEE

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

ANGMERING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
A/27/16/PL	Erection of 53 care apartments within Class C2, parking, access, footpath, landscaping & other associated works. Departure from the Development Plan.	Broadlees Dappers Lane Angmering BN16 4EN

Case Officer : Mr J Baeza
Recommendation: App Cond sub to S106

BERSTED

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
BE/138/16/OUT	Outline application with all matters reserved for 2 No. dwellings.	Land to the rear of 17, 19, 21 & 23 Greencourt Drive Bersted PO21 5EU

Case Officer : Mr R Temple
Recommendation: App Cond sub to S106

FELPHAM

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
FP/102/16/PL	94 No. dwellings with associated access, parking & landscaping (amended proposal for site already approved for residential development).	Site 6, Phase 4 & 5 Land North of Felpham Felpham PO22 8FX

Case Officer : Claire Potts
Recommendation: App Cond sub to S106

FP/186/16/PL	5 No. dwellings including partial demolition of 10 South Road to allow for access (resubmission following FP/60/16/PL).	Rear of 8-11 South Road Felpham PO22 8EF
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Case Officer : Mr R Temple
Recommendation: Approve Conditionally

[FP/193/16/PL](#)

Conversion of dwelling to form 2 No. houses including 2 No. new vehicular accesses.

34 Links Avenue
Felpham
PO22 7BX

Case Officer : Mr R Temple

Recommendation: Approve Conditionally

MIDDLETON

Reference

Development Description

Location

[M/45/16/PL](#)

Demolition of redundant poultry farm buildings & dwelling & erection of 13 No. dwellings with associated access, car parking & landscaping. This application is a departure from the development plan

Land West of Yapton Road (Poultry
Middleton-on Sea
PO22 6DY

Case Officer : Mrs A Gardner

Recommendation: App Cond sub to S106

YAPTON

Reference

Development Description

Location

[Y/64/16/PL](#)

Formation of hardstanding for parking of vehicles & creation of new vehicular access onto Lake Lane. This application also lies within the parish of Walberton.

Land to the north of
John Turner Phormiums
Lake Lane
Yapton
PO22 0AL

Case Officer : Simon Davis

Recommendation: Approve Conditionally

PLANNING APPLICATION REPORT

REF NO: A/27/16/PL

LOCATION: Broadlees
Dappers Lane
Angmering
BN16 4EN

PROPOSAL: Erection of 53 care apartments within Class C2, parking, access, footpath, landscaping & other associated works. Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Demolition of the existing house and outbuildings and the development of 53 care apartments (45 x 2 bed & 8 x 1 bed) within Class C2(Residential institutions -Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres).

The accommodation is spread over 4 detached blocks where the 2 blocks fronting onto Dappers Lane will be 3 storey and the two to the rear of the site are proposed to be 2 storey.

The proposal also comprises:

- * communal gardens, seating areas , orchard and extensive landscape plan,
- * 55 car parking spaces (including 6 disability spaces) and 8 cycle spaces,
- * a new 2m wide footpath from the site entrance along the east of Dappers Lane and a crossing point onto the west side of Dappers Lane to adjoin the footway that ends at the Water Lane/Dappers Lane junction.
- * a new access point off Dappers Lane just north of the existing access
- * s106 agreement (agreed but not yet signed) for financial contributions towards libraries, fire services and additional GP services and provision of highway works connected to the new footpath.

SITE AREA

1.25 hectares

RESIDENTIAL DEVELOPMENT

43 dwellings per hectare

DENSITY

TOPOGRAPHY

The site gradually drops along Dappers to meet Water Lane by a total height of 5m.

TREES

A TPO tree is to be removed to make way for the access point. To compensate 6 trees have been TPO'd and are to be retained (two along the Adappers Lane elevation, one on the south west corner of the site overlooking the Dappers Lane/Water Lane junction and 3 along the Water Lane elevation).

BOUNDARY TREATMENT

Mature trees with overgrown shrubbery and a 2m high close boarded wooden fence line the north, west and south sides of the site with 6 of them protected with a TPO.

SITE CHARACTERISTICS

The site extends to 1.25 hectares and comprises:

- * a two storey detached dwelling,
- * an associated single storey outbuilding,
- * an area of scrub and grazing land.

CHARACTER OF LOCALITY

The site is designated as countryside for development plan purposes being located on the edge of Angmering built up area boundary as defined by the Local Plan and Angmering Neighbourhood Plan.

The other side of Dappers Lane and further to the west of the site are a mixture of two storey/steeply pitched chalet style detached dwellings. Angmering village centre is approximately 500m away along Water Lane. It enjoys a Co-op, medical centre and primary and secondary schools. Further south of this is Angmering Railway station.

Immediately south the other side of Water Lane there is a single storey building associated with an angling business and west of this there is a line of 2 storey terraced housing along the western edge of Weavers Lane which after approximately 300m meets the High Street.

Immediately north of the site is a former horticultural business (St. Denys Nursery) which includes a two storey dwelling. The site has recently been granted permission for the greenhouse to be demolished and 8 B1 units be erected. Immediately north of this there is another existing complex of B1 units together with extant permission for another 8 B1 units. Further north lie employment and

residential uses in sporadic form until you reach Patching.

To the east and north of the site lies the South Downs National Park (SDNP) with its network of Public Footpaths. The SDNP boundary line is approximately 500m to the east and 1km to the north.

RELEVANT SITE HISTORY

A/21/48	House	Approve
		02-12-1948
A/20/48	Agricultural buildings	Approve
		02-12-1948

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Angmering Parish Council

Objection;

- 1) Neighbourhood Plan Policy EH3 - Flood risk and foul drainage to surrounding area unsatisfactory.
- 2) Neighbourhood Plan Policy HD1 - Development is outside of the built up area boundary.
- 3) Neighbourhood Plan Policy HD5 - Height of buildings at 2.75 - 3 storeys high contravenes policy.
- 4) Neighbourhood Plan Policy HD7 - Density - too high at 42 dwellings per hectare rather than 25 dwellings per hectare as surrounding area with insufficient justification.
- 5) Overdevelopment of site
- 6) Parking provision considered insufficient.

The Parish Council expressed the view that the concept of an extra care facility in the locality was a good one and were pleased to note that some alterations to the built form and loss of trees following amendments during the application process in response to comments made notwithstanding their outstanding concerns listed as objections above.

23 neighbour objections have been received on the grounds of;

- 1) Inappropriate character of development due to excessive;
 - Density
 - Building Mass
 - Height
- 2) Loss of rural character - street lights/pavements on Dappers Lane
- 3) Style does not match vernacular.
- 4) Lack of retention of trees/landscaping
- 5) Loss of residential amenity - Overlooking by building No. 4 toward rear gardens and rear elevations of neighbouring residential properties on Merryfield Crescent

- 6) Sewerage - lack of sewerage capacity
- 7) Drainage - lack of surface water drainage
- 8) Flooding issues
- 9) Sustainability - development is too far from village for access on foot by elderly people.
- 10) Highways;
 - lack of capacity on local network
 - Junction of Water and Dapper Lanes difficult to negotiate.
 - noise and pollution of extra traffic
 - highway safety at junction of Water Lane and Dappers Lane and for users of Dappers Lane.
- 11) Underprovision of GP Practices
- 12) No need for residential care home
- 13) Design driven by profit
- 14) Disregard for local amenity, community and quality of life
- 15) No local staff available to take up local employment opportunities.
- 16) Inaccurate site area.
- 17) Ownership of land designated for footpath to Water Lane questioned.
- 18) Concerns regarding Construction Management issues
- 19) Loss of view toward countryside

14 letters (two from same address) of support:

- 1) Angmering has few if no extra care facilities and the proposal will provide much needed sheltered housing within the village for older people currently living in 3/4 bed properties and wanting to stay in the village
- 2) it will generate desperately needed local jobs
- 3) A variety of leisure, health and well-being facilities provided on site.
- 4) Ideally located on the edge of the village
- 5) A win win for younger and older village residents and look forward to moving out of our 3 bed house into one that is planned
- 6) Great care has been taken to fit scheme into the location particularly with the provision for tree planting and existing vegetation

COMMENTS ON REPRESENTATIONS RECEIVED:

Parish Council objection:

- 1) Environment agency and ADC & WSCC engineers have no objection on flooding and foul drainage grounds.
- 2) Policy considered to be out of date.
- 3) - 5) Objections not considered to be sufficiently compelling to override Arun's failure to possess a 5 year supply of housing.
- 6) Highways do not object to proposed parking provision.

Neighbour objections:

- 1) Objection not sufficient to override Arun's failure to provide a 5 year supply of housing
- 2)-3) & 14) Built residential development to west and southwest of site together with other sporadic development along eastern edge of Dappers Lane makes the impact on the character and appearance of the area acceptable.
- 4) Greenspace do not object to proposal subject to a landscape condition
- 5)& 14) Separating distance (approximately 19m to rear boundary & 28m to rear of properties) and proposed landscaping will not result in unacceptable overlooking.
- 5)-8) Specialist advise does not object on these grounds.
- 9) A distance of 500m to village centre is not considered to be unsustainable.

- 10) No highway objection.
- 11) NHS consultee agrees to financial contribution towards additional GP provision.
- 12) There is a recognised and measured undersupply of housing.
- 13), 15), 17) & 19) Not material considerations.
- 16) No evidence to contrary.
- 18) To be controlled by recommended condition.

1 letter of support - comments noted.

CONSULTATIONS

Planning and Housing Strategy
Head of Planning Policy & Cons
WSCC Strategic Planning
Environmental Health
Economic Regeneration
Parks and Landscapes
Environment Agency
Engineers (Fluvial Flooding)
NHS Coastal West Sussex CCG
WSCC Strategic Planning
Arboriculturist

CONSULTATION RESPONSES RECEIVED:

WEST SUSSEX COUNTY COUNCIL (WSCC) HIGHWAYS - No objection subject to;

1) Conditions relating to access, car parking spaces and a construction management scheme.

2) s106 agreement seeking the following scheme of works;

A scheme of pedestrian improvements extending from the Water Lane/Dappers Lane junction for a distance of approximately 90m to the west. This will include the widening of the footway to facilitate two-way movements and the introduction of an uncontrolled, dropped kerb crossing provision over Water Lane.

3) Informative relating to offsite highway works.

WSCC INFRASTRUCTURE - No objection.

Require contributions via s106 agreement. 1) Library £13,745. 2) Fire and Rescue - £1,247.

WSCC FIRE AND RESCUE - No objection subject to s106 contribution and a condition relating to the provision of a fire hydrant on site.

WSCC FLOOD RISK MANAGEMENT CONSULTATION - No objection subject to conditions relating to Sustainable Urban Drainage Systems (SUDS).

Flood Risk Summary

Modelled surface water flood risk-Low risk.

Comments: Current flood mapping shows that the proposed site is at 'Low' risk from surface water flooding although the carriageway west to the site is shown as being at a High risk. This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events. However the surface water management strategy should

consider this risk and any suitable mitigation measures if appropriate. Any existing surface water flow paths across the site should be maintained or appropriate mitigation strategies proposed.

Modelled ground water flood risk susceptibility-Low/Moderate risk

Comments:The area of the proposed development is shown to be at both 'Low and Negligible risk' from ground water flooding based on the current mapping. Ground water contamination and Source Protection Zones. 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.

Records of any historic local flooding? No.

Comments:We do not have any records of historic flooding within the confines of the proposed site although incidents have been recorded elsewhere within Angmering including Water Lane. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

Future development - Sustainable Drainage Systems (SuDs)

The Drainage Strategy included with this application confirms that a soakaway/infiltration trench would be used to restrict the run off from the development, which would meet the requirements of the NPPF, PPG and associated guidance documents.

Development should not commence until finalised detailed surface water drainage designs 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.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

ENVIRONMENT AGENCY - Originally objected to the proposal to use a Sewage Package Treatment Plant rather than mains foul drainage.

Reason - At this time we do not have confidence that a Environmental Permit will be granted.

Further amended plans produced to show mains connection by the applicant or for provision of onsite or reversion to sewage treatment plant if necessary.

Condition recommended by applicants to address foul drainage issue;

"No development shall commence on site until details of foul and surface water drainage works

to serve the development hereby permitted have been submitted to and approved in writing by the local planning authority. Details of the foul drainage shall demonstrate connection to the public sewer network unless an alternative proposal for on site treatment is agreed. None of the units shall be occupied until the drainage works have been completed in accordance with the approved details.

REASON: In order to ensure adequate drainage is provided to serve the permitted development.

The Environment Agency responded 2-11-16: 'We note that the applicant has changed the application to demonstrate a connection for mains foul drainage for this development and that a package treatment plant is no longer proposed. This clarification is now sufficient for us to now remove our objection.'

ADC DRAINAGE ENGINEERS: No objection subject to conditions ENG2DA relating to drainage and advice relating to SUDS, a surface water pipe on the western boundary and the proposed foul water system.

ADC AFFORDABLE HOUSING: No objection.

S106 considerations -It is accepted that due to viability considerations an affordable housing contribution is not appropriate in this case.

ADC ENVIRONMENTAL HEALTH - No objection subject to conditions relating to ground contamination.

ADC PARKS & GREENSPACE - No objection subject to a condition requiring a detailed landscaping scheme.

ADC ARBORICULTURE/TREES - No objection subject to a condition relating to protection of trees during development.

As a result of initial concerns a further tree preservation order was served on the site and the trees in TPO/A/1/16 and TPO/A/1/14 have been protected in the final scheme.

TPO/A/1/16 Tree 1 is to be removed as part of this application. Amendments to the scheme were made to retain Trees 2, 3, 4 and 5 of the same order.

ADC ECONOMIC DEVELOPMENT - No objection - if permission is granted Economic Development requests that the developer signs the Developer and Partner Charter and produces a suitable Skills and Employment Plan for the development.

NHS COASTAL WEST SUSSEX CLINICAL COMMISSIONING GROUP - No objection
- £40,000 s106 contribution for additional clinical input and new build/extensions of GP surgery.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and relevant conditions included.

POLICY CONTEXT

Outside built up area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	DEV17	Affordable Housing
	GEN12	Parking in New Development
	GEN2	Built-up Area Boundary
	GEN20	Provision of Public Open Space within New Development
	GEN28	Trees and Woodlands
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN8	Development and the Provision of Infrastructure
	GEN9	Foul and Surface Water Drainage
	GEN11	Inland Flooding
	GEN33	Light Pollution
	GEN15	Cycling and Walking
	GEN25	Water Resources
	GEN26	Water Quality
	GEN32	Noise Pollution
	GEN5	Provision of New Residential Development

Publication Version of the Local Plan (October 2014):	D DM1	Aspects of Form and Design Quality
	D DM3	External Space Standards
	D SP1	Design
	ECC SP2	Energy and climate change mitigation
	ENV DM4	Protection of Trees
	ENV DM5	Development and Biodiversity
	H SP2	Affordable Housing
	D DM2	Internal Space Standards
	INF SP1	Infrastructure provision and implementation
	C SP1	Countryside
	LAN DM1	Protection of Landscape Character
	SD SP1	Sustainable Development
	SD SP2	Built-Up Area Boundary
	T DM1	Sustainable Travel and Public Rights of Way
	T SP1	Transport and Development
	W DM2	Flood Risk
	W DM3	Sustainable Urban Drainage Systems
	SD SP3	Gaps Between Settlements

H DM1 Housing Mix
 H DM2 Independent Living and Care Homes
 QE DM1 Noise Pollution
 W DM1 Water Supply and Quality

Angmering Neighbourhood Plan 2014 POLICY HD2	Parish Housing Allocation
Angmering Neighbourhood Plan 2014 POLICY EH3	Flood Prevention
Angmering Neighbourhood Plan 2014 POLICY HD1	Built-up Area Boundary
Angmering Neighbourhood Plan 2014 POLICY HD3	Housing Mix
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 HD7	Housing Density
Angmering Neighbourhood Plan 2014 POLICY HD8	Parking for New Developments
Angmering Neighbourhood Plan 2014 POLICY HD9	Phasing of Residential Development
Angmering Neighbourhood Plan 2014 POLICY TM1	Local Highways

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; Aldingbourne; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. The relevant policies in the Angmering Parish Neighbourhood Plan have been taken into account in the consideration 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 does not comply with the Development Plan in that it proposes residential development outside the village development boundary, however there are other material considerations that justify the officer recommendation.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. Namely the lack of a 5 year deliverable housing land supply and that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting planning permission.

CONCLUSIONS

PRINCIPLE & POLICY

According to planning legislation a planning application shall be considered in accordance with the Development Plan unless material considerations indicate otherwise. Using this as a starting point for this application the development plan is the Arun Local Plan 2003 and the Angmering Parish

Neighbourhood Plan. In the event of conflicts between policies in these plans or with Government policy, it is the most recent policy which takes precedence. With this in mind the NPPF which (March 2012) and the NPPG are materially relevant and should be afforded significant weight.

THE DEVELOPMENT PLAN

Arun District Local Plan 2003 (ADLP)

The 2003 Local Plan Proposals Map identifies that the application site is located outside of the existing built-up area boundary. As such, saved policies GEN2 and GEN3 are relevant.

Saved policies GEN2 and GEN3 seek to focus development within the built-up areas, and safeguard the land outside the built up areas (referred to as the countryside for policy purposes). The built up area boundaries were drawn for the purposes of defining the built up areas and countryside having regard to the need to identify within the built up areas (or on allocated sites) the required number of dwellings for the plan period (up to 2011). However, at this present time the Council does not have a 5 year housing land supply as required by the NPPF and the up to date Objectively Assessed Needs (OAN) figure for the area has increased to a point where considerable more land outside defined built up area boundaries needs to be found which potentially makes matters more challenging. In accordance with the NPPF the Council should be seeking to address the shortfall in housing supply on the basis of the OAN figures until such time as a target is specifically set in an adopted Local Plan or a 5 year supply of housing can be secured. The Council is required to respond positively to the requirements of the NPPF and the report is written on that basis.

As a result these policies and boundaries should be accorded significantly less weight if the Council is unable to demonstrate, as is the case, that it is able to make adequate provision for housing post 2011. This has been reflected in a number of recent appeal decisions. In light of these decision these policies (GEN2 and GEN3) hold very limited weight and as such it would be unreasonable to refuse the application on the principle of development outside the built up area boundary in this case unless the adverse impacts of the proposal (such as harm to the intrinsic character and beauty of the countryside) significantly and demonstrably outweigh the benefits of the proposal.

Angmering Parish Neighbourhood Plan

This plan was formally made in March 2015 and is part of the current Development Plan. Policies that apply to housing supply are HD1 & HD2. These too are considered to be out of date. They were written at a time when the Objectively Assessed Needs figure was much lower. The Council focus is to try and accommodate any additional housing required in strategic allocation, thus avoiding the need to change parish allocation figures. However, this work is not yet complete and so definitive statements one way or the other are not currently possible. The increase in the Objectively Assessed Needs figure is such that sites like this make a healthy contribution to the supply of housing in the District. Rejecting such sites for whatever reason inevitably puts more pressure on having to change Parish allocations. This may still prove necessary if the Council cannot accommodate all the additional housing required in strategic allocations and deliver a 5 year supply of housing.

Like policies GEN2 and GEN3 of the ADLP appeal decisions have afforded limited weight to housing supply policies in Neighbourhood Plans. However, there has been a recent exception in Arun in the form of the Secretary of State decision in relation to Land to the South of Ford Lane, East of North End Road, should be noted (APP/C3810/A/14/2228260). The decision is subject to challenge by the applicant. In the decision, the Secretary of State disagreed with the appeal Inspector's conclusions that the appeal be allowed and planning permission be granted. The proposal was for 100 dwellings on land outside the built up area boundary in the made Yapton NP.

It is considered that the Angmering NP does not make the same provision in the wording of policy HD1 and HD2 as is made in Policy H1 of the Yapton NP. Policy H1 states that "additional allocations will be made if the emerging Local Plan requires such action or if the identified housing sites do not proceed". The Secretary of State identified this flexibility in policy H1 of the Yapton NP as allowing any shortfall in housing supply to be met - as such significant weight was given to the housing policies of the Yapton NP.

It must be noted that the wording of HD1 and HD2 does not make any such provision. Policy HD1 of the Angmering NP states that "the Neighbourhood Plan allocates sufficient land to deliver at least the minimum housing requirement in the emerging Arun Local Plan..." Whilst, policy HD2 identifies three sites which will provide "at least 100 dwellings". It is therefore considered that the Angmering NP does not make provision for additional allocations of housing sites.

Conclusion On Development Plan Framework

The main policies against which to determine this application are those within the Development Plan (comprising the Arun District Local Plan and Angmering Neighbourhood Plan) as set out in this report and the NPPF where the starting point is Para 14 (set out below) and the presumption in favour of sustainable development.

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF was published in March 2012. One of the aims is to significantly boost the supply of housing. This framework is the most recently adopted national policy and is an important material consideration in this case.

Paragraph 14 confirms that, at the heart of the guidance is a presumption in favour of sustainable development. This is in accordance with the three dimensional approach to include economic, social and environmental considerations as set out in paragraph 7. For decision-taking, this presumption in favour means that planning applications that comply with the development plan must be approved without delay. Secondly, where the development plan is absent, silent or out of date, planning permission should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole; or specific policies in this framework indicate development should be restricted". In this instance, the proposal is considered to be contrary to Local Plan Policies GEN2, GEN3 and GEN5 and Angmering NP policies HD1 & HD2 but it is considered that these policies could be considered out of date, and therefore the presumption in favour of sustainable development should apply.

This does not equate to a blanket approval for residential development in locations that would

otherwise have conflicted with Development Plan policies. If the adverse impacts of the proposal (such as harm to the intrinsic character and beauty of the countryside) significantly and demonstrably outweigh the benefits, then planning permission should still be refused.

Paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development, and 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 housing sites. These 'relevant policies' are contained within the 2003 Local Plan (GEN2, GEN3 and GEN5), the Angmering NP policies HD1 and HD2 and the weight to be afforded to these policies has been discussed in the previous section of this report.

Paragraph 215 of the NPPF ensures that the Local Plan 2003 carries weight as a development plan document and due weight can be given to the plan according to the level of consistency with the NPPF and the various policies within the Framework. The weight of the Local Plan policies can be assessed according to their level of consistency of the relevant policies within the NPPF.

MATERIAL CONSIDERATIONS

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Matters which are capable of being treated as material planning considerations are decided by the courts, but the weight to be attached is a matter for the decision maker. However, the weight attached must be reasonable and have regard to other similar decisions.

It is necessary to establish the material considerations and assess the resulting balance. It is judged that the key material considerations in this case are:

1. Sustainability of Location for Housing Development
2. Housing Land Supply
3. Visual/Residential amenity Impact
4. Technical Issues

1. SUSTAINABILITY AND SUITABILITY OF LOCATION FOR HOUSING DEVELOPMENT

The site is on the edge of Angmering's built up area boundary. The village centre at a distance of 0.5 km provides all the day to day needs for the older clientele that this development is proposed for. That is a supermarket, eating establishments and a GP surgery. A distanced of 500m with pavements and street lights makes this site accessible by non motorised means - pavement works are proposed which will provide complete footpath access to and from the site entrance.

This will ensure that the site in the form proposed would provide a sustainable form of development which accords with NPPF guidance.

2. HOUSING LAND SUPPLY

The Council is currently unable to demonstrate a 5 year NPPF compliant supply of housing and with the current objectively assessed housing need for the District, where the OAN has been

raised to 919 dwellings per year, it is clear that housing supply needs to be maintained. The significant housing land supply shortfall means that the increase in housing numbers is in line with the NPPF.

As a result the housing supply development plan policies GEN2 & GEN3 of the ADLP and HD1 & HD2 of the ANP are out of date and in line with NPPF paragraph 49 and 14 this proposal should be granted planning permission unless there are other significant adverse effects from doing so.

'Providing the supply of housing required to meet the needs of present and future generations' (paragraph 7 of the NPPF) is one of the three (social role) tenets of sustainable development that all proposals must possess.

Approval in this case will be to implement the permission within two years and not the standard three years. This will hopefully mean that completed housing units will come on stream sooner and therefore help to speed up the Council's attempt to demonstrate an up to date 5 year supply of housing as per paragraph 49 of the NPPF.

3. VISUAL AND RESIDENTIAL AMENITY IMPACT

The proposed development would introduce new buildings, roads, car parking, and open space in place of the existing residential dwelling, storage/garage outbuilding, surrounding hardstanding, residential curtilage and grazing land.

The site will be significantly more built up by the development proposed. However, in terms of the immediate locality it will not be out of keeping when compared to the extensive amount of residential development to the west and south west of the site. Immediately to the north whilst less developed there are significant pockets of B1 development either existing or with planning permission. To the east the site forms part of the undeveloped South Downs National Park and the impact in this respect will be mitigated by the proposed landscaping of the site and its screening of the site at a point where the blocks drop from 3 to 2 storey high.

In terms of impact on neighbouring residential amenity there will be no impact to the east whilst to the west the properties are sufficiently distant for the impact to be acceptable. This is further so when the existing and proposed screening of the site is taken into account. In so far as external amenity space and proposed bedroom sizes for flats are concerned, these are considered to be acceptable and in line with policy GEN7 and the Department for Communities and Local Government's nationally prescribed space standards.

It is considered that the development, in tandem with the proposed landscaping scheme that would deliver enhanced screening along the whole boundary of the site, would have an acceptable impact on the immediate visual and residential landscape.

Furthermore, paragraph 7 of the NPPF states that one part of the sustainable development principle is 'contributing to protecting and enhancing our natural, built and historic environment' and where one of the 'core planning principles' at para 17 is securing high quality design and a good standard of amenity.

4. TECHNICAL ISSUES

- Access and Transport

Paragraph 32 of the NPPF confirms that decisions should only prevent development on transport grounds where the residual cumulative impacts of development are severe. The Local Highways Authority has assessed the Road Safety Audit submitted by the applicants and is satisfied with the development proposed subject to conditions concerning the proposed access, car parking spaces, and a condition requiring a construction management plan. The pedestrian footway improvements are recommended to be secured as part of the s106 agreement.

- Ecology/Biodiversity

The existing site consists of residential curtilage with hardstanding, occupied outbuildings and grazing land. The development will significantly alter this landscape introducing new gardens, trees and open space.

An ecology appraisal of the site was carried out by AMBIENTAL Technical Solutions Limited and concluded that the proposal is unlikely to impact on any protected species and their associated habitat.

- Drainage/Flooding

The applicants submitted a Flood Risk Assessment & Drainage Statement as an appendix to the Planning Summary, Planning Statement & Design and Access Statement. This confirms the site is in Flood Zone 1 an area of land with low probability of flooding where all land uses are appropriate.

The applicants have identified that the proposal will be connected to the main sewer network where capacity exists. It is considered that a suitable surface water, and foul water drainage strategy could be secured through conditions. The Environment Agency and ADC/WSCC Engineers have raised no objection to the proposals subject to conditions.

- Infrastructure

The NPPF sets out the Government's policy on planning obligations in Para's 203 and 204. Respectively these paragraphs state;

"Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address impacts through planning conditions." and;

"Planning obligations should only be sought where they meet all the following tests;

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development."

Policy GEN8 of the Local Plan requires applicants' to provide the costs of additional infrastructure

required to service their development and mitigate their impact. These are usually through the signing of a legal agreement. All request for infrastructure payments must meet the 3 tests of the Community Infrastructure Levy (CIL) Regulations 2010, which are set above as part of the Para 204 of the NPPF. It is recognised that the issue of infrastructure has featured prominently in the representations received.

The applicants are progressing a Section 106 Legal Agreement to secure financial contributions.

- Healthcare contribution (£40,000) - contribution for additional clinical input and new build/extensions of GP surgery
- Fire and rescue contribution (£1,247) - to be used towards the supply and installation of additional community fire link smoke detectors to vulnerable persons homes in West Sussex Fire and Rescue Service Southern Area serving Angmering
- Libraries contribution (£13,745) - To be used towards flexible shelving to enable increased community use at Angmering Library

The final two contributions are site and use specific so are considered to be compliant with the nationally prescribed Community Infrastructure Levy.

The applicant is willing to pay contributions to mitigate against the impact of the development in respect to infrastructure issues such as libraries and health. These contributions have been requested by the relevant regulatory authority and are reasonably related in scale and kind to the development proposed.

While it is appreciated that there is local concern over the current state of infrastructure provision within the area and the additional pressures further development would have on this, the securing of contributions by means of a Section 106 Legal Agreement, to off-set the impact caused by the proposed development, is an acceptable mechanism by which these concerns can be addressed, to the point where it would not be appropriate to refuse planning permission.

- Affordable Housing

The preceding section of the report outlines infrastructure contributions required as part of this development all of which have been agreed with the applicants. In so far as an affordable housing contribution, in line with policy DEV17 of the ADLP, is concerned the applicants have submitted a viability assessment to the Council's Housing Strategy and Enabling Manager who evaluated this viability assessment through the use of external consultants.

He concluded that the Council accepts the overall conclusions of the Council's retained viability consultant, DSP, that affordable housing provision cannot be supported by way of a financial contribution.

The NPPF places significant emphasis on local planning authorities being aware of the difficulties of housing viability and encourages planning decisions that reflect any measured and identified problems. In this context it is considered that the absence of an affordable housing contribution is acceptable.

However, in order to bring this extra supply of housing to the District as forward as possible the

developers have agreed to a shorter planning permission life span. In this case 2 years. This is welcomed by the Council's housing enabling manager.

- Economic Considerations

For this to represent sustainable development as defined by para 7 of the NPPF the 3 roles (social, economic and environmental) 'should not be undertaken in isolation' according to para 8. In other words they all need to be demonstrated. The preceding parts of this report have set out the social and environmental credentials of this proposal.

The proposal would also result in economic benefits in terms of the direct boost to the local economy during the construction phase and subsequent benefits from additional dwellings in the locality (residents spending in the local economy, extra Council tax receipts and so on). These are all factors that weigh in favour of the proposal as a form of sustainable development.

OVERALL CONCLUSIONS

The NPPF has at its core a 'presumption in favour of sustainable development' and where the development plan is absent, silent or relevant policies are out-of date, permission should be granted unless there are any adverse impact that would significantly or demonstrably outweigh the benefits. These are factors that weigh heavily in favour of approving planning permission for development.

The site's location has been identified as being in a sustainable location being well related to the existing village. In design terms the development will relate sympathetically with other developments in the surrounding area. It is considered the principal of development is acceptable.

The assessment of the application has not identified any technical issues that would require refusal of the application. It is considered that the applicants design approach and detailed building design are suitable and represent a high quality development.

The application makes acceptable contributions towards additional infrastructure demands.

It is considered that in accordance with relevant policy and other material considerations, there are significant arguments in favour of supporting the development proposed and planning permission is recommended subject to the conditions set out overleaf.

If after two months of the date of the decision the s106 has not been completed and signed delegated authority should be given to the Director of Planning and Economic Regeneration to refuse the application for the reason that:

(1) The proposed development makes no contribution towards local infrastructure and is thereby contrary to the Policy GEN8 of the Arun District Local Plan, policy INF SP1 of the emerging plan and the National Planning Policy Framework.

HUMAN RIGHTS ACT

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).

SECTION 106 DETAILS

Library Contribution - £13,745 (To be used towards flexible shelving to enable increased community use at Angmering Library).

Fire and Rescue Service Contribution - £1,247 (to be used towards the supply and installation of additional community fire link smoke detectors to vulnerable persons homes in West Sussex Fire and Rescue Service Southern Area serving Angmering).

NHS Contribution - £40,000 (for additional clinical input and new build/extensions of GP surgery).

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The development hereby permitted shall be begun before the expiration of 2 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;
Site Location Plan - 1877-PL(01)01 - REV A
Proposed Site Layout Plan - 1877-PL(01)02 - REV J

Proposed Roof Plan	- 1877-PL(01)05 - REV B
Building 1 - Proposed Floor Plans	- 1877-PL(02)01 - REV D
Building 2 - Proposed Floor Plans	- 1877-PL(02)02 - REV B
Building 3 - Proposed Floor Plans	- 1877-PL(02)03 - REV B
Building 4 - Proposed Lower Ground Floor Plan	- 1877-PL(02)04 - REV B
Building 4 - Proposed Ground Floor Plan	- 1877-PL(02)05 - REV A
Building 4 - Proposed First Floor Plan	- 1877-PL(02)06 - REV B
Building 1 - Proposed Elevations	- 1877-PL(04)01 - REV E
Building 2 - Proposed Elevations	- 1877-PL(04)02 - REV C
Building 3 - Proposed Elevations	- 1877-PL(04)03 - REV C
Building 4 - Proposed Elevations (Dwg. 1 of 2)	- 1877-PL(04)04 - REV C
Building 4 - Proposed Elevations (Dwg. 2 of 2)	- 1877-PL(04)05 - REV C
Street Elevations	- 1877-PL(04)06 - REV C

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 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 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 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 construction works shall be carried out until all buildings and structures existing on the application site at the date of this permission have been demolished, the debris removed from the site and the site cleared.

Reason: In the interest of the amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 5 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.

- 6 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy GEN7 of the Arun District Local Plan.

- 7 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 in accordance with policy GEN7 of the Arun District Local Plan .

- 8 External lighting in association with this development shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2.

Reason: To control the residential amenities of the local environment in accordance with Arun District Local Plan policies GEN7 and GEN33.

- 9 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 and in accordance with policy GEN7 of the Arun District Local Plan.

- 10 No part of the development shall be occupied until the footway has been extended along Dappers Lane into the development, including where this crosses the highway onto Water Lane in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

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

- 11 No part of the development shall be first occupied 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.

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

- 12 No part of the development shall be first occupied 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.

- 13 No development shall 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 Council.

Reason; To ensure that the development is in the interests of protection of the environment and prevention of harm to human health in accordance with policy GEN26 of the Arun District Local Plan .

- 14 Prior to occupation of any part of the permitted development details of the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
1. A remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 2. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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 GEN7 of the Arun District Local Plan.

- 15 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.

- 16 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun District Local Plan policy GEN7.

- 17 No part of the development shall be first occupied until details of the provision and maintenance of the one [1] fire hydrant shall be submitted to and approved in writing to the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services.

Reason: In the interests of amenity and in accordance with policy INF SP1 and TSP1 of the Arun Local Plan 2011-2031 and in accordance with The F&RS Act 2004.

- 18 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.

- 19 No development including site access, demolition 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

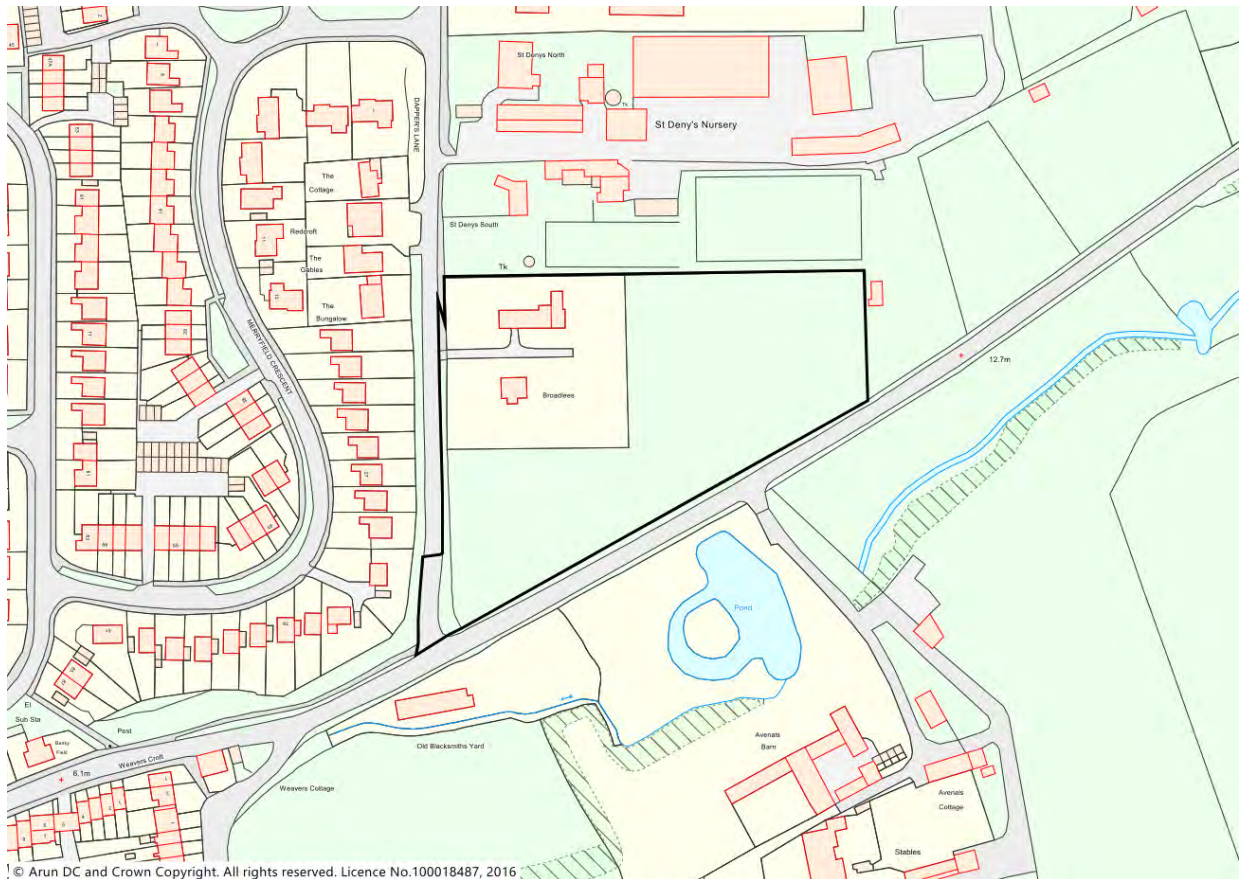
the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be 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 Local Plan.

- 20 **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.
- 21 **INFORMATIVE:** This permission grants permission for foul water drainage to be disposed via the mains sewer system and does not grant consent for an on site foul pumping station.
- 22 **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.
- 23 **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.
- 24 **INFORMATIVE:** This decision has been granted in conjunction with a Section 106 legal agreement relating to library, fire services and health contributions.
- 25 **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, West Sussex County Council, County Hall, Chichester, West Sussex, PO19 1RQ. (Tel no. 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:** ADC's Economic Development Department advise that the developer signs the Developer and Partner Charter and produces a suitable Skills and Employment Plan for the development.

A/27/16/PL Indicative Location Plan
(Do not Scale or Copy)

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



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PLANNING APPLICATION REPORT

REF NO: BE/138/16/OUT
LOCATION: Land to the rear of
 17, 19, 21 & 23 Greencourt Drive
 Bersted
 PO21 5EU

PROPOSAL: Outline application with all matters reserved for 2 No. dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Two detached singles dwellings with off street parking and access.
SITE AREA	Approximately 0.08 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 38 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	1.8m fence to all sides, no boundary treatment to front.
SITE CHARACTERISTICS	Partly empty site, between two residential properties, currently used as parking for the owner's vans. The two side sections of the site are the rear sections of the back garden of no 17-23 Greencourt Drive.
CHARACTER OF LOCALITY	Suburban residential area formed of two storey detached and semi-detached properties set back from the road with gardens to rear.

RELEVANT SITE HISTORY

BE/63/16/OUT	Outline application with all matters reserved for 1No. detached 2 storey dwelling	ApproveConditionally 10-06-2016
BE/40/98/CLE	Application for Certificate of Lawfulness for existing use for the storage of mobile food vehicles	Approve 08-09-1998
BE/124/87	Garage and carport	ApproveConditionally 05-10-1987

Outline permission granted for the middle section of the site (between 21 and 19) for one detached dwelling in 2016.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

OBJECT

The proposed application does not conform to the following policies of the Bersted Neighbourhood Development Plan.

ES1 Design of new development. The proposed application would affect the character and appearance of Greencourt Drive.

HDQ2 Integration of new housing. The proposed application does not connect with the surrounding area nor is it visually integrated with the properties in Greencourt Drive.

HDQ6 Outdoor Space. The proposed application does not provide amenity space commensurate with the size and type of dwelling or the surrounding character of the area.

HDQ8 Car Parking. The proposed development would reduce the number of parking spaces for properties 19 and 21 Greencourt Drive with the proposed driveway to the two dwellings at the rear.

Members felt that the proposed application was an overdevelopment of the land.

12 Letters received objecting on the grounds of:-

- Detrimental impact on character and appearance of area
- Detrimental impact on neighbour amenity
- Reduction in off street parking
- Rainwater displacement leading to surface water flooding
- Detrimental impact on house values
- Loss of security, privacy and noise and disturbance
- Loss of trees

COMMENTS ON REPRESENTATIONS RECEIVED:

The application is solely for the principle of development of two dwellings on the land. The access will be the same as existing.

The proposal is to be on existing residential land within the built up area boundary and as such the principle of development is considered acceptable. Whilst a plan has been submitted showing potential parking, landscaping and property layout, this is purely speculative and will not form part of the approved drawings should permission be granted. However, the Officer is of the view that the proposal is broadly acceptable, should reserved matters be applied for with the details supplied on plan 1611.04.

CONSULTATIONS

WSCC Strategic Planning
Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

WSCC STRATEGIC PLANNING

The LHA does not anticipate that the development would cause a 'severe' effect on the nearby highway network and would therefore not be contrary to paragraph 32 of the National Planning Policy Framework. These views apply to the indicative outline proposals and are subject to matters of satisfactory access, visibility, parking and turning being demonstrated at reserved matters stage. The Local Planning Authority should consult the LHA to agree these matters when reserved matters are applied for.

DRAINAGE ENGINEERS

Infiltration to be investigated for surface water drainage. Please apply standard conditions ENGD2A.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	GEN12	Parking in New Development
	GEN2	Built-up Area Boundary
	GEN9	Foul and Surface Water Drainage
	GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):	D DM1	Aspects of Form and Design Quality
	SD SP2	Built-Up Area Boundary
	ENV DM2	Pagham Harbour

Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy HDQ1	Housing Site Allocations
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ3	Windfall sites
Bersted Neighbourhood Plan 2014 Policy HDQ4	Housing mix
Bersted Neighbourhood Plan 2014 Policy HDQ5	Design of new housing development

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; Aldingbourne; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

The principle of development is considered to comply with the aims of the Bersted NDP which supports development on land within the built up area boundary for dwellings.

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 and Neighbourhood Plan policies

in that the principle of development is considered to be acceptable.

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

PRICIPLE OF DEVELOPMENT

The proposal is to be on existing residential land within the built up area boundary, as such the principle of development is considered acceptable. Furthermore Bersted NDP policy HDQ3: Windfall sites states:

"Permission will be granted for small residential developments on infill and redevelopment sites within the Parish subject to the policies of this plan being met."

Therefore, the principle of housing development on this site is in line with the Bersted NDP policy. All matters are reserved with this application therefore approval is not being given to the layout, scale, appearance or landscaping of the site. Consideration has to be given to the impact of two dwellings on the amenity of neighbours and the character of the area. It is considered that the plot is large enough to accommodate two modest single storey dwellings without having an adverse impact on the amenities of nos 19 and or the dwellings to the rear. This is because the separation distances are acceptable and no overlooking should arise due to the single storey development. The access would introduce traffic into the garden area which would have an impact on the amenities of the neighbouring dwellings. However it is considered that this would be at a level where amenities were not so adversely impacted that a refusal could be warranted.

HIGHWAYS

The site would use the existing access and WSCC has stated it is unlikely that the proposal would have a severe impact on surrounding highways should the application be taken through to reserved matters stage.

SURFACE WATER DRAINAGE

Engineers have recommended a pre-commencement surface water drainage condition be attached to ensure the site is able to drain sufficiently to not cause localised flooding. The condition is considered to be reasonable and will be imposed.

PAGHAM HARBOUR CONSERVATION

The site falls within the Pagham Harbour Buffer zone. As such the two dwellings will be subject to a £1275 payment each via a S106 agreement.

The agreement has not been submitted by the applicant and the application will be recommended for approval subject to the completion of the agreement within 2 calendar months of the approval of

this application (should it be granted) otherwise permission will be refused.

The outline application is recommended for permission with all matters reserved.

CONCLUSION

The application is recommended for approval subject to the following conditions and a S.106 legal agreement covering Pagham Harbour Conservancy.

However, if the S.106 legal agreement has not been signed within 2 calendar months of the date of the resolution to approve then the application should be refused under delegated powers for the following reasons:

The proposed development makes no contribution towards the protection of Pagham Harbour and is thereby contrary to the aims and objectives of Policy ENV DM2 of the Arun Local Plan 2011-2031 (Publication Version).

HUMAN RIGHTS ACT

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.

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 3 years beginning with the date of this permission:-

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

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 5 years from the date of this permission, or before expiration of 2 years 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 situated on land identified by:-

1611.05
1611.06

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.

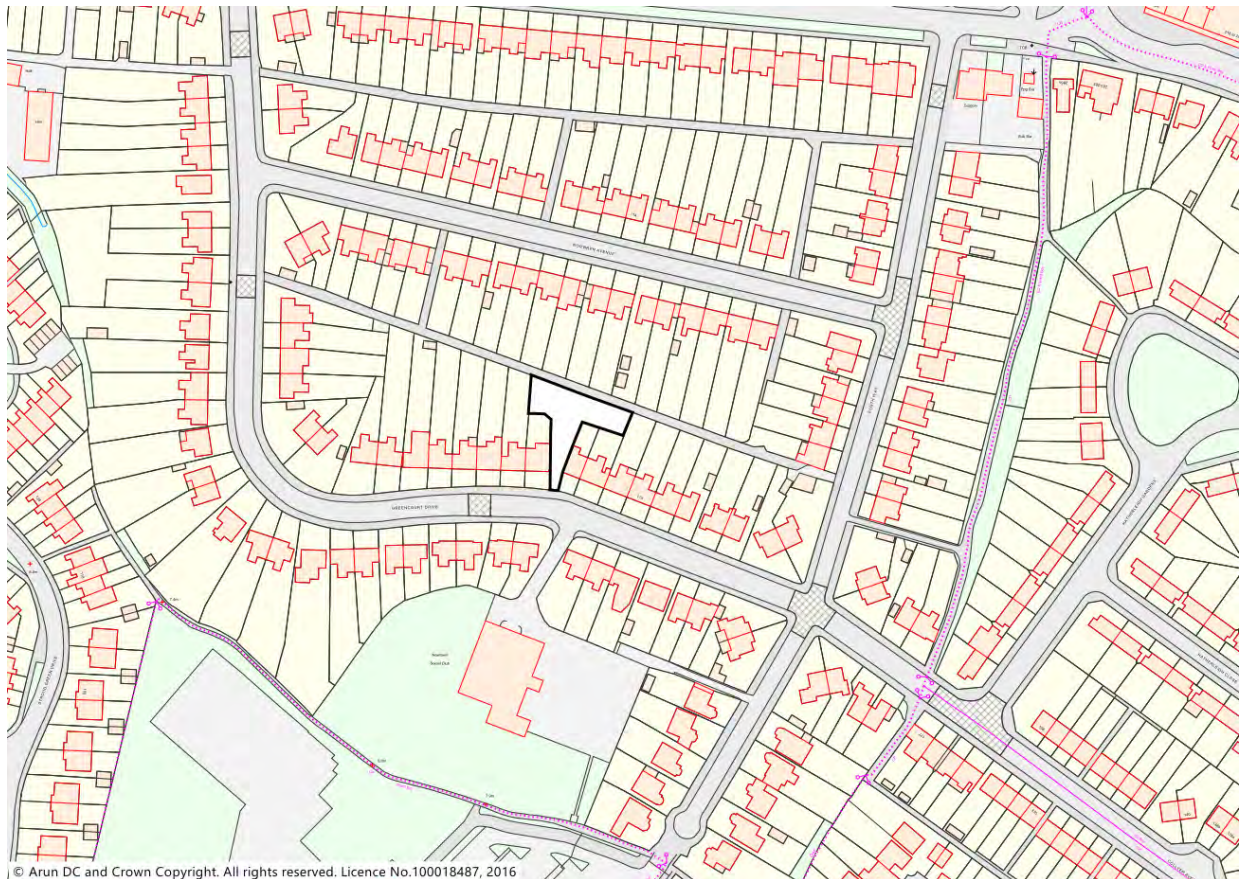
Reason for pre-commencement: The condition has to be pre-commencement so that ground water monitoring can be carried out before the commencement of development. It can not be carried out after development has commenced.

- 5 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.

- 6 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to Pagham Harbour Conservancy for a payment of £1275 per dwelling.

BE/138/16/OUT Indicative Location Plan
(Do not Scale or Copy)

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



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PLANNING APPLICATION REPORT

REF NO: FP/102/16/PL

LOCATION: Site 6, Phase 4 & 5
Land North of Felpham
Felpham
PO22 8FX

PROPOSAL: 94 No. dwellings with associated access, parking & landscaping (amended proposal for site already approved for residential development).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application relates to part of Policy Site 6, known as Phase 5, in Felpham as identified within the District Local Plan. This phase was granted outline planning permission under FP/92/04 and reserved matters consent under FP/43/90.

This application follows on from the February 2012 permission granted under FP/205/10 which approved 70 additional dwellings and amended a further 192 dwellings within Phases 4 and 5.

A further application (FP/224/11) was consented in July 2012 for a re-plan for phases 2, 4 and 5 involving alterations to 269 dwellings which were considered to be material amendments to the original permissions. The total number of houses remained unaffected i.e. 434 dwellings however the numbers within each phase were slightly amended. A total of 17 units were planned out of Phases 4 and 5 and relocated within Phase 2.

This application relates only to Phase 5. The applicant is seeking to provide a mix of units that is more suitable to the current market conditions and credit availability by designing out the 5 bed properties, reducing the number of 4 bed properties and increasing the number of 3 bed units. This would result in an increase of 33 dwellings.

The accommodation schedule comparison shows for Phase 5 (approved/proposed):

- 5 Bed units (7/0)
- 4 bed units (31/12)
- 3 bed units (23/64)
- 2 bed units (0/18)

Total 61/94

The current approved and the proposed layout for this phase consists of 100% open market dwellings. The affordable housing requirement would be paid via an adjustment to the S106 agreement. The proposed development has 175 car parking spaces and 27 garages (total of 202 spaces).

As with the approved scheme the layout indicates the housing will be developed as perimeter blocks with the majority of buildings sitting on the back of the pavement. The overall scale is all two storey with no two and a half storeys. The material palette includes brick, flint, and render with slate and plain tile roofs.

Following the initial consultation period, the following amendments were made to the scheme in order to address issues raised:

- The finished floor levels were dropped by between 150mm and 350mm at the southern boundary.
- A land drain has been added to the rear gardens to mitigate any perceived risks of increased flooding.
- A comparison elevations plan was provided, detailing the built mass and habitable windows and a number of plots have reduced storey heights.
- Cross sections were also provided illustrating the relative height of the proposed dwellings.
- The location of the dwellings in a number of plots was also amended to increase the distance from neighbouring dwellings.
- Updated Phase 1 Habitat Survey leading to additional bat and bird box locations.

SITE AREA

2.25ha. Net site area 2.11ha.

RESIDENTIAL DEVELOPMENT DENSITY

The proposed density is 45 dwellings per hectare. The approved Phase 5 density (FP/224/11) was 29 dwellings per hectare.

TOPOGRAPHY

Predominantly flat.

TREES

There are trees covered by TPOs on the southern and western boundaries of the site. An established hedgerow runs along the eastern boundary and is within proposed open space. The TPO trees along the southern boundary fall within the proposed back gardens of the dwellings. The TPO trees to the western boundary are adjacent to the proposed road.

BOUNDARY TREATMENT

Mixture of trees and hedgerows and some post and wire fencing.

SITE CHARACTERISTICS	Former agricultural land now under development.
CHARACTER OF LOCALITY	Surrounding area to the south is predominantly residential with a golf course located to the west of the site and the initial section of the BRNNR to the north and east. Site 6 currently under residential development.

RELEVANT SITE HISTORY

FP/90/13/	Phase 5 - Additional 7 dwellings and amendments to a further 33 dwellings following reserved matters approval ref FP/128/09 in accordance with outline permission FP/92/04 - This application affects a Public Right of Way	App Cond with S106 12-02-2014
FP/224/11/	Alterations to 269 previously approved dwellings on Phases 2, 4 and 5 at Site 6, Felpham - This application affects a Public Right of Way	App Cond with S106 28-03-2012
FP/205/10/	Phases 4 and 5. Additional 70 dwellings and amendments to a further 192 dwellings, affecting 262 dwellings in total, following reserved matters approvals in accordance with outline permission (Ref FP/92/04). Phase 4 Ref:FP/43/09. 115 approved.56 new dwellings and 115 amended now proposed.Phase 5 Ref: FP/128/09. 121 approved. 14 new dwellings and 77 amended now proposed - This application affects a Public Right of Way. This application is subject to an Environmental Impact Assessment	App Cond with S106 16-02-2012
FP/43/09/	Application for Reserved Matters following outline planning permission FP/92/04 relating to phase D of residential development for 121 dwellings with associated residential roads, drainage works and public open space (Resubmission following FP/52/08) This application affects a public right of way	ApproveConditionally 17-06-2009

Comments on the planning history are included in the description above.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

Bognor Regis Town Council
Bognor Regis Town Council:
Objection on the grounds of over-development

Felpham Parish Council:
Objection on the ground of over-development

A total of 15 representations were initially received which raised the concerns set out below:

Drainage and Flooding

- Future maintenance of drainage system
- Details of solutions to deal with future risk of flooding
- Efficiency of drainage system in preventing surface water run-off from flooding properties in Whitelands, Shirley Drive and Lindsey Court
- Query regarding expert advice sought on flooding and whether they are aware of existing flooding problems faced by residents
- Increase in water run off from greater impermeable area (area already prone to flooding)
- Water run off from service road - concerns about drainage if not kept clear from leaves.
- Lack of clarity about whether the gardens slope towards the boundaries and would lead to increased run-off/ risk of flooding or will be built up in height right to the boundary (compromising fences).
- Increased pollution: air pollution/CO2, and light pollution, and pressure on proposed foul drainage system.
- Previous ditch on southern boundary not been maintained.

Amenity

- Query whether ground floor windows would overlook bungalows to the south
- Concern that there will be more windows facing properties to the south with additional properties.
- Increased height, raised ground and number of properties/ amended mix of dwelling types impacting on privacy and light
- General amenity of existing residents
- Lack of rationale for ground raising.
- More houses will increase noise levels particularly extra traffic using the service road

Design and layout

- Less open spaces for children to play
- Suggestion of removing and not replacing 5 bed properties to provide more open space.
- Increase in density/ over density
- Bungalows would have been more appropriate on the southern boundary

Trees and landscaping

- Query about sufficient protection for protected trees during construction
- Monitoring of protected trees
- Lack of information about arrangements for fencing between existing and proposed gardens

(height, privacy and location)

Wildlife

- Query about presence of bats in trees and other wildlife/ birds and ecological surveys being carried out

Infrastructure

- Concerns about additional effect on stretched services (schools, doctors, dentist etc) due to increase.

A petition was also received from 18 households with 29 signatures raising concerns about flood risk, residential amenity, trees and ecology, design, appearance and layout and infrastructure, which are included within the summary above.

Following the submission of further plans with a amended layout, elevations and additional drainage and landscaping on the southern boundary a further consultation period was carried out, 4 representations were received which raised the following concerns in addition to those listed above:

Drainage and Flooding

- Future maintenance of drainage system and land drain
- Efficiency of drainage system in preventing surface water run-off from flooding properties in Whitelands, Shirley Drive and Lindsey Court

Amenity

- Reduction in plot heights (plots 165 - 164) by 150mm not sufficient
- Increased height of land would result in loss of privacy
- Overlooking windows reduced but any windows will increase loss of privacy and reduce light
- Increased noise for existing residents to south
- Comments on why remaining 4 bed properties could not be located on the southern boundary of the site as opposed to elsewhere on the site.

Trees and landscaping

- Future maintenance of hedging on southern boundary
- Protected trees concern in relation to the drainage works

Infrastructure / density

- Increase in households will impact on infrastructure (schools, cars, parking, GP surgeries, dentists, traffic on estate roads)

COMMENTS ON REPRESENTATIONS RECEIVED:

The representations are considered within the conclusions section below.

CONSULTATIONS

Engineering Services Manager
 Engineers (Drainage)
 WSCC Strategic Planning
 Surface Water Drainage Team
 Planning and Housing Strategy
 NHS Coastal West Sussex CCG
 Parks and Landscapes
 Ecology Advisor
 Ecology Advisor
 Environment Agency
 Ecology Advisor
 Arboriculturist

CONSULTATION RESPONSES RECEIVED:

West Sussex County Council (Local Highway Authority):

No objection. The development should be offering more unallocated spaces but the overall development does provide over the recommended parking and WSCC are satisfied this will meet the parking needs for the site. Garages shown are large enough for car and cycle storage. Further detail is required about cycle storage for dwellings with no garage. Swept path diagrams show that refuse vehicles can negotiate the road layout and a private car can enter and exit the courtyard parking areas. The additional trips generation from the additional 33 dwellings would not cause any concerns over highway safety or capacity.

Further clarification on changes to road layout/junctions and vehicular access points was requested and provided. A final consultation response from WSCC (LHA) is awaited and an update will be provided.

West Sussex County Council (Strategic Planning Division):

S106 Contributions to include:

£80,187 for Primary Education towards the cost of building a new school on site
 £86,302 for Secondary Education towards expanding Felpham Community College
 £20,217 6th Form Education towards expanding Felpham Community College Sixth Form
 £9,369 Libraries towards Tier 7 Libraries for Felpham
 £763 Fire and Rescue - to be used towards supply and installation of additional fire safety equipment/smoke alarms to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Felpham
 Total = £196,838

Environment Agency:

We have no objection to the proposed development as submitted.

With regards surface water run off whilst it is noted that the balancing pond was over designed so as additional flow could be accommodated for, your Councils own engineers should be

satisfied that the existing balancing pond has the capacity to accept the additional run off from the increased dwellings, particularly as changes made to climate change allowances which came into force on 19 February have increased from 20% for design and 45% for exceedance events.

Ecology:

Further information required: Extended Phase 1 Habitat Survey.

Advice on avoiding bird nesting season for clearance of suitable bird nesting habitat. Recommended placement of 20 nesting opportunities for birds and 4 bat roosting structures on or around buildings. Other ecological enhancements could include reptile refugia, new ponds, ditches and ecologically sympathetic planting schemes. Lighting to be kept to a minimum to reduce impact on nocturnal species.

Further Ecology response (subsequent to submission of updated Extended Phase 1 Habitat Survey):

Recommend that hedge/tree line running from south eastern corner to south western corner be enhanced to far greater level than shown on Figure 2 of updated ecology report - to provide greater habitat connectivity following loss of habitat.

ADC Greenspace Officer:

No objection. Landscape detailed with the application is considered a suitable scheme for the location and the species mix appropriate for the setting.

Our view on Public Open Space (POS) would always be to provide/retain on site absolutely as far as possible. In Felpham Site 6 the POS provision even from the outset was bordering on only just adequate and this therefore is to be now further depleted.

In this case as there is POS to be lost and the addition of further dwellings which require infrastructure then I would think it not unreasonable that a request for further 106 monies to be provided. As there are to be an addition of 33 dwellings then a sum of £1,000 per dwelling therefore £33,000 for the provision of offsite play/leisure improvement should be made.

There are significant trees to the south of proposed plots 153 - 165 some of which are subject to Tree Preservation Orders (TPOs). Advice given on adhering to 'Trees in relation to construction guidance' and submission of a tree protection scheme.

A further consultation response from Greenspace in relation to enhanced planting on southern boundary was requested and the response below received:

Further to receipt of updated ecology report - November 2016 and amended plans, we comment as follows;

The detail contained within the report page 5 relating to proposed hedgerow (figure 3) details the provision of a wildlife corridor throughout the site. Whilst this in theory is a practical suggestion

and which we would support, in the open areas and adjacent to the Public Open Space areas and the connection to the offsite habitats. We support the suggestion for a native species mix with the potential for it to develop alongside a rough grassland strip as part of the long term management. The areas indicated for hedge treatment to continue this link within the back gardens we would suggest may be better in the form of a non-coniferous evergreen hedge mix which could then be maintained either formally or informally, as required by the occupants with potentially more success than a native hedge in this location. Whilst a single species choice is not the most beneficial for bio-diversity purposes it would provide some cover and habitat. The reality of the proposed corridor in this location would also be somewhat fragmented by the boundary fences which would intersect this line.

Tree protection to be advised under separate cover, however we reiterate the importance of these existing trees and the requirement for these to be retained and protected and 'hand dig' operations only in their root zone locations.

A consultation response from the Tree Officer is awaited on revised Tree Protection Plan and land drain and an update will be provided.

NHS Coastal Commissioning Group:

Healthcare costs for the project - tariff costs as per agreement February 2016 - total = £97,358

ADC Housing Strategy and Enabling Manager:

A commuted sum equivalent to the value of the S106 subsidy value of the 28 forgone affordable dwellings will be required, or the developer will need to provide 28 affordable homes elsewhere. The precise affordable housing provision will need to be set out in a Deed of Variation to the original S106 agreement. Affordable Housing Contribution calculation for the proposal on this site:

Current proposal [94 units - 61 units] = Total of 33 additional units.

The affordable housing proportion = 30% x 33 = 10 units

As a financial contribution this is the equivalent of 10 x £45,000 = £450,000.00

ADC Drainage Engineers:

Drainage information submitted states that the general proportion of impermeable to permeable area has been maintained across the site, meaning that the SuDS design should still be sufficient. Some of the re-planned phases have their own discrete systems due to difficulties in draining to the main system, so are not draining to the original SuDS features and not adding to the capacity required in them.

In relation to the additional drainage details relating to the land drain the following comments were provided:

The non-perforated section of pipe should have concrete bed and surround, as it is the section

with the least cover and most likely to be driven over (this would be unlikely, but it is beside the road and not within a garden). Also some way of marking that there is a drain running through the gardens, perhaps marker posts on the fences or something. The grille for the headwall should not be retained. A reminder should be provided regarding ditch maintenance and desilting.

COMMENTS ON CONSULTATION RESPONSES:

Further clarification on cycle storage has been provided and it is considered that sufficient provision has been made in garages and sheds.

POLICY CONTEXT

Designation applicable to site:
 Within Built-Up Area
 Site 6

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	DEV17	Affordable Housing
	GEN11	Inland Flooding
	GEN12	Parking in New Development
	GEN18	Crime Prevention
	GEN2	Built-up Area Boundary
	GEN20	Provision of Public Open Space within New Development
	GEN23	The Water Environment
	GEN25	Water Resources
	GEN26	Water Quality
	GEN28	Trees and Woodlands
	GEN7	The Form of New Development
	GEN8	Development and the Provision of Infrastructure
	GEN9	Foul and Surface Water Drainage

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
	ECC DM1	Renewable Energy
	ECC SP1	Adapting to Climate Change
	ECC SP2	Energy and climate change mitigation
	ENV DM4	Protection of Trees
	ENV DM5	Development and Biodiversity
	H SP2	Affordable Housing
	INF SP1	Infrastructure provision and implementation

OSR DM1 Open Space, Sport and Recreation
 T DM1 Sustainable Travel and Public Rights of Way
 W DM1 Water Supply and Quality
 W DM3 Sustainable Urban Drainage Systems
 WM DM1 Waste Management
 W SP1 Water

Felpham Neighbourhood Plan 2014 POLICY ESD10	Design details
Felpham Neighbourhood Plan 2014 POLICY ESD2	Development in flood sensitive areas
Felpham Neighbourhood Plan 2014 POLICY ESD5	Surface water management
Felpham Neighbourhood Plan 2014 POLICY ESD8	Building design
Felpham Neighbourhood Plan 2014 POLICY ESD9	Tree protection

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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 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; Aldingbourne; 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

This application relates to the remaining un-built Phase of Felpham Site 6. The area concerned is covered by earlier permissions as set out in the planning history, with the most recent permission being FP/224/11. Following grant of the permission, Barratt David Wilson seek to adjust the mix of housing across this final phase in order to reflect the market demand for smaller 2 and 3 bed properties. The latest Housing Needs Evidence (September 2016) commissioned to support the Emerging Local Plan suggests that the broad mix of market housing should be: 40-45% 2 bedroom; 35-40% 3 bedroom; and 10-15% 4+ bedrooms. Therefore, the increased provision of smaller dwellings as part of the re-plan is considered to accord with the latest evidence of housing need.

PRINCIPLE

The re-plan sits within Phase 5E of the Felpham Policy Site 6, and has previous approval for residential development, therefore the principle of residential development in this location has been

established. The main consideration is the acceptability and impact of the increase in the number, and amended mix of types and locations of dwellings on the site.

RESIDENTIAL AMENITY

Policy GEN7 of the Local Plan (2003) seeks to ensure that development does not have an unacceptable adverse impact on adjoining occupiers, land, uses or property. The proposed re-plan seeks to increase the number of dwellings across the re-plan area by 33. The areas to the north and west of the site are under construction and therefore un-occupied. The part of Site 6 to the east of the application site is occupied, but there are not considered to be any changes to the amenity of residents, as there is an existing hedgerow boundary between the existing and proposed dwellings which provides adequate screening. This is proposed to be retained and will be protected during construction as detailed on the revised Tree Protection Plan.

Representations received from neighbouring properties have raised concerns about over-looking as the proposed dwellings on the southern boundary would have finished floor levels up to 6.50m AOD (up to approx. 1m above existing ground level), and therefore would be on higher ground than existing, mainly single storey, properties. As the principle of housing along the southern boundary has been established through previous permissions, the issue is whether this current re-plan layout, density and mix of dwellings and type of dwellings are acceptable in this location.

The initial reserved matters application (FP/43/09) and the earlier re-plan application (FP/224/11) for this phase of the site, both include approved engineering layouts which show that the finished floor levels along the southern boundary as between 5.350 AOD and 6.150 AOD. It is understood that the reason for the raised floor levels on this area of the site (as set out in the Surface Water Attenuation Design Statement submitted to support FP/43/09) is to ensure that the site drains to the main attenuation ponds and to ensure that properties are above the fluvial floodplain. The proposed re-plan and addition of 33 dwellings has to be considered in the context of and fit with the previously approved drainage scheme for the wider site and earlier approved drainage schemes, which necessitate the raising of the land by up to 1.12m.

In order to clarify the number of habitable rooms overlooking the existing properties on Shirley Drive, Whitelands and Lindsey Court and the mass of the proposed built form, an additional plan was submitted ('Street Scenes - Rear Elevation Plan'). This shows that the rear elevations of the dwellings proposed for plots 178 - 182 (parallel to Lindsey Court)(cross section 'A-A') would have 14 habitable room windows as opposed to the previously approved layout of 25. The storey heights along this elevation have also been reduced from a mix of 2 and 2 1/2 storey dwellings to all 2 storey dwellings. The overall built form has reduced from 49.65m to 45.75m. The garages in between the dwellings (which would have been closest to the existing property boundaries) have also been removed, which further reduces the built form. Cross section 'B-B' illustrates the differences between plots 146 - 158, with 16 habitable rooms instead of 18 and 80.14m built form instead of 66.41m. Whilst this is an increase in built form, if the garages are included (99.67m) there is an overall reduction. Cross section 'C-C' illustrates the elevations facing Shirley Drive and demonstrates a reduction in habitable rooms from 12 to 8 and overall reduction in built form from 61.8m to 44m.

The majority of the proposed re-plan dwellings on the southern boundary are the same distance from neighbouring properties as the previously approved scheme, with plots 137 - 145 and 146 -

150 being a maximum of 5m closer, however, there is still a distance of approximately 30m wall to wall which is considered acceptable.

A further amendment resulted in the proposed dwellings on plots 152 - 153, 154 - 155 and plots 137 - 145 being re-positioned to ensure that a distance of at least 19m would be achieved between the proposed dwellings and the nearest properties to the south.

In order to illustrate the height difference between the proposed dwellings and the existing properties to the south, a 'cross sections - southern border' plan was submitted. This illustrates the distances between existing and proposed properties, the slope of the proposed gardens, location and height of fencing and the location of the land drain. This is considered to satisfactorily address the uncertainty around the boundary treatment.

With regard to the potential for loss of light for residents on the southern boundary, the reduction in the built form of development along the boundary, combined with the reduced ridge height will result in an improvement when compared to the approved scheme.

Concerns have been raised about the potential for noise and dust disturbance during construction. There is an existing Construction Management Plan which was approved in 2008 which set out measures to control noise and dust during construction. A condition is proposed to be added to this permission to ensure that document provides adequate controls for this proposal and is updated to reflect any changes since 2008 and the specific circumstances on this Phase of the wider site.

With regard to the issue of an increase in noise from additional traffic using service road, the Transport Statement concludes that the overall increase in the AM peak is forecast to be 15 two-way movements (which equates to 1 vehicle every 4 minutes) and the increase in the PM peak would be an additional 10 movements (an extra vehicle every 6 minutes). The Statement concludes that the proposals would have a negligible impact which is likely to be imperceptible. Therefore, it is not considered that the proposal would have an unacceptable impact on the amenity of local residents as a result of increased traffic movements.

Overall, it is considered that the reduction in storey height, the omission of the garages, re-positioning of plots and the reduction in habitable rooms facing the existing properties provides an improvement over the previously approved scheme and therefore meets the requirements of GEN7 (iv).

LAYOUT AND DESIGN

The proposed layout is broadly the same as the previously approved re-plan, with minor changes to the internal road layout to accommodate the additional smaller dwellings. Policy GEN7 refers to a net density of 'at least 30 dwellings per hectare' and does not set a maximum above which development becomes too dense. The proposed density is 45 dwellings per hectare (up from 29 for the previously approved scheme). In the context of the wider site, which includes a mixture of dwellings types and sizes, including areas with 2 -3 bed properties, it is not considered that the proposed re-plan layout will be out of context with the surrounding development and will also make efficient use of land in accordance with Policy GEN7 of the Local Plan and Policy ESC1 of the Neighbourhood Plan.

In relation to the overall amount of open space, the re-plan will result in the loss of a small pocket park area but otherwise retains the same amount of open space, with the main open space to the south-east. The overall requirement for open space and play areas would have been calculated when the initial reserved matters applications for each phase/s were considered. ADC Greenspace have indicated that the reduction in open space should be mitigated by provision of a contribution to open space elsewhere.

The property types proposed are standard types which have been used elsewhere on the site and therefore the proposed design of the properties will be in keeping with the wider site. As a result of the re-plan and increase in density, the proposed back gardens are broadly in alignment with recommended draft external space standards set out in the Emerging Local Plan (2014) therefore the amount of external space is considered acceptable. Overall, when looking at the proposed amendments the overall concept and design approach remains intact with the local road pattern unaffected and feature property units retained within prominent frontages and locations. It is considered that the design and layout of the proposed re-plan accords with Policy GEN7 of the Local Plan (2003), Policy ESD8 of the Felpham Neighbourhood Plan (2013).

LANDSCAPING AND TREE PROTECTION

A detailed landscaping scheme has been provided setting out the proposed detailed planting arrangements for front gardens and areas of public open space. Additional native hedgerow planting was proposed along the southern boundary to enhance the ecological value of the existing boundary planting and to provide additional screening between the gardens, however, following concerns raised about the maintenance of the hedgerow by residents and Greenspace officer, it is recommended that this is amended, through the submission of a revised Soft Landscaping Scheme under a condition, to a non-coniferous evergreen hedge mix. A Soft Landscaping Specification document and Soft Landscape Management and Maintenance Plan has also been submitted with the application.

Concerns have been raised regarding the TPO trees along southern boundary and the potential for damage to trees during construction and in relation to the proposed land-drain. A Tree Protection Plan has been submitted which shows the location of tree protection fencing which would be put in place to protect existing trees. The conflict between the land drain and TPO trees is considered under flooding and drainage section below. Comments from the Tree Officer are awaited and an update will be provided.

ECOLOGY

The ecological mitigation strategies for the wider Site 6 were developed to support the original application and subsequent reserved matters applications and re-plan applications. An updated Extended Phase 1 Habitat Survey was undertaken and an updated Ecology Report produced. In relation to protected species, the survey identified:

- potential for low numbers of reptiles along the southern boundary
- potential for bird nests to be present in woody vegetation along the southern and eastern boundaries
- no evidence of badger use
- limited potential bat roost features in the mature Oak and Field Maple on the southern boundary (outside the site boundary and to be retained)

- southern boundary likely to provide foraging and commuting potential for Pipistrelle bats
- No other protected species considered likely to be present.

The Ecology Report recommends that the mitigation proposed in the 2008 Reports by Aluco Ecology is still relevant with regard to protected interest on site and should be combined with the updated mitigation strategies. The updated mitigation strategies include protecting retained vegetation, restrictions on clearance of bird nesting habitat to outside bird nesting season, bird nesting boxes, built in bat boxes and a reptile habitat strategy. The proposed Tree Protection Plan will also ensure that the existing trees along the southern boundary with potential bat roost features will be protected. A condition requiring a Lighting Plan to be submitted has been recommended to ensure that lighting levels are kept to a minimum in order to minimise impacts on nocturnal species.

It is considered that the proposed mitigation measures are acceptable, and that the proposal will minimise the impacts on biodiversity, and provide suitable enhancement opportunities in accordance with paragraph 118 of the NPPF and Policy ENVSP1 of the Emerging Local Plan (2014).

HIGHWAY SAFETY AND PARKING

The main issues in relation to highway safety is to ensure that there is a safe and satisfactory access to the site. The access to this part of the site will be via the two internal roundabouts on the eastern section of the Bognor Regis Northern Relief Road (BNNR). The roundabouts are completed and in use providing access to the wider site. The internal road layout remains largely unaltered from previously approved re-plans with a re-alignment in the centre of the site to accommodate the revised layout.

A Transport Statement was submitted to support the re-plan proposal. This assessed the impact of the increase of 33 dwellings on traffic generation and distribution on the local highway network. The Statement concludes that the re-plan would have 'imperceptible impacts on the local highway network' and that the new infrastructure will continue to accommodate the predicted flows. The Local Highway Authority agreed with this conclusion.

Therefore, it is considered that the proposal can achieve a safe and suitable access and will not result in any negative impacts on the local highway network, in accordance with GEN7 of the Local Plan (2003).

The other issue is ensuring that there is appropriate levels of parking within the development. The re-plan proposes 202 parking spaces (175 allocated spaces and 27 garage spaces) and 94 cycle spaces. There are no unallocated spaces provided for residents or visitors (which should be 10 and 18 respectively) but WSCC consider that the overall development does provide over the recommended parking and would therefore meet the needs for the site.

Therefore the proposal is considered to be in accordance with Policy GEN7, GEN12 of the Local Plan, 2003 and Policy T SP1 of the Emerging Local Plan, 2014 in providing appropriate parking provision for the proposed new development.

FLOODING AND SURFACE WATER DRAINAGE

The overall drainage principles for the site have been established through previous permissions and set out in previously approved documents, with the original outline application being accompanied by an Environmental Statement and Flood Risk Assessment. The subsequent reserved matters application (FP/43/09) also included an updated Surface Water Attenuation Design Statement which was approved. Subsequent re-plan applications also then linked back to the earlier approved schemes for the site.

The issue is whether the additional 33 dwellings will have a negative impact in terms of flood risk or ensuring a satisfactory surface water drainage scheme. In relation to flood risk, the submitted Flood Risk Statement concludes that the re-plan will have no adverse effect on the flood risk to the development and that the additional re-planned plots lie within the existing site boundary above the known 2.0 AOD fluvial floodplain of the Lidsey Rife.

In relation to surface water drainage the issue is whether the design approved under the original reserved matters application has sufficient capacity to accommodate the increase in run off from the additional plots and parking courts (increasing the impermeable area). The Flood Risk and Foul and Surface Water Drainage Statement states that the net effect of the slight increase in storm runoff to the system would be minimal. In addition the pond system design included additional capacity. Following concerns raised by local residents over the potential for overland storm runoff resulting in flooding of their gardens, an amendment to the scheme was made to incorporate a 'cut off drain' located within the rear gardens of properties lying on the southern boundary. This drain would collect any runoff from the proposed new gardens and would discharge to the ditch system located to the east. ADC Engineers have considered the design for this cut off drain and consider it to be an acceptable solution. However, as there is a conflict between the location of the drain and the root protection zone for the TPO Oak trees on the southern boundary (TPO T10, T9 and T8) and a group of TPO Ash and Maples (TPO G17) where the drain ends to the west. A potential solution is to reduce the overall length of the land drain to start outside of the root protection area for TPO T10 (in plot 158) to avoid the potential damage to the group of Oaks. Whilst this would reduce the overall area that would benefit from the additional drainage, it would still be an improvement when compared to the approved scheme. An update will be provided when final comments are received from the tree officer.

The Environment Agency have no objections subject to ADC Engineers being satisfied that the existing balancing pond has the capacity to accept the additional run-off from the increased dwellings. ADC Engineers have confirmed that this is the case.

It is therefore considered that the proposal would not lead to an increase in flooding and that appropriate drainage capacity can be provided as part of the development in accordance with Policy GEN9 and GEN11 of the Arun District Local Plan (2003) and Policy ESD2 and ESD5 of the Felpham Neighbourhood Plan (2013).

FOUL DRAINAGE

Policy GEN9 requires that there is adequate existing drainage capacity or appropriate drainage capacity can be provided as part of the development. The Flood Risk and Foul and Surface Water Drainage Statement submitted states that the re-plan does not have an impact on the overall foul drainage proposals for Phases 4 and 5. The foul flow from the re-plan plots is proposed to discharge to the adopted on-site pumping station before pumping to Ford Waste Water Treatment

Works (WWTW). The Statement concludes that sufficient capacity exists in the foul system for emergency storage while flows from the pumping station will not increase to the Bognor rising main and Ford WWTW's.

AFFORDABLE HOUSING and INFRASTRUCTURE

The Council's affordable housing policy requirements would require 30% affordable housing to be provided on-site as part of the development. Whilst there is affordable housing provision on the wider site, the previous approval (FP/224/11) for this part of the site did not include any affordable housing provision. Therefore, a commuted sum will be required based on the additional 33 dwellings in lieu of provision on site. This will be through a Deed of Variation to the original S106 Agreement. Therefore, the proposal is considered to be in accordance with Policy DEV17 of the Arun District Local Plan (2003).

The developer would also be required to make contributions for education, library and fire and rescue services and an NHS healthcare contribution in order to ensure that the needs of the occupiers of the development are met in the future. The contributions required are set out in the S106 details section of this report. The proposal is therefore considered to accord with policy GEN8.

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).

SECTION 106 DETAILS

A Deed of Variation to the S106 Agreement will be required to include the following additional infrastructure contributions:

£33,000 for the provision of offsite play/leisure improvement
£450,000 Affordable housing contribution
£80,187 for Primary Education towards the cost of building a new school on site
£86,302 for Secondary Education towards expanding Felpham Community College
£20,217 6th Form Education towards expanding Felpham Community College Sixth Form
£9,369 Libraries towards Tier 7 Libraries for Felpham
£763 Fire and Rescue - to be used towards supply and installation of additional fire safety equipment/smoke alarms to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Felpham
£97,358 for healthcare costs

Total = £777,196

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:

Location Plan PLAN/LOC/PH5.E/15091/LP

Single Garage. Type 1 Plan and Elevations SG1/PH5.E/150914/AB-EP

House Type 431 - Shenton.1 (SHE.1) Elevations SHE/PH5.E/150914/HT-EL

House Type 431 - Shenton.1 (SHE.1) Floor Plans SHE/PH5.E/150914/HT-FP

House Type Washington (WAS) Elevations WAS/PH5.E/150914/HT-EL

House Type Washington (WAS) Floor Plans WAS/PH5.E/150914/HT-FP

House Type Winstone (WIN) Elevations WIN/PH5.E/150914/HT-EL

House Type Winstone (WIN) Floor Plans WIN/PH5.E/150914/HT-FP

House Type Alverton.1 (ALV.1) Elevations ALV.1/PH5.E/150914/HT-EL

House Type Alverton.1 (ALV.1) Floor Plans ALV.1/PH5.E/150914/HT-FP

House Type Alverton.2 (ALV.2) Elevations ALV.2/PH5.E/150914/HT-EL

House Type Alverton.2 (ALV.2) Floor Plans ALV.2/PH5.E/150914/HT-FP

House Type Alverton (ALV) Elevations ALV/PH5.E/150914/HT-EL

House Type Alverton (ALV) Floor Plans ALV/PH5.E/150914/HT-FP

House Type Aylton (AYL) Elevations AYL/PH5.E/150914/HT-EL

House Type Aylton (AYL) Floor Plans AYL/PH5.E/150914/HT-FP

House Type Cornell. 1 (COR.1) Elevations COR.1/PH5.E/150914/HT-EL

House Type Cornell. 1 (COR.1) Floor Plans COR.1/PH5.E/150914/HT-FP

Double Garage. Type 1 Plan and Elevations DG1/PH5.E/150914/AB-EP

Double Garage. Type 6 Plan and Elevations DG6/PH5.E/150914/AB-EP

House Type Ennerdale. 1 (ENN.1) Elevations ENN.1/PH5.E/150914/HT-EL

House Type Ennerdale. 1 (ENN.1) Floor Plans ENN.1/PH5.E/150914/HT-FP

House Type Ennerdale. 2 (ENN.2) Elevations MOR.2/PH5.E/150914/HT-EL

House Type Ennerdale. 2 (ENN.2) Floor Plans MOR.2/PH5.E/150914/HT-FP
House Type Ennerdale (ENN) Elevations ENN/PH5.E/150914/HT-EL
House Type Ennerdale (ENN) Floor Plans ENN/PH5.E/150914/HT-FP
House Type Maidstone (MAI) Elevations MAI/PH5.E/150914/HT-EL
House Type Maidstone (MAI) Floor Plans MAI/PH5.E/150914/HT-FP
House Type Palmerston (PAL) Elevations PAL/PH5.E/150914/HT-EL
House Type Palmerston (PAL) Floor Plans PAL/PH5.E/150914/HT-FP
House Type 404- Irving (IRV) Elevations IRV/PH5.E/150914/HT-EL
House Type 404- Irving (IRV) Floor Plans IRV/PH5.E/150914/HT-FP
House Type 436.3 Layton.3 (LAY.3) Elevations LAY.3/PH5.E/150914/HT-EL
House Type 436.3 Layton.3 (LAY.3) Floor Plans LAY.3/PH5.E/150914/HT-FP
House Type Folkstone (FOL) Floor Plans FOL/PH5.E/150914/HT-FP
House Type Folkstone (FOL) Elevations FOL/PH5.E/150914/HT-EL
House Type 431 - Shenton (SHE) Elevations SHE/PH5.E/150914/HT-EL
House Type 431 - Shenton (SHE) Floor Plans SHE/PH5.E/150914/HT-FP
House Type Richmond (RIC) Elevations RIC/PH5.E/150914/HT-EL Rev A
House Type Richmond (RIC) Floor Plans RIC/PH5.E/150914/HT-FP
Phase 5E Replan Materials Plan PLAN-MAT/PH5.E/150914
Levels Plan 4347:70 Rev A
Tracking Plan 4347:73
Boundary Detail Close Board Fence 150914/CBF DETAIL
Phase 5 E Replan Site Layout Approved Overlay PLAN-LAY/PH5E/150914/AO Rev C
Phase 5 E Replan Site Layout Colour PLAN-LAY/PH5E/150914/CSL Rev C
Phase 5 Replan Site Layout PLAN-LAY/PH5E/150914/SL Rev Q
Street Scenes Rear Elevations PH5/E/150205/SS/03 Rev A
Previous Planning Overlay 4347:74 Rev A
Cross Sections Southern Border 4347:900 Rev A
Phase 5E Land Drain Section and Details 4347:901 Rev B
Drainage Strategy 4347:71 Rev C
Longitudinal Sections 4347:72

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 development shall not commence until full details of the proposed foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. (Including details of its routing, design, and subsequent management / maintenance).

No building shall be occupied until the foul water drainage scheme has been implemented in accordance with the approved details and the details so approved shall be retained 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 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.

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 Prior to commencement of development the Construction Environment Management Plan (CEMP) submitted to and received by the Local Planning Authority on 28th May 2008 within FP/205/10 shall be updated, 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.

Reason: To ensure that development adheres to the Environmental Statement which formed part of the outline permission, planning reference FP/92/04 which the current application is intended to support and in the interests of highway safety and the amenities of the area.

- 6 Prior to commencement of development a crime prevention statement shall be submitted to and agreed in writing by the Local Planning Authority to explain how means of enclosure and gates are to be designed to minimise risk of crime. Details of any changes, to means of enclosure and gates, and the inclusion of lighting and signage to parking courtyards where needed in order to minimise risk of crime, shall be included with the statement with any appropriate plans and drawings. The development shall be carried out in accordance with the details thus approved.

Reason: In the interests of visual amenity and minimising risk of crime in accordance with GEN18 of the Arun District Local Plan.

- 7 All garages, (including any integral garages), parking spaces and cycle parking facilities shown on Phase 5E Replan Site Layout PLAN-LAY/PH5E/150914/SL Rev Q shall be provided prior to the occupation of the dwelling(s) which they are intended to serve. The parking spaces and garages shall be allocated to the dwellings according to the number which appears at each plot on the aforementioned drawing. Thereafter garages, parking spaces and facilities shall be permanently retained for vehicle and cycle parking purposes unless the Local Planning Authority gives prior written approval for any variation.

Reason: In the interests of highway safety and to ensure that facilities are provided and retained for a range of transport modes and in the interests of clarity to ensure that parking is allocated to numbered plots. To accord with policies GEN7 & SITE6 of the Arun District Local Plan.

- 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 (including the hedgerow planting detailed on plan BDWS20444 12 outside the application site outlined in red but outlined in blue on Location Plan

PLAN/LOC/PH5.E/15091/LP) 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 The ground floor level of all buildings on the site shall be at least 3.5 metres AOD.

Reason: In accordance with NPPF and policies GEN11 and SITE6 of the Local Plan.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) or any Order revoking or re-enacting that Order, there shall be no additional window or other such opening (other than those shown of the plans hereby approved) at first floor level or above in the rear elevations of the dwellings at the following plots without the prior permission of the Local Planning Authority on an application on that behalf:

Plots 137 - 165

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

- 11 Prior to any development commencing in respect of this consent a 1.8 metre high close boarded timber fence shall be constructed along the southern boundary in accordance with approved plan no. 'Boundary Detail Close Board Fence 150914/CBF DETAIL'.

Reason: To afford appropriate separation and to accord with policy GEN7 of the Arun District Local Plan.

- 12 The windows of all non-habitable rooms in the rear (southern) elevations of plots 137 - 165 shall at all times be glazed with obscure glass and maintained as such thereafter.

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

- 13 No development above slab level shall take place until details of external lighting to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed, maintained and operated in accordance with the approved details.

Reason: To protect the amenity of future residents, create an appropriate public realm and to minimise the impact of lighting levels on nocturnal species in accordance with the NPPF and Policy D SP1 of the Arun District Local Plan Publication Version.

- 14 Prior to the commencement of the development hereby approved, a detailed level survey of the site including existing and resulting ground levels and the slab levels of the building the subject of this approval, shall be submitted to and approved by the Local Planning Authority.

The development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy GEN7 of the Arun District Local Plan.

- 15 The existing trees/bushes/hedges shall be/retained/protected in a manner to be agreed with the Local Planning Authority before the development commences for the duration of the development and shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being seriously damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity, /the ecological quality/and for the environment of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 16 No trees/or bushes/growing/and to be retained/on the site shall be damaged, uprooted, felled, topped or lopped without the prior written consent of the Local Planning Authority until 2 years after completion of the development hereby permitted. Any trees removed without such consent or being severely damaged or becoming seriously diseased or dying before the end of that period shall be replaced with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity, /the ecological quality/and for the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 17 **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.

- 18 **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.

- 19 **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

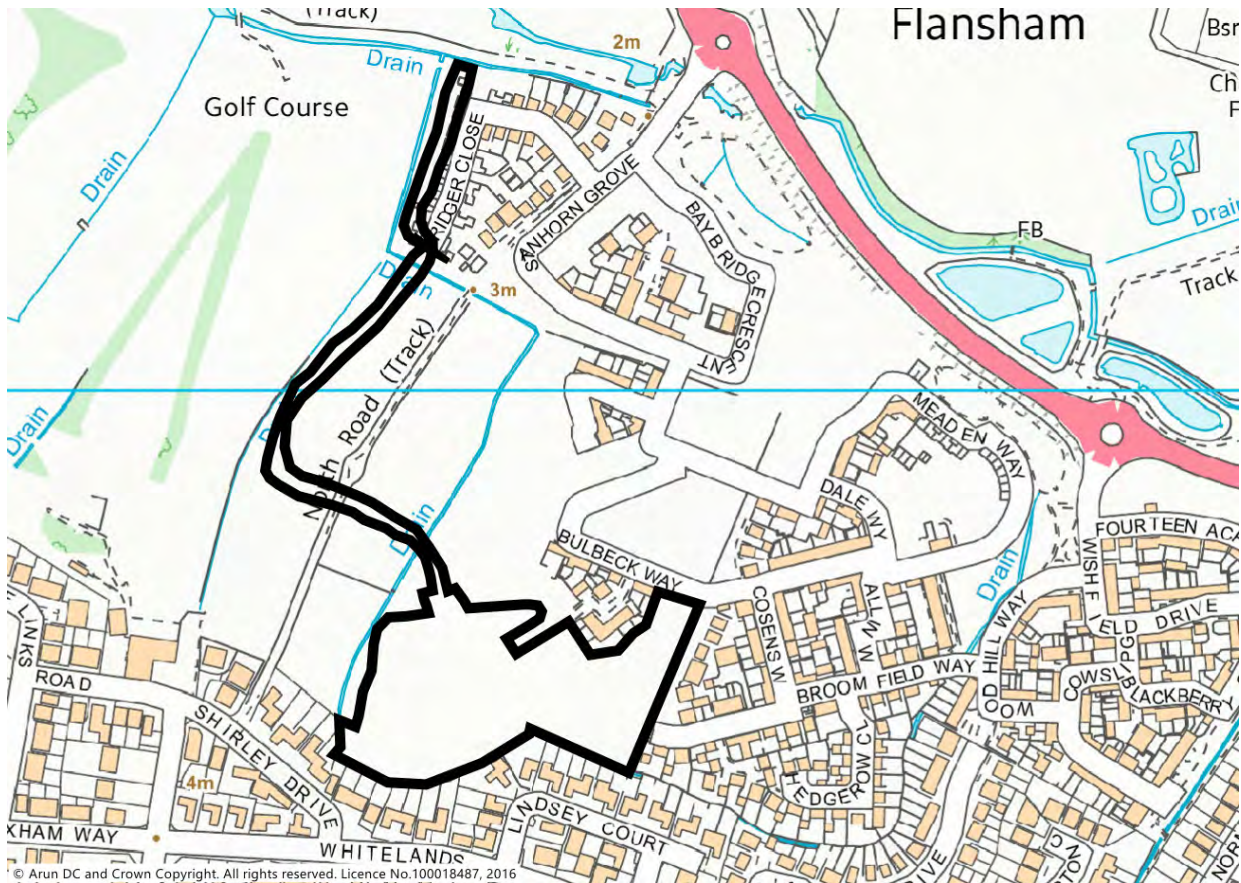
FP/102/16/PL

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.

FP/102/16/PL Indicative Location Plan

(Do not Scale or Copy)

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



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PLANNING APPLICATION REPORT

REF NO: FP/186/16/PL

LOCATION: Rear of 8-11 South Road
Felpham
PO22 8EF

PROPOSAL: 5 No. dwellings including partial demolition of 10 South Road to allow for access (resubmission following FP/60/16/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	To demolish a section of 10 South Road to create an access road and create 5 residential dwellings on the land rear of Nos. 8-11 South Road. The dwellings would have detached garages and gardens with off-street parking.
SITE AREA	0.2 hectares
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 18 dwellings/hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Several trees of amenity value are present along the eastern boundary of the site. Their retention may be considered necessary but this will be considered in the 'Conclusions' section of the report.
BOUNDARY TREATMENT	Mixture of 2m high close boarded fence. Trees and hedging along the the eastern boundary of the site.
SITE CHARACTERISTICS	The application site comprises the rear gardens of residential properties at 8 to 11 South Road and a section of number 10s house and side garden. The eastern boundary of the site fronts onto public footpath. 8 to 11 South Road comprises of mixed character detached and semi-detached residential properties with street frontage to South Road.
CHARACTER OF LOCALITY	Residential context characterised by detached dwellings along South Street, Goodwood Avenue and Drylands Road. Adjacent to the eastern boundary of the site is Felpham Community College.

RELEVANT SITE HISTORY

FP/60/16/PL	5 No. dwellings including the partial demolition of 10 South Road to allow for access.	Withdrawn 07-06-2016
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FP/190/10/	Outline application for the erection of 3no. 3 bedroom age restricted chalet bungalows	Refused 04-11-2010	<i>Appealed</i>
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Appeal: Dismissed
24 03 2011

FP/190/10 was refused and defended at appeal for the reason outlined below:-

" The site by virtue of its size, shape, siting and introduction of new residential frontage to a public right of way is considered unsuitable to accommodate three dwellings satisfactorily without damaging the character of this established residential area. The proposal would therefore result in an unneighbourly form of development which would be detrimental to the character and amenities of the surrounding residential area, contrary to policy GEN7 of the Arun District Local Plan and guidance contained within Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 3: Housing. "

The previous application (for a very similar proposal) was withdrawn owing to additional information being required for ecology.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

First response

Objection.

This does not fit in with the neighbourhood plan policy no: ESD8 - it is a severe overdevelopment of the site, access and egress has not been taken into consideration, it will have a huge impact on the school - overlooking the playground and the classrooms, the footpath will change, it will also have a huge impact on the area and will change the character of the whole area, extra traffic and noise and disturbance. The width of the road will not allow emergency vehicles. The planning history of the site stated 3 bungalow dwellings now they are asking for 5 two and two and a half storey(s) houses. It will severely effect levels of daylight and privacy and previous decisions have been to refuse this and this is what FPC recommends - a refusal.

Second response

Objection.

The application still does not fit in with the Parish Council's Neighbourhood Plan Policy No. ESD8 - it is an overdevelopment of the site. Access and egress whilst having been taken into consideration since the last application, still remain subject to the approval of WSCC and we believe the current turnaround within is still too small for larger vehicles (such as emergency vehicles). It will have a significant impact on the school with an overlooking aspect over the playground and the classrooms. It will also have a significant impact on the area and would change its character with extra traffic and noise and disturbance. The planning history of the site had 3 bungalow dwellings only previously now they are seeking 5. This in itself will severely affect levels of daylight and privacy to surrounding properties.

32 public representations from 35 addresses objecting on the grounds of:-

- Out of keeping with surrounding area, housing density too high
- Detrimental impact on the residential amenities of 8-11 South Road
- Additional 5 units is not significant to Arun's housing target and the lack of 5 year land supply should not be a reason for approval.
- Detrimental impact on protected wildlife, newts, bats, owls and hedgehogs
- Detrimental impact on surrounding roads in terms of parking pressure and traffic
- Access not suitable for emergency services
- Overlooking of the School
- Light pollution
- Loss of important trees
- Insufficient details of waste storage and collection
- Insufficient surface water drainage measures and flood risk created by the proposal

COMMENTS ON REPRESENTATIONS RECEIVED:

The application is for 5 dwellings with off street parking and gardens. As the Council has no identified housing land supply and the Felpham NDP does not identify any housing sites, it is considered that development within the built up area boundary on existing residential land is to be considered for housing in line with requirements of Paragraph 14 of the NPPF.

Given the distances (25m or more) between the properties and the existing neighbouring dwellings it is not considered that there will be a detrimental impact on the surrounding neighbouring properties.

The on site trees are not protected and did not form part of the reason for refusal on the previous scheme. Whilst large, their retention is not considered to be important, although the applicant has stated they will seek to retain the trees where possible.

At a distance of 19m, the overlooking of the school is not considered to be a compelling reason for refusal as the school does not benefit from the same level of amenity protection as houses. Furthermore, the applicant has stated they will be planting trees on the Western Boundary and these will be ensured via condition.

Light pollution from these houses would not increase existing light pollution levels to an unreasonable level for an urban area. Light level will be restricted for ecology reasons.

Waste collection and storage details would be required via condition but it is considered these would be accommodated on site. WSCC have had no objection to this.

The area is not in a high risk flood zone or within the Lidsey catchment area, as such the risk of surface water flooding is insignificant from the proposal. Nevertheless as ESD5 requires development to have sufficient drainage; a condition would be attached regarding surface water drainage investigation to be carried out and a SUDs system devised. This will be prior to commencement of development on site.

The Parish have stated that the proposal would conflict with NDP Policy ESD8. This policy relates to building design, to protect Listed Buildings, Buildings of character and Conservation Areas. Policy ESD8 does not specifically relate to overdevelopment. In fact the design of the proposed dwellings would provide varied character in the area so, should it be argued that the

policy is of relevance, the proposal would comply with it.

The Parish also states that the proposal is considered to change the character of the area. The application is for 5 detached dwellings, varying in size and character on medium to small sized plots with off street parking, detached garages and gardens. The area is characterised by detached dwellings of various character and size dwellings on small, medium and large sized plots, with off street parking, some detached garages and side and rear gardens.

The Parish mention that emergency vehicles could not access the site. Fire engines, on average are 2.55m wide and the proposed road is 4.5m with turning space. Other issues raised will be addressed in the conclusions section.

CONSULTATIONS

WSCC Strategic Planning
Engineering Services Manager
Engineers (Drainage)
Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

WSCC Strategic Planning

(Full comments available on www.arun.gov.uk/planning)

On balance the LHA does not consider that this proposal for 5 dwellings would have '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 the following conditions and informative note would be advised:

Conditions relating to access, car parking space, garages, turning spaces required.

ENGINEERS (DRAINAGE)

The applicant states that surface water will be discharged to SuDS/soakaways.

The existing rear boundary line should be investigated for a historic/piped ditch. If any is found, it should be maintained and an easement provided.

Please apply standard conditions ENGD2A.

ECOLOGY

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 3 nesting opportunities for birds (species such as swallows, swifts and housemartins), to replace any potential loss of roosting/nesting provision. Along with a bat roosting structure being put on/around the 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. We require these nesting and roosting structures to be integral to the buildings. 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. To this effect we would wish to see a lighting plan. This point will be needed to be addressed before determination. There will need to be a plant scheme, containing native plants only submitted for conditioning (mentioned in points 4.21, 4.24 - 4.26 and 4.28 of the Ecology report). Point 4.27 of the Ecology report will need to be conditioned.

We ask that applicants/consultants please share their survey results with Sussex biodiversity records centre.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

Conditions will be included as advised. However, only the drainage condition will be pre-commencement.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	GEN11	Inland Flooding
	GEN12	Parking in New Development
	GEN2	Built-up Area Boundary
	GEN33	Light Pollution
	GEN5	Provision of New Residential Development
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage

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 DM4	Extensions and Alterations to Existing Buildings

(residential and non-residential)
 D SP1 Design
 ECC SP1 Adapting to Climate Change
 ENV DM5 Development and Biodiversity
 QE DM2 Light Pollution
 QE SP1 Quality of the Environment
 SD SP2 Built-Up Area Boundary
 T SP1 Transport and Development
 W DM2 Flood Risk
 W DM3 Sustainable Urban Drainage Systems

Felpham Neighbourhood Plan 2014 POLICY ESD1	Design of new development
Felpham Neighbourhood Plan 2014 POLICY ESD5	Surface water management
Felpham Neighbourhood Plan 2014 POLICY ESD8	Building design
Felpham Neighbourhood Plan 2014 POLICY ESD9	Tree protection
Felpham Neighbourhood Plan 2014 POLICY ESD10	Design details

PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework
	NPPG	National Planning Practice Guidance
Supplementary Guidance:	SPD3	Parking Standards

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. Felpham NP policies have been considered in this report.

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 noted that the applicant only owns the central section of the site. Concerns have been raised that the three middle units could be constructed without the access being provided; owing to its ownership by a third party. It is agreed that this could be an eventuality but a condition could be used to control this.

CONCLUSIONS

PRINCIPLE AND FIVE YEAR HOUSING SUPPLY

There is no objection to the principle of residential development of this land as the site is within the built up area boundary. In the absence of a 5-year housing land supply relevant policies for the supply of housing should not be considered up-to-date according to paragraph 49 of the

Framework. Where policies are out of date paragraph 14 establishes that permission should be granted. Whilst Arun does not have an up-to-date Local Plan, Felpham does have a made NDP. The Objective in Section 8 of the plan states:-

Objective: Ensure that new development is well designed, sustainable and reinforces Felpham's character whilst ensuring that drainage issues are addressed. Felpham does not have a housing allocation within the Local Plan but it recognises that small scale development on previously used land to meet specific local needs may come forward in future. By setting standards by which planning applications will be measured it is intended that the character of the parish will be maintained whilst allowing for growth and alteration. By imposing strict regulation on any development it is intended that the current drainage issues will not be exacerbated.

This demonstrates that the plan looks to use infill development via the use of garden land to meet local requirements. The site is garden land and there is an identified local need for housing. It is considered that the principle of development is supported by the NDP should other issues are addressed.

DESIGN AND VISUAL AMENITY

The layout of the proposed development is considered to be similar to that of parts of the surrounding area. Namely the properties of Drygrounds Lane to the south east of the site.

The area is not characterised by a particular style of property. As such the designs and materials of the proposed dwellings are not considered to harm the visual amenity of the area or surrounding dwellings.

LANDSCAPING

The applicant has proposed landscaping to the western boundary of the site. This is beneficial for protection of privacy for the new dwellings and overlooking to and from the School. A condition for landscaping of the gardens is considered necessary and reasonable. However, a planting scheme will also be required for Ecology reasons.

NEIGHBOURING RESIDENTIAL AMENITY

The development would not have a significant impact on neighbouring residential amenity by way of loss of light, outlook or privacy as there are satisfactory separation distances to the east (30m minimum) from neighbouring properties, their habitable room windows and direct outdoor amenity space.

The impact on numbers 11 and 10 would be most significant from the demolition of part of number 10 to provide vehicle access. It is not considered that the use of the access for the vehicles serving the units would create significant noise and disturbance to numbers 10 and 11 South Road. It is not considered that the application could be refused on these grounds and defended at appeal successfully.

EXTERNAL LIGHTING

The applicant has provided a plan to show external lighting of the site. This is considered to be acceptable in terms of impact on surrounding residents and potential impact on local bat populations should any be located in the area.

RESIDENTIAL AMENITY STANDARDS

The internal sizes of the proposed dwellings and the sizes of their gardens are considered to be satisfactory and meet the standards required by Central Government Guidance and emerging Local Plan Policies.

HIGHWAY SAFETY AND PARKING

No objection (subject to conditions) have been raised from the County Highways and therefore the proposed development is not considered to have a significant adverse impact on highway safety or traffic generation in the location. Furthermore, they have no objections for access for emergency vehicles or refuse lorries. The suggested conditions will be attached.

ECOLOGY

A Habitat Survey and Ecology Report has been submitted and it is evident there is potential for protected species on the site or they cross or use the site. As such it is not considered that the development could result in harm to protected species or their habitats. The Council's ecologist has suggested informatives and a condition regarding the protection of birds should the trees from the site be removed. A planting scheme with native species will be conditioned with the inclusion of log and rubble piles for protected species and three bird boxes, in line with the submitted ecology report.

FLOOD RISK AND SURFACE WATER DRAINAGE

The area is not in a high risk flood zone or within the Lidsey catchment area, the risk of surface water flooding is insignificant from the development but still a local concern in regards to the NDP. Nevertheless a condition will be attached regarding surface water drainage investigation to be carried out and a SUDs system devised prior to commencement on site. This is considered to meet the requirements of NDP Policy ESD5.

The application is recommended for conditional permission.

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.

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:

20 Rev D
21 Site Lighting Plan
21 Plots 1,4 & 5
22 Rev D
23 Rev A
24 Rev A
25 Rev A

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 all external materials 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, character and appearance of the area by endeavouring to achieve buildings of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 External lighting in association with this development shall comply with Drawing 21: "Site Lighting Plan" and the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations and comply with plan 21 not exceed 100w and bes constructed and retained in perpetuity.

Reason: To control the residential amenities and protect protected species of the local environment in accordance with Arun District Local Plan policies GEN7, GEN33.

- 5 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.

Reason for pre-commencement: The condition has to be pre-commencement so that ground water monitoring can be carried out before the commencement of development. It can not be carried out after development has commenced.

- 6 No development above damp proof course (DPC) level shall take place until details of boundary treatments have been submitted to and approved in writing by the Local Planning Authority and no dwellings/buildings shall be occupied until such boundary treatments associated with them have been erected. The boundary treatments so approved shall be retained.

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

- 7 The dwellings shall not be occupied unless and until details indicating the placement of 3 nesting opportunities for birds (species such as swallows, sparrows, swifts & housemartins) and a roosting structure suitable for bats, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full within 1 month of first occupation and thereafter retained to the satisfaction of the Local Planning Authority.

Reason: To safeguard the ecology of the area, and in the interests of birds & bats in accordance with policies GEN7 and GEN29 of the Arun District Local Plan and the National Planning Policy Framework.

- 8 No part of the development shall be first occupied and no dwelling completed 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 and to ensure vehicle access for the proposed dwellings is provided in line with policy GEN12 of the Arun District Local Plan.

- 9 No part of the development shall be first occupied until the vehicle parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide vehicle-parking space for the proposed dwellings and satisfactory off street parking in line with policy GEN12 of the Arun District Local Plan.

- 10 The garage buildings shall be used only as private domestic garages for the parking of vehicles and cycles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety and to provide alternative travel options to the use of the car in accordance with current sustainable transport policies and policy GEN12 of the Arun District Local Plan

- 11 No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. This space shall thereafter be retained at all times for its designated use.

Reason: In the interests of road safety in compliance with policy GEN12 of the Arun District Local Plan.

- 12 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 soft landscaping to include semi mature evergreen species not less than 2.5m in height spaced every 3m in the area where the existing Leylandii are removed. Further, suitable indigenous evergreen under planting should be proposed not less than 1m. Details of existing trees and other vegetation 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.

- 13 Notwithstanding the provisions of Part 1, Class A 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 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.

- 14 **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.
- 15 **INFORMATIVE:** A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 16 **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.
- 17 **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.
- 18 **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.
- 19 **INFORMATIVE: ADVICE FROM ECOLOGIST**
- 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.

There should be placement of 3 nesting opportunities for birds (species such as swallows, swifts and housemartins), to replace any potential loss of roosting/nesting provision. Along with a bat roosting structure being put on/around the 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. We require these nesting and roosting structures to be integral to the buildings. 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. To this effect we would wish to see a lighting plan. The plant scheme, will need to contain species mentioned in points 4.21, 4.24 - 4.26 and 4.28 of the submitted Ecology report). Point 4.27 of the Ecology report will need to be conditioned.

We ask that applicants/consultants please share their survey results with Sussex biodiversity records centre.

20 **INFORMATIVE: Advice from Drainage Engineers**

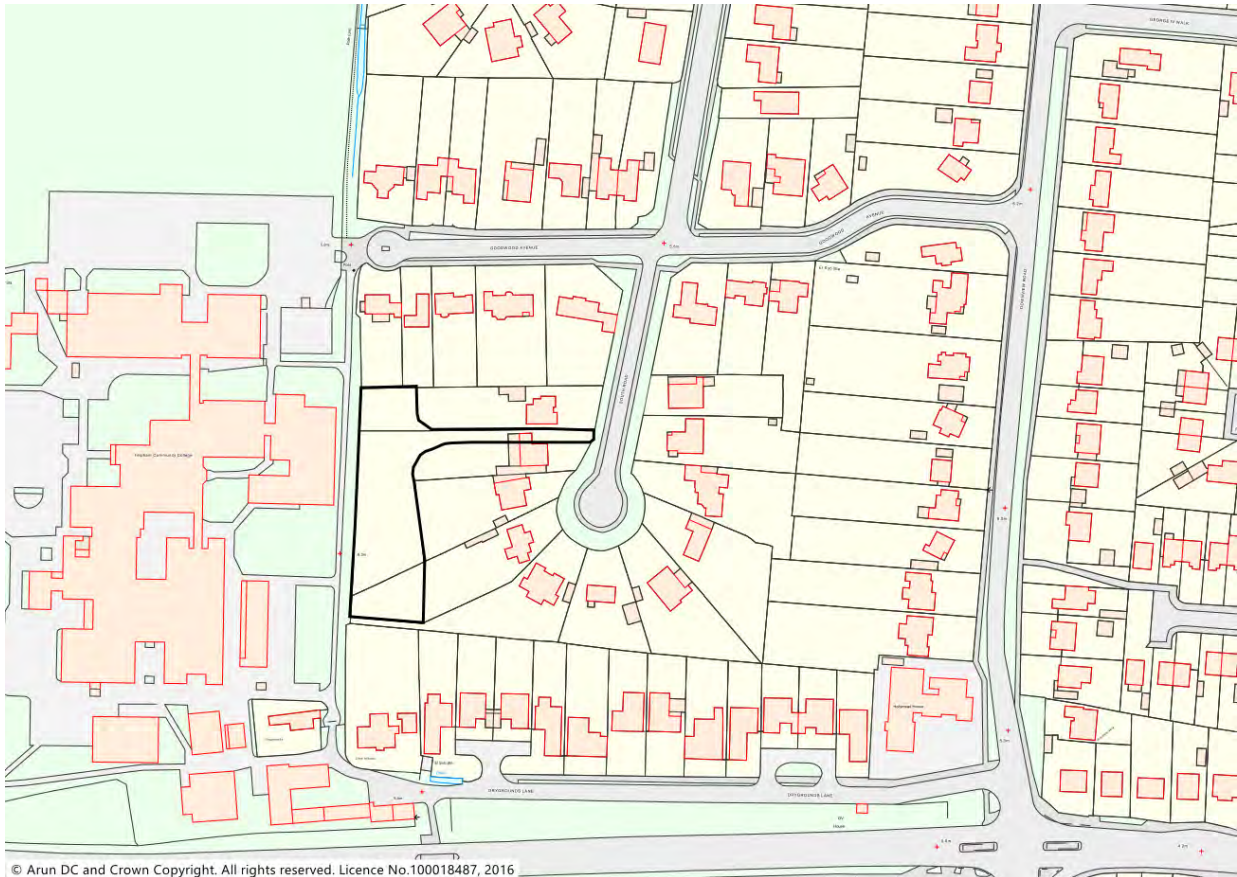
Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests and design must carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for 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. Supplementary guidance notes are also enclosed for information. Future maintenance would also be required on any historic watercourse.

FP/186/16/PL Indicative Location Plan

(Do not Scale or Copy)

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



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PLANNING APPLICATION REPORT

REF NO: FP/193/16/PL
LOCATION: 34 Links Avenue
 Felpham
 PO22 7BX

PROPOSAL: Conversion of dwelling to form 2 No. houses including 2 No. new vehicular accesses.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Subdivide detached dwelling into two semi-detached properties with off street parking and crossover to greensward at front. The parking and crossovers have been completed.
SITE AREA	0.08 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	1.8m close boarded fences to side and rear. Trees to rear. 1.5m hedge to front.
SITE CHARACTERISTICS	Detached two storey house with garden to rear, small garden to front.
CHARACTER OF LOCALITY	Suburban, residential location formed mainly of detached and semi-detached houses set back from the road, some with off street parking. Greensward to the front of the dwelling.

RELEVANT SITE HISTORY

BR/121/67	Additions bedroom	ApproveConditionally 22-03-1967
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Two storey rear extension granted permission and added to property in late 60s.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:
 Felpham Parish Council
 Objection owing to loss of greensward to front.

Three letters of representation received. Two of these object on the grounds of:-

- Insufficient parking for the two properties to front and creation of highways danger
- Development would be out of character with the area

One letter of no objection stating that the application form states that no hedgerows or trees are within the site, when there is a hedge to the front and rear.

COMMENTS ON REPRESENTATIONS RECEIVED:

WSSC have no objection to the parking and highways impact subject to the condition of cycle parking being provided prior to occupation.

The area is formed of two storey detached and semi-detached dwellings. The development is considered to be in character with the established residential area.

There are hedges to the front and rear but the application does not show the removal of these. They could be removed without planning consent.

CONSULTATIONS

WSSC Strategic Planning

Environment Agency

CONSULTATION RESPONSES RECEIVED:

WSSC STRATEGIC PLANNING

Cycle parking conditions and a highways informative recommended.

The proposal is for the subdivision of a single dwelling into two dwelling units with access onto Links Avenue via two new access points. From an inspection of the plans alone, there is no apparent visibility issue at the point of access onto Links Avenue.

The most recently available verified accident records reveal there have been no personal injury accidents in the vicinity of the existing point of access, indicating a low risk of highway safety issues with this proposal.

Whilst the level of parking may be below what is reasonably required for two dwellings of this size, the site is located within a sustainable area. As such the proposal should not generate a severe impact upon the locality and accords with paragraph 32 of the National Planning Policy Framework. There are no anticipated Highway safety concerns with this proposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Condition will be added. The informative is not required as the applicant has the permission of WSSC to build the crossover and hard surface which have been constructed.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	GEN2	Built-up Area Boundary
	GEN5	Provision of New Residential Development
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN11	Inland Flooding
	GEN12	Parking in 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 DM4	Extensions and Alterations to Existing Buildings (residential and non-residential)
	D SP1	Design
	W DM2	Flood Risk
	ECC SP1	Adapting to Climate Change
	QE SP1	Quality of the Environment
	SD SP2	Built-Up Area Boundary
	T SP1	Transport and Development

Felpham Neighbourhood Plan 2014 POLICY ESD1		Design of new development
Felpham Neighbourhood Plan 2014 POLICY ESD2		Development in flood sensitive areas
Felpham Neighbourhood Plan 2014 POLICY ESD5		Surface water management
Felpham Neighbourhood Plan 2014 POLICY ESD8		Building design
Felpham Neighbourhood Plan 2014 POLICY ESD9		Tree protection
Felpham Neighbourhood Plan 2014 POLICY ESD10		Design details
Felpham Neighbourhood Plan 2014 POLICY ESD11		Increasing the energy efficiency of our buildings

PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework
	NPPG	National Planning Practice Guidance
Supplementary Guidance:	SPD3	Parking Standards

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; Aldingbourne; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. In this instance, the proposal is considered to meet the aims of Felpham NDP policies ESD1, ESD2, ESD4, ESD5, ESD9, ESD11, ESD12 and CLW7.

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. The level of off street parking is considered to be acceptable and the internal and external sizes of the properties and their gardens, respectively are considered to meet national and emerging local and NDP policies.

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 in the built up area boundary and is existing developed land. Whilst Arun does not have an up-to-date Local Plan, Felpham does have a made NDP. The Objective in Section 8 of the plan states:-

Objective: Ensure that new development is well designed, sustainable and reinforces Felpham's character whilst ensuring that drainage issues are addressed. Felpham does not have a housing allocation within the Local Plan but it recognises that small scale development on previously used land to meet specific local needs may come forward in future. By setting standards by which planning applications will be measured it is intended that the character of the parish will be maintained whilst allowing for growth and alteration. By imposing strict regulation on any development it is intended that the current drainage issues will not be exacerbated.

This demonstrates that the plan looks to use proposal such as this (subdivision) to meet local housing requirements. It is considered that the principle of development is supported by the NDP should other issues be addressed.

DESIGN AND VISUAL AMENITY

The only external changes would be the hard standing to create off-street parking to the greensward, the bin storage units to rear with new boundary fencing and external repair and repainting of existing external walls and renewal of windows where required. It is not considered that these alterations would have a detrimental impact on the appearance of the street. Although the parking creates a small loss of the greensward it is not significant and the majority of the greensward is retained. The greensward is not an identified piece of local or open green space within the FNDP. It has no additional protection from development above consideration against regular policies and could be removed without formal planning consent.

NEIGHBOUR AMENITY

The property will become two dwellings from the existing one. It is not considered the use of the house as two dwellings would lead to unreasonable noise and disturbance, above and beyond disturbance generation from the existing single family unit. The external alterations have a very limited impact on neighbouring residential amenity.

INTERNAL AND EXTERNAL AMENITY SPACE STANDARDS

The development would meet, and in the case of private amenity space exceed, local and national policy requirements with regards to internal living space and external amenity space.

PARKING AND HIGHWAYS

The development would create two off street vehicle parking spaces for the northernmost dwelling, which meets WSCC requirements. It would provide one space for the other two bed unit but given the area's sustainable location and that no parking is provided for the existing dwelling, it would not be considered reasonable to refuse the application on a shortfall of one off street parking space. WSCC have raised no objection regarding highway safety and have granted the license for the completed off street parking.

SURFACE WATER DRAINAGE AND FLOODING

The completed hard surfaced and crossover for parking have no known means of drainage into the existing soil to either side or drains of their own. A pre-completion condition will be added to require details of how parking spaces will drain water slowly back into the water table so as to not create additional surface water flooding from drainage into on street highways drains.

The EA has been consulted on the application as the site is within Flood Zone 2 and 3. If the response from the EA is not received in time for the 30th November planning committee; the application will be removed from the agenda.

LANDSCAPING

The existing rear and front gardens have some small hedges and tree and are laid to lawn. It is not considered that a landscaping condition would be necessary for the new properties. The application is recommended for conditional 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.

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:-

Sheet 1 of 4
Sheet 2 of 4
Sheet 3 of 4
Sheet 4 of 4

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 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 parking spaces shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and Arun District Local Plan saved policy GEN12.

- 4 The dwellings shall be not be completed until full details of the proposed surface water drainage scheme for the hard surfaces to the greensward to the front of the site 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 dwelling 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

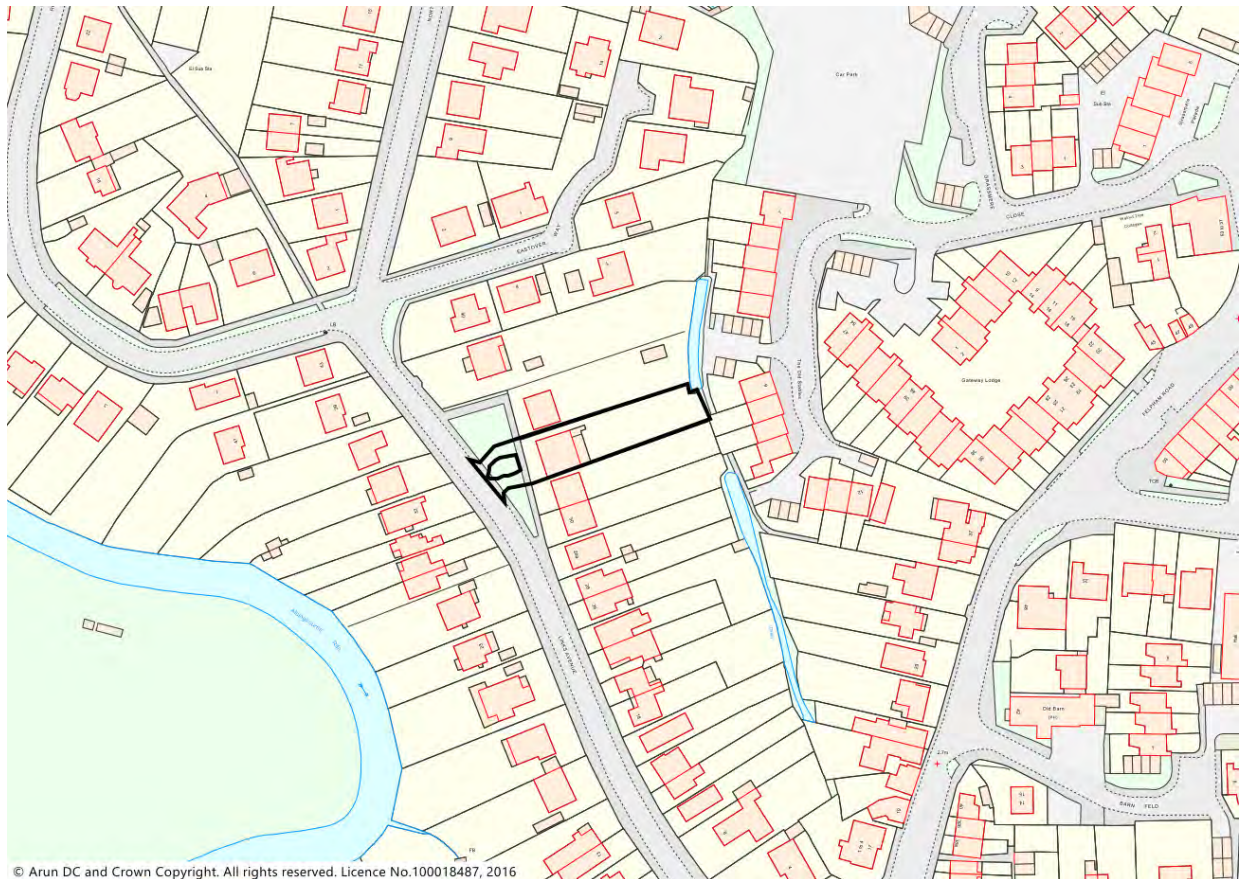
with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 5 **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.
- 6 **INFORMATIVE:** A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

FP/193/16/PL Indicative Location Plan

(Do not Scale or Copy)

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



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PLANNING APPLICATION REPORT

REF NO: M/45/16/PL
LOCATION: Land West of Yapton Road (Poultry Farm)
 Middleton-on Sea
 PO22 6DY

PROPOSAL: Demolition of redundant poultry farm buildings & dwelling & erection of 13 No. dwellings with associated access, car parking & landscaping. This application is a departure from the development plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The 13 dwellings would be 2 storeys in height and include one replacement detached dwelling located in the west corner of the site. The development comprises 10 detached dwellings and a terrace of 3 dwellings located around a central open space amenity area. The dwellings display a varied mix of housing types and forms. They comprise 5no. 4 bed, 5no. 3 bed and 3no. 2 bed.
SITE AREA	0.55 hectares
RESIDENTIAL DEVELOPMENT DENSITY	24 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	Protected trees are on the site, but none are affected by the development.
BOUNDARY TREATMENT	Hedging/fencing between 1 and 3m high along road frontage. To fields temporary wire fencing.
SITE CHARACTERISTICS	The site is occupied by a 2 storey brick dwelling and single storey outbuildings. A public footpath runs along the southern boundary. The premises previously operated as a poultry farm, but this use has ceased and the property is vacant.
CHARACTER OF LOCALITY	Predominantly rural on edge of residential. Fields to north. Housing estate to south.

RELEVANT SITE HISTORY

M/25/74	Residential development	Refused
		13-11-1974
M/40/55	Additions & drainage	Permit'd Devel
		09-11-1955

M/2/49

Pig sty horsebox and hovel

Approve

15-02-1949

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Middleton Parish Council

Objection - This development is a departure from both the existing and the emerging Local Plan for Middleton-on-Sea.

General Principles - The Council's Objectives - one of the Council's objectives is to ensure that adequate infrastructure provision is secured to serve new developments, another objective is the protection, conservation and enhancement of the natural and built environment. In our opinion the following points will outline the grounds where these principle objective have not been met and for this planning application to be refused.

GEN2 Location of Development and GEN3 Protection of the Countryside -

This development will be outside the built up area and GEN2 states that developments will not be permitted unless it is consistent with other Local Plan policies.

GEN3 states that outside the Built up Areas, the countryside will be safeguarded for its own sake.

GEN4 Location & Travel Demand - this development will materially effect the existing road congestion at both the roundabout exiting from Silver Birch Drive but more importantly the serious effect by creating more traffic on the A259 at Comet Corner. The Transport Statement contained in this planning application is dated October 2015 and is out of date with events that have taken place since then, these include:

- o The opening of the Felpham Relief Road on the 4th March 2016, which WSCC have stated that they expect 20,000 vehicles PER DAY will use the new relief road. This has significantly increased traffic at Comet Corner.

- o There have been changes to bus service routes and timetables since the Transport Statement was prepared and the report is now out of date. The changes that have taken place mean that residents will now use their cars to visit certain destinations adding further congestion to existing traffic flows.

- o The Transport Statement also considers that residents in Middleton will go to Bognor Regis to catch a train, this is not strictly correct, rail travellers tend to use Barnham which has direct links to London, there is no bus service to Barnham so again residents will use their cars again increasing traffic flows

- o The Transport Statement does not reflect what we believe to be the traffic flows in and out of the development. It assumes a morning peak of 12 car movements and 9 car movements in the evening peak. With 13 dwellings at least 2 cars per house are expected and car movements are expected to be 50-60 car movements per day, a significant increase when compared to the Transport Statement and a considerable increase in traffic flows in an already traffic congested area.

GEN8 Development & the Provision of Infrastructure - states that there should be proper provision of infrastructure and services in relation to any new development. The stage 1 Road Safety Audit only applies to roads up to Silver Birch Drive, roads beyond Silver Birch Drive towards the A259 are inadequate for any increase in traffic. The Transport Statement is not fit for purpose.

GEN9 Foul & Surface Water Drainage - states that all foul and surface water drainage mus:

minimise risks to property in vulnerable areas. This development will increase the risk of flooding in the surrounding areas. There is severe pressure on both surface water and foul water drainage systems in the Yapton Road and Ancton Lane areas of Middleton. Frequent surcharges of the foul water systems in the past have necessitated that the manhole covers near the proposed site have been screwed down to try and prevent overtopping. This development will only increase that pressure on the systems. Surface water flooding issues have also occurred close to the site of the new development and land also to the north of the development. Major flooding took place in 2012 flooding the area severely. The topography of the land shows that all the ground and surfacewater flows to the north along a slow gradient towards Comet Corner and on the way pond's up at and inside low lying properties. In our opinion there is no satisfactory plan to prevent water going north and flooding surrounding areas and properties.

GEN11 - Inland Flooding - this policy states that the planning application must minimise the risks to life and property in areas at risk from inland flooding and to ensure new development does not exacerbate existing flooding risks, or cause flooding to property or land. This locality is subject to historical flood risks which any new development must take account of. This development may not flood but it will cause flooding to other properties and land.

POLICY DEV2 - Conversion of Rural Buildings for Residential Use - the reason for this is to protect the character of the countryside from inappropriate development and to ensure that opportunities for rural employment are not lost. We understand that there are a number of farmers close by that feel that they could continue to farm on this site and in our opinion these farmers have not been given the opportunity by West Sussex County Council to develop their plans for this site.

POLICY SITE3 - New Public Open Space Allocations - this covers the area south of the A259 in Middleton-on-Sea and states that proposals should allow for reversal to agricultural use where appropriate, the planning application reports do not indicate if alternative agricultural use has been explored.

POLICY AREA 12 - Agricultural Land Quality - The site is currently agricultural land. The loss of agricultural land is contrary to this policy.

ECOLOGICAL APPRAISAL - Under 3.19 the report dismisses the likelihood of Great Crested Newts (GCN) in the area. The Parish Council undertook a biodiversity survey recently on its village pond and green and it was found to have breeding GCN. There have also been confirmed sightings along the A259 at Comet Corner. These locations are within a few hundred yards north and south of the proposed development so there is the likelihood of a GCN corridor between the two locations. We would request that a further in depth ecological survey be undertaken to fully address this issue.

S106 Agreement - The detail of the S106 Agreement shows no funding to Middleton-on-Sea. With the problems stated above there is a clear need for a significant contribution towards the cost of traffic lights or a roundabout at Comet Corner as the impact of this development and the development in Yapton of 108 houses will clearly show the additional traffic movements at this junction.

2 objections from local groups. Flood risk assessment is inadequate. Traffic analysis is out of date and does not include congestion since the relief road opened. Any proposal generating

an increase in traffic should be refused. Highway safety would be compromised. Bus analysis is out of date. Infrastructure will struggle to support this development. The design, size and appearance of the dwellings are out of keeping. The site is outside the built up area boundary and is not consistent with the local plan. The consultant's flooding and drainage report is inaccurate and misleading. The site regularly floods. The issue of farm viability is misleading. WSCC attempted to make the farm unviable by offering the farm to let without the farm house, which is impractical and discourages investment. 6 offers were made and refused. The bus stop referred to by the agent at Ile Way and Hadley Close does not exist. Most residents of Middleton travel to Barnham to catch the train not Bognor.

203 Objections

- Concerns over flooding in the area. More development results in increased run off.
- Insufficient infrastructure in the area. Existing facilities will be stretched to breaking point. Doctor surgeries and schools are already full.
- Increase in traffic will compromise highway safety. Comet Corner is already dangerous.
- Loss of agricultural land which is still viable.
- Removes a poultry farm.
- Concerns over protected trees.
- Concerns over the protection of wildlife in the area.
- Vandalism.
- This application is prompted by greed on behalf of Arun District Council
- Land often floods.
- Drainage proposals inadequate
- May ruin view out of back window
- Loss of outlook.
- Does not preserve the rural nature of the area.
- The shrubbery & hedgerows in the area are protected.
- Not a satisfactory number of parking spaces relative to the number of houses.
- Departure from Local Plan
- A modern working farm which doubles up as an educational establishment would be much better.
- Profit from the development will not be used to improve Comet Corner
- Additional independent tree report has been submitted and a Sussex Biodiversity Record Centre summary report
- The site has already been cleared and hedges removed

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments in relation to development in the countryside are addressed in the conclusion section of the report.

The use as a poultry farm has ceased and the property is empty. The loss of the poultry farm has therefore already occurred. For reasons explained below the agricultural use is no longer viable.

The site lies in flood zone 1 and is not therefore identified as being at risk of flooding. Whilst some representations have referred to flooding in the area, the proposal provides for either a sustainable drainage system which will restrict the flow of surface water leaving the site to a rate similar to undeveloped grass land either via infiltration or via a piped connection to the local public surface water sewers at a controlled rate. Currently there is no such control. The agent has advised that the development will increase the impermeable area by just 100sqm in comparison with the situation that existed when the poultry farm was operational (some buildings were removed in October 2015). The proposal will result in reduced surface water

runoff. Flood Risk Management Team and Arun's Drainage Engineer have raised no objection County Highways have raised no objection regarding highway safety. The agent's have confirmed that the access and internal roads are not to be offered for adoption. Whilst many residents have referred to problems at the Yapton Road/A259 junction, this is an existing problem that the applicant cannot reasonably be required to address/resolve. This proposal will not result in a significantly worse or severe highway environment.

With regard to ecology issues the required Phase 1 survey of the site has been undertaken and no evidence of protected species has been found. The suitability of the site for great crested newts has been considered but as there are no ponds located on or near the site it is unlikely that any would be present on the terrestrial landscape.

The design is proposed to preserve protected trees and with acceptable landscaping sufficient planting will be provided.

The agents advise the site is not viable for agricultural use as the farm is no longer capable of providing a living. By modern farming standards it is too small to be viable and as an isolated agricultural unit would not adequately subsist farmers/agricultural workers. The buildings are too small to be suitable for livestock both in terms of head height and floor area. Some are not weather proof and cannot be easily replaced due to the need to dispose of existing asbestos. Given the position of the dwellings and the layout of the development the proposal will not result in any unacceptable loss of privacy or overbearing impacts. Loss of a view is not a material planning consideration.

Arun District Council are not the applicant's and have no control over the submission of the application. Criticisms in relation to greed cannot therefore be levelled at Arun and are not material considerations.

The independent tree report and Sussex biodiversity records have been discussed with the applicant's agent and consultees.

No development has commenced on site and no hedges have been removed. Hedge removal has occurred on the adjoining site.

CONSULTATIONS

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Planning and Housing Strategy

NHS Coastal West Sussex CCG

Head of Planning Policy & Cons

Arboriculturist

Parks and Landscapes

NHS Coastal West Sussex CCG

CONSULTATION RESPONSES RECEIVED:

Arboricultural Officer - 1st Consultation. Objection. The applicant has failed to provide a final layout of the proposed development. This does mean the application does not have an arboricultural impact assessment/tree protection plan, that complies with the BS 5837:2012 Trees in relation to design, demolition and construction.

2nd Consultation. No Objection. The proposed development would include the removal of none of the established trees. The applicant has also outlined that the proposed development would only

utilize existing hardstanding access areas for vehicles for site access. RPA's.

- The applicant has outlined the removal of G2, G3, T8, and T13 citing that these trees have a category 'U' rating (trees in such a condition that they cannot realistically be retained as living trees in the context of their current use for longer than 10 years) according to the BS 5837 cascade chart. I would concur with this assertion.
- The applicant has also avoided actual encroachment into the given RPA's of the trees to be retained on/off the site.

Parks and Greenspace Officer - First Consultation Response - 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". 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. The indicated POS shown for this development is 1100m² which would be in excess of the stipulated requirement (998m²). As there are 13 dwellings proposed for this site, then provision of a Local Area for Play(LAP) would be sought on site with the potential Multi-Use Games Area (MUGA) contribution being sought.

Landscape/Tree protection

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.

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 could provide potential valuable screening and should be retained particularly those adjoining 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.

All of the above points should be addressed as part of a comprehensive and valid application and agreed before any decision can be considered.

2nd Consultation Response - The Planting details plan LVIA7 Sept 16 does adequately provide a detailed scheme which contains a suitable mix of trees and shrubs and does include further detail of the maintenance operations to be undertaken. I would now recommend that this is sufficient and adequate information.

Southern Water - No Objection in principle request imposition of a condition and informative.

Drainage Engineer - Engineers comments in respect to surface water drainage:

The applicant states that surface water will be discharged to a SuDS system, eg. soakage structures. Infiltration to be investigated.

Please apply standard conditions ENGD2B, ENGD3A, ENGD4A, ENGD5A, ENGD5B, ENGD6A. 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. Supplementary guidance notes are also enclosed for information.

There is a ditch to the south of the site, this needs general maintenance and to be brought up to a suitable standard. Culverting works will require land drainage consent.

County Engineers - Flood Risk Summary

Modelled surface water flood risk - Low risk

This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events. However the surface water management strategy should consider this risk and any suitable mitigation measures if appropriate. Any existing surface water flow paths across the site should be maintained or appropriate mitigation strategies proposed.

Modelled ground water flood risk susceptibility - Low risk

Ground water contamination and Source Protection Zones.

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.

No records of any historic flooding within the site although we have a record of Yapton Road, adjacent to the site, being flooded during the June 2012. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

Current Ordnance Survey mapping shows no ordinary watercourses within the proposed development area. 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 Council.

Future development - Sustainable Drainage Systems (SuDs)

The Drainage Strategy included with this application proposes that a SuDS system, soakaways/infiltration and underground storage, would be used to restrict the run off from the development to pre-development run-off 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. The current strategy 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.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

County Highways - No Objection

The Local Highway Authority (LHA) provided comments on a similar proposal at pre application stage in 2014. The above application is supported by a Transport Assessment (TA) taking on board the LHA's comments previously raised. The application is also supported by a stage 1 Road Safety Audit (RSA).

The site has previously been used as a poultry farm with one dwelling on site, as such generating trips related to its use. This would have included trips by the occupants of the dwelling, possible staff trips to and from the site along with deliveries and collections of poultry and associated equipment/feed etc. This is a material consideration in determining the overall impact of trip generation for the now proposed 13 dwellings.

Trip Generation and Highway Capacity

In terms of vehicle trip generation, the development of 13 dwellings is forecast to result in 12 two way trips in the AM peak and 9 in the PM peak. These trip rates are based upon TRICS data, the use of which is accepted. The LHA recognise that the development would generate vehicle trips throughout the course of a day. It is though accepted practice to review the impact upon the network peak hours given that these are most sensitive to change.

These two way peak movements are not considered to be a significant increase to trips on the local highway network, especially taking into consideration the potential number of trips generated by the site's former use. No formal junction capacity assessments would be necessary as entry flows will not meet thresholds of 30 or more vehicle movements as a result of the proposed development, and vehicle movements would quickly disperse across the local highway network. The LHA would not expect any highway safety or capacity issues to arise from the approval of this application.

Access

Access to the site is proposed via the existing cul-de-sac forming part of Silver Birch Drive. It is proposed to extend this to create an access road into the site. Silver Birch Drive in this location has an approximate width of 5.5m which would allow for two vehicles to pass.

Drawing no:ITP-130-1-01 revision P3 indicates that a new site access road with a width of 5.5m would extend into the site joining Silver Birch Drive. The drawing shows the footways on both sides of Silver Birch Drive being extended into the site before ending to enter a shared surface setup.

The vehicle access arrangements have been reviewed by way of an independent Stage One Road Safety Audit. The RSA has identified a problem in respects of the footways finishing before the site access point. This point has been addressed in the Designer Response with it indicated that the footways will extend into the site with drop kerbs and tactile paving provided to ensure access for pedestrians. These works would link the site to the existing footways on Silver Birch Drive. Further consideration needs to be given to how the proposed footways would work where the PROW crosses the site access. It is not clear if drop kerbs will be provided and how these and the footway will be integrated with the existing PROW route. Such details would need to be secured via condition.

The access road into the site would in essence form a continuation comprising of 5.5 - 4.8m wide shared surface area. Based on the advice within Manual for Streets, such widths are appropriate.

In principle, no highway safety concerns would be raised regarding the access arrangements. The proposed off site highway works to link the existing footways into the site would need to be secured under a condition in agreement with the LHA and the PROW team, to ensure integration between the two.

Visibility

The TA under section 3.3.3 states that visibility at the junction of the cul-de-sac with Silver Birch Drive is well in excess of what would be required within a residential zone with a speed limit of 30mph (2.4m x 43m). The LHA agree that visibility from the cul-de-sac onto Silver Birch Drive is acceptable and these splays can be achieved entirely within adopted highway land.

Layout and Car Parking

It is not clear if the proposed access road or roadways are to be offered for adoption. The matter of highway adoption is not a material planning consideration although it will affect how the LHA review layout. The LHA's comments below assume that the site roads will remain private.

Carriageways within the proposed development vary from 4.8 to 4.1 metres wide and take the form of shared surfaces. The provision of shared surfaces is considered appropriate in light of the lightly trafficked and low speed nature of the development.

The turning head within the site appears tight. While swept path analysis has been provided a refuse vehicle could make the turn, it may however involve over running onto the verge slightly. The Waste Collection Authority may wish to comment on this matter. The turning head needs to be defined to ensure that this kept clear of parked vehicles.

Matters of parking have been considered against the WSCC Parking Demand Calculator. The TA indicates that sufficient parking is provided to meet the Parking Demand Calculator (35 parking spaces). Allocated parking is provided by way of hardstanding spaces and garages. Each garage will need to measure 3 x 6m in line with guidance within MfS to be classed as a parking space. Visitor parking will be provided in the form of two parking bays (4 spaces). These bays would need to be 2m wide by 6m long for each space and as shown with splayed ends. The proposed site plan shows a double parking set up for some of the dwellings, this is not ideal, although given the shared surface set up, no through route and low vehicle speeds expected in this environment the LHA would not consider this a highway safety issue.

Site Accessibility

The TA provides detail relating to how the site is linked to close by facilities, easily accessible by foot, given the linked existing footway network into Middleton. The site will join this footway network by extending the footways from Silver Birch Drive into the site.

The site is situated within walking distance of a range of facilities and services, including the no 600 bus service. National cycle route 2 runs past the site through Middleton, joining Worthing and Bognor Regis. General highway conditions are such that these would not pose a barrier to cycling. It's considered that the location of the site and opportunities available would offer future residents a realistic alternative to the use of the private car for some trip purposes.

Other Matters

Mitigation and potentially temporary works would be needed to protect residents from construction traffic. Any damage that occurs to existing adoptable roads would also need to be repaired upon completion of the development. A Construction Management Plan (CMP) would need to be submitted, agreed, and measures within this implemented prior to development commencing. If temporary works are required within the adopted highway, the installation of these would require the permission of the LHA.

An agreement under Section 59 of the Highways Act may also be appropriate. An agreement under s59 would enable the LHA to recover from the developer the cost of undertaking any repairs to the highway that occur as a result of the increase of extra-ordinary traffic. The extent of the s59 agreement should be agreed with the Area Highway Engineer.

Public Right of Way (PROW) comments

Signage will be important at the point the access into the site crosses the footpath. Signage informing both vehicular users and pedestrians would be required to highlight the potential conflict.

The other point relates to the proposal for bollards. For someone to put bollards onto the surface of a public right of way they must apply to WSCC's PROW team for consent and this can be allowed under S.66 of the Highways Act to safeguard lawful users of the public footpath. S.66 would be the only relevant part to apply under and it would be for the applicant to apply prior to the bollards being installed and any application for consent would then have to be considered by WSCC and when decided the works could take place to install them. WSCC cannot at this time confirm whether consent would be given. If there is a time when the path will need to be temporarily closed the applicant will have to apply for a closure. If the path cannot remain open during any works the applicant will have to apply for a temporary closure, at a cost.

Conclusion

The NPPF states development should only be prevented or refused on highway grounds where the residual cumulative impacts of the development are severe. The LHA do not consider that the development would result in any impacts on the local highway network that could be considered severe.

No highway objection would be raised.

The LHA would advise the imposition of conditions relating to Cycle parking, Access Road, Parking, a Construction Management Plan and Footway Crossing Details.

Strategic Planning Officer - The proposal generates requirements for contributions of £46,808 for primary education, £50,377 for secondary education, £11,801 for 6th form education, £4,200 for libraries and £399 for fire and rescue amounting to a total of £113,585.

Affordable Housing Officer - The Council's Affordable Housing Policy should be applied to this application. The applicants can meet the requirements of the policy by either providing 3 dwellings as affordable housing on-site as part of the overall development, providing those dwellings elsewhere in the Arun District as part of another application or by a planning obligation commuted sum included in the S106 agreement. The sum payable will be £45,000 per foregone affordable dwelling which is $£45,000 \times 3 = £135,000$ payable in-full on commencement of the development.

NHS Coastal West Sussex Clinical Commissioning Group - The proposed Health contribution, as per the tariff agreement for 2016/17 attached, is £17,641. This will support, in part, the estate plans and interim health care support required for the housing and population increases in the area. For the Yapton area we are going to need to build either a new GP surgery and/or extend current facilities in order to cater for this housing request.

It also adds into the large developments around the Ford airport area and as such, whilst we await final Arun council development figures and details we are doing a mix of short term developments and long term planning. Short term we are proposing to include additional primary care clinics (for the population of Yapton to access) and also a mix of either redevelopment or new builds. These will be influenced by the actual Arun plans.

The £1,357 per unit is based on two factors (as we have had a GP practice already serve notice, close, in the area):

1. The cost of providing a new estate to cover new build required to match the additional volumes of residents

2. The cost health will require to provide interim Estate to provide Primary Care for new residents
A new GP practice build is around £4.5m (for circa 3,333 homes - circa 10,000 people).

The impact of the new builds will require a new build (there are circa 11,000 new homes in the Arun area on top of 6,000 already planned. Thus 17,000 overall).

Practices are already capping list sizes, so we will need to put in additional temporary infrastructure (could be portacabins, or utilise 'other to be identified build', or possibly see how we can 'add-on' to current estate economically).

The previous funding level quoted did not have this level of information (new housing volumes) or have detail of the increasing cost of build.

Ecologist - First consultation - Objection. More information required regarding the pond found

north of the site which could be a breeding pond for Great crested newts with regard to water levels as the survey was undertaken in September when the water table is at its lowest. We also require further information about the ditch near the site and whether it or isn't suitable for Great crested newts and/or water voles this has particular relevance to the construction phase, this information may lead to further surveys needing to be undertaken dependent on the findings.

We require point 4.14 to be undertaken before determination, this may lead to further surveys and mitigation needing to be undertaken. Would like to see the placement of 8 nesting opportunities for birds (species such as swallows, swifts and housemartins) and require these structures to become a part of the fabric of the house.

We require the proposed enhancements in points 4.23 to 4.28 excluding point 4.25 to be conditioned, we require that point 4.25 be altered with the bat box types to be used are internal to the structure of the building, such as the Schwegler 1WI their number should not change from the consultant recommended number (3).

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 require a native plant only planting scheme (that is there should be no non-native plants planted on site) to be submitted to be conditioned. Lighting will need to be kept to a minimum, as lighting levels have an effect on nocturnal species such as bats, flying invertebrates and various mammal species, to this end we would like to see a lighting plan submitted before determination. Request applicants/consultants share their survey results with Sussex biodiversity records centre.

2nd Response - Objection. Point 4.14 of the Preliminary Ecological Appraisal needs to be undertaken before determination, this may lead to further surveys and mitigation being required to be undertaken. We would like to see the placement of 8 nesting opportunities for birds (species such as swallows, swifts and housemartins), we also require these structures to become part of the fabric of the house.

The points in 4.23 to 4.28 excluding point 4.25 should be conditioned, point 4.25 should be altered with internal bat box types used, such as the Schwegler 1WI their number should not change from the consultant recommended number (3).

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 require a native plant only planting scheme (that is there should be no non-native plants planted on site) to be submitted to be conditioned. Lighting will need to be kept to a minimum, as

lighting levels have effects on nocturnal species such as bats, flying invertebrates and various mammal species, to this end we would like to see a lighting plan submitted before determination. Request applicants/consultants share their survey results with Sussex biodiversity records centre.

3rd Response - With reference to the reptile mitigation strategy for the above site, I can confirm that the mitigation proposed will be acceptable provided that the mitigation strategy is implemented in its entirety and that this is conditioned, should permission be granted. The mitigation should include the following:

- A detailed survey conducted, prior to any works, between March/April to Sep/October;
- Establishing a reptile exclusion zone on the development footprint, with reptile fencing and under the direction of an ecologist;
- Tool box talk to all site workers on reptiles and ensure no vegetation is cleared unless under the supervision of the ecologist, no material is dumped in fenced off areas and wildlife protection zone and no fences to be damaged or moved, no entry to fenced off areas, no animals to be handled, no fires/materials stored in areas not previously agreed;
- Reptile translocation to take place between April and October
- No strimming of vegetation within the development zone until 5 clear trapping days has been established;
- No vegetation clearance during the bird nesting season (Feb to Sep) unless vegetation is checked by an ecologist for nests.
- Enhancements to site margins with planting of native species;
- Establishing 3 new log piles;
- Addition of wildflower mix to the grassland habitat.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. All conditions requested by consultees have been imposed with the exception of submission of a landscaping scheme which is the subject of drawing LVIA7 Sept 2016.

POLICY CONTEXT

Designation applicable to site:
 Outside Built Up Area Boundary
 Class B road
 Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	GEN2 GEN3 GEN7 GEN9 GEN12 GEN28 GEN20 GEN29 DEV17	Built-up Area Boundary Protection of the Countryside The Form of New Development Foul and Surface Water Drainage Parking in New Development Trees and Woodlands Provision of Public Open Space within New Development Nature and Conservation Across the District Affordable Housing
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ECC SP2 Energy and climate change mitigation

Publication Version of the Local Plan (October 2014):

- 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
- ENV DM4 Protection of Trees
- ENV DM5 Development and Biodiversity
- W DM3 Sustainable Urban Drainage Systems
- INF SP1 Infrastructure provision and implementation
- H SP2 Affordable Housing
- SD SP2 Built-Up Area Boundary
- C SP1 Countryside

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. Middleton does not have an adopted neighbourhood plan.

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 outside the Built-up Area Boundary, in a location where, in accordance with Local Plan policy GEN2, development will not be permitted unless it is consistent with other Local Plan policies. The site therefore forms part of the countryside which Local Plan policy GEN3 safeguards for its own sake and where development will not be permitted unless it meets certain criteria.

As described above, the surrounding area is rural in character with open fields to the north, and west. Road users driving north along Yapton Road at this point have a clear impression that they are leaving a residential area and entering countryside, but the site does abut to the south an existing residential area. Whilst the proposal is in the countryside for reasons expanded in below the proposed development would be in keeping with its immediate surroundings and would not conflict with the aim of Local Plan policy GEN7 to protect and enhance the quality of the environment and protect neighbouring residential.

The proposed development would conflict with policies GEN2 and GEN3, but its effects in relation

to these are tempered by the physical characteristics of the area and by the weight which is now attached to these policies. These policies 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 way these policies are expressed through boundaries on the ground has therefore become out-of-date.

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 Plan requires Neighbourhood Plans to bring forward proposals for housing delivery. Middleton does not have an adopted Neighbourhood Plan.

However, it must be considered that the Local Planning Authority are unable to demonstrate an adequate 5 year supply of housing land as required by paragraph 49 of the NPPF. Furthermore, the Examination into the emerging Local Plan was suspended by the Planning Inspector on the grounds that the Council's Objectively Assessed Housing Need (OAN) should be reviewed higher than that proposed in the Local Plan (580 units p.a). The Council will therefore need to identify more suitable land supply to meet additional housing requirements. The OAN figure has now been increased to 919 units per annum as of October 2016. Additional strategic sites are currently being assessed and allocated in order to meet this higher figure.

The NPPG has provided clear guidance on the issue of the weight that can be given to both the adopted local plan and emerging or made Neighbourhood Plans where the District Council cannot demonstrate the 5 year supply of deliverable housing sites. Therefore the adopted development plan policies relating to housing supply are out of date and the emerging Local Plan policies carry limited weight at this time.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF 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'. Furthermore, paragraph 49 states that:

"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"

At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision taking. This is in accordance with the three dimensional approach to include economic, social and environmental considerations as set out in paragraph 7.

In terms of economic sustainability the proposal will create construction jobs, supply chain benefits and inward investment for the local area. Local residents will spend money locally and also contribute towards Council Tax receipts. There are some employment opportunities within the local area but most residents would need to travel elsewhere, including to Bognor, Chichester and Ford for employment, but these are relatively close and could be reached by bus or bicycle. Bus stops are located in Yapton Road. However for convenience the car is likely to be the

most popular choice of transport.

Social Sustainable Development: The NPPF makes it clear that sustainable development involves seeking positive improvements in peoples quality of life and this includes widening the choice of high quality homes. It also emphasises the need to boost significantly the supply of land for housing. The scheme would deliver 13 units. Provided they would be constructed to a high standard and provide a good level of amenity both for existing neighbours, future occupiers and the general public they would provide social benefits. The shops at Middleton and the public houses are within walking distance. The proposal can also be seen as sustainable in this regard as it will contribute to the stock of housing to meet the needs of present and future generations.

Environmental Sustainable Development: The proposed scheme would result in additional housing at a time that ADC do not have a 5 year housing land supply and on a site that has good connectivity to services and sustainable transport hubs. The site is located adjacent to neighbouring housing settlement and is in close walking distance to nearly all services. The dwellings would be in close proximity to local services in Middleton. Schools in Middleton are reasonably close by.

It is considered that the application is acceptable in principle despite being located on a greenfield site outside of the built up area boundary. It will be assessed against normal development control criteria. It is outside of the Littlehampton to Middleton-on-Sea Gap between settlements which borders the east side of Yapton Road. It is also outside of the boundary of the existing Open Space area to the north and west which is identified in the Publication Version of the Local Plan. The site is sustainably located close to shops, services and existing communications routes and would be physically and visually connected to the existing built up area to the south.

IMPACT ON CHARACTER AND VISUAL AMENITY

The dwellings would be located adjacent to a residential estate of 2 storey dwellings on the opposite side of the public footpath to the south and opposite industrial units (Middleton Business Park) located on the east side of Yapton Road. This comprises a number of businesses set within a single storey terraced row and a separate two storey detached building used for vehicle repairs. 2 storey residential properties are located immediately to the north-east of the Business Park, extending beyond the northern boundary of the application site. The development would not therefore be considered to be visually isolated and would represent expansion of existing built form. The residential area to the south provides the site with a residential context due to its close proximity and visual association.

The buildings would be located within the area where buildings have previously been focused on the site, albeit that the height of the development is increasing. The agents have advised that in terms of site coverage the cumulative footprint of the previous development relating to the poultry farm on site, excluding the chicken sheds alongside Yapton Road, which have only recently been removed, is approximately 1130m². The proposed development measures approximately 1232m² and so a comparison of the built form is not substantially different (approximately 100m²). The proposed scheme would therefore not form an unacceptable material increase in built footprint.

In addition, the site is generally well screened. The eastern boundary of the site comprises tall trees and hedging and the southern and western boundaries are edged with trees and hedgerows. The northern boundary is well screened from within the surrounding landscape owing to the

publically edged and visually more prominent southern and eastern boundaries. The south-eastern corner of the site has a lack of screening when viewed the site from Yapton Road. This affords clear views of the existing dwelling and wooden outbuilding and provides it with a prevailing residential character and appearance.

The layout of the scheme is informed by the broadly linear development seen in Silver Birch Drive to the south and Yapton Road to the east. It is therefore considered to positively responds to its context and surroundings. The development density of the proposed development is consistent with the residential area to the south. It does not therefore constitute over-development of the site. The dwellings have been orientated around an area of open space which creates a centrally located focal point for the development, whilst meeting the Council's open space requirements. Front and rear gardens for each dwelling are proposed which creates a spacious and verdant appearance to the development. These gardens accord with the Council's external space standards (policy D DM3 of the emerging Arun Local Plan). The two storey height of the proposed dwellings matches those seen in Silver Birch Drive and Yapton Road.

It is therefore considered that the proposal is acceptable in terms of impact on visual amenity/character of the area.

RESIDENTIAL AMENITY

The proposed dwellings are located a significant distance from the nearest residential properties and are located behind existing tree/shrub planting that is to be retained or bolstered. The properties facing Silver Birch Drive are situated along the northern boundary of the site are over 50m away which is an acceptable separation distance to prevent any harmful overlooking, overshadowing or loss of privacy. There would therefore be no materially adverse effects resulting to the residential amenities of adjoining neighbouring properties.

There are no immediate residential properties to the west, north or east of the site. The Middleton Business Park is separated from and buffered by Yapton Road. Residential dwellings to the north-east are located on the opposite side of Yapton Road at least 50 metres away. Any views will be interrupted and restricted by existing tree screening and boundary treatment including fencing from this direction. The introduction of new and replacement planting shown in the accompanying Landscape Plan will soften the development and improve the relationship to neighbouring properties.

The proposed dwellings are two storeys high and display a varied mix of housing types and forms. The units and their respective floor areas and garden sizes meet the Technical Housing Standards (DCLG, 2015) for internal floor areas and policy DDM 2 of the emerging Arun Local Plan. The rear garden sizes comply with relevant policy D DM3 of the emerging Arun Local Plan.

AFFORDABLE HOUSING

The proposed development will not deliver on-site affordable housing since it is not viable for such a low number of housing units to be taken up by a Registered Service Provider. Instead, a financial contribution of £90,000 to deliver affordable housing elsewhere in the District will be secured by way of a S106 agreement and this has been agreed by the Council's Housing Manager. This amount meets the commuted sum payment required by Arun District Council.

HIGHWAY ISSUES

The application is accompanied by a Transport Statement and Stage 1 Road Safety Audit. County highways have been consulted and have no objection.

Vehicle parking is provided for each dwelling and meets the required West Sussex County Council parking standards. A total of 35no. car parking spaces are provided which includes 4no. visitor spaces. Parking is located to the front of each dwelling leaving the rear and side amenity areas free from parking. Due to the staggered and varied arrangement of parking spaces, the development will not appear car-dominated.

The proposed level of parking in the development meets the required standards as set down in the West Sussex Residential Parking Demand Calculator. The 4 bed dwellings (Units 1-4, +13) have 3 parking spaces each, the 3 bed dwellings (Units 5-6, 10-12) have 2no. parking spaces each and the 2 bed dwellings (Units 7-9) have 2no. parking spaces each.

The proposal is therefore considered to comply with policy GEN7(vii) and policy GEN12 of the Arun District Local Plan.

TREE PROTECTION

The application includes an Arboricultural Survey which includes a Tree Constraints Plan. There is a Tree Preservation Order (reference TPO/M/1/15) covering 3no. trees on the application site: 2no. Ash trees and 1no. Field Maple. These trees and their Root Protection Zones (RPZ) are situated outside of any proposed housing development. The proposed site entrance and access road located within the RPZ of the protected Ash trees (T4 and T5 on the Tree Constraints Plan, drawing no. PJC3822/15/A) will be formed using a 'no dig' construction in order to protect the root system of these trees. This is an industry recognised standard and allows for the access road to be laid in this portion of the site. Therefore, the protected trees on site will not be adversely affected by the scheme. This will be subject to a condition.

The majority of the well-established tree screening along the eastern boundary fronting Yapton Road (its most public frontage) has been retained through the layout and design of the proposal. There is a group Tree Preservation Order extending from Silver Birch Drive southwards (reference TPO/M/1/96), but this will not be affected by the proposed development as it lies outside of the site boundaries.

ECOLOGY ISSUES

The application includes a Preliminary Ecological Appraisal, Internal and External Bat Survey and a Barn Owl Survey. A Reptile Mitigation Strategy has also been submitted. Subject to satisfactory enhancement which is to be controlled by condition, there would be no unacceptable adverse impact on protected species.

CONCLUSION

The application is recommended for approval subject to the following conditions. A S.106 legal agreement covering public open space, education, libraries, fire and rescue, affordable housing and health facilities. has been signed.

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 application is subject to a Section 106 legal agreement relating to a commuted sum in lieu of open space provision (12,000), education (primary £42,060, secondary £45,267, sixth form (£45,267)), libraries (£3771), fire and rescue (£399), affordable housing (£90,000) and health facilities (£17,641).

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 Location, Sketch Site Layout FS08, Indicative Floor Plans PL03 reva, Proposed Elevations- sheet 2, PL05 revb, Proposed Elevations Sheet 1 PL04 revC, Proposed Elevations Unit 1 and Block and Location Plans APL02 revf, Proposed Site Layout PL01 rev e, Proposed Access Arrangements P1, 13950815 site plan, PJC/3822/15/A rev02, Planting Details LV1A7.

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 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.

- 6 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Class A (g) no extensions to the dwelling house which project more than 4m in depth for detached dwellings or 3m in any other case shall be constructed 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.

- 7 No construction works shall be carried out until all buildings and structures existing on the application site at the date of this permission have been demolished, the debris removed from the site and the site cleared.

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

- 8 Soft landscaping shall be carried out in accordance with the details shown on plan (LVIA7 Sept 2016). All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons 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 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, 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 above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a hard landscaping scheme and the development shall proceed in accordance with the details so approved.

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 The construction of the development shall not commence until full details of the proposed foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority (in consultation with Southern Water).

No building shall be occupied until the foul water drainage scheme has been implemented in accordance with the approved details and the details so approved shall be retained 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.

- 11 No construction works shall 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.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a surface drainage scheme once development had commenced.

- 12 Immediately following implementation of the approved SuDS scheme and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. There shall be no deviation to the approved scheme other than with the written consent of the Local Planning Authority. The scheme shall thereafter be maintained 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. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a surface drainage scheme once development had commenced.

- 13 Construction works shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSSCC) 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.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a surface drainage scheme once development had commenced.

- 14 Construction works 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. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a surface drainage scheme once development had commenced.

- 15 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.

- 16 External lighting in association with this development shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2.

Reason: To control the residential amenities of the local environment in accordance with Arun District Local Plan policies GEN7 and GEN33.

- 17 No part of the development shall be first occupied until the road(s), footways, and parking areas serving the development have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development.

- 18 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. It is considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or impede access onto a classified road which could compromise highway safety.

- 19 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details submitted to and approved by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car parking space for the use in accordance with policy GEN12 of Arun District Local Plan.

- 20 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 and the parking spaces so provided shall be retained in perpetuity for cycle parking.

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

- 21 No part of the development shall be occupied until the footway has been extended from Silver Birch Drive into the development, including where this crosses public right of way no. 160, have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy GEN7 of Arun District Local Plan.

- 22 The development shall proceed in accordance with the submitted Arboricultural Survey ref 3822/15-01. If any root structures with a diameter over 25mm are exposed during the excavation of the foundations for the dwellings 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.

- 23 No development above damp proof course (DPC) level shall take place until details of 3 bat and 8 bird boxes (including provision for swallows, house martins and swifts) and other enhancements referred to in the Ecology Survey submitted with the application have been submitted to, and approved by, the Local Planning Authority. It is expected that they will become part of the fabric of the house. No occupation of the development shall take place until the agreed provision for bats and birds and enhancements 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

- 24 The development shall proceed in accordance with the Reptile Strategy dated November 2016 and the Reptile Mitigation Measures and Enhancement Strategy detailed within the report. The Reptile mitigation strategy shall be fully implemented and shall include the following:

- A detailed survey conducted, prior to any works, between March/April to Sep/October;
- Establishing a reptile exclusion zone on the development footprint, with reptile fencing and under the direction of an ecologist;
- Tool box talk to all site workers on reptiles and ensure no vegetation is cleared unless under the supervision of the ecologist, no material is dumped in fenced off areas and wildlife protection zone and no fences to be damaged or moved, no entry to fenced off areas, no animals to be handled, no fires/materials stored in areas not previously agreed;
- Reptile translocation to take place between April and October
- No strimming of vegetation within the development zone until 5 clear trapping days has been established;
- No vegetation clearance during the bird nesting season (Feb to Sep) unless vegetation is checked by an ecologist for nests.
- Enhancements to site margins with planting of native species;
- Establishing 3 new log piles;
- Addition of wildflower mix to the grassland habitat.

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.

- 25 The development shall proceed in accordance with the submitted Arboricultural Survey and Tree Constraints plan. The proposed site entrance and access road located within the RPZ of the protected Ash trees (T4 and T5 on the Tree Constraints Plan, drawing no. PJC3822/15/A) will be formed using a 'no dig' construction in order to protect the root system of these trees.

Reason: To ensure retention of the neighbouring preserved tree in accordance with policy GEN7 of Arun District Local Plan.

- 26 If any root structures with a diameter over 25mm are exposed during the excavation of the foundations for the dwellings 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.

- 27 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, education, libraries, fire and rescue, affordable housing and health services.

- 28 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.

- 29 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

- 30 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.

- 31 INFORMATIVE: 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. No construction should take place which will restrict current and future land owners from

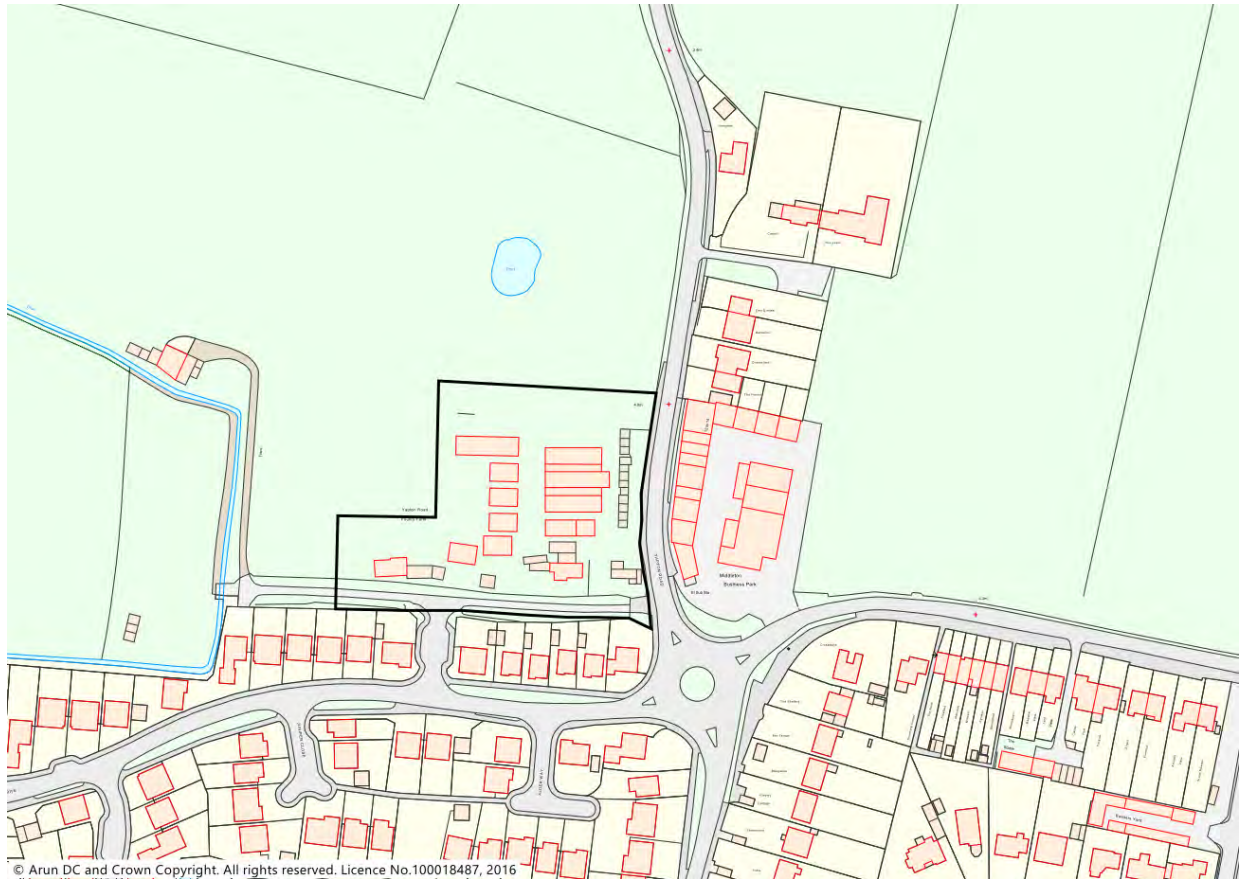
M/45/16/PL

undertaking their riparian maintenance responsibilities of any watercourse or culvert (piped watercourse) crossing or abutting the site on or adjacent to the site.

M/45/16/PL Indicative Location Plan

(Do not Scale or Copy)

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



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PLANNING APPLICATION REPORT**REF NO:** Y/64/16/PL**LOCATION:** Land to the north of
John Turner Phormiums
Lake Lane
Yapton
PO22 0AL**PROPOSAL:** Formation of hardstanding for parking of vehicles & creation of new vehicular access onto Lake Lane. This application also lies within the parish of Walberton.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION

The development is to replace an existing operating centre at Windroos nursery, Littlehampton which is to be redeveloped for 85 dwellings. The proposal is intended to solely meet the needs of horticultural/agricultural activities within the local area. Employees will arrive in their cars then depart in HGV's returning to their cars once their haul is complete.

The new area of hardstanding measures approximately 89m by 76m and will comprise of 44 marked out HGV bays, circulation roadways and 5 marked out car parking spaces. It is anticipated that additional cars will utilise vacant HGV spaces. The proposal includes a new access road to run alongside the east side of the horticultural buildings to the south. The access will be a minimum of 3.2m wide but with the first 43m and last 15m widened to 6.5m to allow 2 HGV's to pass each other.

The applicant states that the proposal will reduce the number of HGV trips along the eastern end of Lake Lane and over the level crossing by removing the need to travel between the Wick site and the existing Lake Lane Nurseries site. It is anticipated that there will be 10 vehicles on site per calendar day aside from Christmas day when there would be around 38 vehicles parked up. Activity on site will be 7 days per week with the main hours of activity between 06:00 & 08:00 and 18:00 & 20:00. The applicant states driver start times will be staggered to prevent intensive periods of activity on site.

For members information; this report refers to the applicants existing Lake Lane consolidation site as "Lake Lane Nurseries" and to the existing haulage yard site in Littlehampton as "Windroos Nursery".

SITE AREA	7,000 square metres (0.7 hectares)
TOPOGRAPHY	Predominantly flat.
TREES	There is a line of Eucalyptus on the west boundary of the site and a line of Birch & Alder along the Lake Lane frontage through which the access will be taken.
BOUNDARY TREATMENT	Post & rail fencing - circa 1m high.
SITE CHARACTERISTICS	Currently covered by polytunnels, forms part of a wider nursery site.
CHARACTER OF LOCALITY	Rural with other nursery and agricultural sites in the immediate vicinity. The site of the car park is between glasshouses to the south and west, an agricultural field to the east and horticultural buildings to the north. The proposed access will exit through an existing mature hedge/treed boundary onto Lake Lane, a D classified highway with no separate pedestrian footpath. The nearest dwelling is Bowley Cottage on the south of Lake Lane to the southwest (its boundary approximately 170m from the site boundary).

RELEVANT SITE HISTORY

Pre-application advice was sought in November 2013 and April 2016. The most recent advice was, subject to the receipt of the required supporting information, that the application would be supported.

In December 2015, the Office of the Traffic Commissioner granted an operators licence for the proposed site allowing use by up to 37 vehicles and 38 trailers. This decision was conditional on planning permission being granted, on the creation of a new access from Lake Lane, on the site not being used for the washing or maintenance of vehicles and on vehicles not using the Lake Lane railway crossing when accessing/leaving the site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

Walberton Parish Council

YAPTON PARISH COUNCIL - Support:

"The Parish's comments are Support subject to extra work and conditions. Yapton Parish Council have fully considered the above planning application and whilst have strong concerns relating to HGV movements running south of the Northend/Yapton Level Crossing will support the application subject to conditions being applied and met: Yapton Parish Council note that the Transport Report acknowledges the need to avoid HGV movements south of the Yapton level crossing and indeed through Yapton village. The parish would seek a fully enforceable condition tied to any planning approval requesting a traffic management plan to be submitted and agreed dealing with both movements on site as well as travelling to and from the area

before use of the site can commence. The Traffic Management Plan should include individual driver packs enforcing how to enter and leave Lake Lane when travelling east. This would ensure that HGV movements can be monitored and controlled reducing any potential conflict with the Yapton level crossing and village roads over the course of the additional parking lifespan. Yapton Parish would also seek conditions relating to treatment of surface water to ensure that the excess water does not exacerbate the current surface water flooding issues that are experienced in this section of Lake Lane."

WALBERTON PARISH COUNCIL - Object:

"The Parish Council has considered this application and wishes to register an objection. The Council has grave safety concerns with more traffic using Lake Lane which is totally unsuitable for large vehicles. The Council is also of the opinion that an Enhanced Phase 1 Habitat Survey should be conducted before any decision is taken."

Three letters of support: the development will benefit existing local growers and the continued viability of Stuart Lyons Haulage, will reduce the distance travelled between sites and will reduce the need to pass dwellings on Lake Lane to reach the grower.

33 letters of objection have been received on the following grounds:

- (1) Increased risk of damage to verges from HGV's;
- (2) Impact on the local road network;
- (3) Increase in number of HGV's on Lake Lane;
- (4) This application should not be used as a vehicle to prevent turns in/out of Yapton over the level crossing - this rule should be implemented regardless;
- (5) Increase in airborne pollution;
- (6) Traffic congestion on Lake Lane due to HGV's exiting/entering both of Stuart Lyons sites at the same time;
- (7) Impact on local residential amenity from usage levels;
- (8) Fire risk;
- (9) There are other haulage companies already using Lake Lane;
- (10) Impacts of the existing Lake Lane Nurseries site on Park Road residents;
- (11) Lake Lane is unsuitable for HGV's with no passing places;
- (12) Increase in noise disturbance;
- (13) Safety of the level crossing on North End Road/Yapton Lane;
- (14) Safety of pedestrians, cyclists & horse riders using Lake Lane;
- (15) Need for a condition to prevent use of the level crossing;
- (16) Access from North End Road onto the A27 is unsuitable for HGV's;
- (17) Yapton Lane is already too busy;
- (18) Stuart Lyons also work for growers outside the area and demand from these may increase in future resulting in more HGV movements;
- (19) The Transport Statement should have considered the impact of 44 vehicles not 37;
- (20) The application should be assessed against emerging Local Plan policy DM11;
- (21) Impact on local landscape & rural character; and
- (22) Impact on the character of this 17th Century Lane.

COMMENTS ON REPRESENTATIONS RECEIVED:

YAPTON PARISH COUNCIL

The recommendation to approve includes a condition requiring a site management plan which covers the issues raised. The submission includes a scheme that has been agreed with the Council's Drainage Engineers and there is no need for a condition requiring submission of a drainage plan.

WALBERTON PARISH COUNCIL

Highways issues are discussed in the reports Conclusions. The Parish have requested the submission of an Enhanced Phase 1 Habitat Survey, however, the applicant has gone further and has provided both an Ecological Assessment and an Ecological Enhancement Plan. These have been received by the Council's ecologist and no objections are raised subject to implementation of the agreed mitigation/enhancement measures.

LOCAL RESIDENTS

The letters of support are noted.

The following comments are offered in respect of the objections:

(1),(2),(3),(6),(11),(13),(14),(16),(17) and ((18) Highways issues will be discussed in the reports Conclusions.

(4) This application is not being used as a vehicle to implement this rule but it will be considered with this mitigation in mind. This restriction will only apply to HGV's associated with the site.

(5) Air pollution issues will be discussed in the reports Conclusions.

(7) Residential amenity issues will be discussed in the reports Conclusions.

(8) The risk of fire on the proposed site is not a material planning consideration.

(9) Comment noted.

(10) Residential amenity issues will be discussed in the reports Conclusions.

(12) Residential amenity issues will be discussed in the reports Conclusions.

(15) Noted. A condition is proposed.

(19) Noted. Although the site comprises of 44 spaces, the applicant only has an operators licence for 37 vehicles hence why the Transport Statement only considered the impact of 37.

(20) It is not clear what policy DM11 refers to. There is no policy DM11 in either the adopted Local Plan, adopted Yapton Neighbourhood Plan, the emerging Local Plan or the proposed Walberton Neighbourhood Plan.

(21) Visual Amenity issues will be discussed in the reports Conclusions.

(22) It is not considered that there will be any impact on the significance of heritage assets.

CONSULTATIONS

WSCC Strategic Planning
Engineering Services Manager
Engineers (Drainage)
Ecology Advisor
Arboriculturist
Highways England
Environmental Health

Economic Regeneration
Southern Water Planning
Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - Initially sought additional information from the applicant in respect of: (1) current & projected HGV and staff movements associated with the applicant's operation by time of day at the A27/Yapton Lane junction & the A27/A29 Fontwell roundabout; and (2) confirmation of staff shift patterns associated with the applicant's operation. Following the submission of this, responded to state "No objection".

SOUTHERN WATER - No objection. Indicate the need for a surface water drainage scheme and for the applicant to note that there may be a sewer crossing the site.

WSCC HIGHWAYS - No objection. Comments in full below:

"A Goods Vehicle Operator's Licence allowing for 37 vehicles and 38 trailers to be operated from this site was granted by the Traffic Commissioner on 30th September 2015. The determination of the application for that licence considered the suitability of the access to Lake Lane and was granted subject to four conditions (a) to (d), two of which are specifically relevant to the access arrangement:

- b) The operating centre shall not be used unless and until a new access road has been constructed and the construction and design is approved by the relevant highways authority; and
- d) Authorised vehicles shall enter Lake Lane by turning right from Yapton Lane and exit Lake Lane by turning left into Yapton Lane so avoiding use of the Yapton level crossing.

This application seeks consent for the construction of the access as is required by the conditions imposed on the operator's licence together with the formation of a hardstanding for parking the vehicles.

I have reviewed the proposed HGV site parking plan (dwg 063.0002.100 rev P5) and transport statement dated August 2016 prepared by Paul Basham Associated submitted in support of planning application and write to confirm my findings.

The appropriate visibility splay required for such an access to Lake Lane are defined by a minor road distance of 2.4m and a major road distance of 120m. I am satisfied that subject to trimming back of the existing vegetation such visibility splays are achievable either entirely within the highway or land in the control of the applicant. The forward visibility along Lake Lane is good with sufficient stopping sight distance to allow an approaching vehicles either entering or emerging from the proposed access.

The access has been designed such that a vehicle arriving at the site can pass a vehicle emerging thereby avoiding the risk that a vehicle may stand in the carriageway obstructing the free flow of traffic to allow another to exit.

As a consequence I am satisfied that the form of access proposed would provide a safe arrangement for vehicles operating from the site.

The Traffic Commissioner recognised the difficulties which could arise should there be any significant increase in slow moving heavy vehicles crossing the Yapton level crossing and imposed a routing arrangement as detailed in (d) above to preclude that movement.

The transport statement considers the impact of HGV movements on the eastern section of Lake Lane between the site access and Yapton Lane. This concludes that the effect of the proposal will actually result in a net reduction in HGV movements on that section of road compared with the current arrangements which do not provide for HGVs to be based at the Lake Lane Nursery site. I have reviewed the existing operational arrangements and the applicant's customer base in Lake Lane and find this assessment to be sound.

As a consequence I would not wish to raise a highway objection to this application although the applicant should be advised that a S278 agreement will be required with the highway authority prior to the commencement of any work on the highway to form the proposed access. A condition should be imposed requiring that the access is constructed in accordance with details to be submitted to and approved by the LHA prior to the commencement of the use of the site as an operating centre."

CDC ECOLOGY OFFICER - requested an ecological enhancements plan in addition to the submitted Ecological Assessment. Following the submission of this, responded to say: "We wish to condition the recommendations made in the Ecological Assessment and in addition the Enhancements plan."

ADC ECONOMIC DEVELOPMENT - "Economic Development has no comments on this application."

ADC GREENSPACE OFFICER - "No landscape comment required".

ADC TREE OFFICER - No objection. Comments in full below:

"There is a line of young Eucalyptus trees along the western boundary edge which were planted to screen and shade the polytunnels to the east side of them. They are not of any real significance in the landscape being an alien ornamental species but they do perform a good screening & separation function currently and I suspect that this would continue to be beneficial if this site does become a lorry park as proposed. The proposals show parking tight to the boundary line and I suspect that this would mean the removal of all of these trees.

There is a line of young Birch and Alder along the front boundary to the site which were planted to screen and shade the glasshouses to the north side of them. They are not of any real significance in the landscape as they have yet to develop fully. Some of the Alder have dead tops and show signs of Phytopthera dieback but the Birch are of fair shape and form and good health. The proposals would require the loss of a small section of these trees to form the new access drive and visibility splays.

I raise no objection to the loss of these trees but if the applicant can be persuaded to allow for a 1m buffer strip adjacent to the Eucalyptus trees then I think this would enable them to be retained and help to soften the impact of the lorry park."

ADC DRAINAGE ENGINEERS - No objection: "We have agreed the surface water drainage details with the applicant/agent. Once land drainage consent and s278 details have been agreed and confirmed regarding the access culvert then the drainage will be acceptable."

ADC ENVIRONMENTAL HEALTH - requested further information in respect of the noise levels and details of how many movements they expect the new use to generate (day and night-time). Following submission of this, responded: "The response provided the information required, and I can confirm that I have no further comments, and that EH has no objections to this application."

COMMENTS ON CONSULTATION RESPONSES:

Noted. In respect of the Tree officer comments, no buffer is proposed to the Eucalyptus trees on the west boundary, however the Officer does not raise an objection to the potential loss of trees and a landscaping condition will be imposed which requires details of tree protection measures. The application does not specifically state that these trees will be removed.

POLICY CONTEXT

Designations applicable to site:
Outside Built Up Area Boundary;
No Public Sewer; and
Area of Special Control of Adverts.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	DEV8	Circumstances in which Additional Development may be Permit'd
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development
	GEN29	Nature and Conservation Across the District
	GEN32	Noise Pollution
	GEN33	Light Pollution
	GEN34	Air Pollution

Publication Version of the Local Plan (October 2014):	SD SP1 Sustainable Development
	C SP1 Countryside
	LAN DM1 Protection of Landscape Character
	EMP DM1 Employment land: Development Management
	SO DM1 Soils
	D SP1 Design
	D DM1 Aspects of Form and Design Quality
	T SP1 Transport and Development
	W SP1 Water
	W DM3 Sustainable Urban Drainage Systems

QE SP1 Quality of the Environment
 ENV DM4 Protection of Trees
 ENV DM5 Development and Biodiversity
 HOR DM1 Horticulture
 QE DM1 Noise Pollution
 QE DM2 Light Pollution
 QE DM3 Air Pollution
 QE DM4 Contaminated Land
 INF SP1 Infrastructure provision and implementation

Yapton neighbourhood plan 2014 Policy BB1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E1	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E3	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E4	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E5	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development

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; Aldingbourne; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

The Walberton NP is at an advanced stage having been through Examination (July 2016) and having set a date for a referendum (01/02/17). Those policies relevant to this application are set out below:

Policy VE2 "Horticultural Development";
Policy VE3 "Protection of Trees and Hedgerows";
Policy VE7 "Surface Water Management";
Policy VE8 "'Unlit village' status"; and
Policy GA5 "Traffic Management".

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 nearby properties and nor would it have an adverse impact upon the established character of the surrounding area. The proposal will also not have a negative impact on the safety and convenience of the highway network.

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 outside of the Built-Up Area Boundary where development is not acceptable in

principle, unless necessary for the needs of agriculture, forestry, the extraction of minerals, deposit of waste or the diversification of the rural economy. Adopted Local Plan policy GEN3 states that development in the countryside is acceptable where it is accordance with a policy within sections 2 & 3 of the Local Plan.

Arun District Local Plan policy DEV8 is within section 3 of the Plan and states that subject to certain criteria, planning permission will be given to existing local firms who wish to develop on sites outside of the built-up area boundary. Policy DEV8 requires that:

- (i) there is no acceptable alternative within existing permitted or allocated floorspace or within or through redevelopment of existing commercial premises; and
- (ii) the proposal:
 - (a) exhibits a high standard of design and layout;
 - (b) is sustainably located;
 - (c) provides sufficient parking;
 - (d) relates sympathetically to the surrounding environment;
 - (e) includes suitable landscaping;
 - (f) displays a satisfactory relationship with neighbouring uses to protect residential amenity;
 - (g) incorporates, where appropriate, crime prevention measures.

The proposal would also contribute to the relocation of a local business from elsewhere, whilst retaining it within the District and freeing existing brownfield land for much needed residential redevelopment. Moreover, there are positive economic and employment implications arising from the development proposed. In addition, the location of the site in close proximity to many (albeit not all) of the horticultural activities it would serve would potentially result in a reduction in vehicle trip lengths and contribute to a more sustainable activity than presently exists with the existing site in Littlehampton. Furthermore the location of the proposed site is close to the main road route running through Sussex (the A27) and within easy reach of employees living in the local area. The part (ii) criteria in Policy DEV8 will be analysed elsewhere in this report.

It is also relevant to consider the policies of the Emerging Local Plan 2011-2031 (Publication Version). Policy EMP SP1 states that: "The Council, with partners, will promote the sustainable growth of the District's economy by supporting the provision of a flexible supply of land to meet the varying needs of different economic sectors. Sufficient employment sites and premises will be safeguarded in order to meet the needs of the economy in Arun to 2031 to support job creation, the needs of modern business and the attractiveness of the District as a business location. This will comprise: (b) The provision of land to accommodate both employment and employer generated needs"

Policy EMP DM1 states at 3. "Relocation and expansion of existing businesses", that:

"The Council will positively encourage the relocation of existing firms wishing to expand within Arun District where this will improve their economic and environmental sustainability, improve the local environment for local residents and/or enhance the sustainable development potential of adjoining sites. The Council will support the regeneration and renewal of these sites and their surroundings for housing and mixed-use development, if this assists the viability of the business relocation in Arun District."

This application states that the development will improve the amenity of Park Road residents (by moving refrigerated lorries to the new facility if they are required to run for more than 15 minutes). The application will also result in residential redevelopment of a brownfield site.

NATIONAL PLANNING POLICY FRAMEWORK:

The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development. It states at para 14 that where the development plan is absent, silent or the relevant policies are out of date, 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'. Although the Yapton Neighbourhood Plan has weight (discussed below), it is considered that, given the status of the Council's adopted and emerging plans, this presumption should apply.

Para 7 of the NPPF sets out the three dimensions to sustainable development - economic, social and environmental roles. It is considered this proposal is sustainable development in that it will:

- (1) improve the residential amenity of persons living close to the Lake Lane Nurseries and Windroos sites;
- (2) improve the viability of the existing haulage business by moving the two existing 'parts' of the business closer together;
- (3) reduce the number of HGV trips along the eastern end of Lake Lane and over the level crossing by removing the need to travel between the Wick site and the existing Lake Lane Nurseries site;
- (4) maintain 81 existing jobs;
- (5) be sited in a location that is at least 170m from the closest residential property;
- (6) as demonstrated elsewhere in this report, have minimal environmental impact overall including no adverse effect on protected wildlife species
- (7) as demonstrated elsewhere in this report, have no adverse impact in respect of drainage;
- (8) facilitate the residential redevelopment of an existing sustainable urban site for 85 dwellings which in turn will (a) increase Council Tax receipts, (b) provide for construction jobs, (c) support the local community by providing housing to meet existing and future needs;

Furthermore, the site is located within easy reach of the main road route running through Sussex providing access to those growers who are not located along Lake Lane.

It should also be noted that the NPPF states at para 17 that planning should "proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs."

Furthermore, paragraph 28 states that "local and neighbourhood plans should: (1) support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings; and (2) promote the development and diversification of agricultural and other land-based rural businesses"

YAPTON NEIGHBOURHOOD PLAN:

The Yapton Neighbourhood Plan (YNP) has been made and its policies carry significant weight in this determination. It is considered that regard should be had to the fact that Yapton Parish Council

who authored the YNP have expressed their conditional support.

YNP Policy BB1 states that developments outside the built up area boundary will not be supported unless they are compliant with 4 criteria. None of these criteria refer to agricultural or horticultural development. Therefore, the application is contrary to BB1. However, BB1 is not considered to be in accordance with policy GEN3 which allows for existing businesses in the district to expand. Furthermore, as noted above, there is NPPF support for the proposals.

According to the YNP, the site is grade 2 agricultural land. Policy E1 states that permission will be refused for development on such land unless it is for residential development. However, regard should be had to the fact that the land is not currently farmed and was previously used for the growing of plants in containers above the soil.

Policies E3, E4 & E5 are concerned with the protection of the natural habitat & biodiversity and these issues are analysed elsewhere in the report. Policy E11 is concerned with flooding & drainage and this issue is considered to have been dealt with by the submission of a surface water scheme with the application and by the comments of the Councils Drainage Engineers above.

WALBERTON NEIGHBOURHOOD PLAN:

The Walberton Neighbourhood Plan is at an advanced stage having been through Examination (July 2016) and having published a date for a public referendum (01/02/17).

Policy VE2 sets out support for new horticultural development. Although this is intended to be applied to glasshouses, polytunnels and packhouse development, regard should be had to the nature of the applicants business in that they currently serve the horticultural trade. The policy also states that: "Proposals for redevelopment of horticultural sites for non-horticultural purposes will be considered on a case by case basis".

Policy GA5 "Traffic Management" states that: "Proposals that significantly increase the level of traffic within the villages will be resisted particularly in the case of HGV movements." This issue is considered under the section marked "Highways" below.

Policies VE3 (trees) and VE7 (drainage) are concerned with issues that are dealt with elsewhere in this report. In respect of policy VE8 ('unlit village' status), a condition is proposed to require details of all new lighting in order to protect the rural landscape and to safeguard any local bat populations

HIGHWAYS:

The bulk of local objection (including from Walberton Parish Council) relates to the impact of the proposal on the safety and convenience of Lake Lane and adjoining roads.

The applicant has submitted a Transport Statement which concludes that:

- * The proposed visibility splays are in accordance with average speeds on Lake Lane;
- * The access has been designed to accommodate the turning HGV movements;
- * The access road has been designed to allow HGV's to pass each other;
- * The site will have a capacity exceeding the licensed number of HGV's and this provides flexibility

for manoeuvring and for staff parking;

- * The proposed development will reduce the number of HGV trips along the eastern end of Lake Lane and Yapton Lane - and reduced pressure on the level crossing. This is on the basis of a reduction in trips to the Lake Lane Nurseries site from the existing haulage yard in Littlehampton;
- * Even taking into account the additional HGV trips associated with the applicant's clients outside of Lake Lane, the net effect is still to reduce HGV movements on a daily basis;
- * 25 staff arrivals and departures are anticipated to be generated per day, as approximately a third of the applicant's fleet spend most of the week travelling from site to site across the country; and
- * Even if all staff arrived and left together, this would not trigger WSCC's requirement to assess junction capacity.

It should be noted that paragraph 32 of the NPPF states that:

"..... Plans and decisions should take account of whether: (1) the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; (2) safe and suitable access to the site can be achieved for all people; and (3) improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

The Council has no technical expertise of its own in respect of highway matters and is advised by WSCC Highways. As such, it would not be considered sustainable, despite the number of local objections, to determine the application against the advice of the highways authority.

The comments of WSCC Highways are set out in full above. In short, they have no safety concerns with the layout of the site and the access, consider the applicants assessment in terms of a reduction in vehicles using Lake Lane to be sound and do not consider that the impacts of the development will be severe.

The Highways Agency have assessed the application (including additional information sought from the applicant) and do not raise an objection regarding the impact on the A27 or the A29.

In respect of level crossing safety, conditions will be imposed in accordance with the approved Goods Vehicle Operator's Licence requiring vehicles to exit Lake Lane turning left onto Yapton Lane and to enter Lake Lane turning right from Yapton Lane avoiding the level crossing entirely.

RESIDENTIAL AMENITY ASSOCIATED WITH THE PROPOSED PARKING SITE:

Local Plan Policy GEN7 (iv) indicates development will be permitted if it takes into account the impact of a proposal on adjoining occupiers, land, use or property. Furthermore, paragraph 17 of the NPPF states planning should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. There are additional policies in the adopted Local Plan which seek to protect the amenity of existing land users/occupiers from noise, light and air pollution.

Local residents have raised concerns regarding potential increase in air pollution from the diesel engines on site and on Lake Lane and an increase in noise pollution to vehicles using Lake Lane.

Although, given the 170m distance between the site and the boundary of the nearest residential property, there will be no immediate issues in respect of privacy, loss of light or noise disturbance; regard should be had to the wider residential amenity impacts of the development. Environmental Health have not raised any objection to noise or engine fumes.

In respect of the impacts associated with vehicles using Lake Lane, it should be noted that the applicant states (and WSCC Highways accept) that the effect of the development will be to reduce the number of HGV trips along the east end of Lake Lane and on Yapton Lane. Although, there may then be a change in the number of movements between the Lake Lane Nurseries site and the proposed site, this is to be balanced against the fact that this is an existing road and that the net effect of the application will be to reduce daily HGV movements.

It is proposed a condition be imposed requiring details of new lighting to be approved prior to occupation. This is in the interests of visual amenity and safeguarding any local bat populations.

RESIDENTIAL AMENITY IMPACTS ASSOCIATED WITH THE EXISTING LAKE LANE SITE:

It is necessary to consider how the application will affect the existing situation for the residents of Park Road who live close to the Lake Lane Nurseries site (applicant's consolidation centre). These residents are affected by noise from vehicles entering the site and refrigerated lorries which need to be plugged in for long periods whilst waiting to be unloaded/loaded.

Previous measures have been taken to improve this situation such as the erection of a 2m high acoustic fence along the southern boundary. This was later raised to 3m. The applicant has placed a low planted bund on the northern side of this acoustic fence. It is understood that as the fence is located next to the noise 'receiver' and not the noise source, that its noise reduction qualities are reduced. Furthermore, noise in the area tends to reverberate off nearby glasshouses thus making it difficult to completely protect the amenity of local residents.

The application will improve the situation for these local residents as refrigerated lorries will no longer need to sit running for long periods at the site. They will instead be held at the proposed operating site until such time as they can be moved to the Lake Lane Nurseries site to be unloaded/loaded. The applicant has stated that if it is necessary for a refrigerated lorry to be running for in excess of 15 minutes then it will exit the site and park up at the proposed operating site. This will be enforced through the submission of a site management plan. It is likely that there will be less HGV's generally parked up at the Lake Lane Nurseries site thus reducing noise impacts associated with the starting up of engines and with employees.

The applicant was approached in respect of whether the acoustic fence could be raised in height. It was felt that this would result in a visual impact to the Park Road residents. Advice from Environmental Health officers is that 3m is a reasonable height and that raising the fence would have a limited impact and not be worthwhile. As is clear from the existing southern boundary at the consolidation site, there are some gaps in the planting and the applicant has agreed to a landscaping condition which would require additional trees and bushes to be planted in these gaps

LANDSCAPE & VISUAL IMPACT:

In design terms, the size of the parking area at 89m by 76m with associated access road is

considered acceptable and in proportion to the site as a whole. The parking area will be situated at a considerable distance from the road (98m) and behind existing glasshouses such that it will not be visible in the streetscene. In respect of wider views, it is noted the site is surrounded by existing buildings, glasshouses, polytunnels and other horticultural developments. The land to the immediate east is open but this is the exception to the rule. The frontage of this section of Lake Lane is well landscaped thus further minimising potential visual impact.

In respect of the access road, there are other accesses to Lake Lane in the area and so this would not be out of character. However, the new access will not merge or form a cramped arrangement with other accesses to nursery sites along this section of Lake Lane. No buildings are proposed and only vehicles would appear above ground level. A landscaping scheme will be requested to soften those parts of the site which are open to adjoining land and also to green any small pieces of land within the site not allocated for parking. The landscaping scheme requires details of the protection measures to be afforded to existing trees not proposed for removal.

SUMMARY:

Although this site lies in open countryside, it is considered the proposed use of the site for the parking of HGV's is acceptable on the basis that it will aid the viability of an existing local business heavily involved in the horticultural trade. It is not considered that the development proposed will result in any adverse harm to the landscape, on the local highway network or on local residential amenity. The site will bring about benefits to residents living close to the existing consolidation site. It should be noted that the relocation of this site from Windroos Nursery in Littlehampton facilitates redevelopment of that site for 85 houses and thus indirectly results in additional social and economic benefits.

It is considered that the concerns raised by local residents and by Walberton Parish Council have been carefully considered within this report. It should also be noted that the application is supported by existing local growers who consider the proposal to be beneficial to their businesses.

It is therefore recommended that permission be granted in accordance with the following conditions and informatives.

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.

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:

Figure 1: Site Location (Red line boundary approximate);
Proposed HGV Site parking, Vehicle Tracking and Visibility Splays dwg. 063.0002.100 Rev P5;
Surface Water Drainage Strategy dwg. 063.5002.400; and
Surface Water Drainage Strategy plan dwg. 063.5002.401 Rev C.

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 site for the parking of HGV's hereby permitted shall be carried on only by Stuart Lyons (Haulage) Ltd. and shall not benefit any different user without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: Planning permission has been granted having regard to Policy DEV8 of the Arun Local Plan which allows for existing businesses within the district to relocate to sites outside the urban area.
- 4 No part of the development shall be first used unless and until the approved surface water drainage scheme has been implemented in accordance with the approved drawings 063.5002.400 & 063.5002.401 Rev C and the approved scheme shall thereafter 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 No part of the development shall be first occupied unless and until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme in

respect of the proposed HGV parking site which includes 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 proposed operating centre 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.

- 6 No part of the development shall be first occupied unless and until there has been submitted to, and approved by, the Local Planning Authority, a separate landscaping scheme in respect of enhancing the existing planting along the southern boundary of the existing Lake Lane Nurseries site (the consolidation centre) in order to provide additional noise mitigation. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the proposed operating site 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 protecting the amenity of those residential occupiers who live close to the existing Lake Lane Nurseries site and in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 7 No part of the development shall be first occupied until such time as a Site Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include provisions in respect of the following:

- * The routing of vehicles exiting Lake Lane to the east turning north only;
- * The routing of vehicles entering Lake Lane to be from the North only;
- * The relocation of any trailers requiring refrigeration units to be run for a duration greater than 15 minutes, to the operating site;
- * How and where vehicles will be washed and maintained; and
- * The issuing of individual information packs detailing the agreed provisions to drivers.

Reason: To safeguard the operation of the public highway in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 8 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 and in accordance with the National Planning Policy Framework.

- 9 The development must be carried out in accordance with the submitted Ecological Enhancements Drawing submitted on 19/10/16 dated and also the Ecological Assessment dated 08/03/16 both by Arbtech. The enhancements and mitigation measures shall be retained and thereafter maintained.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

- 10 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan and the National Planning Policy Framework.

- 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.

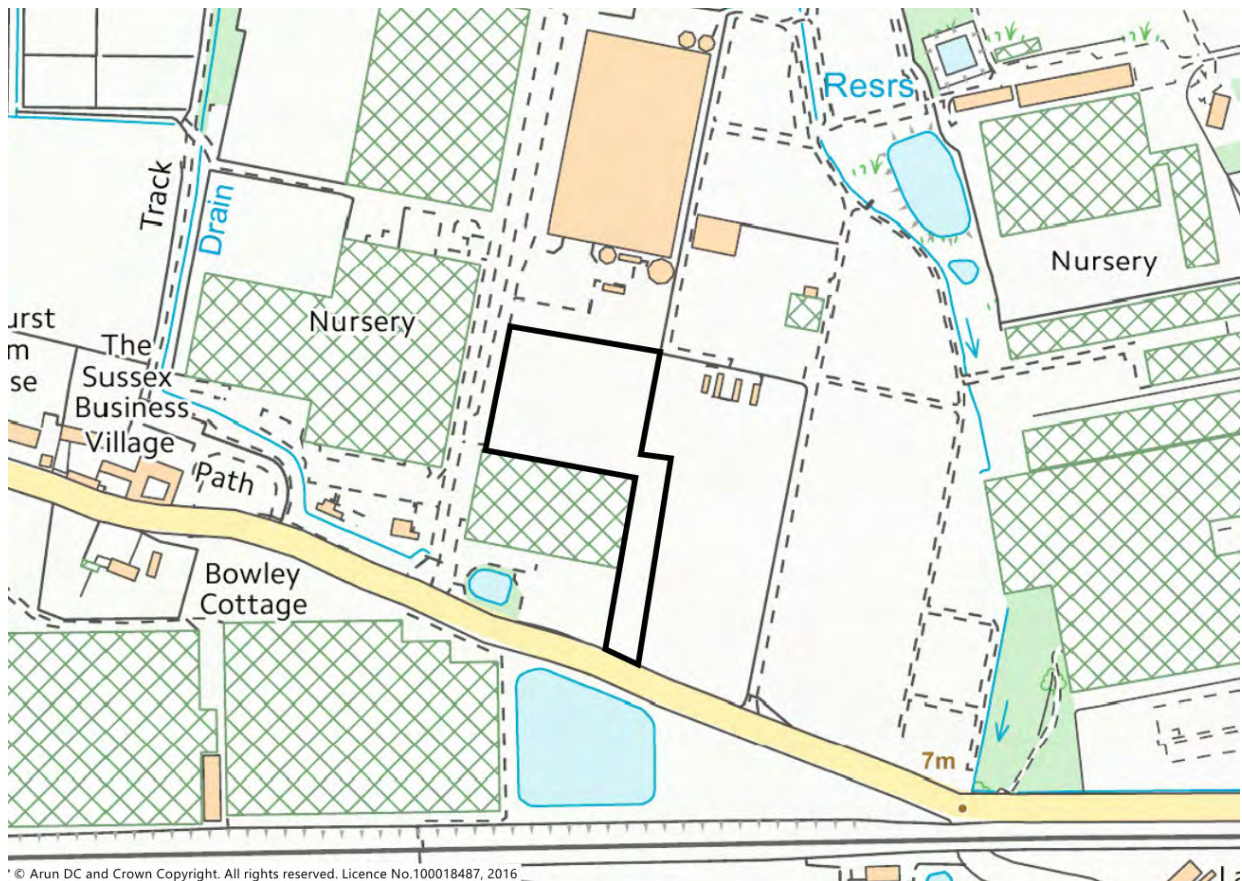
- 12 **INFORMATIVE:** The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised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

- 13 **INFORMATIVE:** The applicants attention is drawn to the comments of Southern Water available on our website in respect of the potential for sewers to be crossing the site. For further information on these comments contact:- Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

Y/64/16/PL Indicative Location Plan

(Do not Scale or Copy)

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



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AGENDA ITEM 8

DEVELOPMENT CONTROL COMMITTEE

30 November 2016

PLANNING APPEALS

APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

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/59/16/PL

Received: 27-09-2016

West Barn Old Dairy Lane Norton Aldingbourne

Mews of 6 No.2 storey low rise live work studios. Resubmission of AL/79/14/PL. This application is a Departure from the Development plan & affects the character & appearance of Norton Lane, Norton Conservation Area

Written Representations

PINS Ref: APP/C3810/W/16/3154760

AL/8/16/OUT

Received: 02-09-2016

Land south & west of Barnside & east of pond Hook Lane Aldingbourne

Outline application with all matters reserved for a residential development of up to 14 No. dwellings & associated works including access, landscaping & open space. This application is a Departure from the Development Plan.

Informal Hearing

07-12-2016

PINS Ref: APP/C3810/W/16/3155330

AW/93/16/HH

Received: 30-08-2016

Tradewinds 7 Arun Way Aldwick Bay Estate

Proposed garage replacing demolished water tank & garden room. Resubmission of AW/122/15/HH

Written Representations

PINS Ref: APP/C3810/D/16/3157123

BN/10/16/PL

Received: 19-09-2016

Crab Apple, Russett, Bramley and Pippin Holiday Cottages Highground Orchards Highground lane Barnham

Application for removal of condition no.2 following grant of planning application BN/67/06 relating to holiday use

Written Representations

PINS Ref: APP/C3810/W/16/3155230

BR/107/16/PL

Received: 20-09-2016

15 Devonshire Road Bognor Regis

Retrospective application for the change of use from single dwelling (C3 Dwelling Houses) to HMO (Sui Generis).

Written Representations

PINS Ref: APP/C3810/W/16/3155548

BR/84/16/OUT

Received: 04-08-2016

3 Southdown Road Bognor Regis

Outline application with some matters reserved for construction of 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

FP/184/16/T

Received: 17-10-2016

Manor Flats 100 Felpham Road FELPHAM

Fell to ground level 1No. Blue Atlas Cedar

Written Representations

PINS Ref: ENV/3161078

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/19/16/OUT

Received: 08-09-2016

Land off Burndell Road Yapton

Outline application for the development of a maximum of 108 No. residential dwellings, vehicular access from Burndell Road, public open space, ancillary works & associated infrastructure. This application is a Departure from the Development plan

Public Inquiry

PINS Ref: APP/C3810/V/16/3158261

LOCATION: Land North of Roundstone-By-Pass Roundstone By
Pass Angmering

SUBJECT: Car showroom & workshop with associated access, car parking & landscaping.

Planning Application Reference: A/162/15/PL

Appeal Decision: Allowed+Conditions

Date: 09 November 2016

Appeal Procedure: Public Inquiry

Application Decision: Refused

Date: 31 March 2016

Decision Process: D C Committee

Original Officer Recommendation: Refuse

KEY ISSUES

The Inspector considered the main issues were:

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

With regard to policy he concluded that given the Angmering Neighbourhood Plan, the most recent component of the development plan, has indicated that the site is an employment site that it seeks to protect, and the proposal would comply with Policy ER2 in respect of that part of the site covered by the glasshouse. The proposal would represent the redevelopment of previously developed land and there would be an economic benefit from the proposal. However, it would be contrary to Policies GEN2 and GEN3 of Arun District Local Plan (ALP). Policy GEN2 is not consistent with the Framework for the reasons given and thus should be given limited weight. The degree of conflict with Policy GEN3 should be considered as regards the effects of the proposal on the character and appearance of the area.

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

The Inspector was satisfied that, subject to conditions, the proposed development would not have an unacceptable effect on the living conditions of the occupiers of Kelston House and Quiet Waters in terms of light, smell, and noise and disturbance. It would therefore comply with Policy GEN7 of the ALP which requires development not to have an unacceptable adverse impact on adjoining occupiers. It would also comply with paragraph 17 of the Framework which seeks a good standard of amenity for all existing and future occupants of land and buildings.

Other matters considered by the Inspector included the impact of the development on the

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

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

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

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

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

APPLICATION FOR COSTS MADE/REASON

None

COSTS AWARDED

N/A

Background Papers: A/162/15/PL

Contact: Mrs A Gardner

Telephone: 01903 737529

Appeal Decision

Inquiry held on 11 October 2016

Site visit made on 11 October 2016

by R J Jackson BA MPhil DMS MRTPI MCI

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

Decision date: 09 November 2016

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

**Land to north of Roundstone Bypass (A259), Angmering,
West Sussex BN16 1ED**

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

Decision

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

Procedural Matters

2. Before the Inquiry opened the Council resolved that it did not wish to defend the appeal. Consequently after confirming this in opening, it did not present any evidence to the Inquiry, although it was represented. The Council participated in the section of the Inquiry dealing with conditions to be imposed in the event that the appeal was allowed, expressing differences of opinion from the appellant as to the extent of these. The Council confirmed at the Inquiry **that it agreed with the appellant's position on all other matters.**
3. However, a local resident attended and participated in the Inquiry. He opposed the development, principally due to his concerns about the effect of the proposal on his living conditions.
4. **The Council's change in position was due to the submission of an additional plan showing greater detail as to the proposed landscaping scheme (Landscape Strategy Plan 873/L4).** The local resident confirmed that he was fully aware of this plan prior to the Inquiry. At the Inquiry it was agreed that this plan was, in fact, an amended plan which was to replace an application drawing (100D). As the affected local resident was aware of the plan and was able to make comments upon it at the Inquiry I accepted this plan as an amendment to the proposal.

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

Main Issues

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

Reasons

7. The appeal site lies to the north of the A259 Roundstone bypass. It currently consists of two houses and their curtilages and an area of glasshouses and associated hardstandings. It has an area of approximately 1.12 ha. There are two copper beech trees close to the southern boundary which are protected by a Tree Preservation Order¹ and a further two trees, a Monterrey Cypress and poplar, in the southwest corner.
8. The southern boundary of the site to the A259 is made up with a mixture of brambles and hedging. These are due to be removed as part of the proposals to dual the A259, which is scheduled to occur in the next couple of years, irrespective of the decision on this appeal. The A259 is lit on the southern side in the approach to the Roundstone roundabout.
9. There are currently a number of accesses to the appeal site. Both of the dwellings have an access to the A259, although sharing a single section of dropped kerb. The more westerly of these dwellings, Appletree Cottage, also has an access to the west to Roundstone Lane (B2225) a short way to the north of its roundabout junction with the A259. In addition there is an access to the glasshouse area further north from Roundstone Lane. This last access also provides servicing access to the garden centre to the east through the appeal site. There are two raised speed humps or '**sleeping policemen**' on this service road.
10. In addition to the garden centre building and associated display areas there are three separate retail units within that overall area, which has an extensive communal car park which is well landscaped. The visiting public use separate access and egress arrangements from and to the A259 further to the east.
11. To the north and west of the southern part of the appeal site is Kelston House which is a dwelling, and to the north of the appeal site is another dwelling, Quiet Waters. To the north of Quiet Waters is the former West End nursery site, which is being developed for 246 dwellings. Further to the north and west is the village of Angmering.

¹ TPO/A/3/15

The principle of development

12. The Council adopted the Arun Local Plan (the ALP) in 2003. This provided policies for the area up to 2011, however, a number of the policies were saved by Direction of the Secretary of State in 2007, and remain in force. In this plan the appeal site is shown to be outside a Built-up Area Boundary (BUAB), defined by Policy GEN2 of the ALP, and thus in the countryside. In addition, under the terms of the ALP the appeal site lies in a local gap.
13. In 2015 the Council made the Angmering Neighbourhood Plan 2014 – 2029 (the ANP). Figure 3.7 of the ANP shows the various Character Areas of the parish. This shows the northern part of the appeal site, that being the area of the site apart from **the two dwellings, as being "Employment Sites"**. **Figure 3.8 sets out a "Map Showing Spatial Challenges and Constraints to Development"**. This covers the whole of the appeal site, together with other land, with grey hatching. **Paragraph 3.66 of the plan states "The grey hatched areas identify employment sites that **the Plan seeks to protect**" [emphasis in the original]**. The local gap is not shown as covering the appeal site with Roundstone Lane forming the eastern boundary of the local gap and it then extending to the west.
14. Where there is conflict between policies in development plan documents the resolution must be resolved in favour of the most recently adopted plan, which in this case is the ANP. In light of this I am therefore satisfied that the site lies outside the local gap.
15. The ANP makes it clear that it only amended the BUAB in one location (Mayflower Way). Policy HD1 stated that the ANP allocates sufficient land to deliver at least the minimum housing requirement in the emerging Arun Local Plan (the eALP) and that, without a BUAB, significant further development would encroach into open countryside. Policy ER2: Local Employment is the only specific policy dealing with employment and this sets a general presumption against the loss of locations that provide employment. This policy does not deal with additional employment proposals but there would be compliance with the policy in respect of that part of the site which is currently covered by a glasshouse. The eALP, however, is stalled in its progress towards adoption due to concerns over housing numbers and can only be given very limited weight.
16. Policy GEN3 of the ALP indicates that outside the BUAB the countryside will be safeguarded for its own sake. Development will not be permitted unless it falls within a limited list of development types. The appeal proposal does not fall within any of these types. Policy DEV8 states that planning permission may be granted to local firms, currently located in the District, proposing development outside the built-up area, provided that the applicant can comply with various criteria and subject to certain occupancy restrictions in the event that planning permission is granted.
17. The National Planning Policy Framework (the Framework) indicates in paragraph 215 that due weight should be given to policies in existing plans according to their degree of consistency with the Framework, with greater weight given to policies closer to the policies in the Framework.
18. In seeking to protect the countryside Policy GEN3 of the ALP is in general conformity to the Framework, which sets out in paragraph 17 that one of the

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

19. Policy DEV8 of the ALP allows local firms to develop outside BUABs. The policy defines local firms as those currently located in the District and in strict terms the appellant company does not fall within the definition in that it is seeking to relocate from outgrown premises in the adjoining district. Given that planning policy should be read objectively this policy is not engaged. While it was asserted that the Council has used this policy in what were said to be similar circumstances to permit development, I do not have the full details and consider that it would not be appropriate to give the proposal positive weight under this policy.
20. The appellant maintained that the vast majority (over 92%) of the appeal site was made up of previously developed land as defined in Annex 2: Glossary of the Framework. The site is predominantly made up of two distinct areas; the glasshouse area and the dwellings area.
21. When planning permission was granted in 2011 for what is now the garden centre the application site included the glasshouse area. That permission has been implemented and I am advised, without dispute, that the glasshouse has been used for ancillary storage for the garden centre. I am therefore satisfied that this part of the site represents previously developed land as it represent land which is occupied by a permanent structure, including its curtilage, and does not fall within any of the exceptions.
22. The decision of the High Court in *Dartford Borough Council v Secretary of State for Communities and Local Government*² makes clear residential gardens outside built-up areas fall within the definition of previously developed land. As the site lies within the terms of the ALP and ANP outside the BUAB it lies for policy terms in the countryside. Within this development plan context I am satisfied that land outside a BUAB is synonymous with land outside built-up areas. Consequently the dwellings and their gardens, being outside a BUAB, represent previously developed land.
23. Paragraph 111 of the Framework indicates that planning decisions should encourage the effective use of land by re-using land that has been previously developed, provided that it is not of high environmental value. I conclude below that the appeal site is not of high environmental value and consequently I give the re-use of the previously developed parts of the site weight in favour of the proposal.
24. Apart from expenditure and employment during the construction process, once operational the proposal would provide employment for 31 people, the vast majority of whom I was advised are employed full-time, as well as indirect

² [2016] EWHC 635

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

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

Character and appearance

26. Although situated outside the BUAB the evidence to the Inquiry both through evidence of the landscape witness and the Landscape, Townscape and Visual Appraisal (the LTVA) submitted with the application was that the site was located in a developed urban fringe townscape. It was also maintained that the area had changed and was continuing to change since the definition of the BUAB in 2003.
27. The site is not subject to any landscape or heritage designation. The preliminary ecological appraisal submitted with the application did not show any ecological designation or evidence of bats or other protected species beyond the trees having the potential for birds to breed within them. Given this, I am satisfied that the site is not of high environmental value.
28. To the east of the appeal site is the recently developed garden centre with its large buildings and extensive areas of car parking to the front and side which is clearly visible from the A259. With the development of the West End nursery site for housing the area to the north of the appeal site is becoming urbanised and there is the incremental development taking place to the south evidenced through the recent expansion of the hotel and public house. That the A259 will be turned into a dual carriageway in the near future, with the loss of vegetation immediately to the south of the appeal site, will only add to urbanisation in the area.
29. I would therefore concur that the existing character of the area is more urban than rural and that, ignoring the appeal proposal, it will become more urban in the near future.
30. The proposed building would be located on the eastern part of the site and would be of similar height to the garden centre buildings and in relative close proximity to those buildings. It would be located closer to the A259 than the garden centre buildings, and would feature extensive areas of glazing at the southern end of the building. However, the revised landscaping plan shows that there would be the introduction of new landscaping along the southern boundary as well as the retention of the two copper beech, the Monterrey Cypress and poplar trees, which would filter views of the building and parking areas, whether of vehicles on display or of customers' cars. The landscaping

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

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

Living conditions

32. Kelston House is a detached two storey house located towards the western end of its curtilage with access to Roundstone Lane. There are a number of outbuildings within the curtilage including some close to the boundaries. The garden is quite long, being approximately 75m from the rear of the house, with a number of trees within the rear garden. At the time of the site visit in early autumn this meant that there was limited visibility from the rear of the house to the rear boundary fence, but as a number of these trees are deciduous this will not be true the whole year. The existing boundaries to the rear garden are made up of approximately 1.8m high close boarded fences.
33. The existing service road to the service area of the garden centre passes adjacent to the northern boundary of Kelston House. The local resident explained that HGVs travel along this and there is noise as the vehicles pass over the sleeping policemen, and occasionally drivers' park up, sometime for extended periods, if they arrive before the service area opens for deliveries.
34. The particular concerns for the potential effects on the living conditions of the occupiers of Kelston House can be summarised as light pollution from the proposed building and surrounding area, smells from any spray booths, and noise and disturbance from activities within the appeal site, with this last effect considered against both daytime activities and out of normal business hours events.
35. The design of the proposed showroom building would have extensive glazing in the western elevation at the southern end. This would have the potential of **providing a light "bloom" over the** rear and side fences into the rear garden. Similarly, depending on the nature of any lighting within the car parking areas, an ill-considered lighting scheme could introduce lighting close to the rear of Kelston House and its outbuildings. This would be harmful to the living conditions of the occupiers. However, if both the physical nature of the lighting and the hours when it was to be lit, both within and outside the building, were to be controlled by a planning condition I am satisfied that that the proposal would be acceptable.
36. The appellant confirmed that there was no proposal to have any car spray booths within the appeal site and none are shown on the application drawings. However, as planning permission would not be required for the reconfiguration of the building once constructed, it would be appropriate to impose a condition

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

37. Noise and disturbance which may adversely affect the living conditions of the occupiers of Kelston House could come from a number of sources. These were identified as activities within the building, activities outside the building, being valeting and manoeuvring of vehicles, the shutting of car doors and noise associated with deliveries. Whilst acknowledging that these had the potential to cause unacceptable effects on the living conditions of neighbours if unrestricted, the appellant wished for any restrictions to allow the specific delivery of vehicle parts between 04:00 and 08:00 hours which the Council objected to.
38. To look at the question of noise and disturbance more generally first. The **appellant's evidence to the Inquiry** consisted of a noise impact assessment. Because of the length of the garden of Kelston House calculations were taken based on an assessment location 25m from the eastern boundary of the appeal site, ie about two-thirds of the depth of the garden measured from Kelston House. I consider this a robust assessment location since, while there are a number of outbuildings within the rear garden of Kelston House, the main ones are at the Kelston House end of the garden rather than the eastern end.
39. This assessment, which was undertaken in accordance with the recommendations in the relevant British Standard³, showed that there would **be cumulative 'rating' level of 50dB at the assessment location**. This would be 2dB above the prevailing background noise level and recommended limit. The proposal, as identified on the amended Landscape Strategy Plan, would therefore be to include 1.8m high acoustic fences on the rear boundary of Kelston House and for the eastern sections of the two side (north and south) boundary fences. There would also be acoustic fences on some of the boundaries with Quiet Waters. These acoustic fences would reduce the sound level at the assessment location by 7dB to below the background noise level and within the recommended limit. I am therefore satisfied that this would ensure that the living conditions of the occupiers of Kelston House and Quiet Waters were not adversely affected by the on-going activities provided that the hours of operation were restricted by condition so that the more sensitive early morning, evening and night-time hours were not affected.
40. However, the noise consultant confirmed that the noise impact assessment had not taken into account noise generated by the loading/unloading of car transporters which would take place immediately to the east of the rear garden of Kelston House. Loading/unloading of car transporters only occurred relatively infrequently, in the order of twice a week, and for relatively short periods of time. I am therefore satisfied that provided that loading/unloading only took place during day-time hours then this would not give rise to unacceptable noise effects.
41. **Concern was expressed about car doors being 'slammed shut' in the vehicle display areas adjacent to the curtilage of Kelston House particularly on Sundays.** However, while this would be distinguishable from the normal background noise, particularly from traffic noise from the A259, given the

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

- acoustic fences and other fences around the perimeter of Kelston House, I am satisfied that this would not be an unacceptable noise effect.
42. As noted above the service road to the north of Kelston House would continue to provide access to and egress from the garden centre service area, as well as egress for the car transporters. In light of comments made at the Inquiry about noise from HGVs passing over the sleeping policemen the appellant indicated that it was willing to remove both sleeping policemen as the highway evidence was that they would be no longer necessary to slow traffic due to the change in access geometry to the service area. This would therefore enhance the situation and can be secured by condition.
43. Although discussed as part of the section of the Inquiry relating to conditions as out-of-hours deliveries would have the potential to affect the living conditions of the occupier of Kelston House it is appropriate to consider this issue at this point. The appellant explained that the manufacturer of the cars delivered parts to workshops overnight. This would involve, generally, a single delivery at some point between 04:00 and 08:00 hours by a 7.5 tonne vehicle. The vehicle would access the site from Roundstone Lane, reverse to an **"overnight delivery"** room, and deliver parts in rubber wheeled cages. In order to allow for resilience the appellant asked for two deliveries even though only one was normally necessary.
44. It was noted that both the Site Plan – Proposed⁴ and the Landscape Strategy Plan⁵ showed gates which would require to be opened to allow this delivery. It was therefore proposed, in the event that early morning deliveries were permitted, that an amended detail would need to be secured by condition to re-locate the gates further into the site so that they did not need to be opened to facilitate deliveries.
45. Evidence was provided to the Inquiry about traffic levels on the A259 during the early morning, and about a similar situation at another site on the same parts delivery route at the Northbrook site in Worthing. I visited the Northbrook site and saw the relationship between the dwellings there and the delivery area.
46. If access was unrestricted during night time hours then this would lead to unacceptable levels of noise and disturbance to the occupiers of Kelston House. This is a matter of balance as requiring parts to be delivered to another location, then to be brought to the appeal site would be less efficient. Taking into account the background noise level of traffic on the A259, I am of the view that a single delivery at some point between 04:00 to 08:00 hours using the access to Roundstone Lane would be acceptable; having two deliveries would be excessive.
47. I am therefore satisfied that, subject to conditions, the proposed development would not have an unacceptable effect on the living conditions of the occupiers of Kelston House and Quiet Waters in terms of light, smell, and noise and disturbance. It would therefore comply with Policy GEN7 of the ALP which requires development not to have an unacceptable adverse impact on adjoining occupiers. It would also comply with paragraph 17 of the Framework which

⁴ Drawing 30680-060 Rev A

⁵ Drawing 873/L4

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

Other matters

48. The LTVA identified that the appeal site could be seen from a public footpath on Ecclesden Hill within the South Downs National Park. In line with paragraph 115 of the Framework great weight should be given to conserving landscape and scenic beauty in National Parks. When viewed from Ecclesden Hill the proposed development would be seen within the context of the garden centre and the new residential development on the West End nursery site and would be barely distinguishable. I am therefore satisfied that the landscape and scenic beauty of the National Park would be conserved.
49. Concerns were raised at the application stage about the increase in traffic that would be occasioned by the development. This was considered in the Transport Assessment which accompanied the application and in evidence given at the Inquiry. I also note that the Highway Authority had no objection to the proposal accommodating as it does both the existing single carriageway A259 and the design of the proposed dual carriageway. I am therefore satisfied that the traffic could be satisfactorily accommodated into the local highway network.

Planning Balance

50. The Framework indicates in paragraphs 6, 7 and 8 that the purpose of the planning system is to contribute the achievement of sustainable development, which has three mutually dependent dimensions; economic, social and environmental.
51. The proposed development would provide a number of jobs both during the construction period and when operational, both directly and indirectly. It would therefore be economically beneficial. As an employment use it would also comply with the social role by supporting the community.
52. The main areas of concern relate to the environmental effects. While the proposal would be in the countryside and therefore contrary to Policy GEN3 of the ALP it is **shown as "employment sites" in the ANP and would comply with** Policy ER2 of that plan in respect of part of the site. I have concluded that the BUABs in the ALP are out-of-date as they do not address the current and future needs of the area. The proposal represents the redevelopment of previously developed land which is not of high environmental quality and, subject to appropriate landscaping, would be in keeping with the existing urban character and appearance of the area. Subject to conditions, the proposal would not have an adverse effect on the living conditions of the occupiers of neighbouring properties. I am therefore satisfied that the proposal would lead to no material harm to the environment.
53. That being the case, the proposal would comply with the development plan as a whole and three dimensions of sustainable development would be satisfied. Therefore the appeal should be allowed and planning permission granted.

Conditions

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

- Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition requiring details of materials to be used for both the building and ground hardsurfacing areas to ensure that these are appropriate for the character and appearance of the area.
55. In order to ensure flooding does not occur, as recommended by the Flood Risk Assessment submitted with the application, a surface water drainage scheme should be completed prior to first occupation, although details of the scheme itself need to be agreed prior to implementation to ensure that the agreed details are incorporated into construction in a satisfactory manner, particularly with regard to trees.
56. In order to protect the living conditions of the occupiers of Kelston House and Quiet Waters the Construction Management Plan submitted with the application needs to be adhered to, and a condition imposed preventing the installation of a car spray booth.
57. To ensure that the development is in keeping with the character and appearance of the area and to ensure that the living conditions of the occupiers of the adjoining dwellings are protected I have imposed a condition requiring the implementation of the Landscape Strategy Plan, with the hard landscaping elements needing to be delivered before first occupation and the soft landscaping elements in the first planting and seeding seasons following that occupation. In order to ensure the health and longevity of the identified trees on site tree protection measures need to be implemented prior to works commencing on site and maintained for the construction period.
58. In the interests of highway safety conditions requiring the laying out of the accesses to the highway, the internal access roads, car park and turning areas prior to first occupation are necessary. Similarly, in the interests of highway safety with the exception of the early morning parts deliveries considered above, heavy goods vehicles, including car transporters, need to be routed from the A259 to Roundstone Lane only.
59. In order to protect the living conditions of the occupiers of Kelston House and Quiet Waters conditions requiring the limits to the noise level at the assessment location discussed above, the implementation of a noise monitoring regime and alteration if necessary, the removal of the sleeping policemen and restricting how and when lighting may be illuminated, as well as hours of opening and deliveries need to be imposed, together with when construction operations may take place. There was a dispute over this last element, with the appellant seeking a 30 minute extension to the hours suggested by the Council. I consider the hours recommended by the Council are necessary. These are, in my experience, standard construction hours for sites close to dwellings and while longer hours would allow the development to be completed slightly quicker, this would only be marginal, particularly as during winter months the longer hours in the evening would not be able to be utilised as it would be in the dark, and longer hours would be harmful to the living conditions of the occupiers of neighbouring dwellings.
60. A Phase 1 Geo-environmental Assessment was submitted with the application, but in the event that unexpected contamination is discovered measures to deal with this are required in the interests of health and the protection of the environment.

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

Conclusion

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

RJ Jackson

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Drawing No	Title	Date
3068-040 Rev B	Site Location Plan	15 February 2016
3068-C50 Rev B	Site Plan Existing	15 February 2016
3068-054	Site Elevations – Existing north and west	3 November 2015
3068-055	Site Elevations – Existing south and east	3 November 2015
3068-056	Existing houses elevations	3 November 2015
3068-060 Rev A	Site Plan Proposed	15 February 2016
3068-061	Ground Floor Plan Proposed	3 November 2015
3068-062	First Floor Plan Proposed	3 November 2015
3068-063	Roof Plan Proposed	3 November 2015
3068-064	Site Elevations – Proposed north and west	3 November 2015
3068-065	Site Elevations – Proposed south and east	3 November 2015
3068-066	Building Elevations – Proposed north and west	3 November 2015
3068-067	Building Elevations – Proposed south and east	3 November 2015
3068-068	Building Sections – Proposed A and B	3 November 2015
3069-070	Valet Building Proposed	3 November 2015
873/L4	Landscape Strategy Plan	August 2016
	Factual Ground Investigation Report	February 2016
Version 1.3	Flood Risk Assessment	25 May 2016
CAFF/16/3096	Construction Traffic Management Plan	April 2016
CAFF/16/3096/TP01	Framework Travel Plan	March 2016
- 3) Notwithstanding condition 2, the gates shown on drawings 3068-060 Rev A and 873/L4 between the eastern garden boundary fence of Kelston House and the showroom and workshop building shall not be installed in the location shown. The development hereby permitted shall not be occupied until gates have been installed between this fence and the building to the south of the doors to the overnight delivery room in accordance with details submitted to and approved in writing by the local planning authority. These gates shall be kept shut except when the site is operational in accordance with conditions 18, 19 and 20.
- 4) No development shall take place until details of the proposed surface water drainage have been submitted to, and approved in writing by, the local planning authority. The development hereby permitted shall not be occupied until all the drainage works have been carried out in accordance with the approved details.

- 5) No equipment, materials or machinery shall be brought on site in connection with the development hereby permitted, and no works, including site clearance or any other preparatory works, undertaken until the tree protection measures set out in as shown in Figures 2 and 3 of British **Standard BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations'** have been erected on site in locations in accordance with details submitted to and approved in writing by the local planning authority and agreed in writing as complete by the local planning authority. The protection shall be retained until the development is complete and nothing shall be placed within the fencing, nor shall any ground levels be altered or excavations made without the prior written consent of the local planning authority.
- 6) The construction of the development shall be carried out in accordance with the submitted Construction Traffic Management Plan (CTMP) dated April 2016 (reference CAFF/16/3096) and any amendments to the submitted CTMP approved in writing by the local planning authority.
- 7) No work relating to the construction of the development hereby permitted, including works of demolition or preparation prior to operations, shall take place except between the hours of 08:00 and 18:00 on Mondays to Fridays, and 08:00 and 13:00 on Saturdays. There shall be no work on Sundays or Public Holidays.
- 8) If, during development, contamination not previously identified is found to be present at the site then no further development within the affected area shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- 9) Prior to any above ground construction work commencing samples of the materials to be used in the construction of the external surfaces of the buildings and the external hardsurfaced areas hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 10) The hard landscaping shown on the Landscape Strategy Plan (reference 873/L4), that is all fences and hardsurfaced areas, shall be completed prior to the first occupation of the building hereby permitted.
- 11) All remaining elements shown on Landscape Strategy Plan (reference 873/L4) not covered by condition 10 shall be carried out in the first planting and seeding seasons following the occupation of the buildings; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 12) No part of the development hereby permitted shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details to be submitted to and approved in writing by the local planning authority, incorporating the recommendations given in the Stage 1 Road Safety Audit and as shown indicatively in drawings 2015/2654/001 Rev B and 2015/2654/003 Rev B.

- 13) The development, hereby approved, shall not be occupied until such time as the internal access roads, car park and turning areas have been constructed and laid out in accordance with the approved site plan (reference 3080-060 Rev A). The land thereafter shall be retained for the purpose of providing access, parking, and turning for the proposed development.
- 14) Prior to the occupation of the development hereby permitted the two existing speed reduction humps on the service road from Roundstone Lane shall be permanently removed from the site with the service road made good.
- 15) The development hereby permitted shall not be occupied until details of a scheme for lighting of the site, both internal and external, including hours of operation, has been submitted to and approved in writing by the local planning authority. The lighting of the site shall only be in accordance with the approved scheme.
- 16) The noise rating level of the valet, MOT and workshop bay activities and fixed building services plant at the site shall not exceed the background noise level at Kelston House, at a location 25m west of the east garden boundary. Measurements and assessments shall be made in accordance with **BS 4142:2014 'Methods for rating and assessing industrial and commercial sound'**.
- 17) Prior to the occupation of the premises, a scheme of the mitigation measures, necessary to achieve a rating level not exceeding the background noise level at the location stated in condition 16, shall be agreed in writing with the local planning authority and thereafter carried out in accordance with the approved scheme. Within one month of implementation a test shall be carried out and the results submitted to the local planning authority to demonstrate that the attenuation measures specified in the agreed scheme are effective and achieve the levels specified within the scheme. Where necessary, calculations shall be presented to demonstrate noise levels at the assessment location, where access to that location is not available. In the event that the specified noise levels have not been achieved, then a further scheme of attenuation works shall be submitted to the local planning authority within 28 days and shall be installed within 2 months of being approved in writing by the local planning authority and thereafter retained.
- 18) The car showroom hereby approved shall not open outside the hours of 08:00 to 18:00 Mondays to Fridays, 08:30 to 17:00 on Saturdays, and 10:00 to 16:00 Sundays and Public Holidays.
- 19) Except as allowed for in condition 21, between the hours of 07:00 and 08:00 Mondays to Fridays and 07:00 and 08:30 Saturdays the site shall only be open for the purposes of dropping or collecting vehicles within the customer parking area as shown on drawing 3068-060 Rev A.
- 20) The MOT, servicing and valet areas of the development hereby permitted shall not be operational outside the hours of 08:00 to 18:00 Mondays to Fridays and 08:30 to 12:30 on Saturdays with no operations on Sundays or Public Holidays.
- 21) No deliveries shall be received at or dispatched from the buildings outside the hours of 08:00 to 18:00 Mondays to Fridays and 08:30 to 17:00 on Saturdays, Sundays or Public Holidays, other than a single daily delivery which may take place between the hours of 04:00 and 08:00 Mondays to Fridays and 04:00 and 08:30 on Saturdays. This exception shall only be

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

- 22) With the exception of the delivery of parts by a vehicle not exceeding 7.5 tonnes gross plated weight permitted in accordance with condition 21 means of access for Heavy Goods Vehicles to the site, including car transporters, shall be from the south from the A259 and such vehicles shall egress to the north via the service road onto Roundstone Lane only, as shown in drawing 2015/2564/002 Rev B and 2015/2654/004 Rev B.
- 23) No car spraying booth shall be installed within the site.

END OF SCHEDULE

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

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

FOR THE APPELLANT:

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

INTERESTED PERSONS:

Mr Malcolm Brunning Local Resident

INQUIRY DOCUMENTS

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

ARUN DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 30 NOVEMBER 2016

Decision Paper

Subject : Development Control Committee – Proposed Temporary Changes to Compliance Strategy.

Report by : Nikolas Antoniou

Report date: November 2016

EXECUTIVE SUMMARY

Due to the number of cases currently being investigated and fewer enforcement staff than normal it is proposed to introduce a temporary (6 months) third (low) priority category to the Compliance Strategy to enable a greater focus closing existing cases whilst investigating some new cases in accordance with longer timescales.

RECOMMENDATIONS

There are two options:

- 1) Members agree in principle to the temporary changes to the Compliance Strategy to take immediate effect, Town/Parish Councils will be notified of the changes and the website will be updated.
- 2) Members vote not to accept the proposals and the Compliance Strategy remains unchanged

1.0 BACKGROUND:

1.1 The current Compliance Strategy was published earlier this year replacing the previous version. It sets out how the Compliance function operates and what the public can expect from the service. Given current and long running staffing levels (three out of four posts are filled and only one by a permanent member of staff) and a high level of demand for the service (at times in excess of 300 cases against a typical level of 160-200) it is proposed to amend the Compliance Strategy for a period of 6 months. The six month period would cover the service during a time of change with the move from a Head of Development Control to a Group Head for Planning which should see a level of clarity being defined for the ongoing resourcing

of the compliance function. Complaints about alleged breaches of planning control is not a discretionary service and all such complaints must be investigated.

2.0 PROPOSAL(S):

2.1 Section 10 of the current Compliance Strategy lists two priorities for dealing with complaints about alleged unauthorised development:

Priority 1

Such cases are normally subject to a site visit within **1** working day of the complaint being received and relate to:

- Unauthorised demolition, partial demolition or significant alteration of a building, which is essential to retain (e.g. a Listed Building or building within a Conservation Area)
- Unauthorised works to trees covered by a tree preservation order (TPO) or located in a Conservation Area.
- Unauthorised development which causes clear, immediate and continuous harm or danger to the locality including the living conditions of adjoining residents.

Priority 2

These will be the subject of a site visit within **10** working days and relate to;

- Unauthorised development that would be immune from enforcement action within 6 months;
- Operational development/changes of use and non-compliance with conditions likely to cause neighbourhood distress or adverse harm to a Conservation Area or the appearance of protected landscapes.

2.2 The proposal is to create a third category for a six month period (cases received 1/12/2016 to 31/5/2017). This would allow a longer time to carry out the initial visit.

Priority 3

These will normally be the subject of a site visit within **one calendar month** and relate to;

- Means of enclosure; advertisements, flag poles and satellite dishes
- Householder development and works likely to be permitted development

3.0 OPTIONS/IMPLICATIONS:

3.1 Should Members agree the proposed changes there will be some modest time implications (updating the web site /production of new standard letters etc). Should Members not agree to the changes the service would continue as at present but there would be less clarity about the level of service a complainant would expect during this period.

4.0 REASON FOR THE DECISION:

4.1 As outlined above the proposed six month change helps to give clarity to the public about likely investigation times and give enforcement officers the opportunity to reduce the number of cases being investigated whilst future staffing levels are clarified by the Group Head for Planning.

Background Papers: None

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