



Committee Manager : Carrie O'Connor (Ext 37614)

20 December 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 4 January 2017 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 30 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 **REVERSE ALPHABETICAL** order.

8. *PLANNING APPEALS

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 :	Neil Crowther	(Ext 37839)
	Daniel Vick	(Ext 37771)
	Juan Baeza	(Ext 37765)
	Claire Potts	(Ext 37698)

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

30 November 2016 at 2.30 p.m.

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

Councillor Ambler was also present at the meeting.

336. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Gammon and Mrs Stainton.

337. DECLARATIONS OF INTEREST

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

Reasons

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

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

Councillor Bower declared a personal interest in Agenda Item 7, Planning Application FP/102/16/PL as Chairman of the Policy Site 6 Advisory Committee, which had received a presentation from the developers on this item. He reserved his right to speak.

Development Control
Committee – 30.11.16.

338. MINUTES

The Minutes of the meeting held on 2 November 2016 were approved by the Committee and signed by the Chairman as a correct record.

339. DEFERRED APPLICATION

For the benefit of the public, the Chairman advised the meeting that Planning Application M/45/16/PL had been deferred and would not be considered at this meeting.

340. PLANNING APPLICATIONS

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 Having received a report on the matter, together with the officer's written report update detailing a replacement site layout plan and resultant amended condition sheet, the Committee participated in some debate on the matter which covered issues of flooding, drainage, housing land supply and affordability for local people. The Committee then

RESOLVED

That the application be approved as detailed in the report and the officer report update.

BE/138/16/OUT - Outline application with all matters reserved for 2 No dwellings, Land to rear of 17,19,21 & 23 Greencourt Drive, Bersted Having received a report on the matter, Members expressed serious concerns with regard to the suitability of this application in relation to access and egress to the site and felt it constituted overdevelopment. The Committee therefore did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason:-

The use of the site for two residential dwellings would represent an overdevelopment of the site and backland development which is out of character with the established streetscene contrary to Policy GEN7 of the Arun District Local Plan, D DM1 of the emerging Arun District Local Plan and ESD1 of the Bersted Neighbourhood Development Plan.

(Councillor Bower redeclared his personal interest in the following application and remained in the meeting and took part in the debate and vote.)

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 Having received a report on the matter, the Committee also received a written report update which provided the following:

- A consultation response from the Tree Officer relating to protection fencing and the land drain affecting TPO oak trees
- A consultation response from Southern Water relating to protection of the public sewer; advice on SuDS maintenance; and concern that the proposed drainage strategy was not acceptable as not designed to adoptable standards
- Amendment to Condition 3 to ensure consultation takes place with Southern Water and additional conditions as requested by Southern Water
- Additional condition to remove permitted development rights for householders

The Strategic Development Team Leader provided a detailed presentation to Members, who were particularly advised that the application was for an additional 33 dwellings to meet the changing housing needs of the District. 5 bedroom houses in the original application had been replaced with 2 and 3 bedroom dwellings and the relationship of 4 bedroom properties had changed.

In discussing the proposal, some Members expressed concerns with regard to the increase in density and the disbenefits of land raising on the surrounding properties. A view was expressed that the increased density would lead to parking problems in the future and was therefore an overdevelopment. The Head of Development Control pointed Members to the Highway Safety and Parking section of the report in which the County Council stated that they considered the overall development did provide over the recommended parking, which would therefore meet the needs of the site.

Following a full discussion, the Committee

RESOLVED

That the application be approved as detailed in the report and the officer report update

Development Control
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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 Having received a report on the matter, together with the officer's written report update detailing typographical corrections and amendments to the report and additional representations received, Member comment was made that this proposal was an overdevelopment of the site and out of character with the area. This view was supported by other Members and it was also felt that the application was too small to affect Arun's lack of 5 year housing land supply. The Committee, therefore, did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason:-

The proposed development for 5 dwellings represents an overdevelopment of the site out of character with the area contrary to GEN7 of the Arun District Local Plan, D DM1 of the emerging Arun District Local Plan and ESD1 of the Felpham Neighbourhood Development Plan.

FP/193/16/PL – Conversion of dwelling to form 2 No. houses including 2 No. new vehicular accesses, 34 Links Avenue, Felpham Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

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 Farm), Middleton on Sea Having received a report on the matter, the Committee had been advised that this application had been deferred.

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 Having received a report on the matter, the Chairman was pleased to welcome Mr Peter Hayward to the meeting as a representative of West Sussex County Council, who was in attendance to address any concerns of the Committee with regard to highway matters.

In discussing the matter and in the event of approval being agreed, a request was made that, in view of the issues around the level crossing at Yapton, Network

Rail be added as a consultee in respect of Condition 7 and the proposed routing agreement.

A view was expressed that Lake Lane was not suitable for HGV movements and that this proposal was not acceptable. Mr Hayward sought to reassure Members that HGV movements would in fact be reduced and that they would not be accessing Lake Lane via the level crossing. He was of the view that the quantum of traffic between site and location would be reduced.

Following further discussion, the Committee

RESOLVED

That the application be approved as detailed in the report, subject to the addition to Condition 7 of Network Rail being consulted on the routing agreement.

341. PLANNING APPEALS

The Committee received and noted the planning appeals that had been received and 1 appeal that had been heard.

342. DEVELOPMENT CONTROL COMMITTEE – PROPOSED TEMPORARY CHANGES TO COMPLIANCE STRATEGY

Due to resource issues, the Head of Development Control presented this report which sought agreement to introduce a temporary (6 months) third (low) priority category to the Compliance Strategy to enable a greater focus on closing existing cases whilst investigating some new cases in accordance with longer timescales.

Following consideration, the Committee

RESOLVED

That the principle of temporary changes to the Compliance Strategy be agreed to take immediate effect; Town/Parish Councils will be notified of the changes and the website will be updated.

Subject to approval at the next Committee meeting

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Development Control
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343. FAREWELL

As this was the last meeting that the Head of Development Control would be attending, the Chairman extended her thanks and those of the Committee to Nik Antoniou as he would be leaving the authority in December 2016. She thanked him for his valuable contribution to the working of the Committee and wished him well for the future.

(The meeting concluded at 5.20 p.m.)

DEVELOPMENT CONTROL COMMITTEE

04 January 2017

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**

RUSTINGTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
R/205/16/PL	Change of use from bicycle retail shop (A1 Shops) to restaurant (A3 Food & Drink). This application affects the setting of a Listed Building & affects the character & appearance of the Rustington Conservation Area.	50 The Street Rustington BN16 3NR

Case Officer : Mr D Easton

Recommendation: Approve Conditionally

LITTLEHAMPTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
LU/258/16/PL	8 No. mobile homes for permanent residency & office building to service mobile homes. This application is a Departure from the Development Plan.	Old Mead House Old Mead Road Littlehampton BN17 7PU

Case Officer : Mr D Easton

Recommendation: Approve Conditionally

LU/314/16/PL	Proposed development of new Leisure Centre Facility (Use Class D2) and demolition of existing Leisure Centre Facility and Sports Dome, including modifications to the existing car parking arrangement, landscaping and associated works.	Littlehampton Swimming and Sport Sea Road Littlehampton BN16 2NA
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Case Officer : Mrs A Gardner

Recommendation: Approve Conditionally

EASTERGATE

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
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[EG/85/16/PL](#) Temporary siting for a period of 2 years of 1No. Mobile Home. This application is a Departure from the Development Plan
Lyndhurst
Eastergate Lane
Eastergate
PO20 3SJ

Case Officer : Mr R Temple

Recommendation: Approve Conditionally

EAST PRESTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
EP/129/16/PL	Demolition of existing dwellings & creation of 2 No 4 bed detached houses & 2 No 5 bed detached houses	45 The Ridings & 60 Sea Lane East Preston BN16 2TW

Case Officer : Mr D Easton

Recommendation: Approve Conditionally

BOGNOR REGIS

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
BR/230/16/PL	Erection of 1 No. 3 bedroom house & single storey carport (resubmission following BR/59/15/PL).	7 Seafeld Terrace Stocker Road Bognor Regis PO21 2QQ

Case Officer : Simon Davis

Recommendation: App Cond sub to S106

BR/237/16/OUT	Outline application for construction of 1 no. detached dwelling & associated works	3 Southdown Road Bognor Regis PO21 2JS
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Case Officer : Simon Davis

Recommendation: App Cond sub to S106

[BR/240/16/PL](#) Demolition of existing swimming pool building & re-instatement of vacated site as landscaped area; demolition of existing staff & guest accommodation (1,005 bedspaces); erection of new swimming pool building with external slides & river ride; associated landscaping; new pedestrian links; alterations to existing car parks areas; proposed decked car park; new gatehouse for guest reception, alterations to site internal road layout & formation of temporary construction access.

Butlins South Coast World
Upper Bognor Road
Bognor Regis
PO21 1JJ

Case Officer : Mr D Innes

Recommendation: Approve Conditionally

[BR/251/16/PL](#) Change of use from industrial unit (B1 Business) to Sports Gymnasium (D2 Assembly & Leisure)

Unit 7a
Durban Road
Bognor Regis
PO22 9QT

Case Officer : Simon Davis

Recommendation: Approve Conditionally

[BR/260/16/DOC](#) Application for approval of details reserved by condition imposed under BR/148/11 relating to condition No. 3 (materials)

Land rear of Glenlogie
Clarence Road
Bognor Regis
PO21 1JT

Case Officer : Mr R Temple

Recommendation: Approve

PLANNING APPLICATION REPORT**REF NO:** R/205/16/PL**LOCATION:** 50 The Street
Rustington
BN16 3NR**PROPOSAL:** Change of use from bicycle retail shop (A1 Shops) to restaurant (A3 Food & Drink). This application affects the setting of a Listed Building & affects the character & appearance of the Rustington Conservation Area.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 230 m2.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site is open.
SITE CHARACTERISTICS	The site is occupied by an end of terrace purposed build retail parade. The site is currently within use Class A1 and was previously operated as a bicycle shop.
CHARACTER OF LOCALITY	The character of the locality is predominantly commercial with a number of retail units located in close proximity to the application site. These retail units fall within various A classes. Immediately adjacent to the site is The Lamb (public house) and to the south-east is a Grade II Listed Church. The application site also abuts the Rustington Conservation area on both its southern and western boundary.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Rustington Parish Council

My Council has considered this application and wishes to object to it on the following grounds:-

(i) The proposed change of use from a bicycle retail shop (A1 shops) to a restaurant (A3 food and drink) would result in an increased number of standing vehicles in The Street, in close proximity to its very busy junction with Sea Lane. This would most certainly interrupt the free flow of traffic on the public highway and, thereby add to the hazards for road users at this point.

(ii) The proposed change of use would increase the pressure for on-street parking, where there is only very minimal and insufficient provision in this vicinity, which is already the cause of vehicular congestion at all times of the day.

6 No. letters of objection:

- 1] This restaurant is very busy and currently benefits from being situated next to the main car park. Moving to this new location will add to the considerable congestion in the old part of Rustington.
- 2] Proposal would adversely impact upon the neighbouring Listed Buildings.
- 3] Four existing catering units in close proximity, another restaurant would increase not only the volume of traffic but also increase level of strong cooking aromas.
- 4] Insufficient off road parking provision.
- 5] Proposal is not in keeping with the Conservation Area.
- 6] Noise and smells would adversely impact upon residential amenity.
- 7] Food waste may be left out and accessible to foxes and vermin.

10 No. letters of support:

- I feel that it is important to retain the vibrancy of Rustington Village centre which has a nice mix of retail shops and places to eat.
- The main car park is situated 200m away and as such there would be no issues.
- External appearance of the building will not change.

COMMENTS ON REPRESENTATIONS RECEIVED:

In response to the comments received from the Parish:

West Sussex County Council have been consulted in relation to this application with no objection having been raised in relation to the impact of the proposed change of use upon Highway Safety.

In response to the 6 No. letter of objection:

- 1] West Sussex County Council have been consulted and no objection has been received.
- 2] The Council's Historic Buildings Advisor has been consulted and no objection has been raised in relation to the impact of the proposed change of use upon the setting of the nearby Listed Buildings.
- 3] See point 1 in relation to highway safety. Environmental Health have been consulted in relation to the proposed change of use and on the basis of the details submitted no objection has been raised.
- 4] See point 1.
- 5] The proposed change of use will not result in any alterations to the appearance of the existing retail unit which would have an unacceptably adverse impact upon the character of the locality. Therefore, the proposed change of use is considered to have no detrimental impact upon the character or appearance of the Conservation Area.
- 6] Environmental Health have been consulted in relation to the proposed change of use and on the basis of the details submitted no objection has been raised.
- 7] This is not a material planning consideration and would fall under separate legislation.

In response to the 10 No. letters of support:

- Comments noted.

CONSULTATIONS

Economic Regeneration
Listed Building Officer
Conservation Officer

Environmental Health
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Environmental Health:

Comments received 20th October 2016-

1. Acoustic Report. Anomalies seem to be apparent which make this report unacceptable to this Department.

Examples:

*The background noise level has been based on the average modal level of noise over one hour periods during all of the time when the restaurant is due to be open. Readings should be based on L90, during the evening when background levels would be expected to be higher and restaurant use greater.

*Sound power level for fan stated as 48db at source when data provided indicates that this is the reading 4m distant from the fan; no indication of the model number of fan to be installed

*Incorrect free field correction of noise attenuation applied when reflective surfaces are present

*Reversed figures for Resulting LpA Fig 6.3.1

We would therefore object to the proposed development unless a more substantive noise report can be provided .

Drains The drainage serving kitchens at commercial hot food businesses shall be fitted with a grease trap/separator of a proportionate capacity to effectively contain grease residue arising from the estimated numbers of hot meals served and waste water flow rate. The applicant shall provide the Local Planning Authority with details of their proposed grease trap/separator in order to demonstrate design and installation will be in compliance with BS EN 1825-1:2004, & BS EN 1825-2:2004

Reason: In order to safeguard the amenities of neighbouring properties, in accordance with policy GEN7 (iv) and (v) of the Arun District Local Plan.

Advisory : Sanitary Accommodation. In order to accord with the requirement of Food Hygiene Law then a lobby should be provided between any sanitary accommodation and an eating area, or area where open foods are handled.

Bar wash hand basin. Suitable provision should be made for a wash hand basin, as well as the sink to be provided to the bar.

Comments received 11th November 2016-

I would be obliged if you would condition the hours of operation of the mechanical ventilation system as below and add our comment re the odour abatement system.

Hours of operation of the kitchen mechanical ventilation system to be restricted to 10:00-22:00 to include any kitchen clean up time when this extraction system may be in use.

That specification for odour abatement noted in Sussex Catering Equipment Ltd's E Mail 9 November 2016, is considered to be suitable. However, given that the flue exhaust is to be at low level, then the residence time of air flowing through the activated carbon system should be increased to between 0.4-0.8 seconds. Cleaning to be carried out of all parts of the abatement system in accordance with manufacturer's guidelines and the applicant should check to ensure that any cleaning contract is modified accordingly.

Reason: To prevent harm to the amenity

Council's Historic Buildings Advisor:

Whilst this proposal might result in more activity outside of normal retail hours, this in itself is unlikely to affect the appreciation and character of neighbouring listed buildings, or the Conservation Area. This part of the Conservation Area already has a variety of retail uses and a public house nearby, so it is difficult to see how this change will result in harm.

WSCC Highways:

Comments received

The proposal to change the vacant A1 shop to a Thai Restaurant A3 has been considered by WSCC as the Local Highway Authority. No objection is raised to the principle of the change of use however more information is requested to ensure there is ample car parking for the anticipated increase in trips. Please can the applicant provide evidence of trip generation and patterns over the course of the day in the week; and the public car parking options available in the local vicinity.

The Street is a 30mph, main shopping road in Rustington Town Centre. It is noticed there are some local concerns over the impact this new restaurant will have on the existing parking and congestion. Directly outside the site there is on-street parking available albeit only enough for approximately 4-5 cars. This stretch of road is set back from the main road and serves a beauty salon, charity shop, fast food take away, and children's clothes and toy shop. It is noted that after 5.30pm all shops but the take-away will be closed, and this will provide more space.

Therefore WSCC would like to understand what the expected trip rates will be during the opening hours of the restaurant, and what the peak hours of the business will be, and how this fits in with the current parking options surrounding the site.

This is to ensure the parking and congestion concerns are addressed.

Please provide the following:-

- 1) Hourly trip rate analysis of the restaurant
- 2) Car parking options within a 5 minute walking distance

Comments received 13/12/2016:

The additional information clearly shows there would not be any parking issues associated with the proposal and WSCC are satisfied this development would not create any highway safety or capacity issues. No objection raised.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and recommended conditions included - the hours of operation proposed by Environmental Health for the operation of the ventilation/extraction equipment has been extended until 22.30 for Saturdays only. This is in accordance with the requested hours of the applicant and further discussions with Environmental Health revealed that this additional 30minutes would not give rise to unacceptably adverse harm to the residential amenity of neighbours.

POLICY CONTEXT

Designation applicable to site:
Within built area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN12	Parking in New Development
	AREA2	Conservation Areas
	GEN32	Noise Pollution
Publication Version of the Local Plan (October 2014):	D DM1	Aspects of Form and Design Quality
	D DM4	Extensions and Alterations to Existing Buildings (residential and non-residential)
	SD SP2	Built-Up Area Boundary
	HER DM1	Listed Buildings
	HER DM3	Conservation Areas
	HER SP1	The Historic Environment

PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework
	NPPG	National Planning Practice Guidance
Supplementary Guidance:	SPD2	Conservation Areas

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

The Rustington Neighbourhood Plan has been made but there are considered to be no relevant policies to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The application site falls within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy consideration in the determination of this application is deemed to be GEN7 of the Arun District Local Plan. The application site falls outside of the principle shopping area and as such it is considered that policy AREA19 of the Arun District Local Plan and Policy 5 of the Rustington Neighbourhood Plan are not applicable to the determination of this application.

DESIGN AND VISUAL AMENITY

The proposal includes minimal alterations to the external appearance of the property. The key alteration will consist of the installation of a new powder coated aluminium shop front with relocation of the doorway. The proposal also includes the installation of a new smaller fascia sign. These alterations to the external appearance of the premises are not considered to have any adverse impact upon the character or appearance of the existing property and as such are deemed to accord with policy GEN7(ii) of the Arun District Local Plan.

The Council's Historic Building Advisor has been consulted and has raised no objection in relation to the proposed development. Therefore, it is considered that the proposal preserves the character of the Conservation Area in accordance with Policy AREA2 of the Arun District Local Plan and has no detrimental impact upon the setting of nearby Listed Buildings.

RESIDENTIAL AMENITY

The proposed change of use is not considered to give rise to any unacceptably adverse overbearing, overshadowing or overlooking impacts on neighbouring properties.

The proposal has been considered by Environmental Health who have raised no objections in

relation to the proposed extraction equipment - a condition has been included . Therefore, it is considered that the proposed use will not give rise to any unacceptably adverse odours or smells which will adversely impact upon the residential amenity of neighbours.

Some concerns have been raised by local residents in relation to the disturbance of customers departing from the proposed restaurant late at night. However, it must be considered that immediately adjacent to the site is The Lamb (Public House) as well as an A5 take away on this same parade of shops with no objection having been raised by Environmental Health in this regard. Therefore, it is considered that the proposed use is in keeping with the established character of the area - similarly it is considered that the proposed use would not result in unacceptably adverse intensification or disturbance beyond that which could be expected in this locality.

Therefore, it is considered that the proposed change of use would accord with the limitations of policy GEN7(iv) of the Arun District Local Plan.

HIGHWAY AND PARKING

WSCC have been consulted in relation to the proposed change of use and in their original consultation response requested that additional information was provided in relation to anticipated trip data and also identification of parking provision within 5 minutes walking distance. This information was provided by the applicant and WSCC were re-consulted but no further consultation response has been received.

The proposed A3 use is situated on the edge of Rustington Town Centre and as such a considerable number of parking spaces are situated in close proximity to the site (including the main town centre car park). It must also be considered that the restaurant will be busiest in the evenings after the majority of the retail uses have closed.

WSCC provided further comments in relation to this proposed development on the 13th December 2016 stating that the "development would not create any highway safety or capacity issues."

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the below conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

- 2 The development hereby approved shall be carried out in accordance with the following approved plan: As Existing and Proposed - D.001 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 specification for odour abatement as identified in the letter dated the 9th November 2016 from Sussex Catering Equipment Ltd shall be complied with and residence time of air flow through the activation carbon will be between 0.4-0.8 seconds. Cleaning must be carried out to all parts of the abatement system in accordance with the manufacturer's guidelines.

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

- 4 The use hereby approved and ventilation equipment shall be operated only between the hours of:-

12.00 - 22.00 Monday to Friday;
12.00 - 22.30 Saturdays; and
12.00 - 22.00 Sundays and Bank Holidays.

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

- 5 The drainage serving kitchens at commercial hot food businesses shall be fitted with a grease trap/separator of a proportionate capacity to effectively contain grease residue arising from the estimated numbers of hot meals served and waste water flow rate. The applicant shall provide prior to the implementation of the approved use the Local Planning Authority with details of their proposed grease trap/separator in order to demonstrate design and installation will be in compliance with BS EN 1825-1:2004, & BS EN 1825-2:2004

Reason: In order to safeguard the amenities of neighbouring properties, in accordance with policy GEN7 (iv) and (v) of the Arun District Local Plan.

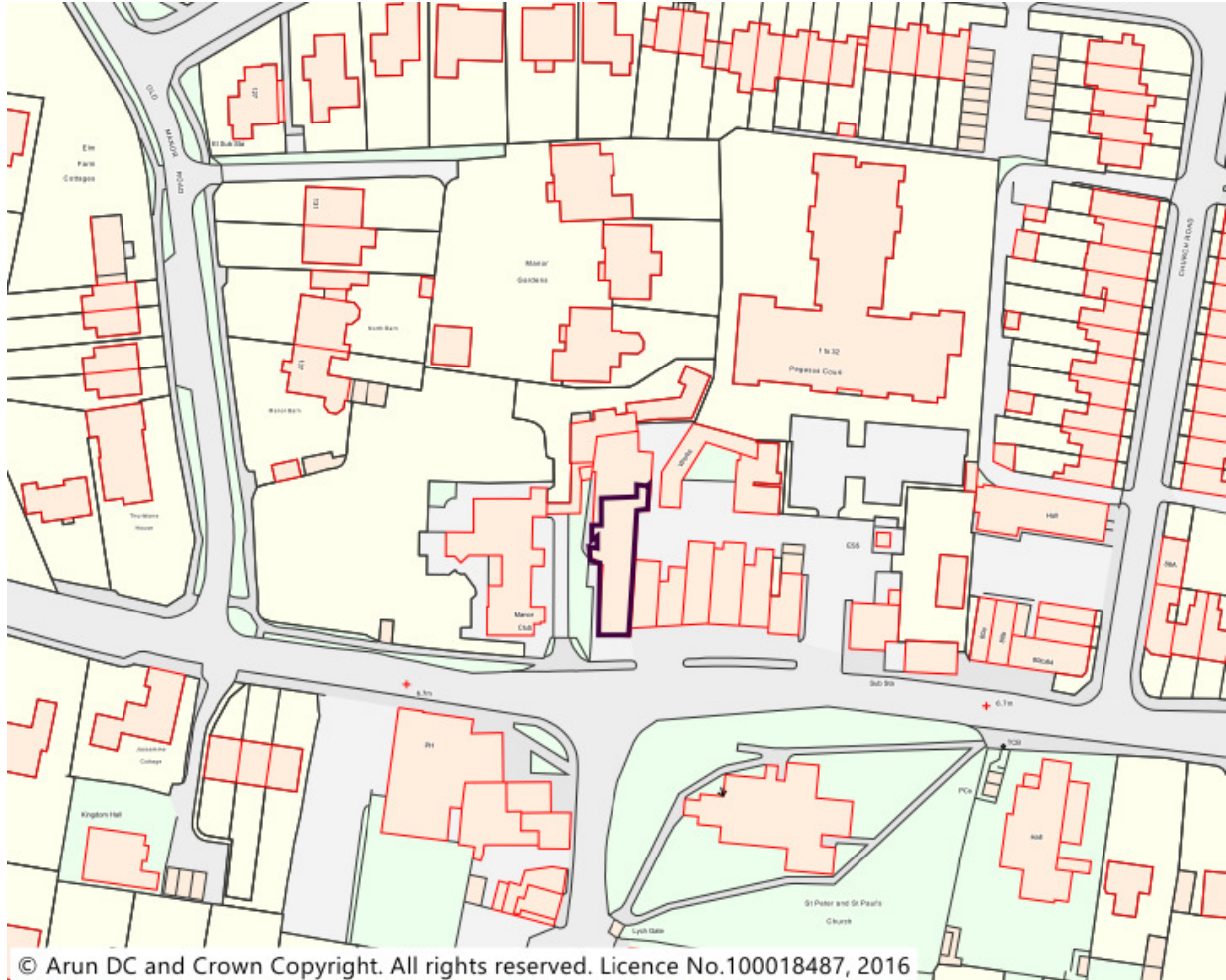
- 6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing

the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 7 **INFORMATIVE:** The premises may require registration under the Food Safety Act 1990 and will need to comply with the standards contained in the relevant Food Hygiene Regulations prior to becoming operational. The applicant is advised to contact Carol Reynolds - Senior Environmental Health Officer, carol.reynolds@arun.gov.uk, Tel 019037 37678 for further information.

R/205/16/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: LU/258/16/PL

LOCATION: Old Mead House
Old Mead Road
Littlehampton
BN17 7PU

PROPOSAL: 8 No. mobile homes for permanent residency & office building to service mobile homes. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks planning permission for 8 no. mobile homes situated outside of the built up area boundary for permanent residential occupation. The application also seeks permission for the construction of a detached office building described in the application form as being "single storey office building to serve 8 no. residential caravans". However, a subsequent email response received from the agent on the 25th November 2016 stated that the office was "to be the administrative offices for all of the family's holdings and projects".
SITE AREA	Approximately 0.14 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The boundaries of the site are generally open with the western boundary of the site featuring chain link fencing and concrete posts to approximately 1.8m in height.
SITE CHARACTERISTICS	The site is currently overgrown with a portion of it featuring a disused poly tunnel.
CHARACTER OF LOCALITY	The character of the locality is predominantly rural with an existing mobile home park to the north. To the west of the site is a solar farm measuring approximately 5.2 hectares.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

The Town Council's Planning and Transportation Committee considered this matter at its

meeting held on Monday 14th November 2016 and object to the application on the grounds that the proposed development was situated outside the built area boundary and constituted a departure from the Development Plan. The application also lacked detail such as a design and access and drainage statement to enable a proper assessment of the impact of the planned development.

1 No. letter of objection:

- 1] Proposed development could not be on mains drainage and would need to be dealt with by Cesspit - the nearest mains drain/sewer is 70m away to the east of the site.
- 2] The proposed drainage is shown as being via mains sewer.
- 3] Additional traffic would have an unacceptable impact upon road safety.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments from the Town Council are noted. However, national and local validation requirements do not require the provision of a Design and Access Statement or a Drainage Statement for this application. There are material considerations which outweigh the departure from the plan.

In response to the 1 no. letter of objection:

- 1-2] The Council's drainage engineers and Environment Agency have been consulted in relation to this application and have raised no objection.
- 3] WSCC Highways have been consulted in relation to this proposal and have raised no objection.

CONSULTATIONS

WSCC Strategic Planning

Environment Agency

Environmental Health

Engineers (Drainage)

Engineering Services Manager

CONSULTATION RESPONSES RECEIVED:

Environment Agency:

We have no objections to the proposed development. There is a small section of the site where an office unit is proposed to be sited which falls within Flood Zone 3.

We would however recommend that the office unit considers incorporating flood resilience measures i.e. raised floor levels and electric sockets so as the unit is afforded suitable protection against flooding. We would also advise that due the close proximity of the development to a potential flood risk area, the applicant considers registering with our Flood Warning Service and produces a Flood Plan for employees and future mobile home occupants identifying appropriate actions to take in the event of a flood.

Engineers (Drainage):

The applicant states that surface water will be discharged to main sewer. The nearest sewer is some distance away, and surface water should not be discharged to the foul sewer anyway. Infiltration to be investigated for all new impermeable area.

Please apply standard conditions ENGD2A.

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with 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.

WSCC Strategic Planning:

The proposal to create 8 mobile homes each with its own car parking space, for permanent residency with an on-site office building for the servicing of the mobile homes has been considered by WSCC as the Local Highway Authority.

As Old Mead Lane is privately owned and does not form part of the public highway network we will only respond in an advisory capacity.

The site is accessed via its own private driveway from Old Mead Lane a private residential road with no speed limit. The driveway is 3.8m wide (wide enough for a car to gain access but not wide enough for two cars to pass). Visibility from the access is unknown but from a desk top survey of the site it would seem that overgrown vegetation makes visibility from the site poor. However if this is cut back general visibility standards for residential roads in the public highway network would always command 2.4m x 45m in both directions. Although there is no speed limit on Old Mead Lane, and because it is privately owned this is advisory. It would also be important to note that it is unlikely that cars would be travelling 30mph at this location and as such a degree of flexibility could be taken to ensure a visibility splay is achieved which is safe for the speed of the road.

There are no footpaths at this end of Mead Lane and it is similar to a shared surface street. Pedestrians should be considered at the access and we would advise pedestrian visibility splays of 2m x 2m are provided, at the very least.

There will be a permanent increase in trips associated with the mobile homes. Where Old Mead Lane meets the public highway at Lyminster Road visibility is good. The development will create in the region of 4 to 5 additional trips in the morning and afternoon peak hour however; this will not be detrimental to highway safety or capacity.

Although each pitch has its own car parking space no provision for visitor parking has been included. This could cause problems should visitors decide to park on the access driveway. It is noticed there is a private dwelling at the end of the access drive which will need to be considered.

Bus stops with shelters are located on Lyminster Road providing sustainable transport alternatives and cycle storage should also be included, either the inclusion of some bike stands or sheds to store bicycles in, as another form of sustainable transport.

During the set-up of the site the importation and/or installation of the mobile homes may require transportation by an abnormally long vehicle. Some form of assessment to ensure the long vehicles can make the turn into Old Mead Lane will be required as this will affect the public highway. Ideally a swept path diagram showing the turn would be required and can form part of a

construction management statement as per the condition attached.

Environmental Health:

I am replying to the consultation on the above application, received on 17 October 2016. I have had regard to the documents available on the planning website, to Arun District Council's relevant site licensing policies & procedures and the National Planning Policy Framework and Guidance, including relevant DCLG documents.

Considerations

Good site design is an essential element of both the Planning and the Site Licensing regimes. Indeed, the number of mobile homes permitted by a licence should be determined through the planning process and any subsequent licence will reflect this - therefore the proposed layout of the site should comply with Planning and Licensing requirements.

The proposals fall under the licensing requirements of the Caravan Sites and Control of Development Act 1960 (as amended) and some of the responses below reflect the crossover between the two regimes.

Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. The principle considerations are:

- Whether or not a significant adverse effect is occurring or likely to occur;
- Whether or not an adverse effect is occurring or likely to occur;
- Whether or not a good standard of amenity can be achieved.

Artificial light provides valuable benefits to society, including through extending opportunities for sport and recreation, and can be essential to a new development. Equally, artificial light is not always necessary, has the potential to become what is termed 'light pollution' or 'obtrusive light' and not all modern lighting is suitable in all locations. It can be a source of annoyance to people, harmful to wildlife, undermine enjoyment of the countryside or detract from enjoyment of the night sky. For maximum benefit, the best use of artificial light is about getting the right light, in the right place and providing light at the right time.

By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. The new development proposal has the potential to adversely affect the use or enjoyment of nearby buildings or open spaces, both during the construction phase and when works are completed and the site is occupied, due to poorly designed artificial lighting.

Model Standards

A residential mobile home park must normally be licensed. It cannot be licensed unless there is planning consent for that use. The model standards¹ include a range of factors which must be considered when designing and operating such a park - although no detailed submission is required at this stage, and the Model Standards are not an exhaustive list, it may be worth drawing the applicant's attention to the following:

1. Separation distances between mobile homes should generally be a minimum of six metres
2. Mobile homes should generally not be sited within three metres of the site boundary
3. Roads shall be designed to provide adequate access for emergency vehicles and routes within the site for such vehicles must be kept clear of obstruction at all times
4. Where existing two way roads are not 3.7 metres wide, passing places shall be provided

where practical

5. Every caravan shall be connected to a road by a footpath with a hard surface which shall be maintained in good condition

6. Every unit must stand on a concrete base or hard-standing. The base must extend over the whole area occupied by the unit, and must project a sufficient distance outwards from its entrance or entrances to enable occupants to enter and leave safely. The hard standings must be constructed to the industry guidance, current at the time of siting, taking into account local conditions

7. On sites where it is practical to do so, suitable space equivalent to about one tenth of the total area of the site shall be allocated for recreational purposes, unless in the local authority's opinion there are adequate recreational facilities within a close proximity to the site

8. The lighting provided for communal paths and roads should be adequate to allow safe movement around the site during the hours of darkness. Many sites use low lighters rather than traditional street lamps and these work well as long as they are well maintained and plants/vegetation are not allowed to grow around them and stop them emitting light effectively. The lighting must be fit for purpose i.e. to allow vehicles and pedestrians to navigate around the site between dusk and dawn

The above provisions may already be included in the proposals but the documents provided contain insufficient detail for an assessment to be made.

Justification

Having reviewed the development proposal, it has been determined that any noise from the proposed use is not likely to be noticeable at the nearest noise sensitive receiver. As defined within the National Planning Practice Guidance, the noise has no observed effect and therefore no specific measures are required. As such, no conditions are recommended in this respect.

However, it appears that the proposed use is unlikely to comply with the accepted standards for 1 Model Standards 2008 for Caravan Sites in England, Caravan Sites and Control of Development Act 1960 - Section 5, DCLG, April 2008 residential mobile home parks or site licensing requirements. As insufficient information is available for the assessment and determination of the proposed use, I therefore recommend refusal unless a detailed design statement, complying with national and local standards is submitted to, and approved by, the Planning Authority.

If, contrary to the recommendation for refusal, it is considered that the development is desirable then I recommend conditions as below. At the design stage, a robust assessment and determination of required measures should be undertaken and steps agreed with the Local Planning Authority prior to any works being carried out.

Condition(s)

1. No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period.

The Plan shall provide for:

- a. An indicative programme for carrying out of the works
- b. The arrangements for public consultation and liaison during the construction works
- c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, the careful selection of plant and machinery and use of noise mitigation barrier(s)
- d. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination

- e. The parking of vehicles of site operatives and visitors
- f. Loading and unloading of plant and materials
- g. Storage of plant and materials used in constructing the development
- h. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- i. Wheel washing facilities
- j. Measures to control the emission of dust and dirt during construction
- k. A scheme for recycling/disposing of waste resulting from demolition and construction works

2. No development shall commence until a detailed scheme of external lighting has been submitted to and approved in writing by the Local Planning Authority. The development should be carried out in strict accordance with the approved details. The scheme shall be maintained and shall not be altered without the prior written approval of the Local Planning Authority. The lighting shall be installed, maintained and operated in accordance with the approved details unless the local planning authority gives its written consent to the variation.

3. Development shall not begin until a design scheme for the proposed pitches and dwellings, reflecting the recommendations of the Model Standards has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the scheme approved by the authority shall be completed before any permitted dwelling is occupied unless an alternative period is agreed in writing by the authority.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Requested conditions included in the recommendation report. However, Condition 1 Proposed by Environmental Health was considered a duplicate of WSCC Construction Management condition. Condition 3 requested by Environmental Health relates to Site Licensing and as such is not considered necessary in the determination of this application - an informative has been included advising the applicant to contact Environmental Health to discuss site licensing requirements in the event of the application being approved.

POLICY CONTEXT

Designation applicable to site:
Outside built area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	AREA10 GEN2 GEN3 GEN7 GEN12 GEN33 GEN9	Strategic Gaps Built-up Area Boundary Protection of the Countryside The Form of New Development Parking in New Development Light Pollution Foul and Surface Water Drainage
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Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality SD SP3 Gaps Between Settlements D SP1 Design SD SP2 Built-Up Area Boundary QE DM2 Light Pollution W DM3 Sustainable Urban Drainage Systems WM DM1 Waste Management
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Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town

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.

The Littlehampton Neighbourhood Plan has been made and Policy 2 is considered relevant to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

"If regard is to be had to the development plan for the purpose of any determination to be made

under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with relevant Development Plan policies in that it constitutes unrestricted residential development outside of the built area boundary.

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 that the proposed development by virtue of the existing character of the locality will not adversely impact upon the countryside. It is also considered that the National Planning Policy Framework under paragraph 28 supports the diversification and expansion of all sustainable growth and expansion of all types of business and enterprise in rural areas.

CONCLUSIONS

PRINCIPLE

The site lies in a countryside location outside the built-up boundary where the principle of development is considered unacceptable.

CHARACTER AND APPEARANCE

The character of the locality is mixed with a large mobile home park located to the north; greenhouses to the east; 5.2 hectares of solar panels to the west; and Old Mead House a two storey dwelling to the south. It is considered that the proposed mobile homes are in keeping with the established character of the locality and as such will not give rise to unacceptably adverse harm to the visual amenity of the area. The proposed development is considered to be enveloped on all sides by existing development and as such the proposal will not constitute an encroachment into the countryside.

The proposed office will be situated to the north of the proposed site and will be located adjacent to the highway. The office will measure approximately 6.28m in height and whilst this will constitute development outside of the built up area boundary by virtue of the previously identified character of the area it is considered that the proposed office will not have an unacceptably adverse impact upon the countryside.

To the east is an existing two storey semi-detached dwelling; to the south is Old Mead House which is also two storey development; and to the north-west is a chalet bungalow. Therefore, it is considered that the proposed office subject to the use of appropriate materials is in keeping with neighbouring development.

Although the proposal is contrary to policy GEN3 of the Arun District Local Plan by virtue of its location outside of the built area boundary. It is considered that the proposed development does not give rise to any unacceptably adverse harm to character and appearance of the area and does not unacceptably encroached into the countryside.

RESIDENTIAL AMENITY

Torri House is located approximately 22m to the east of the site whilst Old Mead House is situated 30m to the south. The proposed office building is the northern most development on the site and will be situated approximately 15m away from the nearest mobile home to the north of the proposed development with the proposed development separated from Thornlea Park by a 2m high close boarded fence and Old Mead Road.

Therefore, it is considered that the proposed development does not give rise to any unacceptably adverse overbearing, overshadowing or overlooking impacts on neighbours and as such the proposed development is considered to accord with policy GEN7(iv) of the Arun District Local Plan

NPPF TEST ON SUSTAINABILITY

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. Below I set out the assessment in respect of the three roles of sustainability as identified in the NPPF.

Environmental Role -

Paragraph 55 of the NPPF advises that new isolated homes in the countryside should be avoided, unless there are special circumstances. It also states that housing in rural areas should be located where they will enhance or maintain the vitality of rural communities. Whilst, the proposed mobile homes are not dwellings they will provide permanent residential accommodation.

The site is located outside of the built up area boundary but within close proximity to other rural development as identified earlier in this report. The nearest bus stop is located approximately 400m to the east of the site, with The Six Bells public house located the same distance away adjacent to Old Mead Road. The nearest local convenience shop is located approximately 860m away. These are considered to be acceptable walking or cycling distances.

However, it must be considered that the first 80m of this journey is devoid of footpaths along Old Mead Road which is a share surface. There is also limited street lighting available on Old Mead Road. There are also no dedicated cycle lanes on Lyminster Road although there are footpaths down into Wick.

The nearest bus stop to the application site falls upon the 700 route with buses available approximately every 30mins between Arundel and Brighton. Therefore, it is considered that the proposed site benefits from adequate access to local facilities and public transport and as such would accord with Paragraph 55 of the NPPF.

Social Role -

The proposed development would provide 8 no. residential mobile homes considered to represent lower cost accommodation which is in severe shortage in the district. Therefore this is considered to be in the schemes favour.

Economic Role -

It is considered that the proposed development will result in a small amount of Council Tax and Business Rate receipts as well as provide a small number of jobs during construction. It would also potentially create a number of office jobs. Therefore, the proposed development would provide a small benefit to the local economy which is in favour of the proposed development.

It is deemed that the proposal constitutes sustainable development in accordance with the NPPF.

NPPF

Paragraph 28 of the National Planning Policy Framework states that "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" should be supported. It is deemed that the proposed office has been designed with the constraints of the site having been considered.

The proposed development the subject of this application is well designed and in keeping with the established character of the locality with the proposal constituting sustainable development and as

such the proposed office development is deemed to accord with the NPPF.

HIGHWAY

West Sussex County Council have been consulted in relation to the proposed development and have raised no objections in relation to the impact of the development upon highway safety. It was identified that cycle and visitor parking should be allocated on the site and this will be secured through condition.

NOISE AND LIGHT POLLUTION

The proposal has been the subject of consideration by the Council's Environmental Health Department who have raised no objections in relation to noise generated by the proposed use.

However, it has been proposed that a condition is included with any recommendation for approval requiring the submission of an external lighting scheme to be submitted to the Local Authority for approval prior to the occupation of the approved use.

SITE LICENSING

Whilst not a material consideration in the determination of this application it has been raised by the Environmental Health department that the proposal by virtue of its layout would likely fail to accord with the accepted standards for residential mobile home parks or site licensing requirements. The agent for this application was made aware of this via an email sent on the 23rd November 2016. However, in the email response provided on the 25th November 2016 it was stated that the number of caravans would be reduced to 7 but no amended site layout plan was submitted or subsequently provided to the Local Planning Authority.

Therefore, this application will be determined on the basis of the information submitted and an informative will be included to make the applicant aware of the potential licensing issues and provide contact details for environmental health.

SUMMARY

Although the proposal is situated outside of the built area boundary it is not considered to have an unacceptably adverse impact upon the visual amenity of the Countryside. The proposal is also considered to accord with other relevant development plan policy and is therefore recommended for approval subject to the below conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

- 2 The development hereby approved shall be carried out in accordance with the following approved plans: Location Plan - MJS/05-2016/PL26-01A; Block Plan - MJS/05-2016-PL26-02B; and Proposed Elevations as Proposed - MJS/05-2016/PL37-03.

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 building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

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

- 4 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

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

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

- 5 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),
- measures to control the emission of dust and dirt during demolition and construction,
- lighting for construction and security,
- 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 Arun District Local Plan policy GEN7 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because the purpose of the condition is to mitigate the impact of construction.

- 6 The mobile homes and office hereby approved shall not be occupied until such time as a detailed external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall then be implemented in accordance with the approved details. The scheme shall be maintained and shall not be altered without the prior written approval of the Local Planning Authority. The lighting shall be installed, maintained and operated in accordance with the approved details unless the local planning authority gives its written consent to the variation.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policy GEN7 and GEN33 of the Arun District Local Plan.

- 7 The Office hereby approved shall only be used for purposes falling within class B1(a) and for no other purpose.

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

- 8 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 to be submitted to and approved by the Local Planning Authority. The details so approved shall be retained in perpetuity.

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

- 9 **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.

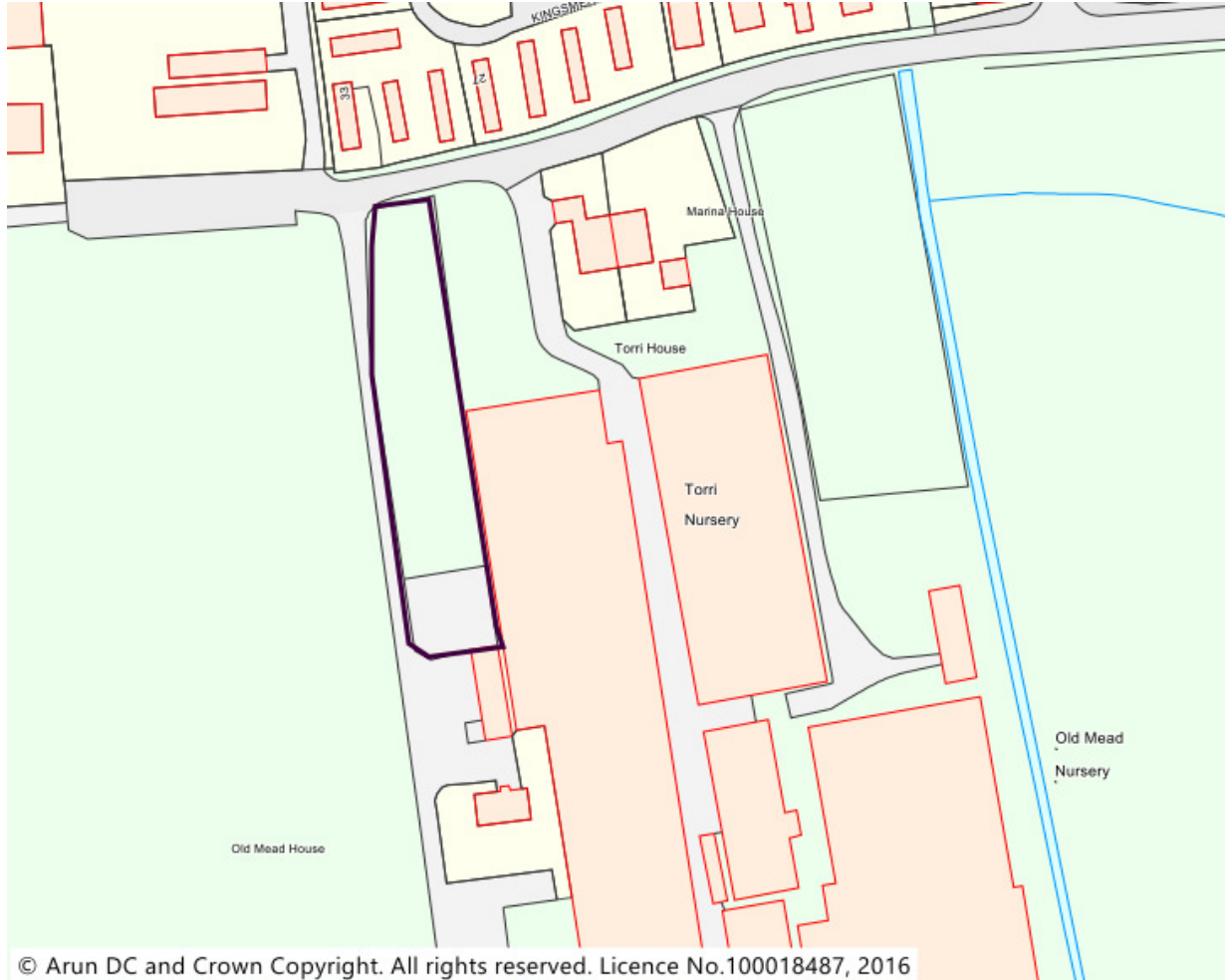
- 10 **INFORMATIVE:** A site license will be required prior to the implementation of the approved use. The applicant should contact the Council's Environmental Health Department to

discuss site licensing on (01903) 737755.

- 11 **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.
- 12 **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.

LU/258/16/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: LU/314/16/PL

LOCATION: Littlehampton Swimming and Sports Centre
Sea Road
Littlehampton
BN16 2NA

PROPOSAL: Proposed development of new Leisure Centre Facility (Use Class D2) and demolition of existing Leisure Centre Facility and Sports Dome, including modifications to the existing car parking arrangement, landscaping and associated works.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to redevelop the Littlehampton Swimming Centre on the site of the existing Sports Dome and Ruby Gardens to the North. The new leisure centre would comprise a 2 storey building with an 8 lane 25m pool, a learner pool and changing facilities, a cafe, seated foyer, reception area and ancillary offices. The ground floor will also include storage rooms and a plant room to serve the building. The rear sports hall will include 4 courts for ball games. The first floor would include a fitness suite, a spinning studio, 2 additional studios for multi use, changing facilities and an admin/staff office and 2 plant rooms.
SITE AREA	3.15 hectares
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat. The Swimming Centre is located at lower level than Sea Road and the site of the existing sports dome is lower than the swimming centre.
TREES	Several mature trees within the northern part of the site are proposed to be felled.
BOUNDARY TREATMENT	Some boundaries are defined by post and rail fencing, others by hedging/trees of varying height.
SITE CHARACTERISTICS	The existing swimming centre currently occupies a prominent corner site, has a pitched roof and is single and 2 storey. Parking for cars and coaches is situated to the front of the Sports Dome and to the side of the existing Leisure Centre. The swimming centre is located at a higher land level than the Dome to the North. Ruby Gardens to the North comprises mature trees.
CHARACTER OF LOCALITY	The application site is used for leisure purposes and lies on the sea front on the edge of the built up area boundary. There are residential properties to the east, Mewsbrook Park to the North, leisure uses comprising a golf course

and skatepark to the west.

RELEVANT SITE HISTORY

LU/323/09/	Change of use of field from overflow car park to pedal go kart leisure facility. Facilities will include grass track surrounded by recycled tyres and 6m x 3m shipping container for storage of karts. Two flagpoles to display the Union flag.	ApproveConditionally 03-03-2010
LU/522/04/	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for removal of existing ventilation plant and installation of new.	ApproveConditionally 16-02-2005
LU/232/86	Sports hall	ApproveConditionally 09-07-1986
LU/604/83	Car park and picnic area	ApproveConditionally 01-02-1984
LU/366/81	Proposed swimming pool and sports complex	ApproveConditionally 15-07-1981
LU/7/72	Erection of swimming pool with sports areas restaurant and parking for 100 cars	ApproveConditionally 02-10-1972

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

No Objection - The Committee was supportive of the plans and the following observations were made:

Parking at the site served visitors to the sea front and Mewsbrook Park in addition to the Leisure Centre. The Committee therefore questioned the rationale behind the unchanged parking provision when it was expected that the new facilities would result in increased use. Observing the additional space created by the proposals Members considered that this aspect of the plans should be revisited. The Arboricultural Impact Assessment indicated that a significant number of trees would be lost and Members considered that in view of the proximity of the facility to the park, there was ample opportunity to compensate for the loss of trees and that this should form part of the landscape proposals. Members also considered that the open frontage would provide a good setting for a sculpture and sought provision within the proposals for this to happen.

3 Objections - What an ugly building. Is it too late to change the design to be more in keeping with the neighbourhood, and in particular the nearby convalescent home. What a terrible waste of a golden opportunity. Objection to precise location of new leisure centre. As it is to the north of the existing leisure centre and will be built on an open green space (rarely used as an overflow car park) and approximately half of the existing Ruby Conservation Gardens/woods, resulting in the destruction of many trees and shrubs. Both the green space

and the Ruby Conservation Gardens/woods are used on a daily basis by many local residents, especially dog walkers as the area provides a safe environment in which to exercise dogs and children also play in the field and woods. The loss of the open space and wooded area will result in the loss of an amenity enjoyed by many local residents for many years.

Loss of sauna is regrettable. At a Council meeting it was agreed the sauna was to be a provisional item in the new centre, so it should be on the drawings at least. The plans include saunas that are in Worthing not Arun. There are many reasons for a sauna being we have suggested that if the new centre was to have a sauna or even better full Spa facilities, ie Sauna, steam room and Jacuzzi, this could be sold as an asset to the town, especially in winter months to promote tourism!

What better, than staying in a coastal town, enjoying all it has to offer during the day, then a gentle wind down in the evening with a swim and spa! You could even do some form of deal with accommodation facilities offering a discount or special pass.

However, the biggest and by far the most important reason to maintain a sauna as a minimum requirement, is the health benefits. I suffer from Arthritis, which thanks to the sauna is bearable, as the heat flexes the joints. There are many more benefits. If we lose this facility, we will undoubtedly spend more time at the Doctors, when they are already over stretched. We do pay for this facility and are willing to continue paying for it. It always appears to be well used. This facility did have an issue recently and has been completely refurbished to a very high standard last week, so why can't this just be moved to the new leisure centre? All it needs is a small sized room poolside and the users enter from poolside with a wrist band, which is what is done at most saunas.

Cllr Dendle has stated that he may be able to get discounted rates for other Saunas in the area, but the only one is at Virgin Leisure which is too expensive for the average Littlehampton resident. As we are residents of Littlehampton and use either Gym or Swim and Sauna afterwards, we would, like everyone else who uses this facility, need the complete package at one location. So is he giving all residents a reduced rate at Virgin Gym? Do they agree? This means the new facility is not fit for purpose for the residents of Littlehampton and ADC, most of whom have commented they want a Sauna. Are you going to totally ignore the feedback from residents at the events?

COMMENTS ON REPRESENTATIONS RECEIVED:

Comment on Parish Council - The existing built footprint on the site totals 3,059 sq m (2,226 sq m for the existing leisure centre and 833 sq m for the existing sports dome). The proposed development comprises an overall footprint of 3,322 sq m, which represents a net increase of 263 sq m. This is considered to be a very minor increase in built floorspace on a site with an overall area of 3.15 ha. Whilst some of the area currently used for informal outdoor recreation would be lost, the current site of the swimming centre would revert to landscaped outdoor space upon completion of the development and therefore in the long-term the proposal relates to a minor reduction and a change in the position and type of open space provided. It is not therefore considered that the proposal would warrant a change in parking provision. Additional parking would reduce the provision of open space further. Landscaping and amelioration for loss trees will be secured by condition.

There is no existing development plan policy which seeks the provision of public sculptures.

Comment on other Representations - The position of the new leisure centre is reliant on retention of the existing leisure centre during construction work and although it will eventually be demolished this will only take place following the commencement of operation of the new leisure centre. In order to achieve a replacement swimming centre in close proximity to the existing the precise position of the leisure centre is therefore limited. As such, the proposed development will incorporate a 'phased' approach. This will allow the existing centre to remain operational during construction so that the local community are not left without a public leisure facility at any point. This phased approach is consistent with Paragraph 74 of the NPPF, which

states that existing recreational buildings and land should not be built on unless "the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location".

The building has been positioned as far south as possible to minimise the impact on Ruby Gardens. The proposed layout and design of the new leisure centre was subject to a comprehensive design and conceptualisation approach and extensive consultation with Arun District Council and local stakeholders. The proposed leisure facility comprises a contemporary design that will comprise a mix of glazing and cladding materials on its principal facades. The proposals seek to maximise the site's coastal location, with glazing on the southern facade providing views of the sea. At this application stage the design cannot therefore now be radically changed.

A Detailed Feasibility Study evaluated local demand for particular activities and a sauna was not part of the approved facilities mix. It was intended to be a provisional item in the tender process. Its omission from the final layout is not considered to be sufficient reason to recommend refusal of the overall improved facilities. Any increase in size of the building would increase building size and build cost.

CONSULTATIONS

Environment Agency
 Surface Water Drainage Team
 Estates Manager
 Parks and Landscapes
 Southern Water Planning
 Economic Regeneration
 Sussex Police-Community Safety
 Engineering Services Manager
 Engineers (Drainage)
 Engineers (Coastal Protection)
 Ecology Advisor
 Environmental Health
 Head of Planning Policy & Cons
 Arboriculturist
 WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

LANDSCAPE OFFICER

The footprint of the proposed development encroaches beyond the existing building line to the north and into an area of established nature conservation, made up of planted copses of Willow, Poplars, Holm Oak and Pines. This proposal will result in the loss of a significant amount of young to semi mature trees in this location. The planting to be lost is not so significant that it can't be mitigated for and the compensation for the loss of existing provides the opportunity to implement a high quality landscape scheme, which will both compliment the building and enhance its surrounds.

The loss of habitats resulting from these proposals, in particular the mixed woodland and hedgerow must be mitigated and compensated for through the planting of native trees, scrub and hedgerow and also enhancement to the existing retained woodland. The native planting would need to work alongside a planting scheme to the building surrounds which would be expected to be of a suitably high standard and specification. This will need to incorporate a mix of different

planting sizes to give both instant impact and scope for long term establishment, which when teamed with a comprehensive maintenance regime will diminish the impact of the building over time.

The mitigation shown in the Dwgs No 5312-101 and 5312-102 whilst indicative at this stage, shows only mitigation proposals to the west of the site and building, where in fact the impact will be greatest to the north and east of the proposals. Careful consideration of the location of new planting will be required. The indicative proposed tree planting also does not give any sense of scale or impact and how these would fit alongside the proposals.

The landscape proposals will need to be shown in plan from detailing species choice, planting densities and size at time of planting. This will need to include mitigation planting for removed vegetation and the additional planting required to provide screening and to soften what is presently a far greener area. This is required in order for the proposals to fit within the setting location.

The existing vegetation to the boundaries and particularly Ruby Gardens area is established, these areas must be protected and retained. We would require that a tree retention and protection plan is submitted and indicates the tree protection measures to be taken. Before construction, this tree protection scheme must be in place for all retained trees including trees whose root protection areas fall within the construction zone. This should be in accordance with BS 5837:20012 'Trees in relation to construction' Any tree removal must be in consultation with Arun District Council's Tree Officer.

In conclusion there is no landscape objection to the proposals, subject to the submission and approval of details above and it is recommended that if approved, the timely implementation of new planted areas are undertaken.

This approach will allow for more thought to be put into the landscape proposals and into how they link the proposals into their environment. The mitigation measures can also then be looked at in conjunction with any agreed tree removal and tree protection measures.

2nd consultation - Having looked at the proposal again it is agreed that it will be acceptable to impose landscape conditions to address the concerns already highlighted.

TREE OFFICER

I attended site on 23rd November and walked the whole site to assess the quality of the tree stock. Around the existing Dome and car parking areas the trees are mostly young to semi-mature having been planted to compliment the original scheme. The planting is a mix of coniferous and deciduous trees most of which have established successfully and they are mostly of good shape and form.

To the north of the Dome area is a nature conservation area made up of planted Copses of Willows and Poplars with some Holm Oak and Pines mixed in. This has created a mass planting effect but individually the tree stock is of poor quality although as a whole the entity has value in the landscape with added merit for ecological and conservation value.

The proposals involve demolition of the existing Leisure Centre Facility and Sports Dome including modifications to the existing car parking arrangements, landscaping and associated works. The new Swimming and Sports Centre will push northwards from the existing footprint of the Dome into the Copses and involve the loss of a significant amount of young to semi-mature trees. A comprehensive Arboricultural Assessment with a Tree Constraints Plan and also an Arboricultural Impact Assessment & Method Statement Report with Tree Protection Plan have been submitted by The Ecology Consultancy in support of this application. This is fine as far as it

goes but it understates the true impact that development will have on the Copses as some trees will have root systems covered in a soil bund (raised soil levels and filtering out of soil banking) over which will be constructed the new Centre which will be greater than 20% of the root protection area which does not comply with BS5837 recommendations. This may have the effect of requiring the removal of more trees than are shown to be removed because they will either be under the footprint of these works or insufficient space will have been allowed between them and the protective fencing to allow for standard construction techniques to take place. The other concern is that the new metal perimeter fencing footed in concrete blocks could have a significant adverse impact on the retained trees within the Copses that will remain. However, the quality of the lost or damaged trees is generally poor and they can readily be replaced.

Conclusion - Overall, I am reasonably happy with the level of Arboricultural input in respect of reports submitted. Had this been a quality landscape with key feature individual specimen trees then I would have questioned their ability to afford retained trees adequate levels of protection in accordance with BS58367 recommendations. It is likely more trees will need to be lost than are shown on the plans because of soil levels changes and battering of soil banks. However, there is the potential to mitigate and compensate for these losses with a landscaping scheme of high quality that will provide continuity and enhancement for the future. What has currently been submitted does not live up to these high expectations.

I would defer to Sue Howell (landscape officer) on this matter but I was expecting both mass planting of Copses and individual specimen trees here to soften the impact of the building and adequately mitigate the losses involved to achieve the levels of increased development on this site.

ECOLOGY OFFICER

These comments are restricted to the implications on biodiversity of the proposed development. Further to the Preliminary Ecology Appraisal, Preliminary Roost Assessment and Biodiversity Checklist, mitigation should be provided as per section 4 of the Ecology Appraisal and section 5.3 and 5.4 of the Roost Assessment and more specifically:

Habitats - The loss of habitats, in particular the mixed woodland and hedgerow must be mitigated and compensated for through the planting of native trees, scrub and hedgerow and also enhancement to the existing woodland and creation of grassland. Although a landscaping strategy has been submitted, further details are required detailing how the loss of hedgerows and scrub has been mitigated and compensated for and to ensure not net loss in these habitats. The planting scheme should be in accordance with the recommendations in section 4.30 of the Ecology Appraisal.

Bats - The surveys indicated that bats are not using the site. However should the buildings and/or trees be left for more than 18 months prior to the development commencing, then follow up surveys will be required.

Mitigation should be provided as per section 5 of the Roost Assessment. More specifically the ivy in the mixed woodland should be cut winter 2017 to reduce the potential for nesting birds and should also be inspected by a bat ecologist prior to the tree felling to ensure that there are no roosting bats. The retained woodland, at the rear of the new leisure centre should not be lit or should have bat sensitive lighting.

Reptiles - A precautionary approach to reptiles should be taken with all works being undertaken under an ecological watching brief. In addition the following measures should be employed to prevent harm to reptiles, as detailed with section 4 of the Ecology Appraisal:

- Piles of logs should not be removed during reptile hibernation (November to February) and where

removed during their active period, they should be removed by hand or using hand tools; Works to the reptile habitat should be undertaken in two phases as detailed within sections 4.15 - 4.18 within the Ecology Appraisal.

- Log piles should be created from the clearance of trees on-site.

Nesting birds - Mitigation should be provided as per sections 4.19 - 4.23 of the Ecology Appraisal, in particular:

- Removal of bird habitat should be carried out between September and February inclusive. Removal of the native species-rich hedge must be undertaken in two phases.

- Bird boxes should be installed on buildings or in retained habitat to compensate for the loss of breeding bird habitat.

Fox - A fox den is on-site and measures must be taken to avoid any unnecessary harm to the species.

Invasive species - Invasive plant species were also present on-site and measures must be taken to ensure the proposals do not cause the spread of these species;

2nd consultation

Concur with comments of the Tree Officer, that the mitigation and compensation for the tree and habitat losses could be provided with a high quality landscaping scheme which ensures some connectivity for protected species and is appropriate for that which has been lost. The current landscaping scheme does not sufficiently achieve this. However it can be conditioned that an updated landscaping scheme should be submitted which better achieves the objective of mitigation and enhancement.

DRAINAGE ENGINEERS

Surface water drainage:

The proposals include restricting surface water runoff to a surface water sewer, similar to existing arrangements. Soakage has been ruled out due to high groundwater levels, however there is definitely potential to utilise shallow soakage and this should be prioritised where possible.

There are potential issues with the surface water scheme as proposed:

- Is there confidence that all surface water from the site discharges to the surface water sewer at the proposed rate? It is not clear how the sports dome and hardstanding currently drains, and there is uncertainty in the reports provided as to the exact sewer that the site discharges to.

- The only slight betterment is in impermeable area. A proper SuDS system would offer opportunities in source control and landscaped attenuation, increasing amenity and reducing pollutant loads on the surface water sewer.

- Has the fact that both leisure centres will be standing at the same time (due to a need for a seamless shift with no loss of opening hours) been considered? The surface water sewer system is unlikely to be able to take the surface water drainage from all impermeable areas in this transition period. It will not be possible to match existing rates when the existing and proposed centres are standing at the same time.

A sustainable solution that reduces the load on the surface water sewers is clearly needed. Unfortunately, the existing car park appears to be retained, meaning that runoff from here will continue to be untreated and unrestricted. It would be an ideal opportunity for permeable paving and other sustainable features.

Approved Document H requires that infiltration to ground is considered prior to discharging to watercourses and surface water sewers. As there is potential for infiltration at this site I would hope to see at least some parts of the site draining to ground. If the site is to discharge to the surface water sewer at existing rates, these rates must be confirmed by a full investigation into existing site drainage and discount any parts of the site found not to be draining to the sewer.

Southern Water should be consulted regarding the existing sewers across the site as easements will be required and the exact locations are not known.

Conditions on drainage design required ENGD2A.

SOUTHERN WATER

The 600 mm diameter foul rising main requires a clearance of 6.0 metres either side of the

sewer to protect it from demolition & construction works and allow for future access for maintenance.

The 300 mm diameter foul rising main requires a clearance of 4 metres either side of the sewer to protect it from demolition & construction works and allow for future access for maintenance. The combined sewer requires a clearance of 3 metres either side of the sewer to protect it from demolition & construction works and allow for future access for maintenance. The treated effluent sewer requires a clearance of 3 metres either side of the sewer to protect it from demolition & construction works and allow for future access for maintenance. The water main requires a clearance of 4 metres either side of the water main to protect it from demolition & construction works and allow for future access for maintenance. No development or new tree planting should be located within 5 metres either side of the centreline of the public foul sewer. No development or new tree planting should be located within 3.5 metres either side of the centreline of the public foul rising mains. No development or new tree planting should be located within 5 metres either side of the centreline of the public combined sewer and treated effluent sewer. No development or new tree planting should be located within 5 metres either side of the centreline of the public water mains. No new soakaways should be located within 5 metres of a public rising mains, sewers and water mains.

All other existing infrastructure should be protected during the course of construction works. Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development." Southern Water are currently in consultation with the developer. Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the surface water system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

Alternatively, the developer can discharge surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the surface water system. You will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission. "Development shall not commence

until a drainage strategy detailing the proposed means of surface water disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable."

We suggest the following informative: 'The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk' in order to progress the required infrastructure.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water." Due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of an existing pumping station site.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

The application contains a proposal for a swimming pool for commercial/public use. If the pool produces filter backwash water this would need to be discharged to the public foul sewer. The rate and times of discharge of this water to the sewer, and of the contents of the pool, if these need to be drained to the sewer, would have to be agreed with Southern Water. The applicant is advised to discuss the matter further with Southern Water's Trade Effluent Inspectors. Please see <https://www.southernwater.co.uk/trade-effluent> for further information.

Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

ENVIRONMENT AGENCY

No Objection

SUSSEX POLICE

Given the size of the development it would be advantageous to direct the applicant to the website www.securedbydesign.com where the Secured by Design (SBD) Commercial Development can be found. This provides in depth advice pertinent to the design and layout. This document covers all subjects such as external security to the positioning of reception and secure lockers.

COUNTY ENGINEERS

The following is the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations, advice and conditions.

Flood Risk Summary

Modelled surface water flood risk is low. Current uFMfSW mapping shows that the majority of the proposed site is at 'low' risk from surface water flooding.

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.

Any existing surface water flow paths across the site should be maintained or appropriate mitigation strategies proposed.

Modelled ground water flood risk susceptibility is High risk. The proposed development is shown to be at 'high' 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.

There are no records of any local historic flooding

There are no ordinary watercourses nearby. Current Ordnance Survey mapping shows no watercourses running near or across the site.

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.

Future development - Sustainable Drainage Systems (SuDs)

A Flood Risk Assessment, a Drainage Engineers Report and a Proposed Drainage Layout for this site have been submitted as part of the application. The proposed development has shown mitigation of the flood risk by reducing the impermeable area within the site while the final drainage designs will incorporate some SuDs.

Test results within the Geoenvironmental Assessment suggest that groundwater is at approximately 2.0m therefore, infiltration methods, such as permeable paving should be considered.

Government policy set out in paragraph 103 of the NPPF expects LPAs to give priority to the use of SuDs in determining planning applications. Further support for SuDs is set out in chapter 5 of the Flood Risk Practice Guide.

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SuDs approach beginning with infiltration where possible e.g. soakaways or infiltration trenches.

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 clearly demonstrate that the surface water runoff generated up to and including the 100 year, plus 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.

ENVIRONMENTAL HEALTH

The acoustic report submitted with this application does not provide any details of the plant and equipment to be used at the site or the noise levels expected. It is also brief in its conclusions. Therefore, should this application be approved I would suggest the following condition be applied to protect those living closest to the site from noise from plant and equipment installed and used at the site:

- Details, including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment (including fans, ducting and external openings), compressors, generators or plant or equipment of a like kind, installed within the site which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the local planning authority before installation. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed 30 dBA between 07.00 - 23.00 hours and 28 dBA between 23.00 - 07.00 hours, when measured according to British Standard BS4142: 2014, at any adjoining or nearby noise sensitive premises.

There is no information on any potential use of sound reproduction or amplification equipment. In order to protect those living closest to the site I would suggest that the following condition be applied:

- No sound reproduction or amplification equipment (including public address systems, tannoy, loudspeakers, etc.) which is audible outside the site boundary shall be installed or operated on the site.

I note that the service yard is situated on the west side of the building, closest to residents.

- Deliveries by commercial vehicles shall only be made to or from the site between 07.00 hours and 20.00 hours Monday to Saturday and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

In order to reduce the impact of noise during the construction phase construction hours and noise levels should be limited to those set out in the Construction Management Plan:

- No construction or construction deliveries to take place on site except between the hours of 08.00 - 18.00 hours Monday - Friday, 08.00 - 13.00 hours Saturdays and none on Sundays or Bank Holidays.

- The maximum sound pressure level from equipment and operations on site shall not exceed 75 dB(A) LAeq (10hr) Monday - Friday and 75 dB(A) LAeq (5hr) Saturday during the permitted working hours.

- Noise monitoring must take place and action taken should the levels be exceeded as per the Construction Management Plan submitted with this application.

- The applicants have not provided any details on the type of foods to be produced on site and the kitchen extract system and odour control for the extract system. In order to protect those living closest to the site from potential cooking odours I would suggest the following condition be applied:

- Full details of the kitchen extract system, including the type of cooking to be undertaken and any

odour control systems to be installed, shall be submitted to and approved by the local planning authority before installation and commencement of use.

- The agreed extract system must be installed and maintained as agreed with the local planning authority.

There is limited information provided within the planning application in relation to the lighting provisions for the site and the potential affect this may have on the closest resident, particularly those to the west and north of the site and closest to the service yard. I would therefore that the following condition be applied:

- No development shall commence until a detailed scheme of external lighting has been submitted to and approved in writing by the Local Planning Authority. The development should be carried out in strict accordance with the approved details. The scheme shall be maintained and shall not be altered without the prior written approval of the Local Planning Authority. The floodlighting shall be installed, maintained and operated in accordance with the approved details unless the local planning authority gives its written consent to the variation.

COUNTY HIGHWAYS

Awaited

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Requested conditions have been included in the recommendation.

POLICY CONTEXT

Designation applicable to site:

Class B road

Asset of Community Value

Existing Open Space

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN11	Inland Flooding
	GEN12	Parking in New Development
	GEN15	Cycling and Walking
	GEN18	Crime Prevention
	GEN2	Built-up Area Boundary
	GEN25	Water Resources
	GEN26	Water Quality
	GEN28	Trees and Woodlands
	GEN32	Noise Pollution
	GEN33	Light Pollution
	GEN7	The Form of New Development
	GEN8	Development and the Provision of Infrastructure
	GEN9	Foul and Surface Water Drainage
	GEN10	Tidal Flooding and Coastal Defence
	AREA5	Protection of Open Space
Publication Version of the Local Plan (October 2014):	D DM1	Aspects of Form and Design Quality
	D SP1	Design
	OSR DM1	Open Space, Sport and Recreation
	QE DM1	Noise Pollution
	QE DM2	Light Pollution

QE DM4 Contaminated Land
 SD SP1 Sustainable Development
 ECC SP1 Adapting to Climate Change
 T SP1 Transport and Development
 W DM1 Water Supply and Quality
 W DM2 Flood Risk
 W DM3 Sustainable Urban Drainage Systems
 HWB SP1 Health & Wellbeing
 ENV DM4 Protection of Trees
 ENV DM5 Development and Biodiversity

Littlehampton Neighbourhood Plan 2014 Policy 11 Littlehampton Leisure Centre

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; Aldingbourne; Littlehampton; Rustington; Yapton. Policy 11 'Littlehampton Leisure Centre' of Littlehampton Neighbourhood Plan is considered relevant.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

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

BACKGROUND

The Application site for the new leisure centre development follows on from a site selection process that was undertaken by the Council. It commissioned a Feasibility Study, which was undertaken by The Sports Consultancy in 2015. The Feasibility Study considered five different options:

- A 'do nothing' scenario;
- Refurbishment of the existing Littlehampton Swimming and Sports Centre;
- Refurbishment and extension of the existing Littlehampton Swimming and Sports Centre;
- A new build Littlehampton Swimming and Sports Centre on the existing site;
- A new build facility on the Cornfields site (situated to the north of Littlehampton town centre).

The report considered the capital costs of the options as well as the future revenue position, grant funding and potential for prudential borrowing. It stated that there was a clear need for a wet and dry facility in Littlehampton and recommended that the existing leisure centre should be demolished and redeveloped to provide a new venue that meets the needs and expectations of the local community. Refurbishing the existing building was not recommended given its age and design limitations, such as inadequate changing provision and separate sports dome, as well as the energy inefficiencies of the main building.

Further to this advice, it was considered that a new build option could be progressed on either the existing site at Sea Road, or on the Cornfields site to the north of Littlehampton town centre. The Cornfields site was recognised as being a suitable location for a new leisure centre to cater for Littlehampton. However, the development of the site would have faced two notable obstacles. Firstly, the site is in the ownership of West Sussex County Council and there was uncertainty regarding the future plans for the site. Secondly, the development would be reliant on the delivery of a new link road for access. The site had no suitable existing access provision and was therefore dependent on the delivery of the new link road. This represented a serious risk in terms of programme and costs. Redevelopment on the existing site was therefore pursued.

PRINCIPLE

The site lies in an urban area where the principle of development is considered acceptable. Government planning policy supports effective and efficient use of land for sites such as this but also advises that new development is well integrated with and complements the local area in terms of scale, density, layout and access.

PROVISION OF SPORTS FACILITIES

The proposal represents an improvement of the existing indoor swimming centre and leisure facilities. It would comply with paragraph 74 of the NPPF in that the existing facilities are being replaced by equivalent or better provision in terms of quantity and quality. Paragraph 70 of the NPPF states that communities need to plan positively for the provision and use of social, recreational and cultural facilities. Further to this, Paragraph 73 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

In line with Policy OSR DM1 of the Emerging Local Plan, the proposed development comprises a replacement facility which provides a significantly better quality facility and a net increase in D2 floorspace at the location. Policy 11 of the Littlehampton Neighbourhood Plan supports the refurbishment or redevelopment of the Littlehampton Leisure Centre on the current site. In this regard, it is considered that the proposed development will provide an enhanced leisure facility to serve the town.

RESIDENTIAL AMENITY

Arun District Local Plan policy GEN7 indicates planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. The proposed leisure facility has been subject to public consultation and is designed to respect the residential amenity of the neighbouring residential streets. It is noted that the replacement leisure centre would be closer to residential properties (13m from the closest bungalow in Humber Close to the west) than the existing and that noise is likely to be generated by people accessing the site, music generated from classes provided and air conditioning units. These matters are included as part of the Environmental Noise Survey that accompanies the planning application.

Noise measurements were undertaken in free-field conditions on Tuesday 20th and Wednesday 21st September 2016. The sound level meter for the day and night noise survey was positioned 1.5 m above ground level and 3 metres from any reflective surface. This location is representative of the background sound levels affecting the nearest noise sensitive receptor. Based on the noise survey, the noise impact of items of plant and fixed installation was determined in accordance with BS4142: 2014. Noise levels generated by mechanical plant and experienced by local receptors depends upon a number of variables. Based on the criteria, the Environmental Noise Survey recommends that a plant noise limit of 30 dB during the daytime period (07:00 - 23:00) and a limit of 28 dB during the night-time period (23:00 - 07:00). The plant noise limiting criteria has been proposed based on the lowest measured background sound levels which are representative of the levels at the nearest noise sensitive receptor. The limiting criteria is based on achieving a low noise impact from the mechanical services serving the proposed building at nearest noise sensitive receptors, and therefore the levels from the plant should not be above the lowest measured background levels.

The submitted information does not demonstrate sufficiently that residential amenity will be adequately protected, but subject to the imposition of appropriate conditions it is considered that the proposed development complies with both Policy GEN32 of the adopted Arun District Local Plan and Policy QE DM1 of the Emerging Local Plan. Environmental Health have no objection to the proposal subject to conditions. Occasional noise emission from the sports dome currently

results since the building is not particularly well insulated. Whilst the new structure will be closer to residential dwellings it will be of a better design to reduce noise emissions.

A Land Contamination Desk-Based Study and Geotechnical Site Investigations were also submitted in support of the planning application. The site has evidently already carried development and the investigation revealed a significant thickness of Made Ground to be present. Contaminant testing was undertaken on selected soil samples and the results compared with the limited number of CLEA4 Soil Guideline Values (SGVs) for commercial land use that have been published to date. Appropriate trigger levels are given with the analysis for metals/metalloids revealing that all determinants to be below the triggers for commercial use.

IMPACT ON LANDSCAPE, VISUAL AMENITY AND CHARACTER

Planning Policies and Central Government advice support the efficient and effective use of land. Policy GEN7(ii) requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Central Government Advice further indicates that good design is a key aspect of sustainable development and should contribute to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including buildings, public and private spaces and wider area developments.

The proposed development is located on the northern part of the application site. The rationale for the site layout was underpinned by the need to facilitate the phasing and continued operation of the existing leisure centre without interruption and to take account of existing pipes and infrastructure that traverse the sub-surface of the site. Thirdly, the proposed location of the new leisure centre provides the optimum location within the application site to mitigate against flood risk. The proposed layout and design of the new leisure centre was subject to a comprehensive design and conceptualisation approach and extensive consultation with the Council and local stakeholders. The proposed leisure facility comprises a contemporary design that will comprise a mix of glazing and cladding materials on its principal facades. The proposals seek to maximise the site's coastal location, with glazing on the southern elevation providing views of the sea. The elevations would be constructed of Horizontal Plank Rainscreen Cladding, Brick, painted Aluminium composite panel and curtain walling. The precise details are conditioned. The building would be less prominent than the existing swimming pool when viewed from the beach, given its lower and set back position. It would be readily seen from Mewsbrook Park, but with the provision of new tree planting and landscaping and its maturity the new building will be suitably incorporated into its setting.

The proposed development is considered acceptable by reason of compliance with policies and advice because the design of the new 'state of the art' leisure centre is acceptable. Its height (approx. 2m greater than the existing sports dome), profile, footprint and position ensure that it will not appear overly dominant in its revised position. The indicative materials are considered appropriate in principle and are to be controlled by condition.

The reinstatement of a grassed area in the position of the existing swimming centre adjacent to Sea Road would be a visual enhancement. Although some trees and existing landscaping will be lost close to the northern boundary of the site, there will still be sufficient screening to the boundary adjacent to the miniature railway line and the rear boundaries of properties in Humber Close. This will assist in the assimilation of the new building into its setting.

RENEWABLE ENERGY

In accordance with policy ECC SP2 of the Emerging Local Plan it is suggested that 10% of the total predicted energy requirements should be produced from renewable or low carbon energy generation on site. The proposed development will be served by a CHP plant and comprise

approximately 100 sq m of solar photovoltaic panels at roof level. In addition the agents have advised that the overall predicted reduction in CO2 emissions from the Baseline development model is 31% which equates to an annual saving of approximately 119 tonnes of CO2.

IMPACT ON PROVISION OF PUBLIC OPEN SPACE ALLOCATION

The application site lies within an area designated as Existing Open Space (Arun District Local Plan Policy AREA5 and Emerging Local Plan Policy OSR DM1). The existing built footprint on the site totals 3,059 sq m (2,226 sq m for the existing leisure centre and 833 sq m for the existing sports dome).

The proposed development comprises an overall footprint of 3,322 sq m, which represents a net increase of 263 sq m. This is considered to be a very minor increase in built floorspace on a site with an overall area of 3.15 ha. Whilst some of the area currently used for informal outdoor recreation would be lost, the current site of the swimming centre will become a landscaped outdoor space upon completion of the development and therefore in the long-term the proposal relates to a minor reduction and a change in the position and type of open space provided.

IMPACT ON OTHER LEISURE FACILITIES IN THE AREA

The proposal is essentially a replacement facility. The submitted Impact study concludes that the proposed development will provide for a significant improvement in the leisure provision available to the residents of Littlehampton and its immediate surroundings, but will not impact adversely on existing leisure facilities and gymnasiums within the District.

HIGHWAY ISSUES

The proposed development will continue to utilise the existing access and egress arrangement from Sea Road. The existing car parks will be retained, but their layout will be changed slightly. The new parking arrangement comprises:

- 134 car parking spaces (including 8 no. accessible car parking spaces);
- 6 no. coach spaces;
- 5 no. motorcycle spaces.

The proposed development will also include bicycle parking arrangements, with 7 no. Sheffield stands provided to cater for 14 no. bicycles. A bus lay by will also be provided. Car parking for staff and visitors is to be located immediately to the west of the building entrance.

The planning application is supported by a Transport Statement which uses TRICS based trip rates to estimate existing trips to and from the site. The difference between the existing and predicted annual average site visitor numbers have then been used to predict the potential number of trips to the site as a result of the proposed redevelopment.

The trip analysis shows that a maximum of 29 additional two-way trips, 15 arrivals and 14 departures, are predicted over the identified evening peak hour (which coincides with the daily peak hour in terms of traffic generation at the site). These are estimated to be split equally over the network, with 50% of these trips originating on the west and the remaining 50% on the east. Given the existing traffic situation and the layout of the site access, it is considered that the predicted increase in vehicle trips during the identified peak hour would be insignificant and would result in a negligible impact on the capacity of the access junction and the surrounding highway network.

A car parking analysis (including accumulation and occupancy) has been undertaken using predicted car only trips extracted from the TRICS output. This analysis shows that the busiest hour would be between 18:00 to 19:00, when 73.8% occupancy is reached with the proposed development. It is therefore considered that the proposed parking provision would provide sufficient

capacity and that no additional parking is required as a result of the proposed development. The Transport Statement concludes by stating that the development proposals are acceptable from a transportation point of view and can be approved as such. County Highways comments are awaited.

LIGHT POLLUTION

Planning policies emphasise the need to consider the impact of light on neighbouring uses and wider landscape. Light levels should be the minimum required for security and working purposes, and minimise potential glare and spillage. An External Lighting Plan prepared by Van Zyl & de Villiers Ltd Consulting Engineers, submitted with the application illustrates the location of lighting across the site.

The proposed lighting will be provided along the building perimeter and footpath, as well as within the car parks and serviced yard. The proposed external lighting scheme is considered to be consistent with the requirements of Policy GEN33 of the Arun Local Plan 2003 and with Policy QE DM2 of the Emerging Local Plan.

IMPACT ON ECOLOGY

The planning application is accompanied by a Preliminary Ecological Appraisal, which included Bat Surveys that were undertaken by The Ecology Consultancy. The site is not subject to any statutory or non-statutory nature conservation designations and the application does not trigger the need for consultation with Natural England.

Habitats of greatest value are mixed semi-natural woodland and a native species-rich intact hedge and they are of local value. The hedge qualifies as Habitat of Principal Importance and Sussex Biodiversity Action Plan habitat. Other habitats present are the existing buildings on-site and hardstanding areas adjacent to the sports buildings, which are separated by sections of semi-improved grassland, introduced shrub and hedgerows. A strip of bare ground along the miniature railway line was present within the woodland running along the northern and western site boundaries. All of these habitats are common and widespread in the locality and considered to be of value within the immediate vicinity of the site only.

Habitat with potential to support common and widespread species of reptile was present and mitigation to avoid any potential impact is required. Habitat for breeding birds was present and mitigation measures must be taken to avoid killing or injuring birds or damaging their nests. An invasive plant species called Montbretia listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), was recorded on the site. Where this plant is to be affected by works, appropriate site management and waste disposal will be necessary to preclude the possibility of their spread in the wild.

The loss of the woodland and trees is regrettable and it is possible more trees will be required to be felled than identified in the submitted plans. All trees indicated for retention should be retained and protected where possible in accordance with British Standards Institution (2012) guidelines. By the imposition of appropriate conditions the loss of trees can be mitigated for in replacement planting.

An inspection of the two buildings and adjacent woodland was undertaken on 22nd August 2016 by a licensed bat ecologist and assistant. No evidence of roosting bats was found internally or externally in either building and when considering the lack of suitable roosting features and the exposed surrounding landscape near to the English Channel, the buildings were considered to have negligible potential for roosting bats. A static survey using three remote detectors left out over four consecutive nights was carried out in the woodland between 22nd August and 26th August 2016. No bats were recorded during the survey. It is considered that current development proposals will not result in any impacts upon roosting or foraging bats. Mitigation and protection

strategies will be controlled by condition in accordance with consultee advise.

It has subsequently been confirmed by the agent in a memorandum report from their ecologists that the proposed scheme will increase the area of building/hardstanding on the site resulting primarily in a decrease in the area of poor semi-improved grassland (0.78ha) and to a lesser degree semi-improved neutral grassland (0.17ha). The loss of mixed woodland is temporary in nature and will be compensated through additional woodland planting along the east boundary of the site and as a small block in Mewsbrook Park.

DRAINAGE AND FLOODING

A Flood Risk Assessment and Drainage Strategy accompany the planning application. The Application site falls within Flood Zone 3a, as indicated on the Environment Agency map, which indicates this area has an annual flooding probability of greater than 1 in 100 for river flooding (>1%) and greater than 1 in 200 for sea flooding (>0.5%). Having regard to the National Planning Policy Framework, the proposed development may be classified as 'Less Vulnerable' and deemed appropriate in Flood Zone 1, 2 and 3a. The proposed leisure centre is designed with a ground floor level of 3.71m to provide a minimum of 400mm freeboard over the current 0.1% AEP level, and is set at the modelled level for the lifetime of the development.

The proposed development does not increase the impermeable area of the site and the new drainage will be designed in accordance with current legislation, thereby resulting in an improvement on the existing situation. Access and egress from the site could be affected by flooding; however due to the nature of the building being solely for leisure and not for residents, it is considered that this does not pose the same risk.

In accordance with Policy GEN7 of the Arun District Local Plan, the risk of flooding will be reduced by locating the new leisure centre further away from the coastline. In addition, by replacing much of the hardstanding surface currently used for car parking with soft landscaping, the proposed development will reduce the amount of impermeable surfaces on-site, thereby increasing that ability for surface water to percolate the ground. By proposing the car parking to be closer to the coastline and the leisure centre to be set back, the more vulnerable land use will be at a lesser risk of tidal flooding. In this regard, the proposed development is consistent with Policy GEN10 of the Arun District Local Plan. The surface water discharge from the site will be made up of run-off from the following elements of the development proposal: roofs, paved areas around the new development, access roads and car parking bays.

The standard hierarchy of drainage solutions states that surface water discharge should initially be considered via sustainable methods such as infiltration. Soil infiltration tests have been carried out by AP Geotechnics and have shown that due to the high groundwater level on-site, soakaways are not feasible.

It is agreed by the council's engineer that the existing sewer system will have sufficient capacity to accommodate the new development, provided the rate at which surface water discharges from site does not increase. It is therefore proposed that surface water run-off from the new leisure centre will be limited to ensure that the total discharge rate from the site remains the same or less than the total existing site discharge rate for all conditions.

With regard to foul water drainage, there are currently two foul rising mains running around the perimeter of the new leisure centre location. The exact depth and route of these sewers are to be confirmed following specialist investigative works on site. It has been agreed with Southern Water that the 600mm diameter rising main shall have a 6m easement either side of the pipe centreline whereby any building foundations are restricted. The 300mm diameter rising main is to have a

similar 4m easement either side of the pipe centre line.

As the end-use of the site is unchanged, it is considered that the existing sewer system will have sufficient capacity to accommodate the new development. Drains will be provided to serve all foul producing appliances within the new building. The drains will be designed in accordance with BS EN 752. All foul water arising from the development of the site will be collected by a foul water network that will connect into the existing on-site drainage system before joining the Southern Water foul sewer located adjacent to the existing leisure centre. The swimming pool within the proposed leisure centre complex will contain a suitably sized backwash facility which should have a separate foul network and connection to the new on-site foul drainage system. It is proposed that this flow will be limited so as not to exceed any existing trade effluent.

Drainage Engineers have raised no objection to the proposal subject to the imposition of conditions.

CONCLUSION

It is recommended that the application is approved subject to the following conditions

HUMAN RIGHTS ACT

FOR APPROVAL

Human Rights Act:

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal 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 3519 Location (08)011 revA, Existing Site Plan (08)012 rev A, GA Site Plan (08)013 revB, Ground Floor GA Plan (08)014, First Floor GA Plan (08)015, Mezzanine Floor Pla (08)016,GA Roof Plan (08)017, Elevations (08)018, Elevations Overlaid with Dome and Existing Leisure Centre (08)019, Section AA & BB (08)020, Sections CC & DD (08)021, Sections YY & ZZ (08)022, Perimeter fence detail 5312-103.

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 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 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.

- 4 Habitat mitigation must be provided in accordance with section 4 of the Ecology Appraisal and section 5.3 and 5.4 of the Roost Assessment. More specifically this must include:
 - compensation for loss of the mixed woodland and hedgerow through the planting of native trees, scrub and hedgerow and also enhancement to the existing woodland and creation of grassland. Although a landscaping strategy has been submitted, further details are required detailing how the loss of hedgerows and scrub has been mitigated and compensated for and to ensure no net loss in these habitats. The planting scheme should be in accordance with the recommendations in section 4.30 of the Ecology Appraisal.
 - Should the existing buildings and/or trees remain on site for more than 18 months prior to the development commencing, then follow up surveys must be submitted to and approved by the Local Planning Authority prior to development commencing.

Reason: To safeguard the interests of wildlife and the ecology of the area, provide some connectivity for protected species and ensure that a habitat remains during and after development in accordance with policy GEN7 of the Arun District Local Plan.

- 5 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 building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

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.

- 6 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in

writing by, the Local Planning Authority in consultation with Southern Water. The details shall include a drainage strategy including the proposed means of surface water disposal and a implementation timetable, which shall be submitted to and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and timetable.

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.

- 7 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.

- 8 The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development. The development shall be carried out in accordance with the approved measures.

Reason: In order to protect drainage apparatus in accordance with policy GEN9 of Arun District Local Plan.

- 9 No sound reproduction or amplification equipment (including public address systems, loudspeakers, etc.) which is audible outside the site boundary shall be installed or operated on the site.

Reason: To safeguard the amenities of neighbouring properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 10 Details, including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment (including fans, ducting and external openings), compressors, generators or plant or equipment of a like kind, installed within the site which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the local planning authority before installation. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed 30 dBA between 07.00 - 23.00 hours and 28 dBA between 23.00 - 07.00 hours, when measured according to British Standard BS4142: 2014, at any adjoining or nearby noise

sensitive premises.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 11 Deliveries by commercial vehicles shall only be made to or from the site between 07.00 hours and 20.00 hours Monday to Saturday and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

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

- 12 In order to reduce the impact of noise during the construction phase construction hours and noise levels should be limited to those set out in the Construction Management Plan:
 · No construction or construction deliveries to take place on site except between the hours of 08.00 - 18.00 hours Monday - Friday, 08.00 - 13.00 hours Saturdays and none on Sundays or Bank Holidays.

Reason: To safeguard the amenity of residents in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 13 The maximum sound pressure level from equipment and operations on site shall not exceed 75 dB(A) LAeq (10hr) Monday - Friday and 75 dB(A) LAeq (5hr) Saturday during the permitted working hours.

Noise monitoring must take place and action taken should the levels be exceeded as per the Construction Management Plan submitted with this application.

Reason: To safeguard the amenity of residents in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 14 Full details of the kitchen extract system, including the type of cooking to be undertaken and any odour control systems to be installed, shall be submitted to and approved by the local planning authority before installation and commencement of use. The agreed extract system must be installed and maintained as agreed with the local planning authority.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun District Local Plan policies GEN7, GEN32 and GEN34.

- 15 Prior to the first use of the building a detailed scheme of external lighting has been submitted to and approved in writing by the Local Planning Authority. The development should be carried out in strict accordance with the approved details. The scheme shall be maintained and shall not be altered without the prior written approval of the Local Planning Authority. The floodlighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

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

- 16 The proposed development shall be proceed in accordance with the submitted Construction Management plan, Nuisance Avoidance in Construction and Pollution Prevention documents submitted with the application.

Reason: To avoid undue congestion of the site and nuisance to adjoining residential properties in accordance with policy GEN7 of Arun District Local Plan.

- 17 Prior to the first use of the building the revised vehicle parking and turning spaces shall be constructed in accordance with the approved GA Site Plan drawing no 013B. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy GEN12 of Arun District Local Plan.

- 18 Prior to the first use of the building secure cycle parking spaces shall be provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. These spaces shall thereafter be retained for their designated use.

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

- 19 Within 6 months of the use of the building hereby approved being commenced all other buildings and structures existing on the application site at the date of this permission detailed for removal shall be demolished, the debris removed from the site and the site cleared in preparation for landscaping.

Reason: In the interests of the amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan and to ensure that the replacement area of open space is provided in accordance with policy AREA 5 of Arun District Local Plan.

- 20 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.

- 21 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by 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.

- 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:** A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

- 24 **INFORMATIVE:** The applicant/developer should enter into a formal agreement with

Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure.

- 25 **INFORMATIVE:** The 600 mm diameter foul rising main requires a clearance of 6.0 metres either side of the sewer to protect it from demolition & construction works and allow for future access for maintenance.

The 300 mm diameter foul rising main requires a clearance of 4 metres either side of the sewer to protect it from demolition & construction works and allow for future access for maintenance. The combined sewer requires a clearance of 3 metres either side of the sewer to protect it from demolition & construction works and allow for future access for maintenance.

The treated effluent sewer requires a clearance of 3 metres either side of the sewer to protect it from demolition & construction works and allow for future access for maintenance.

The water main requires a clearance of 4 metres either side of the water main to protect it from demolition & construction works and allow for future access for maintenance.

No development or new tree planting should be located within 5 metres either side of the centreline of the public foul sewer.

No development or new tree planting should be located within 3.5 metres either side of the centreline of the public foul rising mains

No development or new tree planting should be located within 5 metres either side of the centreline of the public combined sewer and treated effluent sewer.

No development or new tree planting should be located within 5 metres either side of the centreline of the public water mains

No new soakaways should be located within 5 metres of a public rising mains, sewers and water mains.

All other existing infrastructure should be protected during the course of construction works.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties

served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

- 26 **INFORMATIVE:** For advise on incorporating Security features within the scheme the applicant is advised to look at www.securedbydesign.com where the Secured by Design (SBD) Commercial Development can be found. This provides in depth advice pertinent to the design and layout. This document covers all subjects such as external security to the positioning of reception and secure lockers.

LU/314/16/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:** EG/85/16/PL**LOCATION:** Lyndhurst
Eastergate Lane
Eastergate
PO20 3SJ**PROPOSAL:** Temporary siting for a period of 2 years of 1No. Mobile Home. This application is a Departure from the Development Plan**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Retention of two bedroom, single storey mobile home, set west of the detached property. The unit is raised and has windows to three sides and stairs to the west.
SITE AREA	0.27 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	2m close boarded fence to front (north) and side (east) boundaries and various mature trees and hedgerows.
SITE CHARACTERISTICS	Side garden of Lyndhurst with vehicle access to front.
CHARACTER OF LOCALITY	Rural with some detached dwellings on large plots, set back from the road.

RELEVANT SITE HISTORY

EG/62/10/	Detached domestic garage & games room	Refused 23-11-2010
EG/52/88	Demolition of garage and outbuildings, erection of extension and alterations	ApproveConditionally 20-06-1988

The mobile home is in place according to the Agent because:-

Following dissolution of marriage between the Applicant and his wife, the temporary use of a mobile home by the Applicant and his parents in the garden of "The Lyndhurst" is necessary until the main house is sold. The Applicant and his parents will continue to maintain connection with the main house and its facilities (including waste disposal/collection) as the Applicant's children reside there.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Eastergate Parish Council

An objection:

The council notes that this mobile home has been used without permission for nearly 2 years. It is also noted that the access way is already in place. The council requests that the permission, if granted, be restricted to the date of sale of any part of the property, or the period of 2 years, whichever is the sooner.

No public letters of representation.

COMMENTS ON REPRESENTATIONS RECEIVED:

It is considered acceptable to make the application a personal permission, in line with the Parish requirements. As such should the sale of the property go ahead and the named applicant leave the mobile home for any reason, it will be removed from the site, in it's entirety and the land return to garden within 2 calendar months.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

DRAINAGE ENGINEERS

Aerial photos show that a hard standing was created, potentially at the same time the caravan was moved onto the site. We would need further details of the materials and construction of the hard standing to assess whether it is free draining or will require more formal drainage.

SOUTHERN WATER

Please attach standard informatives.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

Further details of the drainage have been sought, which shall be submitted by the applicant prior to the committee date of 4th January 2016. If these are not sent, the application will not be heard at committee and will be withdrawn from the Agenda.

POLICY CONTEXT

Designation applicable to site:

Outside built up area boundary.
Lidsey catchment area.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	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
SD SP2 Built-Up Area Boundary

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H2	Windfall sites
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H6	Attention to detail

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: Aldingbourne, Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with relevant Development Plan policies in that it is a new dwelling outside of the built up area boundary. However, as the permission is temporary, the principle of the siting of the mobile home is considered acceptable and complies with National, Local and Neighbourhood 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 located outside of the built up area boundary. As such, in line with saved policies GEN2 and GEN3 of the Arun District Local Plan and emerging policies ; the principle of a new dwellinghouse outside of the built up area boundary, not on a strategic site is unacceptable in principle. However, this application is only for a temporary permission and is not to create a permanent residence. Therefore, the principle of the development is acceptable. The emerging plan is currently under suspension so that further work (by Arun District Council) can be carried out, following inspector comments.

The applicant has been asked if they are willing to accept a personal permission. This is considered to be a requirement of any approval to ensure the quickest removal of the mobile home, which is not considered acceptable as a permanent dwelling.

DESIGN AND VISUAL AMENITY

Whilst mobile homes are not common on Eastergate Lane or the local area, the development is set back from the road. Furthermore, it is hidden by a 2m fence and 1.8m gates and surrounded by mature vegetation. It is only a one bed mobile home and is not considered to be visually intrusive to the visual amenities of the area. The mobile home would also only be in position for a temporary period so would not form a permanent part of the street scene.

IMPACT ON NEIGHBOURING RESIDENTIAL AMENITY

The only direct neighbouring dwelling is Lyndhurst itself, located 12m to the east. It is also separated by a high, mature hedge and is not directly visible from the house. The development is

not considered to have a detrimental impact on neighbouring residential amenity, owing to its modest size, temporary nature and discreet location.

SURFACE WATER DRAINAGE

The Council's Drainage Engineer has requested more details of the hard surface beneath the development to be able to assess the proposal for acceptability in terms of surface water flooding. The applicant has been asked to provide this and the additional details and further response will be added as a report update, prior to the Planning committee. However, if this is not forthcoming a condition will be imposed requiring details of the drainage to be submitted within 28 calendar days of the decision being issued. Should approval be recommended.

TRANSPORT AND HIGHWAYS

The development provides off-street parking for two cars. There is also space to turn the cars around on site and exit in a forward gear. As such the development complies with WSCC guidance in terms of parking allocation and is not considered to create a highway danger.

The application is recommended for conditional personal permission.

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

- 1 The mobile home hereby permitted shall be removed from the land edged in blue on plan

'Proposed site/block plan'and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, on or before the expiration of the period ending on March 4th 2019 or within 2 calendar months of the sale of Lyndhurst, Eastergate Lane whichever is the sooner.

Reasons: The Local Planning Authority would not normally grant permission for such a development in this location but under the circumstances prevailing it is considered reasonable to make an exception in this instance and to allow the development for a limited period in accordance with policy GEN7 of the Arun District Local Plan.

- 2 The development is hereby approved in accordance with the following plans:-

Existing and proposed Site/Block Plan
Elevations and Existing location Plan

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

- 3 The mobile home shall only be occupied by Mr Lee Duggin and his parents.

Reason: Permission would not normally be granted for such development in this location but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal in accordance with policy GEN7 of the Arun District Local Plan.

- 4 Within 56 calendar days of the date of this decision, full details of how the mobile home and its immediate site drains away surface water will be submitted in writing to and approved by the Local Planning Authority.

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:

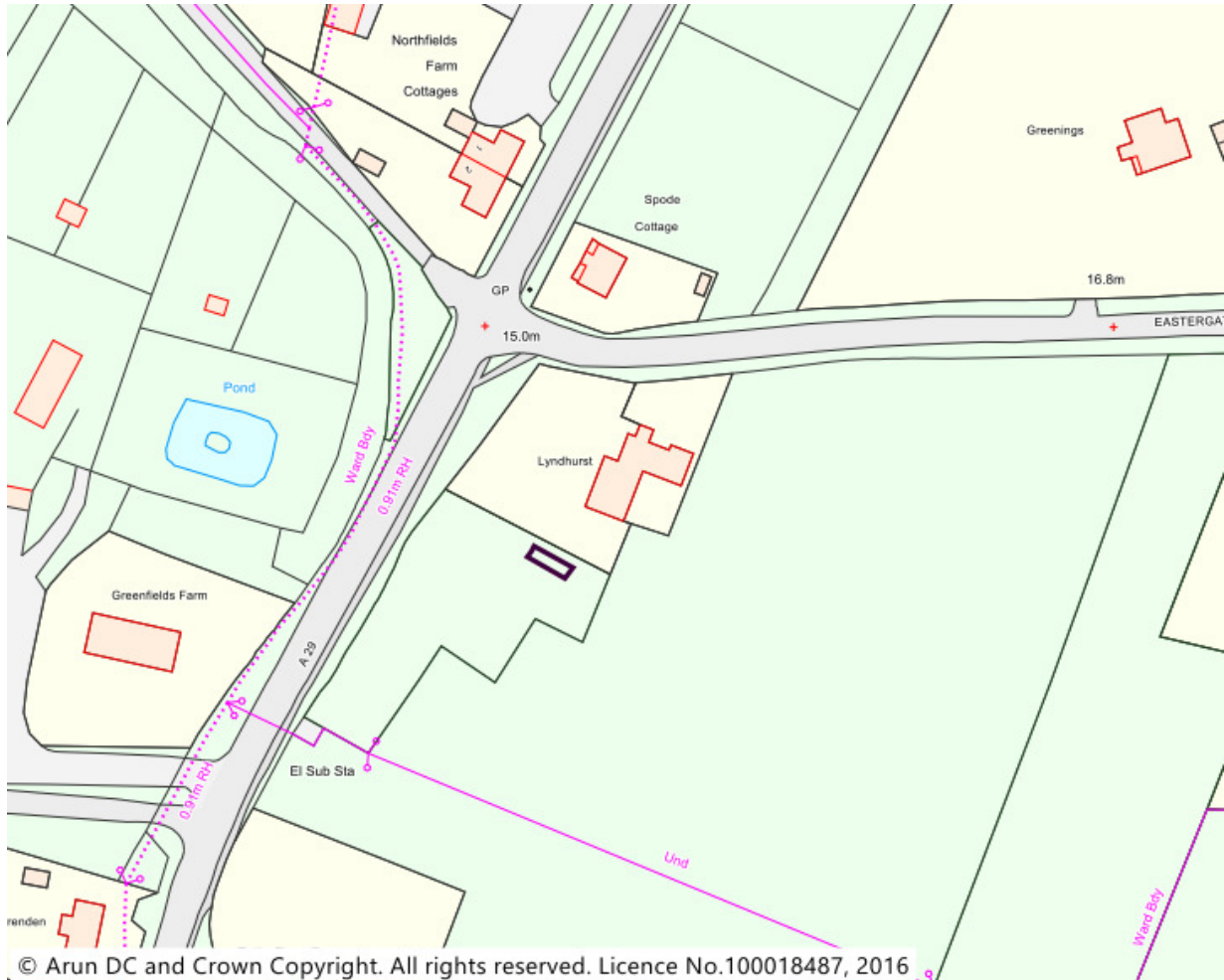
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) 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.

- 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.

EG/85/16/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:** EP/129/16/PL**LOCATION:** 45 The Ridings & 60 Sea Lane
East Preston
BN16 2TW**PROPOSAL:** Demolition of existing dwellings & creation of 2 No 4 bed detached houses
& 2 No 5 bed detached houses**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The application seeks planning permission for the demolition of 45 The Ridings and 60 Sea Lane and the construction of 4 no. replacement dwellings.
SITE AREA	Approximately 0.41 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 9.75 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The boundaries of the site are a mixture of mature planting and close boarded fencing.
SITE CHARACTERISTICS	The application site comprises of two detached dwellings 2 storeys set in large gardens and set back from the road.
CHARACTER OF LOCALITY	The character of the locality is predominantly residential and features properties of various designs and styles. The properties are generally set in medium and large plots set back from the highway.

RELEVANT SITE HISTORY

EP/80/14/PL	Demolish 1 house and construct 4 new dwellings (2 pairs of semi-detached houses). Resubmission of EP/111/12/	Refused 23-07-2014
EP/111/12/	Demolish 1 house (60 Sea Lane); partially demolish 1 house (45 The Ridings); construct 3 detached houses; alterations and extensions (45 The Ridings)	App Cond with S106 05-07-2013
EP/150/09/	Renewal of unimplemented planning permission EP/157/06 for one dwelling and garage	ApproveConditionally 29-01-2010

Between 1983 and 2009 permission has been granted and renewed for development of one dwellin

on the site to the south of 60 Sea Lane. The most recent being EP/150/09.

Planning permission was subsequently granted under planning reference EP/111/12/PL for the partial demolition of a two storey extension at 45 The Ridings, demolition of 60 Sea Way and construction of 3 additional dwellings.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

Objection:

- i] Out of keeping - The proposal does not harmonise with the existing mainly 1930s properties in the area. The proposal is considered contrary to Paragraph 58 of the National Planning Policy Framework (NPPF) and would have a detrimental impact upon the appearance of the locality contrary to GEN7 and DEV19 of the Arun District Local Plan.
- ii] Poor design - The proposed buildings are high and have a look of three-storeys about them; this is contrary to paragraph 4.14 of the East Preston Neighbourhood Plan.
- iii] Materials - The materials proposed for the buildings are not vernacular and will not be in keeping with paragraph 4.12 of the East Preston Neighbourhood Plan.
- iv] Car parking - The proposed parking provision is contrary to Policy 1 of the East Preston Neighbourhood Plan and the layout could adversely impact upon road safety.
- v] Drainage - Following two flood events in Sea Lane in 2012 the Parish Council is now wary of the impact that new development will have upon surface water drainage in East Preston. The Parish Council wish to support the comments of Arun District Council's Senior Engineer in response to the previous application EP/111/12/ dated 22nd April 2013.
- vi] Construction Traffic - all possible steps should be taken to minimise any danger to pedestrians exiting the footpath into Sea Lane or the Ridings. Should planning permission be granted a fully-detailed Construction Management Plan for the entire construction period must be agreed before construction can begin.

17 No. letters of objection:

- 1] The design of the dwellings is out of character with the surrounding properties and those elsewhere in the village.
- 2] The proposed development is out of scale with development elsewhere in Sea Lane and The Ridings.
- 3] The proposed materials are out of character with the locality.
- 4] Insufficient parking is provided in association with the new dwellings.
- 5] The proposal will adversely impact upon the residential amenity of no. 43 The Ridings.
- 6] There are no three storey dwellings in the immediate surrounding area.
- 7] Unacceptable overlooking of neighbours.
- 8] Street scene will be destroyed.
- 9] The construction traffic will adversely impact upon road safety.
- 10] The proposed dwellings will possibly increase the frequency of flooding due to reduced garden size and the additional houses and associated patios.
- 11] The trees at the front of the property in The Ridings are protected.

COMMENTS ON REPRESENTATIONS RECEIVED:

In response to the objection from the Parish Council:

- i-iv] These objections will be considered in the conclusion to this report.
- v] The Council's Drainage Engineer has been consulted in relation to the proposed development and has raised no objection subject to the use of an appropriately worded 'drainage design condition'.
- vi] WSCC have been consulted and a Construction Management Plan condition has been included in the recommendation.

In response to the 17 no. letters of objection:

1-8] Will be considered in the conclusion to this report.

9] WSCC have been consulted and have raised no objection in relation to the development and its impact upon the highways network. A Construction Management Plan condition has been included in the recommendation.

10] The Council's Drainage Engineer has been consulted in relation to the proposed development and has raised no objection subject to the use of an appropriately worded 'drainage design condition'.

11] Examination of the site history and the Local Planning Authorities mapping system has not revealed any Tree Preservation Orders (TPO) on the site.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Engineers (structural)

Southern Water Planning

Environment Agency

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Engineers (Drainage):

The surface water drainage design has taken account of the infiltration rates of the soil on site and the highest groundwater level. Where half-drain times are relatively slow it would appear that extra storage has been provided. The drainage design is acceptable in principle, however we have concerns over tree roots. We would want it confirmed by the tree officer that the soakaway layout, particularly for the eastern part of the site, is going to be suitably protected from root intrusion. We would expect that the tree roots extend beyond the canopy area and that this would cause problems even just installing soakaways. This should be a drainage design condition in consultation with the tree officer.

Please also note that the Sea Lane properties are at a low yet modelled risk of surface water flooding (1 in 1000 year event). See the EA surface water flood mapping for detail.

Engineers (Structural):

No comments.

Southern Water:

Standard informatives requested.

Full comments available from the Arun District Council website.

West Sussex County Council (Strategic Planning):

The proposal to demolish the existing 2 storey detached houses at 45 The Ridings and 60 Sea Lane has been considered by WSCC as the Local Highway Authority. No objection is raised subject to any conditions attached.

The above proposal will create 4 individual plots each with its own access onto the public highway. The houses will offer off road parking via a small private driveway. In addition to the off-road parking each dwelling will provide garaging for two cars; and within each garage a dedicated storage space for bicycles will be provided.

The demolition and subsequent construction of the properties will require the submission of a

construction management plan to ensure the safety of the highway during this phase of the project. The suggested condition attached will cover all the points required to ensure a safe and clear public highway is maintained throughout the demolition/construction phase.

In order to create the new access points as crossovers the applicant will need to progress a minor works license. Visibility from each access point should be in line with standards for a 30mph road or a good as can be achieved within the given space. These should also be free of obstructions over a height of 0.6m. Will the site have temporary access from the highway during the construction phase or will the existing access points be retained?

The re-development of the site will see an increase in the overall trip generation as there will be more dwellings on the plots than there are currently. At peak times the development could create in the region of 4 trips in the peak AM/PM hours however; this increase is not considered detrimental to highway safety or capacity.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and relevant conditions and informatives included in recommendation. No comments have been obtained from the Council's Tree Officer following the consultation response from Engineers (Drainage) - however, a condition has been included with this recommendation report requiring the submission of details prior to the implementation of any drainage.

POLICY CONTEXT

Designation applicable to site:
Within built area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN12 GEN2 GEN7 GEN9	Parking in New Development Built-up Area Boundary The Form of New Development 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 SD SP1 Sustainable Development SD SP2 Built-Up Area Boundary W DM3 Sustainable Urban Drainage Systems	
East Preston Neighbourhood Plan 2014 Policy 1		Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 2		Design in Character Area One
East Preston Neighbourhood Plan 2014 Policy 3		Design in Character Area Two
East Preston Neighbourhood Plan 2014 Policy 8		Sustainable Drainage

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

The East Preston Neighbourhood Plan has been made and policies 1, 2, 3 and 8 are considered relevant to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan Policies GEN7 which seeks to prevent development that would have an adverse impact upon visual and residential amenities and the character of the area.

The principle of this development is established with planning permission having been granted for 3 new dwellings and retention of 45 The Ridings under reference EP/111/12/PL.

DESIGN AND VISUAL AMENITY

The proposed development by virtue of its layout is considered in keeping with the established character of the locality. Sea Lane is characterised by a mixture of chalet bungalows and two storey development with The Ridings featuring dwellings of various designs and styles.

The Ridings and Sea Lane are characterised by predominantly detached dwellings set in larger plots and set back from the highway. Therefore, the proposed development by virtue of its height, siting and footprint is considered in keeping with the established character of the locality. The proposed development is deemed to preserve the established spatial pattern of the street scene retaining similar distances between the proposed dwelling and neighbours to that elsewhere within the locality whilst the proposed development retains the established building line.

45 The Ridings (5 bedroom house)

The existing dwelling has a maximum height of 10m with the majority of the ridge measuring approximately 8.32m in height with the dwellinghouse being situated at its closest point approximately 5.4m from the northern boundary of the site.

The proposed 5 bedroom replacement dwelling at its closest point will be located approximately 1.4m from the northern boundary (at ground floor level) with the closest two storey element being located 3m away from the boundary and the bulk of the proposed dwelling being situated approximately 5m from the northern boundary of the site. This distance from the boundary of the site is considered acceptable and preserves the spatial pattern and character of the street scene in this location. The replacement dwelling will measure approximately 8.9m in height which is considered in keeping with the established character of the street scene.

The proposed dwelling will be constructed from red facing brickwork and white rendered elevations and a standing seam zinc roof.

47 The Ridings (5 bedroom house):

The area of the site which will be developed to provide 47 The Ridings is currently vacant land used as garden in association with 45 The Ridings.

Planning permission was previously granted under reference EP/111/12/ for a dwelling in this location. The dwelling previously approved on this site measured a maximum height of 10.8m and was considered to appear significantly more bulky in design at first floor and roof level than that now proposed at the site in this application.

The proposed dwelling is intended to be a 2.5 storey house with white rendered elevations. The proposed dwelling will measure approximately 9.2m at its highest point (1.6m lower than the dwelling previously approved at the site. The proposed dwelling will feature a gable end adjacent to the highway and will be screened in the street scene by existing boundary planting.

47 The Ridings will be located 2.6m from the southern boundary of the site (at ground floor level), with the proposed dwelling being situated 6.82m from 49 The Ridings (at first floor level). This separation is considered to preserve the spatial pattern and character of the street scene.

The proposal is therefore considered to be an enhancement on what has already been granted permission and as such does not have an unacceptable impact upon the character of the locality.

60 and 62 Sea Lane (4 bedroom dwellings):

The existing dwelling at 60 Sea Lane is a two storey dwelling with dormer windows on the primary elevation. The existing property measures approximately 7.95m in height and features rendered elevations with white weatherboarding on the gable projection and dormer windows forward on the primary elevation.

Planning permission EP/111/12/ previously granted planning permission which included 2 no new dwellings on this part of the site. The approved dwellings at 60 & 62 Sea Lane are of a similar, albeit less modern design than that now proposed. However, it should be noted that the previous approved dwellings did feature weatherboarding on the primary elevation with this same material proposed in this new application.

The dwellings previously approved under reference EP/111/12/ measured approximately 8.62m in height. The proposed dwellings the subject of this application will have a maximum height of approximately 8.9m and an eaves height of 5m. Although it must be considered that the majority of the height of the proposed dwellings will measure approximately 8m, 0.62m lower than those dwellings previously approved under reference EP/111/12/.

The dwellings proposed on Sea Lane as part of this new application are therefore considered to constitute an enhancement over the scheme previously approved under reference EP/111/12/.

It is considered that Sea Lane is characterised by semi detached dwellings of a similar design - and this application will retain that character with 60 and 62 being of mirrored design and construction.

The northern portion of Sea Lane is characterised predominantly by bungalows with the occasional two storey dwelling. The southern portion of Sea Lane is far more mixed in character and features generally larger dwellings set in larger plots.

The proposed dwellings are of a modern design and will feature white render at ground floor level with pale blue/grey weatherboarding at first floor level (60 Sea Lane already features weatherboarding at first floor level) and a two storey element to the rear with rendered elevations. The roof will be constructed from standing seam zinc roofing the same as the roof material proposed at 45 The Ridings.

There are no other dwellings in the immediate locality that have standing seam zinc roofing as proposed for three of these proposed dwellings. However considered as a whole these dwellings are considered to be compliant with the East Preston Neighbourhood Plan and thereby justify approval. Policy 1(i) of the East Preston Neighbourhood Plan states that development should 'reflect and enhance the architectural and historic character and scale of surrounding buildings'

and paragraph 4.12 states that 'The materials used in new or altered buildings should harmonise in both colour and texture with the materials used in adjoining buildings'. The key wording is 'reflect' and 'harmonise' which allows for some flexibility in the design and materials proposed.

RESIDENTIAL AMENITY

The proposed dwellings by virtue of their design are not considered to give rise to any unacceptably adverse overlooking which could not be adequately controlled through the use of condition.

The one exception to this is the first floor southern window of 62 Sea Lane. However, this window will be situated 6m from the southern boundary of the site and approximately 10m from 64 Sea Lane. This first floor window will be the only window serving bedroom 3 and as such cannot be obscurely glazed or fixed shut due to the impact this would have upon the residential amenity of future occupiers. However, it is considered that by virtue of the existing boundary screening (located within the curtilage of 64 Sea Lane) the proposed first floor window will not give rise to unacceptably adverse overlooking of neighbours.

Conditions have been imposed requiring the first floor windows on the northern elevations of 60 and 62 Sea Lane; the first floor windows on the southern elevation of 47 The Ridings; and the first floor window on the southern elevation of 45 The Ridings to be obscurely glazed and non-opening below 1.7m from floor level of the room in which the window is installed.

The proposed dwellings at 45 The Ridings and 62 Sea Lane due to their position on the site and distance from the boundaries are not considered to result in any unacceptably adverse overbearing or overshadowing impacts upon neighbours and as such are deemed to accord with policy GEN7(iv) of the Arun District Local Plan.

The Council have adopted a 45-degree rule as a tool to balance the interest of those persons wishing to develop and neighbours by ensuring that new development does not seriously impact upon neighbours outlook or daylight. The proposed scheme has been considered in conjunction to the 45-degree rule. The proposed development has been found to accord with these limitations with the exception of a minor conflict between 58 and 60 Sea Lane - however, this conflict is considered to be negligible. Therefore, the proposed development will not give rise to unacceptably adverse overbearing or overshadowing impacts on neighbours.

Therefore, the proposed development is deemed to accord with the limitations of GEN7(iv) of the Arun District Local Plan.

HIGHWAYS & PARKING

WSCC have been consulted in relation to the proposed development and have raised no objection. In the consultation response received from WSCC Highways the parking provision at the site was considered and deemed acceptable in accordance with their parking standards. It was also identified that no detrimental impacts upon highway safety or capacity was identified by WSCC Highways.

Therefore, the proposed development is considered acceptable in terms of highway considerations subject to the conditions included in this recommendation report.

SURFACE WATER DRAINAGE

The Council's drainage engineer has been consulted in relation to this proposed development with no objection having been raised in relation to the proposed drainage scheme at the site. Some concerns were raised by the drainage engineer in relation to potential for root intrusion and as such

a drainage condition was proposed and has been included with this recommendation report for the submission of drainage design prior to the commencement of development.

SUMMARY

In accordance with the above considerations of the proposed development it is recommended that this application is approved subject to the below conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Proposed site plan - dwg. 1045 TP/102;
- Proposed off road parking & turning plan - dwg. 1045 TP/103;
- Proposed landscaping plan - dwg. 1045 TP/104;
- Proposed floor plans & elevations (45 The Ridings) - dwg. 1045 TP/105;
- Proposed floor plans & elevations (47 The Ridings) - dwg. 1045 TP/106 A;
- Proposed floor plans & elevations (60 The Ridings) - dwg. TP/107;
- Proposed floor plans & elevations (62 The Ridings) - dwg. TP/108;
- Proposed street plans - dwg. 1045 TP/109; and
- Surface water drainage strategy - dwg. 6011_100 Rev D.

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 building/extension.

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

- 4 No development including site access, demolition or associated construction activities, shall take place on the site unless and until the tree protection scheme as specified by the 'Tree Protection Plan - dwg. 1045 TPP/02' has been implemented. The tree protection scheme shall remain in place until development has been completed.

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because otherwise trees might be harmed during the construction process.

- 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 highway safety and the amenities of the area in accordance with Arun District Local Plan policy GEN7 and the National Planning Policy Framework.

- 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: In the interests of highway safety and the amenities of the area in accordance with Arun District Local Plan policy GEN7 and the National Planning Policy Framework.

- 7 The garage buildings shall be used only as private domestic garages for the parking of vehicles 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 in accordance with Policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 8 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 Arun District Local Plan policy GEN7 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because the purpose of the condition is to mitigate the impact of construction.

- 9 The windows identified below shall be permanently obscurely glazed and non-opening below 1.7m from the floor level of the room in which the window is installed:

- First floor windows on the northern elevation of plots 60 and 62 Sea Lane.
- First floor windows on the southern elevation of 45 The Ridings.
- First floor windows on the southern elevation of 47 The Ridings.

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

- 10 Development shall not commence until full details of the proposed surface water drainage scheme including details of measures to protect against root intrusion 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. 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.

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

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

- 12 INFORMATIVE: 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.

- 13 INFORMATIVE: Due to change in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during

construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

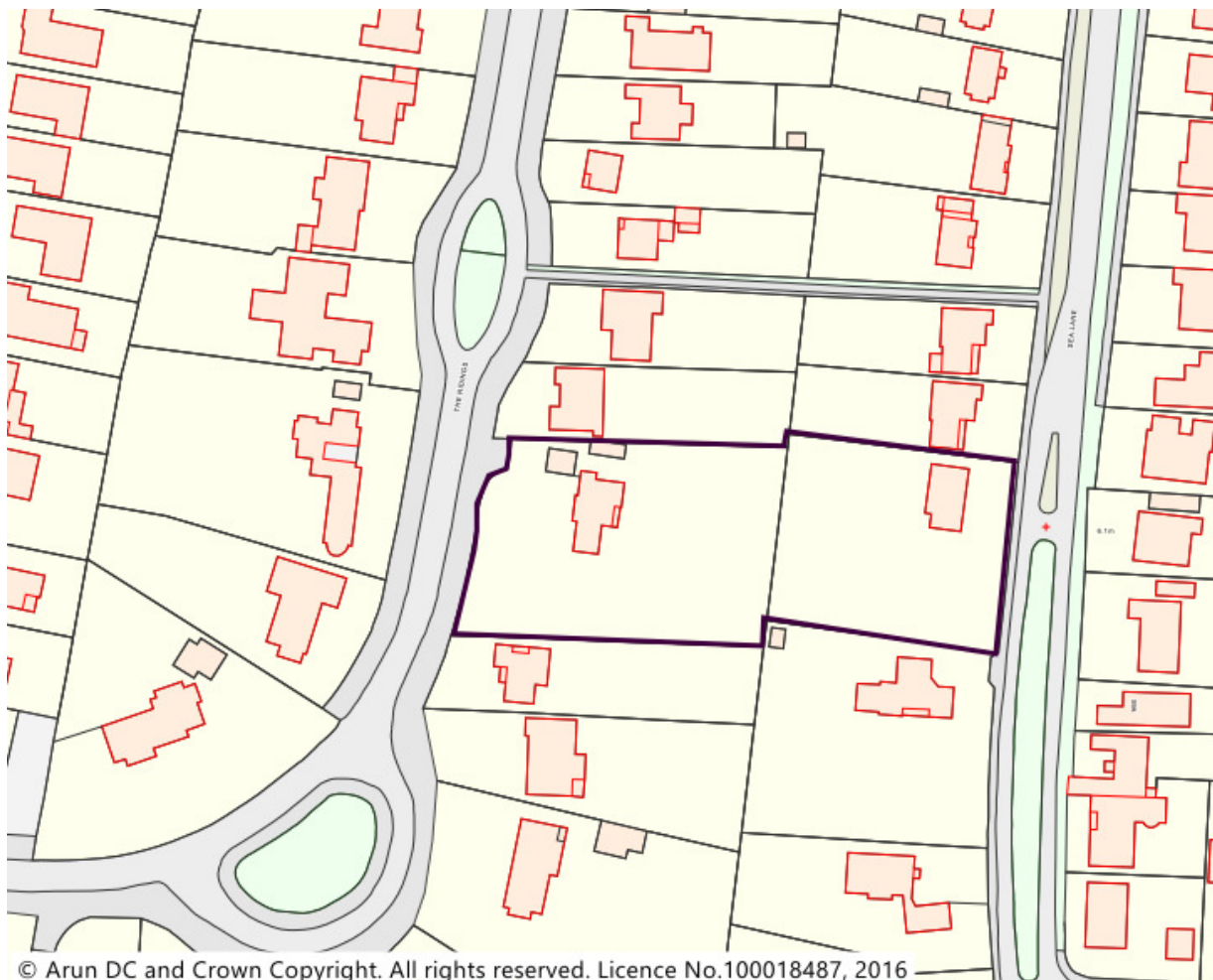
- 14 **INFORMATIVE:** A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

- 15 **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.

EP/129/16/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:** BR/230/16/PL**LOCATION:** 7 Seafield Terrace
Stocker Road
Bognor Regis
PO21 2QQ**PROPOSAL:** Erection of 1 No. 3 bedroom house & single storey carport (resubmission following BR/59/15/PL).**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposal is a resubmission of BR/59/15/PL which was approved in June 2015. The proposal is essentially the same as the previous permission but with the addition of a glazed car port on the western side and the creation of a first floor balcony on the rear. The car port is approximately 6.5m deep with a varying width of between 2.9m and 3.2m and a total height of 3.05m. The balcony is approximately 4m wide by 1.7m deep with a 1.1m high balustrade. The first and second floors will still be set back from the rear of the neighbouring property. No new windows are proposed.
SITE AREA	0.03 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	33 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	No trees of any significance are affected by the proposed development. There are several trees and bushes within the site ownership but on the boundary with 3 Stocker Road. These are up to 6m in height and will be retained.
BOUNDARY TREATMENT	The boundary to the side with 3 Stocker Road is a brick wall approximately 1.7m in height. This does taper to a lower height to the front but the section adjacent to the ground floor flank windows of 3 Stocker Road is to 1.75m in height.
SITE CHARACTERISTICS	No. 6 Seafield Terrace is an end of terrace 1960s 3 storey house with an integral garage at ground floor. The front and rear elevations at first and second floor level are predominantly tiled with the remaining parts of the building in brick. There is a detached garage to the side of the dwelling in what is effectively a side garden (additional to the existing rear garden). Beyond the boundary wall, there is a 1.25m passageway alongside the side of 3 Stocker Road.
CHARACTER OF LOCALITY	There is a mix of two and three storey houses and flats in

Stoker Road and also at the rear on Marine Drive West.

Seafield Terrace was previously extended on the eastern end with a new 3 storey terraced dwelling (1a Seafield Terrace). This dwelling has a different external finish to the other dwellings in the Terrace - with part similar brickwork and part (in lieu of the hanging tiles) vertical timber boarding. Many of the properties in Seafield Terrace have rear balconies at first floor level although 1a has an additional balcony at second floor level. No. 6 does not have a balcony to the rear.

To the east of the site is 3 Stoker Road, a large residential building now home to several flats. The flank wall of this building has 2 ground floor windows which both serve the same room of a ground floor flat and 1 second floor window.

RELEVANT SITE HISTORY

BR/59/15/PL	Erection of 1 No. 3 bedroom house (resubmission following BR/321/13).	ApproveConditionally 10-06-2015
BR/321/13/	Erection of a 1 No 3 bedroom house and car port (resubmission following BR/127/13/)	App Cond with S106 29-04-2014
BR/127/13/	Erection of a 3 bedroom house (resubmission following BR/21/13/)	App Cond with S106 29-08-2013
BR/21/13/	Erection of a 3 bedroom house	Refused 17-04-2013
BR/299/08/	Re-submission of previous application BR/142/08 for new dwelling	Refused 05-12-2008 <i>Appealed</i> Appeal: Dismissed 27 05 2009
BR/142/08/	New dwelling.	Refused 02-07-2008
BR/124/02/	One new 3 bedroom detached house	Refused 01-07-2002

Application BR/127/13/PL was approved by the Development Control Committee on 29/08/13. Subsequently, application BR/321/13/PL was submitted and proposed the same scheme albeit with the addition of a car port on the western side. That car port was to be between 2.4m and 2.9m in width, 4.5m long and 2.4m high. This was approved under delegated powers in April 2014. Application BR/59/15/PL was then submitted which dropped the car port and added a small 1.5m deep extension to the rear. This was also approved by the Development Control Committee.

Members should note that the applicant has already commenced the construction of the scheme approved by BR/59/15/PL.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

"OBJECTION on the grounds that the proposed dwelling by reason of its size and design would form an incongruous feature on the end of the existing terrace of dwellings and would be detrimental to the character & appearance of the streetscene. Concern was also raised over the loss of windows and therefore light, to the existing No. 6 Seafield Terrace and also the loss of light and privacy to the property on the right hand side."

COMMENTS ON REPRESENTATIONS RECEIVED:

The first part of the above objection was also raised in respect of application BR/59/15/PL which was subsequently approved by the Development Control Committee. The previous approvals including that which included a car port are considered to resolve the second part of the objection.

CONSULTATIONS

WSCC Strategic Planning
Engineering Services Manager
Engineers (Drainage)
Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - state that the property is affected by an existing sewer and that measures should be undertaken to divert and protect the existing sewer. Request the imposition of a suitably worded condition and informative regarding new sewer connections.

WSCC HIGHWAYS - "West Sussex County Council, as the Local Highway Authority (LHA), was not consulted on previous application BR/59/15 although we were consulted on applications prior to this on the site for a single dwelling, to which no objections were raised. The current proposal for single 3-bedroom dwelling and integral garage is judged on its own merits. The LHA request modifications to the proposal as set out in the report below.

The site is accessed from Stocker Road, unclassified and subject to a 30mph speed restriction. The proposed dwelling will continue the line of houses on Seafield Terrace where parking off street on the frontages is an existing practise.

The proposed plans show a 4-bedroom dwelling with 5 habitable rooms and a single integral garage. The single garage does not meet WSCC minimum standards of 3m by 6m to provide parking provision for a single car. Although the depth is at least 6m it does not appear to be as wide as 3m for its entirety. The applicant should ensure the garage is of sufficient dimensions.

The plan demonstrates an off street parking space on the frontage of the site where depth is indicated as approx. 4.1 m. As per Manual for Streets (MfS) guidance a car parking space should be 2.4m by 4.8m. The space indicated is therefore unsuitable for its purpose. There does appear to be sufficient space on the frontage for a parallel parking arrangement though the applicant would be required to demonstrate the achievability of this.

The existing dropped kerb would require extending across the frontage of the site, a licence for these works should be obtained from the WSCC Local Highway Engineer.

The current parking arrangements demonstrated would not be acceptable to the LHA. Neither the garage nor indicated frontage parking is sufficient in dimensions to provide for off street parking. The applicant should address these points and the LPA should re-consult when these modifications have been provided."

ADC DRAINAGE ENGINEERS - "The proposal is for one property outside of the Lidsey WwTW catchment area, apply ENGD2A if deemed necessary and be aware of Southern Water's comments".

COMMENTS ON CONSULTATION RESPONSES:

Following the Highways comments the applicant submitted an amendment to the scheme replacing the garage with a carport similar in width to that approved by BR/321/13/PL. This amendment also increased the size of the additional off-street parking space (from 4.1m long to 4.8m). It is considered that the drainage condition should be imposed in this case as it was applied to all of the previous permissions.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary; and
Pagham Harbour Access Management Zone B.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	AREA13	Sites of International Importance for Nature Conservation
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development
	DEV19	Extensions to existing residential buildings

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)
	ECC SP2	Energy and Climate Change Mitigation
	ENV DM2	Pagham Harbour
	H DM1	Housing Mix
	SD SP2	Built-Up Area Boundary
	T SP1	Transport and Development
	W DM3	Sustainable Urban Drainage Systems

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

There are not considered to be any relevant Neighbourhood Plan policies.

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 principle of this proposal was approved by application BR/127/13 and reaffirmed by application BR/321/13. Notwithstanding that this application seeks a new full permission, the site benefits from an extant consent and it is therefore not considered necessary to re-appraise the whole scheme. Instead, this analysis concentrates on the changes to the scheme namely the rear extension at first and second storey and the impact of this on residential amenity and on character.

PLANNING HISTORY:

As noted above, planning permission has already been granted for this dwelling and work has already commenced. The application proposes to amend the previous application BR/59/15/PL by adding a car port to the western side and enclosing a previous flat roofed area at the rear of the building with a balcony balustrade.

ASSESSMENT OF PROPOSED BALCONY:

The proposed balcony is to a small area of previously approved flat roof. This area is set behind the rear wall of the neighbouring dwelling (6 Seafield Terrace) and hence there will be no view from the balcony of the neighbours windows. The balcony will allow views of no. 6's rear garden and also the side/rear of no. 3 Stocker Road but these views will be at oblique angles and will not be of either of the parts of gardens closest to the rear of the neighbouring dwellings. It should also be noted that many of the existing dwellings within the terrace have existing rear balconies which allow views towards those properties to the south and the sea beyond. The edge of the balcony will be approximately 13.5m from the boundary with 1 Marine Drive West and a total of 23.5m to the rear wall of 1 Marine Drive West. These distances are considered to be acceptable.

ASSESSMENT OF PROPOSED CAR PORT:

A car port was previously approved under application BR/321/13/PL and was considered to be a subservient single storey addition to the new dwelling which would have no adverse impact on the streetscene and would not lead to a terracing effect with no. 3 Stocker Road. The previous car port was proposed to have an obscure glazed side elevation which would protect the amenity of the windows in the neighbouring flat (part of 3 Stocker Road) whilst also ensuring that these windows continue to receive sunlight.

The new car port is around 1m wider, 2m deeper and 0.6m higher than the previous version. However, it retains the glazed finish to the elevation facing 3 Stocker Road and is still considered to be a subservient addition to the scheme.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is not considered that the Council and Government space standards should be applied to this application. The site benefits from an extant consent which has already been implemented and none of the proposed changes will reduce the internal floor or external rear garden space. The balcony space will also increase the amount of private amenity space.

HIGHWAYS & PARKING:

The comments of the Highways authority are considered to have been resolved by the amended plan which increased the size of the proposed off-street parking space. Two parking spaces are considered to be acceptable. A condition requiring cycle storage will also be imposed.

SUMMARY:

It is not considered that the two proposed changes to this previously approved and already commenced scheme are harmful to either the character & appearance of the area or to the amenity of neighbouring residents.

The application requires a Section 106 legal agreement in respect of a contribution towards public Pagham Harbour. This is currently in the process of being agreed but at the time of writing is not yet complete. The recommendation to approve is therefore made subject to the following conditions and the completion of the legal agreement.

Therefore, if the S.106 legal agreement has not been signed within 2 months of the date of the resolution to approve then the application should be refused for the following reason:

"The application fails to make a financial contribution towards the cost of providing accessible natural open green spaces to serve the Pagham area and the proposal is therefore not in accordance with policy AREA13 of the Arun District Local Plan (2003) and policy ENV DM2 of the Arun Local Plan 2011-2031 Publication Version."

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

This decision will be accompanied by a Section 106 legal agreement relating to a payment of £1,275 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

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:

Drawing 1282-100 "Location Plan";
Drawing 1282-103 Rev A "Proposed Site Plan";
Drawing 1282-101 "Existing Plans";
Drawing 1282-104 Rev A "Proposed Plans";
Drawing 1282-102 "Existing Elevations"; and
Drawing 1282-105 Rev A "Proposed Elevations".

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

- 3 No part of the development shall be occupied unless and until full details of the proposed surface water drainage scheme have been submitted to, approved in writing by the Local Planning Authority and implemented in accordance with the agreed details.

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.

The drainage water system shall then be maintained in good working order in perpetuity.

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

- 4 No part of the development shall be occupied unless and until full details of the proposed measures to be undertaken to divert the existing public sewers have been submitted and approved in writing by the local planning authority (in conjunction with Southern Water). The approved measures in respect of diverting the sewer shall then be completed in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policy GEN9 of the Arun District Council Local Plan.

- 5 No part of the development shall be occupied unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls (including the obscured glass or perspex to be used in the car port and the material of the proposed balcony balustrade) and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used

in the construction of the building.

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

- 6 Details for the secure storage of bicycles within the application site curtilage shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any part of the development. The secure cycle storage so approved shall be implemented in accordance with the approved details and retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

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

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all highways in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 8 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 western flank wall of the residential building 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.

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

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

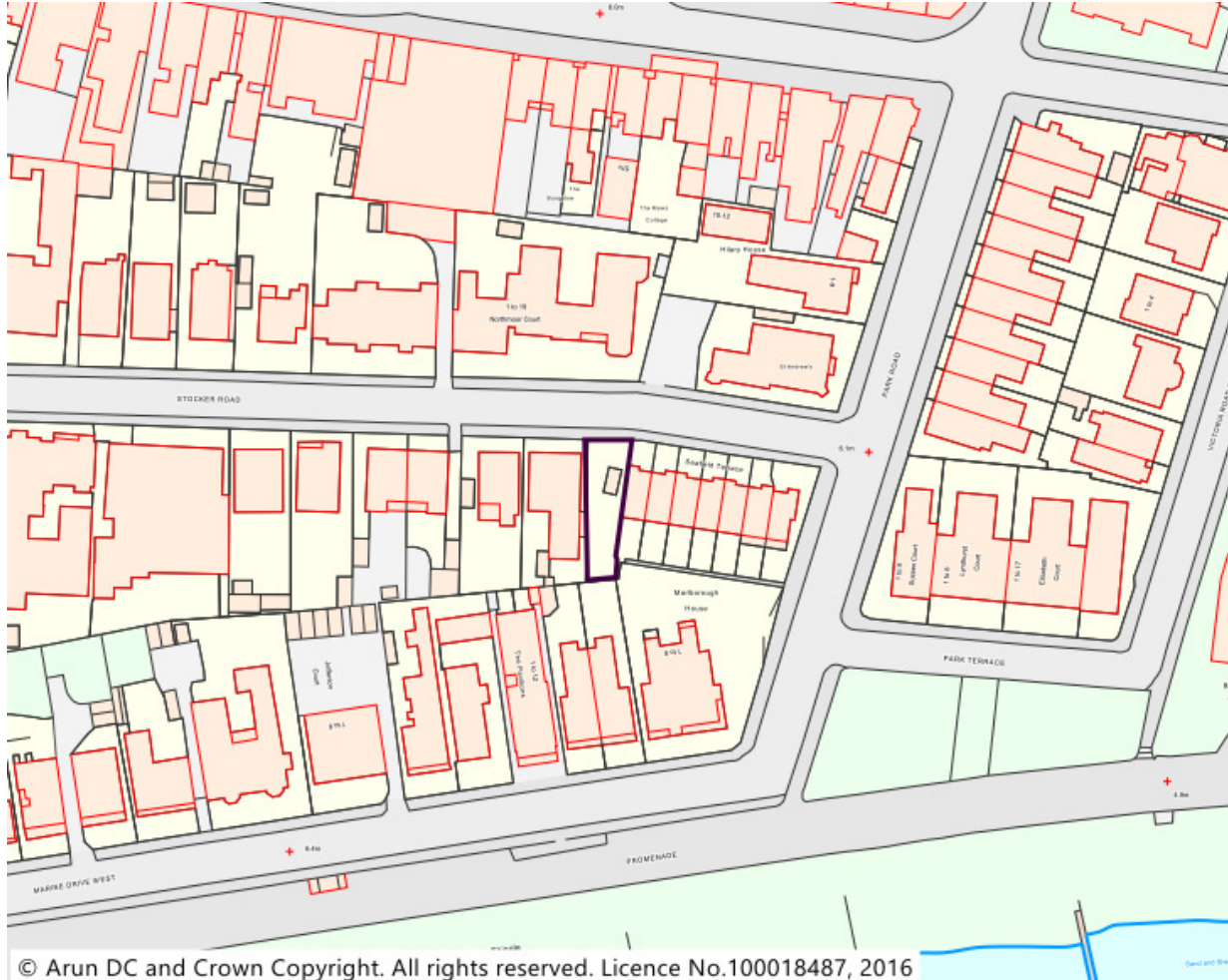
- 10 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as 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.

- 11 **INFORMATIVE:** A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

- 12 **INFORMATIVE:** The building shall not be occupied until the crossing between the boundary of the site and the adjoining carriageway has been laid out and constructed to a specification to be agreed with the West Sussex County Council. Details of the specification may be obtained from the Area Engineer, West Sussex County Council, Area 1, Drayton Depot, Drayton Lane, Chichester. Telephone: 01243-836900 or from West Sussex County Council, County Surveyors Department, County Hall, Chichester. Telephone: 01243-777921.

BR/230/16/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:** BR/237/16/OUT**LOCATION:** 3 Southdown Road
Bognor Regis
PO21 2JS**PROPOSAL:** Outline application for construction of 1 no. detached dwelling & associated works**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	This application is in outline only with appearance & landscaping reserved for a subsequent application. The two storey dwelling would be 11.3m wide and 8.4-9.4m deep (the latter owing to a staggered building line). It is indicated to be 7.3-8.3m high. It will be 2.2m from the boundary with 18 Southover Road and 1m from the boundary with 3 Southover Road. The proposal includes a double garage incorporating bin & cycle store. Access is from Burnham Avenue.
SITE AREA	0.06 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 17 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	A couple of medium sized trees (close to the boundary with 3 Southdown Road) one of which is a young Willow. The application proposes to retain one of these. There is a large tree in the rear garden of 18 Southover Road and another medium sized tree on highway land to the front of 18 Southover Road. There are some small trees in other parts of 3 Southdown Road's garden.
BOUNDARY TREATMENT	* 2.5m high wall to the boundary with Southover Road, 18 Southover Road, 13 Burnham Avenue & the rears of properties fronting Burnham Avenue; * 1.8m high close boarded fence to no. 5 Southdown Road; * 1.8m high close boarded fence to no. 3 Southdown Road; and * 1.8m high close boarded fence to the side of 15 Burnham Avenue.
SITE CHARACTERISTICS	Part of the existing curtilage to 3 Southdown Road but has been separated from that property by a fence which currently runs almost the length of the site boundary. The site is grassed lawn with a footpath across it and some

planted beds. There is an access from Burnham Avenue between 13 and 15 which leads to a car port and garage structure.

CHARACTER OF LOCALITY

Residential area characterised by two storey terraced houses on Southover Road & nos. 3-13 Burnham Avenue, semi-detached houses at 15-27 Burnham Avenue and predominantly detached dwellings with large gardens in Southdown Road. 1 and 3 Southdown Road are particularly large plots. There is unrestricted on-street parking in Burnham Avenue but spaces are limited.

The following was noted in respect of neighbouring properties:

- * 3 Southdown Road (to the west) - Principal windows to both rear & side elevations;
- * 5 Southdown Road (to the southwest) - Principal windows to the rear elevation;
- * 13 Burnham Avenue (to the north) - Principal windows to the rear elevation;
- * 15 Burnham Avenue (to the north) - Principal windows to the rear elevation;
- * 18 Southover Road (to the east) - One flank facing first floor bathroom window and one rear facing first floor bedroom window located on the flank; and
- * 9 Southover Road (to the southeast) - No flank facing windows.

RELEVANT SITE HISTORY

BR/84/16/OUT	Outline application with some matters reserved for construction of 2 No. 3-bed dwellings & associated works (resubmission following BR/291/15/OUT).	Refused 16-06-2016	<i>Appealed</i>
BR/291/15/OUT	Outline application with some matters reserved for construction of a terrace of 3 No. 2-bed dwellings & associated works	Withdrawn 16-03-2016	
BR/95/71	Garage and sun lounge	Approve 16-04-1971	

A previous application for 3 dwellings was considered to be overdevelopment and the applicant withdrew it. A subsequent application for 2 dwellings was then refused by the Development Control Committee for the following reason:

"The proposal for two dwellings would be an overdevelopment of the site out of character with the surrounding area contrary to GEN7 of the Arun District Local Plan, D DM1 of the Emerging Local Plan and good design principles in the NPPF."

This is currently subject to a written representations type planning appeal.

By way of comparison, the refused two-dwelling scheme had a built form measuring approximately 12m wide, 8.3-9.5m deep (owing to a staggered building line) and about 8.3m high. It was to be 1.5-1.6m from the boundary with 18 Southover Road and 1m from the boundary with 3 Southdown Road. That scheme did not include a garage.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

"No objection"

7 letters of objection on the grounds of:

- (1) Devaluation of nearby houses;
- (2) Parking problems;
- (3) Loss of privacy to nos. 5, 9, 18 & 21 Southover Rd, 13-15 Burnham Avenue and 5 Southdown Rd;
- (4) Loss of light to nos. 5, 9, 18 Southover Rd & 15 Burnham Avenue;
- (5) Overdevelopment;
- (6) Cannot describe this house as being "small family accommodation on a modest scale";
- (7) A bungalow would be more appropriate;
- (8) Need to rebuild the boundary fence to 15 Burnham Avenue;
- (9) One dwelling here would not reflect the established local character - out of character;
- (10) Risk of future occupation of the roofspace thus increasing overlooking;
- (11) Use of obscure glazing to protect amenities would not be appropriate in terms of energy efficiency; and
- (12) Disturbance to 13 & 15 Burnham Avenue from use of the driveway.

COMMENTS ON REPRESENTATIONS RECEIVED:

The following comments are made in respect of the above:

- (1) This is not a material planning consideration.
- (2) No objection was raised on parking grounds to the previous 2 dwelling application and WSCC Highways do not raise any objection on parking grounds to this application.
- (3) and (4) Residential Amenity issues will be discussed in the Conclusions section.
- (5) Character & overdevelopment will be discussed in the Conclusions section.
- (6) (7) and (11) Noted.
- (8) Noted however there is an existing boundary fence here.
- (9) Character & overdevelopment will be discussed in the Conclusions section.
- (10) Residential Amenity issues will be discussed in the Conclusions section. However, a condition could be imposed to ensure that planning permission is required for any new windows.
- (12) This is an existing access for an existing dwelling. No objection was raised on this issue to the previous 2 dwelling application.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - No objection subject to conditions on vehicle parking/turning, cycle parking and a construction management plan. Comments as follows:

"West Sussex County Council, as the Local Highway Authority (LHA), was consulted previously on Highway Matters for this location under planning applications BR/84/16 for 2 x dwellings and BR/291/15 previous to that for 3 x dwellings. BR/84/16 was refused by the Local Planning Authority (LPA) and is being appealed. No highways concerns were raised as part of the previous applications, subject to advice and conditions.

The current proposal is Outline with matters of access, layout and scale being sought for approval for 1 x dwelling. No proposed widening works are proposed for the existing vehicle crossover, which will provide access to the new dwelling from the unclassified Burnham Avenue. A new Access Protection Line (APL) will be painted for which the applicant should contact WSCC Highways Local Area Engineer.

A double garage and additional outside parking space will provide off street parking for up to three cars. There is also sufficient space on site for a turn so that cars can exit on to the highway in a forward gear. The LHA does not consider that this reduced scheme would cause a highway safety concern and there are no transport grounds for refusal.

ADC Drainage Engineers - "The application is for fewer than one property outside of the Lidsey WwTW catchment area, apply ENGD2A if deemed necessary."

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. As this is 1 dwelling, surface water drainage will be covered by Building Regulations.

POLICY CONTEXT

Designation applicable to site: Within Built Up Area Boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	AREA13	Sites of International Importance for Nature Conservation
	GEN2	Built-up Area Boundary
	GEN5	Provision of New Residential Development
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development

Publication Version of the Local Plan (October 2014):	D DM1	Aspects of Form and Design Quality
	D DM3	External Space Standards
	D SP1	Design
	ECC SP2	Energy and climate change mitigation
	ENV DM2	Pagham Harbour
	H DM1	Housing Mix
	SD SP2	Built-Up Area Boundary
	T SP1	Transport and Development
W DM3	Sustainable Urban Drainage Systems	

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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. There are not considered to be any relevant Neighbourhood Plan policies.

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 in the built-up area boundary where the principle of additional residential development is considered to be acceptable providing that the scheme complies with normal development control criteria such as visual/residential amenity and highway safety.

PLANNING HISTORY:

As noted above, permission for two dwellings was previously refused due to overdevelopment. This revised scheme seeks permission for 1 dwelling and proposes a slightly smaller building footprint with a slightly greater gap to the boundary to 18 Southover Road and a lower total height on the side adjacent to 3 Southdown Road. The current application proposes less development and is considered as an improvement to the previous application.

CHARACTER & DESIGN:

It is not considered that there is any overriding design/style to the nearby houses. The area is a mix of terraced, semi-detached and detached dwellings. The proposed dwelling is broadly on the same building line as those on Southover Road but it would not be read visually as part of that streetscene or indeed as part of the Burnham Avenue or Southdown Road streetscenes. It is therefore considered acceptable for the new dwelling to have its own design and style.

No. 3 Southdown Road's plot is large enough to accommodate this dwelling whilst maintaining spaciousness to the existing dwelling - and the resultant plot is larger than those of Burnham Avenue & Southover Road and a similar size to no. 5 Southdown Road.

Although back land development is generally considered to be out of character, in this case, it is not considered that the development of this garden will result in any unacceptable harm to the character of the surrounding area or to the visual amenity of the various streetscenes.

RESIDENTIAL AMENITY:

Light:- the dwelling is considered to be sited far enough away from the front of 9 Southover and the rear of 5 Southdown so as not to result in detrimental loss of light. The dwelling will result in some shading of 18 Southover Road's side elevation and rear garden during the afternoon and early evening but 18's garden is already considered to be shaded due to the 2.5m wall & large tree in the back garden. There is no impact on a 45 degree line drawn from either 18's first floor rear facing flank window or their main rear elevation windows.

Privacy & overlooking:- although the front & rear windows overlook gardens of nearby properties (the very rear half of 5 Southdown Road & the rear gardens of 13/15 Burnham Avenue), it is considered that this is mitigated by existing boundary treatments and that the dwelling will be sufficiently far away from nearby properties to maintain adequate privacy levels. The following is a list of acceptable interface distances to nearby dwellings:

* 18m from the front to the rear of 13 Burnham Avenue's single storey rear extension (20.5m to the first floor rear of 13 Burnham Avenue);

- * 19m from the front to the closest first floor part of 15 Burnham Avenue (but 21m to the closest part with a first floor window);
- * 11m from the side to the side of 3 Southdown Road;
- * 4/5m from the side to the side of 18 Southover Road;
- * 20m from the south western corner to the north eastern corner of 5 Southdown Road (this is an oblique angle); and
- * 18.5m from the rear to the front of 9 Southover Road.

It is considered that subject to restrictions being imposed on additional flank windows/roof level windows that the scheme will not result in any adverse overlooking of nearby windows.

This proposal introduces a garage sited close to the boundary with 15 Burnham Avenue at a distance of 5.4m from the rear of that property. There are no elevation details given for this garage and although the block plan suggests that it will have a pitched roof, the applicant could propose a low pitch or a flat roof. Regard is had to existing boundary treatment (a 2.5m high wall) which likely already results in shading of the neighbouring garden and will screen out views of the garage from ground level.

INTERNAL & EXTERNAL SPACE STANDARDS:

It isn't possible to assess internal space standards in the Governments Technical Housing Standards (Nationally Described Space Standard) as no floor plans are been provided. This will be assessed with a future application if permission is granted in this case.

In respect of external standards it is necessary to have regard to policy D DM3 of the emerging Local Plan (publication version) which has been approved by the Council for development management purposes and has been subject to testing on appeal. The requirement for the dwelling is for a rear garden of at least 10m deep and 85m² in area. The garden is 10m deep and 150m² in area.

HIGHWAYS & PARKING:

The dwellings would be accessed via a short driveway from the vehicle crossover on Burnham Avenue. Three parking spaces are proposed (two within a double garage) and this is considered to be sufficient for visitors as well as residents. This provision complies with the West Sussex Parking Demand Calculator. In addition to the car parking spaces, cycle parking stores are proposed.

Whilst Burnham Avenue is quite heavily parked, it was noted from a site visit and Google Streetview imagery, that for the most part, access protection lines are respected. Therefore, there is no reason to doubt that the proposed access protection line will also be respected and residents will be able to safely exit and enter the site. The widening of the access road within the site allows two vehicles to pass and avoid the potential for having to reverse out onto Burnham Avenue when entering the site.

It is not the intention that a bin lorry will access the site but it will pull up on Burnham Avenue as it does for existing properties.

SUMMARY:

The application represents an improvement on previous schemes which were considered to be overdevelopment. This scheme is less intensive with more space for gardens and parking and

results in a less intensive use of the existing access. It is considered this application is acceptable having regard to relevant development plan policies and the concerns by the local objectors.

It is recommended the application be approved subject to the conditions below and the signed S.106 agreement covering a contribution towards the mitigation of impacts to Pagham Harbour.

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

This decision will be accompanied by a Section 106 agreement relating to payment of £1,275 towards the mitigation of impacts of development on the Pagham Harbour Special Protection Area.

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) Appearance;
- (b) 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 carried out in accordance with the following approved plans:

- * Dwg. 0899/DPA101 "Existing Location Plan";
- * Dwg. 0899/DPA102 "Proposed Block Plan";
- * Dwg. 0899/DPA103 "Proposed Context Plan";
- * Dwg. 0899/DPA104 "Proposed Site Plan"; and
- * Dwg. 0899/DPA105 "Indicative Front/North Elevation".

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 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 Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because the purpose of the condition is to mitigate the impact of construction on trees.

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

development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access in the interests of road safety and in accordance with the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because the purpose of the condition is to mitigate the impact of construction on other road users.

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

Reason: To provide adequate on-site car parking space for the development in the interests of road safety and in accordance with the National Planning Policy Framework.

- 7 No dwelling shall be occupied unless and until details for the storage of waste & recycling on the premises have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be made available prior to first occupation and retained in perpetuity.

Reason: To protect the amenities of nearby residents in accordance with Arun District Local Plan policy GEN7.

- 8 The garage building shall be used only as private domestic garages for the parking of vehicles incidental to the use of the property as a dwelling and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety in accordance with Arun District Local Plan Policy GEN12 and the National Planning Policy Framework.

- 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 the National Planning Policy Framework.

- 10 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 roof of the proposed building without the prior permission of the Local Planning Authority on an application in that behalf.

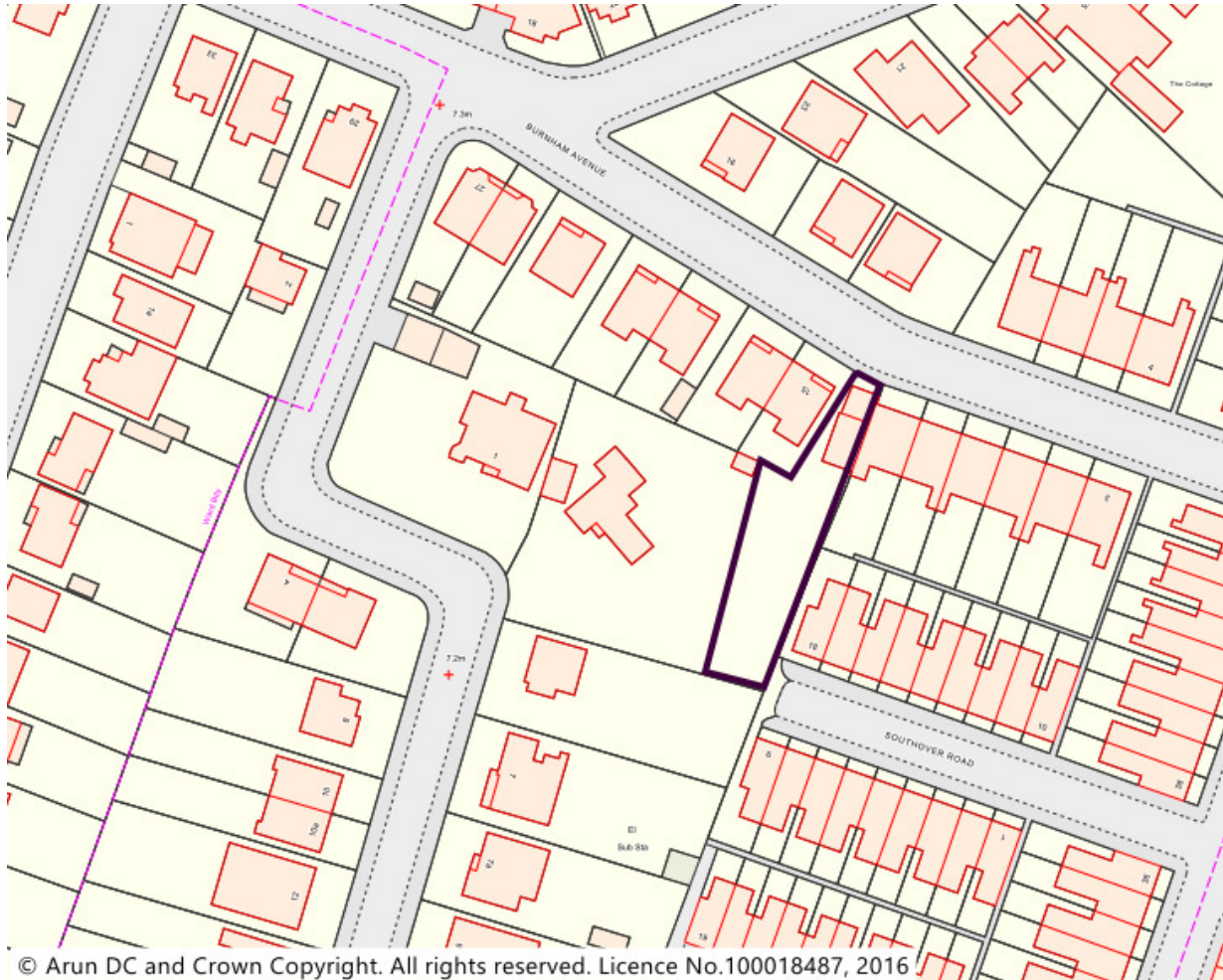
Reason: To protect the amenities of adjoining residential properties in accordance with policy GEN7 of the Arun District Local Plan.

- 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 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.

- 12 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a payment of £1,275 to mitigate the impacts on the Pagham Harbour Special Protection Area.
- 13 INFORMATIVE: The applicant is advised to contact the Community Highways Officer covering the respective area (01243 642105) to arrange for the Access Protection Line (APL) to be extended across the existing dropped kerb access point on to Burnham Avenue.
- 14 INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or Chichester District Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.
- 15 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

BR/237/16/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:** BR/240/16/PL**LOCATION:** Butlins South Coast World
Upper Bognor Road
Bognor Regis
PO21 1JJ**PROPOSAL:** Demolition of existing swimming pool building & re-instatement of vacated site as landscaped area; demolition of existing staff & guest accommodation (1,005 bedspaces); erection of new swimming pool building with external slides & river ride; associated landscaping; new pedestrian links; alterations to existing car parks areas; proposed decked car park; new gatehouse for guest reception, alterations to site internal road layout & formation of temporary construction access.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development. There are pollarded trees along the Upper Bognor Road frontage, where some will be removed to create the construction access. Along Sea Road there are a number of trees but this is outside the application boundary on highways land.
BOUNDARY TREATMENT	<p>The red line boundary relates to the whole resort, however the proposed development is located on the east side of the site - Sea Road is to the east, the existing resort carpark is to the west, Upper Bognor road to the north and the park is to the south between Butlin's and the promenade.</p> <p>The Sea Road boundary has existing trees and landscaping along the Butlin's boundary and there is also landscaping and trees outside the site on Highway land which forms a small informal green space along Sea Road.</p> <p>To the Upper Bognor Road boundary there is security fencing with pollarded trees along the full boundary. There are also 5 residential properties to the north-west corner where the back gardens adjoin the Butlin's site.</p> <p>Within the site there is an extensive surface car park that occupies the land over the culverted Rife.</p>
SITE CHARACTERISTICS	The Proposed development is located within the confines

of the extensive Butlins Resort. The total site has 1792 accommodation units for both staff and guests which provide 7234 bed spaces. The proposal will require the demolition of vacant chalets and chalets used as staff accommodation at the eastern part of the site. These are older 2 storey units formed in long rows at a high density. The demolition of these units will reduce the total accommodation on site to 1506 units (6046 bed spaces). It is stated that subject to a future planning application the intention would be to increase the bed spaces back to current levels.

The development site is formed between the Rife which is culverted under the car park on the west; Upper Bognor Road to the north-west; Sea Road to the south-east; and to the south, buildings associated with the river management of the Rife. The Boundary with Upper Bognor Road and Sea Road has security fencing with hedging/trees that provide some existing screening along the road frontages.

CHARACTER OF LOCALITY

The local area is dominated by the Butlin's resort. At the roundabout on Felpham Way/Upper Bognor Road the Ocean Hotel, approximately 25m high, is next to the main visitor entrance to the resort. Upper Bognor Road has security fencing and trees along the south side of the road and to the north, the rear gardens of properties accessed from Kingsmead. There is significant landscaping along the north side of Upper Bognor Road.

The character of Sea Road changes significantly with mainly white painted Victorian terraced properties along the east side of Sea Road between Snooks Corner and the sea wall which forms the elevated promenade. There are glimpses into the resort which has the 1950s rows of two storey holiday blocks now used as staff accommodation.

RELEVANT SITE HISTORY

BR/21/08/	Spa hotel with associated demolition of 256 units of chalet accommodation plus demolition of redundant call centre building and reconfiguration of lake.	ApproveConditionally 09-04-2008
BR/59/04/	Demolition of holiday chalets and erection of 160 bedroom hotel building with associated car parking.	ApproveConditionally 28-04-2004

There have been a large number of applications made at the Butlins Resort. The proposed development site is not affected by any recent proposals.

Recent major developments have included the 2 hotel buildings as listed above.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Felpham Parish Council

Bognor TC - no objection but concerns

- noise disturbance to Sea Lane residents from the outside river ride.

Felpham PC - no objection to principle but with reservations with regard to

- noise impact
- lighting & privacy
- the dominating aspect of the car park.

Adequate screening should be a condition.

Removing second letters from individuals and second letters from the same household - there are 48 letters of objection, 1 letter part objection/part support, and 1 letter of support.

Support

- Investment and contribution to local economy · Training and Employment · Secures Butlins future · Re-siting of check-in kiosk is long overdue and may alleviate traffic congestion

Objections

- Detrimental impact in general
- Pollution - emissions from cars and construction
- Dust pollution during construction
- Light pollution
- Noise nuisance from swimming pool
- Noise nuisance from car park and traffic
- Noise nuisance during construction
- Visual appearance and visual impact of car park
- Visual impact of swimming pool
- Damage to house foundations by pile driving
- Car park should be located away from houses
- Increased traffic and congestion
- Danger to pedestrians
- Loss of privacy caused by overlooking from first floor car park
- Overshadowing of dwellings
- Development may lead to flooding in the area
- Too close to residential properties
- The proposed construction vehicle entrance will cause traffic disruption and be dangerous
- Existing pool area should be redeveloped
- Asbestos risk
- Lack of parking space during construction
- The Sea Road access to the site would be dangerous during construction
- Future development
- No need for construction access
- Screening is required for appearance and noise mitigation and should be provided before construction starts
- Impact on local businesses during construction
- Loss of railway carriage
- Loss of view
- Drop in house values

Objector requesting that conditions are put on landscaping and car park screen so that they

are put in place prior to construction starting. Also requesting condition that car park can't be further developed in the future.

Complaints that nothing in it for the community. Suggestion - that Butlins provide passes to the site for local residents to use the facilities for free. Apparently this happened in the past.

Suggestion that flumes not be brightly coloured but match the rest of the development.

COMMENTS ON REPRESENTATIONS RECEIVED:

The representations are noted and the key points raised are addressed in the report assessment.

CONSULTATIONS

Highways England
 Southern Water Planning
 Environment Agency
 Natural England
 Economic Regeneration
 Sussex Police-Community Safety
 Ecology Advisor
 Surface Water Drainage Team
 Archaeology Advisor
 NHS Coastal West Sussex CCG
 NHS Coastal West Sussex CCG
 Mr Clavell-Bate
 Environmental Health
 Engineering Services Manager
 Engineers (Drainage)
 Parks and Landscapes
 Engineers (Coastal Protection)
 WSCC Strategic Planning
 Historic England
 Arboriculturist

CONSULTATION RESPONSES RECEIVED:

WSCC Highways

West Sussex County Council (WSCC), in its capacity as the Local Highway Authority (LHA), has been consulted on the proposed development as set out above. The Applicant engaged the LHA for pre-application advice in March 2016, a copy of which is contained in appendix 'A' of the transport assessment that accompanies the planning application.

No objection is raised to the proposed development, subject to conditions.

Trip Generation and Capacity

The Applicant has undertaken an assessment of the trip generation associated with the guest and staff accommodation, which is to be demolished to make way for the proposed erection of the swimming pool. No replacement on-site staff or guest accommodation is proposed. The development is not anticipated to give rise to any permanent intensification in vehicular use beyond that already consented. The LHA are satisfied that no further assessment of network

capacity is necessary, and considers that the proposed development accords with para 32 of the National Planning Policy Framework, in that the development will not have a severe residual impact on the operating capacity of the highway network.

Access

Whilst modification of the site access is not necessary to accommodate additional traffic demand from the development, it is acknowledged that queuing back from the site access during busy check-in periods does cause congestion at the Felpham Way/Upper Bognor Road Roundabout. To alleviate some of this pressure, the Applicant proposed to set back the gatehouses at the entrance by 60m to provide additional queuing capacity and formalise the two lane approach. This will provide additional queuing capacity for between 10 and 20 vehicles and it is recommended that this alteration be secured by condition. Whilst the realignment appears to be within the site, should the detailed design of this arrangement identify any alteration be necessary to the approach and within the highway boundary, highway works will need to be undertaken under a Section 278 Agreement.

Car park drawing 5128 P106 B appears to show the Sea Road access connecting into the car park. From observation on site it would appear the existing access is infrequently, if ever, used and seemed to be obstructed during the site visit. Given the residential nature of the road, with the presence of on-street parking restricting available carriageway width, intensification in use would not be appropriate as this could result in access congestion. Queuing at the access may result in highway safety issue, given its proximity to the bend and limited forward visibility. It is recommended that this is only used for maintenance and emergency vehicle access, and a condition is recommended.

Parking

It is understood that car park removal and provision to be phased, and would result in a temporary loss of 17 spaces between phase 1 and phase 2. It is recommended that a Car Park Phasing Plan be secured through condition and adhered to through implementation of the development, to ensure a sufficient supply of parking is maintained. Any congestion within the site as a result of insufficient parking could subsequently result in congestion at the site entrance

Once operational, the new car parking facilities would not impact the operation of the highway, on the assumption that general access is not provided for from Sea Road (as set out earlier in the report). Existing guest provision is replicated and the parking provision is set well back from the highway. Tracking has been undertaken to demonstrate that large vehicles, including a fire appliance, can navigate the internal layout.

Construction

A temporary construction access is proposed off Upper Bognor Road. Given the use of the site, it is considered good practice to segregate construction traffic from general use traffic in the interests of safety, particularly where more vulnerable users such as children may be present. The Construction Management Plan provides an indicative location of this access, and this has been tracked to demonstrate that it is suitable to accommodate the construction traffic. It is acknowledged that access arrangements are subject to change upon appointment of a Contractor. Further information would be required prior to commencement, including achievable visibility splays and whether any supporting traffic management may be required. It is noted that the swept path of a HGV does take up a majority of the road space, and parking on the southern side of the carriageway does occur regularly. It may be necessary to introduce temporary parking restrictions adjacent to the access.

Limited on-site contractor car parking is proposed through the Construction Management Plan.

The LHA would recommend as much as possible is provided, to minimise the opportunity for detritus being transferred onto the highway from contractor clothing. Car parking taking place on local roads would increase pressure on on-street parking capacity, particularly as it is well used by local residents. However, it is not part of a Controlled Parking Zone and contractors choosing to park there would have the same legal rights as other drivers. There is no safety issue arising from the use of on-street parking provision, assuming appropriate safeguards are put in place through the CMP to ensure no detritus is transferred onto the highway. The LPA should consider the amenity impact of additional parking pressure during the construction period.

It is recommended that a condition be sought that requires a CMP to be agreed prior to the commencement of any demolition or development.

Contributions

As the proposed development will not give rise to any permanent intensification in use of the highway, no financial contributions or works are sought from the Applicant.

The Applicant will be required to fund the cost of any traffic management, licenses or temporary restrictions etc associated with the implementation of any consented works.

Historic England - no comments

Environment Officer Ecologist - Development is within SPA zone of influence for Pagham Harbour SPA. Demolition/clearance of site to be outside breeding season Sept-Feb

-Flood Defence Consent (now EPR) may be required from the Environment Agency to comply with Water Framework Directive - EA to be consulted.

- Condition - 25 nesting opportunities for birds and 16 bat roosting structures to be erected on the Butlin's resort site.
- Lighting Scheme - lighting levels to be kept to minimum
- Landscaping Scheme - containing native species. Native mature trees to be retained.
- Condition the Ecological Mitigation Strategy to be adhered to during the development.

Ecology (further response)

- As there is no increase in the number of dwellings, there is no requirement for a contribution to Pagham Harbour Disturbance Mitigation Scheme.
- The 25 bird boxes can be provided in the wider Butlins site at suitable locations.
- 12 bat roosting structures will be sufficient

Environmental Health - Construction Plan comments

- Happy with hours of construction proposed. Please condition 0800 - 1800 Mon-Fri, 0800 - 1300 Sat & no working on Sundays or Bank Holidays.
- Condition Construction Environmental Management Plan to be agreed prior to works starting on site and then implemented.

Environmental Health - Acoustic Report

- Residential Properties - only 90m approximately from Rapid River. Assessment is 160-220m. Ensure all properties are properly assessed.
- No assessment made of flumes as a potential noise source. Mitigation/Attenuation may be required.
- Acoustic screening should be provided underneath the first section of the Rapid River as well as to the walls of the carousel at the first pool on the Rapid River. Confirm that there is an additional screen set back from the pool.
- To prevent noise nuisance the outdoor sound level from steady continuous noise should not

exceed 50dB(A) in the outside spaces of the nearest noise sensitive premises.

- Plant and equipment noise - the rating level of the plant should be at least 10dB below existing background levels when measured in accordance with BS4142. (Background level previously measured at 30-35dB(A).
- Potential for noise nuisance from the two storey car park should be considered. The east elevation of the car park to houses in Sea Road should be enclosed to prevent noise outbreak from the car park.

Following an updated acoustic report the EHO has no objections to the proposal subject to 9 conditions.

Highways England - No objection

Env. Agency - no objections

The site is located within Flood Zone 3 and is a development that is "less vulnerable" and "water compatible" if flooding were to occur.

Watching Brief condition to assess any potential undiscovered contamination.

An informative has been added that provides advice to the applicant in relation to flood mitigation. Also, works in, under or over the Rife or within 8m from the bank edges apply for Environment Permit (EPR) (Formerly Flood Defense Consent)

Informative relating to - waste on site. Waste to be taken off site.

Sussex Police - On site security to meet Secured by Design standards

- external doors and accessible windows
- Car park overlooks the residential properties on Sea Road - concerns of impact on residential amenity - privacy to first floor windows. Applicant may wish to join Park Mark Scheme.

Arun Drainage - Infiltration is very poor on site. Proposals to store the 1 in 100 year storm event plus 40% and restrict discharge to Qbar are acceptable, using SuDS features as proposed in FRA.

SuDS condition required without need for percolation testing and groundwater monitoring as these have already been undertaken.

Greenspace

First response.

- Key aspect is landscape impact to Upper Bognor Road & Sea Road.
- Mitigation required in relation to the removal of trees and replanting on Upper Bognor Road
- Require improvements to Upper Bognor Road landscaping
- More detail to mitigate impact of swimming pool building/flumes/tower.
- Decked car park impact on Sea Road - significant tree planting required.
- Sea Road deciduous poplars - car park will be clearly visible. Ivy screens will provide insignificant benefit in the early stages. Slow to establish and not an appropriate screening solution to a decked car park
- Landscaping generally sparse. A scheme with more immediate impact is required.
- No details have been submitted of the landscaping proposed for the demolished area.
- Any considered tree removal must be in consultation with Arun District Councils Tree Officer.
- The trees abutting the proposed temporary construction access point need to be retained

without damage. Before construction, a tree protection scheme must be in place for all retained trees including trees whose root protection area falls within the construction zone from neighbouring land.

Second response to revised layout.

Further to submission of the revised drawings Dwg No 16-100-01E & Dwg No 16-100-P101A we comment as follows.

The landscape scheme has broadly been improved post our comments and subsequent conversation with the Architects from Clewsla. The addition of semi mature trees particularly to the eastern boundary along Sea Road is a welcome addition. Additional trees have also been incorporated to the frontage onto Upper Bognor Road and into Snooks Corner which we are in agreement with.

The re-positioning of the proposed acoustic fencing along Upper Bognor Road, moving it back into the site will allow for the existing Poplars to be retained and now viewed from the road side. The positioning of this in conjunction with the proposed planting as understory in this area is visually more pleasing than just the acoustic fence to this important frontage. The incorporation of additional semi mature trees and the inclusion of evergreen specimens in this frontage location will help to screen the splash building in this area. We would recommend however that the proposed Thuja plicata 'Atrovirens' are not installed with a clear stem of 1.80-2.0m as detailed, but that they are branched to ground level. This will provide a better looking specimen from the Butlins side but is also how these coniferous trees are intended to grow.

The area we would highlight as requiring further consideration would be the planting areas which abut the side and rear of the properties by the rife and particularly plot No 62. The inclusion of an acoustic barrier in this location will require the removal of existing mature and established vegetation which provides both screening and biodiversity habitat in this location. Landscaping has been indicated for this area, however a greater inclusion of tree species in this location may need to be considered in order to improve, mitigate and restore what is potentially being lost. A mixed deciduous and evergreen shrub understory planting may be required in addition to an increase of tree species here.

The ivy screens which are intended to the corners of the decked carpark, will take a period of time to establish and thicken and although they are detailed to be an established height at installation, in practice these may take a while for the desired effect to be reached. This will be particularly the case in the Snooks Corner area when looking towards the ramp of the carpark.

We therefore conclude that we have no objections to the scheme being proposed, but would request that conditions are placed for installation of landscaping incorporating the recommendations above and also for tree protection measures to be strictly adhered to during the course of the construction works, so as to retain the established vegetation to the periphery of this proposed development.

Archaeology Adviser - no objection - Ground works with a recordable effect should be archaeologically monitored to recover any material that might inform our understanding of their significance. Apply standard planning condition ARC1 (excluding the words "within the area indicated")

Southern Water

- Location of SW infrastructure to be determined on site before the proposed development is finalised.
- No development or tree planting within 4m of the centerline of the public surface water sewers.
- No development or tree planting within 3.5m of the centerline of the public foul rising main.
- No development or tree planting within 3m of the centerline of the public foul sewers.
- All existing infrastructure should be protected during the course of construction works
- No new soakaways within 5m of a public sewer.
- Should any sewer be found during construction works, an investigation of its condition will be required together with the number of properties served and potential means of access. To be discussed with SW.
- Formal application to SW to connect to public foul and surface water sewer.
- Disposal of surface water.
- SuDS - management and maintenance.
- Applicant to discuss and agree with SW, the discharge of pool filter backwash to the public foul sewer. (Trade effluent.)
- Informative - Wastewater grease trap should be provided on the kitchen waste pipe and maintained.
- Petrol/oil interceptor, oil trap gullies to hardstanding/car parking areas
- Attach condition " Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by, the Local Planning Authority in consultation with Southern Water."
- Attach 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, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Te: 0330 303 0119) or www.southernwater.co.uk".

Arun DC Tree Officer - no objection but condition requiring strict adherence to the AIA & Method Statement Report prepared by the Ian Keen Consultancy as well as their Tree Protection Plan ref: 9306/02.

This is an opportunity to protect existing trees and to secure quality tree planting around the boundaries to help screen and soften the impact of this development. The Ash tree located just off-site and in the ownership of Arun DC is a fine specimen tree worthy of retention and full protection.

ECONOMIC DEVELOPMENT

We welcome this new investment in Bognor Regis by Bourne Leisure. As the towns largest single employer , employing over 1300 people, it is encouraging that they continue to improve and develop the Bognor Regis site. The economic benefit that the resort visitors, staff and business bring to the local economy is significant. It is estimated over £4m is contributed into the local economy each year via the local supply of goods and services to the resort. This will grow as the business expands. It is also expected that further local people will be employed as part of this business expansion. The new splash pool will bring positive national publicity and media attention to the resort and improve the profile of the town. The quality and high specification of the new facility will add further to Butlin's ever improving reputation.

We fully support this application.

We would ask that the Developers Charter is applied and a Work and Skills Plan prepared to ensure local people have access new work opportunities.

COMMENTS ON CONSULTATION RESPONSES:

The comments are noted and considered in the assessment below.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	DEV34	Tourist Accommodation and Attractions
	GEN12	Parking in New Development
	GEN9	Foul and Surface Water Drainage
	GEN32	Noise Pollution
	GEN33	Light Pollution
	GEN21	Renewable Energy
Publication Version of the Local Plan (October 2014):	D DM1	Aspects of Form and Design Quality
	D SP1	Design
	QE DM1	Noise Pollution
	QE DM2	Light Pollution
	SD SP1	Sustainable Development
Bognor Regis Neighbourhood Plan 2015 Policy 2		Promoting the Seaside Identity
Bognor Regis Neighbourhood Plan 2015 Policy 8		Pre-Application Consultation
Bognor Regis Neighbourhood Plan 2015 Policy 8A		Design Excellence
Bognor Regis Neighbourhood Plan 2015 Policy 8B		Car Parking
Bognor Regis Neighbourhood Plan 2015 Policy 8D		Butlin Promenade frontage & Gloucester Road Car Park Site

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 Neighbourhood Development Plan

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

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

CONCLUSIONS

Butlins are proposing to redevelop part of the site, which currently has the staff accommodation chalets. Almost 300 accommodation units will be demolished to be replaced by a leisure pool complex which will be a modern feature building with an Art Deco themed frontage to compliment the Butlin's brand and the hotel buildings. The building will contain a number of features including a tide pool, flumes, and water slides and play areas within the building. The building will have flumes that are accessed from the tower. The proposal includes a rapid river ride on the south side, that will be entered from inside the building but will have a section outside the building. The proposed building comprises 6409sq.m and will have a maximum height of 14m (the flume tower will be a maximum of 18m).

The proposal will allow the upgrading of car parking at the east of the resort. Replacement car parking around the proposed pool building will include a two storey decked car park on the eastern Sea Road boundary, which is an area currently used as a maintenance yard and storage/recycling area and staff car parking. On the north side of the new building there will be car parking between the pool and Upper Bognor Road. There are 558 existing car parking spaces located within the development site that would be affected by the proposal and the intention is to replace these where the revised car parking would remain at 558 spaces following the development.

PRINCIPLE

The site is identified in Policy Site 2 - Bognor Regis Town Centre Regeneration designation as included in the 2003 Arun Local Plan. The policy confirms support and encourages development proposals and includes leisure uses.

All significant development proposals must demonstrate that they meet and/or further the core regeneration aims for the town centre and their long term viability/sustainability.

In Summary the core aims are:

- Attract new investment;
- Enhance the environmental/architectural quality of the townscape;
- Create and enhance the physical/visual linkages between the promenade and the town centre;
- Increase the attractiveness of the town as a holiday destination for visitors.

Within this area all development/redevelopment proposals will be assessed by the Council against these core aims.

Policy DEV34 relates to Tourist Accommodation and attractions. It states that within the built up area, permission will be granted for the extension of existing or new tourist accommodation, and/or tourist attractions provided that the proposals are appropriate to the character of their location.

The emerging plan includes the whole of the Butlins Resort within the Economic Growth Area for Bognor Regis where the plan considers there is a special emphasis on a number of economic uses, including leisure uses which will be prioritised. There is no specific policy for the Butlins site.

Any development/redevelopment is required to meet the criteria set out in Adopted Local Plan Policy GEN7. The criteria address Development Management principles relating to high quality design and layout. Development proposals must be accompanied by an illustrated written analysis of the site and its immediate setting, together with its relationship with the relevant townscape, landscape, wildlife and movement characteristics of the wider area.

Bognor Regis Neighbourhood Plan Policy 8D relates to Butlin's stating that the:-

"Enhancement and development of this major tourist destination on this site will be encouraged subject to compliance with other policies in this plan and any development proposals demonstrating a high quality landscape led approach in developing this part of our seafront by:

- a) Setting back individual buildings and providing generous access routes to the promenade
- b) Developing the site to incorporate soft landscaping
- c) Constructing boundary structures and walls from locally sourced and natural materials, typically found in walls and fence structures in Bognor Regis (see Bognor Regis's Characterisation study, 2014).

Development Proposals must demonstrate and accomplish excellence in design and craftsmanship of the buildings, structures and spaces. The applicant shall demonstrate clearly how the existing scale of buildings materials and colour palette and fenestration can contribute to the specific siting of the site by making reference to Bognor Regis's Characterisation study, 2014".

It is therefore held that the principle of redeveloping part of the Butlin's site, which lies within the built up boundary for tourist development is supported by the existing and emerging Development Plan. The requirements of planning policy has been met.

DESIGN

The principle of redeveloping part of the Butlins site removes rows of two storey chalet accommodation which would have formed guest accommodation and is now predominantly used as on site staff accommodation. It is understood that these units are now out dated and due to the upgrading of holiday accommodation there is an expectation that the facilities on site should be updated. The proposal will be phased with the removal of the chalets, construction of a leisure pool

complex and the reorganisation of the east site car parking. This phasing allows the existing pool to remain operational while the development takes place. Once completed the existing 'Splash' pool will be demolished.

Splash Pool Design

The design of the proposed building is a modern take on an art deco theme that reflects seaside pavilion buildings. The building continues the character of the hotels on site and will generally be sympathetic to the resort character.

The architect has considered the function of the building and ensured that the scale and massing of the building will be a significant improvement to the eastern part of the site.

The design and function of the building is good quality and the applicants have sought to take account of neighbours concerns. The building is a tourist attraction and therefore should be bold and striking, however concerns were raised at the colours of the flumes that would be located on the side of the building. The applicant has amended the colours to blue rather than yellow and orange.

The proposed pool building is set back from the boundaries of the site and landscaping and timber noise attenuation fencing will be located within the perimeter of the security fencing allowing for additional landscaping to be planted to Upper Bognor Road and Sea Road boundaries.

The design of the pool building complies with GEN7 and the design requirements of the Neighbourhood Plan specifically Policy 8a.

Decked Car Park Design

The other building proposed as part of this redevelopment is a decked car park. The design of the car park is a simple steel framed structure. The first floor decked car park is not covered. In the pre application discussions officers requested that the structure be enclosed along Sea Road as this would significantly reduce vehicle noise from nearby residents. On submission the car park was open and would have a living wall of ivy on sections of the car park that would be visible from the surrounding streets.

There is a requirement to have the car park open to avoid the need for mechanical extraction of vehicle fumes. An open car park would give rise to potential noise issues. To resolve this the building will remain open so that mechanical extraction is not required. The design has been adapted to introduce noise attenuation larch timber fencing that provides the means of enclosure at Ground and first floor level that addresses the objections raised while also creating an improved finish to the design of the decked car park. The larch boarding will reduce car park noise to an acceptable level within the locality. The re-design includes a 2m high acoustic timber fence parallel to the Sea Road elevation set 1.5 m from the elevation. Along the first floor there will be larch boarding to form the noise attenuation barrier which has been raised to 1.8m high to ensure no overlooking and it will obscure views from the car park to the residential properties, but will also ensure the residents are not looking into the car park.

The police had raised concerns about the initial design and potential overlooking this solution has addressed this potential amenity issue.

There is existing landscaping between the decked car park and the Butlin's eastern boundary which varies between 6m-9m. There is a further landscaped amenity space that forms highways

land which is 9m wide along the full length of the Car park elevation. Sea Road properties are around 22m - 30m from the decked car park.

Within the Butlin's boundary there will be further landscaping proposed, following a revised submission. This is now acceptable to the Landscape officer.

The corners of the decked car park are more visible as shown on the visual assessment submitted. The applicant has proposed to have sections of living walls 3m high already grown ivy screens to be applied to soften the appearance of the building that will provide landscaping from day one of the completed car park.

The use of larch provides a timber finish which will naturally weather to a silver grey over a couple of years, and it does not require maintenance or to be stained.

The location of the car park has raised a number of objections but it is to be located within an area that is currently used for car parking. The design is a significant improvement to the east part of the Butlin's site and the layout, height, materials are appropriate for the location which is not a conservation area. Amenity issues are addressed later in this report.

The layout will provide benefits to the resort by relocating areas of car parking that is prone to surface water drainage issues with hard and soft landscaping, the creation of a promenade link from the Skyline Pavilion to the new leisure pool. This will form a physical and visual link in front of the Ocean Hotel and eastern side of the Shoreline Hotel.

The initial construction plan had been to stagger the phasing but it has been confirmed that the 4 phases of development will take place within a 70 week period. This allows the designs shown in the submission to be completed within a relatively short period of time.

Gatehouse

A minor part of the application proposal is to erect a reception gatehouse, set further into the site from the main access off the roundabout. This will allow additional queuing capacity of up to 20 vehicles. The gatehouse design is a small round timber building, smaller than the security hut at the entrance, and is appropriate in the setting.

NEIGHBOURING AMENITY

Arun District local Plan Policy GEN7 indicates planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property.

The redevelopment of the east of the Butlins site has the potential to impact on the nearby residential properties to the north and east of the Butlins site. Properties on Sea Road are a mix of single, two and 2.5 storey residential properties.

Within the boundary adjacent to Sea Road the site has staff car parking and an area for recycling damaged furniture, skips and containers, and storage of pallets. The proposal will see this area improved as it becomes part of the east site improved car park. The application proposes that this area would have a two storey decked car park. The car park will consolidate the resort car parking and it will form a built barrier that will provide a solid boundary assisting with noise attenuation from the resort. A detailed noise survey with updates has been submitted and reviewed by the Environmental health section, an assessment is provided in the 'noise' section below. The car park

height is only 4.4m to the maximum height of the first floor timber cladding. This is significantly less than the two storey properties nearby.

There are a number of objections (49) to the proposal mainly to the location of car parking and the proximity of a decked car park near to the Sea Road Boundary. These relate to Pollution - noise; Light; dust and asbestos.

During construction of any large scale project there will be some inconvenience. A detailed construction management plan has been submitted that seeks to address at the outset how issues will be managed. With regard to the objection referring to asbestos, should this be present in the existing buildings, the safe removal is managed through proper demolition practices. It is not a planning consideration.

Given the height of the car parking at only 4.4m there will be no overshadowing of nearby properties.

NOISE

It is noted that there will be external flumes to the pool building, a lazy river and a rapid river slide that is part out side the building. A full noise assessment has been included that considers existing background noise levels and restricts the levels of noise by condition. It should also be borne in mind that the hours of operation for the building is also restricted. A condition has also been added that restricts the use of amplified music or tannoy announcement system which may form a nuisance. If Butlins intend to have such an external music/announcement speaker system within the redevelopment area full details must be provided to allow assessment.

Environmental Health have commented that the new location is close to residential properties and there is a history of noise complaints from people living in close proximity relating to various activities undertaken on the site. There is a potential for increased noise levels from the proposals including noise from the external rapid river ride, plant and equipment associated with the pool facility and car parking.

Environmental health have assessed the submissions and through discussions with the applicant the site will have new noise attenuation timber fencing to both Upper Bognor Road and Sea Road. Additional landscaping has been located on these boundaries and limitation on hours of operation and noise rating level on plant and equipment located within the building is to be included by condition.

The rapid river now includes a canopy on part of the slide and further noise attenuation measures specifically around the ride.

The EHO has contacted the councils that have responsibility for Minehead and Skegness Butlin's resorts to check whether there have been noise related issues and there have not been issues with their 'Splash' pool and water rides.

Noise during the construction period is expected but the noise attenuation barriers are to be added prior to demolition to provide immediate mitigation.

LIGHTING

The car parking lighting will not be directly visible on the ground floor as solid noise fencing will be included. On the first floor deck the lamp columns are at 3m high a maximum height of 5.95m from

ground level. The lamp columns on Sea lane are 6m high. The lighting levels are directed to the upper decked car park and this has been demonstrated. Environmental health have confirmed the lighting layout is acceptable.

AIR QUALITY

Consideration has also been given to impact the proposals may have on air quality and reference has been made to the Air quality and emissions mitigation guidance for Sussex Authorities (2013). It is noted that there will be no increase in the total number of car parking spaces on site from this development and the EHO officer is satisfied that the proposals will not have a detrimental effect on air quality.

OVERLOOKING/LOSS OF PRIVACY

A number of the objections from nearby residents were concerned about potential overlooking from the upper deck of the car park. The Police had also identified this as an issue. This has been resolved as initially it would only have been the living wall that provided some screening and this would not obscure views. The proposal now includes 1.8m above the deck level, close boarded noise attenuation fencing applied to the side of the upper deck to ensure there is no overlooking. In addition there is existing and proposed landscaping along the length of the car park.

Conclusion on Neighbouring Amenity

The proposal has been assessed in relation to neighbour amenity and it is considered that the application is acceptable in terms of addressing the location of the development in proximity to residential properties; noise, lighting air quality and privacy. The development is acceptable in terms of relevant policies of the Arun Local Plan, emerging plan and the Bognor Regis Neighbourhood plan as set out in policies section above.

HIGHWAYS, ACCESS & PARKING

It has been explained by Butlins and Bourne Leisure that holidays are normally in 3 or 4 day breaks where guest arrive, if they arrive by car they park and the car remains unused during their stay. Guest accommodation is not being reduced therefore there does not appear to be a highways issue as part of this proposal.

Access

Whilst modification of the site access is not necessary to accommodate additional traffic demand from the development, it is acknowledged that queuing back from the site access during busy check-in periods does cause congestion at the Felpham Way/Upper Bognor Road Roundabout. To alleviate some of this pressure, the Applicant proposed to set back the gatehouses at the entrance by 60m to provide additional queuing capacity and formalise the two lane approach. This will provide additional queuing capacity for between 10 and 20 vehicles and it is recommended that this alteration be secured by condition. Whilst the realignment appears to be within the site, should the detailed design of this arrangement identify any alteration be necessary to the approach and within the highway boundary, highway works will need to be undertaken under a Section 278 Agreement.

Car park drawing 5128 P106 B appears to show the Sea Road access connecting into the car park. From observation on site it would appear if the existing access is infrequently, if ever, used and seemed to be obstructed during the site visit. Given the residential nature of the road, with the

presence of on-street parking restricting available carriageway width, intensification in use would not be appropriate as this could result in access congestion. It is recommended that this is only used for maintenance and emergency vehicle access, and a condition is recommended.

Parking

A sufficient supply of parking is to be maintained. Any congestion within the site as a result of insufficient park could subsequently result in congestion at the site entrance which is not acceptable.

Once operational, the new car parking facilities would not impact the operation of the highway, on the assumption that general access is not provided for from Sea Road (as set out earlier in the report). Existing guest provision is replicated and the parking provision is set well back from the highway. Tracking has been undertaken to demonstrate that large vehicles, including a fire appliance, can navigate the internal layout.

The Applicant has indicated that the car parking will be formed as part of the construction of the pool this will allow all construction vehicles and parking to be on site. The car parking level will be maintained throughout the construction period as set out in the construction management plan.

Construction Access

It was explored with the local highway authority if the main access could be used, and due to safety it is preferable to provide a separate construction access as proposed which is acceptable in highways terms. Given the use of the site, it is considered good practice to segregate construction traffic from general use traffic in the interests of safety, particularly where more vulnerable users such as children may be present. The Construction Management Plan provides an indicative location of this access, and this has been tracked to demonstrate that it is suitable to accommodate the construction traffic. It is acknowledged that access arrangements are subject to change upon appointment of a Contractor. Further information would be required prior to commencement, including achievable visibility splays and whether any supporting traffic management may be required. It is noted that the swept path of a HGV does take up a majority of the road space, and parking on the southern side of the carriageway does occur regularly. It may be necessary to introduce temporary parking restrictions adjacent to the access.

Construction car parking is to be provided on site to limit off site parking by construction staff this has been agreed to by the applicant.

Contributions

As the proposed development will not give rise to any permanent intensification in use of the highway, no financial contributions or works are sought from the Applicant.

The Applicant will be required to fund the cost of any traffic management, licenses or temporary restrictions etc associated with the implementation of any consented works.

Highways Conclusion

The highway authority has confirmed that there is no requirement for an assessment of network capacity. The development accords with para 32 of the National Planning Policy Framework, in that the development will not have a severe residual impact on the operating capacity of the highway network.

FLOODING, DRAINAGE & FOUL DRAINAGE

The Environment Agency has no objections as the development is within Flood Zone 3 and the development is a less vulnerable form of development.

Infiltration is very poor on site. Proposals to store the 1 in 100 year storm event plus 40% and restrict discharge to Qbar are acceptable, using SuDS features as proposed in FRA. SuDS condition required without need for percolation testing and groundwater monitoring as these have already been undertaken.

The development does not give rise to an unacceptable risk of flooding detrimental to human health or property and complies with GEN9.

ARCHAEOLOGY

The developer has already submitted a method statement for archaeological monitoring. All pre survey work must be approved in advance of on-site works and this has been addressed by condition.

LOSS OF STAFF ACCOMMODATION

The site redevelopment involves a loss of 286 units of accommodation which are used by around 300 staff. This loss of onsite provision has been addressed by the submission of applications at Ashley House which has been granted by planning committee and there is a further proposal to be made at another location within the town. The public consultation took place prior to Christmas and an application will soon be submitted.

SUSTAINABLE CONSTRUCTION

Details of the construction will be required to demonstrate on-site measures for energy reduction. This has been included as a condition.

LANDSCAPE

The initial application indicated a landscaping scheme that appeared sparse, particularly on Upper Bognor Road. No mitigation had been shown on the drawings that addressed the area felled to provide for the temporary construction access.

The landscape officer had concerns about the planting mix and species. Following a meeting with the agent a revised detailed scheme has been submitted and the updated Greenspace comments and conditions will be reported verbally to members.

ECOLOGY

Development is within SPA zone of influence for Pagham Harbour SPA, however it has been agreed that no contributions are required as this proposal does not provide additional accommodation for guests/tourists.

Demolition/clearance of site to be outside breeding season (September -February). The Applicant has signed up to a PPA as a means of ensuring that a decision is made by 4 January to allow for the appropriate licenses to be in place and allow demolition to take place before the end of February.

The ecologist has requested by condition 25 nesting opportunities for birds and 16 bat roosting

structures to be placed throughout the Butlin's site.

Lighting Scheme - lighting levels to be kept to minimum, details have been submitted.

The Landscaping Scheme does contain native species and the mature trees around the boundaries are to be retained with the exception of a few trees to be removed to provide for the construction access. Mitigation in the form of additional mature trees are to be replanted as part of the landscaping scheme.

A condition has been added that requires the developer to adhere to the Ecological Mitigation Strategy.

ECONOMIC DEVELOPMENT

This development provides a major investment in the resort and a major investment in the District. The facility will improve the outdated 1980s Splash complex to the west of the site which will remain operational until the new complex begins.

The local plan and the neighbourhood plan support the improvements to tourism.

The proposal will lead to further improvements to the resort. The phasing had been proposed to be staggered Demolition; construction of pool; construction of carparking; construction of decked car park and landscaping of existing surface car park. The final stage will be to demolish the existing Splash which will take place within two years of the opening of the new pool. At present the existing pool provides the fire fighting water reservoir for the resort. On completion of demolition the site will be landscaped until future development proposals are prepared and submitted for approval. The site currently provides 7234 bedspaces in 1792 units. If approved this proposal will reduce on site accommodation to 6046 bedspaces in 1506 units. Butlins will wish to replace these bedspaces in the future. The council has positive policies towards the development of tourist accommodation and subject to detailed design the principle of redeveloping the area around the existing Splash pool complex would be suitable for hotel accommodation but the council cannot commit to a proposal without having the detail.

It is recognised in this application that the intention will be to replace the accommodation numbers back to a level of 7234 and the council will be happy to discuss options and be involved in the master plan process to encourage further investment in the Butlin's site.

CONCLUSION

In summary, the principle of redeveloping the site for the upgrading of leisure and tourist facilities is supported by planning Policy as set out in the Local Plan and the Bognor Regis Neighbourhood Plan. The site is within an Economic Growth Area and the redevelopment will not only improve the facilities at Butlins but will improve the appearance of the eastern part of the site removing the old and outdated accommodation which will highlight the major investment being made in the resort to the benefit of the image and economy of the area.

The design compliments the more recent hotel accommodation and is of a scale that will not be out of character in the context of the resort. The redevelopment provides an opportunity to upgrade and relocate the existing car parking in a form that will open up the central area of the resort with the introduction of hard and soft landscaping to link the accommodation and facilities to the west of the site with the new pool pavilion. The creation of the new promenade and plaza (activity zone) will provide a designed outlook from the Ocean Hotel which creates both physical and visual links. The

current outlook is of a car park with rainwater drainage issues. The car park and technical services building should be included within the redevelopment to ensure that the treatment of these areas is also addressed in the overall hard and soft landscaping scheme.

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

- 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:-

5128 P101 rev B Location plan and existing site plan
5128 P102 rev B Proposed Site Plan Phase 1
5128 P103 rev B Proposed Site Plan Phase 2
5128 P104 rev B existing site plan starfish quay
5128 P105 rev B proposed site plan phase 1
5128 P106 rev B proposed site plan phase 2
5128 P107 rev B existing site plan existing splash
5128 P108 rev B proposed site plan phase 2

5128 P110 rev A entrance site plan
 5128 P200 rev B basement floor plan
 5128 P201 rev C ground floor
 5128 P202 rev C first floor plan
 5128 P203 rev B Roof plan
 5128 P204 rev D Car Park Ground Floor Plan
 5128 P205 rev E Car Park First Floor Plan
 5128 P206 rev A New temporary kiosk plan
 5128 P250 rev B Existing splash basement plan
 5128 P251 rev B existing splash gf plan
 5128 P252 rev B existing splash ff plan
 5128 P300 rev D Proposed Elevations Sheet 1
 5128 P301 rev D Proposed Elevations Sheet 2
 5128 P305 rev C Proposed Site Elevations
 5128 P306 rev E Car Park Elevations
 5128 P307 Car Park Elevations Without Context
 5128 P308 rev B Car park cladding and screening detail
 5128 P350 rev B existing splash elevations
 5128 P355 rev B chalet photograph sheet 1
 5128 P356 rev B chalet photograph sheet 2
 5128 P357 rev B chalet photograph sheet 3
 5128 P358 rev B chalet photograph sheet 4
 5128 P405 rev B proposed sections
 Kier SK/MEH/10 - Nov 16 Rev C - Car Park Phasing Plan - Phase 2
 Kier SK/MEH/11 - Nov 16 Rev C - Car Park Phasing Plan - Phase 1
 Kier SK/MEH/12 - Nov 16 Rev A - Car Park Phasing Plan - Phase 2a
 16_100_01E - Landscape Master Plan
 9306/02 - Tree Protection Plan

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

3 Acoustic screening must be installed around the rapid river as detailed in Para 4.3 and Appendix 1 and 5 of the acoustic report dated 11 November 2016, namely:

- i. The first flume section of the rapid river must be totally enclosed with a roof, as per Appendix 1.
- ii. Installation of acoustic screening of varying height between the ground and the relevant lower sections of the flumes. This screening to comprise 30mm thick polycarbonate panels with all joints sealed to eliminate air gaps. Details as per Appendix 1 and 5.
- iii. Installation of an acoustic barrier screen, of a minimum height of 2m above ground level around the first pool of the rapid river, forming a carousel structure as depicted in Appendix 5.

Reason: In order to protect residents from noise nuisance in accordance with policy GEN32 of the Arun District Local Plan.

4 All plant and equipment associated with the new Splash Pool must be designed and installed to ensure that the night time (21.00 hours - 08.00 hours) cumulative Rating Noise Level (determined in accordance with BS 4142:2014) resulting from the plants simultaneous operation does not exceed Laeq5min 40 dB at any point on the boundary of the site. The equivalent criterion for daytime operation of the plant (08.00 hours - 21.00 hours) is a cumulative Rating Noise Level of Laeq15min 50 dB at any point on the boundary of the site.

Reason: In order to protect residents from noise nuisance in accordance with policy GEN32 of the Arun District Local Plan.

- 5 The acoustic screening must be installed around the decked car park and surface level car parking as detailed in the acoustic report for the car parking provisions, dated 10 November 2016:
- i. A 2m high close boarded acoustic fence must be installed at ground level along the east and south boundaries of the site as detailed in Para 6.2 and Appendix 1(c) and as indicated on drawing 16_100_01E.
 - ii. Close boarded timber batten cladding must be installed to a height of 1.8m on the eastern and southern aspects of the upper deck of the car park as detailed in Para 6.2 and Appendices 1(d) and 1(e).
 - iii. A 2m close boarded acoustic fence must be installed along the northern and eastern aspects of the boundary as detailed in Para 6.3 and Appendix 1(c).
 - iv. Prior to the operation of the 'Splash' pool an acoustic fence is to be erected along the site boundary, which runs to the side of 62 Upper Bognor Road and to the rear of the houses numbered 52 - 62 Upper Bognor Road, to the junction with the rife to the west of number 52 Upper Bognor Road. Prior to installation details of the fence specification and alignment must be submitted and approved in writing by the Local Planning Authority.

Reason: In order to protect residents from noise nuisance in accordance with policy GEN32 of the Arun District Local Plan.

- 6 All boundary acoustic fences marked red on drawing number 16_100_01E and in addition construction hoardings are to be erected along the site boundary, which runs to the side of 62 Upper Bognor Road and to the rear of the houses numbered 52 - 62 Upper Bognor Road, these must be installed prior to commencement of any demolition or construction work to provide mitigation against noise during the development.

Reason: In order to protect residents from noise nuisance in accordance with policy GEN32 of the Arun District Local Plan.

- 7 No demolition or construction work shall take place except during the hours of 08.00 - 18.00 Monday - Friday, 08.00 - 13.00 Saturdays and not at all on Sundays or Bank Holidays.

Reason: In order to protect residents from noise nuisance in accordance with policy GEN32 of the Arun District Local Plan.

- 8 The Construction Management Plan, dated September 2016 prepared by AECOM and addendum dated November 2016, prepared by Kier is hereby approved. The content of which must be adhered to throughout the entire construction period. Any proposed amendments must be approved in writing by the Local Planning Authority.

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

- 9 The design of the external lighting shall conform to the requirements detailed in GN01:2011, Guidance Notes for the Reduction of Obtrusive Lighting (Environmental Zone E3 as a minimum).

Reason: In the interests of residential amenity in accordance with policy GEN33 of the Arun District Local Plan.

- 10 Any sound reproduction or amplification equipment (including public address systems, tannoys, loudspeakers, etc.) operated within the areas covered by this application shall not exceed an Laeq15min of 60 dB at the boundary of the site and shall not be used outside the hours of 10.00 - 20.00.

Reason: In order to protect residents from noise nuisance in accordance with policy GEN32 of the Arun District Local Plan.

- 11 The hours of use for the pool shall be limited to 08.00 - 21.00 Monday - Sunday, including bank holidays.

Reason: In order to protect residents from noise nuisance.

- 12 The Car Park Phasing Plans (Kier SK/MEH/10 - Nov 16 Rev C, Kier SK/MEH/11, Kier SK/MEH/12 - Nov 16 Rev A - Nov 16 Rev C) prepared by Kier Construction, included as an addendum to the Construction Management Plan, setting out the management and provision of car parking during the period of works associated with implementation of the permitted development, are approved. These car park phasing plans shall be adhered to until completion of the works.

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

- 13 Prior to first occupation of the approved development, the permanent access to the site shall be constructed in accordance with the approved site plan drawing number 5128 P110 Rev A.

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

- 14 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan drawing number 5128 P106 Rev B. 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 GEN12 of the Arun District Local Plan.

- 15 Means of vehicular access to the site from Sea Road shall be used for car park maintenance and emergency service purposes only.

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

- 16 Prior to the opening and use of the swimming pool building the developer must submit details of the type of bird boxes and bat structures to be used on the Butlins site. A plan showing the locations of 25 bird boxes and 12 bat roosting structures in suitable locations of these structures shall be submitted for approval in writing by the Local Planning Authority prior to the erection on site which must take place within 3 months of the opening of the swimming pool building.

Reason: In the interests of ecological diversity and maintaining habitat on site in accordance with policy GEN29 of the Arun District Local Plan.

- 17 The Ecological Mitigation Strategy, dated May 2016 prepared by AECOM is hereby approved. The content of which must be adhered to throughout the entire construction period. Any proposed amendments must be approved in writing by the Local Planning Authority.

Reason: In the interests of local ecological interests in accordance with policy GEN29 of

the Arun District Local Plan.

- 18 The demolition and clearance of the accommodation blocks is to take place outside the bird breeding season ideally this 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.

Reason: In the interests of local ecological interests in accordance with policy GEN29 of the Arun District Local Plan.

- 19 No development or new tree planting should be located:
- within 4m either side of the centreline of the public surface water sewers;
 - 3.5m either side of the public foul rising main;
 - 3 m either side of the centreline of the public foul sewers;

All existing infrastructure should be protected during the course of construction works.

No new soakaways should be located within 5m of a public sewer.

Reason: To protect Southern Water infrastructure in accordance with policy GEN25 and GEN26 of the Arun District Local Plan.

- 20 Construction 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.

- 21 Landscaping (hard and soft) shall be carried out in accordance with the details shown on plan (16_100_01RevE). 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.

- 22 The existing trees/bushes/hedges shall be protected in accordance the tree protection plan, drawing number 9306/02, 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.

- 23 The Arboricultural Report, submitted September 2016 prepared by Ian Keen Ltd is hereby approved. The content of which must be adhered to throughout the entire construction period. Any proposed amendments must be approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and in accordance with policy GEN28 of the Arun District Local Plan.

- 24 No construction shall take place within the area indicated until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun District Local Plan Policy GEN7.

- 25 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.

- 26 **INFORMATIVE:** The applicant must take account of the advice contained in the Environment Agency consultation response letter dated 17 October 2016, copied to the applicant.

The Environment Agency would recommend that the flood mitigation and resilience measures identified within the submitted Flood Risk Assessment (FRA) are implemented. This includes the provision of a Flood Emergency Plan [5.2.3, 7.3, 7.3.2 & 9.6.2] which identifies an area

of safe refuge above 4.5mAOD (the 1 in 200 year flood risk level), registration with the Agency's Flood Warning Service [2.9.5], electrical power points set above 4.5mAOD (the 1 in 200 year flood risk level) [7.2.2 & 9.6.1], concrete and flood walls within the swimming pool plant room [7.2.2], and to counteract potential groundwater flooding ground slabs are set above levels where the monitoring has highlighted flooding from this source [7.4 & 9.6.3]

We are also pleased to note that as the site is upgraded consideration is being given to potential future flood risk, and note future accommodation is to be relocated to areas

where land levels are higher, and above recognised flood levels.

Any works in under or over the Aldingbourne Rife a classified main river under the jurisdiction of the Environment Agency or within 8 metres from the bank edges the prior permission of the Environment Agency under Section 109 of the Water Resources Act is required. To obtain the necessary permission the applicant will need to apply for an Environment Permit (EPR) formerly Flood Defence Consent. For further information the local West Sussex Partnership and Strategic Overview Team should be contacted.

Waste on site

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
 - treated materials can be transferred between sites as part of a hub and cluster project
 - some naturally occurring clean material can be transferred directly between sites.
- Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Definition of Waste: Development Industry Code of Practice on the CL:AIRE website and;
- The Environmental regulations page on GOV.UK.

Waste to be taken off site

Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the Hazardous Waste pages on GOV.UK for more information.

Dewatering during excavations and development. If dewatering operations are required, the activity may require the benefit of an Environment Permit unless it is deemed to fall with our Regulatory Position for dewatering activities. It is advised to

contact the Environment Agency for further advice.

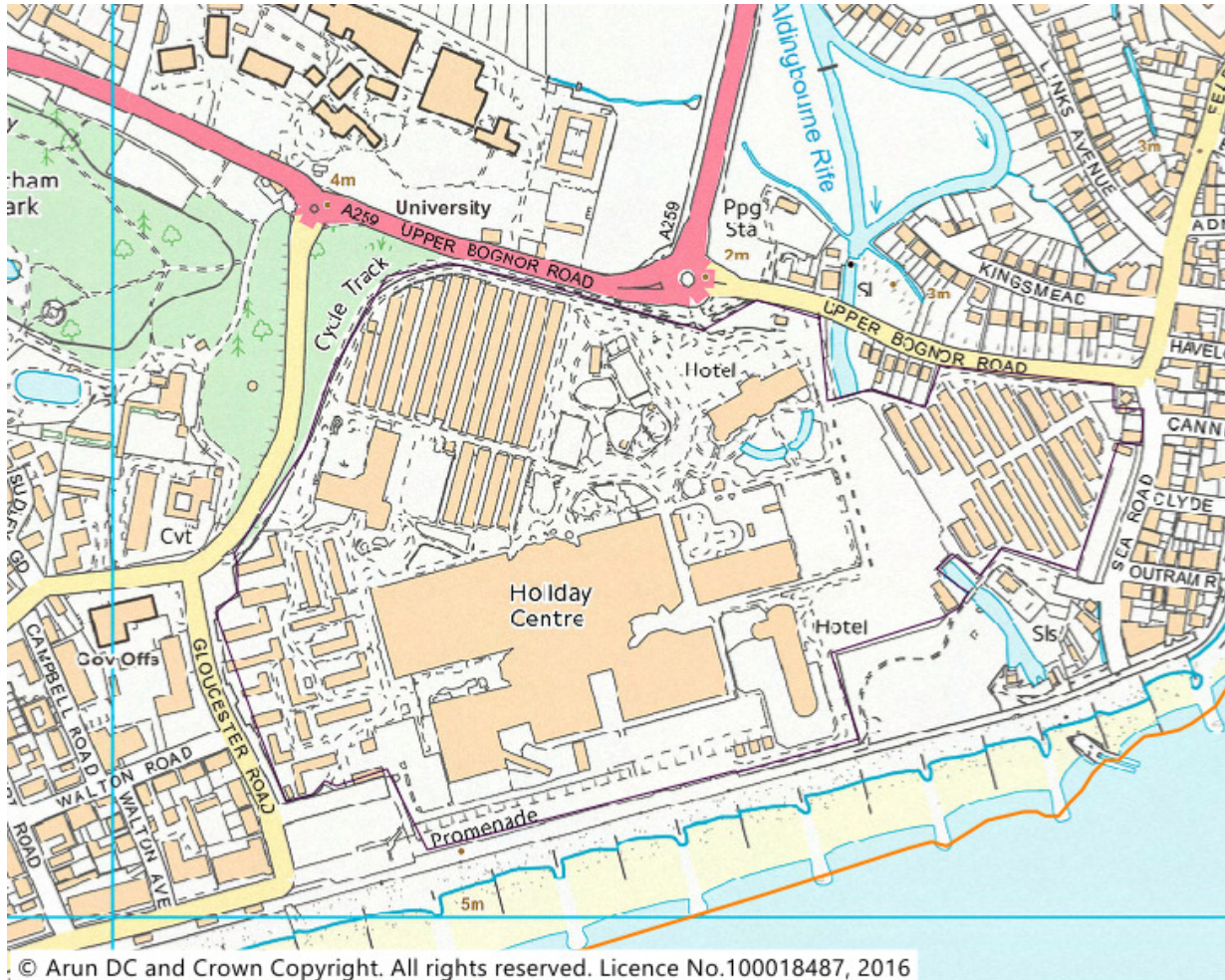
- 27 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, the applicant must contact Southern Water.

- 28 INFORMATIVE: Any works in, under or over the Rife or within 8m from the bank edges will require the developer to apply for an Environment Permit (EPR) (Formerly Flood Defense Consent).

- 29 INFORMATIVE: The applicant is requested to sign up to the Arun Developers Charter and a Work and Skills Plan is prepared to ensure local people have access to new work opportunities.

BR/240/16/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:** BR/251/16/PL**LOCATION:** Unit 7a
Durban Road
Bognor Regis
PO22 9QT**PROPOSAL:** Change of use from industrial unit (B1 Business) to Sports Gymnasium (D2 Assembly & Leisure)**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The applicant has confirmed that the gym will be operated as an 'extension' to the existing gym business (VK Gym) located two doors down at 8 Durban Road.
SITE AREA	665 square metres.
TOPOGRAPHY	Predominantly flat but with a slight slope up from the building entrance to the road.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	2.4m high palisade fencing to the southern boundary with Durban House. 2.3m high chain link fence to rear (to Unit 9 Evans Place).
SITE CHARACTERISTICS	One half of a larger single storey building. Formerly occupied by Redfern Engineering (Precision Engineering) Ltd but now vacant. The other half is occupied by a courier company, Diamond Logistics. The building is part flat roofed and part shallow pitched. Materials include dark brown bricks, tan brown bricks, white render and metal cladding. Tandem parking arrangement to the front (4 spaces) and side driveway leading to rear yard area also accessed from Evans Place. Telecommunications mast within the rear yard.
CHARACTER OF LOCALITY	Part of a large industrial estate.

RELEVANT SITE HISTORY

BR/132/15/PL	Change of use from Warehouse (B8 Storage & Distribution) to Gymnasium (D2 Assembly & Leisure)	Refused 03-08-2015	<i>Appealed</i> Appeal: Allowed+Conditions 24 03 2016
BR/276/99/	Division of existing factory into two self contained units	ApproveConditionally 07-01-2000	

It is relevant to consider Application BR/132/15/PL which sought permission for the temporary

change of use of a Class B8 warehouse building (Unit 9 Durban Business Centre, Durban Road) to a Class D2 gym. This was refused under delegated powers but the applicant submitted an appeal which was then allowed by the Planning Inspectorate.

The Inspector considered that although unit 9 had been vacant for over a year and marketed at a reasonable rent and quite widely, the period of vacancy was not unduly excessive and therefore the unit had a reasonable prospect of being used for B8 or B1 (business) uses. However, the Inspector noted that the proposal would lead to a number of jobs including employment for personal trainers. The inspector noted the policy objection under emerging Local Plan policy EMP DM1 but considered that significant weight should be placed on the National Planning Policy Framework's aims of supporting economic growth through the planning system and in respect of supporting the health & wellbeing of communities. The Inspector concluded that "Whilst there would be harm if permanent permission were granted owing to the permanent removal of a good quality B8/B1 unit from the pool of available units, the benefits of creating employment and contributing to economic growth and community health would in my view outweigh the temporary harm caused by a temporary planning permission."

The inspector imposed conditions limiting the permission to 6 years (as applied for) and requiring provision of an external secure cycle rack. Given the location of the site within an industrial area, the inspector did not consider it necessary to impose an hours of use restriction.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

"No objection"

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Environment Agency

Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

ADC ECONOMIC DEVELOPMENT: "Economic Development object to this application. This is a modern industrial unit in good condition. The number of such units across the district is now few and this is particularly noticeable in the Bognor Regis area. Enquiries for units such as this is increasing and we consider that it is critical to retain a supply of accommodation for industrial purposes."

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Built Up Area Boundary; and
Flood Zone 3.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

GEN2
GEN7

Built-up Area Boundary
The Form of New Development

GEN12 Parking in New Development

Publication Version of the Local Plan (October 2014):
 EMP SP1 Employment land provision
 EMP DM1 Employment land: Development Management
 OSR DM1 Open Space, Sport and Recreation
 HWB SP1 Health & Wellbeing

Bognor Regis Neighbourhood Plan 2015 Policy 8i Northern part of Durban Road Industrial Area

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The adopted Arun Local Plan and the Bognor Regis Neighbourhood Plan are both silent in respect of protecting employment land from alternative development. Therefore, it is necessary to consider the application against other material considerations.

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 guidance contained within the National Planning Policy Framework;
- * Proposed policy within the emerging Local Plan; and
- * The appeal decision for application ref BR/132/15/PL as referred to above.

CONCLUSIONS

PRINCIPLE:

This site is located within the built-up area boundary where the principle of development is acceptable subject to other policies within the local plan. There are no policies in the current local plan that seek to protect employment land from alternative development. Therefore, the application would be determined in accordance with the National Planning Policy Framework (NPPF) and with regard to the Arun District Local Plan 2011-2031 (Publication Version).

POLICY DISCUSSION:

The NPPF states at paragraph 18 that: "The Government is committed to securing economic growth in order to create jobs and prosperity,". It goes on to state at paragraph 20 that: "To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century". Paragraph 22 then states that "Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose and that land allocations should be regularly reviewed".

Paragraph 22 also states that: "Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities." The NPPF also indicates that opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

The Councils Economic Regeneration Officers have assessed the application and have raised an objection. They state that:

"This is a modern industrial unit in good condition. The number of such units across the district is now few and this is particularly noticeable in the Bognor Regis area. Enquiries for units such as this is increasing and we consider that it is critical to retain a supply of accommodation for industrial purposes."

They are clearly of the view that there is a reasonable prospect of the unit being let for commercial/industrial purposes in accordance with the guidance in the NPPF.

The emerging Local Plan (Arun District Local Plan 2011-2031 (Publication Version) (October 2014)) includes Policy EMP DM1 "Employment Land: Development Management". This sets out how existing premises will be protected and enhanced in order to maintain a supply of good quality commercial sites and premises to meet the needs of businesses and the local economy. This Policy states that:

"Existing employment sites and premises will be protected where there remains a good prospect of employment use. Excepting Permitted Development Rights or Local/Neighbourhood Development Orders, change of use from Business Class (B1-B8) or similar sui generis uses will not be permitted unless:

- a. It is demonstrated that the site is no longer required and is unlikely to be re-used or redeveloped for industrial/commercial purposes. This should include clear demonstration of marketing, viability appraisal and the suitability of the site to accommodate the proposed use - using a methodology to be agreed by the District Council at pre-application advice stage; or
- b. Where acceptable to the Council, alternative land/premises or an equivalent financial contribution will be provided to enable the business uses to relocate or be replaced elsewhere; or
- c. The existing location poses insurmountable environmental harm or amenity which cannot be satisfactorily resolved.

The Council will require evidence that the site has not been made deliberately unviable, that marketing has been actively conducted for a reasonable period of time and that alternative employment uses have been fully explored."

The applicant has stated that the property has been vacant for in excess of a year and that he purchased the freehold with the intention of expanding the gym. However, no evidence has been provided to demonstrate that the unit has been marketed for business uses. Evidence gathered by the Council suggests that the previous occupiers ceased their liability on 19th July 2016. The application was then submitted on 30 September 2016.

Notwithstanding the above, it should be noted that due to the current stage in preparing the emerging Local Plan, its policies are considered to only attract limited weight. It is also noted that there are a number of unresolved objections to Policy EMP DM1 (paragraph 216 of the NPPF states that the weight to be afforded will also be affected by the extent to which there are unresolved objections to relevant policies).

The applicant has stated that the job creation numbers are difficult to ascertain due to the fact that Classes will be held in the new facility and personal trainers/class instructors are usually self-employed. The applicant suggests a job creation figure of around 2-4 full time equivalent staff and that this would also include a new staff member for the management of the facility.

Although there remains an objection from Economic Development and it is unclear whether the unit has been marketed for any length of time, it is considered that regard should be had to the previous appeal decision for application BR/132/15/PL. The appeal was granted on the basis that the benefits of creating employment and contributing to economic growth and community health would outweigh the temporary harm caused by a temporary planning permission. It is not considered that there is any reason to follow a different approach in respect of the current application.

THE NEIGHBOURHOOD PLAN:

Bognor Regis Neighbourhood Plan Policy 8i is relevant to applications within the Durban Road industrial estate. It states that:

"Development Proposals are encouraged that contribute to the development of this area into a demonstration project for self-build/self-commissioned low carbon working and living with a mix of uses: industrial, residential, employment, small scale workshops with high numbers of jobs to the floor area. The development should provide future access to the existing sewerage infrastructure as required by the relevant authorities."

However, this policy does not prevent applications for uses other than those listed in the policy and therefore there is no conflict with the application proposal.

FLOOD RISK:

The site lies in Flood Zone 3 which is a high risk zone. However, Environment Agency standing advice and the National Planning Practice Guidance (NPPG) defines the proposed gym use as being "Less Vulnerable" and goes on to state that such development is appropriate within Flood Zone 3. The applicant has provided a simple Flood Risk Assessment which confirm the above position. As such, it is not considered that there is any policy conflict.

HIGHWAYS, TRANSPORT AND PARKING:

The West Sussex Parking Standards (2003) set out a requirement for gym uses of 1 parking space per 22m² of floor area. The proposed floor area is approximately 309 m² and the parking requirement is therefore 14 spaces. The proposal has use of up to 12 parking spaces and is therefore 2 short. However, this location allows people in nearby areas to walk or cycle to the premises. A condition requiring secure cycle parking will be imposed.

SUMMARY:

It is considered that a temporary 6 year permission will ensure that there is no permanent harm to the availability of business units within this part of Bognor Regis whilst also bringing a currently empty building back into use, securing new jobs and contributing to the vitality of the existing VK Gym business. It is therefore recommended that permission be granted subject to the following conditions.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect 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 use hereby permitted shall be carried on only for a limited period being a period not exceeding 6 years from the date of this decision letter.

Reason: In accordance with the National Planning Policy Framework and on the grounds that harm would arise if permanent permission were granted owing to the permanent removal of a good quality B8/B1 unit from the pool of available units.

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

1:1250 Site Plan;
1:200 Block Plan;
1:100 "Existing Plan for 7A Durban Road PO22 9Q7"; and
1:100 "Proposed Plan for 7A Durban Road PO22 9Q7".

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 The use hereby permitted shall not be carried on until a cycle rack has been installed outside the premises. The cycle rack shall thereafter be retained for as long as the use hereby permitted takes place at the premises.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with policies GEN7 and GEN12 of the Arun District 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.

BR/251/16/PL Indicative Location Plan**(Do not Scale or Copy)**

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



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Recommendation Report for Planning Permission

REF NO: BR/260/16/DOC

LOCATION: Land rear of Glenlogie, Clarence Road, Bongor Regis

PROPOSAL:

Application for approval of details reserved by condition imposed under BR/148/11 relating to condition No. 3 (materials)

DESCRIPTION OF APPLICATION

All external materials to be agreed for the conversion of Glenlogie to apartments and construction of two dwellings with parking (see committee presentation for examples of the materials).

Condition 3 of application:-

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

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.

The original application was for:-

Conversion of Glenlogie from a House of Multiple Occupancy into 8 self-contained apartments with associated external works. Demolition of Wee Glenlogie (also known as 10a & 10b) & the construction of 2 dwellings with parking in the rear garden.

SITE AREA

0.083 hectares.

TOPOGRAPHY

Generally flat.

SITE CHARACTERISTICS

Land at rear of a red brick, four storey building with stone dressing. Single storey annexe to the side consisting of two bungalows in brick with a slate roof. Courtyard off of the side entrance with parking.

CHARACTER OF LOCALITY

Built up town centre location. Mix of commercial and residential dwellings.

RELEVANT SITE HISTORY

This application is made to attempt to gain approval the external materials for the conversion of Glenlogie into 8 self-contained apartments. The materials were reserved by condition No. 3 of BR/148/11.

SUMMARY OF REPS RECEIVED

None

OFFICERS COMMENTS ON REPS

N/A

SUMMARY OF CONSULTATIONS RESPONSES

None

OFFICERS COMMENTS ON CONSULTATIONS

N/A

POLICY CONTEXT

Designations applicable to site:

Built up area boundary
Buildings of Special Character

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 include Bognor Regis and the relevant policies are outlined below.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

GEN7	The Form of New Development
------	-----------------------------

Publication Version of the Local Plan (October 2014):

DDM1 HER DM2	Aspects of Form and Design Locally Listed Buildings or Structures of Character
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Bognor Regis NDP 2015

Policy 1 Policy 2	Delivery of the Vision Promoting the Seaside Identity
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PLANNING POLICY GUIDANCE

NPPF NPPG	National Planning Policy Framework National Planning Policy Guidance
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DEVELOPMENT PLAN 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 proposed materials are 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 not considered that there are significant material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The proposed materials are considered to be acceptable for the site, in line with the aim of emerging and existing Local Plan Policy and The Bognor Regis NDP policies (Policy 1 and 2) of promoting the seaside identity and preserving and respecting the character of the existing Building of Special Character.

The application for approval of matters reserved by condition 3 of approved application BR/148/11.

HUMAN RIGHTS

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.

EQUALITIES

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

That condition 3 of BR/148/11 is fully discharged.

AGENDA ITEM 8

DEVELOPMENT CONTROL COMMITTEE

04 January 2017

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.

Written Representations

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
 2 No. 3-bed dwellings & associated works (resubmission
 following BR/291/15/OUT).
Written Representations
PINS Ref: APP/C3810/W/16/3153767
- 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
- LU/128/16/A**
Received: 01-12-2016
 Lidl Foodstore Pier Road Littlehampton
 1 No. internally illuminated totem sign.
Written Representations
PINS Ref: APP/C3810/Z/16/3157758
- P/105/16/HH**
Received: 25-11-2016
 27 Sea Lane Pagham
 Front boundary wall & sliding gate.
Written Representations
PINS Ref: APP/C3810/D/16/3163071
- 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
- Y/20/16/HH**
 34 Downview Close Yapton

Received: 15-11-2016

Replace 2.7m high hedge with a wooden panel fence 1.8m high

Written Representations

PINS Ref: APP/C3810/D/16/3161140