



Committee Manager : Carrie O'Connor (Ext 37614)

19 January 2017

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 1 February 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 4 January 2017 (attached).

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

6. TREE APPLICATIONS

There are no applications to consider.

7. *PLANNING APPLICATIONS

To consider the attached reports.

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

Please note that the detailed appendix relating to BR/156/16/PL is a separate bundle for ease of reference.

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

4 January 2017 at 2.30 p.m.

Present: Councillors Mrs Maconachie (Chairman), Mrs Hall (Vice-Chairman), Ambler (substituting for Councillor Miss Rhodes), Mrs Bence (substituting for Councillor Maconachie) Bower, Brooks, Dillon, Gammmon, Hitchins, Mrs Oakley, Oliver-Redgate, Mrs Pendleton, and Wells.

[The following Councillors were absent from the meeting during consideration of the matters referred to in the Minutes indicated:- Councillor Oliver-Redgate, Minutes 375 to 378 (up to Planning Application BR/230/16/PL); and Councillor Wells, Minute 378 (from Planning Application BR/240/16/PL to 379).]

Councillors Chapman (part) and Reynolds were also present at the meeting.

375. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Charles, Maconachie and Miss Rhodes.

376. 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.

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Councillor Wells declared a prejudicial interest in Planning Application BR/240/16/PL as his business had dealings with the applicant. He stated that he would make no comment on the application and would leave the meeting during its consideration.

Councillor Dillon declared a personal interest in Planning Applications BR/230/16/PL, BR/237/16/OUT, BR/240/16/PL and BR/251/16/PL as a member of Bognor Regis Town Council. He stated that any information coming before him today would not be prejudicial to anything he had already considered.

377. MINUTES

The Minutes of the meeting held on 30 November 2016 were approved by the Committee and signed by the Chairman as a correct record.

378. PLANNING APPLICATIONS

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 Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

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 Having received a report on the matter, together with the officer's written report update detailing additional content in relation to both the principle and the policy commentary relating to this development following the publication of the written ministerial statement on 13 December 2016, the Committee was advised that conditions relating to a construction management plan and lighting would be attached to any approval.

In considering the matter, comment was made that the application did not provide sufficient detail, particularly in view of the applicant's statement that the number of units would be reduced to 7 to enable parking provision to be improved. It was therefore felt that the matter should be deferred.

The Planning Team Leader advised that the detail of the application could be extracted by way of condition and those conditions were already included, i.e. construction management plan and lighting. The bulk of the concerns were around site licensing issues and would therefore be dealt with under that legislation.

However, having been duly proposed and seconded, the Committee agreed that the proposal should be deferred to enable more detailed plans to be presented and therefore did not accept the officer recommendation to approve and

RESOLVED

That the application be deferred.

(Prior to consideration of the following application, Councillor Bower declared a personal interest as a Member of Cabinet, which had previously considered a report on the new Leisure Centre. He reserved his position.

Councillor Hitchins also declared a personal interest as Chairman of the Environment & Leisure Working Group, which had previously considered a report on the new Leisure Centre. He further stated that the report did not cover any planning issues.)

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 Sports Centre, Sea Road, Littlehampton Having received a report on the matter, together with the officer report update providing clarification that the proposal was a Regulation 3 application under the Town & Country Planning General Regulations 1992; County Highways consultation response; and inclusion of Policy 16 of the Littlehampton Neighbourhood Plan, the Committee supported the proposal.

In the course of a brief discussion, the adequacy of the car parking provision was raised. It was also picked up that the provision of a sauna had not been mentioned and officer advice was given that that had not been considered to be a core leisure centre facility; however, following the result of the public consultation that had been undertaken, it would be included in the tender process.

The Committee then

RESOLVED

That the application be approved as detailed in the report.

EG/85/16/PL – Temporary siting for a period of 2 years of 1 No. Mobile Home. This application is a Departure from the Development Plan, Lyndhurst, Eastergate Lane, Eastergate Having received a report on the matter, together with the officer's written report update detailing further information received from the applicant regarding surface water drainage, the Committee

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RESOLVED

That the application be approved as detailed in the report.

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 Having received a report on the matter, together with the officer's written report update detailing amendment to the policy commentary following publication of the written Ministerial Statement on 13 December 2016; and amendment to Condition 3 and Condition 10 with regard to surface water drainage, the Committee participated in a brief discussion on the matter.

A view was expressed that the proposal was out of character with the area and that car parking provision would be inadequate. However, the Planning Team Leader reminded Members of the planning history of the site and the Committee

RESOLVED

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

BR/230/16/PL – Erection of 1 No. 3 bedroom house & single storey carport (resubmission following BR/59/15/PL), 7 Seaford Terrace, Stocker Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing the Ministerial Statement published on 12 December 2016 and advice that it did not apply to this application; and an additional representation from the applicant, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/237/16/OUT – Outline application for construction of 1 No. detached dwelling & associated works, 3 Southdown Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing the Ministerial Statement published on 12 December 2016 and advice that it did not apply to this application, the Committee heard some views that it was felt that the proposal was out of character and intrusive on the street scene. However, the Committee then

RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of the following application, Councillor Wells had declared a prejudicial interest; he therefore left the meeting and took no part in the debate or vote.

Councillor Hitchins declared a personal interest as Chairman of the Environment & Leisure Working Group and Chairman of the Bognor Regis Regeneration Subcommittee. He remained in the meeting and took part in the debate and vote.

Councillor Bower declared a personal interest as he had attended a presentation on this matter. He remained in the meeting and took part in the debate and vote.)

BR/240/16/PL – Demolition of existing swimming pool building & reinstatement 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
Having received a report on the matter, the Committee also received an officer report update which set out

- Policy 'Site 2' missing from list of policies on page 117 of the agenda
- Discussion with applicant and local Highway Authority regarding construction access details and securing a temporary Traffic Regulation Order resulting in need for additional condition and informatives to ensure safe construction access
- Further details submitted by applicant on bird and bat box locations, thus negating the need for information to be required by proposed condition 16. Ecology officer has been consulted on the bird and bat box locations and is satisfied that they can be approved
- Submission of Written Scheme of Investigation for Archaeology by the applicant in order to avoid later discharge of condition 24. Consultation with the Archaeological Officer has confirmed that the WSI submitted meets the requirements of the proposed Condition 24
- Addendum to Construction Management Plan received 3 January 2017 confirming that the temporary construction access represents the final location rather than an indicative location
- Additional Informative to reflect future re-provision of lost bedspaces on the site.
- Amendment to conditions

The Strategic Development Team Leader presented a comprehensive report on the proposal and verbally advised that Condition 21 should refer to a full and

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detailed planting plan re landscaping as per plan 5128-P111 revision A and that the list of approved plans should include “proposed site plan – phase 3 ref:5128-P111 rev A”.

In the course of a brief discussion, Members fully supported this major investment and welcomed Bourne Leisure’s confidence in the town. As the applicants were present, it was hoped that the concerns of local residents would be listened to and measures taken to resolve them where practical.

The Committee

RESOLVED

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

(Prior to consideration of the following application, Councillor Reynolds [speaking as Agent for the proposal] declared a prejudicial interest and, having made representation for removal of Condition 2 relating to a 6 year planning permission, then left the meeting for the debate and vote.)

BR/252/16/PL – Change of use from industrial unit (B1 Business) to Sports Gymnasium (D2 Assembly & Leisure), Unit 7a, Durban Road, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

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 Having received a report on the matter, the Committee

RESOLVED

That condition 3 of BR/148/11 be fully discharged.

379. PLANNING APPEALS

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

(The meeting concluded at 4.30 p.m.)

AGENDA ITEM 7

DEVELOPMENT CONTROL COMMITTEE

01 February 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**

ALDINGBOURNE

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
AL/121/16/PL	2No. semi detached houses. This application is a Departure from the development plan	Land West Of Fontwell Avenue Eastergate PO20 3RU

Case Officer : Mr S Davis

Recommendation: Approve Conditonally

BARNHAM

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
BN/61/16/PL	Removal of existing storage building & erection of a single dwelling - Departure from the Development Plan	Land to the North of the Flint Barn Yapton Road Barnham PO22 0AZ

Case Officer : Mr S Davis

Recommendation: Approve Conditonally

BOGNOR REGIS

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
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[BR/156/16/PL](#)

Redevelopment of the Bognor Regis Centre to provide 6358 sqm of commercial space (including leisure facilities) for mixed development, 64 room hotel, 192 apartments with the provision of 30% Affordable housing units compliant with policy Car parking, creation of a new board walk & conversion of Place St Maur des Fosse into a Plaza, soft & hard landscaping. Redevelopment of the Hothampton car park to provide a 1100 seat theatre, with a 48 bed hotel & conference facilities, the provision of 2 retail units facing onto the Queensway, relocation of childrens play area & upgrading of the facility, plus hard & soft landscaping. Redevelopment of the Esplanade Theatre site to provide a 200 cover Destination Restaurant and relocation & upgrade of the existing skate park to adjacent to the Pier. Provision of 3 new kiosks along the Promenade to provide retail, toilets & showers. This application is a resubmission of BR/26/15/PL. This application affects the setting of a Listed Building & may affect the character & appearance of The Steyne Conservaton Area

Regis Centre, Car park & Place St Belmont Road Car Park at Queens Area of land West of Pier, Land Ea Bognor Regis
PO21 1BL

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

EASTERGATE

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
EG/53/16/PL	Greenhouse & customer parking area. This application also lies within the parish of Walberton.	Woodfield Farm Wandleys Lane Fontwell Eastergate PO20 3SE
Case Officer :	Mr R Temple	
Recommendation:	Approve Conditonally	

FERRING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
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[FG/186/16/OUT](#)

Outline application with some matters reserved for erection of 8No. 2 bed apartments

1 Beehive Lane
Ferring
BN12 5NL

Case Officer : Mrs A Gardner

Recommendation: Approve Conditionally

[FG/190/16/PL](#)

Application for removal of condition 3 following a grant of planning permission FG/129/00 relating to the restrictive use of the ancillary office accommodation to the needs of agriculture, horticulture forestry and for no other purpose.

Highdown House
Littlehampton Road
Ferring
BN12 6PG

Case Officer : Mr D Easton

Recommendation: Approve

MIDDLETON

Reference

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

Development Description

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

Location

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

Case Officer : Mrs A Gardner

Recommendation: Approve Conditionally

PLANNING APPLICATION REPORT

REF NO: AL/121/16/PL

LOCATION: Land West Of Fontwell Avenue
Eastergate
PO20 3RU

PROPOSAL: 2No. semi detached houses. This application is a Departure from the development plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The 2 semi-detached houses will be located on the northern part of an approved site and replace a previously approved detached dwelling. Each dwelling has 3 double bedrooms. Off-street parking is provided to the front with access from the A29 as per a previously agreed access layout. The result of the proposal would be a total of 4 dwellings on the site of the previous approval for 3.
SITE AREA	0.1829 hectares
RESIDENTIAL DEVELOPMENT DENSITY	11 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Row of deciduous trees along site frontage. Not mature specimens and not considered to be of high amenity value. Further deciduous trees forming part of the boundary to the rear of Westfield House and a row of tall conifer trees along the rear boundary.
BOUNDARY TREATMENT	<ul style="list-style-type: none"> * Low up to 1m high railing style fence to the site frontage; * Part 1.8m close boarded fence/part ranch style fencing to the boundary with Oaktrees; * Row of fir trees behind a part wire fence/part hedge to the rear of the site; and * 1.6m high close boarded fence to Westfield House.
SITE CHARACTERISTICS	Vacant field which is somewhat overgrown. There was a pile of conifer branches in the centre of the site at the time of the previous visit. There is a field gate onto the A29 Fontwell Avenue and the site shares a dropped crossing with the neighbouring property, Westfield House.
CHARACTER OF LOCALITY	The site is outside the settlement boundary but predominantly residential as there are dwellings on both sides of the site and on the opposite side of the A29. The site frontage falls within a 40mph zone and the start of the

30mph zone is adjacent to the southern end of the site.

Westfield House is a two storey detached dwelling of a traditional style in brick and clay tile. It has no flank facing windows and has a conservatory on the rear adjacent to the shared boundary. Oaktrees on the other side is a 1.5 storey dwelling with its first floor accommodation within a Dutch hipped barn style roof. It has render to the lower floor, brick to the first floor flanks and a tile roof. It has flank facing windows at both ground and first floor (with the first floor window appearing to be a bedroom) and a row of roof lights on the rear. To the rear of the site, beyond the line of trees, there is a vehicle scrapyard.

RELEVANT SITE HISTORY

AL/106/15/OUT	Outline application with some matters reserved for 5 No. detached houses with garaging. This application is a Departure from the Development Plan.	Refused 19-01-2016	<i>Appealed</i> Appeal: Dismissed 03 08 2016
AL/95/13/	Outline planning application for 3 no. detached houses with garaging - This is a Departure from the Development Plan	ApproveConditionally 25-04-2014	

AL/95/13 was granted permission in April 2014. It sought outline permission for 3 dwellings and included access and layout details. This permission remains extant but expires if no reserved matters submission is made by 25th April 2017.

AL/106/15/OUT sought outline permission for 5 dwellings. It was refused on the grounds of character/overdevelopment, loss of light to Westfield House and no affordable housing contribution. An appeal was dismissed on the 3rd August 2016. The Inspector made the following analysis of the character issue:

"The proposed layout of the site is to be determined at this stage, including gaps between dwellings and to the site boundaries. This linear layout behind substantial front gardens largely reflects that of surrounding development, but the gaps between the proposed dwellings on plots 1-4 and to Westfield House would be considerably smaller than most gaps between the surrounding houses on the approach to Eastergate, particularly on this side of Fontwell Avenue.

Notwithstanding that the site already has planning permission for 3 houses and the changes to the land they would bring, the narrow gaps between the dwellings on the layout now proposed, particularly on plots 1-4, would result in a cramped and overdeveloped appearance that would adversely affect the rhythm of development on Fontwell Avenue and would be out of keeping with the semi-rural appearance of the area."

The Inspector agreed with the Council regarding the impact on Westfield House stating:

"The layout of the development is to be determined at this stage. This shows the proposed house on plot 1 would be a short distance from the site boundary and its side wall would extend a significant distance forward of the front elevation of Westfield House. Given that the development is currently in outline, there is limited information as to the height of the proposed dwelling on plot 1. Nevertheless the illustrative house type drawings suggest that it would be a two storey building. On this basis, and the orientation of the new house, it would in my view unacceptably reduce the amount of daylight reaching the closest windows of Westfield House particularly at ground floor."

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

Object:- Policy EH1 of the Neighbourhood Development Plan refers. The density and quality of design is overbearing and does not reflect the local character. There is an adverse impact on the surface water management as the dwellings are too large on the plot. Policy H8 also applies with respect to amenity space.

One letter of objection from the neighbouring property, Westfield House.

- (1) The scheme is in essence the same as the two detached houses proposed by AL/106/15/OUT in that the dwellings are the same size and there would be little gap to Westfield House;
- (2) Loss of light & privacy to Westfield House;
- (3) Property devaluation;
- (4) There are no semi-detached properties on this side of Fontwell Avenue;
- (5) The application would set a precedent for further development of the other two plots on the land and could therefore result in 6 semi-detached houses across the land; and
- (6) Houses are not small and would not make any contribution to affordable housing needs.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council concerns will be discussed in the report's conclusions section. The following comments are offered in respect of the neighbour concerns:

- (1) The dwellings have an internal floor area of 145m² whilst the previously refused dwellings had internal floor areas of 152m² & 157m². The dwellings are not therefore the same size but it is acknowledged they are broadly similar in scale and bulk. Notwithstanding, a comparison of the two layouts shows that the gap to Westfield House has been increased from 0.5/0.9m to 2m/2.5m;
- (2) The scheme has been prepared to resolve previous concerns and these are considered in the report's conclusions section;
- (3) This is not a valid material planning consideration;
- (4) Agreed. However, there are two pairs immediately opposite the side on the other side of Fontwell Avenue;
- (5) Planning law dictates each application should be treated regarding its own merits. Although precedent is capable of being a material consideration and should be considered in determining applications, it does not follow that an application should be prevented because it may or may not result in a similar proposal in the future; and
- (6) There is no requirement to provide affordable housing.

CONSULTATIONS

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

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - No objections. Request an informative regarding connection to the public sewer network and a condition to protect an existing public sewer.

WSCC HIGHWAYS - No Objections subject to conditions:

"West Sussex County Council, as the Local Highway Authority (LHA), has been re-consulted on the above proposal. In LHA comments dated 6th December 2016 we requested that parking arrangements are clarified and shown on the plan and that previously agreed visibility splays be correctly demonstrated. Parking positions and turning have been indicated on the plan, the LHA are satisfied with these arrangements.

From an inspection of the amended plan the splays do not appear to have been drawn correctly as per that provided for approved AL/95/13. From an assessment using LHA mapping the splays appear to be wholly within maintainable highway. Furthermore greater visibility than what has been annotated appears achievable. To the south the splay should be drawn to the carriageway edge or 1m in into the carriageway from the edge, not to the centreline as currently shown. From our own mapping approximately 60 metre is achievable and it is acknowledged that splays were previously agreed. Nevertheless they should be demonstrated as per AL/95/13. The LHA are satisfied that this can be secured via condition.

No highways safety or capacity reasons for refusal. If the LPA are minded to approve the application then conditions should be secured for parking and turning, cycle parking and visibility splays from the previously approved access of 2.4m x 70m to the north and 2.4m x 59m to the south."

ADC DRAINAGE ENGINEERS - "Soakaways to be investigated for new impermeable area. Please apply standard conditions ENGD2A. A foul sewer crosses the site, Southern Water should be consulted and any easements adhered to."

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Special Control of Adverts;
Part Flood Zone 2; and
Class A Road.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	GEN3	Protection of the Countryside
	GEN5	Provision of New Residential Development
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN11	Inland Flooding
	GEN12	Parking in New Development
	GEN32	Noise Pollution

Publication Version of the Local Plan (October 2014):	C SP1	Countryside
	D DM1	Aspects of Form and Design Quality
	D DM3	External Space Standards
	D SP1	Design
	ECC SP2	Energy and climate change mitigation
	ENV DM4	Protection of Trees
	H DM1	Housing Mix
	T SP1	Transport and Development
	W DM2	Flood Risk
	W DM3	Sustainable Urban Drainage Systems

Aldingbourne Neighbourhood Plan 2016 POLICY EH1	Resist development outside
Aldingbourne Neighbourhood Plan 2016 POLICY EH10	Unlit village status
Aldingbourne Neighbourhood Plan 2016 POLICY EH5	Development in Flood risk areas will not be supported unless...
	Surface Water Management
Aldingbourne Neighbourhood Plan 2016 POLICY GA1	Promoting Sustainable movement
Aldingbourne Neighbourhood Plan 2016 POLICY GA3	Parking and new development
Aldingbourne Neighbourhood Plan 2016 POLICY H1	New housing or altering dwellings
	Quality of Design
Aldingbourne Neighbourhood Plan 2016 POLICY H2	Range of house types
	Housing Mix
Aldingbourne Neighbourhood Plan 2016 POLICY H3	Housing density
Aldingbourne Neighbourhood Plan 2016 POLICY H7	No support development near noisy business
	Development in the vicinity of business
Aldingbourne Neighbourhood Plan 2016 POLICY H8	Dwellings must have adequate private or shared amenity.

Aldingbourne Neighbourhood Plan 2016 POLICY H9
Outdoor space
Items to consider e.g. - bin stores
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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Whilst an NDP is under preparation it will be afforded limited 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).

Relevant policies in the Aldingbourne Neighbourhood Plan have been taken into account.

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 the site lies outside the built up area boundary where new residential development is unacceptable.

OTHER MATERIAL CONSIDERATIONS

It is important to consider the planning history of the site namely that there is an extant outline planning permission (AL/95/13) for three dwellings across the whole site (one of which is in the application site). The principle of residential development has already been established and this represents a valid 'fall-back' position.

CONCLUSIONS

PRINCIPLE:

The site is around 245m northeast of the edge of the defined Westergate built up area boundary. The opposite side of Fontwell Avenue is within the parish of Eastergate and the site is only around 18m to the west of the defined edge of Eastergate's built up area boundary.

Nevertheless, the site is outside of the built up area in a location not allocated for housing. Therefore, the principle of development is considered unacceptable other than for certain types of development. Development Plan policies seek to exert strict control over development in the countryside to protect it for its own sake. Development will only be permitted if the criteria set out are met or where there is a strong justification for a countryside location. Government planning advice indicates that planning authorities should continue to ensure that the quality and character of the wider countryside is protected, and where possible enhanced.

It is noted that in the Publication Version of the emerging Local Plan (2014), policy H SP1

establishes strategic housing, parish and town allocations. This policy states that there will be a site specific allocation of at least 2000 homes on land between Barnham, Eastergate and Westergate.

The Aldingbourne Neighbourhood Development Plan (NDP) does not allocate land for housing. This was as a result of recommendations made by the Independent Examiner into the first version of the Plan which were that there was no need for housing allocations as recent planning permissions had satisfied the housing targets for the Parish. The NDP includes a windfall sites Policy (H6) but this only applies within the built up area boundary.

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

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

The weight afforded to Neighbourhood Plans has been clarified by a written Ministerial Statement (13/12/16) which confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise:

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old;
- The NDP allocates sites for housing; and
- The Council can demonstrate a three-year supply of deliverable housing sites.

Only one of the above circumstances arises as although the Neighbourhood Development Plan (NDP) has only recently been published, the NDP does not allocate any sites for housing and Arun District Council can only currently demonstrate a 2.15 year supply of deliverable housing sites. Although only recently published, the relevant policies for the supply of housing in the NDP cannot be considered to be up-to-date.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Furthermore, paragraph 49 states that:

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

sites".

NPPF TEST ON SUSTAINABILITY:

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system

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.

The site is located within the countryside between the defined settlements of Westergate and Eastergate. The site is reasonably close to both built up area boundaries and is considered to be within walking distance of local shops & facilities within the settlement of Westergate to the west (such as Eastergate Post Office at 324m, the Esso Petrol Station at 600m & the Ormiston Six Villages Academy at 650m) and within walking distance of the doctors surgery on Barnham Road to the south (at 515m). The nearest bus stops are only 220m from the site.

Although part of Fontwell Avenue only has pavement on one side and does not have streetlights, there are residential properties along both sides of the road and it is not considered to be an unsafe or unattractive walking route. It is considered this is a sustainable location for new development.

Social Role-

It is considered the proposal will support the local community by providing two new houses to help meet future needs. This factor weighs in the scheme's favour.

Economic Role-

It is considered the proposal will (1) lead to a small increase in Council Tax receipts; (2) lead to a small increase in New Homes Bonus payments; and (3) create a limited number of jobs during construction. All of these would provide a small benefit to the local economy. These economic factors weigh in the scheme's favour.

Assessment-

It is considered that the proposals is environmentally acceptable and offers economic & social benefits. As such, it is sustainable development and therefore benefits from the presumption on favour of sustainable development as set out within paragraphs 14 and 49 of the NPPF.

SUMMARY OF SUSTAINABILITY & PRINCIPLE:

This site lies in a countryside location outside the defined built up area. Relevant local plan policies for the supply of housing should not be considered up-to-date as Arun District Council cannot

demonstrate a 5 year supply of deliverable housing sites. Furthermore, according to the recent Ministerial Statement, housing policies within the NP should be considered out-of-date.

The above analysis shows that the proposal represents sustainable development and benefits from the presumption on favour of sustainable development set out in paras 14 and 49 of the NPPF. It is therefore, not necessary to consider the 'fall-back' position in terms of the extant outline approval for a dwelling on this site. However, this does also weigh in favour of the application.

DENSITY & CHARACTER:

It is important to note that there is an extant outline permission for 3 detached dwellings across the whole site (AL/95/13) and that one of these dwellings falls within the application site. It was previously considered that the three dwelling scheme was acceptable in character having regard to the spacing and plot sizes of nearby dwellings but that the scheme represented a very low density and that there was scope to increase the number of dwelling across the site from 3 to 4.

However, the appeal dismissed scheme (AL/106/15/OUT) for 5 detached dwellings was considered to represent an overdevelopment of the site and this was principally on the basis of the narrow gaps between the dwellings. The current proposal increases the number of dwellings across the site to 4 but does whilst providing good sized gaps to the boundaries with Westfield House and with plot 2 (2m/2.5m to Westfield House & 2.4m/2.5m to plot 2). Although these gaps are narrower than those of the three dwellings to the north, they are broadly the same as those of the dwellings on the opposite side of Fontwell Avenue.

Furthermore, it cannot be said that semi-detached houses are out of character as there are four semi-detached properties immediately opposite the site on the other side of Fontwell Avenue. The proposal also retains the same sense of spaciousness to front and rear as per the approved three dwelling scheme.

It is considered this proposal represents an improvement on the appeal dismissed scheme and is acceptable in respect of character issues. The elevations show a fairly traditional building shape and a height which is no greater than Westfield House. The proposed fenestration and materials (including slate, cladding & render) are more modern in appearance and are not really in character with Westfield House or those dwellings opposite. This is not a location noted for its historical character and conditions can be imposed to control materials used in the build.

RESIDENTIAL AMENITY:

The appeal dismissed scheme (AL/106/15/OUT) for 5 detached dwellings was partly considered to be unacceptable on the grounds of the positioning of the plot adjacent to Westfield House in that it would have taken light away from neighbouring dwelling's front principal windows. The appeal Inspector agreed with the Council on this issue.

On the other hand, this application proposes to site a dwelling on the same building line as Westfield House with no forward projection. The rear of the proposed dwelling sits slightly further west than the rear of Westfield but there is no impact on a 45 degree angle drawn from Westfield's rear windows. Westfield House has no flank facing windows and so the proposed first floor bathroom window will not result in any privacy loss. The raising of the existing boundary treatment

to say 1.8m would give protection to the flank windows of Westfield's rear conservatory.

NOISE:

Concerns were raised by Environmental Health Officers to AL/95/13 regarding the potential for the new houses to be affected by noise from the A29 to the east and/or the scrapyards to the west. This was considered to be an important issue but not one that would prevent development. Instead, a planning condition was attached to the previous permission to ensure that the new houses were built with measures that will minimise noise impacts and protect future residents. Environmental Health have not been consulted on this application but it is not considered that anything has changed with respect to potential noise pollution and as such, it is recommended that the same condition be applied to this application.

HIGHWAYS & PARKING:

As is reported above, WSCC has not raised any objections to this scheme which utilises an existing access into the A29 and is subject to a previously agreed road layout. Furthermore, the layout drawing demonstrates that there is sufficient off-street parking space to meet likely demand.

TREES:

In order to create the necessary visibility splays agreed with WSCC Highways, the developers will need to either remove or prune back significantly trees located along the site frontage. The loss of these trees would be regrettable but necessary in the interests of highway safety. The trees have been assessed and are not considered to warrant protection and no objection was raised to their loss on either of the previous applications. The application will be required to provide replacement tree planting and landscaping and this would be dealt with by planning condition.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard). The proposal is for 2, three bedroom, 5 person dwellings and the required internal floor area for each is therefore 93m². Each dwelling has an internal floor area of 145m² and complies with this standard.

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. The policy sets out a requirement that gardens should be at least 10m deep. This is in part to achieve a back-to-back interface distance of 20m but also to provide a usable space. This part of the standard could be relaxed if a garden was say 10m wide and/or if there was no/were no potential for there to be a dwelling to the rear. The policy sets out a garden area requirement of 85m². The proposed plots have rear gardens at least 41m deep with an average width of 11.5m and therefore comply with the standards in all respects.

FLOODING & DRAINAGE:

The site is part located within Flood Zone 2 and part Flood Zone 1. The houses are considered to largely fall within Flood Zone 1 and it is their gardens that are in Flood Zone 2.

The Environment Agency's response to AL/95/13 (which included dwellings within the area of Flood Zone 2) required that the mitigation proposed by the submitted Flood Risk Assessment be adhered to. It is proposed to impose a condition to this effect and this principally requires that finished floor levels are set no lower than 13.5m above Ordnance Datum (AOD). This is the same approach taken on AL/95/13.

One of the Parish Council's concerns with the application is that there would be adverse impact on surface water management as the dwellings are too large on the plots. The Council's Drainage Engineer does not consider the size of the dwellings to be detrimental to surface water management and a condition is proposed to require details of the surface water management scheme to be agreed.

SUMMARY:

It is considered this proposal represents sustainable development and therefore given the Council's housing land supply situation and the weight to be afforded to the Aldingbourne NP, the NPPF presumption in favour of sustainable development takes precedence. Furthermore, the site has the benefit of an extant permission for residential development.

The concerns of the Parish Council and the neighbouring property have been considered within the above report but are not considered to be such that the presumption in favour should be withheld. It is therefore recommended that permission is 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 neutral impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

"Site Plan" Drawing No. SP01 Rev A;
"Proposed Layouts & Outline Section" Drawing No. X01;
"Proposed Elevations" Drawing No. X04 Rev C; and
"Street Scene" Drawing No. X12.

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

- 3 The development permitted by this planning permission shall only be carried out in accordance with the submitted Flood Risk Assessment. In particular, all finished floor levels should be set no lower than 13.5m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure safe access/egress from/to the site and to reduce the risk of flooding to the proposed development and future occupants all in accordance with the National Planning Policy Framework.

- 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 new soakaways should be located within 5metres of the public sewer which crosses the eastern (front) part of the site.

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. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 5 Development shall not begin until a scheme for protecting the proposed dwellings from noise from A29 road traffic and noise from the scrapyard to the West has been submitted and approved by the Local Planning Authority. Any works which form part of the scheme approved by the Authority shall be completed prior to the occupation of any of the dwellings. The noise protection measures shall be retained thereafter.

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

- 6 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- * all previous uses
- * potential contaminants associated with those uses
- * a conceptual model of the site indicating sources, pathways and receptors
- * potentially unacceptable risks arising from contamination at the site;

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

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

- 7 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 has 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.

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

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

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

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

- 10 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 Ref SP01 Rev A. The access shall be permanently retained thereafter as per the approved details.

Reason: To secure satisfactory standards of access for the proposed development in accordance with Policy GEN7 of the Arun District Local Plan and paragraphs 32 & 35 of the NPPF.

- 11 No part of the development shall be first occupied until visibility splays of 2.4m x 70m to the north and 2.4m x 59m to the south have been provided at the proposed site vehicular access onto the A29 Fontwell Avenue in accordance with the approved planning drawing SP01 Rev A. Once provided, the splays shall thereafter be maintained in perpetuity and kept free of all obstructions over a height of 0.6m above the adjoining carriageway level or as otherwise agreed.

Reason: To secure satisfactory standards of highway safety in accordance with Policy GEN7 of the Arun District Local Plan and paragraphs 32 & 35 of the National Planning Policy Framework.

- 12 No part of the development shall be first occupied until vehicle parking and turning spaces have been constructed in accordance with approved drawing SP01 Rev A. The parking spaces and turning areas 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 Policies GEN7 & GEN12 of the Arun District Local Plan and paragraphs 32 & 35 of the NPPF.

- 13 Details for the secure storage of bicycles within each new residential plot shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling. 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 and paragraphs 32 & 35 of the National Planning Policy Framework.

- 14 Details for the storage of domestic rubbish and recycling within each new residential plot shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of either of the two dwellings of development.

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

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

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun District Local Plan policies GEN7 and GEN31.

- 16 No development or new tree planting should be located within 3 metres of either side of the centreline of the public sewer which crosses the eastern (front) part of the site and all existing sewer infrastructure shall be protected during the course of construction works.

Reason: In the interests of protecting the existing public sewer and in accordance with Arun District Local Plan policies GEN7 and GEN9.

- 17 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.

- 18 The two first floor bathroom windows shall at all times be glazed with obscured glass.

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

- 19 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 flank walls of the new dwellings 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.

- 20 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 21 INFORMATIVE: 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.

- 22 INFORMATIVE: 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 available for information. Any discharge of surface water/treated effluent to the watercourse must be restricted to greenfield runoff rates. The flow from the package treatment plant should be estimated from ALL properties connecting into it. The Environment Agency should be consulted as they would have to permit the discharge of treated effluent. The ditch systems must be maintained and the upgraded culvert at the access will require consent from us. Detailed design of the culvert should be provided.

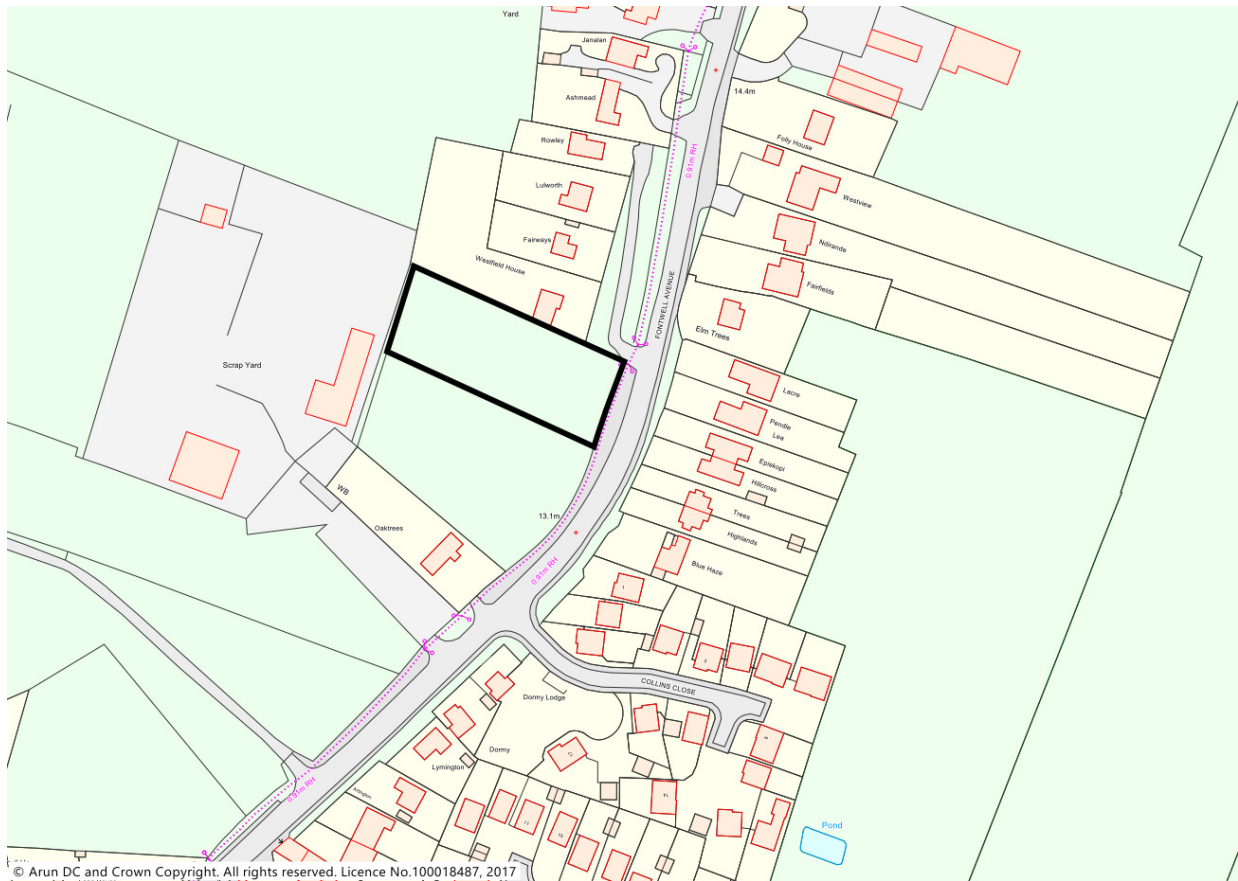
- 23 INFORMATIVE: It is requested that consideration be given to raising/improving the existing boundary to Westfield House in order to protect their privacy. Details of such improvements should be submitted with the plot boundary treatments required by the above

condition.

- 24 **INFORMATIVE:** The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader, West Sussex County Council, County Hall, Chichester, West Sussex, PO19 1RQ. (Tel no. 01243 642105).
- 25 **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.

AL/121/16/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:** BN/61/16/PL**LOCATION:** Land to the North of the Flint Barn
Yapton Road
Barnham
PO22 0AZ**PROPOSAL:** Removal of existing storage building & erection of a single dwelling -
Departure from the Development Plan**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Single storey pitched roof one bedroom dwelling measuring 4.7m (W) by 14.6m (L) with a total height of 4.4m (2.2m to the eaves). Total footprint of 66.6m ² . The proposal includes new hard surfacing approximately 11m in length across part of the Flint Barn's garden to connect the existing road access to the site. There is parking provision for at least two cars.
SITE AREA	0.1181 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	8.5 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site is bordered to the west by a part 1.8m high fence/part 3-4m high mature hedge, to the east by a 3m high hedge and to the south by the afore mentioned 4m high mature hedge. To the north there is a metal fence with an access track beyond and then a 2m high manicured hedge to the caravan park.
SITE CHARACTERISTICS	The site lies within an enclosed piece of land which was previously used for the storage of up to 10 caravans, a shipping container, a curved roof storage building (the subject of the conversion application) and a small timber shed.
CHARACTER OF LOCALITY	The area is semi-rural in character being set back from the main road and bordering a caravan park and a small horticultural nursery site. The closest residential property, the Flint Barn is a former barn conversion.

RELEVANT SITE HISTORY

BN/33/15/PD Prior approval for change of use from storage

	(Class B8) to dwellinghouse (Class C3)	No Object'n + Conds 06-10-2015
BN/38/14/CLE	Application for certificate of lawfulness for an existing use as residential garden ground	Approve 07-01-2015
BN/3/14/CLE	Application for a Lawful Development Certificate for existing use for the storage of caravans and undercover and open air ground storage.	Approve 06-03-2014

The site currently has the benefit of a Lawful Development Certificate for the storage of caravans and other items. The description included both undercover and open air ground storage and the decision notice made reference to the various buildings on the site.

The land to the immediate south has the benefit of a Lawful Development Certificate for residential garden.

Prior Approval was granted in October 2015 for the conversion of an existing storage building into a 1 bedroom dwelling. This permission expires on the 15th April 2018. The permitted dwelling measured 4.9m (W) by 7m (L) by 2.6m (H) with a footprint of 34.3m².

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham Parish Council

"At the meeting of Barnham Parish Council on 5th December the Council resolved to raise an objection to this application in respect of the design (it was felt that the increased footprint from the previous application was excessive) and the access road to the site which it is believed would not be suitable for emergency vehicle or waste collection vehicles."

COMMENTS ON REPRESENTATIONS RECEIVED:

It should be noted that the site has the benefit of an existing consent for a dwelling and therefore, whether suitable or not, the access road could in the future serve a dwelling regardless of whether this planning permission is granted.

CONSULTATIONS

Engineers (Drainage)

Engineering Services Manager

Southern Water Planning

Environmental Health

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - Request an information regarding connection to the public sewer network.

ADC DRAINAGE ENGINEERS - Request a surface water condition.

ADC ENVIRONMENTAL HEALTH - Request a contamination condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside Built Up Area Boundary;
 Class C Road;
 Special Control of Adverts;
 PD Restriction;
 No Public Sewer; and
 Lidsey Treatment Catchment Area.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development
	GEN29	Nature and Conservation Across the District

Publication Version of the Local Plan (October 2014):	C SP1 Countryside
	D DM1 Aspects of Form and Design Quality
	D DM3 External Space Standards
	ECC SP2 Energy and Climate Change Mitigation
	ENV DM5 Development and Biodiversity
	T SP1 Transport and Development
	W DM3 Sustainable Urban Drainage Systems

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES11	Energy efficiency of new development
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 ES8	Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
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 Integration of new housing into surroundings
POLICY H4

Barnham & Eastergate Neighbourhood Plan 2014 Outdoor space
POLICY H5

Barnham & Eastergate Neighbourhood Plan 2014 Attention to detail
POLICY H6

Barnham & Eastergate Neighbourhood Plan 2014 Drainage for new housing
POLICY H7

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham;

Ferring; Kingston; Kingston; Littlehampton; Rustington; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Whilst an NDP is under preparation it will be afforded limited 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).

Relevant policies in the Barnham & Eastergate Neighbourhood Plan have been taken into account

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 adopted and emerging Local Plan policies in that the site lies outside the built up area boundary where development is generally not allowed. However, the proposal does not conflict with the Barnham and Eastergate Neighbourhood Plan which does not have a built up area boundary policy and which allows infill residential development across the Parishes.

OTHER MATERIAL CONSIDERATIONS

It is considered that the presence of the Prior Approval (BN/33/15/PD) for conversion of a storage building to a dwelling is an important material consideration in the determination of this planning application as it represents an approved 'fall-back' position. This is elaborated on further in the Conclusions section.

CONCLUSIONS

PRINCIPLE:

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

wider countryside is protected, and where possible enhanced.

The site is in a location that is not allocated for housing. In the Publication Version of the Local Plan (2014), policy H SP1 establishes strategic housing, parish and town allocations. This policy states that there will be a site specific allocation of at least 2000 homes on land between Barnham, Eastergate and Westergate.

The Barnham & Eastergate Neighbourhood Development Plan (NDP) allocates land elsewhere within the area for 60 houses. However, Policy H2 states that permission will be granted for small residential developments on infill and redevelopment sites within the area. This policy does not state that such sites need to be within the built up area boundary.

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

The National Planning Practice Guidance (NPPG) has provided clear guidance on the issue of the weight that can be given to both the adopted local plan and emerging or made Neighbourhood Plans where the District Council cannot demonstrate the 5 year supply of deliverable housing sites.

It is considered that the adopted development plan policies relating to housing supply are out of date and the emerging Local Plan policies carry limited weight at this time.

The weight that can be afforded to Neighbourhood Plans has recently been clarified by a written Ministerial Statement (13/12/16) which confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise:

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old;
- The NDP allocates sites for housing; and
- The Council can demonstrate a three-year supply of deliverable housing sites.

Only one of the above circumstances arises as the Barnham & Eastergate Neighbourhood Plan is more than 2 years old and although it allocates sites for housing, Arun District Council can only currently demonstrate a 2.15 year supply of deliverable housing sites.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Furthermore, paragraph 49 states that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-

to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

NPPF TEST ON SUSTAINABILITY:

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system

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.

The site is located within defined countryside outside of the settlement of Barnham. The nearest pub is considered to be the Murrell Arms at a walking distance of 590m. The nearest shops are the Barnham Trading post (850m) or the soon to open, Tesco Express (890m). Barnham railway station is opposite the Tesco and there are additional shops and services in the vicinity of these. All of these distances are considered to be acceptable walking or cycling distances.

However, the first 300m of this route is via a narrow (approximately 1 person wide) unlit footpath on the northern side of Yapton Road. There are also no designated Cycle lanes along Yapton Road. The nearest bus stops are on the B2233 Yapton Road - either in a westerly direction at a walking distance of 450m, or in an easterly direction at a walking distance of 380m. Furthermore, it is noted that the bus service, the 66 (Bognor Regis - Barnham - Yapton - Walberton - Bognor Regis) only runs between 7am and 6pm and is relatively infrequent (with pick ups every 1-2 hours).

As such, although it would be possible to walk, cycle or walk to catch a bus from the site to nearby shops & facilities, in reality it is not considered that these options would be attractive compared to the private car. Whilst there are other houses in the vicinity of the site, it is considered that the proposal would result in a new dwelling in a relatively isolated location in the countryside and in an unsustainable location. In the absence of evidence to demonstrate any of the special circumstances set out in Paragraph 55 of the Framework, it would be contrary to its requirements.

Social Role-

It is considered that the proposal will support the local community by providing one new 1 bedroom house to help meet future needs. This factor weighs in the scheme's favour.

Economic Role-

It is considered that the proposal will (1) lead to a small increase in Council Tax receipts; (2) lead to a small increase in New Homes Bonus payments; and (3) create a limited number of jobs during construction. All of these would provide a small benefit to the local economy. These economic factors weigh in the scheme's favour.

Assessment-

The proposal would provide one new home which would contribute, albeit in a very minor way, to the district's housing needs and would result in limited economic benefits. These economic factors weigh in the scheme's favour. However, it is not considered the location of the site would contribute to the achievement of the social dimension of sustainable development and this would partly conflict with environmental goals.

SUMMARY OF SUSTAINABILITY & PRINCIPLE:

This site lies in a countryside location outside of the define built up area boundary. However, relevant local plan policies for the supply of housing should not be considered up-to-date as Arun District Council cannot demonstrate a 5 year supply of deliverable housing sites. Furthermore, although the Barnham & Eastergate Neighbourhood Plan does not prevent infill housing development outside the built up area boundary (and as such would support this proposal), as according to the recent Ministerial Statement, housing policies within the Neighbourhood Plan should be considered to be out-of-date.

It is then necessary to consider whether the proposal is sustainable development and if so would take advantage of the NPPF presumption in favour of sustainable development. The above analysis shows that the site is not sustainably located and the benefits of the proposal would not outweigh the environmental harm. Therefore, it is not considered that the proposal would be acceptable in principle. It is therefore necessary to consider whether there are any material considerations which would outweigh this 'in-principle' objection.

THE PERMITTED 'FALL-BACK' POSITION:

The site benefits from an existing Prior Approval (BN/33/15/PD) which allows for the conversion of a storage building to a dwelling. This permission expires in April 2018 and therefore could be implemented even if this planning application were refused. This represents an important 'fall-back' position.

The applicant has submitted a copy of an appeal decision (APP/L3625/W/14/3000194) which concerned a proposal for a new single dwelling in place of three agricultural barns that had previously received Prior Approval for conversion to dwellings. The Inspector's decision stated in respect of the 'fall-back' position that:

"On 6 October 2014 the Council granted approval for the conversion of the existing agricultural buildings on the appeal site to 3 dwellings. The same agricultural buildings are the subject of the current appeal. As such, both parties are agreed that the prior approval represents a fall-back position which is a relevant material consideration within this appeal. Whilst there appears to be a dispute as to whether or not the approval has been implemented, the Council accepts that the approval is extant so this dispute is of no consequence. I accept that this is a material consideration which I shall take into account during my determination." (Paragraph 2)

And that:

"Notwithstanding my findings above, there is an extant planning permission for 3 dwellings on the

site in the same location as the appeal proposal and this carries significant weight in my determination. If the appeal proposal succeeds and the permission is implemented, the fallback position could not be implemented and the appeal proposal would result in one dwelling in an unacceptable location as against a fallback position whereby three dwellings could be built. There is nothing before me to suggest that the fallback position would not be implemented if this appeal fails. Therefore, whilst the site is within an unacceptable location, given the existence of a realistic fallback position, I conclude that it would not be appropriate to withhold planning permission for the appeal proposal on the basis of its location." (Paragraphs 9-10)

The result of the 'fall-back' position is that the principle of residential development on the site has already been established and that there would be no net gain in the number of dwellings on the site between the approved and proposed schemes. It is therefore, only necessary to consider the impacts associated with the additional size of the dwelling.

DESIGN & VISUAL AMENITY:

The proposed dwelling will have double the footprint of the existing and be around 2m higher. However, it remains as a single storey building and is not considered to propose an inordinate amount of internal space. Indeed, as set out below, the required amount of internal space for a dwelling of this nature is 50m² and the proposal provides only 10m² more than this requirement.

The site is well set back from Yapton Road and will also be 19m from the access road. Together with existing boundary treatments, it is not considered that the dwelling will be prominent in views from these nearby public viewpoints. The dwelling will be reasonably close to the caravan site land to the north and west but the existing hedge screening will limit views of the structure from these locations. Any gaps in the screening to the site can be mitigated through a planting scheme.

Furthermore, it is considered that the building design and materials (timber cladding/clay tiles) are appropriate to this rural location. The proposed curtilage will be significantly larger than that previously allowed in connection with the Prior Approval. However, it would not be appropriate in amenity terms to maintain a storage use adjacent to this dwelling and as such, it is considered acceptable in these circumstances to allow the residential use of the whole site. Notwithstanding, a condition will be imposed removing permitted development rights for outbuildings.

RESIDENTIAL AMENITY:

The single storey nature of the dwelling together with the nature of existing boundary treatments and the distance of the dwelling from other nearby dwellings all combine to mean that the proposal will not result in any loss of amenity to nearby residential occupiers.

HIGHWAY ISSUES:

There was formerly gated access to the site from within the caravan park to the immediate north. There is also access via two gates from the access road to the south although this involves driving across grassed garden and would not be suitable for long term intensive use. The applicant therefore intends to hard surface the route from the access road to create a new road to service the site. WSCC Highways have not been consulted as the access is onto an unclassified private road. However, it is not considered that the introduction of the new surfacing or the slight

intensification in use will have a noticeable impact on highway safety in this location. Traffic speeds using the private access road are low and there is good visibility in both ways at its junction with Yapton Road.

The proposal complies with the West Sussex Parking Demand Calculator in terms of meeting the anticipated demand for 2 car parking spaces. A condition will be imposed to require the provision of a small cycle store and to provide a refuse enclosure. It is anticipated that refuse bins can be wheeled to the junction of the site access with the private access road and picked up/dropped off from there. There is an adjacent dwelling here, Sunnyside Barn and the new dwelling would be serviced in the same manner to this.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) and the external amenity standards, set out in Policy D DM3 of the Emerging Local Plan (publication version). A single storey, one bedroom, two person dwelling requires an internal floor area of 50m². The proposed internal floor area is 60m². The proposed garden is considered to be well in excess of the 50m² requirement

SUMMARY:

Although this proposal seeks permission for a new dwelling in the countryside and is in principle inappropriate, regard should be had to the permitted fall back position in terms of the prior approval for conversion of a storage building to dwelling as granted under BN/33/15/PD. For this reason, the principle of the development is considered to be acceptable. The above report concludes that there is no harm to the character of the area from the increased size of the dwelling and all other issues are dealt with. It is therefore recommended that permission is 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 development hereby approved shall be carried out in accordance with the following approved plans:

Drawing 1607FL-000 "Location Plan, Block Plan"; and
Drawing 1607FL-001 "Proposed & Approved Plan & Elevations".

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

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

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

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

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

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 4 No development above damp proof course (DPC) level shall take place until there has been

submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation

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

- 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 has 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 No part of the development shall be first occupied until the access road serving the development has been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development in accordance with Policy GEN7 of the Arun District Local Plan and paragraphs 32 & 35 of the National Planning Policy Framework.

- 7 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed 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 adequate on-site car parking and turning space for the development in accordance with Policies GEN7 & GEN12 of the Arun District Local Plan and paragraphs 32 & 35 of the National Planning Policy Framework.

- 8 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 the dwelling. 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 and paragraphs 32 & 35 of the National Planning Policy Framework.

- 9 Before the dwelling hereby permitted is occupied a refuse/recycling bin enclosure shall be provided as part of the development in accordance with detailed drawings to be submitted

to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof. The bin store shall thereafter be retained and maintained.

Reason: To safeguard the appearance of the property and the amenities of the area in accordance with policies GEN7 of the Arun District Local Plan.

- 10 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.

- 11 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 house shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

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

- 12 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.

- 13 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.

- 14 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.

BN/61/16/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/156/16/PL**LOCATION:** Regis Centre, Car park & Place St Maur des Fosse,
Belmont Road Car Park at Queensway, 3 Kiosks,
Area of land West of Pier, Land East of Rock Gardens
Bognor Regis
PO21 1BL**PROPOSAL:** Redevelopment of the Bognor Regis Centre to provide 6358 sqm of commercial space (including leisure facilities) for mixed development, 64 room hotel, 192 apartments with the provision of 30% Affordable housing units compliant with policy Car parking, creation of a new board walk & conversion of Place St Maur des Fosse into a Plaza, soft & hard landscaping. Redevelopment of the Hothampton car park to provide a 1100 seat theatre, with a 48 bed hotel & conference facilities, the provision of 2 retail units facing onto the Queensway, relocation of childrens play area & upgrading of the facility, plus hard & soft landscaping. Redevelopment of the Esplanade Theatre site to provide a 200 cover Destination Restaurant and relocation & upgrade of the existing skate park to adjacent to the Pier. Provision of 3 new kiosks along the Promenade to provide retail, toilets & showers. This application is a resubmission of BR/26/15/PL. This application affects the setting of a Listed Building & may affect the character & appearance of The Steyne Conservaton Area**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION

Site A - The Regis Centre

It is proposed to demolish the Bognor Regis Centre, including the Alexandra Theatre and the side extension of the Town Hall, Brewers Fayre Pub/ Restaurant and ancillary accommodation, and provide the following within a six storey building:

- 192 residential units (flats) of which 57 (30%) are proposed to be affordable units,
- 64 bed hotel accommodation
- 1 pub/ restaurant (632m²)
- 1 cafe (225m²)
- arts centre
- virtual golf course
- climbing wall
- other virtual games (total leisure = 1908m²)
- 7 x retail units (612m²)
- 2 x offices (279m²)
- basement parking with 335 spaces

A Plaza/ Interactive digital square is proposed as a

multipurpose space for outdoor entertainment and markets. A single storey service building would be located within the Plaza.

The proposal also includes landscape improvements to the Place St Maur to link the town centre to the seafront and a children's play area.

This would total 6358m² of commercial mixed use space.

It is also proposed to construct a boardwalk in front of the main building in order to provide pedestrian access to the front of the proposed development. The boardwalk would be constructed of impressed concrete with wood grain or 'concrete' boards and would run the full length of the building, linking with the open space in the Place St Maur.

The scheme includes provision for 309 parking spaces in a basement car-park. 18 on street parking spaces are shown as 'chevron parking' on the Esplanade frontage of the site and an additional 10 spaces are shown as part of a 'service area' to the rear of the Council offices and accessed from Belmont Street.

The total of 335 parking spaces are proposed to be allocated to the uses as follows:

- 193 residential
- 65 leisure
- 37 hotel
- 11 staff
- 17 disabled (14 shown in basement)
- 12 town hall

The proposed building has three main elevations fronting onto the Esplanade, Alexandra Terrace and Place St Maur des Fosse. The rear elevations face onto the proposed Plaza which opens onto Belmont Street. The principal elevation would face the seafront and promenade, extending 155m in length and would be six storeys in height. The elevation would include balconies associated with the apartments and a covered walkway in front of the retail units. The proposed materials include decorative steel columns for the walkway at ground level. The balconies would use black metal columns and balustrading. The sash windows and doors are proposed to be white painted timber, with white render treatment for the building as a whole. The architraving and main arch and columns would be re-constituted stone.

The elevation fronting Belmont Street would extend 45m in length, with five storeys rising to six storeys on the corner. The Place St Maur des Fosse elevation would extend 72.5m.

The elevation fronting Alexandra Street would comprise five storeys rising to six on the corner fronting onto the Esplanade.

Basement level

Access to the underground car park would be taken from two new access points, one off Alexandra Terrace (adjacent to the Town Council offices) and one off Belmont Street. Egress would be from Clarence Road. The basement would also include bin storage provision and cycle storage. The basement fronting onto Alexandra Terrace includes leisure elements which require double height, a foyer, changing rooms, toilets and an office.

Ground Floor

The proposed ground floor of the building includes the double height leisure areas and gallery area on the Alexandra Terrace frontage. A leisure/ arts centre, seven retail units and an arcade. Four of the retail units front onto the proposed boardwalk and two front onto the Plaza, with the other unit accessed from the arcade. The pub/restaurant unit is proposed to front onto Place St Maur des Fosses, along with the hotel reception, with a cafe unit on the corner (partly fronting Belmont Street). Two office units would front onto Belmont Street. Three apartments on the ground floor would overlook the Plaza.

First Floor

The proposed first floor includes hotel accommodation fronting onto the Place St Maur des Fosses and residential units in the remainder of the building.

Second, Third and Fourth Floor

The proposed second, third and fourth floor layout has the same configuration as the first floor with the exception of additional residential units over the arcade (which is has a double height ceiling).

Fifth Floor and roof

The proposed fifth floor is solely residential accommodation. The proposed roof layout shows solar panels on flat roof areas. Three domes clad in zinc (lead effect) are proposed for each corner of the building.

Plaza

A public Plaza is proposed centrally as a public open space with some private space for ground floor apartments. It is proposed to feature seating, a central conservatory structure, Boules court, water features and sculptures. An 'interactive digital square' is proposed which would provide digital maps, sports simulators and outdoor screens. The Plaza would also provide c.50 overflow parking spaces.

Place St Maur des Fosse

Immediately to the west of the building lies an area of open space within the Place St Maur. The proposal is to create a 'flexible space with different functions' by enclosing the space with a wall to the west and gated arches at the entrances to the north and south. The proposal is to enable the space to be used for open air performances and the gated access would enable ticketed events. The hard landscaping would incorporate two stepped terraces to act as a stage. A children's play area would be included within the western part of the area.

Site B - Hothampton Car Park

The proposal involves the comprehensive re-development of the existing car park to provide an eight storey theatre and hotel. The proposed theatre includes 1,100 seats, complete with associated theatre provisions (dressing rooms, toilets, bar facilities etc.) which would be located at ground level. The theatre basement includes understage rooms, orchestra pit and rooms to support the operation of the theatre. A 48 bed hotel and facilities would sit alongside the theatre at ground level, with rooms, and other provisions (including a restaurant) being located above. Two retail units are included at ground level, fronting onto Queensway. The second floor would include the theatre bar/ exhibition space and other supporting facilities for the theatre.

The upper floors would contain hotel rooms featuring balconies on the southern and northern elevations. The third floor level roof would be a green roof. The fourth floor

roof would be landscaped.

The proposed main theatre and hotel building face a southerly direction towards Hothamton Gardens. The height of the proposed theatre building is approximately 30m and the predominant finish would be near white render, with the southern elevation 'white framed curtain wall glazing'. The layout proposes the main entrance on the southern elevation leading into a foyer to the front, which would include a drop-off point and one-way internal access off an existing access which runs off Queensway to the north (leading only to the 18 outside hotel parking spaces).

To the west of the site is a proposed multi-storey car park (with three storeys above ground) providing a total of 477 parking spaces as follows (from Theatre Parking Strategy Plan):

Basement Level 1 - 120 (extends partially under the hotel and theatre)

Basement Level 2 - 135 (extends fully underneath the hotel and theatre)

Ground Level - 66 (18 outside the car park for hotel guests
First, Second and Third Floors - 156

The car park access and exit would be onto Queensway. The car park would have a shared use between the theatre, the hotel and the general public. The existing service road to the east of the site accessed from Queensway would provide access to a coach and taxi drop-off point and a small short stay car park adjacent to the theatre.

Site C - Former Esplanade Theatre (currently a skate park and greenspace area)

This site is listed as the 'Rock Gardens' within the Bognor Regis Neighbourhood Plan. The proposal on this site involves the erection of a circular restaurant with 200 covers. The restaurant is proposed on the western portion of the site and includes a pathway and landscaping to the east which leads onto the promenade. The site would be accessible from all directions.

The proposed restaurant would replace the existing skate park which is proposed for re-siting (see site D).

The proposed restaurant building is two storeys, with a domed roof feature and double height space at the centre. The ground floor includes the kitchen, toilets, 100 covers inside and a terrace overlooking the promenade providing an additional 60 covers. The first floor includes 100 covers and ancillary facilities (toilets, office etc). The dome would be lead appearance sheet roofing with glazed panels towards the centre, the external walls 'near white render' and white balustrading around the terrace. The south elevation is glazed on both the ground and first floor to take advantage of the seafront location.

The existing parking bays along the site's northern boundary would be reconfigured to provide echelon parking bays, thereby locally increasing the parking provision by 4 spaces for the restaurant.

Sites D - Promenade

This element of the proposal involves the provision of 3x kiosks set at approximately equal distance from each other along the promenade/ Esplanade. Each of the kiosks would include a small retail element and toilet/shower facilities, with seating facing the sea on the south elevation. The kiosks would have lead appearance sheet roofing, 'PPC metalwork' columns and painted timber doors and windows.

Phasing Arrangement

The proposal is intended to be phased as follows:

- Phase 1 = the construction of the theatre at the Hothamton site
- Phase 2 = demolition of the Bognor Regis Centre and the construction of the proposed development for that site
- Phase 3 = the construction of the seafront kiosks
- Phase 4 = the construction of the restaurant at the Esplanade Theatre site.

The phasing arrangement could be secured by a planning condition / S106.

Highways Alterations

The proposed one-way system along the Esplanade that formed part of the previous scheme does not form part of this proposal.

SITE AREA

The total site area is 2.76ha. Site A (Regis Centre) 1.65ha. Site B (Hothamton Car Park) - 0.75ha. Site C (Esplanade theatre site) - 0.27ha. Site D (Promenade sites) 0.08ha.

RESIDENTIAL DEVELOPMENT DENSITY

116 units/ha in respect of site A (Regis Centre).

TOPOGRAPHY

Site A - The site is relatively flat but includes a slightly raised area of greenspace/landscaping which abuts the Esplanade to the south.

Site B - The site is relatively flat.

Site C - The site is relatively flat.

Site D - The proposed skate park lies on tarmac which slopes slightly from east to west.

Two of the kiosks are proposed on the upper part of the shingle beach. One other kiosk is proposed on the promenade. All the sites are relatively flat.

TREES

Site A - There are 8 trees on the land to the south and surrounding the Regis Centre. The most notable tree within this area comprises a mature Ash tree. However, there are also 7 Sycamores within the site boundary. There is some ornamental hedge planting.

Site B - There are 39 trees around the Hothamton car park site. All trees are classified as category C. However, there is a mature Horse Chestnut of moderate quality with amenity value which lies on the site boundary. The remaining trees comprise Lime, Ash, Birch, Hawthorn, Plane, Ornamental Cherry and Holly. There is some ornamental hedge planting.

Site C - The existing skate park/park site includes low growing ornamental ground cover with cabbage palms.

Sites D - There are no trees within proximity of these sites.

BOUNDARY TREATMENT

Site A - The site is bounded by residential streets to the north and south and these respective boundaries are relatively open. There is a mix of trees and vegetation on the southern boundary of the existing car park. There is limited hedgerow coverage on the northern boundary. No

boundary treatment exists along the east and west boundaries.

Site B - Boundary treatment on the north and western boundaries comprises a mix of low level timber fencing and vegetation, but it appears mainly open.

The boundary of the site closest to the residential properties on Steyne Street includes tree vegetation screening. There are trees along the boundary with the health centre and vegetation and trees screening the site from Hothampton Park (Sunken Gardens).

Site C - The site is mainly bounded by hedgerow and/or low-set walls.

Sites D - The proposed kiosks sites are mainly open, being positioned adjacent to the beach. The kiosk and skate park proposed along the promenade are located adjacent to a retaining wall on the southern side.

SITE CHARACTERISTICS

Site A - The roughly rectangular site is currently occupied by a large, two storey mezzanine building, which overlooks the seafront and sits on the western portion of the site. The building houses the Alexandra Theatre, which is accessed from the Place St Maur, an area of open space/public realm which is also a pedestrian thoroughfare between The Esplanade (to the south) and Belmont Street (to the north). The Regis Centre also hosts a public house/restaurant which fronts the Esplanade.

The eastern portion of the site is primarily occupied by a tarmac surface public car park. In the north east corner of the site is a three storey building comprising the town hall. There is a single storey element attached to the side of the Town Hall which comprises a former fire station. This building extends along Clarence Street as a single-storey entity.

Beyond the eastern boundary, on the opposite side of Alexandra Terrace, lie residential units set over 5 storeys arranged in a linear layout (Berkeley Court). To the south the site abuts the Esplanade. To the north lies Belmont Street, the opposite side of which is occupied by a range of commercial uses and semi-detached dwellings.

To the west of the site lies Mountbatton Court which is a residential block set over 5 storeys. Mountbatton Court

fronts the Esplanade and wraps around the western edge of the Place St Maur and faces the Regis centre building at an oblique angle.

Site B - The site is located to the north west of the Regis Centre, within the town centre and adjacent to the Queensway shopping area. The site comprises a public surface car park. Part of the east of the site is faced by Fitzfleet House which is a residential complex 16 storeys in height.

The site is bounded to the north and east by Queensway (road) which includes a number of commercial and residential units ranging between two and five storeys in height. The units to the east form part of Queenways Shopping Centre, within close proximity of which is a large food store. To the west in close proximity of the site is a health centre. Immediately to the south lies a park, known as the Sunken Gardens, which includes a play area, landscaping and seating.

Site C - The former Esplanade Theatre Site lies to the southwest of the Hothamton site and is situated within the promenade setting. The site is currently occupied by a skate park and includes a landscaped area of green space to the east. To the north of the site, at a distance of approximately 40m, is the Royal Norfolk Hotel which is Grade II listed.

Sites D - The site of the proposed kiosks are positioned adjacent to the beach. One of the proposed kiosks lies to the west of the existing pier which is Grade II listed.

The site of the skate park is located on part of the promenade, adjacent to the pier and beach. To the north of the proposed skate park is additional promenade space.

CHARACTER OF LOCALITY

The application is set in the heart of urban Bognor Regis. The sites along the promenade have a distinctly coastal feel due to open views out over the beach and sea. The Hothamton site is more contained due to its location away from the seafront and the proximity of commercial and high rise residential units.

Along the northern side of the Esplanade there are a range of properties generally four storeys or more in height. The design ranges from Regency inspired architecture to less characterful building examples from the latter part of the

20th Century. The southern side of the Esplanade is relatively free from buildings and structures and mainly comprises an open promenade raised slightly above the highway. Heading west along the Esplanade is the Bognor Regis (The Steyne) Conservation Area. This incorporates the Grade II Listed pier, and abuts the Hothamton site to the north, and the proposed restaurant site to the west.

The Regis Centre, restaurant, skate park and kiosk proposals occupy seafront locations whereas the Hothamton site is set back from the Esplanade and there are no views of the sea from ground level. The site is dominated by a public car park which serves the nearby Queensway shopping area, the seafront, and the town centre. The area is characterised by a mix of residential and commercial uses built during the latter part of the 20th Century.

RELEVANT SITE HISTORY

The main relevant history is contained in the preamble.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Although the Committee noted that some of the concerns raised by them to the previous application BR/26/15/PL had been modified and with the Neighbourhood Plan as a guide, overall Members feel that not enough had been done to address some aspects. Therefore the Committee's original response with minor amendments, stands as follows:

Although the Committee **SUPPORTS** aspects of the Planning Application because the application features a number of sites and elements, the Committee has no option but to **OBJECT** to the application overall.

Regis Centre Site:

Design - Members approve of the Georgian design which they feel is of a high quality as detailed in the Bognor Regis Neighbourhood Plan Policy 8a (Design Excellence), although concern was expressed over whether one bedroom flats combined with affordable housing would be in contradiction to this.

Mixed Use: Leisure, Culture, Entertainment - It was felt that the proposal complies with the Neighbourhood Plan, Policy 8f (Regis Centre & Mountbatten Court site) in terms of mixed use, retail provision on the ground floor, the link of the Arcade Chambers with the Esplanade and the open space retained. Members approve of these elements.

Members reaffirmed their support of the Neighbourhood Plan Policy 8f (b, c) and felt that the proposals do not reflect all the aspirations of this Policy. Members would seek to see the

addition or retention of cultural provision on this site, more pedestrian space along the boardwalk and step free access to the foreshore. The Planning Application does not reflect the Neighbourhood Plan Policy 8f (h, i now g,h) and the Committee objects to the proposed demolition of the Theatre and the significant residential proposed for this site. Parking - This Planning application goes against the Neighbourhood Plan Policy 8b (Car Parking) and therefore the Committee objects to this. The Committee feels there will be substantial loss of public parking. (Representatives of the Sir Richard Hotham project were in attendance at the meeting and were asked by the Chairman to explain why there were differing parking numbers in the SRH Planning, Design and Access Statement to the Proposed Parking Provision document. Members noted that the correct document was the Proposed Parking Provision and Members noted that the 10+ overflow spaces would be accommodated in the Gloucester Road Car Park.)

Skateboard Park:

This site is not included within the Neighbourhood Plan, and the Committee does not object to its relocation but objects to the site being proposed as it will impact on the Conservation Area and may be out of keeping with the seaside identity as detailed under Neighbourhood Plan Policy 2 (Promoting the Seaside Identity).

3 Kiosks:

Although there were no details of the proposed kiosks, the Committee does not object to the concept of the kiosks, but more detailed plans would be necessary.

Hothampton Car Park:

The proposals for this site go against the Neighbourhood Plan Policy 8g (Hothampton Car Park site, Queensway) and the Committee therefore objects to the proposals for this site. In addition the Committee feels that the building is over intensive and inappropriate in its size and location. Members are concerned over the significant reduction in daylight this building will cause to adjacent neighbouring properties.

Parking - In addition the Committee objects to what they feel is insufficient public parking since all the spaces are pre allocated, with few spaces available for public use. This Planning application goes against the Neighbourhood Plan, Policy 8b (Car Parking).

94 number of representations were received in support of the proposals:

- The redevelopment will help to Regenerate Bognor Regis
- Will bring economic benefits to the town
- Retaking the town's character and historic links to the past
- In favour of the town's change and renovation
- Benefit the night-time economy
- Generation of 260 new jobs during the construction phase including apprenticeships and NVQ training
- 204 post construction jobs in retail, leisure and cultural sectors
- Provides somewhere for young people to go
- New facilities for the whole population
- Will attract more visitors to the town
- The reasons for refusal of the previous application (parking, alterations to the highway network, accessibility to the town centre, enhancing the local character and quality of the area, design excellence, mix of affordable housing and pressure on local infrastructure) have all been responded to.

- No requirement for public funding - fully funded by private sector
- Improved leisure and cultural offering
- Subject to agreement and landowners, proposal are deliverable within 2-3 years
- The theatre, ambition to attract national and international artists and 'Streetlife' aspects will offer improved entertainment
- The proposal will allow for regular performances from the Moscow Circus drawing from a huge area, including London, without having to pay London prices
- The theatre will act as a home-base for the creation of a circus school attracting pupils nationwide and possibly Europe
- Will help Bognor Regis compete with other seaside towns
- The investment will benefit the wider economy including businesses being created for local suppliers, additional investment in associated businesses such as refurbishments and developments of nearby hotels, bars, restaurants and shops
- Will attract new businesses to the area
- The project includes a healthy balance of mixed use development
- Will improve the general townscape (both directly and with spin off investments in other local facilities and businesses)
- Visitors to the theatre/conference venue will be likely to stay in local hotels, eat in local restaurants and spend money in the town
- The proposal meets the three main elements of successful regeneration (Cultural, Economic Social and Environmental/Physical)
- Precedents show that investment in culture has the potential for a quick economic benefits
- The spin off from improved tourism and cultural regeneration can be huge
- The proposal is sustainable, economically viable and an investment for the future of Bognor Regis, it's residents, visitors and tourists
- The Sir Richard Hotham plans are widely supported, have been backed by local voting as well as an independent advisory board
- The theatre would provide high class entertainment with performances from the Royal Philharmonic Orchestra

Tourism South East - support. The proposed development of the arts and cultural facilities, conferencing and serviced accommodation via the new Theatre proposal has a sound basis, and the new and improved cultural, retail and catering facilities proposed in this project would help to address these negative perceptions and experiences [of Bognor Regis]. This particular mixed development would build on the investment made in Bognor Regis by the local authority, Butlins and the University of Chichester in the recent past and should be seen as a good opportunity to spread the benefits in the community through extending the partnership.

31 representations have been received objecting:

- There is no place for Arun Arts Company Ltd (charitable organisation that owns and runs the Regis Centre/Alexandra Theatre) in the current plans despite having many years left on their lease
- Unclear how the Arun Arts Company Ltd will fit into the stand-alone theatre/centre, how many seats it will have and above all if it will include a proscenium arch in the auditorium
- The proposed buildings cover 2 large busy car parks and make no space for the parking lost or the extra parking needed
- Uninspiring and not for the local community
- The application doesn't fill the requirement set out in the Bognor Regis Masterplan (2004)
- The block of flats would do nothing to enhance the seafront and deny any sort of light
- They flats appear elusive, planned amenities are small and wouldn't support the public

requirement

- A few shops and a restaurant can hardly be classed as regeneration
- The design is ugly
- The proposed 1100 seater theatre is just a 'throw away' to appease the requirement for entertainment or an attraction. There is a world class theatre in nearby Chichester, which is a registered charity (and yet still requires supplementary assistance). If it failed Bognor Regis Town Council will no doubt have to take financial responsibility
- The people of Bognor Regis have repeatedly requested that flats are not built on the Regis site
- The application does not provide a leisure heart as identified in area 1 on diagram in Bognor Regis Masterplan (2004)
- The application does not provide entertainment on the Regis Centre Site, as earmarked in the Bognor Regis Masterplan (2004)
- The large number of resident parking required would mean an overall reduction of public parking when more public parking will be required
- The financial viability of a theatre of this size is questionable - the current theatre requires 60-100 volunteers to keep operating
- The site may not be appropriate for a large theatre due to late night noise disturbance in a residential area
- The Destination Restaurant holds a high capacity that will be difficult to fill. It could easily become unviable and close
- The Destination Restaurant is 650m away from the theatre making it an unlikely destination for theatregoers, particularly in inclement weather
- Additional leisure provision in the form of gym and swimming pool are believed to be for members and residents only, not for the public
- Flowrider is likely to be very costly to run and therefore too expensive for the average family
- Moving the skate park to the area near the pier would mean the end of the train that runs to the west of the pier as it will be unable to turn around
- The applicants have used and referred to the MVA BRPS report (2012) which is out of date
- The echelon parking adjacent to the Regis Centre site and the Esplanade Theatre site is dangerous
- The Road Safety Audit (23.02.16) is out of date and now incorrect
- The Framework Travel Plan is out of date and invalid
- Pedestrian connectivity will be impeded
- The theatre does not contain any dressing rooms at stage level
- The application conflicts with the Bognor Regis Neighbourhood Plan
- The 1100 seat theatre is too large
- The open seafront will be spoilt by over development
- There is no 'family entertainment' at the Regis Centre site as specified in the Bognor Regis Masterplan (2004)
- The owner of Southern Leisure, trading as Bognor Regis Mini Golf states that his lease with Arun District Council forbades any lease, tenancy or concession on land owned by the council along the seafront between Marine Gardens and Gloucester Rd in Bognor Regis, which permits the creation and operation of a mini-golf or similar golf/putting facility.
- Any project that has Mr T Elliot's involvement has an element of risk, as demonstrated by his previous attempts of project management

COMMENTS ON REPRESENTATIONS RECEIVED:

The issues raised are addressed in the main report conclusions.

CONSULTATIONS

WSCC Strategic Planning
Surface Water Drainage Team
Highways England
Southern Water Planning
Environment Agency
Natural England
Historic England
Sussex Police-Community Safety
Ecology Advisor
Archaeology Advisor
NHS Coastal West Sussex CCG
The Theatres Trust
Planning and Housing Strategy
Estates Manager
Parks and Landscapes
Ecology Advisor
Economic Regeneration
Environmental Health
Engineering Services Manager
Engineers (Coastal Protection)
Engineers (Drainage)
Engineers (structural)
Building Control
Conservation Officer
Listed Building Officer

CONSULTATION RESPONSES RECEIVED:

ADC Greenspace:

- Proposal should form part of a joined up vision across the town and consider recently public realm enhancement work (fitting with design brief for wider enhancement works).
- A quality scheme is required - in terms of implementation, material choice and ongoing establishment, maintenance and cleansing.
- Additional information required on avenue tree planting, proposed location and operation of play areas.
- Skate park not considered to be in a suitable location and too small.
- Indicative planting not suitable (species choice and disregard for existing landscaping)
- Full details of planting regarding species choice, quantities and size at time of planting would need to be produced along with maintenance proposals for their establishment.

Theatres Trust:

- No objection, overall the Trust does support the creation of a new theatre, provided it is viable in

the long term, and will not result in the loss of small scale theatre provision in Bognor Regis.

WSCC Highways:

West Sussex County Council (WSCC), in its capacity as the Local Highway Authority (LHA), has been consulted on the proposed development as outlined above. The application spans a number of sites across Bognor Regis.

Comment has previously been made in respect of a similar application submitted under reference BR/26/15. The LHA objected to this application on the basis that the application failed to demonstrate that safe and suitable access could be achieved, and that it had not been satisfactorily demonstrated the development would not have a severe residual cumulative impact on the operation of the local highway network. The Applicant subsequently engaged the LHA to address the concerns raised. The current application includes the removal of the one way system proposed along the Esplanade, and the post-development capacity assessment of junctions across the local road network.

The LHA have also engaged the Applicant during the consultation period, requesting some modification to the plans and clarification on a number of points. This has resulted in the submission of additional information, dated 18/11/16 on the Arun planning portal. Some further minor modification of the access designs will be necessary as designs move through the detailed design process, which can be accommodated within the Section 278 Agreement.

It is considered that the site accords with para 32 of the National Planning Policy Framework, in that the application satisfactorily demonstrates that safe and suitable access can be achieved, and that the site does not result in a severe residual cumulative impact upon the operation of the local highway network. No objection is raised, subject to conditions and obligations detailed at the end of the report.

ADC Economic regeneration:

We welcome investment and regeneration activity in Bognor Regis. The town has seen significant positive change in recent years. The opening of the Rolls Royce Technology and Logistic Centre in January, the recent planning approval for the University of Chichester's new £35m Engineering and Digital Technology Park and the public sector investment of over £2m in the town centre public realm are some very tangible examples of investor confidence and recent regeneration activity.

This application is ambitious and potentially transformational for the town and it is encouraging that the applicants are confident that it can all be achieved without any public sector investment, particularly in the case of the new theatre provision that the developers believe can be built without public sector financial support and that the future commercial activity will make it fully financially sustainable. It is also generous of the applicants to offer free of charge the use of the theatre venue to the University of Chichester performing arts students and Arun Arts and that their performance programme would be given priority over commercial activity.

A concern would be that the more commercially attractive seafront elements of the scheme i.e. residential and retail development on the Regis Centre site would proceed first and the possibly less commercially attractive elements, such as the theatre, would not progress if financial

viability should become an issue. The community benefit from the development would then be entirely lost.

The proposal includes a destination restaurant on the former Esplanade Theatre site. This is out of scope of the original consultation exercise. The council has previously identified this site as a commercial development opportunity and officers would be recommending to Members that this prime site is offered on the open market to achieve best value as and when this was considered appropriate. Crucial to any development taking place on this site is the re-provision of the existing skate park to a suitable and appropriate location. The site identified in the application i.e. west of Bognor Regis Pier would not be suitable.

The application has notionally suggested the provision of new kiosks on the Esplanade. Their positioning and use do not align with the Bognor Regis Seafront Delivery Plan recently agreed by the Council and due to be implemented next year. These therefore would not be appropriate.

Southern Water:

- Exact position of sewers to be determined on site by the applicant before the layout of the proposed development is finalised.
- Advice provided on diversion of foul sewer if required.
- Initial desk top study indicates that Southern Water currently cannot accommodate the needs of this development without the development providing additional local infrastructure as it would increase flows into the wastewater sewerage system. Condition should be attached to ensure detailed drainage strategy for foul and surface water drainage prior to commencement.
- Advice on Sustainable Urban Drainage and suggested conditions to address.
- Advice on swimming pool discharge; waste water grease trap for the kitchen waste; and oil trap gullies for general hardstanding.

ADC Engineers:

Engineers comments in respect to surface water drainage:

Sustainable drainage measures should be investigated for draining the sites. Infiltration must be investigated in the winter period. The groundwater monitoring would also be useful to assess the viability of underground parking. Surface water should be prevented from flowing down into underground parking areas.

SuDS features (either tanked or draining to ground depending on investigation results) should be incorporated to slow the flow of water and provide treatment.

Please apply standard conditions ENGD2B, ENGD3A, ENGD5A and ENGD5B.

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

structure and the highest recorded annual groundwater level identified in that location.

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

Sussex Police:

Crime prevention advice not relevant.

Archaeology:

I broadly agree with the conclusion of the Heritage Appraisal with regard to archaeology given in section 7.4. The archaeological potential of the site is the general one that comes from the attractiveness of its position on the coastal plain to early settlement, especially in the later prehistoric and Roman periods. However, this will have been mitigated by the extensive disturbance caused by previous development. In the circumstances it would be prudent to undertake some archaeological evaluation of reasonably accessible areas ahead of development in order to ensure that deposits of importance that are present might be properly preserved. This process would be best secured following a version of standard condition ARC1 (excluding the words 'within the area indicated').

Environmental Health:

Environmental Health comments on this application are as follows in the paragraphs below. Environmental Health would object to the application based primarily on noise grounds relating to the proposed Esplanade restaurant, however further comments are below:

Noise

The noise report has not been updated and there I would re-iterate my original comments regarding noise which were submitted under BR/26/15/PL.

I note that the application now proposes a plaza for outdoor performances, concerts and entertainment. No detail is given in the application regarding any potential noise from these events, how they may impact on local residents and any mitigation that is proposed. An informative on noise is recommended as well as advice on food premises.

WSCC Strategic Planning - S106 Response:

- £130,360 - Primary Education contributions generated by this proposal shall be put towards small scale improvements at South Bersted Primary School
- £140,300 - Secondary Education contributions generated by this proposal shall be put towards additional facilities at The Regis School.
- £39,330 - 6th Form contributions generated by this proposal shall be put towards additional facilities at The Regis School's Sixth Form department.

- £3,738 Fire and rescue towards the re-development or re-location of fire stations and associated vehicles and equipment in West Sussex Fire Rescue Services Southern Area serving Bognor Regis.
 - £39,330 from the proposed development towards improving Digital Access services at Bognor Regis Library.
- Total contribution= £346,595

Number of fire hydrants to be conditioned.

Environment Officer:

We require a Preliminary protected species survey to be undertaken before determination, this may lead to further surveys and/or mitigation needing to be undertaken. Clearance of suitable nesting bird habitat (i.e. removal of trees, hedging, dense shrubs and dismantling / demolition of any building) should ideally be undertaken outside the breeding bird season, i.e. should be undertaken in the period September to February inclusive. Should it prove necessary to clear bird nesting habitat during the bird nesting season, then a pre-works check for nesting birds should be undertaken, by a CIEEM ecologist (with 24 hours of any works). If any active nests are found, activities (e.g. tree felling / vegetation clearance / building dismantling / demolition) should cease and an appropriate buffer zone should be established. This buffer zone should be left intact until it has been confirmed that the young have fledged and the nest is no longer in use.

We would like to see the placement of nesting opportunities for birds (species such as swallows, swifts and housemartins), to replace any potential loss of roosting/nesting provision. Along with bat roosting structure being put on/around the building. Appropriate designs can be found in the publication "Designing for Biodiversity: A technical guide for new and existing buildings". Ecological advice should be sort in when deciding where and which of these structures should be placed for maximum effectiveness, because thermal tolerances of each species are very important. Lighting will need to be kept to a minimum, as lighting levels have a effects on nocturnal species such as bats, flying invertebrates and various mammal species. To this effect we would wish to see a lighting plan. This point will be needed to be addressed before determination. There will need to be a plant scheme, containing native plants only submitted for conditioning. We ask that applicants/consultants please share their survey results with Sussex biodiversity records centre.

Where possible renewable energy sources should utilised onsite (e.g. heat pumps, solar panels, air recycling and small wind turbines etc.) and other sustainability initiatives should be a part of this development where appropriate.

Environment Agency:

The proposed development will only meet the requirements of the NPPF is the following measure(s) as detailed in the Flood Risk Assessment Water Environment Ltd Revision draft B submitted with the application are implemented and secured by way of planning condition on any planning permission. Condition suggested.

WSSC Flood Risk Management:

West Sussex County Council (WSSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development with respect to surface water drainage. The following is the detailed comments of the LLFA relating to surface water flood risk for the proposed development and any associated observations, advice and conditions. Our comments remain the same from previous application on this site, BR/26/15/PL, as the same FRA/Drainage Strategy has been issued as part of this new application.

Surface Water Flood Risk

The site does not have any known surface water flood risk issues from historic events, or highways flooding. Surface water flood modelling does indicate some localised risk of surface water flooding on the roads adjacent to some of the sites. This does not mean that the sites will flood but just that it is indicated as being susceptible by the data we hold.

Groundwater Risk

The site is indicated to be at low risk from groundwater flood risk according to the risk susceptibility mapping we hold. This is based on topography, geology and historic groundwater data and does not represented any detailed site specific investigations. Use of underground car parks on the site will dramatically increase the risk of groundwater flooding below ground level and this should be considered in the design.

Sustainable Drainage Systems (SuDs)

The detailed designs of the proposed surface water drainage systems have not been included with this application. However assuming the surface water drainage will be managed as indicated in the submitted proposed surface water management strategy this would meet the basic requirements of the NPPF, PPG and associated guidance documents as it retains the current runoff rates and discharges to surface water sewer. However following the SuDS hierarchy and the spirit of SuDS implementation, betterment for surface water systems on the new developments should be sought. This could include retention at source through green roofs and attenuation prior to disposal to reduce peak flows. Green roofs, or other associated SuDS landscaping, could significantly improve the local green infrastructure provision and biodiversity impact of the developments whilst having surface water benefits too.

Thought should also be given to the reduction in infiltration area associated with the underground elements of the proposal (especially car parks) and potential implications from groundwater interactions.

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.

Natural England:

No objection in relation to statutory nature conservation sites, submitted proposals will not damage or destroy features for which the Bognor Reef SSSI has been notified. Refer to standing advice in relation to protected species. Advice on England Coastal Path and how the proposal could contribute to coastal access. Advice on biodiversity enhancements and ensuring local sites are protected.

Engineers (Structural): No comments.

Historic England: The application should be determined in accordance with national and local policy guidance and on the basis of specialist conservation advice.

Highways England: No objection.

Conservation Area Advisory Committee: Deferred consideration.

Housing Strategy:

No objection. The Affordable Housing Statement provided by the applicants is acceptable to meet the Council's affordable housing policy requirements for this proposed development.

Bognor Regis Regeneration Board:

The previous application was supported by the majority view of the Board as it was felt that the scheme represented a real opportunity to improve the economic viability and vitality of the town centre by attracting 80 million Pounds of new investment. This could transform the town centre and create jobs during construction and post construction, new leisure and cultural facilities, retail, apartments, cafes, restaurant and hotels.

New Planning Application

The new proposal reflects the response of SRHP to the four planning issues which formed the basis of the previous planning refusal. In summary these covered the provision of parking, alterations to the highway network, accessibility to the town centre, enhancing the local character and quality of the area, design excellence, mix of affordable housing and pressure on local infrastructure.

The Board's majority position continues to be supportive of the application. The above points have been responded to by SRHP with amongst other actions an increase in public car parking, withdrawal of echelon parking, creation of a new plaza on the Regis Centre site, a positive design review, an increase in affordable housing to the required level of 30%, and the required level of contribution to Section 106 agreements.

The Board draws attention to the following positive impacts of the project:

1. There is no requirement for public funding as the £80 million project is proposed to be fully funded by the private sector.
2. The construction phase is proposed to generate 260 jobs which will include apprentices and

NVQ training with the major contractors.

3. Post construction employment in the retail, leisure and cultural sectors are proposed to be 204 jobs.
4. An improved leisure and cultural offering with a new theatre, conference facility and two hotels
5. An integrated and a comprehensive approach to regeneration which will increase visitor numbers to Bognor Regis, footfall in the town centre and dwell time/average spend.
6. Subject to agreement with ADC, the landowners, it is proposed that the proposals are deliverable within 2/3 years.

The Board has not been party to any discussions on the overall viability of the project as this is not part of the planning process. However it important that the financial viability of the theatre is fully tested for sustainability and that appropriate funding mechanisms are identified to ensure sustainability.

SRHP have demonstrated strong commitment, vision and ambition in addressing the requirements for town centre regeneration involving significant investment in the planning process. SRHP's proposal meets the Board's regeneration objectives, will be transformational for Bognor Regis and should be supported through the planning process. A successful application will enhance the value of ADC's land and should prove to be the enabler for discussions between SRHP and ADC to achieve their mutual town centre objectives.

Historic Buildings Advisor:

Whilst the principle of this scheme is likely to be acceptable the full consequences of the development's impacts on the setting of Bognor Regis Town Hall, the pier and the Norfolk Arms Hotel - all listed buildings, and the Steyne Conservation Area would have benefitted from a fuller setting assessment.

With respect to the Town Hall, the current assessment only appears to consider views of the listed building as existing, which it shows in photos, and from which we then have to try and imagine the development behind. This is not particularly convincing given the scale of the new building and the nature of the landscaping which reads as a floating plane under which is the car park.

This could have been achieved with artist impressions taken from key vantage points. Of particular interest would be how the development is seen as a backdrop to the Town Hall and how this might affect its appreciation. Whilst development had previously existed to the south, the new scheme appears to be significantly larger in terms of its scale and massing.

There is also some concern with what appears to be a general consensus that the new building is 'monotonous' in its design and that this is going to be remedied post-approval. Ideally, any negative aspects of the scheme should really be resolved pre-approval so that the best scheme can be brought forward. There is also concern with the scale of the domes and balconies which again appear overly large.

The same setting assessment could have been made with the theatre building which will be visible with the Norfolk Arms Hotel, the pier and Steyne Conservation area. Its potential dominance and high visibility and profile within the town would not necessarily make it harmful, however there should be an understanding of how this might appear in such a sensitive location.

It is likely that from a distance the theatre will introduce greater spatial structure into the townscape as both a focal point and axis point with the pier and gardens. At close quarters there is some concern with the potential for blank elevations to the rear and sides which are not active or engaging at street level. This does not rely on landscaping but the treatment of the elevations. The upper levels which represent the hotel would also benefit from further detailing to make this building appear more cohesive.

The development of the restaurant to the south west of the Norfolk Hotel is perhaps the least problematic of the proposals however further detail would be required to show how the flue and plant can be accommodated. Whilst the dome as a feature is further perpetuated here and the circular form appears to correspond well with the space, it is also more difficult to conceal such features. The details of its construction and finish should also be covered fully by conditions to create a building of merit. This should include strong controls on signage and advertising which can blight such buildings and in this instance could be harmful to the setting of the historic hotel.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Bognor Regis Town Centre Regeneration Area Policy SITE 2 - Site A, B and C
Policy Area 5 (Protection of Open Space) - Site A, B and C
Policy Area 7 (Public Car Parks) - Site A and B

Emerging Local Plan

Town Centre - Site A, B and C
Existing Open Space - Site A, B and C
Economic Growth Area - Site A and B

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	AREA5	Protection of Open Space
	AREA7	Public Car Parks
	DEV17	Affordable Housing
	DEV34	Tourist Accommodation and Attractions
	DEV35	Tourism Development Requiring a Coastal Location
	GEN11	Inland Flooding
	GEN12	Parking in New Development
	GEN18	Crime Prevention
	GEN2	Built-up Area Boundary
	GEN20	Provision of Public Open Space within New Development
	GEN29	Nature and Conservation Across the District
	GEN32	Noise Pollution

GEN33	Light Pollution
GEN34	Air Pollution
GEN5	Provision of New Residential Development
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
D SP1	Design
ECC SP2	Energy and climate change mitigation
ENV DM2	Pagham Harbour
ENV SP1	Natural Environment
HER DM1	Listed Buildings
HER DM3	Conservation Areas
HER SP1	The Historic Environment
H SP2	Affordable Housing
OSR DM1	Open Space, Sport and Recreation
QE DM1	Noise Pollution
QE DM2	Light Pollution
QE DM3	Air Pollution
RET DM1	Retail Development
SD SP2	Built-Up Area Boundary
SKILLS SP1	Employment and Skills
T DM2	Public car parks
TOU DM1	Tourism Related Development
TOU SP1	Sustainable tourism and the visitor economy
T SP1	Transport and Development

Bognor Regis Neighbourhood Plan 2015 Policy 1	Delivery of the Vision
Bognor Regis Neighbourhood Plan 2015 Policy 2	Promoting the Seaside Identity
Bognor Regis Neighbourhood Plan 2015 Policy 3	Old Town Restaurant and Cultural Quarter
Bognor Regis Neighbourhood Plan 2015 Policy 6	Key gateways and promotion of sustainable travel
Bognor Regis Neighbourhood Plan 2015 Policy 7	Promotion of tourism and beach service points
Bognor Regis Neighbourhood Plan 2015 Policy 8	Design Excellence
Bognor Regis Neighbourhood Plan 2015 Policy 8B	Car Parking
Bognor Regis Neighbourhood Plan 2015 Policy	The Pier

8C

Bognor Regis Neighbourhood Plan 2015 Policy 8F Regis Centre & Mountbatten Court Site

Bognor Regis Neighbourhood Plan 2015 Policy Hothampton Car park site, Queensway

8G

Bognor Regis Neighbourhood Plan 2015 Policy 9 Local Green Space Designations

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

In respect of the NPPF, the following policies are applicable to some or all of the constituent elements of the development proposal.

Paragraph 14 - At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 23 states that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- define a network and hierarchy of centres that is resilient to anticipated future economic changes
- define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
- retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;
- allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;
- allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;
- set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;

- recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and
- where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.

Paragraph's 24 and 26 of the NPPF concern town centre viability and vitality.

Paragraph 49 concerns housing and states that they should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 56 concerns good design. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 57 - It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Paragraphs 59 - 61 relate to design. Paragraph 62 states that Local Planning Authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design.

Paragraph 63 - In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 70 is intended to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions by...guarding against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs....

Paragraphs 123 and 124 - relates to the potential for noise and air quality impacts.

Heritage Impacts are considered in paragraphs 126 - 141.

Paragraph 173 - Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and

willing developer to enable the development to be deliverable.

Paragraph 174 - Affordable Housing.

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.

Policy GEN2 of the Local Plan supports development within the built up areas, subject to other policies in the plan. All the sites (apart from the proposed skate park and kiosks) lie within the SITE 2 boundary of the Local Plan:

Within the area defined on the Proposals Map, the Council will initiate, support and encourage development proposals which will regenerate the town centre and introduce mixed use developments/redevelopments comprising retail, leisure, residential, office and civic/community uses subject to environmental enhancement schemes and integrated transport management and accessibility strategies.

To be acceptable, 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. The core aims are to:

- Improve the economic viability and vitality of the town centre by attracting new investment;
- Enhance the environmental/architectural quality of the townscape and public realm through improvements to spaces, buildings and street works/furniture;
- Create and enhance the physical/visual linkages between the promenade/town centre;
- Improve the attractiveness of the retail environment to shoppers;
- Increase the attractiveness of the town as a holiday destination to visitors;
- Improve the accessibility of the town centre and effectively manage the movement of people and vehicles within the town centre.

Proposals will be assessed by the Council against these core aims and opportunities will be sought to negotiate (where appropriate) improvements so as to meet these core aims.

The Council will prepare Supplementary Planning Guidance which will amplify/interpret this policy framework and identify development opportunities for key town centre sites and produce Development Briefs for such sites so as to guide/co-ordinate development proposals. Planning obligations and conditions will also be used to achieve the core aims where appropriate.

In addition to the above, sites 1, 2 and 3 are covered by a Town Centre Masterplan (2003), which was accompanied by a Town Centre Masterplan Planning Policy Guidance (2004). The Town Centre Masterplan is considered relevant as planning guidance as the subtext to Local Plan policy

SITE2 guides that the Masterplan guidance will be used to guide future development in accordance with policy SITE2.

Taken in its broadest sense the Masterplan is also supportive of quality regeneration proposals within the town centre. However, in terms of detail, the Masterplan promotes a coherent vision for the long term development of the town centre. The key development principles identified for each of the proposed development sites are:

Site A (Regis Centre)

- A landmark development of mixed uses
- Ground floor uses should provide active frontage and generate activity
- Optional residential development on upper floors
- Town Hall to be retained and enhanced
- Limited parking onsite
- Integration of seafront with town centre through pedestrian walkway
- Potential for pedestrianisation along esplanade frontage
- Offsite mitigation for highway impacts

Site B (Hothamton)

- Mixed use development
- Establish physical connections with the town centre, the railway station and seafront.
- Opportunity for taller buildings subject to design
- Community uses on ground floor to provide active frontage onto Queensway and Steyne Street
- Retail units on the ground floor fronting on to Queensway
- Office accommodation for the County Council with potential for other users
- Provision of affordable housing
- Create green finger to seafront

Site C (Proposed Restaurant)

- Enhance the leisure experience along the promenade
- Compliment the setting of the Royal Norfolk Hotel
- Have direct pedestrian access to the promenade
- Must face seawards and The Esplanade. Both elevations must be of high quality.
- May be an independent leisure related facility or associated with other leisure facilities along the promenade
- No on-site parking, only service access

PUBLICATION VERSION LOCAL PLAN 2011-2031

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 explained that the consultation took place on 30th October 2014 for six weeks.

The Emerging Local Plan (para.4.11) re-iterates the Bognor Regis Masterplan vision for Bognor Regis 'to provide a new role for the town in the 21st Century. This new role will build upon its assets and create a series of new attractions for residents and visitors alike. At the heart of the vision will be a viable town centre with a richness of urban form and a quality of architecture that will reposition Bognor Regis as a first class coastal destination.'

Emerging policy EMP DM4 encourages the Council to work with partners to enhance opportunities within the Economic Growth Areas. Knowledge and cultural based employment including retail, leisure and office developments will be directed to the Economic Growth Areas to promote their vitality, viability and regeneration.

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).

BOGNOR REGIS NEIGHBOURHOOD PLAN

The Bognor Regis Neighbourhood Plan (NP) was brought into legal force on 15th November 2015, and now forms part of the statutory Development Plan for Arun District Council. The NP compliments the NPPF, Arun District Local Plan and emerging Local Plan. It also makes reference to the Town Centre Masterplan. Unlike the Town Centre Masterplan however, the NP forms part of the Development Plan.

There are a number of policies within the NP which are applicable to the proposed development. However, the following policies are considered to be of particular relevance in the determination of this application:

"Policy 8a - Design Excellence:

Development Proposals for sites marked as Key Priority Sites (8c to 8j) and other forthcoming Major Developments shall demonstrate 'excellence in design, especially design that will help establish a strong sense of place and create attractive and comfortable places to live, work and visit.' (NPPF, S58)

Development Proposals that fail to take the opportunities available for enhancing the local character and quality of the area and the way it functions will not be (permitted) supported. A

central part of achieving excellence in design is responding to and integrating with local surroundings landscape and context as well as the built environment through:

- ~Using good quality materials that complement the existing palette of materials used within the area.
- ~Using planting (typical of the south coast) commonly found on the south coast for highway boundaries wherever possible and in keeping with the existing streetscape
- ~Ensuring safe access for pedestrians, cyclists and motorists
- ~Providing adequate refuse and recycling storage incorporated into the scheme to minimise visual impact
- ~innovative design that is sustainable in its design, construction and operation
- ~Promoting high quality spaces and light
- ~Adopting the principles of sustainable urban drainage, where appropriate."

"Policy 8f - Regis Centre and Mountbatten Site:

This Neighbourhood Plan promotes a high quality low carbon mixed use development that could include leisure, culture and entertainment at this location. Development Proposals must demonstrate and accomplish excellence in design and craftsmanship.

In addition to Neighbourhood Plan Policies 8, 8a and 8b Development Proposals are expected to accommodate where possible all of the following:

- a) Active ground floor/street level uses along a public space linking the Arcade Chambers with the Esplanade as well as along the seafront side of the development
- b) Generous pedestrian space
- c) Consider the provision of a public and step free access route between The Promenade level across to the sandy foreshore
- d) Connectivity between the town centre and the sea
- e) On-site retention of publically accessible Open Space
- f) Plans submitted to convert existing ground floor flats to retail units, fronting the Regis Centre Site and Esplanade, will be supported
- g) Plans that retain, replace, enlarge or improve the existing theatre on the site will be supported
- h) Residential development will be expected to be included in order to encourage use and occupation of the site at all times and contribute to the provision of new homes

This part of the seafront has such great potential to contribute to Bognor Regis's identity as a 21st century seaside town that the Local Planning Authority is strongly requested to call for a National Design Review to help develop the expected exceptional design quality."

"Policy 8g - Hothampton Car Park Site, Queensway:

This Neighbourhood Plan supports a high quality low carbon predominately retail and B1 office led development with a component of other employment generating uses at this location. This Neighbourhood Plan supports the retention of Open Space with a public footpath through the park

The development should provide future access to the existing sewerage infrastructure as required by the relevant authorities."

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 other than those set out in this Report.

CONCLUSIONS

PREAMBLE:

The proposal involves the development of three main sites under the ownership of Arun District Council, two of which (The Regis Centre and Hothampton Car Park) formed part of regeneration proposals involving a joint venture between the Council and a private developer, St Modwen's. In 2007 the Council entered into a Development Agreement with St Modwen's in order to develop the two sites in accordance with details set out in the Town Centre Masterplan (2003). Subsequently, despite considerable work being carried out by both parties, it was concluded that St Modwen's could not prepare a planning application for the Regis Centre and Hothampton Car Park sites in accordance with the terms of the Development Agreement. In 2014, St Modwen's and the Council agreed to surrender the Development Agreement, this being an amicable resolution for both parties.

Following this, and with the Council still keen to bring forward regeneration in accordance with the 2003 Masterplan, the Council then invited the submission of ideas and initiatives for the development of the two sites, as well as inviting the general public to give their views. In October 2015 an officer report to Full Council, which including consideration of the consultation exercise, outlined a number of recommendations which the Council have agreed to. The recommendations include general support for the continued evolution of schemes for the two sites with an intention to present future options on the key constituent parts of any future development scheme for consideration. Therefore, the Council are still keen to facilitate regeneration of the sites in accordance with the Masterplan. This aim has been re-affirmed by Full Council on 20 July 2016 approving the costs of preparing feasibility studies for the redevelopment of the Regis Centre and Hothampton Car Park sites and agreeing to continue support, in principle, and subject to positive feasibility studies, for the regeneration of the two sites (currently being undertaken).

The current application, which includes two additional sites (the Promenade and the former Esplanade Theatre Site (now skate park, also known as Rock Gardens) in addition to Hothampton and Regis Centre), and the previous application (BR/26/15/PL) were submitted independently of the above. Following the refusal of BR/26/15/PL the applicant has not engaged in formal pre-

application discussion with the Council with regards to this proposal but has sought to address the previous reasons for refusal.

The current application is submitted as a private, self-financing development proposal which would not require any public sector funding.

Members should be aware that planning application decisions should be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The planning officer recommendation may, or may not, be in line with the Council's decision in terms of occupation as landowner. It is important that the planning application is assessed on its own individual planning merits.

The current application was screened for EIA in accordance with the Environmental Impact Assessment Regulations (2011). It was concluded that this is not an EIA development.

PRINCIPLE OF DEVELOPMENT

The proposed development lies within the existing urban area of Bognor Regis and proposes a range of 'town-centre' uses. The main area of the proposed development, namely the proposed redevelopment of the Regis Centre and new theatre provision on the Hothamton site, lies within the town centre of Bognor Regis.

The proposed scheme on the Regis Centre site comprises a mix of residential, retail, hotel and leisure uses. The ground floor of the previous scheme proposed 12 no. retail units, a pub/restaurant, cafe, 2 no. offices, apartments and a leisure complex (swimming pool/ gym). The revised scheme has reduced the number of retail units to 8, 'set aside' the 'cafe/office' area for use by Arun Arts (510m²) and allocated 1908m² over 2 floors for leisure and family indoor activities. The Planning Design and Access statement refers to 'leisure facilities including state of the art virtual reality activities, with the proposal of a community arts centre, a virtual golf course, climbing wall, spa and other virtual games'. This additional leisure space improves the mix of development types on the Regis Centre site and is closer to the 'Leisure Heart' principle set out in the Masterplan, although it falls short of being 'the jewel in the crown...a family leisure attraction' as set out in the vision. The Town Council supported the broad mix of uses but concluded that the lack of cultural facilities on the site and loss of the theatre resulted in the proposal not complying with NP Policy 8f. The applicants have sought to address the lack of cultural provision by offering the cafe and office area adjacent to Belmont Street to Arun Arts.

Therefore, broadly speaking the array of uses proposed is considered to comply with the requirements of Policy SITE 2 of the Local Plan. The general mix as proposed is also advocated by the development principles set out in the Masterplan. Whilst cultural provision currently offered by the Alexandra Theatre would be lost, it would be replaced by a theatre on the Hothamton site.

In respect of policy 8f of the NP the scheme provides a mix of uses that includes leisure and entertainment including bars, cafes, leisure facilities and public realm improvements. The boardwalk along the frontage provides an access route along the frontage of the building and links to the Place St Maur des Fosse and further complies with the requirements of Policy 8f, although it is acknowledged that the scheme doesn't provide a public and step free access route between the Promenade level across to the sandy foreshore.

In visual terms the current theatre has limited aesthetic value although it is clear from the NP that any proposal to improve the Alexandra Theatre on the Regis Centre site would be supported. There does not appear however, to be an absolute requirement within Policy SITE 2, the NP, or the emerging Local Plan, to retain theatre provision on the Regis Centre site.

The concerns raised by the Town Council in terms of the 'significant residential proposed for this site' are echoed by a number of representatives. However, the principle of housing on this site is not unacceptable as it is advocated as part of a mix of uses in Local Plan Policy SITE 2 and the NP. Policies place no 'limit' on housing numbers on this site and, in any event, the NPPF calls for a significant boost to housing supply. Given that the Council cannot demonstrate a 5 year housing land supply, the provision of 192 apartments would contribute to the Council's housing land supply and is considered acceptable in principle - and further supported by national policy which seeks to boost housing numbers.

As with the previous scheme, it is acknowledged that the scheme is heavily reliant on residential development; it is stated by the applicant that the residential development is required in part to fund the proposed theatre development. Therefore, the proposal is not a family-led seafront facility as advocated by the Masterplan and to some extent by the NP. There were concerns with the previous scheme as to whether the mix of retail, residential and commercial floorspace would increase footfall to the seafront in order to sustain the retail and commercial elements long-term. The addition of leisure uses should help to increase the footfall and therefore the long-term success of the other commercial elements, although this will depend on the uptake of the leisure spaces. The latest Arun Retail Study (October 2016) also recommends that the best chances of attracting significant investment in the centre of Bognor Regis is likely to involve a mix of uses with significant leisure/ tourism content and residential development which would help sustain some level of retail floorspace.

The uses within the building mainly comprise retail and whilst the open space within the 'courtyard' area of the building would be accessible to the public, it would also be used by occupiers of the residential units, hotel guests, or customers of the cafe/restaurant. The open space was previously well hidden within the confines of the proposed development due to the proposed location of the hotel building, however the removal of the hotel from this area of the site opens up the space and improves accessibility.

The proposal also include public realm improvements within the Place St Maur in order to reinforce the link between the town centre and the sea front, in accordance with NP Policy 8f. The open space could also be used to host events, as well as providing outdoor amenity space and a children's play area. Therefore, it is considered to be in general conformity with most of the objectives set out in policies and guidance in terms of principle uses and it is recognised that this is a component part of a wider regeneration offering.

The proposed development at the Hothampton site is more clearly in conflict with specific site allocation policies set out in the NP. Policy 8g of the NP supports predominantly retail and B1 office led development, with a component of other employment generating uses. The Masterplan supports a library/health centre and Council offices. The proposal on this site offers a mix of theatre and hotel uses which conflicts with both the guidance and policy allocations. However, it should be acknowledged that the proposed theatre (which includes hotel, art exhibition space and a cafe/restaurant) is an ambitious and significant cultural facility. The application is intended to

address the loss of the Alexandra Theatre (site A) with a replacement theatre which is much larger, forming a landmark development within the town centre. In this regard, the wider benefits of the theatre have the potential to partly address the requirements of the Masterplan both in terms of site specific requirements, and the wider town centre regeneration objectives and paragraph 70 of the NPPF which advocates the provision of cultural facilities. Therefore, the potential regeneration benefits should be considered in the round.

The proposed restaurant is located within an area of allocated greenspace known as the Rock Gardens. The proposal involves the removal of the existing skate park. The proposal also includes landscaping improvements to the Rock Gardens. The Masterplan advocates schemes which enhance the leisure experience along the promenade, and those which do not include on-site parking. In this case, the proposed development has the potential to satisfy the requirements of the Masterplan and Policy SITE2 of the Local Plan. Subject to finding alternative skate provision, the proposed restaurant is considered acceptable in principle, in compliance with the objectives set out in Policy SITE2 of the Local Plan.

The proposed kiosks are located along the promenade. Whilst the kiosks fall outside the town centre boundary, they are not considered to be unacceptable in principle, subject to other issues identified in this report. It should be noted that the positioning and use of the kiosks do not align with the Bognor Regis Seafront Delivery Plan recently agreed by the Council. Similarly, the replacement skate park which is proposed along the promenade is not necessarily unacceptable in principle in accordance with Policy 2 of the NP, subject to other material considerations, but there are concerns about the suitability of the proposed replacement site.

The combined loss of green/open space has been assessed against the requirements of Policies AREA5 and GEN20 of the Local Plan and the NPPF. The Council's Greenspace officer is broadly satisfied with the proposal, subject to conditions. Whilst the proposed development would lead to a loss of greenspace on a number of the sites, the overall scheme is considered to provide sufficient on-site open space provision to compensate for any loss. The amount of greenspace would not be significantly reduced by the development.

In terms of land use principle, the scheme proposes a range of town centre uses. Town centre regeneration proposals within this area for mixed use developments/redevelopments comprising retail, leisure, residential, office and civic uses are supported by policy SITE2, subject to ensuring that they meet the core regeneration aims for the town centre. In respect of site specific proposed uses, there is some conflict with the aims of the Masterplan and the NP - particularly in respect of the Hothampton site and the loss of the theatre provision on the Regis Centre site. However, the uses proposed and considered as a complete package are not necessarily considered to be unacceptable in principle. It is noted that the scheme as proposed comprises a range of town centre uses (as defined by the NPPF) even where there is apparent conflict with the NP in respect of allocations. It is important to consider the overall regeneration offering in deciding whether the scheme complies with the wider objectives of town centre regeneration as set out in SITE2 of the Local Plan and the NP.

RETAIL IMPACT

Sequential Approach:

Whilst there is no 'Town Centre Boundary' contained within the Arun Local Plan, the site does lie within the Bognor Regis Town Centre Regeneration Area as detailed in Policy SITE2. In the emerging Local Plan a town centre boundary has been defined and sites A, B and C fall within this boundary.

The NPPF provides different criteria for retail and non-retail town centre uses. Retail uses should be located within or adjacent to the existing town centre, followed by edge of centre sites, before less centrally located out of centre sites are considered. Edge of centre sites are those within 300m of the primary shopping area, with out of centre being those sites in excess of 300m. In relation to other town centre uses, the sequential approach defines town centres as those within the town centre and on edge of centre sites within 300m of the town centre boundary.

In respect of the Regis Centre site, this falls outside the Principal Shopping Area as depicted by the adopted Local Plan, at a distance of between 100m and 170m to the south-west of the primary shopping area (High Street and Arcade). The Regis Centre proposes 612m² gross internal area (GIA) of retail floorspace, comprising seven retail units. The Retail and Sequential Assessment (January 2015) the applicant states there were 33 vacant units within the town centre, 4 of which were located in the primary shopping area. However, overall, there were not considered to be any available town centre space that could accommodate the entirety of the floorspace proposed in this application and there were no other available sites within the town centre.

Therefore, the retail uses proposed as part of the Regis Centre scheme, being edge of centre, are considered to be sequentially acceptable. In terms of the proposed non-retail uses within the Regis Centre, these are located edge of centre and therefore, address the sequential assessment requirements.

The proposed theatre, hotel and restaurant on the Hothampton site are located within the town centre and therefore, comply with the sequential assessment requirement. The additional two retail units fronting onto Queensway would be adjacent to the Principal Shopping Area in the Local Plan and within the Town Centre in the emerging Local Plan and would therefore comply with Policy RET SP1 and RET DM1. The Arun District Retail Study identifies a need for more mid to upper market restaurants in the town.

In terms of the proposed kiosks on the promenade (which include retail), they lie 370m from the primary shopping area. However, the kiosks are proposed in a functional position, close to the sea front in order to provide improved facilities to holiday makers and beach users. Therefore, the proposed kiosks are considered acceptable in retail principle terms on the basis that the kiosks are designed to improve the tourist offering and would not be in competition with town centre retail provision.

Impact:

The latest Arun Retail Study (October 2016) recommends that additional retail floorspace for comparison goods can be expected in leisure-led or mixed use schemes and on the ground floor of residential schemes in the centre of Bognor Regis. The proposed retail provision on the Regis Centre site is aimed at complementing tourist shopping needs, as opposed to competing or expanding the existing town centre offering. The applicant also states that the units would largely be aimed at providing a more seasonal offer, potentially attracting independent retailers.

Considering the use, layout and location of the proposed Regis Centre scheme, it is considered likely to enhance pedestrian links and increase movements between the seafront and the town centre. The increase in retail provision is more likely to enhance the overall town centre offering rather than adversely affect retail provision within the Arcade, High Street and London Road. Furthermore, the proposed residential and leisure provision, and the development of the Hothampton and Esplanade sites for leisure and restaurant purposes, would contribute to the vitality of the town centre by potentially increasing visitor and residential numbers. The application is considered to comply with the criteria set out in Policy DEV27 of the Local Plan. There is no requirement in national planning policy or emerging policy RET DM1 to demonstrate a need for retail developments outside the principal shopping area, contrary to DEV27 of the ADLP.

In addition, the proposed units on the Esplanade would comprise a mix of A1, A3 and A4 uses. The site is allocated for a mix of uses - including retail - in Policy SITE2 of the Local Plan and therefore the overall retail impact on the town centre is considered acceptable.

Tourism Impact:

Whilst the impact on tourism numbers is debatable, it is considered an inevitable consequence that, if delivered, the overall scheme would improve the tourism offering within Bognor Regis by increasing the quality and variety of amenities and cultural provision within the town. The current proposal has improved the leisure facilities on the Regis Centre site when compared to the earlier scheme. This increased provision would be likely to attract tourists. The focus of the scheme centres largely on the regeneration potential of the theatre. The applicant has submitted a Tourism Impact Study carried out in 2015 relating to the theatre, which concludes that the theatre itself would increase visitor spending by approximately £2 million. The Study concludes that given that much of the product shown by the theatre would be accessible at other theatres throughout the UK, there is unlikely to be a significant increase in tourist numbers from the provision of a theatre alone and would only have a 'small effect in drawing additional visitors to the town'. The Study also notes that the current opportunities for ancillary spend in Bognor are few and would result in an ancillary spend of £1.6 million a year. If additional ancillary spending by touring artists and crew is added in (an estimated £350,000) the total ancillary expenditure is estimated at £1.95 million a year. The Study also notes that theatre patrons are likely to come from a more local area than Chichester Festival Theatre with probably 90% within a 60 minute travel time catchment area and this conflicts with the statement earlier in the Study. Nevertheless, the wider scheme as proposed is likely to improve tourism potential over and above the existing offering, although this may not be line with the more ambitious aims of the Masterplan or the Seafront Strategy. Emerging Local Plan Policy TOU DM1 aims to steer large scale tourism developments towards Economic Growth Areas and, in this regard, the proposed theatre is considered compliant; with the overall scheme offering tangible benefits which would improve the tourism potential and according with Policy DEV34 of the Local Plan.

Theatre proposal:

The theatre proposal forms an integral part of the overall application in respect of its regeneration, cultural and tourism offering. The proposed theatre is much larger than the existing Alexandra Theatre, proposing 1100 seats as opposed to circa 300. The theatre is intended to attract audiences from Bognor, as well as audiences from further afield, particularly within a 30 minute catchment. The evidence submitted with the application suggests that there is sufficient potential

audience to achieve an acceptable level of occupancy. In addition, the theatre offers flexibility as it would be able to reduce capacity accordingly so that smaller productions are not played out in front of a sparse audience. In order to explore the viability and suitability of the proposed new theatre a Advisory Review was undertaken with the Theatres Trust and the advice is incorporated below.

The theatre would be accompanied by a hotel. The two uses would go hand in hand as the hotel would benefit from potential theatre provisions (conference space etc) and the theatre would benefit from having hotel accommodation, although concerns were raised at the Theatre Review about how the two uses would be operated successfully. The University of Chichester has expressed an interest in the opportunities the theatre would bring for its increasing student population in the music and drama departments. It would also offer other opportunities for the performance training and practical theatre experience.

The Arun Arts Trust is a charitable organisation that oversees the running of the Alexandra Theatre at the Regis Centre. It is an important local group in respect of theatre provision within the town. The applicant would offer facilities at the proposed theatre site and Regis Centre site including dance studio and rehearsal space, art gallery, community facilities and other benefits at a heavily discounted rate.

The Theatres Trust has been consulted on the proposal and overall, they support the provision of a theatre in Bognor Regis. They initially raised concerns with the scale of the theatre and its potential viability. Of paramount importance in this case is that the theatre is intended to be self-funded both in terms of construction and ongoing running of the theatre. The Theatres Trust also has concerns regarding the loss of Alexandra Theatre. The main concern centres on the temporary loss of theatre provision within the town. The original proposed phasing of the development and viability issues, meant that the applicant was unable to build the new theatre before the Alexandra Theatre is demolished and the Regis Centre site largely developed. However, the applicant has now committed to altering the phasing to ensure that the Theatre is provided as the first phase of the development to ensure ongoing provision of theatre facilities.

The Review findings raised items for consideration. The ability of the proposed theatre, which is primarily a night-time activity, to increase footfall to the town and increase the vitality of the town centre in terms of retail space was questioned. This relates to the location of the theatre and concerns about the lack of linkages and permeability to the surrounding townscape. Without full costing and information of the business plan, the Review was unable to conclude on the viability of the theatre. They also noted that whilst discussion with potential partners were encouraging they are still an unknown quantity and could have specific requirements which may impact on the building design. The Review also noted that Arun Arts should be fully engaged in the discussions regarding the provision and operation of the new theatre to ensure that their needs are properly catered for. The Review also noted the ambition to bring a wide variety of activities and performances to Bognor which would provide a real opportunity for the town but that they would all have differing requirements which would be challenging. Concern was also raised about the commercial viability given the desire for a community programme to lead the programme of events to meet the needs of Arun Arts. The Review also noted the importance of the building being of high quality both architecturally and within the facilities it offers. The potential audience was also queried as it is difficult to determine without further details on programming. The Review also queried the ability of the theatre to run without public subsidy and pointed to similar commercially operated venues which all receive financial support from local authorities in one form or another, concluding

that the viability of the theatre operation without the requirement for public funding needs to be thoroughly tested. They also noted a lack of clarity about the operation of the hotel in relation to the theatre operation.

The applicants have responded to the Theatre Review stating that a number of the issues raised, such as the viability, partnerships, internal operations, programming, ticketing structure, would be subject to post permission discussions. They have re-iterated that their funders are satisfied that the theatre will operate without public subsidy and that Arun Arts will have a "significant role" in the running of the Theatre. They state that additional break out spaces for conferences would be throughout the theatre complex and town as appropriate and that the hotel was designed to be used in conjunction with the theatre.

In relation to viability of the proposed Theatre, the NPPF states that decision-taking on individual applications does not normally require consideration of viability but that where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. Whilst the viability of the theatre without public subsidy has been questioned, the applicants have not indicated that the deliverability of the scheme overall would be compromised by the scale of planning obligations necessary. Therefore, the Council have no basis on which to question the viability of the scheme (unlike the previous application) or require that a viability assessment is carried out.

The design and architecture of the theatre are considered in the 'design' section of the Report. Aesthetic considerations aside, there does not appear to be any evidence that the proposed location of the theatre would diminish audience numbers. It is not a use that would greatly benefit from passing trade; although proximity to the town centre is important and, in this regard, the Hothampton site is in an accessible location both to the sea front and town centre.

The Council's Town Centre Masterplan and the NP acknowledge that the existing theatre provision within the town centre is in need of improvement. The Theatres Trust is also generally supportive of the scheme although there are concerns as set out above. Overall, the proposed theatre would result in a significantly larger and better equipped cultural facility within Bognor Regis town centre. The provision of such a prestigious theatre facility is supported by paragraph 70 of the NPPF and emerging Policy EMP DM4. This is considered to weigh in favour of the scheme.

Affordable Housing:

The application does adhere to the Council's affordable housing policy requirements as the proposal would provide 30% affordable housing units as part of the residential element on the Regis Centre site (57 affordable flats total). The tenure split would be 28 affordable rented (12 x 1 bedroom apartments, 16 x 2 bedroom apartments) and 29 would be delivered for intermediate affordable accommodation (5 studio apartments, 12 1 bedroom apartments, 12 2 bedroom apartments) Council policy seeks a tenure split of 50% rent and 50% intermediate. Therefore, the application is compliant in terms of tenure and on-site contribution required by Policy DEV17 of the Arun District Local Plan and emerging Policy H SP2.

Other Infrastructure:

The impact of development on local infrastructure is an important consideration in the

determination of planning applications. Developer contributions are often sought in order to ensure that the additional demands placed on local infrastructure are mitigated, provided that such contributions meet the test of being:

- Necessary
- Fair and reasonably related to the development
- Reasonable in all other respects

The NPPF guides that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations (paragraph 203).

Contributions may therefore be sought for specific infrastructure projects if they meet the three tests above, provided that the Council has not entered into more than five obligations seeking contributions towards provision an infrastructure project or type of infrastructure since 6th April 2010 ('pooling restrictions').

In this case it is considered that the scheme would result in the following infrastructure pressures and requirements:

Education

Paragraph 72 of the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places are available to meet the needs of existing and new communities. In this instance, it is noted that the proposed residential development of 192 residential units would generate additional demand for primary, secondary and 6th form school places within the local area. WSCC advise that the following contributions are required:

- £130,360 - Primary Education contributions generated by this proposal shall be put towards small scale improvements at South Bersted Primary School
- £140,300 - Secondary Education contributions generated by this proposal shall be put towards additional facilities at The Regis School.
- £39,330 - 6th Form contributions generated by this proposal shall be put towards additional facilities at The Regis School's Sixth Form department.

Due to the lack of capacity in the existing primary and secondary and 6th form schools, the County Council as Local Education Authority have requested that by way of financial contributions the proposed development mitigates for this additional demand by providing financial contributions to be utilised towards providing additional education facilities at Primary and Secondary Schools within the local area. It is considered that the provision of such additional education facilities would be necessary in order to provide for sustainable communities and achieve sustainable development in accordance with the NPPF.

The necessary financial contributions have been calculated using a detailed and robust methodology. It is considered that the financial contributions are reasonably necessary to enable the development to proceed.

Libraries

The County Librarian advises that the proposed development would be within the area served by Bognor Regis Library and that the library would not currently be able to adequately serve the additional needs that the development would generate. Consequently, a financial contribution is required of £39,330 from the proposed development towards improving Digital Access services at Bognor Regis Library.

Fire Service Contributions

The proposed development would lead to a total contribution requirement of £3,738 towards the re-development or re-location of fire stations and associated vehicles and equipment in West Sussex Fire Rescue Services Southern Area serving Bognor Regis.

The proposed infrastructure contributions to be secured through a S106 agreement would ensure that the proposal contributes towards the infrastructure and services needed to support the development and meet the needs of future occupiers in accordance with Local Plan Policy GEN8 and emerging Policy INF SP1.

Design and Impact on Character and Appearance

The applicants have stated that the design ethos is to create three iconic buildings in order to regenerate Bognor Regis, whilst acknowledging the built environment of the town over the last 200 years. The 'dome' is a notable architectural feature within the Regis Centre, Hothamton and proposed restaurant schemes. The Heritage Statement submitted with the application states that the 'dome' is representative of Sir Richard Hotham's designs; he is especially noted for inspiring the development of Bognor Regis as a tourist destination.

Policy 8f of the NP requests that the Council call for a National Design Review for significant development of the Regis Centre Site, in order to achieve exceptional design quality. However, due to the late stage in the process with details designs on the table for consideration, a full design review was not considered to be the most appropriate method for seeking design input. In order to aid with the assessment of the application in design terms, officers sought design advice from Design South East. This involved a site visit and follow up meeting with a Panel member from the South East Design Review Panel, Ben van Bruggen (Planner and Urban Designer) and the Head of Design Advice Design South East, David Tittle.

The overall opinion in the advice received was that: "whilst welcoming the intention to create three striking new projects for Bognor to revitalise the town, we think that the plans are fundamentally flawed. We do not think that, if built, these buildings will be high quality architecture or successful places. A fresh start is required and we would urge the applicant to withdraw the scheme and engage with the local authority and our design review panel to help resolve these issues".

The applicant has responded to this broad criticism stating that they have sought engagement with the local authority and that design is subjective and that the 'independent design critique' from John Cooper submitted with the application supported the design. It should be noted that the Council do not consider the John Cooper design critique to be 'independent' as it was commissioned by the applicant to support the application. Whilst the applicants state that the design was presented at a public exhibition and the results submitted as part of the planning application, the submitted 'Statement of Community Involvement and Pre-Application Advice' document does not include any

feedback received on the design, as this was not one of the questions asked. The applicant has also quoted selectively from the previous Committee Report (for BR/26/15/PL) as supportive of the design, however, reason for refusal 1 included: 'the proposed development fails to take the opportunity to enhance the quality of the area and the way it functions and fails to display Design Excellence'. The applicants agreed that there are finer points for the design which need to be added to the elevations to break down the monolithic elevations and that these could be dealt with through a condition. The following sections address the design of each site in more detail.

Site A - Regis Centre

The site occupies a prominent position, being readily visible and accessible from the seafront. The western portion of the site is occupied by the Alexandra theatre and a public house/restaurant. The existing two storey building is devoid of architectural quality and the Esplanade is faced by dominating roof slopes and a conservatory type front extension which hosts the Brewers Fayre pub. Views from Belmont Street are similarly uninspiring. In addition, the entrance to the theatre is hidden away from the street and taken from the Place St Maur des Fosses. Whilst the eastern portion of the site facing the Esplanade includes a small strip of green space and vegetation, to all intents and purpose a large proportion of the site is used as a surface car park serving both the theatre and the wider town centre and sea front. Overall, the site suffers from a lack of legibility and insipid design, with the only feature of notable interest being the Grade II listed town hall on the north eastern boundary.

The proposed main building has a distinctly Regency design. The building would front most of the Esplanade, set over 6 storeys. The ground floor includes retail units, incorporating traditional timber window frames, doors and reconstituted stone columns. The residential accommodation above includes balconies which would protrude from the front facing elevation. The main facing elevations would be rendered white and include subtle architectural detail such as stone cornice details, traditional window frame styles and conservation style folding doors. The domes located on three corners of the building include lead effect zinc roofing. Approximately centrally positioned would be an arcade which would be accessed through a replica stone archway. The arcade would include access to a number of commercial units and allow access to the open space located centrally within the site.

Buildings currently located along the Esplanade/sea front comprise a mix of styles, the predominant height of which is generally at least 4 storeys, with each building occupying a relatively large plot. The variety of building styles is representative of development spanning different decades, and is fairly typical of the seafront setting. The Esplanade Grande is a recent residential development located along the Esplanade to the east and has a similar design to the proposed development. Beyond the rear of the site the street is more contained. Existing properties are generally two storeys in height fronting Belmont Street and the site. The main amendment from the previous scheme is the removal of the hotel element from the Belmont Street elevation. The hotel is now part of the main building with the entrance from Place St Maur des Fosse. This opens up the Plaza to views from Belmont Street making the Plaza less enclosed and more easily accessible from routes to the town centre through the Arcade than previously.

The proposal also includes a raised boardwalk which would run the full length of the building adjacent to the Esplanade. It comprises a reinforced concrete balustrade typifying a traditional, yet robust, design. The boardwalk would be accessible by steps opposite the proposed arcade, and by

ramp at either end. The design advice commented that the public realm proposals ignore the Esplanade and that the boardwalk creates an additional barrier for accessibility between the seafront and the site - as it is raised and access using the ramp is only provided at either end. The scheme could have proposed a 'shared space' approach similar to that adopted in the High Street in order to improve permeability. The applicants have responded that the previous proposal sought to increase accessibility to the promenade but that this 'raised objections' and so it was not included in the re-submission. The original objection was due to a lack of information on the proposed changes in relation to providing a safe and suitable access and egress points.

The design advice raised detailed concerns relating the designs for the Regis Centre site. These included: the car parking layout and heights in relation to cycle storage and refuse collection; the floor to floor heights and it works given the variety of uses; the need for different plant and where it will be located. The advice also raised concerns that the plan is muddled, space is poorly allocated and does not flow and uses are compromised as a result. There were also concerns raised about the quality of the upper level accommodation with long corridors with no natural light and units which overlook the courtyard will not receive much sunlight, as well as the lack of defensible space for the ground floor apartments. Overall, the advice concluded that the uses have not been combined successfully into a single built form and that a series of separate buildings which come together to form a block would have been a better approach.

The applicant has responded providing additional detail on refuse collection provision. This would be subject to detail to be provided through a condition. Further detail has also been submitted showing detail of the lift overruns and confirming that plant will be located in the roof behind a parapet and therefore not visible. Amendments have been made to the fenestration at ground floor level on the elevation along Alexandra Terrace to improve the consistency of the appearance. They have also responded that the use of a single block is an important part of the design concept and that separate blocks would not appear cohesive.

The design advice also critiqued the overall architectural approach concluding that the approach taken (drawing on the precedent of a particular historical style i.e. Sir Richard Hotham's buildings) has not translated well when scaled up to an urban block, resulting in an 'unsatisfactory monumentality' with features of the Hotham buildings being 'over-scaled and monotonous while introducing new elements like the large projecting balconies'. The applicant has responded that the balconies are an important part of the design as they provide amenity space for occupiers and that some re-modelling of the details would take place post approval. They agreed with the suggestion that the 'detailing at 1:20 and 1:50 needs conditioning to ensure that fully detailed plans are examined before reserved matters are discharged'. This can be a condition of approval.

The layout of the scheme encourages pedestrians to use the proposed boardwalk, and promotes pedestrian flows through the Place St Maur. There is now access proposed from the Boardwalk through the proposed arcade to the Plaza, will enable pedestrians to walk from the seafront towards the town centre. Pedestrians would also be able to continue to use the Place St Maur to the west and move around the south and west of the site.

The Council has already created a concept public realm design for the town centre which runs from the railway station to the seafront and this has been implemented from the railway station through the town centre. The Public Realm Masterplan includes significant works and improvements to the Place St Maur which have not yet been implemented. Nevertheless, the

current application should be assessed on its own merits and not in light of separate initiatives. However, now some of the public realm improvements have been carried out, the materials palette for this scheme should be sympathetic to the setting and fit within the design brief that has been employed for the public realm enhancement works to provide a strong connection into the town and continue with the joined-up approach to the public realm set out in the Public Realm Masterplan. The proposed materials indicated on the Landscape Connectivity Plans are not considered to be sympathetic with the recent improvements but this could be dealt with using an appropriately wording condition and the applicant has confirmed that they would be happy to use the already established materials palette.

The application has paid attention to shop front detail within the town centre, and the proposed retail units at ground floor level comprise a traditional design, incorporating fascia boards, pilasters and traditional materials. This contributes to the overall aesthetic appearance of the proposed building, and ensure the development is in compliance with emerging policy RET DM1.

The NPPF is clear that great importance is placed on the design of the built environment and should contribute to positivity making places better for people. As set out above there are concerns about the overall design but it is important (as set out in the NPPF para. 60) that decisions should not attempt to 'impose architectural styles or particular tastes' but should 'seek to promote or reinforce local distinctiveness'. It is considered therefore, that subject to further fully detailed plans to ensure that the architectural detailing and materials palette are of high quality and help to break up the monumentality of the building, that the proposal for the Regis Centre site, whilst not a innovative solution architecturally, would not be visually unattractive and would draw some elements from the local vernacular in order to reinforce local distinctiveness. In this regard, the proposed development is considered to broadly comply with policies SITE2 of the Local Plan and NP policies 2, 8a and 8f and Policy D DM1 of the emerging Local Plan.

Site B - Hothamton Car Park

The site is currently a ground level car park which mainly serves the Queensway retail centre. A large building associated with the NHS lies to the south west of the site. The site does not have any significant amenity value, save for a number of trees.

The proposed theatre and hotel would occupy approximately half of the site, positioned immediately in front of the Sunken Gardens. The general design approach is identical to the proposals on the Regis Centre site, following a Regency/Georgian theme, and intended to reflect historic developments within the town, specifically the dome feature. The western portion of the site proposes a multi-storey car park.

The southern elevation, facing the seafront, would be particularly impressive providing an element of grandeur when approached from the seafront. White rendered columns define the edges of the proposed building with the rooms of the hotel on the upper floors set within white framed curtain walling, instilling an element of contrast. The proposed hotel entrance is located to the side of the theatre and the hotel is set over three storeys, heavily influenced by Georgian architectural detailing.

Views from the roads surrounding the site would be less welcoming and this was one of the main issues with this site arising from the design advice as well as the Theatre Review. The

consequence of facing the theatre entrance and main elevation to the south is that the rear and sides of the building, which contains all the functional provisions required of the theatre, fronts the street to the north, east and west. The scheme has been improved with the addition of two retail units facing Queensway, in order to improve the 'dead' elevation fronting the street. However, even with this improvement the car park frontages and eastern elevation of the theatre still present blank frontages. This issue was raised by the Design Review as a 'serious urban design failing' The resultant impact is particularly marked owing to the overall scale of the proposed building relative to the size of the plot. Whilst the proposed building would be reduced to three storeys in height along Queensway, the bulk of the theatre and hotel would be eminently present along Queensway. From Steyne Street the bulk of the proposed development would be visible, along with the proposed multi-storey car park. The applicant has softened the design of the car park by proposing a living/green wall on the north and west elevation. In context, the street scene is particularly varied in this area and is more heavily commercial in nature to the east, with properties to the west (Steyne Street) having a much more characterful appearance. Properties to the north of the site do not have a particularly strong relationship with the street.

The design advice and Theatre Review also noted a conflict between the hotel and theatre uses and a lack of clarity over how the uses interact. The applicant has responded to the detailed points clarifying that the hotel lounge has separate toilet provision and that there are conjoined escape routes in one area.

A further consequence of the proposed siting and orientation of the building is a lack of interaction with the street. There is no direct entrance to the theatre or hotel from the rear, despite its close proximity to the footway. An amendment has been made to show a shared surface leading from Queensway through the site to the front of the Theatre, in order to improve the pedestrian route through the site. In respect of internal layout, pedestrians would be encouraged to walk from the proposed car park, through the centre of the site, thus avoiding Queensway. Therefore, the proposed layout is not considered to be particularly conducive to improving pedestrian flows along the Queensway, instead encouraging pedestrians to walk towards the front of the theatre, thus taking a less direct route for those wishing to access the Queensway shopping area.

The design advice suggested strategies that could have been used in order to address the blank frontages. The applicants have responded that the development area is limited and the requirement for car parking further constrains the site and that the decision to have the main frontage of the building facing the seafront is to draw the public from the seafront to the theatre.

In order to secure high quality buildings further architectural details are required. Sash window frames would be set in deep reveals and the lower portions of the walls would comprise rendered rustication reflecting Georgian influence. In addition, to soften the impact of the development to the rear, the applicant proposes a comprehensive landscaping scheme.

Given the close proximity of residential properties, the inviting location and setting of the Sunken Gardens and seafront to the south; the rationale behind the proposed layout is understandable. Whilst the relationship with Queensway and Steyne Street weighs against the overall design, the site is constrained by its size and shape and the building would undoubtedly be seen as a landmark building within the town centre and the overall design concept and improvements to the appearance of the existing car park site is considered to outweigh any negative impacts.

Site C - Former Esplanade Theatre Site (now a skate park and greenspace area)

The proposed restaurant is intended to replicate the historic vernacular of Bognor Regis, mainly with regards its notably domed appearance. The proposed building is set back towards the western boundary, leaving the eastern boundary open and landscaped. The building essentially comprises a large dome building with a lead effect roof. The elevations would be heavily glazed, divided by white frames. Any walls would be rendered white. The proposed layout would take advantage of sea views.

Views of the building would be experienced along the promenade, particularly to the east. There would also be open views of the proposed building from the north. Obtainable views of the site along the promenade to the west would be partially contained by intervening buildings. The design advice raised no objection to the principle of the restaurant building, but again critiqued the architectural approach and the appropriateness of the large dome.

Whilst this part of the promenade is open, existing buildings lie immediately to the west fronting the promenade. The proposal is considered to make a positive contribution to the seafront, despite its relatively large scale, owing to the use of complementary materials and high quality design. In respect of design, this element of the proposal is considered to comply with Policy SITE2 and NP Policy 2 and D DM1 of the emerging Local Plan. It is considered to make a positive contribution to the street scene and would not harm the character and appearance of the area, or the seafront.

Sites D - Promenade

The proposed kiosks are intended to reflect a Victorian winter garden/conservatory theme. The design incorporates lead appearance sheet roofing and intricate metal detailing. The units are considered to make a positive contribution to the seafront and seaside identity. However, it should be noted that the kiosks positioning and use does not align with the Bognor Regis Seafront Delivery Plan recently agreed by the Council and due to be implemented in 2017.

The proposed skate park is intended as a replacement for existing provision with the town centre. It is sited within close proximity of the pier and on a wide section of promenade which is not a natural pedestrian route along the promenade. In visual terms, the skate park is unlikely to make a significant visual contribution towards the seafront which, as it stands, is open. Furthermore, there are concerns that it may conflict with the free flow of pedestrians along the promenade and the quiet enjoyment of the beach. This element of the application is considered to conflict with emerging policy OSR DM1 and there is conflict with Policy GEN13 of the Local Plan. There is insufficient information accompanying the application to demonstrate that this is the only suitable location for this piece of Green Infrastructure, and that other more potentially suitable sites have been considered. However, it is acknowledged that the provision of a skate park is an important part of the overall scheme, and that the loss of the existing facility would be unacceptable without finding a suitable replacement. Consequently, the harm arising from the proposed location of the skate park should be considered in the context of the wider town centre regeneration and therefore, weighed in the balance.

In the round it is considered that the design and layout of the scheme as a whole is of moderate quality and would improve connectivity between the town centre and seafront by introducing new buildings. The design concerns need to be weighed in the balance with the wider regeneration

benefits of the overall proposal. The Regis Centre scheme would certainly improve this part of the sea front, in accordance with NP Policy 2, and there is an identified need for improved theatre provision. The Hothamton scheme would improve the appearance of the existing car park site, and lead to a new cultural building within the town centre. The proposed restaurant would improve the appearance of the seafront by providing a modern building with traditional elements.

The proposed kiosks would improve the character of the seafront offering quality amenities for tourists and beach users, although delivery of the kiosks would need to align with the Council's proposals.

Impact on Heritage Assets -

There are a number of heritage assets within proximity of the sites, most notably the Grade II listed buildings of Bognor Regis Town Hall, the Royal Norfolk Hotel and the Pier, as well as the Steyne Conservation Area.

Site A - Regis Centre

Bognor Regis Town Hall (Grade II listed) lies to the north west of the Regis Centre site. The building has its back to the site and has been designed to address the corner. A clock tower and cupola are centrepieces of town hall. Whilst the proposal would close views of the town hall from the Esplanade, historically the town hall was contained by Colebrook Terrace. The scale of the building would also close views from the west and east. However, the town hall would still be readily appreciated as a standalone building.

The removal of the side extension would require separate listed building consent would not harm the Town Hall or its setting, subject to careful removal and restoration. Additional information has been requested in order to determine the treatment of the area around the building where it connects with the Plaza.

The proposal is not considered to harm the setting of the Grade II listed bandstand to the south east of the site which sits on the promenade.

Site B - Hothamton

The proposed theatre would have some impact on views from the Bognor Regis - The Steyne Conservation Area, and a number of the more characterful buildings within the Conservation Area (CA). The building lies at a distance of 80m to the north of the CA boundary. However, a large proportion of obtainable views would be of the front of the theatre; which would have a modern appearance couched with a more historical approach. In addition, the building would be positioned adjacent to Fitzfleet House which is a large tower block. It is logical to assume that the theatre may divert the eye away from Fitzfleet house. Overall, it is not considered that the building would harm the setting of the CA, though would be highly visible.

Site C - Proposed Restaurant

The proposed restaurant, in terms of design, resonates with historical Bognor Regis. It lies approximately 50m to the south of the Royal Norfolk Hotel which is Grade II listed. The setting of the

hotel is considered to include this site, as it was once part of the hotel. However, the hotel is orientated towards the south east with the site being on the periphery of views from the hotel. Given the complementary design of the proposed building and the distance involved, it is not considered to significantly affect the setting of the hotel.

The proposed restaurant is not considered to adversely affect the setting of Steyne Conservation Area or any other notable buildings (listed or otherwise) within the Conservation Area.

Site D - Skate park and kiosks

Whilst there are separate concerns relating to the location of the proposed skate park, it is not considered to affect the setting of the Royal Norfolk Hotel. The skate park would be relatively well contained in context of the hotel and it is not considered that it would affect its setting. In addition, despite its position adjacent to the grade II listed pier, there is sufficient space/gap between the proposed skate park and pier so as not to adversely affect its setting. The proposed kiosks would not adversely affect the setting of assets on the seafront, including the listed band stand.

Overall, the proposed development is not considered to give rise to any substantial impacts on heritage assets. Any impact identified is considered to be less than substantial and therefore, in accordance with the NPPF and Policy AREA 2, this harm should be weighed against the wider benefits of the proposal.

Highways:

The Regis Centre site would be served by a 309 space underground car park and 18 on-street parking spaces as 'chevron parking' on the Esplanade frontage. The car park would be served by one access off Belmont Street and one access off Clarence Road. Development of the Regis Centre site would lead to the loss of 187 public parking spaces which would be replaced by 316 spaces (plus 50 space overflow) of which 65 would be public parking spaces. The applicant has also included the potential for formalising the overflow provision at Gloucester Road car park which would increase the capacity by 28 spaces. As the car park is in the ownership of Arun District Council, the alterations would need to be secured through a S106 agreement.

In terms of parking for residents at Site A (Regis Centre) the WSCC parking demand calculator indicates that on the basis of 1 space per dwelling (a total of 192 spaces) a further 64 spaces would be required to accommodate 26 unallocated parking and 38 visitor spaces (90 in total). Following revisions the strategy now proposed no allocation of parking spaces to the affordable dwellings, nor the allocation of spaces to 29 of the private properties and these spaces would remain unallocated. This reduces the parking demand to 225 spaces, which is approximately 10% under the anticipated demand. However, residential parking demand peaks in the late afternoon and overnight when overflow provision and public car parking is likely to be available, thus providing reasonable public alternatives for visitor parking.

Access

The applicant proposes two access points to the basement car park; one on Belmont Street and another on Clarence Road. The Belmont access provides entry only to the basement car park to serve long stay users (i.e. residents). Exit from the car park would be via the short stay car park,

segregated by a barrier to prevent the misuse of the long stay facility.

Visibility splays have been provided at the Clarence Road access and are considered to be appropriate. The service area and overflow car park is accessed from Belmont Street and the access has been designed to accommodate 12m rigid service vehicles. Visibility splays have been provided and are sufficient. Larger servicing vehicles would be required to use the service layby on Belmont Street.

Traffic Impact Assessment and Junction Capacity Testing

The Transport Assessment calculated that the fully occupied development is expected to generate a total of 2669 movements a day when the theatre is hosting a well attended performance (approximately 47% of this traffic is associated with the theatre). However, in peak hours the development would generate a total of 120 movements during the AM peak and 231 movements during the PM peak. The assessment of junction capacity testing concludes that, with the exception of Canada Grove/ Queensway, the development does not have a significant detrimental impact on the operation of the junctions. Whilst there are fluctuations in the performance of the junctions, they remain broadly within satisfactory theoretical operating capacities during AM and PM peak hour operation. The assessment of the Canada Grove/ Queensway junction during theatre departure time (2200 - 2300) identifies that the Queensway arm of the junction would be subject to some congestion (equating to a driver delay of 3 minutes). However, due the nature of the impact (primarily affecting those who have attended a performance and an infrequent occurrence) it is not considered that this would represent a severe residual impact. A signage strategy has been proposed to advise motorists of the most appropriate route. This would need to be refined prior to implementation to fit with current signage and should be secured through an obligation.

Hothamton Car Park Site (Site B)

At the Hothamton site, there would be a loss of 215 public parking spaces, but this would be replaced by 477 spaces, of which 464 are public spaces. When combined with the Regis Centre site, this would result in a total of 529 public spaces to replace the total lost spaces (402), leading to a gain of 127 spaces which would accord with the requirements of Policy AREA7 of the Local Plan.

The applicant's submission anticipates that a full capacity event at the theatre would lead to parking demand of approximately 336 vehicles. Based on anticipated theatre demand, and the spare parking capacity within Bognor Regis as identified in the draft Bognor Regis Parking Strategy, and the underutilisation of Hothamton car park, the proposal includes 324 parking spaces.

Access

The multi-story car park is to be accessed via a priority access junction onto Queensway. The entry will consist of two lanes, one leading to the car park and another leading to a servicing area. The latter will have a barrier to prevent inadvertent access by car park users. The barrier should be located at least 12m from the highway, to ensure a rigid servicing vehicle can stand clear of the highway.

The Applicant has confirmed that the access to the car park will not have a barrier, and that the car

park will be pay and display. Given the nature of the associated use, which lends itself to vehicles arriving at a specific time prior to the start of a performance, it is essential that the access is not a barrier arrangement, as this could lead to obstruction of Queensway as vehicles wait to access the car park.

Visibility from the access accords with Manual for Streets parameters and are considered to be appropriate.

The original access arrangements indicated a loss of the parking bays opposite the site, in order to prevent obstruction of Queensway or congestion at the site access. From observation of the site, these spaces appear to be well used. The Applicant has subsequently revised the design to introduce lay-bys in the verge, thus retaining the parking provision.

Various parking restrictions have been proposed. These will require a Traffic Regulation Order and be subject to the associated formal consultation processes. The Applicant is required to pay for the promotion, advertisement and consultation of the TRO and this would be progressed through the Section 278 Agreement. This requirement should be secured through a S106 obligation.

The Applicant proposes to provide a Service Management Plan (SMP), which would be used to support the theatres servicing requirements. Through this, the Applicant will address routing of servicing vehicles to ensure a westbound approach to the service access. In addition, signage is proposed (to be considered further through the S278 Agreement) to restrict service vehicles turning left into the site access, where the turn is more onerous and requires a manoeuvre into the opposing flow of traffic. A condition is recommended that requires a SMP to be agreed prior to first occupation of the use. The SMP will also include a commitment to a banksman supporting servicing egress onto Steyne Street.

To accommodate the car park access arrangements, it will be necessary to relocate the bus stop to the east of the site; this will be accommodated in a bus layby. Adjacent to the bus layby, an access to the drop-off facility at the south of the theatre will be provided. Whilst the access is acceptable in principle, some modification will be required through the S278 detailed design. For example the removal of the overrunable area, retention of a layby and the construction of the drop-off access as a vehicle cross-over at the rear of the layby, utilising a specification suitable for use by HGVs.

WSCC highways considers that the proposals demonstrate that safe and suitable access can be achieved, and that the application demonstrates safe and acceptable levels of parking provision, and therefore accords with paragraph 32 of the National Planning Policy Framework and policies 6 and 8b of the NP and GEN12 of the Local Plan. The impacts on the highway network are considered to be acceptable. The application also accords with Policy AREA7 and Policy GEN 7 of the Local Plan and Policy TDM2 of the emerging Local Plan in that the development would not lead to a loss of public parking.

The applicant has also proposed an 'aspirational cycle route' connecting Bognor to villages to the west and onwards towards Chichester and is proposing to support such a scheme with a financial contribution. WSCC highways consider that the improvements are not essential to making the development acceptable in planning terms or directly related to the development, and therefore, would not be in accordance with the CIL Regulations 122 tests. Instead they have suggested a

contribution towards enhancing connectivity to the promenade area. As referred to above, an obligation would be required for a revised signage strategy and to fund the necessary Traffic Regulations Orders (TROs) that will be required at the appropriate time during the S278 process. The applicant is also proposing a contribution towards variable message signing which the Council would need to consider. The S106 will also need to incorporate alterations to the highway outside the red line boundary of the site.

Biodiversity:

The application includes an assessment identifying species and habitats of potential conservation concern. A bat emergence survey was carried out at the Regis Centre and the Hothampton Car Park which concluded that there was a likely absence of bat roosts in the tree in the Hothampton Car Park and the Regis Centre building, but the building had moderate potential for bats. The Survey recommended that work to the trees and demolition of the Regis Centre should be supervised by a licenced bat consultant. The ADC ecologist recommended any clearance of bird nesting habitat to be undertaken outside of the breeding season. The ADC ecologist also recommends that bird and bat boxes are installed, native planting is used in the landscaping scheme, and wildflower seed mix used in the open space areas and that lighting should be kept to a minimum. There were no immediate ecological concerns in respect of the other sites.

The proposed development lies, at its closest point, 3.5km from the Pagham Harbour SPA/Ramsar Site. Given the distance between the proposed development and the SPA, the potential impacts are considered to be indirect. These impacts revolve around a potential increase in visitor numbers and potential for residents associated with the development to disturb the bird population of the SPA. Policy ENV DM2 of the emerging Local Plan requires that developments within 5km of Pagham Harbour make a contribution towards a joint strategic scheme of avoidance and mitigation which is intended to provide mitigation such as a part-time warden, signage and interpretation, a dog project and mitigation. A contribution of £1,100 per residential unit would be required as agreed by the Council's Cabinet in July 2015.

Paragraph 119 of the NPPF identifies that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directive is being considered, planned and determined. In this case, the proposed development is not considered to result in a significant adverse effect on the nearby SPA/Ramsar site either alone or in combination with other plans or projects and, as such, the tests contained within Regulation 61(1) of the Habitats Regulations would not be failed. In this case there is considered to be no need to undertake an Appropriate Assessment under the Birds or Habitats Directive.

Drainage:

The sites lie within Flood Zone 1 (low probability of flooding from the sea or rivers). The application is accompanied by a Flood Risk Assessment. The schemes involve Sustainable Urban Drainage techniques. There are no objections to the proposal from consultees, subject to appropriate conditions. The applicant's FRA indicates that the development would reduce overall flood risk and provides appropriate adaptation and mitigation measures in compliance with policies W DM2 and W DM3 of the emerging Local Plan. The application is also considered to comply with Policy GEN9 of the Arun District Local Plan.

Residential Amenity:

Policy GEN7 of the Local Plan dictates that regard should be had to the impact on neighbouring properties and their respective amenity and ensuring that the amenity of future residents will be acceptable.

Site 1 - Regis Centre

The east facing elevation of the proposed development would face Berkeley Court, an apartment/flat complex on the opposite side of Alexandra Terrace a distance of between 10m and 12.6m. Given that the proposed elevation would front the street and follow the general line of development on this side of Alexandra Terrace, the proposal is not considered to represent an unacceptable impact on the amenity of the occupiers of these properties. The scale of the proposed development is not dissimilar to the residential complex on the opposite side of Alexandra Terrace and therefore, generally reflects the prevailing scale of development along this stretch of Alexandra Terrace.

The western elevation which looks out onto the Place St Maur des Fosses would be at least 21m from the residential complex at Mountbatten Court. Consequently, there is not considered to be a significant impact on the occupiers of these properties.

In addition to the above, it is also necessary to assess the proposals against national guidance relating to internal spacing standards. The proposal includes a small number of studio flats (at approximately 40m²) but mainly 1 and 2 bedroom flats/apartments. The smallest 1 bed apartment would be approximately 51m² and the smallest 2 bed apartment would be approximately 53m². The smallest 2 bed unit size is below the essential general internal floor area of 61m². The other units proposed would exceed the requirements set out in the Technical Housing Standards - Nationally Described Space Standards.

In respect of external standards, Policy D DM3 of the emerging Local Plan has been adopted for development management purposes. In terms of private amenity space, 115 of the residential units would have balconies. Within the courtyard area is open space provision. In addition, the site lies adjacent to the Esplanade and within close proximity of the beach and the policy makes allowances for schemes in town centre areas where greater flexibility is required. Overall amenity standards for the future occupiers of the scheme are considered acceptable and the application is considered compliant with Local Plan Policy GEN7, GEN20 and emerging Policy D DM3 and OSR DM1 in this respect.

Environmental Health have objected based on insufficient information being provided to ensure that any potential impacts on current and future tenants are appropriately mitigated. The issues raised related to the noise environment for future residents of the Regis Centre site building in relation to noise from the external environment facing to the south (the road and sea), particularly when using balconies. It would not be appropriate from a design or amenity point of view to enclose the balconies, and it is considered that the provision of amenity space in the form of balconies outweighs the concerns about noise levels. Conditions are proposed to ensure that suitable glazing and ventilation systems are provided for habitable rooms to reduce noise, and that consideration is given to the design of balcony balustrades in order that they will also provide some noise reduction. Concerns were also raised by Environmental Health due to insufficient information

provided on the potential noise from mechanical plant. The detailed design of the mechanical plant that will be required is not available at this stage and therefore there will need to be further assessment of noise emissions when detailed designs are known and mitigation measures can be put in place. A condition is proposed to ensure that BS4142 noise limits are achieved. In relation to noise breakout from commercial areas this cannot be fully assessed until full details of the intended uses are known. The noise assessment details the noise mitigation measures that will be required in the detailed design of the development. Initial conditions have been included in this report in order to ensure that these measures are incorporated into the approval and further discussions will be taking place with Environmental Health to finalise the proposed conditions. The outcome of the discussions will be within the Update Report.

Site 2 - Hothamton

The site is surrounded by a number of residential properties to the north and west along the Queensway and Steyne Street. The proposed theatre and hotel building is positioned approximately 12.8m to the west of Fitzfleet House and within 30m of two properties to the west.

The application includes a sun-path analysis which demonstrates that the development would have no impact on properties to the west or north during the daytime or evening. However, there is likely to be a shadow cast on a number of the lower floor flats at Fitzfleet House, particularly during the latter part of the afternoon and evening. The same flats are also likely to face relatively close up views of the proposed building, although the proposed theatre and hotel would be located on the opposite side of a road/access. Given the high density development associated with Fitzfleet House, and the limited number of properties affected, any adverse impact would be limited to a small number of properties and in context do not represent significant harm.

The proposed theatre includes a roof/garden terrace approximately 15m above the existing ground.

There would be obtainable views in an easterly and westerly direction. Merchant Cottage and Seaway, two properties which face the site on Steyne Street, are considered to be sufficiently screened from the site by existing vegetation and trees. Therefore, it is not considered that the use of the terrace would lead to overlooking of these properties/gardens, especially considering that the building is proposed 30m from the boundary of these gardens. In terms of the adjacent multi-storey car park, the car park elevation facing the properties does not contain any gaps - in order to ensure no significant noise impacts from cars moving with the car park.

North facing balconies associated with the hotel would be sufficient distance from properties on Queensway so as not to result in a loss of privacy.

Site 3 - Proposed Restaurant

The restaurant is proposed approximately 11m to the south east of the nearest residential properties. It is considered that noise levels would be audible at the nearest residential property but in the context of existing noise levels, predicted noise levels at the site and the nature of the area; the noise levels would be acceptable to residents subject to mitigation measures and detailed acoustic design of the restaurant. Subject to conditions, the application is considered to comply with Policy GEN32 of the Local Plan. As with the Regis Centre site the Report Update will include details of conditions relating to noise controls for this site.

Site 4 - Promenade

The proposed kiosks would not result in a discernible impact on the amenity of occupiers given the distance involved, and the uses proposed. However, it should be noted that the kiosks are located in different positions to kiosks planned by ADC. The applicant has indicated that the final locations of the kiosks could be amended to align with ADC proposals.

The skate park would be situated along the existing promenade, 25m from the nearest properties to the north. The Esplanade lies in between the site and the nearest properties. The skate park is unlikely to be used at unsociable hours. Any noise is unlikely to adversely affect the amenity of the nearest occupiers. The proposal is considered to comply with Policy GEN7 of the Local Plan.

Landscaping and Trees

The application has been accompanied by a tree survey which covers all the sites. All the trees surveyed have been classified as category 'C' trees - these being trees that would not normally be retained if they are constraint to development.

On the Regis Centre site, all trees and hedgerows are proposed for removal, subject to replacement with new trees as part of a comprehensive landscaping scheme. This includes a Horse Chestnut in front of the Town Hall which is diseased.

On the Hothamton site it is recommended that the Purple Beech trees within the site are removed and replanted within the new development. Most of other category C trees are recommended for removal to make way for the development. There is one notable Horse Chestnut tree adjacent to the cottages on Steyne Street. The Council's Tree Officer has no objection to the proposed removal of the trees and recommends conditions to protect retained trees during construction.

The Regis Centre, Hothamton and proposed restaurant sites are subject to submitted landscaping schemes, however the Council's Greenspace officer considers that the proposals would need to fit with recently implemented public realm enhancement work in the vicinity of the sites. The suitability of the proposed avenue tree planting shown on the continuity drawings would need to be detailed to show where they are proposed and the underground support systems required. Clarity is also required regarding the proposed play area locations, the offer to be made and the accessibility to the public and installation and maintenance. Concerns have been raised about the location and size of the proposed skate park. The indicated species choice for planting is not considered suitable and disregards existing landscaping. Full planting details would therefore be required to address the above concerns and it is considered that this, and details of play areas, could be conditioned.

The submitted tree survey recommends that planting involves robust species. Subject to landscaping details being secured through a planning condition, the application is considered to comply with policy GEN28 of the Local Plan.

Foul drainage

Southern Water has assessed the application and the potential impact on sewer capacity and have indicated that the development would need to provide additional local infrastructure as it would

increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the NPPF. The applicant may need to upgrade the existing sewer under the Water Industry Act (1991) or ensure that the development does not increase flows. A condition requiring a drainage strategy detailed the proposed means of foul and surface water disposal and an implementation timetable to be submitted is recommended in order to address this issue.

Other Issues

A number of other issues have not been addressed specifically in other sections of the report.

The play area closest to the Hothampton site is intended to be replaced by play provision within the Sunken Gardens. As this provision would be outside the red-line boundary, replacement of this play area would need to be secured by way of a Legal Agreement.

The applicant intends to replace the skate park which would be lost to make way for the restaurant. Full details could be secured by a Grampian style planning condition in order to ensure that an acceptable location for the skate park is found.

The application includes an Air Quality Assessment relating to the Hothampton Car Park site. This includes a number of mitigation measures in order to mitigate the effects of emissions from the proposed multi-storey car park. This element of the scheme could be conditioned and Environmental Health raises no objections.

In relation to sustainability and climate change, the evidence submitted with the application states that the Regis Centre development can attain a Code for Sustainable Homes 'Code 4 level' rating for the residential elements. For the non-domestic buildings the development would target all tradable BREEAM NC excellent criteria and attain at least very good mandatory credits for buildings emission rate. The Hothampton site theatre and hotel and the restaurant is proposed to meet a 'very good' BREEAM certification.

Summary

The application comprises a number of complementary elements which are intended to provide a comprehensive regeneration scheme. Policy SITE2 of the Local Plan contains a number of core regeneration aims which are supported by specific detail contained within the guidance Masterplan. More recently the Bognor Regis Neighbourhood Plan has been made. This document elaborates on the Local Plan and provides more site specific direction for site development across the town centre.

The proposal is considered to offer the following benefits:

- Improvement of the economic viability and vitality of the town centre by attracting new investment (£80 million inward investment into Bognor by creating jobs during construction and post construction, new leisure facilities, cultural facilities, pub and restaurants, residential, as well as improved toilet and shower facilities along the Esplanade/beach).
- Enhancement of the environmental/architectural quality of the townscape thus attracting new

investors. This includes a high quality, mixed use seafront building and a state of the art theatre complex, complete with restaurant and hotel.

- Enhancement of the physical/visual linkages between the promenade and town centre. Creation of a high quality boardwalk, enhanced planting on Place St Maur and the design linkages which link the sites from the High Street to seafront (Regis Centre and Esplanade Restaurant to the shops/Theatre and the kiosks along the Esplanade).
- Improves attractiveness of the retail environment to shoppers - proposed retail units at the Regis Centre site with cafes and restaurants. Cafe/hotel/restaurant facilities on the Hothamton and former skate park sites.
- Increases the attractiveness of the town as a holiday destination for visitors - high quality new commercial theatre, improved leisure provision, art gallery, new seafront cafes, small retail units, restaurant, new seafront kiosks, toilets, showers, destination restaurant, proposed new boardwalk, new hotels.

These benefits are considered to comply with a number of objectives set out in the Local Plan and the NP and attract significant weight in favour. It is considered that these elements of the scheme have the potential to bring a renewed vitality to the seafront and town centre and reinvigorate previously developed land. The scheme also has the potential to increase tourist numbers through the provision of new hotels (one of which is close to the seafront) and a quality restaurant facility, both of which have been identified as lacking in Bognor Regis by the NP and the Arun District Retail Study. Whilst there is some conflict with the specific site allocations identified in the NP (particular in respect of the Hothamton development) the quantum of uses proposed across the different sites is considered to provide a diverse range of town centre uses.

Whilst there were concerns raised about the viability and operation of the proposed Theatre, which would need further consideration by the applicants post decision, the current provision is in need of improvement and the proposal would result in a significantly larger and better equipped cultural facility within Bognor Regis which weighs in favour of the scheme in accordance with emerging Policy EMP DM4 and Local Plan Policy SITE2. The revised phasing would ensure that the replacement theatre is provided prior to demolition of the existing theatre which would retain existing audiences.

The scheme is considered to promote economic resilience and support the vitality of Bognor town centre through the provision of additional retail activities which will increase the attractiveness of the retail environment for shoppers at the Regis Centre and Hothamton sites in accordance with Local Plan Policy SITE 2 and emerging Local Plan Policies RET SP1 and RET DM1.

The provision of a new cultural offer through the new theatre at the Hothamton site and increased leisure provision from the provision of hotel, restaurant, cafes, bar, community arts centre and leisure uses at the Regis Centre site, combined with a new destination restaurant on the promenade and general improvements to the public realm is considered to increase the attractiveness and vitality of the town as a holiday destination for visitors as well as for the local community in accordance with Local Plan Policies SITE 2, DEV34 and emerging Local Plan Policy TOU DM1.

The scheme provides sufficient open space, with the Plaza, Place St Maur des Fosse and landscaping at the Hothamton site all providing public open space and new/ replacement children's play equipment and, subject to detailed proposals being finalised through conditions and the S106, therefore is in accordance with Policy GEN20 of the Local Plan and OSR DM1 of the emerging Local Plan. The proposal is not considered to have any negative impacts on existing residential amenity although there would be some impact on the amenity of occupiers of Fitzfleet House within close proximity of the Hothamton site but overall, the harm is considered to be relatively limited in context. The proposed internal space standards, while falling short of standards for a limited number of apartments, are considered acceptable overall in accordance with Local Plan Policy GEN7 and emerging Local Plan Policy D DM3.

Subject to conditions the proposals would not have any negative impacts on ecology or be at risk of flooding and conditions are proposed to ensure satisfactory sustainable urban drainage and foul drainage in accordance with Policy GEN9 of the Local Plan.

The proposed infrastructure contributions to be secured through a S106 agreement would ensure that the proposal contributes towards the infrastructure and services needed to support the development and meet the needs of future occupiers in accordance with Local Plan Policy GEN8 and emerging Policy INF SP1. This overcomes the previous reason for refusal (4) which was due to a lack of demonstration that a reduced level of contributions was acceptable due to the impact on viability of the scheme.

The proposal would provide 30% affordable housing on site and is therefore compliant with Policy Local Plan Policy DEV17 and emerging Policy H SP2. This overcomes the previous reason for refusal (3) based on the under provision of affordable housing.

The scheme has demonstrated that a safe and suitable access can be achieved at each site and the parking provision is acceptable in accordance with Local Plan Policies GEN7 and GEN12, Policy TDM 2 of the emerging Local Plan and Policies 6 and 8b of the Neighbourhood Plan. The impacts on the highway network have been demonstrated to be acceptable in compliance with Local Plan Policy GEN7, and emerging Local Plan Policy T SP1. The proposals and supporting evidence put forward for this application have overcome the previous reason for refusal (1) which related to the impact of the scheme on the highway network.

The proposals are in proximity to a number of heritage assets, and the impact on the listed buildings and conservation area has been considered. Overall, it is considered that the proposals do not adversely affect the setting of the Steyne Conservation Area or any other notable buildings (listed or otherwise) within the Conservation Area or the Grade II listed buildings or Bognor Regis Town Hall, the Royal Norfolk Hotel and the Pier in accordance with Policy AREA 2 of the Local Plan and HER SP1, HER DM1 and HER DM3 of the emerging Local Plan.

In relation to the design and impact of character and appearance of the area, the design advice received was critical of the scheme, both overall and in relation to detailed points. Whilst some of the detailed points have been addressed in order to improve the scheme, it is a finely balanced judgement as to the weight that should be placed on the broader criticisms of the design and whether the scheme meets the criteria for 'design excellence' set out in NP Policy 8a and the principles of good design in the NPPF and the emerging Local Plan Policy D DM1. Undoubtedly, the scheme will enhance the sites when compared to what is currently on each site, and there are

wider regeneration benefits as set out above which have considerable weight as they will further the core regeneration aims for Bognor Regis. Overall, it is considered that whilst the proposal has missed some opportunities to achieve a design that would achieve excellence in terms of responding to and integrating with the local surroundings, this is outweighed by the contribution that the proposal would make in terms of improving the viability and vitality of the town centre and enhancing the public realm in accordance with SITE2 of the Local Plan.

However, it must be re-emphasised that this is a finely balanced decision and if the Committee concludes that on balance the scheme is considered to be of insufficient quality, notwithstanding the positives of the proposal, then it would be reasonable to refuse the application.

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.

SECTION 106 DETAILS

A Section 106 Agreement is required and will include the requirements set out below. However, it should be noted that the Council (at its meeting on the 9th November 2016), who, as landowner would be required to be party to the S106 Agreement, resolved that it would not be appropriate to make any binding decisions regarding its position as landowner for these key sites until and after the following milestones have been reached:

A: The Council had commissioned the feasibility studies agreed by it in July 2016 and the content of those studies had been considered and reported to Full Council in early 2017; and

B: The Council had determined what course of action (if any) it wished to pursue for securing the redevelopment of the Hothamton and Regis Centre sites, having regard to the content of the studies referred to in (A) above.

Therefore, the Council would be unable to enter into a S106 Agreement with the applicant at this point in time and the S106 would remain unsigned.

It should be noted that the figures included for the WSCC contributions below and within the report are based on information at the time of the consultee response and were valid for 3 months, as they have not been consolidated into a signed S106 agreement they will be subject to revision as necessary to reflect the latest information as to cost and need. The S106 obligation will also need to include appropriate indexation.

~On-site provision of 30% affordable housing units at the Regis Centre site.

~Phasing - The phasing of the development shall be as follows:

Phase 1 - the construction of the theatre at the Hothamton site

Phase 2 - demolition of the Bognor Regis centre and the construction of the proposed development for that site

Phase 3 - the construction of the seafront kiosks

Phase 4 - the construction of the restaurant at the Esplanade Theatre site.

The demolition of the Alexandra Theatre shall only take place after the replacement Theatre is completed and suitable for occupation/ use.

~Leisure uses at the Regis Centre site - securing occupiers prior to occupation of residential elements.

~£130,360 - Primary Education contributions generated by this proposal shall be put towards small

scale improvements at South Bersted Primary School

~£140,300 - Secondary Education contributions generated by this proposal shall be put towards

additional facilities at The Regis School.

~£39,330 - 6th Form contributions generated by this proposal shall be put

towards additional facilities at The Regis School's Sixth Form department.

~£3,738 Fire and rescue towards the re-development or re-location of fire stations and associated vehicles and equipment in West Sussex Fire Rescue Services Southern Area serving Bognor Regis.

~£39,330 from the proposed development towards improving Digital Access services at Bognor Regis Library.

~Contribution for Pagham Harbour towards strategic access management measures of £1275 per unit.

~Provision of public open space and commuted sum for future management of the public open space

~Provision of equipped children's play areas at the Regis Centre site within the Place St Maur des Fosse and at the Hothamton site to replace and upgrade the existing play equipment at the Sunken Gardens and commuted sum payments will also be required towards the maintenance of open spaces where these are provided on-site. These will be calculated once a detailed landscape plan has been submitted.

~Provision of a replacement skateboard park prior to loss of the existing provision either at the location marked for that use on the submitted plans or another location to be decided in conjunction with the Council.

- ~Undertaking of necessary Highway Works including those set out on plans 2014-2408-101 Rev J and 2014-2408-301.
- ~Contribution towards Gloucester Road car park alterations.
- ~Payment for promotion, advertisement and consultation for Traffic Regulation Orders at the appropriate time in the S278 process.
- ~Contribution to seafront connectivity improvements.
- ~Provision of off-site pedestrian improvements connecting the sites in accordance with a scheme to be submitted approved.
- ~Provision of lighting as a feature along the seafront in accordance with a scheme to be submitted and approved.
- ~Obligation to deliver a revised signage strategy (including consideration of any other signs within the area that may be made redundant or rendered incorrect by the proposed developments) - with the schedule to be agreed and implemented prior to first occupation.
- ~Details of a management company for all sites.
- ~Contribution to variable message signing in Bognor Regis (if required by the Council)
- ~Percent for Art.
- ~Agreement to reserve programming space for Arun Arts at the new Theatre.

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:

Regis Centre Site:

- 1694-01h - Proposed Basement Floor Layout
- 1694-02iz - Proposed Ground Floor Layout
- 1694-03h - First Floor Plan
- 1694-04h - Second, Third and Fourth Floor Layout Plan
- 1694-06h - Fifth Floor Plan
- 1694-07g - Roof Plan
- 1694-08f - Elevations (south and north)
- 1694-09e - Elevations (east and west)
- 1694-10f - Sections (south and north)
- 1694-11d - Sections (east and west)
- 1694-12a - Street Elevations (south and east)
- 1694-13a - Street Elevations (north and west)
- 1694-15a - Side elevation (plaza north elevation)
- 1694-16a - Service Building (elevations and plans)
- 1694-17a - Access Ramp from Alexandra Terrace - Elevations
- 1694-18 - Access Ramp from Belmont Road - Elevations
- 1694-L01 - Location Plan

1694-Sch01i - Schedule of Accommodation
1694/SK03g - Ground Floor Layout illustrating uses and indicative landscaping

2015/2408/202 Rev I - Regis Centre, Basement Car Park
2015/2408/201 Rev G - The Regis Centre - Proposed Access Arrangements
2015/2408/202 Rev I - The Regis Centre - Basement Car Park
2015/2408/203 Rev E - The Regis Centre - Access and Servicing Swept Path Analysis
2015/2408/204 Rev D - The Regis Centre - Basement parking
2015/2408/301 Rev C - The Skateboard Park Site: Restaurant Access and Servicing
2015/2408/406 Rev D - Gloucester Road Car Park

Hothampton Car Park:

14-104-101 Rev C - Site Location Plan
14-104-102 Rev J - Theatre Site Plan
14-104-106 Rev E - Hothampton Theatre - Basement Level 1 and 2
14-104-107 Rev G - Hothampton Theatre Ground Floor Plan
14-104-108 Rev G - Hothampton Theatre First Floor Plan
14-104-109 Rev F - Hothampton Theatre Second Floor Plan
14-104-110 Rev E - Hothampton Theatre Third Floor Plan
14-104-111 Rev D - Hothampton Theatre Fourth Floor Plan
14-104-112 Rev C - Hothampton Theatre Fifth Floor Plan
14-104-113 Rev C - Hothampton Theatre Sixth Floor Plan
14-104-114 Rev C - Hothampton Theatre Seventh Floor Plan
14-104-115 Rev E - Hothampton Theatre Elevation - South (note - materials shown do not form part of approved plan)
14-104-116 Rev E - Hothampton Theatre Elevation - West (note - materials shown do not form part of approved plan)
14-104-117 Rev E - Hothampton Theatre Section
14-104-119 Rev G - Hothampton Theatre Parking Strategy
14-104-120 Rev C - Hothampton Theatre Car park elevations and sections
14-104-121 Rev A - Hothampton Theatre - Street Scenes
14-104-122 Rev A - Hothampton Theatre Elevation - East (note - materials shown do not form part of approved plan)
14-104-123 Rev B - Hothampton Theatre Elevation - North (note - materials shown do not form part of approved plan)
14-104-124 Rev B - Hothampton Theatre Roof Plans
14-104-125 - Hothampton Proposed Street Scenes

2014/2408/101 Rev J - Hothampton Car Park - Ground Floor and Proposed Access Arrangements
2014/2408/102 Rev G - Hothampton Car Park - Servicing and Drop-Off Circulation
2014/2408/103 Rev G - Hothampton Car Park - Ground Floor Swept Path Analysis
2014/2408/104 Rev E - Hothampton Car Park - Basement Level 1
2014/2408/105 Rev E - Hothampton Car Park - Basement Level 2
2014/2408/106 Rev D - West Street/ Steyne Street Junction Swept Path Analysis
2014/2408/107 - Hothampton Car Park - Level 1
2014/2408/108 - Hothampton Car Park - Level 2
2014/2408/109 - Hothampton Car Park - Level 3

Kiosks

14-104-118 Rev E Kiosks - Plans and Elevations

Restaurant:

14-104- 103 Rev E - Restaurant Site Plan

14-104- 104 Rev C - Restaurant Ground Floor Plan

14-104- 105 Rev C - Restaurant First Floor Plan, Elevations and Sections

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

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

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

- 4 A verification report demonstrating completion of the works set out in the following conditions shall be submitted to and approved, in writing, by the Local Planning Authority.

38 (Flood Risk Assessment),

32, 33, 34, 35 (Surface Water Drainage),

29, 30, 31 (Foul Water Drainage),

6 (Tree Protection),

5 (Landscaping),

36 (Archaeology),

37 (Contamination)

9, 10, 16, 19 (Access Construction),

The report shall include results of monitoring carried out in accordance with the approved verification plans to demonstrate that the work have been carried out in accordance with approved details. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring and maintenance as identified in the verification plan, and for the reporting of this to the Local Planning Authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure a satisfactory standard of development in accordance with approved details.

- 5 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 full details of hard and soft landscaping (soft landscaping shall include details of species choice, quantities and size at time of planting along with detailed maintenance proposals for their establishment) and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The materials for hard landscaping and species choice for soft landscaping shall be sympathetic to the setting and be in character with the location and fit with the design that has recently been employed for public realm enhancement works and landscaping in Bognor Regis town centre.

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

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

- 6 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.

- 7 Any works to trees or vegetation clearance on the site should only be undertaken outside the bird breeding season which takes place between 1st March and 1st October. If works on trees are required within the breeding season a CIEEM ecologist will need to check the site before any works take place (within 24hours of any works taking place). If any active nests are found activities should cease and an appropriate buffer zone should be

established. This buffer zone shall be left intact until it has been confirmed by an ecologist that the young have fledged and the nest is no longer in use.

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

- 8 Prior to occupation of any buildings a plan must be submitted setting out the details of the type and location of bird boxes and bat roosting structures to be erected on the sites. The plan shall be submitted for approval in writing by the local planning authority prior to erection on site which must take place within 3 months following occupation of any building.

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

- 9 Theatre Site (Hothamton car park) - Access - Queensway
No part of the development shall be first occupied until such time as the vehicular access onto Queensway has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. This shall include visibility splays of 2.4m by 43m to the east and 29m to the west from the car park egress onto Queensway.

Reason: In the interests of road safety

- 10 Theatre Site (Hothamton car park) - Access and Egress - Steyne Street
No part of the development shall be first occupied until such time as the vehicular access and egress onto Steyne Street has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety

- 11 Theatre Site (Hothamton car park)- Cycle parking
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.

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

Reason: To provide car-parking space for the use.

- 13 Theatre Site (Hothamton car park) - Construction Management Plan
No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

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

- 14 Theatre Site (Hothamton car park) - Travel Plan
No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

- 15 Theatre Site (Hothamton car park) - Servicing Management Plan
No part of the development shall be first occupied until such time as until a Servicing Management Plan for has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, set out arrangements for the collection of refuse and routing of service vehicles to and from the site. Once occupied the use shall be carried out only in accordance with the approved Plan.

Reason - to safeguard the operation of the public highway.

- 16 Regis Centre Site - Access Clarence Road
No part of the development shall be first occupied until such time as the vehicular access onto Clarence Road has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety

- 17 Regis Centre Site - Cycle parking
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.

- 18 Regis Centre Site - Car parking space
No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details submitted to and approved in writing by

the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use.

- 19 Regis Centre Site - Access and Egress - Belmont Street
No part of the development shall be first occupied until such time as the vehicular accesses and egresses onto Belmont Street have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. This shall include visibility splays of 2.4m x 43m in both directions.

Reason: In the interests of road safety

- 20 Regis Centre Site - Construction Management Plan
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.

- 21 Regis Centre Site - Servicing Management Plan
No part of the restaurant development shall be first occupied until such time as until a Servicing Management Plan for has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, set out arrangements for the collection of refuse and routing of service vehicles to and from the site. Once occupied the use shall be carried out only in accordance with the approved Plan.

Reason - to safeguard the operation of the public highway.

- 22 Regis Centre Site - Travel Plan
No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

- 23 Restaurant Site (existing skateboard park) - Servicing Management Plan
No part of the restaurant development shall be first occupied until such time as until a Servicing Management Plan for has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, set out arrangements for the collection of refuse and routing of service vehicles to and from the site. Once occupied the use shall be carried out only in accordance with the approved Plan.

Reason - to safeguard the operation of the public highway.

- 24 Restaurant Site (existing skateboard park) - Construction Management Plan
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.

- 25 Esplanade Site - Construction Management Plan
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.

- 26 During the construction of the development no machinery, vehicles or plant shall be operated on the site and no construction deliveries shall take place, except between the hours of:
8.00 a.m. and 6.00 p.m. on Mondays to Fridays inclusive
8.00 a.m. and 1.00 p.m. on Saturday
Not at any time on Sundays or Public Holidays

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

- 27 No deliveries or despatches by commercial vehicles shall be taken or despatched from the sites outside the following times (7.00am - 6.00pm Mondays to Saturdays), nor at any time on Sundays, Bank Holidays or Public Holidays.

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

- 28 Construction work shall not begin until a scheme for protecting the nearest noise sensitive dwellings from noise during the construction process has been submitted to and approved in writing by the Local Planning Authority and then implemented for the duration of the development.

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

- 29 Development shall not commence until a drainage strategy detailing the proposed means of foul and surface water disposal and an 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.

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

- 30 Development shall not commence 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 buildings shall not be occupied until the measures in respect of diverting the sewer have been 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.

- 31 No development shall commence until the exact location of the rising main and foul sewer pipe, which is known to cross the site has been identified. A plan identifying the locations of Southern Water Infrastructure must be submitted that identifies the locations of the pipe run and a 5m easement from the centre line of the pipe must be submitted to the Local Planning Authority in writing for their written approval that work can commence. Any addition pipework or Sothern Water infrastructure found during construction should be investigated to ascertain its condition, the properties served, and potential means of access before further works commence on site.

Reason: To ensure that the proposed development is drained in accordance with policies GEN7 and GEN9 of the Arun District Local Plan and in the interests of protecting Southern Water Drainage infrastructure.

- 32 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.

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

- 33 Immediately following implementation of the approved SuDS scheme and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. There shall be no deviation to the approved scheme other than with the written consent of the Local Planning Authority. The scheme shall thereafter be maintained in perpetuity.

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

- 34 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.

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

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other

than with the written consent of the Local Planning Authority.

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

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

- 36 No development shall take place 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.

- 37 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.

- 38 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 5.57m above Ordnance Datum (AOD) for the Skate Park and Promenade and no lower than 5.58m above Ordnance Datum (AOD) for the Regis Centre.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/ phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

- 39 No external lighting shall be installed on site until a full external lighting scheme including the type of light appliance, the height and position of fitting, illumination levels and light spillage which comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light have been submitted to and approved in writing by the Local Planning Authority. The scheme should also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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

40 The phasing of the development shall be as follows:

Phase 1 - the construction of the theatre at the Hothampton site

Phase 2 - demolition of the Bognor Regis centre and the construction of the proposed development for that site

Phase 3 - the construction of the seafront kiosks

Phase 4 - the construction of the restaurant at the Esplanade Theatre site.

The demolition of the Alexandra Theatre shall only take place after the replacement Theatre is completed and suitable for occupation/ use.

Reason: To ensure that there is no loss of a valued cultural facility in accordance with paragraph 70 of the NPPF.

41 For restaurant/ bar uses:

The use hereby permitted shall not be commenced until a scheme detailing the equipment necessary to discharge odours and fumes from the cooking process shall have been submitted and approved by the Local Planning Authority. Prior to use the equipment shall have been installed and be in full working order to the satisfaction of the Local Planning Authority in accordance with the approved scheme.

Reason: To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties in accordance with Arun District Local Plan policies GEN7, DEV26 and GEN34.

42 The extraction equipment installed in pursuance to Condition No 41 above shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority.

Reason: That the use does not result in excessive cooking odours outside the premises and that the amenity of occupiers of nearby properties is protected in accordance with Arun District Local Plan policies GEN7, GEN34 and DEV26.

43 No/machinery/vehicles or plant/shall be operated on the/site/premises except between the hours of:

7.00 a.m. and 6.00 p.m. on Mondays to Fridays inclusive

7.00 a.m. and 1.00 p.m. on Saturday

Not at any time on Sundays or Public Holidays

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

44 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the sites except within the buildings or storage areas at any time approved by the Local Planning Authority.

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

- 45 Amplified music or other entertainment noise shall be restricted to a maximum of dB(A) as measured at [specify location] and shall be controlled by means of a volume limiting device to the satisfaction of the Local Planning Authority.

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

- 46 Before the use commences, the buildings shall be insulated in accordance with a scheme submitted to and approved by the Local Planning Authority [to secure an acceptable level of noise emanating from the building].

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

- 47 Before the development hereby permitted commences, a scheme shall be submitted and approved by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the sites.

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

- 48 No plant or machinery shall be operated in the buildings so as to cause a noise level at the boundaries of the application site which exceeds decibels between the hours of 8.00 a.m. and 6.00 p.m. on weekdays and decibels at all other times, including Public Holidays. Noise levels to be measured in accordance with the recommendations of BS 4142.

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

- 49 No external radio or T.V. aerial shall be erected or affixed on any individual property or flat.

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

Provision shall be made for combined aerial facilities to serve all flat/maisonette development.

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

- 1 The Regis Centre site ground floor shall be used for the uses as shown on Ground Floor Layout Plan 1694/02 Rev iz and for no other purpose.

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

- 2 The layout of the development shall incorporate provision for open space and play space

and no dwelling shall be occupied until such facilities have been located, laid out and constructed in accordance with details approved by the Local Planning Authority and the sites provided for such facilities shall not thereafter be used for any other purpose.

Reason: To secure an adequate standard of environment for the development and to comply with policies GEN7, GEN20 of the Arun District Local Plan.

- 3 Prior to the commencement of development, a strategy for the provision or facilitation of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Reason: To ensure that the needs of future residents to connect to the internet does not necessarily entail engineering works to an otherwise finished and high quality living environment in accordance with policy GEN7

- 4 **INFORMATIVE:** The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader, West Sussex County Council, County Hall, Chichester, West Sussex, PO19 1RQ. (Tel no. 01243 642105). The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

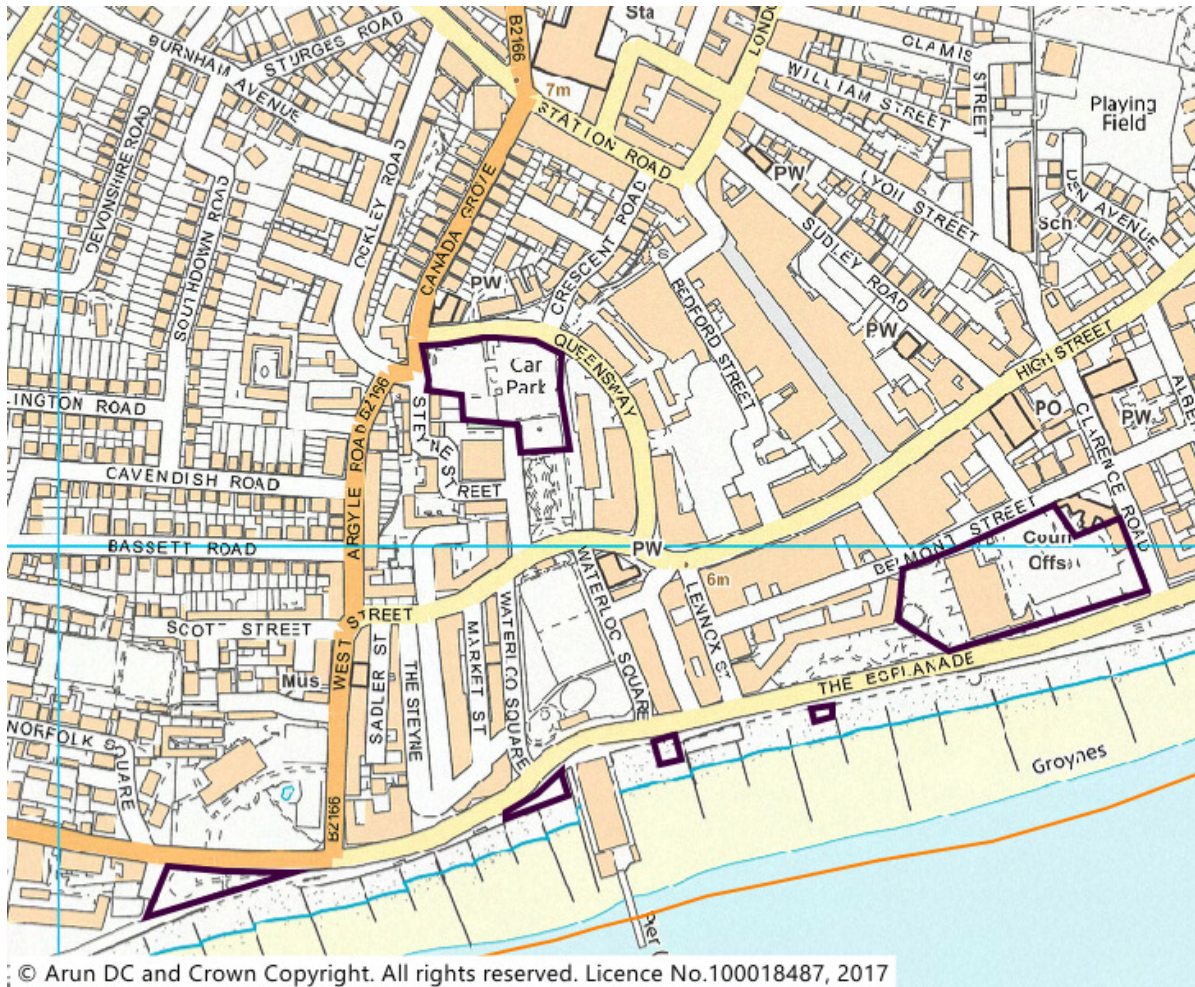
- 5 **INFORMATIVE: Temporary Works Required During Construction**
The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

- 6 The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

- 7 **INFORMATIVE:** Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

BR/156/16/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/53/16/PL**LOCATION:** Woodfield Farm
Wandleys Lane
Fontwell
Eastergate
PO20 3SE**PROPOSAL:** Greenhouse & customer parking area. This application also lies within the parish of Walberton.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	<p>The greenhouse would be located to the east of Woodfield Farm with a lane and parking for 5 cars to the south of the site with access road. The oak tree located centrally within the site will be retained.</p> <p>The development would see the use of this section of the farm site to grow and sell various horticultural and plant items to visiting customers which are outlined in the agent's Planning Statement.</p> <p>The shared access which currently serves the two, detached residential properties of Nuthatch, Woodfield Place and the farm (which includes residential accommodation) will be used for customer access and a limited amount of deliveries.</p>
SITE AREA	3.68 hectares (includes land under control of the applicant but not forming part of the application).
TOPOGRAPHY	Predominantly flat.
TREES	One large, mature oak tree located centrally within the site. Various vegetation and smaller trees around the site.
BOUNDARY TREATMENT	Small agri-fences and various vegetation/trees to all boundaries.
SITE CHARACTERISTICS	Open agricultural field to the side of the existing farmhouse. Is set more than 75m away from the main road of Wandleys Lane.
CHARACTER OF LOCALITY	Rural Lane, some single storey residential dwellings but surrounding land use is mainly agricultural or horticultural with one site used for equestrian.

RELEVANT SITE HISTORY

EG/53/16/PL

EG/82/16/PL	Greenhouse & customer parking area (resubmission following EG/53/16/PL).	Withdrawn 22-09-2016	
EG/73/90	Farm Cottage as agricultural dwelling	Approve 12-11-1990	
EG/73/87	Outline Application for one farm cottage - residential agricultural dwelling	Refused 14-12-1987	<i>Appealed</i> Appeal: Allowec 20 09 1988

An application (EG/98/16/PL), for the greenhouse, only, is concurrently under consideration by the Planning department. This was submitted by the applicant to provide an opportunity to only develop the greenhouse without including customer visitation, should this application be refused.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Eastergate Parish Council

"The council objects to this proposal as the access arrangements are considered completely unacceptable and dangerous. Access to and egress from this proposed site will be onto a single lane road on a bend. The application is considered to be neighbourly in view of anticipated increase in traffic with the probability of heavy goods vehicles requiring access."

SECOND RESPONSE

"The council maintains the previous objections to this and EG/82/16/PL. The council also notes from a letter from the applicants solicitors, that its concern as to the use of this access way being dangerous, is confirmed. The solicitors state that a gate now causes the applicant to stop at the entrance and that this "dangerously obstructs the public highway". This will be the position whenever a vehicle, wishing to access the site by this single narrow right of way, is met by a vehicle leaving the site."

WALBERTON PARISH COUNCIL

"The Parish Council wishes to object to this application. The Council considers that the access to and from the site, off a narrow country lane and on a bend, is dangerous. There is very poor visibility. The lane is not suitable for any increase in through traffic which the development of the site will bring."

SECOND RESPONSE

"The Parish Council has considered the amended application and wishes to reiterate its earlier objection on access and additional traffic in a country lane."

8 Letters of representation received, initially. A further 5 were sent following amendments to the scheme. Note must be made that some of the letters are duplicates. 1 late representation was made.

The representations object on the grounds of:-

- * unsuitability of the site for a commercial use
- * highways danger & traffic generation from commercial use, weight limit on the lane of 7.5 tonnes
- * use should be horticultural
- * noise and disturbance from traffic to the two dwellings either side of the access
- * harm to biodiversity
- * flooding
- * danger to children playing in the front driveway and parking area of Woodfield Place
- * removal of trees
- * no change of use from agriculture to horticulture has been sought
- * chemical contamination

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

RESPONSE TO PARISH COUNCIL COMMENTS

WSCC Strategic Planning Team that have responsibility for the highways and access in the county have no objected to the scheme. The road is restricted to 30 mph and has a weight limit of 7.5 tonnes which the applicant has been made aware of. Both the Case Officer and the Director of Place visited the site, separately, to assess the safety of the access. The agent has provided a plan to show proposed and existing visibility splays that will be retained. Given the limited opening hours of the development, acceptable visibility splays and the low number of customer parking spaces, it is not considered the access would be unsafe in highways terms. HGVs are limited to 7.5 tonne vehicles by WSCC, this size of vehicle is not considered to be unreasonable to deliver goods to the site.

The Officer assumes that, given the nature of the comments from Eastergate Parish Council that the first response should state 'un-neighbourly' not 'neighbourly'. It is not anticipated that the level of customer visits will be significantly high, to an extent which could be considered to have a detrimental impact on the residential amenities of these properties.

The correct notice has been served by the applicant on the owners of the access and the issues of pass and re-pass over this land is a private civil matter, not an issue to be considered as part of the planning application. Nor are the issues of the gate which has been installed by the owner of Woodfield place.

Officer response to public representations not already addressed above:-

- * The site is a farm and already includes an ancillary commercial use, it is considered to be acceptable for modest horticultural sales
- * See CONCLUSIONS section of the report and above for response to highways objections
- * The use will and is horticultural, the applicant intends to sell plants
- * The Applicant has submitted a stage one Biodiversity report and the response to this from the Council's Ecologist will be reflected in conditions if required
- * The site is not within a flood zone but is at high risk from surface water flooding. A condition may be added requiring ground water monitoring prior to development beginning on site, if deemed required. It is noted that the parking spaces will be made of permeable material which

will allow surface water to drain slowly back into the water table.

* Woodfield Place and Nuthatch have private rear gardens. As such, it is not expected or considered likely that children occupying the houses of Woodfield or Nuthatch would be playing in the parking area and access lane serving Woodfield Farm, during operating hours.

* Following amendments, no significant or very mature trees are being removed from the site. The removal of other vegetation has been considered in the Stage one Habitat and Ecological survey and a landscaping condition may be imposed if considered necessary

* No change of use is required, the site has farm use which includes horticulture and agriculture. Farms are also able to sell limited produce as an ancillary use.

* The application is for a very small scale level of horticulture, as such it is not considered that chemical pollution will be a risk. Also, the Farm would, if it chose to, be able to use legal chemicals on the land currently.

Issues raised as part of representations will also be considered in the 'CONCLUSIONS' section of this report.

CONSULTATIONS

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

Ecology Advisor

WSCC Strategic Planning

WSCC Strategic Planning

Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

DRAINAGE COMMENTS

Infiltration to be investigated for new roof and hardstanding areas surface water drainage.

Please apply standard conditions ENGD2A.

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

WSSC STRATEGIC PLANNING TEAM (Full comments available on Arun District Council Planning Website)

The proposed development is forecasted to generate a modest increase in vehicular movements over what has been generated historically by the site. However these movements will be spread across the opening hours of the day. A review of the existing access onto Wandleys Lane indicates that there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that the proposals would have a detrimental impact.

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

Any approval of planning consent would be subject to the following condition:

Visibility

No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Wandleys Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

Car parking space

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

Reason: To provide car-parking space for the use.

ECOLOGIST (Final comments. Full comments available on Arun District Council Planning Website)

We require that point 3 of the Report summary (of the Preliminary Ecological Appraisal, phase 1 habitat assessment) to be conditioned. Clearance of suitable nesting bird habitat (i.e. removal of trees, hedging, dense shrubs and dismantling / demolition of any building) should ideally be undertaken outside the breeding bird season, i.e. should be undertaken in the period September to February inclusive. Should it prove necessary to clear bird nesting habitat during the bird nesting season, then a pre-works check for nesting birds should be undertaken, by a CIEEM ecologist (with 24 hours of any works). If any active nests are found, activities (e.g. tree felling / vegetation clearance / building dismantling / demolition) should cease and an appropriate buffer zone should be established. This buffer zone should be left intact until it has been confirmed that the young have fledged and the nest is no longer in use.

We would like to see the placement of 2 nesting opportunities for birds (species such as

swallows, sparrows, starlings, swifts and housemartins), to replace any potential loss of roosting/nesting provision.

Along with a bat roosting structure being put on/around the building. Appropriate designs can be found in the publication "Designing for Biodiversity: A technical guide for new and existing buildings". Ecological advice should be sort in when deciding where and which of these structures should be placed for maximum effectiveness, because thermal tolerances of each species are very important. Lighting will need to be kept to a minimum, as lighting levels have a effects on nocturnal species such as bats, flying invertebrates and various mammal species. To this effect we would wish to see a lighting plan for conditioning. There will need to be a plant planting scheme if any landscaping is planned, containing native plants only submitted for conditioning. We ask that applicants/consultants please share their survey results with Sussex biodiversity records centre. Native mature trees should be retained.

SOUTHERN WATER

Please include standard informatives.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The drinaage condition is considered reasonable and necessary as the sight is in an area of high risk from Surface water flooding generated by rainfall.

Highways and ecology conditions will be attached but varied to suit the proposal and created, respectively.

POLICY CONTEXT

Designation applicable to site:

Outside the built up area boundary
 Within the Lidsey Treatment Catchment Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	DEV3	Horticulture
	DEV31	Farm Shops
	DEV32	Garden Centres
	GEN12	Parking in New Development
	GEN2	Built-up Area Boundary
	GEN28	Trees and Woodlands
	GEN29	Nature and Conservation Across the District
	GEN3	Protection of the Countryside
	GEN32	Noise Pollution
	GEN33	Light Pollution
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage

C SP1 Countryside

Publication Version of the Local Plan (October 2014):

- D DM1 Aspects of Form and Design Quality
- D SP1 Design
- ENV DM4 Protection of Trees
- ENV DM5 Development and Biodiversity
- ENV SP1 Natural Environment
- HOR DM1 Horticulture
- QE DM1 Noise Pollution
- QE DM2 Light Pollution
- QE SP1 Quality of the Environment
- RET DM2 Garden Centres
- SD SP1 Sustainable Development
- SD SP2 Built-Up Area Boundary
- T SP1 Transport and Development
- T SP2 Safeguarding the Main Road Network

Barnham & Eastergate Neighbourhood Plan 2014 POLICY EE1 Support for business

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1 Applications for new development must meet the local drainage requirements

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10 Trees and hedgerows

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 ES7 Development affecting heritage assets

Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA1 Connection to sustainable transport

Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4 Parking and new development

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

POLICY COMMENTARY

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

Arun District Council's Development Plans:

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

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

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

The Neighbourhood Development Plan

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

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

Policies contained within the made Barnham and Eastergate NDP will be considered.

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

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area. The proposal will also not have a negative impact on the safety and convenience of the highway network.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE & SUSTAINABLE AND SOCIAL-ECONOMIC DEVELOPMENT

The site lies outside of the Built-Up Area Boundary where development is not acceptable in principle, unless necessary for the needs of agriculture (which includes horticulture), forestry, the extraction of minerals, deposit of waste or the diversification of the rural economy.

The proposal would also retain the farm business within the District which the applicant has stated may seek to move if they cannot grow and sell horticultural products from the site. Moreover, there are positive economic and employment implications arising from the development proposed. In addition, the location of the site in close proximity to many (albeit not all) of the horticultural activities it would serve would potentially result in a reduction in vehicle trip lengths and contribute to a locally sustainable activity. Furthermore the location of the proposed site is within the same plot as the residential farmhouse where the employees reside.

Saved Arun Local Plan Policy DEV 3 states:-

New glasshouse and polytunnel development will usually be permitted provided that:-

- (i) there is no adverse impact on the surrounding environment and landscape;
- (ii) long views across substantially open land are retained;
- (iii) adequate water resources are available; and
- (iv) adequate surface water drainage capacity exists or can be provided as part of the development.

The proposal meets all of the above criteria which will be explained later in this section. The greenhouse, which for the purpose of this policy is considered as a polytunnel, is limited in size so does not require a significant water source, over and above what can be provided on the farm.

Paragraph 7 of the National Planning Policy Framework states:-

"7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

It is considered that the proposal meets all three of these sustainability criteria.

The proposal, should, it be approved assist in the creation of:-

-a strong economy, by supporting the application the Council are being responsive and the site is already a farm with road access;

-would support a stronger rural economy by enabling further farm diversification into horticulture of plants which require a greenhouse environment (they could not normally or easily be grown without a greenhouse);

-following submission of ecology reports and the agent agreeing to retain the mature oak tree and proposed conditions to allow for a bat roost and limiting lighting on the site; the development would also meet the 'environmental role' criteria

As such the principle of the development is supported should other issues, such as neighbour amenity and impact from transport movements be addressed. These will be considered below.

USE

The proposal is for the sale of horticultural products. The business specialises in:-

- Made to order bedding and shrubs
- Geraniums, fuchsias, clematis, shrubs & conifers
- Compost & garden tubs, pot plants, hanging baskets
- Perennial plants, winter pansies, polyanthus, primroses & Christmas trees

The proposal would allow visiting customers, with 5 customer parking spaces proposed. The only deliveries to the site will be the plugs that are used to grow the plants for sale and pots.

DESIGN AND VISUAL AMENITY

The proposed greenhouse is considered to be of a rural character and not overly large or obtrusive. Owing to its location behind Woodfield Farm, it would not be directly visible from the street scene of Wandleys Lane. The polythene material of the greenhouse is considered to be acceptable and have a minimal impact on the surrounding rural area. It must be noted that under permitted development, the farm could erect greenhouses of a smaller, but similar size to that proposed.

The parking area would be grass guard geotex paving. This is beneficial as it allows drainage of rainwater and allows grass and moss to grow in-between it. Thus it would retain the appearance of grass should the geotex layer be of a dark green colour. This will be controlled by condition.

The proposed development is considered to be acceptable in terms of design and visual amenity and would fit with the existing rural character of the area.

TRANSPORT- CUSTOMER PARKING & HIGHWAYS IMPACTS

The proposal would generate a low amount of customer visits owing to the limited (26 hours a week) opening times of the use, 5 customer parking spaces. The Planning Statement, states :-

"With regard to parking the applicant, based on experience at their site in Chidham, do not expect there to be more than four visitors at any one time as most of their trading is undertaken at markets and boot sales."

The Agent has also indicated that the only deliveries to the Farm in connection with the business will be the plugs from which some of the plants are grown and plant pots. It is not considered that, given the nature of the business, selling items produced on the farm, a condition should be added to restrict deliveries. It should also be noted that the road is limited by WSCC to 7.5 tonne vehicles. As such HGVs cannot deliver to the site. To restrict the deliveries to the farm, when the farm can have as many deliveries as required currently, would be unreasonable and unnecessary.

With regards to highways safety. Both the case officer and the director of Planning and Regeneration have made visits to the site to check the safety of visibility splays and the 30 mph speed limit for turning into the access. Furthermore, the Local Highway Authority (West Sussex County Council)

NEIGHBOURING RESIDENTIAL AMENITY

The single storey Greenhouse would be located more than 75m away from both Nuthatch and Woodfield Place and as such is not considered to have a detrimental impact on these properties.

The use of the shared access for customers is also not considered to create a significant detrimental impact on neighbour amenity. This is owing to the limited hours of opening the applicants have applied for and the reduced (following amendments) number of customer parking spaces for 5 vehicles. Both of these elements of the proposal will be controlled via conditions. The opening hours will be restricted to:-

- Wednesdays 1000hrs-1630hrs

- Thursdays 1000hrs-1630hrs
- Fridays 1000hrs-1630hrs
- Saturdays 1000hrs-1630hrs

This will be for all weeks of the year. Meaning no operation on Sundays or Monday, bank holidays will be allowed. This represents a maximum opening to the public using the Horticultural Business of 26 hours per week.

The proposal, should conditions be adhered to, is not considered to have a significant, detrimental impact on neighbouring residential amenity.

ECOLOGY

The submitted ecology report makes recommendations and requirements for measures to ensure the protection of species whilst development takes place. A condition requiring the development to be carried out in line with the recommendations of the report summary of the Preliminary Ecological Appraisal will be imposed to ensure protection of species on the site.

A condition will also be imposed to ensure the placement of two bird nesting opportunities on the site in line with ecology requirements, should nests be lose. And the requirement of a bat roosting habitat to be installed on the site, prior to the opening of the horticultural business.

After considering the ecology comments, the agent amended the plans to show the retention of the mature oak tree, in the centre of the site. The Geotex surface being proposed will also ensure limited damage to the roots of the tree through soil compaction.

SURFACE WATER DRAINAGE

The proposal is could create a surface water drainage risk, A condition will be imposed to ensure development does not take place until it is shown the site can drain surface water, slowly back into the water table, reducing the risk of localised flooding.

The application is recommended for conditional approval.

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:-

Drawing 1 - Location Plan
Drawing 3B- Proposed Site Plan
Drawing 4- Proposed Greenhouse
Drawing 5- Visibility Splays

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

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

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

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

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

agreed shall be maintained in good working order in perpetuity.

Reason : The condition is pre-commencement as the site must be demonstrated to have sufficient ability to drain surface water, slowly back into the water table without causing localised flooding which could create damage and danger to property and people.

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 first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Wandleys Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained in perpetuity and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

- 5 The development shall not be open to the public until the off street car parking area and bays shown on "Drawing 3B- Proposed Site Plan" 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 provide car-parking spaces for the customers of the proposed retail use and to prevent parking on the main road of Wandleys Lane.

- 6 Prior to opening of the development to the public; installation of two nesting opportunities is required for birds (for species such as swallows, sparrows, starlings, swifts and housemartins), to replace any loss of nesting provision, should any occur.

A bat roosting structure must be installed on or around the greenhouse building, details of which should be submitted to the Local Planning Authority in writing prior to installation. The approved bat roosting shall then be retained in perpetuity and replaced if damaged/destroyed.

Appropriate designs can be found in the publication "Designing for Biodiversity: A technical guide for new and existing buildings". Ecological advice should be sort in when deciding where and which of these structures should be placed for maximum effectiveness, because thermal tolerances of each species are very important.

Reason: In the interests of biodiversity, the protection of endangered & protected species during and after development required by policy GEN29 of the Arun District Local Plan.

- 7 The development shall be carried out in line with the recommendations of the Preliminary Ecological Appraisal, Phase 1 Habitat Assessment. Project No: 1567, submitted as part of the application.

Reason: In the interests of biodiversity, the protection of endangered & protected species during and after development required by policy GEN29 of the Arun District Local Plan.

- 8 No external lighting shall be installed on site until plans showing the type of lighting, the height and position of fitting, illumination levels and light spillage have been submitted to and

approved in writing by the Local Planning Authority. The scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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

- 9 The site housing the proposed development shall only be open to customers on the following days of the week:-

Wednesday 1000-1630hrs

Thursday 1000-1630hrs

Friday 1000-1630hrs

Saturday 1000-1630hrs

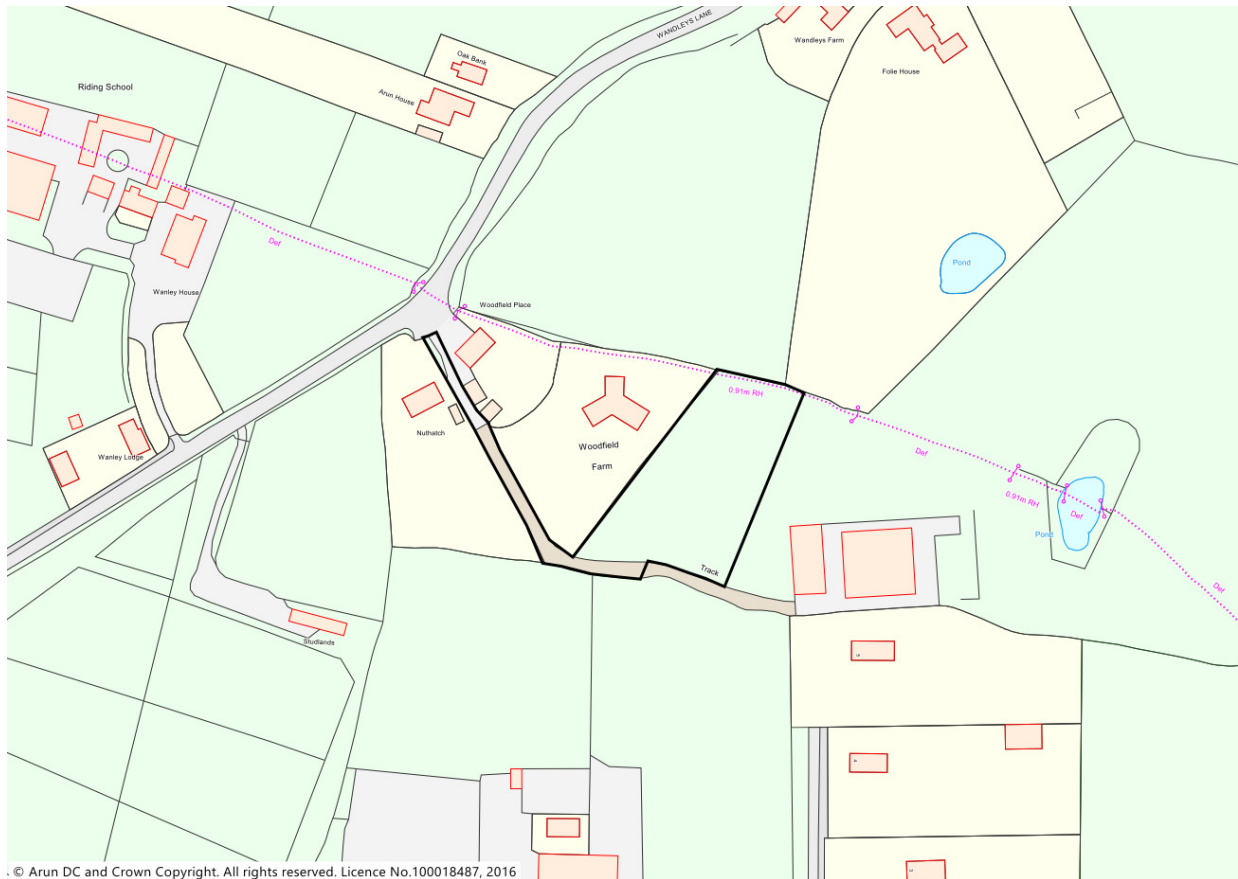
And shall be closed on all other days of the week, for all 52 weeks of each Calendar Year.

Reason: In the interests of local residential amenity and the environment in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 10 **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.
- 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.

EG/53/16/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: FG/186/16/OUT

LOCATION: 1 Beehive Lane
Ferring
BN12 5NL

PROPOSAL: Outline application with some matters reserved for erection of 8No. 2 bed apartments

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is in outline form with only access, layout and scale forming part of the proposal. Appearance and landscaping are reserved matters. The elevation plans are indicative and provided for information purposes only. The proposal involves the erection of a 2 storey flat roofed block of 8 x 2 bedroom flats and includes 10 parking spaces, cycle parking and bin stores. The building would be 6.7m high at its highest point and it would extend 24m along the Ocean Drive frontage and 20m along the Beehive Lane frontage.
SITE AREA	0.18 hectares
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing and mature hedging.
SITE CHARACTERISTICS	Site formerly comprised a thatched house with timber cladding which has been demolished. The property had a large garden.
CHARACTER OF LOCALITY	Mixed commercial and residential. Shops opposite. Mix of bungalows and houses. Bungalows in Beehive Lane. Houses at rear in Little Paddocks.

RELEVANT SITE HISTORY

FG/116/15/PL	Demolition of existing dwelling and erection of 10 No. 2 bed apartments, new access & cycle & bin stores	Refused 22-09-2015	<i>Appealed</i>
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Appeal: Dismissed
11 04 2016

FG/132/12/	Renewal of Unimplemented Planning Permission FG/86/09 for demolition of existing dwelling and erection of 4No. chalet bungalows with access from Beehive Lane.	App Cond with S106 16-11-2012
FG/86/09/	Demolition of existing dwelling and erection of 4 no. chalet bungalows with access from Beehive Lane.	ApproveConditionally 07-10-2009
FG/105/06/	Demolition of existing dwelling and erection of 4 no. chalet bungalows with access from Beehive Lane	ApproveConditionally 25-10-2006
FG/83/62	Outline application erection of three bungalows	ApproveConditionally 10-08-1962

This application represents a resubmission of FG/116/15/PL for 10 flats which was refused and dismissed at appeal. The reasons for refusal included

'The proposal by virtue of its size, length to road frontages, footprint and scale, is considered to represent an overdevelopment of the site which would result in an unduly cramped form of development which would damage the character and visual amenities of the surrounding residential area, contrary to policy GEN7 of the Arun District Local Plan and policies DDM1 and EDSP1 of the Emerging Local Plan.'

and

'Having regard to the proximity of the parking area to the neighbouring property to the east in Little Paddocks the proposal would give rise to an unneighbourly form of development which would be prejudicial to the amenities and environment of the neighbouring property in conflict with policy GEN7 of the Arun District Local Plan and DDM1 of the Emerging Local Plan.'

The Inspector considered the key issues were the effect of the proposed development on the character and appearance of the area and, the effect of the proposed development on the living conditions of the occupiers of 62 Little Paddocks, with particular regard to noise and disturbance.

The Inspector noted the presence of the long curved commercial terrace of Ocean Parade opposite but, given the physical location of the site in Beehive Lane, and the residential character of the development adjoining the site to the east and opposite the site to the south, he considered the site in its architectural and townscape context, belongs more to the area to the south and east than it does to the area to the north. He considered the footprint of the proposed building would be significantly larger than the buildings to the south and east. Its long, continuous frontages along the southern and western curtilages of the site would be at odds with the pattern of development to the south and east which is characterised by buildings of much smaller footprint between which are retained distinctive, separation gaps.

In the context of the houses in Beehive Lane and in Ocean Drive, which are the areas upon which the site has greatest bearing, the proposal would disrupt the spacious character of the area and

would, without the distinctive separation gaps between dwellings, appear as overdevelopment. He noted the efforts made in the design including the reference to the appearance of Ocean Parade, the articulation across the elevations and the visual interest in the detailing. However, he considered this would not relieve the building of the unrelenting lengths of its frontages. When considered together with the height of the front elevations, and their position so close to the street, the proposal would overwhelm the spatial and architectural scale of the village centre.

He concluded that the proposed development would have a harmful effect on the character and appearance of the area, contrary to saved Policy GEN7.

With regard to impact on residential amenity he noted that the car-park for the development would contain parking for a total of 11 vehicles and would be sited towards the side boundary of 62 Little Paddocks and that No 62 is a bungalow with a window opening in its flank wall, set obliquely into its plot, behind a boundary fence with some planting along its length. There would be a risk of noise generated by cars being parked or driven away; however, the number of vehicle trips generated by the proposal would be unlikely to cause noise or disturbance to No 62 of an unacceptable degree. The appellant has submitted an amended site layout plan, 2.01B which would provide space for planting between the boundary and the car-park area, which would help to absorb some of the noise of parking cars. In this respect, he concluded the proposed development would not cause material harm to the living conditions of the occupiers of 62 Little Paddocks, with particular regard to noise and disturbance, and would be in accordance with Policy GEN7.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Objection. Overdevelopment of site. Out of keeping with the area and character with the majority of the surrounding properties being established bungalows. The proposed development will be visually subservient to the immediate area and it will impose and have an overbearing appearance on neighbouring properties.

It is important to note that the roads within this area are private roads with no footpaths and no street lighting and that the roads are extremely narrow and already congested. The position of this development is extremely close to the junction of Ocean Drive and Beehive Lane, this is a tight junction, already making for difficult vehicular access and with the proposed entrance/ exit this inevitably becomes more of a hazard.

It is felt that allocated parking spaces is inadequate and that the proposal has not given consideration to visitor parking. Within the surrounding area, due to the narrow roads there is very little opportunity for on road parking. Furthermore, consideration must be given to service vehicles, refuse lorries for example and the additional necessary requirements on services such as utilities and drainage.

This application is still contrary to the Ferring Neighbourhood Plan. Although the proposal is for two bedroom apartments ie to suit Ferring elderly downsizers, there is no suggestion or guarantee from the Developer that only Ferring elderly downsizers will be selected to purchase these properties.

The previous application for 10 No. Apartments was refused due to the impact that the development would have on the village. This new proposed development will still cause a

huge impact on the village.

Ferring Conservation Group - Objection. As in the Council's decision on the original application for flats (FG/116/15) 'The proposal by virtue of its size, length to road frontages, footprint and scale, is considered to represent an overdevelopment of the site which would result in an unduly cramped form of development which would damage the character and visual amenities of the surrounding residential area, contrary to policy GEN7 of the Arun District Local Plan and policies DDM1 and EDSP1 of the Emerging Local Plan'. This ground for refusal was fully supported by the Inspector at appeal.

In his decision notice, the Inspector described the appearance and character of Beehive Lane to the east and Ocean Drive to the south as 'characterised by detached housing with pitched roofs arranged behind public verges with white-painted bollards dotted along the edges of the streets without formal footways. The houses are generally bungalows along Ocean Drive close to the site, and a mix of bungalows and houses along Beehive Lane.

However, they generally share distinctive features such as front gardens and front doors facing the street and a regular rhythm of side gaps of generally 1m or more between dwellings. The degree of set-back within the plots is irregular, but the frontages contribute to the spacious and green character of the street.' He said the area to the north and west was rather different in character, but that 'the site, in its architectural and townscape context, belongs more to the area to the south and east than it does to the area to the north and west'.

The present application is for a block of flats on a reduced footprint but with similar elevations and flat roof, just as incongruous in relation to the bungalows of Beehive Lane and Ocean Drive.

The elevations attached to the application are said to be only illustrative but what they illustrate is, again, incongruous with the architecture and layout of the neighbouring houses. It is difficult to see how an apartment block in this situation could be otherwise.

The application should be refused on the grounds that it is contrary to Policy GEN7 of Arun District Local Plan which as the Inspector said 'seeks development that responds positively to the identified characteristics of the area and which respects and enhances local distinctiveness. The application is also contrary to the Neighbourhood Plan in that it does not accord with development Plan policy.

East Preston Parish Council - Objection. 123 letters of objection (including East Preston Parish Council) - The present application for a block of flats on a reduced footprint but with similar elevations and a flat roof follows a recent appeal decision for a block of flats when the Inspector fully supported the refusal. The proposal remains a significant over development. Traffic in village is steadily increasing and this proposal will add to it. Proposal has inadequate parking and is located on an S bend and 5 way junction.

On FG/116/15/PL The Inspector stated 'I find that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the development'. EPPC agrees with Ferring Parish Council that the new proposal does not sufficiently address the adverse impacts and therefore these still outweigh the benefits of the development. For these reasons the application should be refused.

Out of character. Would be completely out of keeping in an area of bungalows and houses.

The surrounding properties are low rise. Totally inappropriate. The green space on the site would virtually disappear. Out of proportion and not to scale. Site is overcrowded. There is insufficient garden space. Would be better suited to a seafront location.

4 bungalows as approved is more in keeping than a block of flats.

Lack of a proper plan showing the exterior of the building. Elevation plans are indicative only.

Concerns regarding drainage of site.

Would set a precedent for continuing and excessive development in the village.

Are the flats to be restricted to the elderly?

Have not seen any notices publicising application.

Site is subject to flooding.

Area has been used as a dumping ground for all manner of materials.

Proposal should be refused on the basis of non compliance with GEN7 and the Neighbourhood Plan. Similar previous application was dismissed by an Inspector.

Tree Preservation Order requested by Tree Officer should be pursued.

There is already a preponderance of flats and apartments in the Worthing and Rustington built up areas to meet the needs of the older demographic. To effect the desired outcome of achieving a mixed community of retired and economically active citizens it is necessary to construct detached homes of architectural and aesthetic merit which appeal to younger professionals and their families. The template for housing locally must take account of the aspirational middle career professionals working in the ever expanding business services sector of the local economy. Flats do not measure up to this key group who are needed in the future to pay for the services enjoyed by an ageing population.

The properties immediately opposite would still have unacceptable overlooking by first floor living rooms as well as from a balcony. This would seem an alien feature. Both properties adjoining the site will have first floor windows looking into their private gardens and will still have the proposed car parking immediately alongside their boundary. Why can't landscaped margin between the car parking and the boundary be increased? Overlooking will result from windows in east elevation.

15 letters of support

As a local business owner new homes and residents must be a good thing to support the local economy.

The proposal makes good use of a large vacant piece of land.

Very pleasing to the eye.

This particular builder has only made Ferring a nicer place.

Will enhance centre of Ferring. Style mirrors shops opposite.

Ferring needs to provide more homes in accordance with the Neighbourhood Plan that residents voted for and there is currently a shortfall. 8 new 2 bedroom apartments will go some way towards meeting this shortfall.

Flats would facilitate downsizing. Village is in need of smaller more affordable apartments so that younger and older residents can stay in the village.

Better use of the site than the current permission for 4 detached bungalows.

The developer has tried to make the application more in keeping with its surroundings. Will generate less traffic than 4 detached dwellings.

1 letter of no objection - There would be more spacious grounds with a communal garden beside neighbouring drive. The flats would be similar to the shop flats across the road. The developer has tried to make the development fit in the locality. Would prefer this proposal to the 4 bungalows approved.

COMMENTS ON REPRESENTATIONS RECEIVED:

Parish Council comment - Concerns regarding overdevelopment and adverse impact on character are not agreed. The reduced footprint and increased space around the building has resulted in development that is in keeping with the character of the area. The agents have advised that the approved chalet bungalows have a 30% greater footprint than this development proposal with significant space about the building.

In this respect all three frontages have been reduced in length from the appeal proposal and there is a distance of 3.1m - 6.5m from the building to the northern boundary, a distance of 6.4m to the western boundary at its closest point and 6.9m at its closest point of the southern boundary.

Furthermore there is the substantial gap of between 17.5m and 18.5m between the building and No. 3 Beehive Lane, all of which provides for a very spacious setting. By contrast, many buildings in the locality fill their individual plots with little space in between. The proposal significantly exceeds the amenity space standards whilst the extant chalet bungalow scheme is deficient.

Many of the representations refer to an apartment block being out of character in this location. The site is located at the centre of South Ferring where there is a mix of development with bungalows and chalet bungalows to the south and east (interspersed with some large two storey properties) but two-storey development to the north and west. In this regard, the site is not comparable with other sites in the village.

Apartments cannot be ruled out on this site in policy terms provided the scale, design and layout is appropriate to its context. The Inspector's comments regarding the character of the area were made in relation to the scheme before him at that time. This is a different scheme and should be considered having regard to the fact that the development is now confined to the western part of the site where it better relates to the two-storey development to the west rather than the bungalows and chalet bungalows in Beehive Lane from which a substantial separation is maintained.

The design and appearance of the building is a matter for later consideration at the reserved matters stage. The scale and layout are appropriate in this location and make efficient use of the site without causing demonstrable harm.

The Parish Council state that the application is contrary to the Ferring Neighbourhood Plan as there is no guarantee that the development will only be offered to Ferring elderly down-sizers. However, there is no requirement in the Neighbourhood Plan for development to be restricted to Ferring residents.

Furthermore, the agent's suggest that it is unlikely that the housing on the sites that are allocated by the Parish Council to meet its contribution of the District's supply will be delivered. In the absence of a 5-year housing land supply across the district and the lack of an up to date Local Plan, the Neighbourhood Plan is technically out of date.

The use of the site to provide housing will not be age-restricted and will provide apartments which are identified as being required in the Neighbourhood Plan for down sizers.

Additional comments on other representations - There has been no objection from consultees in relation to drainage or highway matters.

The proposal would not set a precedent as each application is determined on its own merits. The proposal is not considered contrary to Policy 1A of the Neighbourhood Plan in that it is suited to its setting in the urban area and does not conflict with other development plan policies.

The application has been advertised in accordance with procedure. A provisional tree preservation order is being made for the Beech tree and the storage building has been deleted from the application. It is not considered that the proposal has an adverse impact on residential amenity given the distance between the building and the site boundaries and the position of car parking.

The application is in outline form and there is no requirement for the appearance of the building to be included as part of the proposal.

CONSULTATIONS

Arboriculturist

Engineering Services Manager

WSCC Strategic Planning

Engineers (Drainage)

Parks and Landscapes

Southern Water Planning

Sussex Police-Community Safety

CONSULTATION RESPONSES RECEIVED:

County Engineers - The site appears to be generally at low risk from surface water flood risk.

The area of the proposed development is shown to be at 'High risk' from ground water flooding

based on the current mapping, and underlying geology.

Sustainable Drainage Systems (SuDs)

The proposed surface water drainage approach (discharge to soakaway and hard surfaces designed to incorporate SuDs) meets the requirements of the NPPF, PPG and associated guidance documents.

Development should not commence until finalised detailed surface water drainage designs for the site, based on sustainable drainage principles and an assessment of hydrological and hydro geological context of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 100 year, plus 30% for climate change, critical storm will not exceed the greenfield 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 details.

Council's Engineers - No Objection. Conditions suggested

Parks and Greenspace - Public open space amenity enhancement is seen as beneficial in any development and our Supplementary Planning Guidance suggests a requirement that for developments of 7 dwellings or more that it is expected that open space on site is provided, it is good to see provision for this being made with a communal garden.

With this development proposing fewer than 15 dwellings then onsite children's play is not required on site.

Consideration should be given to the screening of existing adjoining properties. No development should be permitted to take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping hard and soft which shall include indication of all existing trees and hedgerows on the land and details of any to be retained (named) together with measures for their protection in the course of the development. As detailed the landscape planting detail needs to be included in plan form with species, plant numbers, densities and height at time of planting. This should include detail of trees proposed for screening and enhanced amenity. The detail is presently detailed as indicative only.

We advise that any construction on this site must adhere to Guidelines BS5837 (2012) 'Trees in relation to construction' which should take into consideration trees both within and on the boundary of the site in adjacent properties. Before planning is approved, if not already submitted we would require that a tree protection scheme should be submitted for approval detailing the protection measures for any retained trees including any trees whose root protection areas fall within the area of development, the associated access and storage areas all constituting the construction zone. This should be in accordance with BS 5837: 20012 'Trees in relation to construction'

I would recommend that the above details are required to be submitted for approval.

County Highways

Background

The planning history of the site is noted, with there being an extant albeit unimplemented consent for four detached chalet bungalows. More recently in 2015 an application was submitted for 10 No. 2 bed apartments under application number FG/116/15. This application was appealed by the applicant and was later dismissed by the Inspector on planning grounds.

The current proposal for 8 No. 2 bed apartments is proposed to be accessed from Beehive Lane. Beehive Lane and all of the immediately surrounding roads as far as Sea Lane to the east and the Brook Lane/Greystoke Road junction are private roads. West Sussex County Council, in its role as Local Highway Authority (LHA), has no maintenance responsibility for these. All comments made within this report in respects of private streets are for the advice of the Local Planning Authority (LPA) only. Although there were no significant concerns raised with this application, prior to the submission of this application the applicant has liaised with the LPA on details that needed to be addressed from the previous application FG/116/16.

It should be noted that the National planning policy, the National Planning Policy Framework (NPPF), identifies in paragraph 32 that development should only be resisted on transport grounds when the residual impact is considered to be 'severe'.

Further Comments Following Site Visit

Local concerns have been raised with the previous response from the LHA namely that a site visit had not been undertaken when compiling our previous response. The LHA did previously visit the site in 2015 when the application was being considered under FG/116/15 and no concerns were raised to the larger proposal at the site. A site visit was undertaken on the 19th December 2016 at approximately 10.30 am. Some changes have been made to this consultation response to reflect our visit, namely relating to the advisory speed limits.

In summary it was observed that Beehive Lane and Ocean drive are moderately trafficked, however it is considered that there is sufficient forward visibility for vehicles traveling up and down Ocean Drive and Ferringham Lane to observe one another and vehicle speeds were predominantly less than 30 mph. Finally, whilst we appreciate the comments made in relation to the narrowing of carriageway which is the result of the parking bays laid out at Ocean Parade the proposals at the site will generate less than 10 movements in the peak hours (08.00-09.00 and 17.00-18.00). Therefore it is considered unlikely that this application would result in a detrimental impact or material change in traffic patterns.

Access and Visibility

The development will be accessed from Beehive Lane. Visibility splays of 2.4 by 33 metres are shown at the access. The 33 metre sightline is based upon vehicle speeds of 25mph and the design guidance within Manual for Streets (MfS). Given the alignment of Beehive Lane, notwithstanding the junction with Ocean Drive to the west, sightlines greater than 33 metres are achievable. The splays are therefore considered acceptable.

Previously the LHA's comments under FG/116/15 advised that the access was not considered to

be a sufficient width for two opposing vehicles to pass. The access has now been widened from 3.7 metres to 4.5 metres. This width is considered adequate to enable two opposing vehicles to pass.

We are aware that on-street parking takes place in locations along Beehive Lane. Given the presence of on-street parking and the nearby junction to Ocean Drive, it is unlikely that speeds would be over 25 mph.

Capacity

In assessing trip generation and its impact, it is standard practice to do this on an hourly and daily basis in order to establish the day to day impact resulting from a development proposal. In addition to the information submitted by the Applicant, the LHA have used the Trip Rate Information Computer System (TRICS) to assess the likely trip generation of the proposed use. This is industry standard software that is supported as an assessment tool through the WSCC 'Transport Assessment Methodology' and the DfT 'Guidance on Transport Assessment'.

The LHA have run our own assessment based on the proposed residential uses. This identifies that the proposals will generate under 10 two way vehicular movements in the peak hours of 08.00 to 09.00 and 17.00 to 18.00. It is therefore considered that there will be no material increase in traffic movements as a result of the proposals and no capacity concerns would be raised.

Parking and Layout

Reference is made in the Design and Access Statement to the proposed parking provision complying with the WSCC Parking Standards via the Parking Demand Calculator (PDC). 11 parking spaces are to be provided for this proposal. Further evidence has been provided to support the parking provision. This provision exceeds the allocation of the PDC; the LHA would be content with the proposed parking provision. In terms of parking layout the proposal would have a 'shared surface' arrangement. Manual for Streets 2 (MfS2) identifies that shared space is appropriate where vehicles flows are less than 100 per hour. Given the low speeds and low number of traffic movements anticipated a 'shared surface' arrangement is considered acceptable. There is sufficient turning space provided within the site layout to allow all vehicles to turn and enter Beehive Lane in the forward gear.

The LHA will only consider the impact of overspill parking from a safety perspective; matters of amenity would be a matter for the consideration of the Local Planning Authority. While it is possible that some overspill parking may occur at times consideration is given to the number of parking spaces provided which exceeds the PDC standards.

Sustainability and Accessibility

Beehive Lane and the majority of the private streets within South Ferring are noted as having no segregated footways. Sections of footway are noted as being present on Ferringham Lane. Beehive Lane in particular is characterised by a wide carriageway (approximately 6 metres) and wide (approximately 3 metres) verges. On-site it was observed that Beehive Lane was being utilised as a 'shared surface' environment with pedestrians and vehicles using the carriageway.

Construction

Matters relating to access during the construction of the proposed would need to be agreed prior

to any works commencing. Vehicular access to the site is possible only from Beehive. A comprehensive construction management plan should be submitted. This should set out the controls to be implemented throughout the construction project to ensure that safety of users of the public highway, as well as its operation, is not detrimentally affected. The construction management plan should amongst other things set out how deliveries are to be managed along Beehive in light of the carriageway width and presence of other vulnerable road users.

Conclusion

Mindful of the planning history which in 2015 did not identify any specific highway issues, the LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network. All outstanding issues raised in 2015 have addressed as part of this planning application. It is therefore considered the application is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal.

Any approval of planning consent would be subject to conditions relating to access, car parking and a Construction Management Plan.

Southern Water - Southern Water requires a formal application for a connection to the public foul 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. 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".

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by

sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

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 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".

Arboricultural Officer - The applicants have employed PJC Consultancy to carry out a tree survey and then prepare an Arboricultural Impact Assessment & Method Statement Report inclusive of Tree Constraints Plan and Tree Protection Plan. This accords with the requirements of BS5837:2012.

- The proposals have the potential to adversely affect a number of perimeter trees positioned both on and off the site. Of these there are only two trees of any real merit - T10 Norway Maple and T15 Beech. The proposal is for them to remove T15 Beech to make way for a Storage Building.
- Conclusions:
- On a site where there are relatively few trees of any merit I see no justification for a layout that does not take full account of this fact and design around the trees rather than exclude them.

Recommendations:

- I strongly OBJECT to this scheme on the grounds that it seeks to remove T15 Beech which should be retained and fully accommodated. On this basis the tree is under direct threat of removal and I have therefore prepared a TEMPO form that shows it fully justifies a Tree Preservation Order and I advise that one is made to protect this tree and ensure that it is appropriately respected.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The Beech tree has been made the subject of a provisional TPO and the storage building has been deleted from the application.

POLICY CONTEXT

Designation applicable to site:
 Within Built Up Area Boundary
 Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	GEN5 GEN7 GEN9 GEN12	Provision of New Residential Development The Form of New Development Foul and Surface Water Drainage Parking in New Development
Publication Version of the Local Plan (October 2014):	D SP1 Design D DM1 Aspects of Form and Design Quality	

D DM2 Internal Space Standards

D DM3 External Space Standards

Ferring Neighbourhood Plan 2014 Policy 1A

A Spatial Plan for the Parish

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Kingston; Littlehampton; Rustington; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Whilst an NDP is under preparation it will be afforded limited 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). Policy 1A 'spatial Plan for the Parish' of Ferring 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

This application is to erect 8 x 2 bedroom flats. The site already has an extant permission for 4 x chalet bungalows with access from Beehive Lane (FG/134/12). The original dwelling was built as a holiday home in 1921 on a site originally designated as three plots. The principle of 4 bungalows was established in the approval of FG/105/06. An attempt to list the thatched dwelling prior to its demolition was rejected. The application follows a dismissed appeal for 10 flats; a comparison between this proposal and how it serves to overcome the reasons for refusal supported by the appeal Inspector is set out in the Planning History of this report. The footprint of the building has now been reduced. The distance from the building to Little Paddocks has increased by 3m and the distance to the Ocean Drive frontage has increased by 0.6m.

PRINCIPLE

The site lies within the built up area boundary where the principle of residential redevelopment is acceptable. The Council is unable to demonstrate an adequate 5 year supply of housing land as required by paragraph 49 of the National Planning Policy Framework (NPPF) and Policy GEN5 of the Local Plan is outdated. Furthermore, the Examination into the emerging Local Plan was

suspended by the Planning Inspector on the grounds that the Council's Objectively Assessed Housing Need (OAN) should be reviewed higher than that proposed in the Local Plan (580 units p.a). The Council therefore need to identify adequate land supply to meet the additional housing requirements. The OAN figure has now been increased to 919 units p.a as of October 2016. Additional strategic sites are being assessed and allocated to meet this higher figure.

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

The weight afforded to Neighbourhood Plans has been clarified by a written Ministerial Statement (13/12/16) which confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise:

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old;
- The NDP allocates sites for housing; and
- The Council can demonstrate a three-year supply of deliverable housing sites.

Two of the above circumstances arise as Arun District Council can only currently demonstrate a 2.15 year supply of deliverable housing sites. Although only recently published, the relevant policies for the supply of housing in the NDP cannot be considered to be up-to-date. Policy 1Af Ferring Neighbourhood Plan 'Spatial Plan for the Parish' states

'Proposals for development located inside the built up area boundary will be supported, provided they are suited to an urban setting and they accord with the provisions of the Neighbourhood Plan and with other relevant development plan policies.' The proposal is considered to be in keeping with its urban setting and to accord with this policy.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Furthermore, paragraph 49 states that:

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

NPPF TEST ON SUSTAINABILITY:

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system

Environmental Role-

The site is located within the village centre of Ferring within the built up area boundary and is within walking distance of local shops & facilities within the settlement of Ferring and close to bus stops.

Although Ferring does not have a dedicated footpath this applies to all of the village and has interrupted levels of street lights it is not considered to be an unsafe or unattractive walking environment. It is considered this is a sustainable location for new development.

Social Role-

It is considered the proposal will support the local community by providing eight new flats to help meet future needs. This factor weighs in the scheme's favour.

Economic Role-

It is considered the proposal will lead to a not insignificant increase in Council Tax receipts and create a number of jobs during construction. All of these would provide a benefit to the local economy. These economic factors weigh in the scheme's favour.

Assessment-

It is considered that the proposal is environmentally acceptable and offers economic & social benefits. As such, it is sustainable development and therefore benefits from the presumption on favour of sustainable development as set out within paragraphs 14 and 49 of the NPPF.

SUMMARY OF SUSTAINABILITY & PRINCIPLE:

This site lies within the defined built up area. Relevant local plan policies for the supply of housing should not be considered up-to-date as Arun District Council cannot demonstrate a 5 year supply of deliverable housing sites. Furthermore, according to the recent Ministerial Statement, housing policies within the NP should be considered out-of-date.

The above analysis shows that the proposal represents sustainable development and benefits from the presumption in favour of sustainable development set out in paras 14 and 49 of the NPPF. It is therefore, not necessary to consider the 'fall-back' position in terms of the extant approval for 4 dwellings on this site. However, this does also weigh in favour of the application.

DESIGN AND VISUAL AMENITY

The dwelling was a thatched cottage of a certain character on a plot which is significantly larger than others in the surrounding area. The approved chalets were more in keeping with the general pattern of development in the locality. This application seeks approval for a block of 8 flats which would be located in a similar position to 2 of the approved bungalows. The area of the other bungalows would be utilised for car parking of 10 cars and communal garden space. The set back distance of the proposed development in relation to the road frontages reflects that established for the chalet style detached development which were separated with visual gaps between. The design and appearance of the building would be determined at reserved matters stage and does not form part of the proposal. The scale of the development does form part of the application and it

is considered that a uniform 2 storey flat roofed development fronting both Beehive Lane and Ocean Drive would be in keeping with the development opposite in Ocean Drive. The site is located on a corner site in a prominent position and its scaled back site coverage with space to site boundaries is considered to represent a form of development that would be in keeping in this village centre location. The character of this side of Ocean Drive is derived from detached bungalows and chalet dwellings in small/medium plots and the development would clearly sit at odds with this general pattern of development in terms of not only layout, but also visual amenity.

The footprint of the building when taken together with the car parking, cycle parking and storage and bin storage areas no longer dominates the site coverage. A greater distance is provided to both Little Paddocks and Ocean Drive frontages which reduces the visual prominence of the building on both corners. Adequate amenity/landscaped space is provided to the rear of the units and each unit would have its own area of outside space in the form of a balcony or terrace in compliance with policy DDM3 of the Emerging Local Plan. The meaningful area of landscaping assists in assimilating the building into its setting and better replicates the pattern of detached dwellings and gardens than the previously refused scheme.

RESIDENTIAL AMENITY

The flats would be located a reasonable distance from site boundaries. At its closest point the development would be 18m from the boundary with 3 Beehive Lane which would not result in adverse overbearing impacts on the adjoining property. The distance from the rear elevations of the block are considered adequate to prevent any adverse impact from overlooking resulting.

The development is accessed from, as is currently, one point of access from Beehive Lane and car parking is located adjacent to the adjoining property to the east which fronts Little Paddocks. At the site entrance from Beehive Lane a gap of 11m is retained to the boundary and landscaping is indicated adjacent to the access which would act as a buffer to noise and activity to the side boundary. However this distance is reduced to 1m to the rear of the site where the parking area is located. It is considered that this reduced space would not result in adverse noise activity immediately adjacent to the boundary, given the limited number of vehicle trips and therefore would not result in materially unacceptable noise and disturbance to the adjacent rear garden area. This view was shared by the appeal Inspector who considered that similarly positioned parking spaces would not adversely impact on residential amenity.

The proposal accords with the Council's adopted Internal Space Standards and is acceptable in terms of the amenity of future residents in this respect.

HIGHWAY ACCESS

The site is in on a private estate and will have only one access onto Beehive Lane. Currently the access is onto Little Paddocks. County Highways have no objections to this proposal and the appeal Inspector for the 10 apartments raised no objection in terms of the level of parking provision, pressure for on street car parking, highway safety or traffic congestion and this proposal is for 2 less units. The parking demand calculator identifies a need for 7 spaces to serve 8 no. 2 bed flats. The scheme provides for 10 spaces which exceeds this requirement.

SUMMARY

The proposal is recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

Human Rights Act:

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal 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 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 site plan/location plan 2.10 revA, site plan 2.14 and drawing 2.15 Street Elevations showing outline of approved scheme.

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 shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety in accordance with policy GEN12 of Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or impede access onto a classified road which could compromise highway safety.

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

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

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area. It is considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or impede access onto a classified road which could compromise highway safety.

- 7 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.

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.

- 8 The development shall proceed in accordance with the submitted Arboricultural Impact Assessment dated 03-11-2016.

Reason: To ensure retention of the neighbouring preserved tree in accordance with policies GEN7 and GEN28 of Arun District Local Plan.

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

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

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

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.

- 10 Immediately following implementation of the approved SuDS scheme and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. There shall be no deviation to the approved scheme other than with the written consent of the Local Planning Authority. The scheme shall thereafter be maintained in perpetuity.

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

- 11 **INFORMATIVE:** Whilst it is noted that the appearance of the building is a reserved matter the applicant is advised that the Local Planning Authority would have no objection to the 1930s style elevational treatment indicated under planning application FG/116/15.

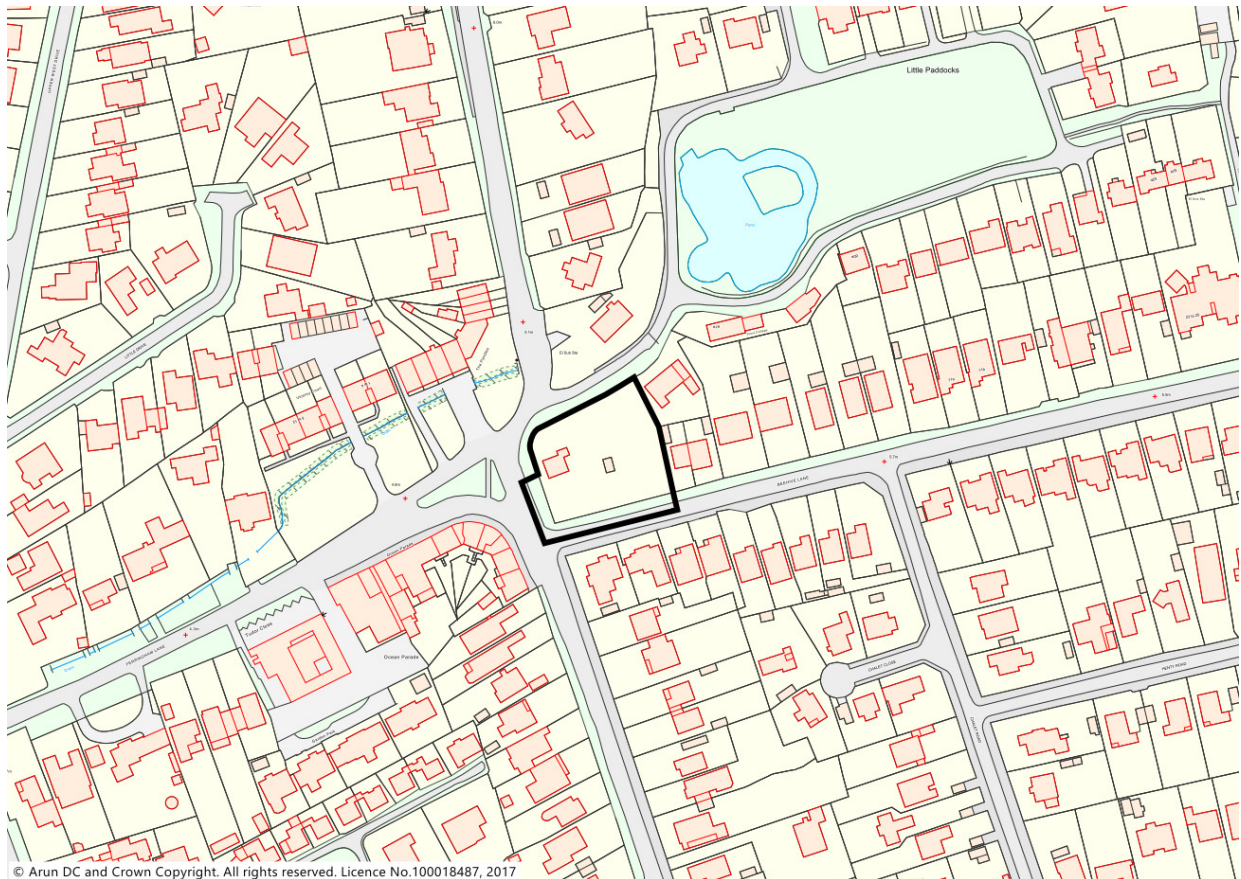
- 12 **INFORMATIVE:** A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House Sparrowgrove,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

- 13 **INFORMATIVE:** For the avoidance of doubt the application relates to the layout of the site. The floor plan layouts and elevations submitted are indicative and do not form part of the approval.

- 14 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.
- 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.

FG/186/16/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: FG/190/16/PL
LOCATION: Highdown House
 Littlehampton Road
 Ferring
 BN12 6PG

PROPOSAL: Application for removal of condition 3 following a grant of planning permission FG/129/00 relating to the restrictive use of the ancillary office accommodation to the needs of agriculture, horticulture forestry and for no other purpose.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for the removal of Condition 3 imposed on the original planning approval for the office under reference FG/129/00/. Condition 3 states; "The development hereby permitted shall only be used for ancillary office accommodation related to the needs of agriculture, horticulture or forestry and for no other purpose."
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site is open with the side boundary featuring close boarded fencing to a height of approximately 1.8m.
SITE CHARACTERISTICS	The appeal site is located within a small enclave of built development in the countryside, predominantly commercial in usage and outside the boundary of any built-up area defined by the development plan. The site is occupied by a detached 2.5 storey building with a half hipped roof brick at ground floor level, weatherboarding at first floor and a tiled roof. The building features roof lights on the primary elevation. The building is currently in use as a B1(a) office and is occupied in breach of Condition 3 of Planning Approval FG/129/00.
CHARACTER OF LOCALITY	The immediate locality is a former nursery now subdivided into a number of commercial uses. To the north is a timber yard, various B8 storage and a vehicle depot. These neighbouring uses benefit from planning permission some of which were granted on appeal. Parking is provided forward of the primary elevation with hard-standing to the

rear. The South Downs National Park also lies to the north.

RELEVANT SITE HISTORY

FG/149/14/PL	New storage facilities for existing scaffold yard and firewood yard (related to landscaping contractors). Replace structures to be demolished. Resubmission following FG/108/14/PL	ApproveConditionally 17-12-2014	
FG/59/10/	Change of use from former agricultural nursery to B8 storage and wholesale supply of fencing and associated materials (This application is a Departure from the Development Plan)	ApproveConditionally 15-09-2010	
FG/129/00/	Demolish existing offices and provide replacement offices for McIntyres Nursery.	Refused 03-04-2001	<i>Appealed</i> Appeal: Allowec 13 09 2001

None.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Whilst Ferring Parish Council supports local businesses, it is key to remember that this is agricultural land. We raise a concern that within the application there are not specific reasons given for the removal the condition 3 relating to the restrictive use of the ancillary office accommodation.

This proposal is contrary to the Ferring Neighbourhood Plan and this is a departure from the development plan. This is agricultural land, this location is not an industrial estate and urge Arun District Council to refuse this application.

1 no. letter of objection:

- Located outside the built up area boundary.
- Proposed change of use would adversely impact upon the character of the locality.

1 no. letter of support received:

- Purpose of the restrictive condition has lapsed following the cessation of McIntyres as a business.
- The character of the area has changed to a varied commercial nature.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments made by the Parish Council and in the letters of representation are noted and will be considered in the conclusion to this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:
Outside built area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):	C SP1 Countryside
	HOR DM1 Horticulture
	SD SP2 Built-Up Area Boundary

Ferring Neighbourhood Plan 2014 Policy 1A	A Spatial Plan for the Parish
Ferring Neighbourhood Plan 2014 Policy 7	Land north of Littlehampton Road, encouraging of existing rural businesses

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended.

The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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

Whilst an NDP is under preparation it will be afforded limited 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).

The Ferring Neighbourhood Plan has been made and Policies 1A and 7 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 not considered to comply with relevant Development Plan policies in that it would be located outside of the built up area boundary. However, it is not considered to have a materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor is it considered to 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.

The proposed development is considered to conflict with Policy GEN2 of the Arun District Local Plan and Policy 1A and 7 of the Ferring Neighbourhood Plan. However, it is considered that the proposal constitutes the diversification of the rural economy and as such would accord with policies GEN3(iii) of the Arun District Local Plan and Paragraphs 17 and 28 of the National Planning Policy Framework.

CONCLUSIONS

SITE HISTORY

Planning permission was originally granted for the construction of the existing building under reference FG/129/00. This application was refused by Arun District Council but was approved subject to conditions following an appeal to the Planning Inspectorate.

Condition 3 of FG/129/00 restricted the offices for use only in relation to the needs of agriculture, horticulture or forestry and for no other purpose. The Planning Statement submitted in support of this application for the removal of Condition 3 states that the offices were constructed in 2005/06. It is understood that the building was first occupied in 2008 and that this use was in breach of Condition 3 of planning approval FG/129/00 and continued until 2010 at which point the property entered receivership. The property was then sold and has been occupied in breach of Condition 3 since 2010.

PRINCIPLE

The application site is situated outside of the built up area boundary where the principle of development not requiring a countryside location is considered unacceptable. However, it must be considered that the application relates solely to the removal of Condition 3 with the building already having been constructed following approval under reference FG/129/00. Therefore, the key consideration in this case is the impact of the removal of this condition upon the character of the locality.

Policy 1A of the Ferring Neighbourhood Plan (FNP) along with GEN2 and GEN3 of the Arun District Local Plan seeks to restrict development outside of the built up area boundary. However, it must be considered that the structure already exists and as such the proposed removal of Condition 3 of planning approval FG/129/00 would not adversely impact upon the character of the countryside.

Policy 7 of the FNP whilst relating to existing rural businesses is not considered to be a key consideration in this application by virtue of the building to which this application relates having been previously approved and already constructed. The policy primarily relates to the visual impacts of development and seeks to prevent significant incursion into the open countryside. It is acknowledged that policy 7 of the FNP seeks to prevent proposals for the change of use from an 'established agricultural, horticultural or equine use'. However, it must be considered that McIntyres Nursery has already ceased trading with portions of the land to the north of the site having already being used lawfully for commercial purposes.

The original approval for the existing office was granted on appeal on the 13th September 2001 prior to the publication of the National Planning Policy Framework (NPPF) on the 27th March 2012

The NPPF sets a presumption in favour of sustainable development with Paragraph 17 stating that planning should proactively drive and support economic development. Paragraph 28 of the NPPF states that planning policies should "support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings" as well as promoting "the development and diversification of agricultural and other land-based rural businesses".

It is therefore considered that the variation/removal of Condition 3 would promote the economic growth and diversification of the rural countryside in accordance with the NPPF.

DESIGN AND VISUAL AMENITY

The proposed removal of Condition 3 will not result in any alteration or variation of the external appearance, design or construction of Highdown House and as such it is considered that the proposal would not have any adverse impact upon the visual amenity of the locality.

CHARACTER

The site is formerly part of McIntyres Nursery and was operated as an agricultural/horticultural use which has now ceased. The site has overtime had its use changed with the parcels of land to the north of the application site now used for various commercial uses falling within use classes B1 and B8.

To the north of the site planning permission was granted for the change of use of a redundant horticultural pack house to B1/B8 use under planning reference FG/160/05.

Permission was granted for the Bell Davis Fencing site to the north of the site in 2010. This was for the change of use from former agricultural nursery to B8 storage and wholesale supply of fencing and associated materials under planning reference FG/59/10/. This application was recommended for refusal by the Planning Officer but this recommendation was overturned by the Development Control Committee following a site visit.

An Enforcement Notice was also served in relation to the use of another parcel of land to the north of the site was served and an appeal lodged with the Planning Inspectorate. Planning permission was obtained under ground (a) for a change of use from horticulture to a mixed use comprising of the storage of motor vehicles, the stationing of a portable building used as an office, a scaffolders yard and a firewood yard under appeal reference APP/C3810/C/12/2184306. A subsequent planning application under reference FG/149/14/PL was approved for amended storage structures in association with this use in 2014.

Therefore, it is considered that given the existing uses to the north of the site and the established character of the immediate locality that the office and the subsequent removal of Condition 3 would not have an unacceptably adverse impact upon the established character of the locality especially when it is considered that the agricultural use for which it was first approved has ceased.

RESIDENTIAL AMENITY

The proposed use will remain within use class B1 the same as that originally approved. The only change will be that the office use is no longer associated with agriculture/horticulture. Therefore, it is considered that the proposal will not result in any additional harm to the residential amenity of neighbours.

SUMMARY

Despite the site falling outside of the built up area boundary it is considered that the proposed removal of condition 3 will not result in any unacceptably adverse harm to the visual amenity of the existing building, character of the locality or the residential amenity of neighbours. The proposal is deemed to accord with the NPPF, specifically paragraphs 17 and 28 and as such it is recommended that this application is approved.

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

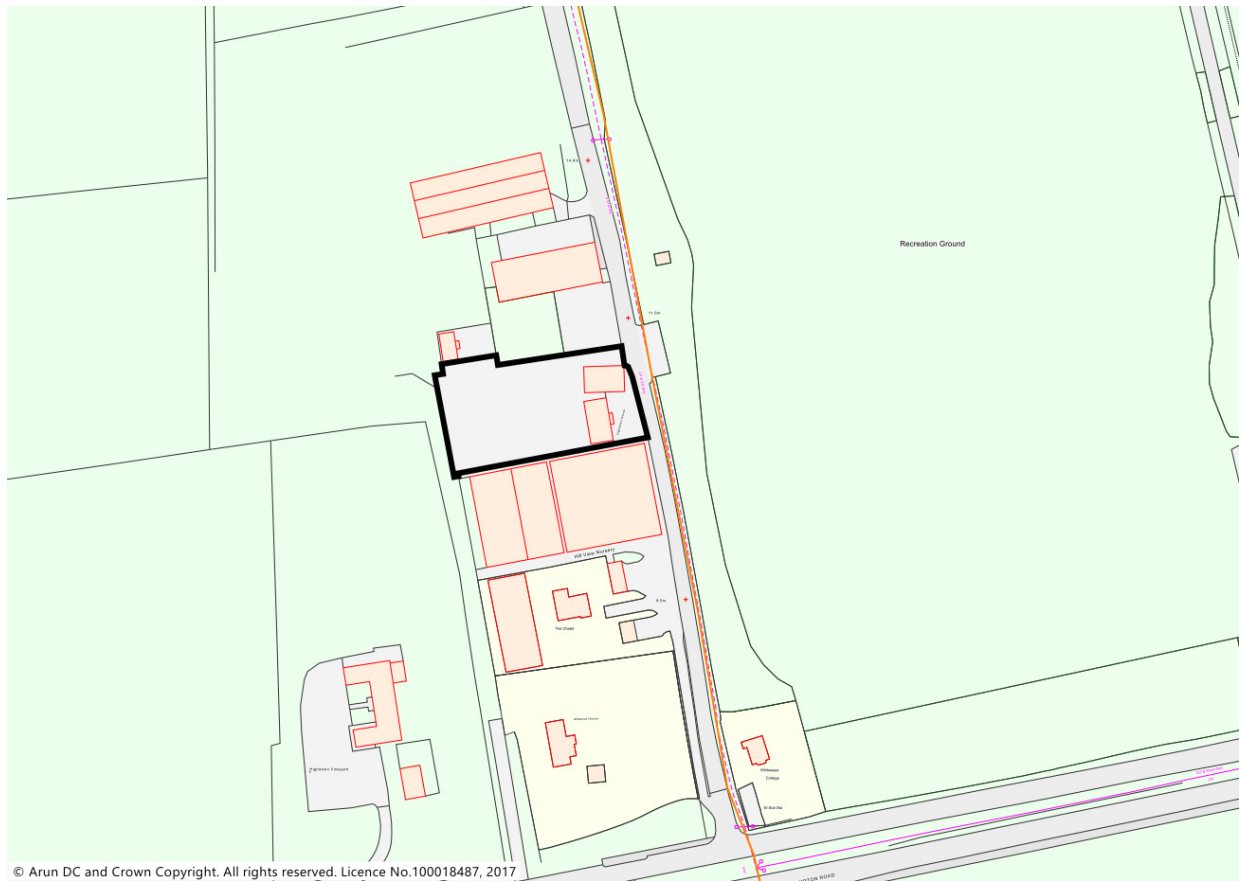
RECOMMENDATION

APPROVE

- 1 **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.

FG/190/16/PL Indicative Location Plan
(Do not Scale or Copy)

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



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PLANNING APPLICATION REPORT

REF NO: M/45/16/PL

LOCATION: Land West of Yapton Road (Poultry Farm)
Middleton-on Sea
PO22 6DY

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

SITE AND SURROUNDINGS

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

RELEVANT SITE HISTORY

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

M/2/49

Pig sty horsebox and hovel

Approve

15-02-1949

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Middleton Parish Council

Middleton Parish Council

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

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

GEN2 Location of Development and GEN3 Protection of the Countryside -

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

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

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

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

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

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

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

GEN8 Development & the Provision of Infrastructure - states that there should be proper

provision of infrastructure and services in relation to any new development. The stage 1 Road Safety Audit only applies to roads up to Silver Birch Drive, roads beyond Silver Birch Drive towards the A259 are inadequate for any increase in traffic. The Transport Statement is not fit for purpose.

GEN9 Foul & Surface Water Drainage - states that all foul and surface water drainage must minimise risks to property in vulnerable areas. This development will increase the risk of flooding in the surrounding areas. There is severe pressure on both surface water and foul water drainage systems in the Yapton Road and Ancton Lane areas of Middleton. Frequent surcharges of the foul water systems in the past have necessitated that the manhole covers near the proposed site have been screwed down to try and prevent overtopping. This development will only increase that pressure on the systems. Surface water flooding issues have also occurred close to the site of the new development and land also to the north of the development. Major flooding took place in 2012 flooding the area severely. The topography of the land shows that all the ground and surface water flows to the north along a slow gradient towards Comet Corner and on the way pond's up at and inside low lying properties. In our opinion there is no satisfactory plan to prevent water going north and flooding surrounding areas and properties.

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

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

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

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

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

S106 Agreement - The detail of the S106 Agreement shows no funding to Middleton-on-Sea. With the problems stated above there is a clear need for a significant contribution towards the

cost of traffic lights or a roundabout at Comet Corner as the impact of this development and the development in Yapton of 108 houses will clearly show the additional traffic movements at this junction.

Adverse impact on protected trees

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

208 OBJECTIONS

- Concerns over flooding in the area. More development results in increased run off.
- Insufficient infrastructure in the area. Existing facilities will be stretched to breaking point. Doctor surgeries and schools are already full.
- Increase in traffic will compromise highway safety. Comet Corner is already dangerous.
- Loss of agricultural land which is still viable.
- Removes a poultry farm.
- Concerns over protected trees.
- Concerns over the protection of wildlife in the area.
- Vandalism.
- This application is prompted by greed on behalf of Arun District Council
- Land often floods.
- Drainage proposals inadequate
- May ruin view out of back window
- Loss of outlook.
- Does not preserve the rural nature of the area.
- The shrubbery & hedgerows in the area are protected.
- Not a satisfactory number of parking spaces relative to the number of houses.
- Departure from Local Plan
- A modern working farm which doubles up as an educational establishment would be much better.
- Profit from the development will not be used to improve Comet Corner
- The site has already been cleared and hedges removed
- adverse impact of the development on the protected trees at the site entrance. Additional independent tree report has been submitted and a Sussex Biodiversity Record Centre summary report. The applicants for the above planning application have not completed the required reports and therefore the planning application must be rejected outright. How can the committee vote on an application which does not comply with industry standards in relation to BS5837:2012?
- the Arboricultural Survey is simply a tree survey with root protection areas specified and a plan showing tree constraints in the form Root protection Areas. This is standard stage 1 work. This is all that the applicants have done to support the above planning application.

The next phase of work or stage 2 is for them to draw up an Arboricultural Impact Report with Method Statement and Tree Protection Plan which has NOT been submitted with the above planning application. This report was done at a neighbour's own expense in August and was sent in early September. It was requested that the report was clearly displayed along side the applicants report in order to give a fair balance. This was not done.

The independently commissioned tree report states 'Overall in the absence of the submission of an Arboricultural Impact Method Assessment And Method Statement and Tree Protection Plan I am not convinced that the TPO trees will survive this development if they are permitted to develop as they have proposed and the alleged full tree protection measures are clearly not being afforded with this layout"

COMMENTS ON REPRESENTATIONS RECEIVED:

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

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

The site lies in flood zone 1 and is not therefore identified as being at risk of flooding. Whilst some representations have referred to flooding in the area, the proposal provides for either a sustainable drainage system which will restrict the flow of surface water leaving the site to a rate similar to undeveloped grass land either via infiltration or via a piped connection to the local public surface water sewers at a controlled rate. Currently there is no such control. The agent has advised that the development will increase the impermeable area by just 100sqm in comparison with the situation that existed when the poultry farm was operational (some buildings were removed in October 2015). The proposal will result in reduced surface water runoff. Flood Risk Management Team and Arun's Drainage Engineer have raised no objection. County Highways have raised no objection regarding highway safety. The agent's have confirmed that the access and internal roads are not to be offered for adoption. Whilst many residents have referred to problems at the Yapton Road/A259 junction, this is an existing problem that the applicant cannot reasonably be required to address/resolve. This proposal will not result in a significantly worse or severe highway environment.

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

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

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

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

The independent tree report and Sussex biodiversity records have been discussed with the

applicant's agent and consultees.

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

The report commissioned by a third party has not been separately identified on the council's web site since it is a supplementary part of a letter of representation.

The arboricultural consultation advise to Officers changed following submission of additional information and plans. Further additional tree reports and plans have now been submitted as part of the application.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)
WSCC Strategic Planning
Planning and Housing Strategy
NHS Coastal West Sussex CCG
Head of Planning Policy & Cons
Arboriculturist
Parks and Landscapes
Surface Water Drainage Team
NHS Coastal West Sussex CCG
Parks and Landscapes
Ecology Advisor
Parks and Landscapes
NHS Coastal West Sussex CCG
Ecology Advisor
Arboriculturist

CONSULTATION RESPONSES RECEIVED:

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

2nd Consultation. No Objection. The proposed development would include the removal of none of the established trees. The applicant has also outlined that the proposed development would only utilize existing hardstanding access areas for vehicles for site access. RPA's.

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

- The applicant has also avoided actual encroachment into the given RPA's of the trees to be retained on/off the site.

3rd Consultation Response dated 22/11/2016 states 'Having reassessed all of the information provided and investigated the sequence of events I have concluded the agents have not provided sufficient information. In my view, which contradicts Dafydd's second assessment of No

Objection uploaded on 22nd August 2016, the proposals do not address the trees at the site entrance. It is disappointing that WSCC chose to remove a large limb in the period between the Arboriculture surveyor visiting the site 1st October 2015 and the Arboriculture Survey being received, dated 28th January 2016.

As set out in the agents Arboriculture Survey the agent needs to provide:

An Arboricultural Impact Assessment Report

- which includes a schedule of trees to be retained and removed
- evaluates the likely effects of construction works on retained trees, including post development pressure
- provides recommendations on mitigation measures to be implemented
- include a Tree Retention Plan

A Method Statement Report which sets out how the agents intend to mitigate against any potential adverse impacts on the crowns and root systems

A Tree Protection Plan

- which illustrates where the protective fencing will be set out
- shows where and how mitigation measures will be applied'

4th Consultation Response provided by Sylva Consulting Ltd (acting on behalf of the Council's Arborist) dated 5 January 2017. In full it reads:

'Further to my initial comments dated 11/12/16 I have now been provided with further details PJC ref: 3822/16-02 r2.

Revision 1: To address comments from Silva Consulting Ltd ref 16020-M/45/16/PL

- Tree replacement see 4.2
- Additional information and more accurate reflection of constraints from pruned limb over main access. See 4.3 and 4.4
- New access, revised method of construction based on engineers input. See 4.5 and 4.6
- Works within root protection areas including demolition see 4.5 - 4.8
- Regarding positioning of new services see 4.7
- Demolition of existing buildings. Further information including methodology of removal of existing buildings within Arboricultural Method Statement (separate document ref 3822/16-02 r1)

Revision 2: Additional detail from amended access layout, Milestone ref 17026 / 001 added to Tree

Protection and Retention plan.

Summary:

- The supporting arboricultural evidence is considered to be comprehensive.
- Some tree removal is required to facilitate development as well as a requirement for some tree pruning works to facilitate works.
- The trees proposed for removal are all of low value and grading and many could have been removed for sound arboricultural reasons regardless of any development proposals.

- The PJC AIA Section 4.2 is non-specific in terms of specific mitigation tree planting, as such a high level of shrub and tree planting as well as other landscape features must be conditioned to enhance this site so as to more than adequately mitigate the loss of any proposed trees.

Conclusion:

The supplied revised and updated Arboricultural Impact Assessment suggests (and supports) that the scheme is compatible with the retained trees on site. It now acknowledges and offers satisfactory solutions to my previously raised concerns relating to the following areas:

- The impact on the trees at the proposed site access point off Silver Birch Drive.
- Demolition of existing buildings
- Underground services.

However, my concerns relating to the facilitation pruning remain extant as the shortening of a primary limb (T4 - Ash) to allow vehicular access is not in line with industry best practice; British Standard for Tree Work - Recommendations BS:3998 (2010). If these works are carried out would be detrimental to the health and public amenity of the tree.

Provided that the methodology prescribed in the AMS & TPP report is strictly adhered to and the site monitoring exercise is undertaken I would expect the retained trees (Excepting T4) to survive the development unscathed and to continue to grow on in the future.

It must be acknowledged that T4 will be negatively impacted by the proposed pruning, and in my opinion it would be better placed to remove this tree if permission is granted for the application; as it could be argued that due to its condition (and the impact of the proposed works) there is a limited degree of future sustainability and reduced safe useful life expectancy, there is now an opportunity to remove and replant with a semi-mature tree (Suggest Oak - *Quercus robur*) that would offer an immediate positive impact in terms of street presence, with a high degree of sustainability to the area.

The decision as to the way forward lies with the Planners as to how they wish to approach the options listed.

- Condition the AIA as presented (to include a comprehensive landscape master plan) and accept the risk that T4 will move into decline, or to give permission to (under separate TPO application) remove and replace T4.

No arboricultural objection raised to this application.'

Parks and Greenspace Officer - First Consultation Response - Developments of 10-200 dwellings or more are expected to provide open space on site. The Council's SPG guidelines which apply to developments of houses and are based broadly upon the National Playing Fields Association's (NPFA) "Six Acre Standard". Under superseded Fields in Trust guidelines (FIT) this requires that 3.2 hectares of open space are provided for every 1,000 people ie 32 square metres of open space per person. The indicated POS shown for this development is 1100m² which would be in excess of the stipulated requirement (998m²). As there are 13 dwellings proposed for this site, then provision of a Local Area for Play(LAP) would be sought on site with the potential Multi-Use Games Area (MUGA) contribution being sought.

Landscape/Tree protection

Forming part of the application and prior to any consent being given a full landscape scheme should be submitted for approval, detailing species choice, position, densities and size at time of planting. This should be plotted in plan and list form and in relation to the trees and vegetation to be retained in the locale, so that a clear picture of the proposals can be seen. These details are required to assure the adjacent land setting is maintained, the setting is uncompromised and the proposals are appropriate to its setting.

Any trees or vegetation that fall within the proposed or periphery of the development, may provide significant aesthetic impact to the location. Any trees in particular along the boundaries, which adjoin neighbouring land could provide potential valuable screening and should be retained particularly those adjoining the settlement boundary. Any considered tree removal from this site should be agreed with Arun District Councils Tree Officer. Root protection Areas (RPA) should extend into the development site and to those in neighbouring land. Before construction, a tree protection scheme must be in place for any retained trees including trees whose root protection areas fall within the construction zone from neighbouring land. This should be in accordance with BS 5837:2012 'Trees in relation to construction'. Any removed trees should be mitigated for allowing for inclusion of native species for biodiversity purposes and fitting to the semi-rural setting.

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

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

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

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

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

Please apply standard conditions ENGD2B, ENGD3A, ENGD4A, ENGD5A, ENGD5B, ENGD6A. Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

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

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

County Engineers - Flood Risk Summary

Modelled surface water flood risk - Low risk

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

Modelled ground water flood risk susceptibility - Low risk

Ground water contamination and Source Protection Zones.

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

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

Current Ordnance Survey mapping shows no ordinary watercourses within the proposed development area. Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans.

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

Future development - Sustainable Drainage Systems (SuDs)

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

Ground water monitoring and percolation testing during the winter period would be required to determine the feasibility of using infiltration methods as the primary solution. The current strategy would, in principle, meet the requirements of the NPPF, PPG and associated guidance documents.

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

Development shall not commence until full details of the maintenance and management of the SuDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

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

County Highways - No Objection

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

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

Trip Generation and Highway Capacity

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

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

Access

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

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

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

and the footway will be integrated with the existing PROW route. Such details would need to be secured via condition.

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

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

Visibility

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

Layout and Car Parking

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

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

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

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

Site Accessibility

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

The site is situated within walking distance of a range of facilities and services, including the no

600 bus service. National cycle route 2 runs past the site through Middleton, joining Worthing and Bognor Regis. General highway conditions are such that these would not pose a barrier to cycling. It's considered that the location of the site and opportunities available would offer future residents a realistic alternative to the use of the private car for some trip purposes.

Other Matters

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

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

Public Right of Way (PROW) comments

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

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

Conclusion

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

No highway objection would be raised.

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

A second Highway consultation has been carried out by Dougall Baillie Associates who have advised: Application (ref. M/45/16/PL) for the "Demolition of redundant poultry farm buildings & dwelling & erection of 13No. dwellings with associated access, car parking & landscaping" on the land west of Yapton Road in Middleton-on-Sea received a Strategic Planning Consultation

Response in reference to transportation matters (dated 7th July 2016) from West Sussex County Council (WSCC) as the Local Highway Authority (LHA).

A Transportation Statement (TS) by Inspire Transport Planning (AS/ITP 130-1, October 2015) supports the M/45/16/PL application.

Dougall Baillie Associates (DBA), as specialist Transportation Consultants, have been commissioned to provide an independent review and examination of the details within the LHA response (a copy of the LHA document is attached for reference).

Each of the matters raised in the WSCC Strategic Planning Consultation Response are considered under the corresponding headings below.

Trip Generation and Highway Capacity

The calculation method applied to the level of vehicle trip generation forecasted for this proposed development has been accepted by the LHA, and they note that the resulting weekday peak hour trip levels (12 two-way trips in the AM and 9 two-way trips in the PM) do not meet the threshold (of 30 or more vehicle trips) to require any formal junction capacity assessment.

The LHA conclude that they would not expect any highway safety or capacity issues to arise from the approval of this application.

Following a review of the methodology applied, DBA found the approach to be appropriately robust, and updating the trip generation levels based on the latest available survey information within the current 2016 TRICS database Version 7.3.3 produced similar results (12 two-way trips in the AM and 10 two-way trips in the PM, TRICS and generation calculations are attached for review).

Based on these trip generation calculations, the AM peak hour increase in vehicle traffic at any junction as a result of this proposed development (prior to any network dispersion of the trips) equates to one additional vehicle every 5 minutes. While it is accepted that vehicle trips are not evenly spaced, the calculation supports the LHA's acceptance that the proposed development's increase in trip levels would not be significant in terms of highway safety or capacity.

In addition to the LHA comments on Trip Generation and Highway Capacity, it has been noted that some questions have been raised by other parties on these matters including:

i) The accuracy of the trip generation figures based on the differences between total AM trips and total PM trip generation levels. This is down to the general nature of vehicle (and person) trip patterns to and from residential properties during weekdays.

The number of trips (particularly outbound) from a residential property in the AM peak hour tend to be more concentrated in the morning and may include, for example, commuting trips and school run trips all leaving within the same hour. In the PM peak hour, the residential trips change in nature and become more dispersed, with the example being that the PM network peak hour may be 17:00 to 18:00 which would contain the majority of the commuting trips, however by that time the school run trips would be off the network, and other commuting trips from further afield may not

return home until (significantly) after the main peak.

In most cases, all outbound trips from residential properties do return as inbound trips to the same location, however they do not all do so at regimented times, hence the variation in generation levels between the AM and PM peak hours.

ii) The increase in existing local network traffic, particularly resulting from the Felpham Relief Road, has been higher than previously predicted.

While it is noted that existing trip levels, particularly on the A259, are considered to have risen beyond their expected levels, the proposal resulting in the addition of 12 AM peak and 9 PM peak new vehicle trips would not have a significant material effect on the existing situation and, as has been indicated by the LHA, the trip levels are not considered to be significant in terms of highway

safety or capacity.

Access

The LHA comments summarise the access proposals and indicate an acknowledgement that the site's access design (drawing ITP-130-1-01 revision P3) has been reviewed by, and revised in line with a Stage 1 Road Safety Audit. The audit's comments have been noted, as have the Designer Response in relation to the transition between the existing Silver Birch Drive footways and the proposed shared surface within the site.

It is stated that further consideration must be given to the kerbs and footways at the area where the development's access crosses the existing Public Right of Way (PROW), and that this, along with the off-site highway works to provide appropriate linkage of the existing footway into the site, would need to be secured under a condition agreed between the parties involved (including the LHA and PROW bodies).

Following these notes, the LHA indicate that, in principle, no highway safety concerns would be raised in regard to the proposed arrangements.

The comments and matters raised on the proposed development's access arrangements by the LHA are considered to be entirely reasonable in order to ensure that the transition from the adopted road network to the proposed unadopted development access road is in accordance with their required standards, and to maintain the connection and continuity of the existing PROW.

Visibility

The LHA confirms their agreement with the proposed development TA's indication that the required visibility standard from the minor road access onto Silver Birch Drive of 2.4m by 43m for a residential 30mph zone (in line with the standards set out in WSCC Local Design Guide Supplementary Guidance for Residential Development Proposals) can be achieved within the adopted highway land.

Based on our understanding of the proposals and the layout of the site, we concur with this assessment.

Layout and Car Parking

Initial comments on the proposed access road state that it is unclear whether the access road or roadways will be offered for adoption noting that, while it is not a material planning consideration, it would affect how the LHA would review the layout.

It is noted that the comments provided assume that the roads and access will remain unadopted. The application's published document Letter from Applicant (Strutt & Parker, 25th July 2016) states that the access and internal development roads will not be offered for adoption, therefore the LHA comments on the subjects of layout and car parking are directly appropriate to the development proposals.

The LHA note that the proposed provision of shared surfaces within the development is considered appropriate in light of the low traffic levels and low speed nature of the development site.

It is commented that the turning head within the site appears 'tight' and that the swept path analysis of a refuse vehicle featured in the TA report is shown to slightly over-run the verge and note that the turning head needs to be defined in order to ensure that it is kept clear of parked vehicles.

While the vehicle's body is shown to over-run the kerb in the TA plan, it is possible to turn both the standard refuse vehicles and a fire appliance within the turning head entirely within the turning head's shared surface area (as indicated by the attached 16346-SK-01 plan). Our tracking also confirms the LHA requirement for clearly defined parking restriction to be set out within the turning head.

With reference to the proposed development's parking provision, the LHA notes that it is indicated to be sufficient to meet the level required for this proposed development, as calculated by the WSCC Car Parking Demand Calculator, and notes the sizes required for the types of spaces being proposed.

The parking space dimensions set out by the LHA (3m x 6m for garage spaces) are in line with the WSCC Local Design Guide Supplementary Guidance for Residential Development Proposals document, and the requirement for the parallel visitor spaces to be provided set out as 2m x 6m with splayed ends is appropriate for the application.

The proposed site layout shows the parallel spaces as being 2.4 x 4.8m. While the 2.4 x 4.8m standard dimensions are appropriate for perpendicular parking spaces, these would not be suited to provide effectively for parallel parking spaces, and will therefore need to be revised to meet the standard.

The final LHA note on parking refers to the double parking set up of some of the properties' driveway spaces and how this is not ideal, however with the development's nature and location that this is not considered to be a highway safety issue.

We consider the LHA comments on the parking matters in relation to the development proposal to be reasonable.

Site Accessibility

The LHA notes that the site would connect into the local facilities for pedestrians by way of the existing footway network accessed from Silver Birch Drive, where access to a range of facilities & services is available including the No. 600 bus service, and National Cycle Route 2. The surrounding general highway conditions are noted not to pose a barrier to cycling. It is stated as the consideration of the LHA that the site's location would offer future residents a realistic alternative to the use of private cars for some trip purposes.

These comments are appropriate to this development in respect of its accessibility.

We would note however that, in the absence of a mandatory national cycling proficiency test, it is a matter for individual cyclists to judge whether their own experience is sufficient to cycle in any given road conditions.

While the development site is on the edge of the existing residential area, the indicated linkages and resulting accessibility to sustainable travel modes, including foot, cycling, public transport (by way of walking to the available 600 service), and finally by private car, would be of directly comparable level to the existing residential development in the area.

Other Matters

The LHA indicates that construction traffic and any damage to the adopted road network associated with the construction of the development would require to be repaired upon completion of the development, and that a Construction Management Plan would need to be agreed and implemented prior to commencement.

It is also stated that all temporary works within the adopted highway would have to be agreed with the LHA, and they note that a Section 59 agreement may be appropriate to allow for the recovery of any costs associated with undertaking repairs that occur as a result of the increase of extraordinary traffic. These requirements are in line with standard practice appropriate to development of the type proposed.

Public Right of Way

In relation to the PROW route, the LHA comments indicate:

iii) That suitable signage to inform both vehicular and pedestrian traffic of potential conflict must be provided.

This point is entirely reasonable in terms of the promotion of safety of all road users.

iv) That the inclusion of bollards across the PROW route as indicated in the site's access design

(drawing ITP-130-1-01 revision P3) would require consultation and agreement under Section 66 of the Highways Act, and that no consent for this can be guaranteed at this time, and v) Any temporary closure of the PROW will require an application to be agreed and processed along with the payment of the associated cost.

Matters iv) and v) are in line with the regulations set out in WSCC PROW regulations and the LHA have provided links to the relevant application documents.

Conclusions

The LHA conclusions in relation to this development proposal are:

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

No highway objection would be raised.'

In addition, a number of Highway Conditions are set out in relation to the development proposal. Based on our review of the application documents and the comments and issues raised, DBA are in agreement with the LHA's conclusion that the proposed development would not result in any severe impacts on the local highway network.

The conditions listed in association with the LHA consultation cover:

- . Cycle parking
- . Access road
- . Parking
- . Construction Management Plan; and
- . Footway Crossing Details

These matters are all in line with the LHA response, and are considered reasonable for inclusion with any consent granted.

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

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

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

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

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

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

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

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

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

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

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

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

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

Clearance of suitable nesting bird habitat (i.e. removal of trees, hedging, dense shrubs and dismantling / demolition of any building) should ideally be undertaken outside the breeding bird season, i.e. should be undertaken in the period September to February inclusive. Should it prove necessary to clear bird nesting habitat during the bird nesting season, then a pre-works check for nesting birds should be undertaken, by a CIEEM ecologist (with 24 hours of any works). If any active nests are found, activities (e.g. tree felling / vegetation clearance / building dismantling / demolition) should cease and an appropriate buffer zone should be established. This buffer zone should be left intact until it has been confirmed that the young have fledged and the nest is no longer in use.

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

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

the fabric of the house.

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

Clearance of suitable nesting bird habitat (i.e. removal of trees, hedging, dense shrubs and dismantling / demolition of any building) should ideally be undertaken outside the breeding bird season, i.e. should be undertaken in the period September to February inclusive. Should it prove necessary to clear bird nesting habitat during the bird nesting season, then a pre-works check for nesting birds should be undertaken, by a CIEEM ecologist (with 24 hours of any works). If any active nests are found, activities (e.g. tree felling / vegetation clearance / building dismantling / demolition) should cease and an appropriate buffer zone should be established. This buffer zone should be left intact until it has been confirmed that the young have fledged and the nest is no longer in use.

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

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

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

COMMENTS ON CONSULTATION RESPONSES:

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

POLICY CONTEXT

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

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

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

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

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed

according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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. Middleton does not have an adopted neighbourhood plan. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Whilst a NDP is under preparation it will afford limited 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).

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 the site lies outside the built up area boundary where new residential development is unacceptable.

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 as set out below.

CONCLUSIONS

PRINCIPLE

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

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

The proposed development would conflict with policies GEN2 and GEN3, but its effects in relation to these are tempered by the physical characteristics of the area and by the weight which is now attached to these policies. These policies seek to focus development within built up areas however these boundaries have reduced weight as they are time expired since they do not relate to housing provision beyond 2011. The way these policies are expressed through boundaries on the ground has therefore become out-of-date.

The Arun Local Plan 2011-2031 Publication Version reflects the need to provide housing on land outside of the defined built up areas. It sets out allocations for future housing for Parish and Town Councils that they should bring forward over the plan period. Policy H SP1 of the Plan requires Neighbourhood Plans to bring forward proposals for housing delivery. Middleton does not have an adopted Neighbourhood Plan.

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

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

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Furthermore, paragraph 49 states that:

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

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

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

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

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

It is considered that the application is acceptable in principle despite being located on a greenfield site outside of the built up area boundary. It will be assessed against normal development control criteria. It is outside of the Littlehampton to Middleton-on-Sea Gap between settlements which

borders the east side of Yapton Road. It is also outside of the boundary of the existing Open Space area to the north and west which is identified in the Publication Version of the Local Plan. The site would be physically and visually connected to the existing built up area to the south.

IMPACT ON CHARACTER AND VISUAL AMENITY

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

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

In addition, the site is generally well screened. The eastern boundary of the site comprises tall trees and hedging and the southern and western boundaries are edged with trees and hedgerows. The northern boundary is well screened from within the surrounding landscape owing to the publically edged and visually more prominent southern and eastern boundaries. The south-eastern corner of the site has a lack of screening when viewed the site from Yapton Road. This affords clear views of the existing dwelling and wooden outbuilding and provides it with a prevailing residential character and appearance.

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

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

RESIDENTIAL AMENITY

The proposed dwellings are located a significant distance from the nearest residential properties and are located behind existing tree/shrub planting that is to be retained or bolstered. The

properties facing Silver Birch Drive are situated along the northern boundary of the site are over 50m away which is an acceptable separation distance to prevent any harmful overlooking, overshadowing or loss of privacy. There would therefore be no materially adverse effects resulting to the residential amenities of adjoining neighbouring properties.

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

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

AFFORDABLE HOUSING

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

HIGHWAY ISSUES

The application is accompanied by a Transport Statement and Stage 1 Road Safety Audit. County highways have been consulted and have no objection. The application was also sent to external highway consultants who reviewed the submitted information and concurred with the conclusions of County Highways.

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

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

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

TREE PROTECTION

The application now includes an Arboricultural Impact Assessment and Arboricultural Method Statement which update and expand on the originally submitted Arboricultural Survey which

included a Tree Constraints Plan. There is a Tree Preservation Order (reference TPO/M/1/15) covering 3 no. trees on the application site: 2no. Ash trees and 1no. Field Maple. These trees and their Root Protection Zones (RPZ) are situated outside of any proposed houses within the development, but are close to the site access. The new access will be constructed within the root protection area of T4 and T5 and T10. The proposed new access has a revised location further to the east of T4 to reduce the impact above and below ground to retained trees. The proposed new surface will be an above ground system based on pad and beam design. The tree protection plan highlights the encroachment percentages for each pad per tree. The location of each of the supporting pads are positioned radially in relation to retained trees minimising the likelihood of significant root pruning being required. Further to this, the position of the pads is able to be customised based on root growth to retain maximum root area. The works will be carried out under arboricultural supervision. Existing structures within root protection areas that require removal are predominantly wooden temporary buildings or sheds. Trees in these areas are in close proximity to structures to be removed. Demolition will be carried out by hand so far as is reasonably practicable to dismantle the buildings in sections, removing them from site. Temporary storage of removed material in the form of wood, brick etc. will be stored outside of root protection areas of retained trees. Further details of the methodology employed to achieve this is detailed within the method statement.

Details of the routing of services for the proposed development are not currently available. It is understood that services will not be connected from Silver Birch Drive but brought into the site from Yapton Road to the east. This places them outside of the RPA of any retained trees.

Once details of the routing of new services become available, prior to commencement, these shall be reviewed by the project arboriculturalist. The arboriculturalist shall then confirm to the local authority arboricultural officer either that no works will be carried out within root protection areas, or provide details of the methodology required to ensure the works are carried out in accordance with NJUG10 'Guidelines for the planning, installation and maintenance of utilities in proximity to trees' and BS5837: 2012. Provided the works are conditioned to be in accordance with the submitted Arboricultural Impact Assessment and Arboricultural Method Statement dated 03-01-2017 there would be no materially adverse impact on preserved trees. The long term retention of the Ash tree T4 would need to be monitored. If it were to decline an application could be made for its replacement which is likely to be supported given the arboricultural advice received.

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

ECOLOGY ISSUES

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

CONCLUSION

The application is recommended for approval subject to the following conditions. A S.106 legal

agreement covering public open space, education, libraries, fire and rescue, affordable housing and health facilities. has been signed.

HUMAN RIGHTS ACT

FOR APPROVAL

Human Rights Act:

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 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).

M/45/16/PL

- 2 The development hereby approved shall be carried out in accordance with the following approved plans Location, Sketch Site Layout FS08, Indicative Floor Plans PL03 reva, Proposed Elevations- sheet 2, PL05 revb, Proposed Elevations Sheet 1 PL04 revC, Proposed Elevations Unit 1 and Block and Location Plans APL02 revf, Proposed Site Layout PL01 rev e, Proposed Access Arrangements ITP-130-1-01 P1, 13950815 site plan, PJC/3822/15/A rev02, Planting Details LV1A7 and Engineered solution to access avoiding Tree Root Protection Areas 17026/001 revA.

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

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

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

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

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

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

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

- 6 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Class A (g) no extensions to the dwelling house which project more than 4m in depth for detached dwellings or 3m in any other case shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

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

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

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

- 8 Soft landscaping shall be carried out in accordance with the details shown on plan (LVIA7 Sept 2016). All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 9 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a hard landscaping scheme and the development shall proceed in accordance with the details so approved.

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

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

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

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. 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 No construction works shall commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

to implement a surface drainage scheme once development had commenced.

- 12 Immediately following implementation of the approved SuDS scheme and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. There shall be no deviation to the approved scheme other than with the written consent of the Local Planning Authority. The scheme shall thereafter be maintained in perpetuity.

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

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

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

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

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

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a surface drainage scheme once development had commenced.

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

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial

arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

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

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

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

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

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

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

- 18 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area. It is considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or impede access onto a classified road which could compromise highway safety.

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

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

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

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

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

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

- 22 The development shall proceed in accordance with the submitted Arboricultural Survey ref 3822/15-01. If any root structures with a diameter over 25mm are exposed during the excavation of the foundations for the dwellings then these should be retained unless otherwise agreed in writing with the Local Planning Authority. Any removal of roots over 25mm in diameter that has been agreed with the Local Planning Authority shall then be carried out under the supervision of the Council's Arboricultural Officer.

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

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

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

- 24 The development shall proceed in accordance with the Reptile Strategy dated November 2016 and the Reptile Mitigation Measures and Enhancement Strategy detailed within the report. The Reptile mitigation strategy shall be fully implemented and shall include the following:
- A detailed survey conducted, prior to any works, between March/April to Sep/October;
 - Establishing a reptile exclusion zone on the development footprint, with reptile fencing and under the direction of an ecologist;
 - Tool box talk to all site workers on reptiles and ensure no vegetation is cleared unless

under the supervision of the ecologist, no material is dumped in fenced off areas and wildlife protection zone and no fences to be damaged or moved, no entry to fenced off areas, no animals to be handled, no fires/materials stored in areas not previously agreed;

- Reptile translocation to take place between April and October
- No strimming of vegetation within the development zone until 5 clear trapping days has been established;
- No vegetation clearance during the bird nesting season (Feb to Sep) unless vegetation is checked by an ecologist for nests.
- Enhancements to site margins with planting of native species;
- Establishing 3 new log piles;
- Addition of wildflower mix to the grassland habitat.

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

- 25 The development shall proceed in accordance with the submitted Arboricultural Impact Assessment and revisions dated 03-01-2017, Arboricultural Method Statement and revisions dated 03-01-2017 and Tree Constraints Plan, Tree Retention and Protection Plan drawing no. PJC3822/15/A rev 04 and Tree Retention and Protection Plan Access Detail drawing no. PJC/3822/15/B rev04.

Reason: To ensure retention of the neighbouring preserved tree in accordance with policies GEN7 and GEN28 of Arun District Local Plan.

- 26 The tree works and root protection measures in the area of the access hereby approved shall be undertaken under the supervision of the Local Planning Authority who shall be notified in writing, not less than 7 days before the work commences.

Reason: In order to ensure a satisfactory standard of tree surgery and tree protection in the interests of amenity in accordance with policies GEN7 and GEN28.

- 27 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a commuted sum in lieu of open space provision, education, libraries, fire and rescue, affordable housing and health services.

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

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

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

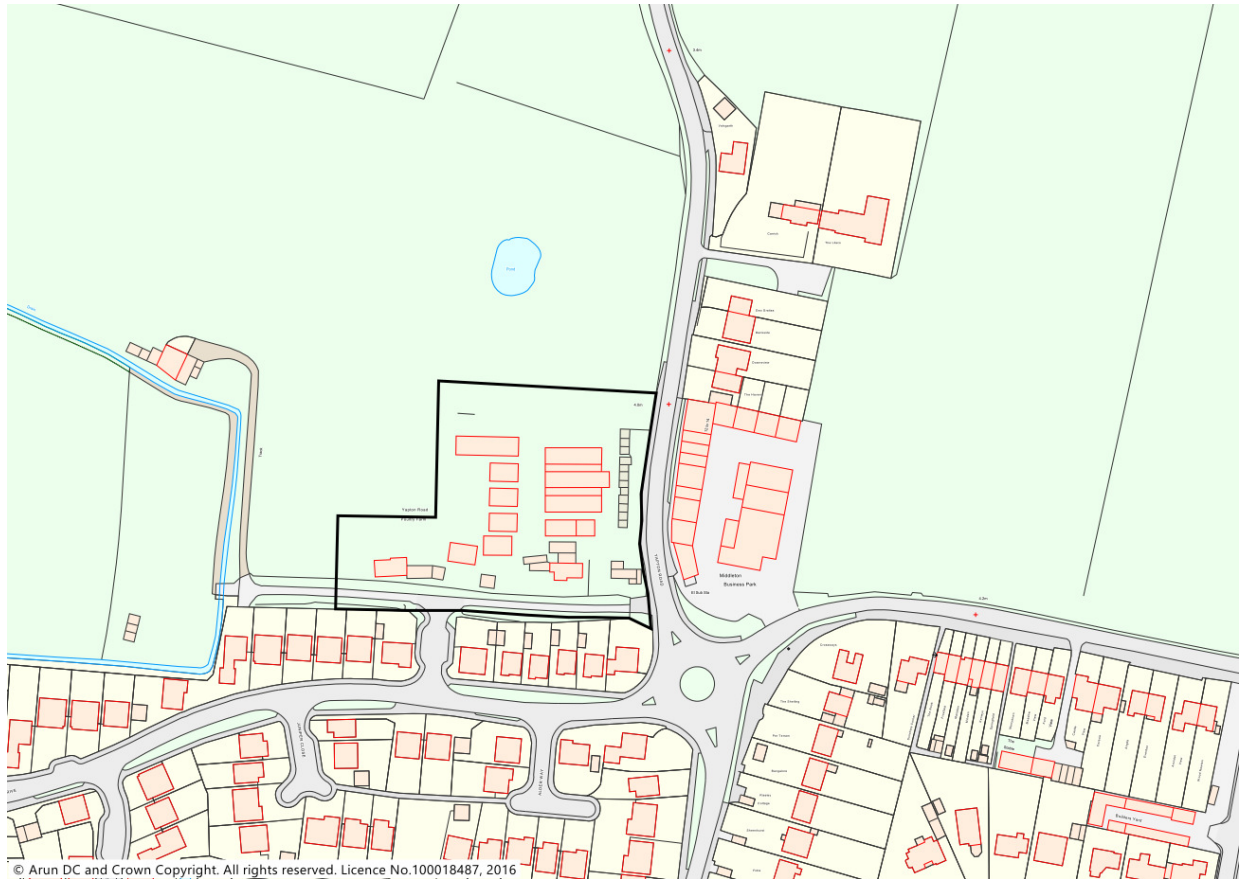
the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning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

- 31 **INFORMATIVE:** To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. No construction should take place which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse or culvert (piped watercourse) crossing or abutting the site on or adjacent to the site.

M/45/16/PL Indicative Location Plan

(Do not Scale or Copy)

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



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AGENDA ITEM 8

DEVELOPMENT CONTROL COMMITTEE

01 February 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

BE/77/16/OUT

Received: 09-01-2017

Land West of New Barn Lane Bersted

Outline application with all matters reserved for up to 50 residential units, landscaping, amenity space, car & cycle parking, roads, service & drainage infrastructure & other associated works. Departure from the Development plan.

Public Inquiry

PINS Ref: NPCU/RTI/C3810/77192

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

FP/184/16/T <i>Received: 17-10-2016</i>	PINS Ref: APP/C3810/W/16/3153767 Manor Flats 100 Felpham Road FELPHAM Fell to ground level 1No. Blue Atlas Cedar <i>Written Representations</i>
LU/128/16/A <i>Received: 01-12-2016</i>	PINS Ref: ENV/3161078 Lidl Foodstore Pier Road Littlehampton 1 No. internally illuminated totem sign. <i>Written Representations</i>
LU/165/16/HH <i>Received: 05-01-2017</i>	PINS Ref: APP/C3810/Z/16/3157758 23 Manning Road Littlehampton Single storey front extension. <i>Written Representations</i>
WA/22/15/OUT <i>Received: 20-01-2016</i>	PINS Ref: APP/C3810/D/16/3164474 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. <i>Public Inquiry</i> <i>01-11-2016</i>
Y/19/16/OUT <i>Received: 08-09-2016</i>	PINS Ref: APP/C3810/V/16/3143095 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 <i>Public Inquiry</i> PINS Ref: APP/C3810/V/16/3158261