



Committee Manager : Carrie O'Connor (Ext 37614)

12 April 2017

## **DEVELOPMENT CONTROL COMMITTEE**

A meeting of this Committee will be held in the **Millennium Chamber, Littlehampton Town Council, Church Street, Littlehampton**, on **Wednesday 26 April 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](http://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 29 March 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 **REVERSE ALPHABETICAL** order.

8. \*PLANNING APPEALS

To consider the attached report.

## Background Papers

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

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

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

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

29 March 2017 at 2.30 p.m.

Present: Councillors Mrs Maconachie (Chairman), Mrs Hall (Vice-Chairman), Mrs Bence (substituting for Councillor Dillon), Bower, Brooks, Charles, Gammon, Hitchins, Maconachie, Mrs Oakley, Mrs Pendleton, Miss Rhodes, Mrs Stainton and Wells.

[Councillor Mrs Stainton was absent from the meeting during consideration of the matters detailed at Minute 534 (from Planning Application K/2/17/PL to Minute 537.)]

Councillors Edwards, Haymes and Wensley were also present at the meeting.

530. APOLOGIES

Apologies for absence were received from Councillors Dillon and Oliver-Redgate.

531. 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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There were no declarations of interest made.

532. MINUTES

The Minutes of the meeting held on 1 March 2017 were approved by the Committee and signed by the Chairman as a correct record.

533. POST SITE INSPECTION PANEL – AL/140/16/OUT – LAND ADJACENT TO 14 ST JOHNS CLOSE, WESTERGATE, ALDINGBOURNE

The Committee received a report and comments from the Chairman of the Site Inspection Panel, which had voted to accept the officer recommendation to approve. Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

534. WITHDRAWN APPLICATIONS

The Chairman advised the meeting that Planning Applications K/2/17/PL and WA/84/16/PL had both been withdrawn from the Agenda and would not be considered at the meeting.

535. PLANNING APPLICATIONS

A/142/16/OUT – Outline application with some matters reserved for the demolition of existing buildings & erection of 18 No. dwellings and the provision of pedestrian footpath adjacent to Dappers Lane. This application is a Departure from the Development Plan, Merry England Nursery, Dappers Lane, Angmering Having received a report on the matter, together with the officer's written report update detailing the following, the Committee participated in a full discussion on the matter.

- The application had been amended to reflect deletion of the layout as a matter for determination at this meeting – layout would be considered at reserved matters stage, together with landscape and appearance. The conditions had been amended accordingly.
- An objection raised in respect of the open space contribution of £18,000 and the loss of employment potential as the site had been identified as a designated industrial use in the Angmering Neighbourhood Plan. For the reasons set out in the update, it was proposed that the £18,000 open space contribution would be amended to £28,602 and which would be reflected in the completed legal agreement.

With regard to the loss of employment land, there were no policies in the emerging Local Plan or the adopted Angmering Neighbourhood plan which identified the site for industrial development, a reference only had been made to land to the east of Dappers Lane as “Employment Sites”. It was therefore considered that the relevant policies as they related to the character of the area had been taken into account in the determination of the application.

The Senior Planning Officer presented the detail of the application and advised that the legal agreement was being prepared and would be finalised shortly. No consultation response had been received from the NHS and officers would actively pursue trying to obtain that response but, unfortunately, unless one came in no contribution would be able to be requested for that organisation. Members expressed their serious concern at the lack of response from the NHS in view of the impact of the proposal on the local health infrastructure and its already stretched services.

A further concern was raised with regard to the provision of parking bays at a distance from the dwellings and an officer response given that the issue would be dealt with under reserved matters. It was agreed that the reserved matters application would be brought back to Committee for determination.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

*(Prior to consideration of the following application, Councillor Edwards spoke as Ward Member.*

*The Chairman read out a representation from Councillor Madeley as she was a Ward Member but was unable to attend the meeting.)*

FP/245/16/PL – Retention of mixed use C3 (residential) and Sui generis/Community open house as a personal permission with existing sheds to front garden – Resubmission of FP/17/16/PL, Olive Tree Cottage, 40 Links Avenue, Felpham Having received a report on the matter, together with the officer’s written report update detailing additional representations received and deletion of emerging policy DDM4 from the reason for refusal, the Committee participated in a full discussion on the matter.

Views were expressed that, whilst acknowledging the service that was being provided to the community was needed, the expansion of the facility was such that it could now be considered to be a business and should therefore move to premises better suited to its use. It was felt that the locality was purely residential and this use

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was out of keeping with that – there were alternative local sites and premises available better suited for such activity.

Following consideration, the Committee

RESOLVED

That the application be refused as detailed in the report, subject to Policy DDM4 being deleted.

K/2/17/PL – Demolition of existing double garage & erection of 1 No. dwelling with double garage. Resubmission following K/35/15/PL, Land adjacent to foreshore House, 9 Coastal Road, Kingston Having received a report on the matter, the Committee had been advised that the application had been withdrawn from the agenda.

K/3/17/PL – Demolition of existing dwelling to create a 3 storey dwelling with double garage (alternative scheme to application K/16/16/HH which previously sought consent for the remodelling of existing dwelling), Foreshore House, 9 Coastal Road, Kingston Having received a report on the matter, together with the officer's written report update detailing a consultation response from the Drainage Engineer, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/52/17/NMA –Application for a non-material amendment following a grant of planning permission LU/314/16/PL relating to re-orientation of the building to the East, amendments to internal layout at ground and first floor levels. Removal of mezzanine floor level with the plant being distributed throughout the remaining building envelope. Reduction on overall width of the building by 1m. Reduction in overall floorspace and loss of one no. toilet. Reduction in maximum building height. Reduction in width of main swimming pool. Amendments to proposed car parking arrangement and amendments to energy strategy, Littlehampton Swimming and Sports Centre, Sea Road, Littlehampton The Committee received a report on the matter, together with the officer's written report update detailing :-

- The application site was owned by Arun District Council and therefore had to be considered by the Committee.
- Consultation responses received from Greenspace Officer and Environmental Health.
- Objections received from Littlehampton Town Council and a member of the public.

The Committee was advised by the Principal Planning Officer that these were necessary changes to allow the new pool to be built and the report and the officer update set out the reasons for the amendments and the responses to the concerns raised by the objections put forward.

Members then participated in some discussion on the issues. Concern was raised with regard to the reduction in size of the pool itself by 0.5m as it was felt that could have a detrimental impact on competition events in the future. However, it was pointed out that the pool would still be compliant with Sport England requirements.

Following further comment, the Committee

**RESOLVED**

That the Non Material Amendment be approved.

WA/84/16/PL – Two storey house. This application affects the character & appearance of the Walberton Village & Walberton Green Conservation Area, The Red Cottage, The Street, Walberton Having received a report on the matter, the Committee had been advised that this application had been withdrawn from the agenda.

536. PLANNING APPEALS

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

537. PLANNING APPEALS PERFORMANCE & COST FROM 1 JANUARY 2015 TO 31 DECEMBER 2015 AND FROM 1 JANUARY 2016 TO 31 DECEMBER 2016

The Committee received and noted an information paper which set out the detail of the Council's performance with regard to planning appeals during 2015 and 2016.

In presenting the report, the Planning Team Leader amended the appeal figures for 2013-2016 under Written Reps, Total dismissed, 2016, from 50 to 17, equating to 50%. He also highlighted the worrying trend that fewer appeals had been dismissed in 2015 (46%) and 2016 (49%) when compared to 2013 (65%) and 2014 (69%).

(The meeting concluded at 3.25 p.m.)



**AGENDA ITEM 7**

**DEVELOPMENT CONTROL COMMITTEE**

**26th April 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**

**AT THE DEVELOPMENT CONTROL COMMITTEE**

**BERSTED**

**Reference**

[BE/18/17/PL](#)

**Development Description**

Variation of condition 3 for approved plans & 23 for vehicular access imposed under BE/142/15/OUT. This application is a Departure from the Development Plan.

**Location**

Land west of New Barn Lane  
Bersted

**Case Officer:**

Mr D Innes

**Recommendation:**

App Cond sub to S106

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**BARNHAM**

**Reference**

[BN/69/16/PL](#)

**Development Description**

5 no. dwellings comprising 2 no. 4- bed houses, 2 no. 3- bed houses & 1 no. 3- bed bungalow, with access & ancillary works. This is a departure from the Development Plan & affects a Public Right of Way.

**Location**

Land East of Toll Cottage  
Lake Lane  
Barnham  
PO22 0AD

**Case Officer:**

Mr S Davis

**Recommendation:**

Approve Conditionally

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**ALDWICK**

**Reference**

[AW/24/17/PL](#)

**Development Description**

Variation of condition 4 imposed under BR/846/71/ to amend amount of children in attendance.

**Location**

Dizzy Duckling Pre-School  
Behind St Richards Church  
St Richards Way  
Aldwick  
PO21 3AT

**Case Officer:**

Mr S Davis

**Recommendation:**

Approve Conditionally

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**ALDWICK**

**Reference**

[AW/61/17/PL](#)

**Development Description**

New bungalow on land to the front.

**Location**

26 Christchurch Crescent

**Case Officer:** Mr S Davis  
**Recommendation:** App Cond sub to S106

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**ALDINGBOURNE**

<b><u>Reference</u></b>	<b><u>Development Description</u></b>	<b><u>Location</u></b>
<a href="#"><u>AL/107/16/RES</u></a>	Application for Reserved Matters application following Outline Planning Permission AL/39/13 for the demolition of Oakdene and all other structures within the site and the erection of 79 dwellings, public open space, children's play areas, landscaping, drainage measures, sub-station, pumping station and all other associated works.	Land West of Westergate Street & East of Hook Lane Westergate PO20 3TE

**Case Officer:** Lucy Harding  
**Recommendation:** Approve Conditionally

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PLANNING APPLICATION REPORT

**REF NO:** BE/18/17/PL

**LOCATION:** Land west of New Barn Lane  
Bersted

**PROPOSAL:** Variation of condition 3 for approved plans & 23 for vehicular access imposed under BE/142/15/OUT. This application is a Departure from the Development Plan.

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

<b>RELEVANT SITE HISTORY</b>
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BE/189/16/PL	Variation of conditions 3 & 23 imposed under BE/142/15/OUT relating to approved plans.
BE/93/16/PL	Construction of new vehicular/pedestrian/cycle route onto New Barn Lane for residential purposes
BE/142/15/OUT	Outline application with some matters reserved for a mix of up to 90 No. residential units, associated open space, landscaping, access & car parking. This application is a Departure from the Development Plan.
	App Cond with S106 24-02-16

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

February 2016.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Bersted Parish Council

Bersted Parish Council - OBJECT for the following:

The originally approved access should remain. The revised access will adversely affect resident s opposite, so would be un neighbourly.

Two letters have been received.

One sets out that that the applicant is seeking to alter conditions following the planning permission and the ADC conditions should be complied with.

The second letter is from the adjoining landowner who is keen to ensure that both the Landform approval and the Church Commissioners site (if approved) is deliverable. Comments are made in relation to the wording of the draft Deed of Variation.

### COMMENTS ON REPRESENTATIONS RECEIVED:

The Comments are noted and considered in the assessment below.

## CONSULTATIONS

WSCC Strategic Planning

Parks and Landscapes

### CONSULTATION RESPONSES RECEIVED:

Greenspace

We reiterate our comments submitted under application BE/142/15/OUT

The new layout would not appear to compromise the significant existing trees in this location, which have been indicated to remain. We would however require that careful consideration be given to the correct RPA (root protection areas) for these trees, both before and during construction in order for these trees to remain undamaged going forward.

'Any trees or vegetation that fall within the proposed or periphery of the development, may provide significant aesthetic impact to the location. Any trees in particular along the boundaries, which adjoin neighbouring land, in particular is the vegetation cover to be seen to the north, south and west of this site could provide potential valuable screening and should be retained particularly and particularly any adjoining/bordering the settlement boundary. Any considered tree removal from this site should be agreed with Arun District Councils Tree Officer. Root protection Areas (RPA) should extend into the development site and to those in neighbouring land. Before construction, a tree protection scheme must be in place for any retained trees including trees whose root protection areas fall within the construction zone from neighbouring land. This should be in accordance with BS 5837:2012 'Trees in relation to construction' Any removed trees should be mitigated for allowing for inclusion of native species for biodiversity purposes and fitting to the semi-rural setting.'

A revised landscape scheme (beyond the indicative masterplan) would need to be submitted and approved, detailing the revised access into this development and any mitigation if deemed necessary.

'Forming part of the application a full landscape scheme should be submitted for approval, detailing species choice, position, densities and size at time of planting. This should be plotted in plan and list form and in relation to the trees and vegetation to be retained in the locale, so that a clear picture of the proposals can be seen. These details are required to assure the adjacent land setting is maintained, the setting is uncompromised and the proposals are appropriate to its setting. The illustrative masterplan does set back the dwellings from New Barn Lane and details a central open space area which would create a useable and desirable space. The retained vegetative areas to the periphery of the site would create wildlife corridors and for the retention of valuable established vegetation'.

#### WSCC Highways

West Sussex County Council, in its capacity as the Local Highway Authority, has been consulted on the proposed variation of condition relating to consent BE/142/15.

The variation relates to amending the access arrangement to the access that was approved by committee in September as part of application BE/93/16. No objection is raised to this alteration. It is understood that S106 measures were included as part of BE/93/16 relating to the delivery of the access, and the ability for the development site directly south of the application site, to connect into this access road in order to minimise points of entry onto the network. It is unclear whether the proposed variation would negate the legal agreement associated with BE/93/16. If so, it is recommended that provision should be replicated should the variation be permitted.

#### COMMENTS ON CONSULTATION RESPONSES:

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

<b>POLICY CONTEXT</b>
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Designation applicable to site:

#### DEVELOPMENT PLAN POLICES

##### [Arun District Local Plan \(2003\):](#)

GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN14	Public Transport
GEN33	Light Pollution
GEN15	Cycling and Walking

##### [Publication Version of the Local Plan \(October 2014\):](#)

D SP1 Design
ENV DM4 Protection of Trees

##### [Bersted Neighbourhood Plan 2014 Policy ES1](#)

Design of new development

##### [Bersted Neighbourhood Plan 2014 Policy ES7](#)

Development outside of the Built Up Area Boundary

#### PLANNING POLICY GUIDANCE:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

<b>POLICY COMMENTARY</b>
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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.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector. A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

Arun District Council's Development Plans:

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

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

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

The Neighbourhood Development Plan

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

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

## DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

## OTHER MATERIAL CONSIDERATIONS

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

## CONCLUSIONS

Application BE/142/15/OUT was approved by DC Committee in February 2016. The access (access A) was submitted in detail, all other matters were reserved. Access A forms a continuation of New Barn lane, using the Public Right of Way (PROW).

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

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

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

Highways; and  
Trees.

The application site is adjoining a site approved by planning committee submitted by the Church Commissioners for 50 units that is now the subject of a Secretary of State Call-in Inquiry to be held in September 2017.

As a summary of the applications and recent site history.

BE/142/15/OUT - approved 90 units with an approved access (access A)

BE/93/16/PL - is an application for a detailed submission for access B. The planning committee approved the access as it meets the requirements of County Highways. The application has been held in abeyance as the Council had concerns about the mechanism for how the development would/could progress with either A or B point of access. The Council requested that this should be achieved by what is termed as a s73 application (minor amendment to an existing application).

BE/189/16/PL - proposed by the applicant to amend 3 conditions which would allow, in the view of the applicant, the link between BE/142/15 and BE/93/16. The council view was this was an unusual way to



achieve an either A or B access solution. (application held in abeyance).

BE/18/17/PL - this application is a s73 in the form requested by the council - where if approved the developer would either submit reserved matters to build a scheme that uses Access A (BE/142/15/OUT) or a reserved matters pursuant to BE/18/17/PL which would allow the scheme to be built using Access B. If approved all the conditions as per BE/142/15/OUT and the s106 would be applied to this consent.

### Highways Considerations

The variation relates to amending the access arrangement to the access that was approved by planning committee in September 2016 as part of application BE/93/16/PL. The Local Highway Authority raised no objection to this alteration. S106 measures were included as part of BE/93/16 relating to the delivery of the access, and the ability for the development site directly south of the application site, to connect into this access road in order to minimise points of entry onto the network. It is unclear whether the proposed variation would negate the legal agreement associated with BE/93/16/PL. If so, it is recommended that provision should be replicated should the variation be permitted.

It is confirmed that a deed of variation to BE/142/15/OUT s106 has been submitted which is written to ensure that only either Access A or Access B can be implemented by the applicant.

### Trees

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

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

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

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

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

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

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

The Church Commissioners(CC) application for 50 dwellings is seeking permission in principle for a

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

The CC application was approved by Planning Committee in September subject to completion of the s106. The application was subsequently Called-in by the Secretary of State and the Inquiry will be held in September 2017. The Parish Council sought the Call-in but have declined to be a Rule 6 party at the Inquiry.

Counsel advice has been sought on the wording of the Deed of Variation associated with this application (BE/18/17/PL) and there will be an update to planning committee.

In summary Access B has been approved by planning committee and the difference between this application and BE/93/16/PL is that this application provides a clearer either or planning solution. All of the conditions are as already approved on BE/142/15/OUT with the exception of condition 3 which includes plans list, which reflect Access B. It is therefore recommended to approve subject to the completion of the consultation period on 27 April 2017 and the completion of the deed of variation within 4 weeks of the committee approval or any such long period agreed in consultation with Chair and Vice Chair of planning Committee.

An update is to be provided to members at Committee.

**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.

<b>SECTION 106 DETAILS</b>
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Unilateral Undertaking that confirms that only one access can be built either Access A or Access B; right for adjoining landowner to connect and to have access over the Access A or B. No impediments to deliverability where a shared access is used.

<b>RECOMMENDATION</b>
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**APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT**

1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 2 years beginning with the date of this permission:-

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

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

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

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

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

01084_S_01_Rev P3	Site Location Plan
01084_S_02_Rev P3	Application Boundary
01084_PP_01_Rev P5	Parameter Plan: Land Use and Access
01084_PP_03 Rev P5	Parameter Plan - Green Infrastructure
01084-PP_02 Rev P5	Parameter Plan Building Heights
507-021 Rev A	Site Access
507-017	Site access refuse truck tracking - site access

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 take place within the area indicated until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun District Local Plan Policy GEN7.

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

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

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

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

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

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

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

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

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

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

- 8 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.

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

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

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

- 10 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.

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

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

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

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



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

- 13 Prior to the commencement of development, a plan shall be submitted to the Local Planning Authority to show how the development shall be divided into phases and a phasing programme for the entire site shall be submitted in writing to the Local Planning Authority.

Reason: For the avoidance of doubt.

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

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

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

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy GEN23 and GEN29 of the Arun District Local Plan (2003).

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

7.00 and 19.00 on Mondays to Fridays inclusive

7.00 and 13.00 on Saturday

Not at any time on Sundays or Public Holidays

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

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

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

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

Reason: To ensure that the informal open space, which is considered a necessary part of the

development, is provided to an acceptable standard within an agreed timescale in accordance with policies GEN7 and GEN8 of the Arun District Local Plan.

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

REASON: To minimise disturbance to nesting birds.

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

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

- 21 No development shall take place until a street lighting scheme has been submitted and approved in writing by the Local Planning Authority. This must comply with the Institute of Lighting Engineers Guidance Notes for the reduction of obtrusive light.

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

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

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

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

- 23 No development shall commence until the vehicular access serving the development 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.

- 24 The use of the new access shall not commence until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto New Barn 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.

- 25 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.

- 26 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.

- 27 No part of the development shall be first occupied until the road(s), footways, and casual 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.

- 28 No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement 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.

- 29 INFORMATIVE

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

- 30 INFORMATIVE:

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

- 31 INFORMATIVE:

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

- 32 INFORMATIVE:

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

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

- 33 INFORMATIVE:



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

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

34           INFORMATIVE:

**Section 38 Agreement of the 1980 Highways Act - Provision of Adoptable Highway**

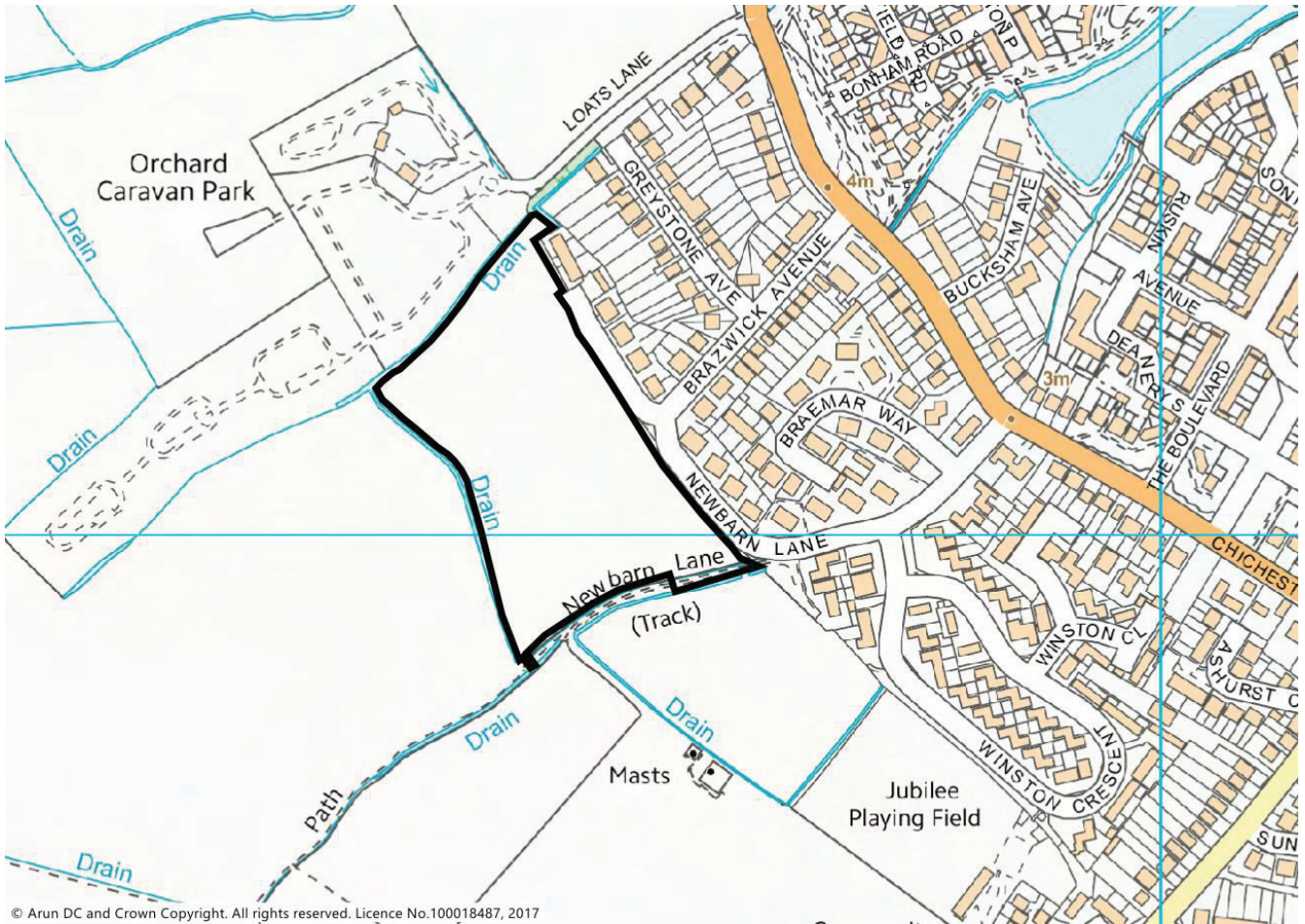
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised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

35           INFORMATIVE:

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

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

**BE/18/17/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/69/16/PL

**LOCATION:** Land East of Toll Cottage  
Lake Lane  
Barnham  
PO22 0AD

**PROPOSAL:** 5 no. dwellings comprising 2 no. 4- bed houses, 2 no. 3- bed houses & 1 no. 3- bed bungalow, with access & ancillary works. This is a departure from the Development Plan & affects a Public Right of Way.

<b>SITE AND SURROUNDINGS</b>
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**DESCRIPTION OF APPLICATION**

The application details a scheme of five dwellings, two of which are semi-detached and the other three being detached. Plots 1, 3, 4 and 5 are all two storey in height whilst plot 2 is a bungalow. The four houses have garages (the bungalow does not). Three of the four garages are integral. The fourth, plot 5 has a detached garage set back from the rear building line. The site is already well landscaped but the scheme includes new hedge planting to the plot boundaries to soften the development. Each house will have at least 2 allocated parking spaces to a total of 11 across the site.

The line of the Public Right of Way will change slightly and part of the route (where it crosses new road) will also be subject to a surface change from bare earth/grass to block paving. Eight trees will be removed including some of the protected Group 1 trees within the site. A further tree is to be crown lifted and another crown reduced. However, the protected trees along the frontage will be retained & protected.

**SITE AREA**

0.38 hectares.

**RESIDENTIAL DEVELOPMENT DENSITY**

13.2 dwellings per hectare.

**TOPOGRAPHY**

Predominantly flat but undulating.

**TREES**

The site is covered by a Tree Preservation Order which comprises of 3 groups of trees, two along the frontage and the third within the site itself:

Group 1 - English Oak and Common Alder;

Group 2 - 2 x Common Lime and 1 x Common Ash (frontage);  
and

Group 3 - 4 x English Oak, 2 x Sycamore & 2 x Common Lime (frontage).

**BOUNDARY TREATMENT**

Boundaries are difficult to ascertain due to overgrown nature

of the site but would appear to be post & rail and part 2m high wall to Milestones.

**SITE CHARACTERISTICS**

Overgrown parcel of natural land with some mature trees and crossed by a footpath. There is a drainage ditch running along the site frontage. Access to the site at present is over a footbridge over the ditch.

**CHARACTER OF LOCALITY**

Semi-rural. The site has a wooded nature but backs onto a housing development site. There are three residential properties adjoining the western boundary (Milestones, Maytrees & Toll Cottage), a further two opposite (Flamsteed & High Trees) and then further east, the start of a more built up area.

Milestones is considered to be the most affected property. It is a detached pitched roof bungalow with accommodation in the roof. The windows serving the upper floor accommodation face east and north.

<b>RELEVANT SITE HISTORY</b>
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BN/64/16/RES	Approval of reserved matters following outline consent BN/23/16/OUT for 4No. detached dwellings - for scale, appearance & landscaping.	ApproveConditionally 02-02-17
BN/57/16/DOC	Application of approval of matters reserved by condition imposed under BN/23/16/OUT relating to Condition No. 6 (surface water drainage), 7 (discharge of any flows to watercourse), 8 (future access & maintenance of any watercourses or culvert) & 18 (public rights of way)	DOC Approved 16-01-17
BN/50/16/DOC	Application for approval of matters reserved by condition imposed under BN/23/16/OUT relating to condition No. 4 (Archaeological written scheme of investigation) & 5 (Construction Management Plan)	DOC Approved 01-11-16
BN/23/16/OUT	Outline application for 4No. detached dwellings comprising of 2No. 4-bed houses, 1No. 3-bed house & 1No. 3-bed bungalow, with access & ancillary works. This application is a Departure from the Development Plan & affects a Public Right of Way. Resubmission of BN/45/15/OUT	ApproveConditionally 19-07-16

The site benefits from an extant planning permission for 4 dwellings which expires in July 2021. The new scheme is very similar in layout to the approved scheme as demonstrated by a comparison of the two

layouts. In preparing the conditions to be applied to this recommendation, regard has been had to those applied to the previous outline and reserved matters approvals.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Barnham Parish Council

"At the meeting of Barnham Parish Council on Monday 30th January the Council resolved to object to this application citing policies ES1 - Flooding, drainage and new development and GA2 Footpath and cycle path network of the made Barnham and Eastergate Neighbourhood Plan. The Council feel that the proposal to add an additional dwelling to the site would cause further drainage issues and the additional hard surfaces that are now shown on the plans would exacerbate surface water issues on what was already considered a vulnerable site. With regard to the PROW diversion the Council has noted that it is proposed to block pave the diverted section and they would wish the applicant to consider improving the surface of the rest of the stretch of the PROW adjacent to the site should the application be approved."

One letter of objection raising the following concerns:

- \* Impact on capacity of existing foul sewers and potential for leakage onto Lake Lane; and
- \* Impacts on the integrity of the surface water drainage culvert running along the site frontage.

### COMMENTS ON REPRESENTATIONS RECEIVED:

The issues raised will be discussed in the Conclusions section.

The applicants have submitted a letter in response to the Parish Council comments. This is set out below:

"The Parish Council has resolved to object to the application citing Policy ES1 (Flooding, Drainage and New Development) and GA2 of the Barnham and Eastergate Neighbourhood Plan (Footpath and Cycle path Network). I would like to make brief comments in response, to clarify matters, as follows.

Drainage: Planning permission has recently been granted for 4 dwellings on this site under outline planning permission ref: BN/23/16 and by subsequent Discharge of Condition applications. The principle of the drainage strategy has therefore been approved in detail.

Nevertheless, the drainage of the site has again been considered and calculated by RGP Design Ltd (Drainage and Highway Engineers). The current application for 5 dwellings does not significantly increase the impermeable area over and above the approved scheme, this increase amounts to approximately 170 sq m, which is insignificant. The submitted Drainage Strategy report looks at various sources of flooding and considers the site to be at a moderate to high risk for ground water flooding and not at risk from pluvial (rain) and fluvial (river) flooding. Infiltration testing has been undertaken and, due to high ground water levels, it is acknowledged that infiltration methods of drainage are unlikely to operate successfully. The proposed drainage strategy therefore is for a positive piped water strategy, with surface water storage tanks on the site, with a flow control device to control the discharge to the watercourse, this being the most sustainable and reliable solution. The system will mimic the greenfield run-off rate and has been designed to cater for a 1 in a 100 year critical storm event, including a 40% increase in capacity to cater for impacts of climate change. In an extreme rainfall event, it is designed to ensure that overland flows will remain unchanged from the current situation.



The system has been designed to ensure that there is no increase in flow on to adjacent land or to existing drainage networks. The proposed development can therefore be implemented without any increase in flood risk. There will be no additional drainage problems as the Parish Council believe.

Footpath: The submitted site plan clearly shows that the footpath is not being diverted. Part will be resurfaced as part of the proposals, where it runs in front to the new dwellings and WSCC have already agreed that this is acceptable. There are no proposals to surface the whole length of the footpath. However, as the existing footpath appears to have been little used in the past, the proposals will ensure that the footpath is kept clear, open and useable, thereby retaining and improving footpath links in the locality in accordance with NP policy."

## **CONSULTATIONS**

Ecology Advisor

Engineers (Drainage)

Arboriculturist

Engineering Services Manager

Southern Water Planning

Archaeology Advisor

WSCC Strategic Planning

### **CONSULTATION RESPONSES RECEIVED:**

SOUTHERN WATER - No objection subject to an informative regarding new connections to the foul sewer.

WSCC HIGHWAYS - No objection. Comment:

"Access & Visibility

The access design remains the same as that approved under BN/23/16, whereby the existing access position will be widened to allow two cars to pass in opposing directions and be constructed to a bell mouth design to allow for Refuse Collection vehicles to enter the site. The applicant would be required to implement these access works via a Section 278 Agreement.

As set out in previous response there is no apparent visibility issue on to Lake Lane in this location. Visibility splays of 2.4 metre by 43 metre, in line with Manual for Streets guidance for a 30 mph road, is achievable wholly within the maintainable highway.

Car Parking and Turning

Plots 1, 3, 4 and 5 will be served by a single garage each plus hardstanding space fronting this for a car. Plot 2 (bungalow) will be provided with a hardstanding driveway with depth for up to two cars. On this basis of two spaces per dwelling the WSCC car parking demand calculator envisions demand for up to 12 spaces on site, including visitor parking. It does appear, from an inspection of the site layout plan, that some visitor parking could be accommodated within each plot without effecting space required for a Refuse Collection vehicle to turn on site.

Overspill visitor parking within the site would not cause a highway safety concern though a certain element of consideration on other residents parking, without obstructing internal access routes, would be present. Revised Swept Path Analysis plans (Rev B) indicate the achievability of cars, Fire Tender and Refuse Vehicle to enter, turn on site utilising the turning head provided, and egress on to Lake Lane. The

LHA do not raise any concerns in relation to access for servicing vehicles.

#### Public Right of Way (PROW)

Previous comments to BN/23/16 dated 25th May 2016 should be referred to with regards to the PROW footpath no. 324 running through the site:

"The granting of planning permission does not authorise obstruction of, interference to or moving of any PROW; this can only be done with the prior consent of West Sussex County Council's Rights of Way team. Safe & convenient public access is to be available at all times across the full width of the PROW. The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and/or chemicals. To this end the existing public right of way F.P.324 across the site must remain undisturbed unless and until legally stopped up or diverted prior to the commencement of any of the development hereby permitted. The alignment of any public right of way shall be protected by being clearly demarcated, signed and fenced, as may be approved by the Local Planning Authority, throughout the course of the development. I would request this matter be secured via planning condition should the LPA be minded to grant planning consent. The surface material used for the continuation of the FP through the south western corner of the site, where it will re-join the existing legal line, must be approved by WSCC's PROW team."

#### Capacity

The Transport Statement includes a Trip Rate Information Computer Systems (TRICs) assessment of predicted vehicle movements to and from Lake Lane as a result of the proposals. Interrogating relevant data the results demonstrate an expected level of two movements in the AM peak (08:00-09:00) and three movements in the PM peak (17:00-18:00). 25 additional two-way movements over the course of a day are anticipated. The LHA concurs that this increase in vehicular movements would not be considered to have a 'severe' impact on the local road network and do not wish to raise any highway capacity concerns as a result of the proposals.

#### Sustainability

As per previous comments each dwelling should be provided with a secure and covered cycle parking provision large enough to store two cycles per dwelling to promote sustainable modes of transport. Local grocery retail and services along with Barnham Train Station are within walking distance from the site along street lit footway links. The location provides opportunity to utilise sustainable modes of transport and not rely entirely on the private car.

#### Conclusion

The LHA does not consider that the proposal for 5 x dwellings would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal."

CHICHESTER DISTRICT COUNCIL ARCHAEOLOGY - No objection. Comment:

"I agree that it is the risk to any as yet unknown heritage resource on this site that should be mitigated and that this would be best achieved through a staged process of evaluation and, where appropriate, further investigation in order to ensure appropriate preservation by record and publication of the results. This procedure would be best secured following a version of standard condition ARC1 as follows: 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."

CHICHESTER DISTRICT COUNCIL ECOLOGY - No objection. Comment:

"I note the conclusions of the Preliminary Ecological Appraisal, Reptile Survey and Amphibian Survey and should permission be granted, the following conditions should be imposed:

- A sympathetic external lighting scheme which avoids mature trees, hedge lines and bat boxes/bricks. Any external lighting should be downward facing to prevent excessive light spill;
- Any vegetation clearance should take place outside the bird breeding season (Feb - Sep inclusive) or following inspection by a suitably qualified ecologist;
- The inclusion of long herbaceous vegetation within the landscaping immediately adjacent to the southern tree line;
- The installation of 1 log pile, 2 bat boxes and 2 bird boxes in suitable locations."

ADC TREE OFFICER - No comments received. Advice received in relation to previous application, BN/64/16/RES, stated no objection subject to adherence to the submitted tree protection drawings and requested the following condition:

"No development, groundworks or demolition processes shall be undertaken until an agreed scheme of supervision for the arboricultural protection measures has been submitted to and approved in writing by the Local Planning Authority. The supervision and monitoring shall be undertaken in strict accordance with the approved details. The scheme shall include details of:

a) A pre-commencement meeting between the retained arboricultural consultant and the local authority Tree Officer and personnel responsible for the implementation of the approved development - primarily to inspect the erected Protective Fencing to verify that it is as shown on the submitted Tree Protection Plan and is also of the desired quality and 'fit for purpose' in accordance with BS5837:2012 recommendations; and

b) Timings, frequency & methods of site visiting and an agreed reporting process to the Local Planning Authority."

ADC DRAINAGE ENGINEER - No objections. Comment: "Apply ENGD2A, ENGD5A and ENGD6A. Conditions to then be discharged based on details submitted for BN/57/16/DOC revised for the difference in impermeable area in this submission."

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted and conditions/informatives applied.

**POLICY CONTEXT**

Designations applicable to site:

Outside Built Up Area Boundary;  
Lidsey WwTW Drainage Area;  
Tree Preservation Order (Ref TPO/BN/1/13); and  
Special Control of Adverts.

**DEVELOPMENT PLAN POLICES**

[Arun District Local Plan \(2003\):](#)

- |      |  |
|------|--|
| GEN3 | Protection of the Countryside            |
| GEN7 | The Form of New Development              |
| GEN5 | Provision of New Residential Development |
| GEN9 | Foul and Surface Water Drainage          |



GEN12	Parking in New Development
GEN28	Trees and Woodlands
GEN29	Nature and Conservation Across the District
GEN33	Light 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
ENV DM5	Development and Biodiversity
ENV SP1	Natural Environment
HER DM6	Sites of Archaeological Interest
QE DM2	Light Pollution
SD SP1	Sustainable Development
SD SP2	Built -Up Area Boundary
T DM1	Sustainable Travel and Public Rights of Way
T SP1	Transport and Development
W DM3	Sustainable Urban Drainage Systems

<u>Barnham &amp; Eastergate Neighbourhood Plan 2014 POLICY ES1</u>	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 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 GA2	Footpath and cycle path network
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H2	Windfall sites
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H3	Housing mix
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.

A new local plan is in preparation and may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

The relevant policies of the Arun Local Plan 2011 to 2013 - Submission Document - Modifications for the Inspector - March 2017 are as follows:

SD SP1 Sustainable Development  
 SD SP1a Strategic Approach  
 SD SP2 Built-up Area Boundary  
 C SP1 Countryside  
 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 DM4 Protection of Trees  
 ENV DM5 Development and Biodiversity  
 ENV SP1 Natural Environment  
 QE DM2 Light Pollution  
 HER DM6 Sites of Archaeological Interest  
 T SP1 Transport and Development  
 T DM1 Sustainable Travel and Public Rights of Way  
 W DM3 Sustainable Urban Drainage Systems

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; Walberton; 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

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 cannot currently demonstrate a 3 year supply of deliverable housing sites.

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 extant planning permission for 4 dwellings on this site is an important and compelling material consideration in the determination of this planning application as it represents an approved 'fall-back' position. Furthermore, 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 both Parishes.

#### CONCLUSIONS

##### PRINCIPLE:

The site is located immediately adjacent to the edge of the built up area boundary which forms the boundary of the curtilage to Milestones to the west of the site. 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.

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).

The Examination into the Publication Version of the emerging Local Plan 2011-2031 (October 2014) was suspended by the Planning Inspector on the grounds that the Council's Objectively Assessed Housing Need (OAN) of 580 units per annum was inadequate to meet future housing needs and should be reviewed higher. As a result of this, the Council has been assessing additional strategic sites for inclusion in a revised Local Plan. The current OAN figure (as at October 2016) is 919 units per annum.

On 22 March 2017, the Council agreed the content of the modifications to the emerging Local Plan and these modifications ("Arun Local Plan 2011 to 2013 - Submission Document - Modifications for the Inspector - March 2017") are currently scheduled for public consultation between 10 April 2017 and 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and are a material consideration. Proposed Policy H SP1 states that the Council will provide for 20,000 new homes through the Local Plan. Furthermore, policy H SP2c states that there will be a site specific allocation on land between Barnham, Eastergate and Westergate of at least 2300 homes (rising to 3,000 after 2031).

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 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 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 an approximate 2 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 the countryside just outside of the built up area boundary of Barnham. However, the site is well related to existing residential development to the west. It is also located opposite two existing houses and there is a large former Nursery site to the south which is being developed for 107 houses (Pollards Nursery Refs BN/16/12/OUT & BN/21/15/RES). It is therefore considered to be well related to existing & planned residential development.

The nearest shop is the Premier Store on Lake Lane to the west, a walk of 430m. Barnham Town Centre (including a railway station) is approximately 730 km away. However, some sections of Lake Lane are not served by pavement footpaths and therefore the walk to the local shop may not be attractive to all pedestrians. With regard to cycling, although there is not a cycle only lane between the site and these facilities, Lake Lane is considered to be suitable for cyclists. The footpath through the site does provide alternative access to Barnham. Regardless of the missing sections of pavement, it is considered that this is an environmentally sustainable location for development.

**Social Role-**

It is considered the proposal will support the local community by providing five new houses of either three or four beds 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; (3) create/maintain jobs during construction; and (4) bring people into the local area who will then contribute to the local economy. 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 although a Local Plan is proposed which will provide housing to meet future needs, the current situation is that the 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 approval for 4 dwellings on this site. However, this does also weigh in favour of the application.

**DESIGN & CHARACTER:**

It is important to note that there is an extant permission for 4 dwellings across the site as approved by both BN/23/16/OUT and BN/64/16/RES. It was previously considered that the four dwelling scheme was a low density scheme which was in character with the form of existing surrounding development.

The addition of a fifth dwelling does not materially affect the density of the scheme (increasing from 11 to 13 dwellings per hectare) and therefore this remains as a low density development. Indeed, much of the site is retained as tree planting or allocated to garden space.

Although the orientation of the layout is unusual (in that three of the dwellings will back onto Lake Lane and the other two are orientated at a right angle to the road), it is noted that some of the existing dwellings to the west are also orientated so as not to face onto the road.

It should also be noted that due to the existing frontage tree planting, views of the houses within the site will be partially screened and as such, the orientation of some of the houses will not be obvious to passers-by. Indeed as according to submitted illustrative Street Scene, the two sideways facing houses will be substantially screened when the trees are with leaves. This existing landscaping will also soften the hard nature of the development and reduce the visual impact that would be associated with the change of this site from natural to semi-developed.



The submission details a scheme of 4 two storey and 1 single storey dwelling. This is acceptable given the scale of surrounding development (mix of single and two storeys). It is also noted that none of the elevations show windows in the roofs and hence none of the dwellings can be described as 2 and a half or 3 storeys. The submitted streetscene demonstrates that the new dwellings will be largely hidden behind existing tree planting.

The design of the proposed houses is considered to be acceptable having regard to the character of the area and the context of existing built development (which is fairly traditional and consists of brick, hanging tiles, render and some timber elements. It is proposed to use bricks, hanging tiles and plain/slate effect tiles. A condition will be imposed to secure samples of the proposed materials.

#### RESIDENTIAL AMENITY:

It is considered that the layout demonstrates through a combination of adequate interface distances (e.g. 20m between plot 1 and Milestones to the west) and existing tree planting, that there will not be any adverse overlooking or harmful loss of light to either existing or proposed properties. The proposed layout is also acceptable with regard to the planned houses to the south.

#### INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). It is noted that the size and dimensions of plots 1, 2 and 5 are exactly the same as those previously proposed and these have therefore already been agreed. The situation in respect of plots 3 & 4 are as follows:

Unit No. - No. of beds - No. of People - Required Floor Space - Actual Floor Space

3	3	4	84m <sup>2</sup>	96m <sup>2</sup>
4	3	4	84m <sup>2</sup>	96m <sup>2</sup>

The scheme therefore complies with these requirements.

In respect of external standards, it is necessary to have regard to Policy D DM3 of the Emerging Local Plan (publication version) which has been approved by the Council for development management purposes and has been subject to testing on appeal. The requirements for the scheme vary between 85m<sup>2</sup> for detached/semi-detached dwellings of up to 3 bedrooms or 100m<sup>2</sup> for larger houses. In both cases, rear gardens should be at least 10m deep

As with the internal standards, plots 1, 2 and 5 have not been altered and were agreed by the previous planning permission. Plots 3 & 4 both require gardens of 85m<sup>2</sup>/10m depth. Both proposed gardens exceed the area requirement. Plot 3 has an average depth of 12m. Plot 4 on the other hand has an average depth of 9.75m but this is acceptable shortfall particularly given that the garden area is 92m<sup>2</sup>.

#### HIGHWAYS & PARKING:

The applicants have provided a Transport Statement, an Access Arrangement/Visibility drawing and a series of swept path analysis drawings.

WSCC Highways have assessed the information provided and consider that the scheme will be acceptable having regard to highway safety and capacity. The application is therefore considered to comply with the National Planning Policy Framework paragraph 32.

The West Sussex Parking Demand Calculator requires a total of 12 parking spaces based on 2 allocated spaces per dwelling. The layout drawing demonstrates that 11 spaces are proposed. This is considered to be acceptable based on the fact that residents can easily walk or cycle to Barnham and that there will be provision for cycle storage.

#### **PUBLIC RIGHT OF WAY:**

The impact of the scheme on the existing public right of way has already been assessed & agreed by both WSCC and Arun District Council through the discharge of condition 18 of the Outline permission (ref BN/23/16/OUT). The addition of a fifth dwelling does not materially alter the impact on the footpath.

The Parish Council's request for further upgrading of the footpath is noted but it is not considered that this can be insisted upon given that the other parts of the site where the footpath exists are to remain natural (and suitable for wildlife) and also noting the extant approved scheme for the 4 dwellings.

#### **TREES:**

The scheme retains a number of existing trees across the development site including crucially the majority of the trees along the boundaries. In addition, new hedging is proposed. This means that the five dwellings will be well screened and will have limited visibility from external viewpoints. The Council's Tree Officer previously advised that the 4 dwelling scheme was acceptable subject to a tree protection condition and also adherence to the submitted tree protection drawings. These measures will also be imposed on this recommendation.

#### **ECOLOGY**

The site includes identified habitats of improved grassland, tall ruderal (plants growing on waste ground) and dense scrub with scattered trees & tree lines to the site boundaries. There is also a pond within 60m of the site. As such (and noting the ecology survey work undertaken in relation to the development site to the south), it was considered necessary to survey the site particularly for reptiles and amphibians.

The applicant has provided a Preliminary (Phase 1) Ecological Appraisal Report, a Phase 2 Amphibian Survey and a Detailed Reptile Survey. The Council's ecologist has assessed these documents and raises no objection subject to adherence to the proposed mitigation measures. Conditions are proposed to secure this. On this basis, it is considered that the proposed development will be acceptable having regard to wildlife species and their habitats.

#### **FOUL & SURFACE WATER DRAINAGE:**

There have been objections to the scheme on the grounds of inadequate foul sewers and the impact of the scheme on the integrity of the surface water drainage culvert running along the site frontage. Furthermore, the Parish Council consider the additional dwelling will exacerbate existing surface water drainage issues in the area.

Firstly, it should be noted that the site does not lie in an area at risk from flooding caused by inland rivers (and therefore is within Flood Zone 1). Secondly, it is clear that Southern Water (who are responsible for the foul sewer) do not raise any objection to the development. It is not therefore considered possible to sustain a refusal reason on foul sewerage issues.

In respect of surface water drainage, the Council's Drainage Engineers have carefully considered the proposal and do not wish to raise any objection. However, they have stipulated that the development should be subject to certain conditions relating to surface water drainage and works to/discharge



to/maintenance of the drainage ditch which fronts the site. On this basis, it is not considered that a refusal can be sustained on these grounds either.

It should also be noted that the addition of the fifth dwelling does not significantly increase the impermeable area over and above the approved four dwelling scheme. The increase in hard surface amount to only approximately 170m<sup>2</sup>

**SUMMARY:**

It is considered this proposal represents sustainable development and therefore given the Councils housing land supply situation and the low weight to be afforded to the Barnham & Eastergate Neighbourhood Development Plan, the NPPF presumption in favour of sustainable development takes precedence. Furthermore, the site has the benefit of an extant permission for four dwellings.

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 and it is therefore recommended that permission be granted subject to the following conditions.

**HUMAN RIGHTS ACT**

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

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

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

**RECOMMENDATION**

**APPROVE CONDITIONALLY**

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

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

amended).

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

Location plan dwg. 01 Rev A;  
 Site Layout-Landscaping dwg. 30 Rev D (Oct 2016);  
 Site Layout-Landscaping dwg. 49 (Nov 2016);  
 Plot 1 Plans & Elevations dwg. 31 Rev B;  
 Plot 2 Plans & Elevations dwg. 32;  
 Plots 3 & 4 Floor Plans dwg. 33;  
 Plots 3 & 4 Elevations dwg. 34 Rev A;  
 Plot 5 Plans & Garage dwg. 35 Rev A;  
 Plot 5 Elevations dwg. 36;  
 Street Scene to Lake Lane dwg. 46;  
 Existing Public Rights of Way Route and Development Impacts dwg. 205/D1042/1000 Rev B;  
 Tree Retention and Protection Plan dwg. LLD898/02 Rev 02;  
 Tree Constraints Plan dwg. LLD898/01 Rev 03;  
 Drainage Strategy Location Plan dwg 2015-D1042-SK100 Rev B;  
 Drainage Strategy Foul and Surface Water Proposals dwg 2015-D1042-SK300 Rev B;  
 Drainage Strategy Topographical Survey and Contours dwg 2015-D1042-SK101 Rev B;  
 Drainage Strategy Impermeable Area Comparison dwg 2015-D1042-SK101 Rev B;  
 Proposed Access Arrangement and Visibility Splays dwg. 2016/3446/001 Rev B;  
 Swept Path Analysis 1 dwg. 2016/3346/002 Rev B;  
 Swept Path Analysis 2 dwg. 2016/3446/003 Rev B; and  
 Surface Finishes & Vehicle Tracking dwg. 2015-D1042-003 Rev A.

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

- 3 No development, groundworks or demolition processes shall be undertaken until an agreed scheme of supervision for the arboricultural protection measures has been submitted to and approved in writing by the Local Planning Authority. The supervision and monitoring shall be undertaken in strict accordance with the approved details. The scheme shall include details of:

a) A pre-commencement meeting between the retained arboricultural consultant and the local authority Tree Officer and personnel responsible for the implementation of the approved development - primarily to inspect the erected Protective Fencing to verify that it is as shown on the submitted Tree Protection Plan and is also of the desired quality and 'fit for purpose' in accordance with BS5837:2012 recommendations; and

b) Timings, frequency & methods of site visiting and an agreed reporting process to the Local Planning Authority.

Reason: To adequately protect all trees worthy of retention from development harm and to provide for their amenity contribution thereafter in accordance with Policy GEN7 of the Arun District Council Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it is necessary to protect the trees prior to commencing any building works.

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

The design should follow the hierarchy of preference for different types of surface water

drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

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

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

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

- 6 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. This is required to be a pre-commencement condition because the site cannot be checked for archaeology once the ground works have commenced.

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

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

Reason: In the interests of highway safety and the amenities of the area in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because construction cannot commence until the management of this aspect has been agreed.

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

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

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. This is required to be a pre-commencement condition because it is necessary to ensure that the development does not restrict access to such watercourses.

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

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

- 10 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

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

- 11 No development above damp proof course (DPC) level shall take place until details of new 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.

- 12 There shall be no clearance of vegetation within the bird breeding season which lasts from February to September inclusive other than with the written approval of the Local Planning Authority following inspection by a suitably qualified ecologist.

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

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

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

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

Reason: To provide alternative travel options to the use of the car in accordance with policies GEN7 and GEN12 of the Arun District Local Plan and the National Planning Policy Framework.

- 15 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 submitted to and approved in writing 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 and GEN12 of the Arun District Local Plan and the National Planning Policy Framework.

- 16 Before the buildings hereby permitted are occupied, dustbin enclosures 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 approved enclosures shall thereafter be permanently retained.

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

- 17 The development must be carried out in full accordance with the following ecological mitigation measures as set out within both paragraph 7.1 (Ecological Enhancements) of the Lizard Landscape Design "Preliminary Ecological Appraisal Report - Protected Species Assessment" (November 2016) and the comments of the Council's Ecological Adviser:

- \* The use of native tree and shrub species within the soft landscape proposals (suitable species may include common hazel (*Corylus avellana*); hornbeam (*Carpinus betulus*); and downy birch (*Betula pubescens*);
- \* The inclusion of long herbaceous vegetation within the landscaping immediately adjacent to the southern tree line;
- \* The use of flowering shrubs as listed within the RHS Perfect for Pollinators plant list to provide year-round interest for invertebrates;
- \* Re-enforcing the boundary hedges and tree lines with native species to allow their use as a commuting / foraging corridor for birds and bats on site;
- \* Provision of at least 2 nesting boxes for a variety of bird species in suitable locations;
- \* Provision of at least 1 log pile in a suitable location suitable for reptiles and small mammals; and
- \* Provision of at least 2 bat boxes/bricks in suitable locations such as within the new dwelling houses or on existing surrounding trees.



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

- 18 The development must be carried out in full accordance with the recommendations made within the submitted Sustainability Statement dated 12/10/15.

Reason: In accordance with the National Planning Policy Framework.

- 19 The existing public right of way F.P.324 across the site shall remain undisturbed unless and until legally stopped up or diverted prior to the commencement of any of the development hereby permitted. The alignment of any public right of way shall be protected by being clearly demarcated, signed and fenced, as may be approved by the Local Planning Authority, throughout the course of the development.

Reason: To safeguard the rights of the public in accordance with the National Planning Policy Framework.

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

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

- 21 Any garage building shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety in accordance with policies GEN7 and GEN12 of the Arun District Local Plan and the National Planning Policy Framework.

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

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

- 23 All of the bathroom and en-suite bathroom windows in the five dwellings as approved 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.

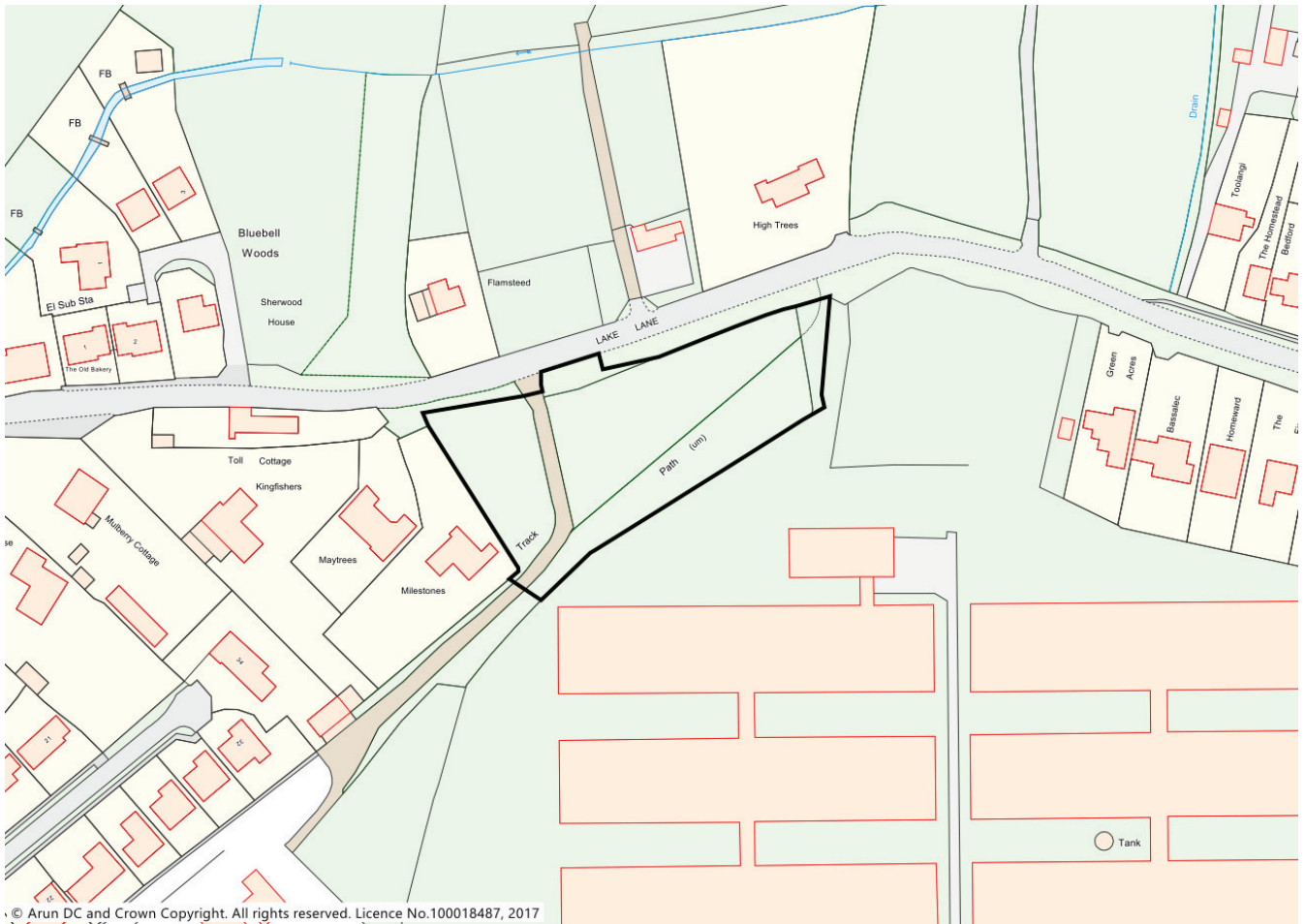
- 24 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations,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

- 25      INFORMATIVE: Drainage Engineers advise that 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 available on request.
- 26      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](http://www.southernwater.co.uk).
- 27      INFORMATIVE: The applicant would be advised to contact WSCC Public Rights of Way Team (01243 642105) to agree any change in surfacing to F.P.324
- 28      INFORMATIVE: Please note that no land drainage or groundwater is permitted to communicate with the foul sewer.
- 29      INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact the Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 30      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.
- 31      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.
- 32      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/69/16/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:** AW/24/17/PL

**LOCATION:** Dizzy Duckling Pre-School  
Behind St Richards Church  
St Richards Way  
Aldwick

**PROPOSAL:** Variation of condition 4 imposed under BR/846/71/ to amend amount of children in attendance.

<b>SITE AND SURROUNDINGS</b>
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<b>DESCRIPTION OF APPLICATION</b>	The application seeks to increase the occupancy of the playgroup from 30 to 48 children. This is stated to be in line with OFSTED allowed numbers and requirements.
<b>TOPOGRAPHY</b>	Predominantly flat.
<b>TREES</b>	None affected by the proposed development.
<b>BOUNDARY TREATMENT</b>	The boundary between the site and the adjacent neighbours on Rochester Way is a part 2.2m high hedge, part 2.2m high fence. The part containing the hedge has recently been supplemented with a 4 foot high fence painted green on the side of the residential properties. To the boundary with the end of 18 Gossamer Lane's rear garden there is a 1.4/1.5m chain link fence.
<b>SITE CHARACTERISTICS</b>	The Memorial Hall is a single storey pitched roof building in light brown brick, with fascia boards and tiles. It has an external play area on the north side between the building and the boundary with the gardens of those properties on Rochester Way. This area is part grassed, part artificial matted and contains a couple of few small children's play structures and assorted plastic outdoor toys. There is a large car park shared with the church. St Richards Way also provides on-street parking.
<b>CHARACTER OF LOCALITY</b>	The area is predominantly residential with the exception of the existing church & hall. Nos. 11, 15 & 16 Rochester Way share a border with the outdoor play area. Nos. 15 & 16 are 10m from the shared boundary.

<b>RELEVANT SITE HISTORY</b>
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AW/146/14/PL	Application for a Variation of Condition 2 imposed under BR/846/71 to allow the pre-school to operate from 0845hrs each day until 1530hrs.	ApproveConditionally 30-07-14
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AW/165/04/	Proposed shower room	ApproveConditionally 17-09-04
BR/846/71	Use Of Church Hall For Pre- School Playgroup Comprising 30 Children	ApproveConditionally 18-01-72
BR/520/70	Church Hall And Committee Rooms	ApproveConditionally 23-11-70
BR/710/67	Church Hall Car Park	ApproveConditionally 22-01-68
BR/397/67	Church Hall And Associated Parking	Refused 20-09-67

Application BR/846/71 gave permission for the use of the hall and associated land as a playgroup. It was approved with conditions restricting the number of children to 30; restricting any alternative class D1 use; and restricting the hours of use to between 9am and 12.30pm. It should be noted that the original permission allows for external play anywhere within the curtilage of the site.

Application AW/146/14/PL amended condition 02 to increase the hours of use as set out below:

- (i) The premises shall not be used for nursery/play school purposes except between the hours of 08:45 and 15:30 on Monday to Friday inclusive.
- (ii) The garden area shall not be used for preschool purposes except between the hours of 09:00 & 12:30 on Monday to Friday inclusive.

It is understood that the applicants took over the use of the premises from the former occupier Sunny Days Play School in November/December 2016.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Aldwick Parish Council

"Members strongly opposed the application on the grounds of Health and Safety including the number of occupants in relation to the building size and the possible danger from traffic and because of the impact on local residents from the noise and because of the detrimental effect on children from being kept indoors for a significant part of the day".

9 letters of objection have been received raising the following concerns:

- (1) Noise disturbance from increased use of the playgroup;
- (2) Noise disturbance from children & carers using the outdoor play area;
- (3) Noise disturbance from cars entering/waiting/exiting the car park;
- (4) Air pollution from cars waiting in the car park;
- (5) Insufficient outdoor play space;
- (6) Speed of cars entering/leaving the site - highway safety;
- (7) Inconsiderate parking on neighbouring roads blocking access for residents;
- (8) Permission should not have been granted in respect of AW/146/14/PL;
- (9) The situation is made worse by a new door created in the northern elevation of the building allowing additional access to the play area;
- (10) The play area should instead be relocated to the grassed area at the front of the hall and this could then be fenced off from the car park;
- (11) Why did the applicant vacate their former premises at Willowhale?
- (12) The nursery also advertises Saturday & Holiday Clubs;
- (13) The decision should be refused as per FP/228/13 (Little Toads, 54 South Drive, Felpham); and
- (14) The following cases indicate a precedent for a refusal of this application: (a) Jigsaw Nursery, Fareham; (b) Olive Tree Cottage, Felpham; (c) Kings Castle Montessori Nursery, Bournemouth; and (d) Nursery on the Green, Enfield.

In addition, a petition of support containing 16 signatures has been received. 12 of the 16 are from addresses on Rochester Way to the north of the site.

#### COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council comments are noted. The noise/residential amenity & traffic related impacts are discussed in the Conclusions section of this report. The health & safety of the children is not considered to be a material planning consideration as it is covered by separate legislation and the increased use of the playgroup would also be subject to external approval by WSCC/OFSTED.

The following comments are made in respect of the local resident objections:

- (1)-(3) This will be discussed in the Conclusions section of this report;
- (4) It is not considered that air pollution levels are likely to be such that there will be a material planning impact. Additionally, Council Environmental Health Officers do not raise any objection;
- (5) There are no Arun District Council planning standards on the amount of outdoor space necessary for the needs of nursery children. This is covered by separate legislation;
- (6) This will be discussed in the Conclusions section of this report;
- (7) This will be discussed in the Conclusions section of this report;
- (8) Noted but permission has already been granted;
- (9) The addition of the door would not have been considered to affect the external appearance of the building and as a result, would not have been considered to be development requiring planning permission;
- (10) This is covered by the comments of the applicant set out below. Furthermore, it is necessary for the Council to determine this application and although negotiation is often necessary, it is not considered appropriate to negotiate for the use of a completely different outdoor space particularly given that the previous permission allowed for restricted use of this space;
- (11) This is covered by the comments of the applicant set out below;
- (12) This is covered by the comments of the applicant set out below; and
- (13) & (14) Noted. However, these are all different sites with different characteristics. Although precedent can be a material consideration, it is necessary to assess each application on its own merits and it is unlikely that a decision made elsewhere will have a material impact on a planning decision.

The petition of support is noted.

The applicant has also written in to respond to the issues raised. The letter is summarised as follows:

- \* The playgroup is currently full every day (30 children);
- \* The playgroup will soon lose 26 children to Infant School and without the ability to take on new registrations now, this could leave the playgroup with insufficient numbers and therefore financially unviable;
- \* OFSTED state the hall space allows for up to 48 children;
- \* Due to staff/children ratios, there would only be a maximum of 16 children outside at any one time;
- \* There is a local demand and several people have expressed interest in attending the playgroup;
- \* The previous venue, Willowhale, only had limited availability;
- \* When at Willowhale, only 38 children attended per day;
- \* Mosse Hall is available every day but it has been necessary for parents to swap days to keep within the 30 limit;
- \* Dizzy Ducklings still use Willowhale for two morning baby & toddler sessions per week;
- \* Since moving to Mosse Hall, there has been positive feedback from parents as well as the Church committee;
- \* Dizzy Ducklings have not & would never run classes at the weekend;
- \* Holiday clubs for 5-11 year olds are run between 6 & 8 days per year but without use of the outside area which is reserved for the pre-school children;
- \* It is very rare that the car park is full. Occasionally, it gets busy if there is a funeral/wedding within the church or another club is being run in the smaller hall;
- \* A letter will be sent to parents to alert them to alternative means of accessing the site and to advise them not to park in such a way that affects existing local residents;
- \* OFSTED state that children should have access to outdoor space in a 'freeflow' environment. Having an outdoor space completely away from the hall does not meet Ofsted guidelines as it would raise potential safety & safeguarding issues. Also the Church use this area for wedding photographs. There is also the cost of ensuring that such a space is safe to fall on and that secure fencing is in place;
- \* The applicants have spoken with the objectors on a number of occasions;
- \* The applicants have erected a 4 foot fence on their side of the boundary hedge. A 6 foot fence was suggested but the objectors thought this would not allow the hedge to breathe;
- \* The objectors also wanted a corridor of land put in between the hedge and the play area but this would take up too much of the play area space; and
- \* The applicants are in the process of installing a security camera to monitor the play area both in the interest of safeguarding but also to monitor times of noise.

An additional letter was then received from 16 Rochester Way in response to the above letter from the applicant. This states that:

"In the letter where it states they have never advertised Saturday clubs this is untrue. We have seen the advertisement on the internet (now removed) and have a copy of the advert.

It is not true that they did not receive a letter from us regarding our concerns about noise and asking what could they do to limit this. We sent one to the Church, church wardens, Dizzy ducklings, Aldwick council and Karl Roberts dated 26th September. This was hand delivered to Dizzy Ducklings and we received no reply. The church wardens did reply.

It is untrue that we suggested a corridor. The church warden suggested a quiet area behind our hedge with a quiet area but this was dismissed as taking up too much space.

The petition received from other residents in Rochester Way was organised by church members who reside in Rochester Way. We suspect they have been coerced into signing this out of neighbourliness. None of them use the play group and most have no issue with noise as they live further away from Mosse Hall.

It is disappointing that their letter has been deliberately mis-represented in this way."

An additional local resident has written in to provide an undated copy of part of the Dizzy Ducklings website which does reference Saturday Morning Clubs. However, there is no longer any mention of this on the Dizzy Ducklings website.

It should be noted that the applicants could erect a fence up to 2m (over 6 feet) in height adjacent to the boundary hedge without the approval of the planning department.

## CONSULTATIONS

Environmental Health

WSCC Strategic Planning

### CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS: No objection. Comments below:

"The proposal to increase the number of children in attendance at Dizzy Ducklings pre-school, from 30 children to 48 has been considered by WSCC as the Local Highway Authority.

The increase could see a rise in the number of cars dropping off and picking up children on most weekday mornings and lunch-times. Therefore the council has considered the impact this would have on highway safety and capacity.

The site has a dedicated car park, although it is unknown how many cars this can accommodate it is considered that this helps to alleviate some congestion naturally occurring at peak times on the public highway. The car park access onto St Richards Way is wide enough to accommodate one car at a time however there is on-street parking within St Richards Way for any additional parking requirements.

The site is well served by footpaths, an alley way which cuts through to Westmead Drive and, local bus services, so it is ideally located for walking and bus transport. WSCC would consider the site sustainable and therefore alternative transport could be a realistic option.

WSCC do not consider there to be any highway safety issue with the proposed increase and the additional traffic which could be created can be off-set by promoting alternative transport and parking options. The pre-school should be encouraged to develop a travel plan to ensure they are taking advantage of the WSCC resources available to them to raise awareness.

A worst case scenario would be if parents were to drive one child to the pre-school and pick them up. This would equate to 48 trips there and 48 back however; this is unlikely as not all trips will be made by car, and not all children will attend every day, statistically nurseries have an average 70% occupancy rate due to childhood illness. Therefore WSCC do not consider the proposal to cause any severe highway safety or capacity issues and as such raise no objection."

ADC ENVIRONMENTAL HEALTH: "Due to an on-going investigation into noise from nursery children



playing outside I would like to amend my previous comment and suggest that the numbers of children allowed to use the outside play area at any one time be restricted to a maximum of 16. This is providing the restriction on the number of hours the outside play area is used remains i.e. 09.00 - 12.30 Monday to Friday. This recommendation is made in order to reduce the potential for noise disturbance to neighbouring residents."

#### COMMENTS ON CONSULTATION RESPONSES:

The additional restriction on the numbers of children using the outdoor play area is considered to represent a benefit to the adjoining residents as there is currently no restriction on the numbers. A condition is also proposed to require that a Travel Plan Statement be provided within 2 months of the permission being granted.

#### POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;  
Class C Road;  
Area of Special Character;  
Tree Preservation Order;  
Building of Special Character (The Church of St. Richard); and  
No Public Sewer.

#### DEVELOPMENT PLAN POLICES

##### [Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN12	Parking in New Development
GEN32	Noise Pollution

##### [Publication Version of the Local Plan \(October 2014\):](#)

SD SP1	Sustainable Development
SD SP2	Built -Up Area Boundary
D DM1	Aspects of Form and Design Quality
QE DM1	Noise Pollution
QE SP1	Quality of the Environment
T SP1	Transport and Development

#### PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

#### SUPPLEMENTARY POLICY GUIDANCE:

SPD10	Aldwick Parish Design Statement
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#### 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.

A new local plan is in preparation and may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

The relevant policies of the Arun Local Plan 2011 to 2013 - Submission Document - Modifications for the Inspector - March 2017 are as follows:

SD SP2 Built -Up Area Boundary  
 SD SP1 Sustainable Development  
 D DM1 Aspects of Form and Design Quality  
 QE DM1 Noise Pollution  
 QE SP1 Quality of the Environment  
 T SP1 Transport and Development

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; Walberton; 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

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 cannot currently demonstrate a 3 year supply of deliverable housing sites.

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).

There are no plans to create an Aldwick Neighbourhood Development Plan.

#### **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

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

#### **OTHER MATERIAL CONSIDERATIONS**

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

#### **CONCLUSIONS**

**PRINCIPLE:**

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

The National Planning Policy Framework (NPPF) is supportive of community development and paragraph 70 states that:

"To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: .... plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments."

The principle of the playschool use and the external play area is not in doubt as it already benefits from a permanent permission which allows for it to operate for nursery/play school purposes for up to 30 children between the hours of 08:45 and 15:30 on Monday to Friday inclusive; and with specific regard to the play area, between the hours of 09:00 & 12:30 on Monday to Friday inclusive.

The application is to be determined on whether the increase in the maximum capacity of the use from 30 to 48 i.e. 18 potential additional children) will have a material impact on the living conditions of neighbouring properties by reason of noise, general disturbance and highway safety/convenience.

#### HIGHWAY IMPACTS:

Turning first to highway impacts, it is noted that local residents are concerned (a) with the safety of the car park entrance; and (b) with the impact of 'overflow' parking on local roads.

WSCC Highways have assessed the impact of the increase in potential trips to/from the site and in terms of both highway safety and capacity. The site has a car park which is shared by both the users of the hall and also the Church. This car park is not marked out and therefore it is not possible to be certain as to number of cars it can accommodate. However, regardless, it does serve to alleviate some congestion naturally occurring at peak times on the public highway. There is additional on-street parking available within St Richards Way for any additional parking requirements.

The site is also well served by safe footpaths and there are 'request stop' bus stops on both sides of Gossamer Lane to the front of the Church. Although there are no dedicated cycle paths, the local roads are not considered unsuitable for cycling. It is considered that parents could bring their children to the site through means other than the private car. A condition is proposed to encourage the applicants to highlight these alternative transport modes to their staff & customers.

WSCC do not consider there to be any adverse highway safety issue with the proposed increase in capacity. They do note that a worst case scenario could occur if all 48 children's parents drove to/from the site but consider this to be unlikely as not all trips will be made by car and not all children will attend every day.

WSCC do not consider the proposal to cause any severe highway safety or capacity issues and as such raise no objection. It should be noted that paragraph 32 of the National Planning Policy Framework states that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

#### NOISE & AMENITY IMPACTS:

It is noted that local residents and the Parish Council are concerned with noise disturbance from (a) the increased use of the hall; (b) from children & carers using the outdoor play area; and (c) from cars entering/waiting/exiting the car park.

The Councils Environmental Health Officers have the professional expertise necessary to assess the noise impacts of a proposal and to consider whether such impacts will be materially harmful to residential occupiers. Environmental Health have an on-going investigation into this site and recognise that noise disturbance is a potential issue here but do not object to the application. However, they have requested a further restriction which is that the rear play area space shall not be used by more than 16 children at a time. This is in line with the statement by the applicant as reported above, that there would only be a maximum of 16 children outside at any one time

Although the increase in the capacity of the hall itself could result in greater noise disturbance to local

residents when door & windows are open, this new restriction on the use of the outdoor area should be seen as a positive change in respect of noise from the play area.

It is not considered that noise from cars using the car park can be solely attributed to this applicant. The car park is also used by the church for weddings and funerals. However, in any case, given the existing opening times, noise from cars engines is unlikely to cause adverse or sustained harm. In addition, the amount of noise will depend on whether a car is petrol, diesel or electricity based.

**CONCLUSION:**

The depth of local opposition to this application is noted, as is the support shown by other local residents and the demand indicated by the applicant. However, the key consideration here is whether there is sufficient evidence to demonstrate that the proposed increase in capacity will have an unacceptable impact on highway safety, highway convenience or the living conditions of local residents. The lack of any objection from either Highway or Environmental Health officers is significant and it is considered that the requirement to provide a Travel Plan Statement and to have a restriction on opening hours and the number of children using the outdoor space will both be positive steps.

It is therefore recommended that permission be granted subject to the following conditions.

**HUMAN RIGHTS ACT**

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

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

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

**RECOMMENDATION**

**APPROVE CONDITIONALLY**

- 1 The number of children attending the playgroup at any one time shall not exceed 48.

Reason: In order to safeguard the amenities of the surrounding residential area in accordance with Policies GEN7 and GEN32 of the Arun Local Plan and the National Planning Policy Framework.

- 2 There shall be no more than 16 children at any one time using the outside garden/play area located at the rear (north side) of the playgroup. The garden area shall not be used for preschool purposes except between the hours of 09:00 & 12:30 on Monday to Friday inclusive.

Reason: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties in accordance with policies GEN7 and GEN32 of the Arun District Local Plan and the National Planning Policy Framework.

- 3 The premises shall not be used for nursery/play school purposes except between the hours of 08:45 and 15:30 on Monday to Friday inclusive.

Reason: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties in accordance with policies GEN7 and GEN32 of the Arun District Local Plan and the National Planning Policy Framework..

- 4 Within 2 months of planning permission being granted a Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement 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. The approved Travel Plan shall thereafter be implemented and shall endure for the duration of the approved use.

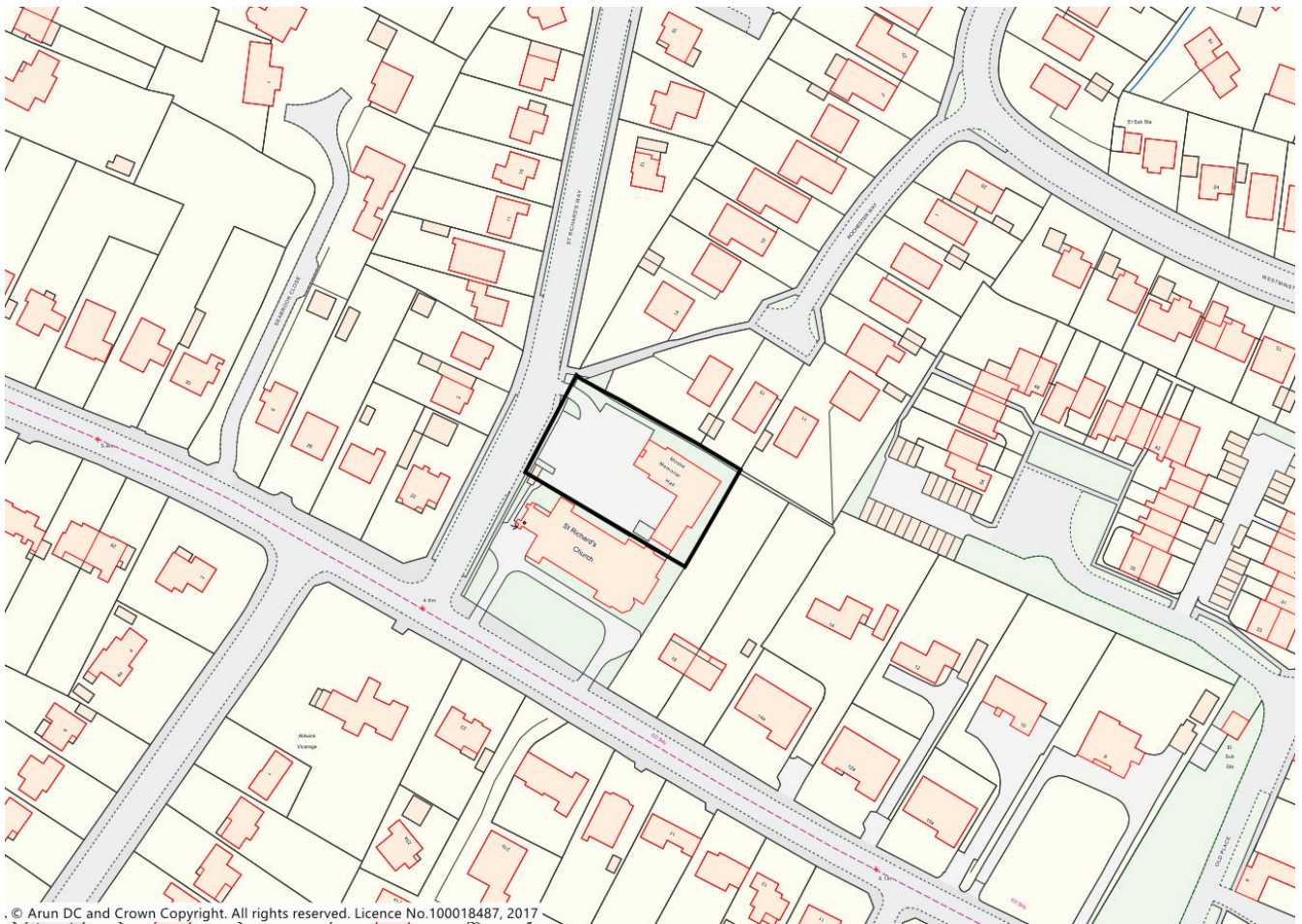
Reason: To encourage and promote the use by customers and staff of alternative sustainable transport measures in accordance with the National Planning Policy Framework.

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

- 6 INFORMATIVE: All of the conditions imposed on BR/846/71 shall remain in force except for conditions 02 & 04 which are varied by this permission as set out in the new conditions 01, 02 & 03 above. Condition 04 is new. The condition on hours as imposed by Planning Permission ref AW/146/14/PL has been replicated in the new conditions 02 & 03 above.



**AW/24/17/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: AW/61/17/PL

LOCATION: 26 Christchurch Crescent  
Aldwick  
PO21 5SP

PROPOSAL: New bungalow on land to the front.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	Detached bungalow within front garden of no. 26 Christchurch Crescent. The dwelling would be sited on the same building line as nos. 22/24 Christchurch Crescent to the immediate east. It would have front & rear gardens and two parking spaces accessed by a new dropped crossing. The existing dwelling would retain a small triangle of space to its front as part of the existing driveway. Secure cycle and bin storage provision is also shown. New landscaping and fencing is proposed to the rear and western side boundaries.
SITE AREA	0.031 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	32.3 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Three trees in the front garden:  * T1 Norway Spruce; * T2 Silver Birch; and * T3 Blue Spruce.
BOUNDARY TREATMENT	The garden area is bordered by a hedge of between 1.4m & 2m to the front (south) and side (east). The garden is currently open on the western side to the existing shared driveway and public footpath.
SITE CHARACTERISTICS	The site comprises a detached pitched roof bungalow with garden to front & rear. It has an attached garage on the west side accessed by a long driveway shared with no. 28. The front garden extends some 29m to the south and alongside the boundary with no. 24.
CHARACTER OF LOCALITY	Residential street comprising a uniform character of semi- and detached pitched roof bungalows, all similar in design/style & height. These are set in medium sized plots set back from the road with front & rear gardens with off-street parking. The street is open plan with an absence of hard boundary treatments.



<b>RELEVANT SITE HISTORY</b>
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BR/186/58/D/X      Garage

Approve  
17-06-65

Pre-application advice was given in November 2016.

<b>REPRESENTATIONS</b>
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**REPRESENTATIONS RECEIVED:**

Aldwick Parish Council

"Members strongly opposed the application on the grounds that the development would have an unacceptable adverse impact on adjoining occupiers land, uses or property; because it does not take account of any unacceptable adverse impacts that may arise from adjoining land uses or property; because it does not maintain significant open or wooded areas which, in their own right, make a material contribution to the local environment and because it does not allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians. Therefore, Members considered that the proposed development is in direct conflict with Policy Gen 7 (iv); (v); (vi) and (vii) of the Arun District Local Plan 2003 and with the Parish Design Statement, design criteria p 71."

Three letters of objection received raising the following concerns:

- (1) Loss of open garden space;
- (2) Not in character with this open plan garden estate;
- (3) This would set a precedent and potentially turn this estate into a concrete jungle;
- (4) Contrary to Aldwick Parish Design Statement for this area;
- (5) Loss of light to adjacent dwelling;
- (6) Water pressure in the area is already low;
- (7) Impact on foul sewage capacity; and
- (8) Loss of wildlife.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

It is not considered that the proposal will result in the loss of wooded areas or fail to allow for the safe movement of vehicles & pedestrians (noting that the access will be adjacent to the existing access drive to no. 26). It is also not clear what unacceptable adverse impacts arise from adjoining land uses/property. The other Parish Council concerns will be discussed within the Conclusions section.

The following comments are offered in respect of the local resident concerns:

- (1) (2) (4) and (5) These will be discussed within the Conclusions section;
- (3) 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;
- (6) Noted but there are no policies to prevent development based on low water pressure;

(7) An informative will be imposed to remind the developer contact Southern Water Impact to check sewer capacity; and

(8) This site is comprised of residential garden open on all sides to either existing dwellings or a road. It is not considered suitable habitat for protected species and it is not possible to refuse an application on the basis of harm to non-protected species. The developer will be reminded of the need to exercise caution when carrying out works during the bird breeding season.

It should also be noted that none of the objectors share a boundary with the site.

**CONSULTATIONS**

**CONSULTATION RESPONSES RECEIVED:**

None.

Advice was received at pre-application stage from the Councils Arboricultural Officer to say that:

"There are three trees in the front garden of 26 Christchurch Crescent which is in a bungalow style property:

- T1 Norway Spruce *Picea abies* (closest to No 26) - 4m height / 2m av spread / Age young
- T2 Silver Birch *Betula pendula* (middle tree of the three & largest canopy) - 6m height / 4m av spread / Age semi-mature
- T3 Blue Spruce *Picea pungens* 'Glauca'(closest to the footpath and road) - 4m height / 1m av spread / Age semi-mature

All three trees have been reduced and reshaped in the past and kept to manageable proportions.

The Birch is the stand-out tree of the three but even then it has been stunted by repeat pruning works and its full potential to become a specimen of value in the landscape has been undermined.

None of these three trees makes a significant impact in the landscape and pruning has undermined their amenity value and growth potential. I would not see these as trees of sufficient merit to warrant protecting them by way of a Tree Preservation Order."

**COMMENTS ON CONSULTATION RESPONSES:**

Although the site is part of the Bognor No. 2 Group Tree Preservation Order, the trees are not old enough to be a part of this Order.

**POLICY CONTEXT**

Designations applicable to site:

Within the Built Up Area Boundary;  
Bognor No. 2 Tree Preservation Order; and  
Pagham Harbour Access Management Zone B

**DEVELOPMENT PLAN POLICES**

[Arun District Local Plan \(2003\):](#)

AREA13 Sites of International Importance for Nature Conservation

GEN2	Built-up Area Boundary
GEN5	Provision of New Residential Development
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development

Publication Version of the Local Plan (October 2014):

SD SP1	Sustainable Development
SD SP2	Built -Up Area Boundary
D SP1	Design
D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
ENV DM2	Pagham Harbour
H SP1	Strategic housing, parish and town council allocations
H DM1	Housing Mix
T SP1	Transport and Development
ECC SP2	Energy and climate change mitigation
W DM3	Sustainable Urban Drainage Systems

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD10	Aldwick Parish Design Statement
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<b>POLICY COMMENTARY</b>
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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.

A new local plan is in preparation and may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

The relevant policies of the Arun Local Plan 2011 to 2013 - Submission Document - Modifications for the Inspector - March 2017 are as follows:

SD SP1 Sustainable Development  
SD SP2 Built -Up Area Boundary  
D SP1 Design  
D DM1 Aspects of Form and Design Quality  
D DM2 Internal Space Standards  
D DM3 External Space Standards  
ENV DM2 Pagham Harbour  
H SP1 Housing Allocations  
H DM1 Housing Mix  
ECC SP2 Energy and Climate Change Mitigation  
T SP1 Transport and Development  
W DM3 Sustainable Urban Drainage Systems

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; Walberton; 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

The above does not apply as there is no Aldwick Neighbourhood Plan. Furthermore, Arun District Council cannot currently demonstrate a 3 year supply of deliverable housing sites.

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).

There are no plans to create an Aldwick Neighbourhood Development Plan.

#### **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

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

#### **OTHER MATERIAL CONSIDERATIONS**

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

#### **CONCLUSIONS**

PRINCIPLE:

The site is in a residential area within the defined built up area boundary area and is therefore acceptable in principle subject to normal development control criteria such as visual amenity, residential amenity, highway safety and parking. It is noted that the National Planning Policy Framework (NPPF) supports the effective and efficient use of land for sites in the built up area but also advises that new housing should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

#### **NPPF TEST OF 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.

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".

Environmental Role -

The site is in a sustainable urban location and is within walking distance of various local amenities including shops, schools and public houses. These walking routes also use adopted street pavements

which are predominantly flat and have street lighting. It is therefore considered the proposal is environmentally sustainable as residents will not need to rely on the private car to access basic services & facilities. This environmental factor weigh in the scheme's favour.

**Economic Role -**

It is considered the proposal will result in a localised economic benefits through the need to employ people to carry out the building works. The proposal also results in a minor increase in Council tax receipts, new homes bonus payments and other economic benefits from bringing new people into the area. These economic factors weigh in the scheme's favour.

**Social Role -**

It is considered that the proposal will have minor social benefits by providing a new small bungalow to meet local needs. This factor weighs in the scheme's favour.

**Assessment -**

It is considered the proposal is environmentally acceptable and offers economic & social benefits. It would therefore represent sustainable development.

**CHARACTER & DESIGN:**

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

Objections have been received on the grounds that the proposal results in the loss of open garden space and is out of character with this open plan garden estate.

It is considered that the current layout of dwellings in this location on Christchurch Crescent with a step back from no. 24 to no. 26 was likely planned as a result of the curved nature of the road and avoided the need to have a curved building line matching the shape of the road. The proposal would alter this stepped back building line and hide the existing dwelling behind the proposed dwelling.

Development on land forward of a dwelling is generally considered to be inappropriate on the grounds of harm to the character & appearance of the streetscene. Furthermore, this is an open plan area and the proposal would introduce built development into an existing open front garden. However, it is noted that the dwelling has been sited in such a way as to maintain the character of the adjacent houses to the east.

The existing front garden is an attractive feature within the streetscene but the proposed dwelling would retain a front garden area and proposes to (a) retain the existing front boundary hedging and (b) to plant new hedging down the western side. It is considered that the addition of a dwelling in this location on the same building line and of a height, size, design & materials that matches 24 would be appropriate and would not have any lasting harm to the character of the area. The proposed use of hedging to boundaries also complies with the open plan character of the estate.

**ALDWICK PARISH DESIGN STATEMENT:**



The site lies within AREA 15 (West Meads) of the Aldwick Parish Design Statement. This describes the area as one of only five garden estates in the country with characteristics of open plan, wide pavements, grass verges and trees. The text for Christchurch Crescent states that: "Christchurch Crescent branches off Oxford Drive, with many two, three and some four bedroom bungalows, mostly detached and with garages."

Relevant development criteria are as follows:

New or replacement buildings or extensions should be visually subservient and relate to the existing building and not vary significantly in height or bulk from those nearby.

- \* When any development is undertaken, existing separation of dwellings should be preserved to prevent un-neighbourly cramped or visually intrusive closure of gaps or establishment of ill-conceived linkages between buildings;
- \* Materials matching the existing building should be used where appropriate;
- \* Front boundaries should contribute to overall street scene;
- \* The amenity spaces and access ways should be retained and enhanced and trees lost to damage or disease should be replanted/replaced;
- \* Existing open spaces, particularly those which contribute to the countryside aspect, should be preserved as far as possible;
- \* Boundary treatment should not compromise open character of the area;
- \* Development in existing open spaces and garage compounds should be excluded; and
- \* The character of area should be preserved.

Although there are some conflicts with the above criteria, this document is only one material consideration in the determination of this application.

#### RESIDENTIAL AMENITY:

Arun District Local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. One of the 'core planning principles' of the NPPF is to secure high quality design and a good standard of amenity (paragraph 17). Both the adopted Local Plan Policy GEN7 and the emerging Local Plan policy require that regard be had to the amenity & living conditions of neighbouring properties.

Concerns have been raised by the Parish Council and local residents that there would be a loss of light and other unacceptable impacts on the neighbouring properties.

There are a number of factors that mitigate any harmful loss of light to neighbouring properties. These include; the single storey nature of the proposed & existing dwellings, the siting of the new dwelling on the same building line as no. 24; the 4m gap between the new dwelling and no. 24, the interface distance of 15m between the proposed rear and the front of no. 26, and the position of the sun to the south of the site.

In respect of overlooking, the proposed 15m gap to no. 26 coupled with the proposed hedge/fence, additional landscaping in the rear garden and the single storey nature of the dwellings will mitigate any harm.

#### INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). The



requirement for a single storey, two bedroom 3 person dwelling is 61m<sup>2</sup>. The proposed floor area is 59m<sup>2</sup> and although not exactly 61m<sup>2</sup>, the shortfall is not considered to be significant and therefore no objection is raised.

Policy D DM3 of the Arun Local Plan 2011 - 2031 (Publication Version) (October 2014) sets out the Council's external space standards and despite not being an adopted policy is currently being used for development management purposes and has been subject to testing at appeal.

There are two requirements to the policy. Firstly, a minimum rear garden depth of 10m. The rear garden depth serves to (a) ensure that rear gardens are usable spaces and (b) to provide for a 20m back to back distance between dwellings. This depth standard may be relaxed if both of the following situations are in existence: (a) there is no back to back arrangement (and no realistic possibility of a future back to back arrangement); and (b) where the garden is sufficiently wide so as to exceed the area requirement. The second requirement concerns the area of the private rear garden.

The proposed dwelling requires a garden of 10m depth and 85m<sup>2</sup> in area. The rear garden as shown is part tapered and so the depth varies between 4.7m and 11.4m. However, the area is 85m<sup>2</sup> and it is not considered necessary, given the single storey nature of the dwelling, to require a 10m deep garden in the interests of privacy.

The existing dwelling will retain its existing private side/rear gardens.

#### **PARKING**

According to the West Sussex Parking Demand Calculator, the proposal will result in a total demand of 3 spaces (based on 2 allocated spaces per dwelling). Two allocated driveway spaces are proposed. It is considered that visitors can park on the highway without causing any highway safety or residential amenity issues. The proposal also includes a cycle store within the curtilage.

#### **SUMMARY:**

Notwithstanding the conflict with the Aldwick Village Design Statement, it is considered that the proposed dwelling can be accommodated on this site without causing any materially adverse or permanent harm to the character of the area. There are also no residential amenity or highway issues.

The application requires a S106 agreement in respect of a contribution towards Pagham Harbour. This is in the process of being agreed but at the time of writing is not complete. The recommendation to approve is made subject to the following conditions and the completion of the legal agreement.

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

"The application fails to make a financial contribution towards the cost of providing accessible natural open green spaces to serve the Pagham area and the proposal is therefore not in accordance with policy AREA13 of the Arun District Local Plan (2003) and policy ENV DM2 of both the Arun Local Plan 2011-2031 Publication Version (October 2014) and the Arun Local Plan 2011 to 2013 Submission Document Modifications for the Inspector - March 2017".

<b>HUMAN RIGHTS ACT</b>
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The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun

District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

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

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

**SECTION 106 DETAILS**

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

**RECOMMENDATION**

**APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT**

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

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

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

Block Plan showing Visibility Splays P04;  
Proposed Site Plan Dwg. P02; and  
Floor Plan, Roof Plan and Elevations Dwg. P03.

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

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the

interests of amenity 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 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 until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwelling 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.

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

Reason: To provide car-parking space for the dwelling in accordance with Policy GEN12 of the Arun District Local Plan and the National Planning Policy Framework.

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

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

- 8 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.

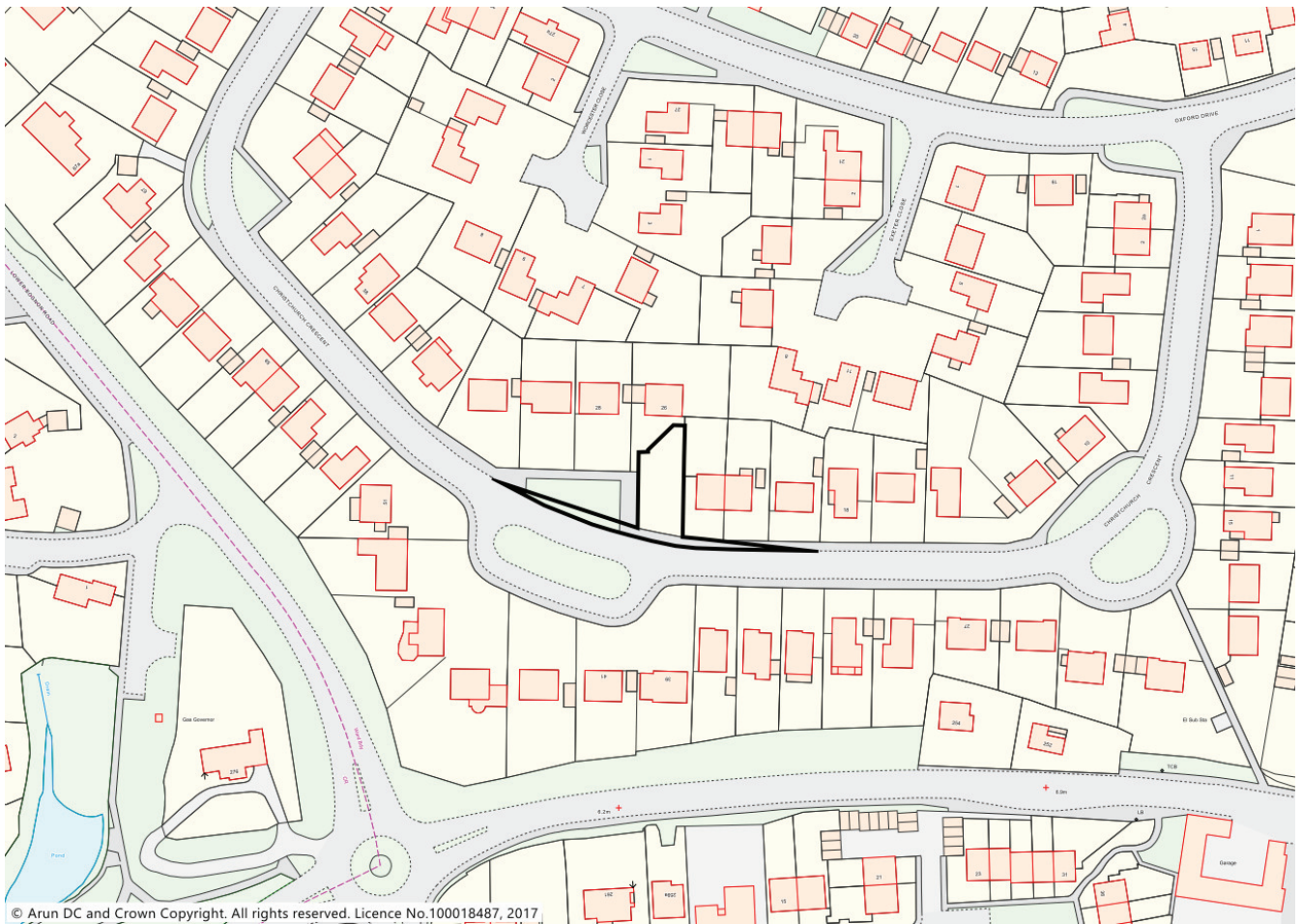
- 9 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire,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

- 10 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.

- 11      INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a payment of £1,275 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

**AW/61/17/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:	AL/107/16/RES
LOCATION:	Land West of Westergate Street & East of Hook Lane Westergate PO20 3TE
PROPOSAL:	Application for Reserved Matters application following Outline Planning Permission AL/39/13 for the demolition of Oakdene and all other structures within the site and the erection of 79 dwellings, public open space, children's play areas, landscaping, drainage measures, sub-station, pumping station and all other associated works.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	<p>Reserved matters application for 79 dwellings on land west of Westergate Street and east of Hook Lane. The outline permission granted at appeal (ref. APP/C3810/A/14/2220943) included the demolition of Oakdene and permits the principle of developing up to 79 residential dwellings, public open space, children's play areas, landscaping, drainage measures, sub-station, pumping station and all other associated works.</p> <p>The outline permission reserved all matters except for means of access into the site. The remaining matters of layout, appearance and landscaping are therefore to be determined as part of this reserved matters application.</p> <p>A layout plan has been submitted showing the proposed 79no units onsite, design details and materials for the proposed house types, along with details of drainage, landscaping, ecological mitigation, a green travel plan, transport assessment and associated documents. The proposed density is 34 dwellings per hectare, with 30% of the houses proposed to be affordable, which equates to 24no units. The following mix of dwellings is proposed:</p> <ul style="list-style-type: none"> <li>- 2 bed dwellings - 39%</li> <li>- 3 bed dwellings - 46%</li> <li>- 4 bed houses - 11%</li> <li>- 5 bed houses - 4%</li> </ul> <p>A Section 106 Agreement was signed by the Hallam Land Management and the owners of Oakdene (the original applicants) in December 2014, committing the signatories to a range of commitments in relation to the development of the site.</p>
SITE AREA	3.71 hectares.

RESIDENTIAL DEVELOPMENT DENSITY	34 dwellings per hectare (dph)
TOPOGRAPHY	Predominantly flat.
TREES	A TPO (ref TPO/AL/1/14) covers four trees within the site (T1, T4 T5 and T6 ) These are all located within the boundary of Oakdene, the property is proposed to be demolished to enable development of the main access into the site.
BOUNDARY TREATMENT	<p>The site is bounded by mature hedgerow along the northern and eastern perimeter. An open ditch runs adjacent to and parallel with the eastern hedgerow which backs onto the playing field of Aldingbourne Primary School. The north eastern section of the site boundary however comprises a variety of fencing where the site lies next to the existing dwellings at Lamorna Gardens.</p> <p>The southern and western boundaries comprise a mixture of fencing and mature trees where the site backs onto the small field to the south and properties.</p>
SITE CHARACTERISTICS	<p>The site consists of two distinct plots. The residential property 'Oakdene' which is proposed for demolition, and the grassland paddock to the rear. The paddock was previously used for horses and unused stables are located to the NW of the paddock. Access to the paddock is via a footpath from Hook Lane linking across the north of the site with 'Lamona Gardens'.</p> <p>Access to the proposed development is be via a new road built on the site of 'Oakdene' to the west of the site, a large detached dwelling currently fronting Hook Lane.</p> <p>The application site is located to the west of Westergate Street and East of Hook Lane, and is located approximately 250m north of the south coast mainline railway. The site is bounded to the west by the residential properties of Hook Lane, and to the east, the properties of Lamorna Gardens and the school playing fields of Aldingbourne Primary School.</p> <p>To the south of the site is a small paddock behind the residential properties on Hook Lane, while the northern boundary is defined by a double hedgerow flanking a public footpath which links Hook Lane with Lamorna Gardens. The site comprises low grade agricultural land containing two dilapidated barns providing storage and shelter for animals and equipment. The site is in Flood Risk zone 1 as defined by the Environment Agency.</p>
CHARACTER OF LOCALITY	The site is sandwiched between the built form along Hook Lane and existing properties to the west of Westergate Street, including Aldingbourne Primary School and an accompanying playing field which backs onto the paddock which forms the majority of the application site. A small area of greenfield



space is located to the south of the site with additional residential dwellings located beyond.

The area surrounding the site is varied in character. The residential properties to the east are two-storey dwellings of a density and form typical to such a village location. The properties to the west are a mixture of single and two storey dwellings of a much lower density. There are also dwellings on the eastern side of Hook Lane only. The character of Hook Lane is that of a country lane with a narrow carriageway and no footpaths.

The area to the north of the site is open countryside.

## RELEVANT SITE HISTORY

AL/39/13/	Outline application for the proposed demolition of Oakdene and all other structures within this site and the erection of a residential development of up to 79 dwellings, public open space, childrens play areas, landscaping, drainage measures and all other associated works (means of access into the site to be considered, appearance landscaping, layout, scale and access within the site to be reserved) - This is a Departure from the Development Plan	Refused 14-02-14
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In 2013 an application was submitted (ref. AL/39/13/) by Hallam Land Management Limited for 'outline consent for the proposed demolition of Oakdene and all other structures within this site and the erection of a residential development of up to 79 dwellings, public open space, children's play areas, landscaping, drainage measures and all other associated works (means of access into the site to be considered, appearance landscaping, layout, scale and access within the site to be reserved)'. The application was refused on 14 February 2014 on the grounds that:

- The application site was located outside the defined built up area boundary of Westergate and made a significant encroachment into the countryside resulting in an adverse impact on the character of the area;
- The development was located in an unsustainable location, poorly related to existing services and facilities;
- Lack of provision for the correct proportion of affordable homes; and
- Lack of provision to secure public infrastructure including play facilities, open space, highway improvements, libraries, pools, halls, pitches and public health facilities.

The Applicant appealed the decision made by the Local Planning Authority and in December 2014, a Public Inquiry was held (ref. APP/C3810/A/14/2220943). The Planning Inspector allowed the appeal and issued a decision on 23 February 2015 concluding that outline permission is granted subject to conditions.

<b>REPRESENTATIONS</b>
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**REPRESENTATIONS RECEIVED:**

Aldingbourne Parish Council

**OBJECTION**

- Foul Drainage: Want to ensure that the foul system is adopted by Southern Water.
- Groundwater: The site investigation revealed variable groundwater levels across the site. This may lead to the formation of pockets of perched groundwater near the surface. The design does not consider the effects of groundwater adequately.
- Surface water: Extreme concerns about the quality of the report, extreme concerns that the drainage system will work, concerns how the run off will be controlled, concern because of the very low gradients on site that the balancing pond will need to be very deep, and that to pump the pond will be at a greater discharge rate than permitted. There is extreme concern as to the potential for flooding around the balancing pond area, and the encroachment of drainage water into gardens. The Parish Council consider the size of the balancing pond is inadequate. Concern as to who will adopt the pumping station / concern how the pumping will work on the site, concern re the functioning of the underground storage, who will maintain the surface water system, how will it be insured that gardens will not flood. Concern as to how the whole drainage system will be maintained. Concern as to the size of the underground storage, and how it will function. Concern as to the discrepancy between the tarmac and block paving areas in relation to drainage. Concern as to the maintenance of ditches around the site and who will be responsible. Concern that there are too many houses and what would happen if the ground water rose still further.
- Density: The application is in conflict with Policy H3 of the Adopted Aldingbourne Neighbourhood Plan. Taking into consideration the density of the surrounding area, which has a density of between 13 dwellings per hectare and 23 dwellings per hectare, it is clear that the proposed density of 34 dwellings per hectare is materially higher than the existing properties and is considered to be in direct conflict with Policy DSP 1 of the emerging Arun Local Plan also.
- Affordable housing: The level of affordable housing is not in keeping with the emerging Arun Local Plan. As the distribution of the proposed affordable housing is not in keeping with Policy HSP2 which states that the affordable housing should be indistinguishable from the market housing. Policy H4 of the Aldingbourne Neighbourhood Plan seeks a higher proportion of affordable homes than that agreed by the S106 agreement (which states 30%), specifying that 40% affordable units should be included.
- Housing mix: The proposed housing mix does not comply with ADNP Policy H2 and H4 and emerging policy HDM1. There is a lack of provision for 1-bed dwellings.
- External Space standards: Policy DSM3 of the emerging Local Plan sets out external space standards for residential development. The small semi-detached dwellings proposed do not meet the required minimum standard of 65m<sup>2</sup>. The external areas do not meet the standards required by this policy, nor Policy H8 of the Neighbourhood Plan regarding outdoor space.

To date, a total of 42 representations have been made. These are summarised as follows:

7 representations have been received from occupants of Kittenash:

- this is a bungalow located immediately on the north western side of the application site, which will have

the proposed development on both its east and southern boundaries. They raise concerns regarding:

- type of dwellings proposed are not sympathetic to the existing properties in the area;
- half of all the proposed affordable housing is proposed south of Kittenash, while the application states they are spread across the site;
- proposed hedges at Kittenash are too close to allow maintenance of the existing hedges;
- some existing trees have not been shown on the tree survey;
- the proposed substation will impact on Kittenash cesspit;
- loss of amenity and privacy due to windows directly looking into Kittenash;
- trees to the north west of the development will cut out light;
- street lighting will impact on Kittenash;
- bad design and layout;
- parking spaces to the rear of Kittenash will encourage anti social behaviour;
- there must be no access from the access lane between Sundew and Kittenash, as full rights are owned;
- the stable on the site has not been checked for bats;
- there are slow-worms, newts and bats in the area;
- a protective hedge fence is being shown to the east of Kittenash, but there is no protective fencing to the south boundary as well as the east;
- object to the developer wanting to use the footpath from Hook Lane to the site to bring construction vehicles of 12 tonnes onto site. It is an unmade right of way for residents to bring their private cars to their homes; and
- the mature eucalyptus tree at bottom of garden has not been recognised on the tree protection plan. The mature ornamental hawthorn at the eastern boundary and the mature tree in the front garden close to the boundary are also missed. These trees need to have their tree roots protected.

The remaining 35 representations received from local residents are summarised as:

- the affordable housing is not distributed through the developments. It is in two large areas, mostly to the north west and at the end of a cul-de-sac terminating in a large car park. This is a recipe for anti social behaviour and crime;
- request that the distribution of affordable housing be reconsidered and the north western car park removed to reduce the impact on existing residents;
- there is a serious risk that the very high number of dwellings proposed for the site, will further increase the severity of the flooding that regularly occurs both on the site and in adjoining gardens.
- they suggest a lower density of development, more in keeping with the surrounding residential areas. This would mitigate the increased risk of flooding to neighbouring properties;
- flooding on this site which is often waterlogged and there has been sewerage overflow in the past - in addition Hook Lane is often under water;
- too many houses proposed and it is out of character with the village;
- congestion on Hook Lane a narrow winding road with blind corners;
- disruption to considerable local wildlife;
- lower density of houses appropriate due to flooding and character of the area;
- the proposals do not comply with Aldingbourne dark skies policy;
- insufficient green infrastructure proposed on site;
- significant impact on reptiles, sparrowhawks, crows, ravens, and buzzards;
- proposal not compliant with NPPF in relation to biodiversity;
- site too close to all boundaries;
- lack of local infrastructure- schools, doctors surgeries;
- the applicant says a pumping station will provide drainage, but do not say who will maintain it;
- new homes will be uninsurable because of drainage;
- the social housing is too concentrated ;
- the local waste treatment plant is already over stretched and will not be able to cope;
- will previous promises relating to highways improvements be kept;
- will the S106 agreement be adhered to; and

- contravenes policy ANDP H3.1

#### **COMMENTS ON REPRESENTATIONS RECEIVED:**

The principle of the development has already been agreed at outline stage and therefore any comments relating to the principle of development or the proportion of affordable homes have little material weight in terms of this reserved matters application which relates to appearance, scale, layout and landscaping.

Many of the comments raised regarding the application can be dealt with by conditions regarding approved details and informatives, which already apply to the outline permission. With regard to access, there is to be no vehicular access via the access track to the north of the site, so impact upon existing properties along it would be minimal. The main site access has already been approved at outline stage. The footpath running along the northern boundary of the site will be improved and contribute towards the sustainability of the proposal, connecting the site with existing shops and services.

Aldingbourne's dark skies policy was not in place when the application was originally approved at appeal.

Local infrastructure - the S106 agreement which was signed at the time of the appeal application covers a range of infrastructure provision which must be provided in line with the agreement.

#### **CONSULTATIONS**

Parks and Landscapes

Engineering Services Manager

Environmental Health

NHS Coastal West Sussex CCG

Southern Water Planning

Environment Agency

Highways England

WSCC Strategic Planning

Env. Amenities & Comm. Safety

Surface Water Drainage Team

Sussex Police-Community Safety

Arboriculturist

Surface Water Drainage Team

Parks and Landscapes

Engineers (Drainage)

#### **CONSULTATION RESPONSES RECEIVED:**

**ADC GREENSPACE - NO OBJECTION**

Consider that the landscape scheme is comprehensive, detailed and suitable for the site. The play provision is also considered suitable. It is noted that the management company will manage both the landscape and the play area. Greenspace queried the level of public open space on the site and it has been confirmed that the area of provision meets required standards. The provision of public open space (POS) is stated to be 0.48ha in total.

**ADC TREE OFFICER - NO OBJECTION**

In support of the tree report, which explains measures to protect trees during the construction of the development. Pre-commencement conditions exist as part of the outline consent and therefore no further conditions will be required at this stage, particularly as removal of a TPO'd tree has already taken place, with a 5-day notice served and agreed by the Tree Officer in March 2017.

**ADC ECOLOGIST - NO OBJECTION**

In agreement with the conclusions in relation to water voles and great crested newts. However in relation to bats they require hand removal of the roof tiles prior to demolition. An Ecological Mitigation and Management Plan (EMMP) has been discharged under the outline consent.

**ADC ENVIRONMENTAL HEALTH - NO COMMENTS RECEIVED**

**ADC AFFORDABLE HOUSING - NO OBJECTION**

The Council would not support the inclusion of starter homes as an affordable housing product as there are no regulations covering these. It is considered that the affordable housing has been integrated into the overall development and the provision of affordable housing on the scheme is broadly supported. They would wish to see the housing mix more closely reflect latest evidence.

**SOUTHERN WATER - COMMENTS**

An application has been made by the applicant in relation to foul drainage. The Applicant is to provide confirmation of their agreement of their proposed scheme.

**ENVIRONMENT AGENCY - NO COMMENTS RECEIVED**

**SUSSEX POLICE - NO COMENTS**

**HIGHWAYS ENGLAND - NO OBJECTION**

**WSCC LOCAL HIGHWAYS AUTHORITY - NO OBJECTION**

No objection raised subject to a condition regarding parking. It is noted that the access was approved at outline stage and confirmed that the 47m visibility splays must be kept clear. The applicant does not propose that the internal streets are adopted and confirm that should they apply for adoption at a later stage as the layout may not meet WSCC standards. A safety audit has been carried out and they confirm that the company responsible for the maintenance of the internal layout should ensure that they are satisfied that all the issues raised in the audit have been adequately addressed.

**ARUN DC DRAINAGE- CONCERN RAISED**

Although there has been a peer review regarding drainage at the site, there remains concern regarding the layout of the site in terms of drainage. The surface-water drainage proposals do not mimic the natural flow of water on the site. Based on the submitted 'Drainage Strategy and SUDS Statement' a majority of the site falls to the south east corner where it is suspected that there is a buried outfall pipe or infilled drainage ditch, heading south towards Hook Lane. The remainder of the site falls to the eastern and north eastern outfalls. This is a concern as the strategy doesn't replicate the existing site's fundamental flow regime, as would have been recognised when the field was properly managed to prevent surface water flooding and off-site land drainage outfalls were fully functioning. ALL existing outfalls should be fully investigated before any further comments can be made on the proposed drainage layout.

All outfalls will need to be brought back into full working order and it is advised that a condition is applied to deal with this matter.

Initial comments suggested that a condition could be applied to ensure that a one metre easement with

demountable fences and covenants for keeping the working area clear of any future obstructions. The working area is normally considered as 3m from the top of the west bank of the ditch. Later comments reiterated the importance of achieving a three metre maintenance strip.

Additional concerns have been listed regarding drainage at the site, however it is considered by the Drainage Team that these can be dealt with when discharging detailed drainage conditions.

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

#### POLICY CONTEXT

Designation applicable to site: None

#### DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN7	The Form of New Development
GEN15	Cycling and Walking
GEN23	The Water Environment
GEN28	Trees and Woodlands
GEN32	Noise Pollution
GEN33	Light Pollution
DEV17	Affordable Housing
GEN12	Parking in New Development
GEN20	Provision of Public Open Space within New Development
GEN29	Nature and Conservation Across the District
GEN5	Provision of New Residential Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage

[Aldingbourne Neighbourhood Plan 2016 POLICY LC8](#) School facilities

Aldingbourne Neighbourhood Plan 2016 POLICY GA1 Promoting Sustainable movement

Aldingbourne Neighbourhood Plan 2016 POLICY GA2 Footpath and cycle network

Aldingbourne Neighbourhood Plan 2016 POLICY GA3 Parking and new development

Aldingbourne Neighbourhood Plan 2016 POLICY EH1 Resist development outside

Aldingbourne Neighbourhood Plan 2016 POLICY EH4 Supports river catchment management, wildlife conservation and flood risk

Protection of Watercourses

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 EH6	Protection of trees and hedgerows
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 H4	10 or more to include 40% unless unviable
	Affordable Housing
Aldingbourne Neighbourhood Plan 2016 POLICY H8	Dwellings must have adequate private or shared amenity.
	Outdoor space
Aldingbourne Neighbourhood Plan 2016 POLICY H9	Items to consider e.g. - bin stores
	Attention to detail

## PLANNING POLICY GUIDANCE:

### POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex Joint Waste and Minerals Plans and Aldingbourne Neighbourhood Development Plan 2016.

#### ARUN DISTRICT COUNCIL'S DEVELOPMENT PLANS:

A new local plan is in preparation and may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector. A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

#### THE NEIGHBOURHOOD DEVELOPMENT PLAN:

The Aldingbourne Neighbourhood Development Plan 2014-2034 was adopted in September 2016 and forms part of the statutory local development plan for this site.

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. Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. The 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; and
- The Council can demonstrate a three-year supply of deliverable housing sites.

Whilst an 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 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**

HOUSING NEED EVIDENCE (September 2016):

The latest evidence of objectively assessed need (OAN) for Arun District is set out in the Council's latest Housing Needs Evidence (September 2016) which concludes that the OAN for the period 2011-2031 is defined as 845 dwellings per annum, with a net need of 919 dwellings per annum of affordable housing.

OPEN SPACE AND RECREATION STANDARDS Supplementary Planning Guidance, Oct 2000.

#### **CONCLUSIONS**

PRINCIPLE:

This application is for:

- appearance, landscaping, layout, and scale (of reserved matters, only access had been previously approved).

The proposals relate to reserved matters development following the grant of outline planning permission under appeal decision ref. APP/C3810/A/14/2220943, dated 23 February 2015. The principle of the development and site access has therefore been established.

#### APPEARANCE, SCALE & LAYOUT:

Section 7 of the NPPF considers 'good design'. Paragraph 58 advises that developments must function well whilst adding to the overall quality of the area; establish a strong sense of place; respond to local character and reflect local identity; create safe and accessible environments; and be visually attractive as a result of good architecture and landscaping. Paragraph 61 goes on to advise that securing high quality design goes beyond aesthetic considerations and connections between people and places through the integration of new development into the existing built, historic and natural environment.

Saved policy GEN7 considers the form of new development and requires that new development responds positively to the identified characteristics of a particular site and creates a development which respects those characteristics. Policy H1 of the Aldingbourne Neighbourhood Development Plan requires that proposals for new housing should be of a high quality design that reflects the local character and reinforces local distinctiveness. Policy H3 of the same plan considers housing density and seeks that new development is appropriate to its location by virtue of size, siting and relationship to existing properties. Policy H9 considers attention to detail and requires that bin stores and recycling facilities; cycle stores; meter boxes; lighting; flues and ventilation ducts; gutters and pipes; and satellite dishes and telephone lines should be considered at an early stage in the design process and integrated into the overall scheme.

Emerging policies H DM1, H DM2, D SP1, D DM1, D DM2 and D DM3 consider housing mix, affordable housing, design, aspects of form and design quality, internal space standards and external space standards respectively. There should be a mix of dwelling types and sizes to include affordable housing units, including family-sized accommodation. For development of 15 residential units or more, the Council requires 30% of the total number of units proposed on site to be provided as affordable housing and should be visually indistinguishable from market housing. New housing development should consider a wide range of elements including character, appearance/attractiveness, impact, layout movement, layout legibility, density and scale, designed in a way that reduces/prevents crime.

The outline permission for this site permits "the demolition of Oakdene, the erection of a residential development of up to 79 dwellings, public open space, children's play areas, landscaping, drainage measures and all other associated works, and means of access to the site". The outline permission was granted on appeal and as a result, the principle of the development up to 79 dwellings has already been established. Therefore consideration of issues relates specifically to layout, scale, appearance and landscaping. The number of units were considered at the time of the planning appeal for the outline application.

A range of issues have been raised by representations made on this application. This includes concerns about flooding; pressure upon sewerage undertakers; density of development; that it is out of character with the local area; impact on local ecology; impact on existing neighbouring properties; concerns that new pathways and road improvements will not be carried out; that social housing is too concentrated; lack of public open space; layout with cul-de-sacs; and that the proposal does not comply with the neighbourhood plan.

The design principles used in the development of the scheme have been informed by a character study and constraints analysis. These have concluded with a 'block structure' concept the main principles behind which are to: Maintain existing significant hedgerows and trees where they make an important contribution to the local landscape character; Provide a network of open space that links with the wider landscape and is truly multifunctional, incorporating informal and formal areas of play, sustainable drainage and enhances the biodiversity of the locality; Provide a focal green space for the benefit of the new and existing community; Provide opportunities for substantial new tree planting to help assimilate the development into the surrounding context; Wrap the exposed rear gardens of properties on Hook Lane and Lamorna Gardens within a perimeter block to create a safer and more secure development block structure in accordance with best practice; Use development to positively address and overlook the open land on the southern boundary and the public right of way along the northern boundary; and Front onto the focal green space within the centre of the site to positively enclose this space and provide natural surveillance.

The layout of the proposed development is informed by the indicative masterplan which was approved at outline stage. The layout aims to take into consideration the residential amenity of existing neighbouring properties located adjacent to the site along the eastern and western boundaries by providing larger plots to the north east, north west and south west corners of the site (e.g. plots 19, 37 and 67), with smaller plots located closer to the centre of the site and along the eastern boundary. All private gardens would meet the minimum garden depth of 10m<sup>2</sup>. Cycle spaces would be provided on the site, as well as areas of hardstanding for refuse bin storage for each property and dedicated bin collection points. No resident would be required to wheel their bins greater than 30m to a collection point or kerb edge. The density of the scheme is 34 dph, which is higher than the adjacent areas and therefore the Parish Council consider that the density is too high and the scheme conflicts with Policy H3 of the NP. Policy GEN7 of the Local Plan refers to making efficient use of land and achieving net densities of at least 30 dph. However, it is considered that the size, siting and relationship to existing properties is appropriate to the location and in accordance with Policy H3 of the NDP, as well as emerging policies H DM1, H DM2, D SP1, D DM1, D DM2 and D DM3.

In relation to the issues raised by the occupants of Kittenash, the Applicant has provided the fencing requested, extended the tree protection area, moved the sub station and proposed lighting. In addition, the street lighting to the rear of Kittenash faces away from the property towards the private car park. The orientation of the lanterns and the use of cowls will mitigate against any light spillage into the property. Several of the trees mentioned by Kittenash were too small to be relevant to the tree survey.

The scheme proposes 79 dwellings in total of which 55 are private and 24 are affordable dwellings (a proportion of 30% which has been agreed as part of an existing S106 agreement). With regard to concerns over affordable housing provision, amount of affordable housing has been previously agreed. The affordable housing will make a significant contribution to the supply of much needed housing in the area, furthermore, ADCs Affordable Housing Officer has raised no objection. The layout locates affordable housing units in clusters across the site and the Housing Strategy Manager has confirmed that the proposed layout for the affordable units is acceptable. The proposed housing mix on site comprises 2, 3, 4, and 5 bed dwellings (2 bed dwellings - 39%, 3 bed dwellings - 46%, 4 bed houses - 11%, 5 bed houses - 4%). Although there are no 1 bed units proposed, the overall mix broadly reflects the mix of housing types identified in the most recent Objectively Assessed Need Report (GL Hearn 2016) and accords with emerging policies H DM1 'Housing Mix' and H DM2 'Affordable Housing'.

It is proposed that the new housing will seek to respond to existing vernacular and will incorporate material used in the wider locality in accordance with a materials schedule to be approved by condition 4 of the outline consent (ref. AL/39/13). The palette of materials is proposed to include several different brick types to provide a contrast and chalk monocouche render. The proposed roof tiles are slate, grey

and rustic red. Policy H2 of the Aldingbourne Neighbourhood Development Plan considers housing mix and requires new housing development to deliver a range of house types, sizes and tenures. The proposed dwellings would be two-storey in height with a mix of terraced, semi-detached and detached units and therefore it is considered that this policy requirement has been met. Policy H2 also supports development where at least 25% of dwellings meet Lifetime Home Standards, or its equivalent. The Design and Access Statement states that high quality development would be provided, where standards set out by 'Building for Life 12' would be met. Building for Life 12 has influenced the design of the development and its overall rationale.

Overall, it is considered that the proposed development is acceptable in terms of appearance, scale and layout and accords with policies contained within the Neighbourhood Plan (policies H1, H2, H3 and H9), Policy GEN 7 of the Local Plan, emerging policies H DM1, H DM2, D SP1, D DM1, D DM2 and D DM3 and generally with paragraph 58 of the NPPF.

#### LANDSCAPING & OPEN SPACE PROVISION:

Policy H8 of the Aldingbourne Neighbourhood Development Plan requires that all new dwellings must include an outdoor amenity space of adequate size and quality, either as a private garden or shared amenity area. Policy EH6 considers the protection of trees and hedgerows and encourages development to enhance biodiversity and the inclusion of trees of good arboricultural and amenity value in schemes.

Emerging Local Plan policies LAN DM1, SO DM1 and ENV DM4 consider protection of landscape character, soils and protection of trees.

Arun District Council's Open Space and Recreation Standards Supplementary Planning Guidance (SPG) advises on the amount of public open space to be provided by new development. It advises that a well designed scheme could incorporate areas of open space, existing landscape features such as mature trees and hedgerows, appropriate new planting, provision of children's play areas and car parking and a mechanism for long-term management of the developing landscape. The general criteria stipulates that large usable blocks of open space should be provided and land allocated for public open space should be done so in addition to that required for the purposes of the Highway Authority. For developments exceeding 50 dwellings, it is expected that a Local Equipped Area for play (LEAP) of 400m<sup>2</sup> in size should be incorporated into the layout of the development.

The site lies in proximity to existing green assets to the north, south and west. The landscape masterplan submitted with this application seeks to link the site with these assets via a new green infrastructure network. The key principles of the landscape masterplan include:

- Maintenance of existing significant hedgerows and trees where they make an important contribution to the local landscape character;
- Existing grassland to be retained for reptile habitats;
- Provision of open space linking with the wider landscape, incorporating informal and formal areas;
- Hedge planting to house frontages where possible in order to demarcate plots;
- New planting mix proposed is wildlife/pollinator friendly; and
- Structural tree planting for the central open space and for decorative street scene.

Comments have been raised that there is inadequate green infrastructure provision, however, it is considered that the landscape masterplan meets the provision requirements of ADCs Greenspace Team who have raised no objection to the landscaping element or public open space provision. The Landscape Officer has raised no objection to the landscaping proposals. It is considered that it is comprehensive, detailed and suitable for situation having a varied and appropriate mix with a good palate of both evergreen and deciduous trees and shrubs. The trees proposed are sufficient in height to provide instant



impact whilst still being an appropriate size to aid establishment. A number of trees at the proposed main site entrance are the subject of a TPO. Of these trees, only T1 was proposed for removal due to the presence of "Inonotus dryadeus". The removal of this tree took place in March 2017 under a 5-day notice and so was permitted. A replacement tree will be required and an update will be provided when this information has been received. As shown on Plan ref. BDWS20440-03B, dated May 2016 five other trees are also proposed for removal due to poor or low quality. The tree report and arboricultural impact assessment has been agreed by the Tree Officer.

The proposed development also includes the provision of a LEAP located centrally to the site and is included in the total area of open space provision which amounts to 0.48ha. The Landscape Officer is satisfied that the proposed area of open space is adequate and meets the requirements of the SPG, but has raised concern over the location of the balancing pond so close to the LEAP and would require that fencing and soft landscaping would serve to mitigate any visual effects given its location. An updated plan has been requested to show the fencing around the balancing pond and an update will be provided at Committee.

Overall, it is considered that the proposed development is acceptable in terms of landscaping and open space provision and accords with policies contained within the Neighbourhood Plan (policies H8 and EH6), Policy GEN 28 of the Arun Local Plan, emerging Local Plan policies LAN DM1, SO DM1 and ENV DM4 and with Arun District Council's Open Space and Recreation Standards SPG.

#### **PARKING & HIGHWAY SAFETY:**

Paragraphs 32, 34 and 36 of the NPPF consider sustainable modes of travel and advise that planning decisions should ensure that development that generates significant movements is located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. They also advise that sustainable modes of transport are accessible to all and supports the use of Travel Plans. It is also recognised by Section 4 of the NPPF that sustainable modes of travel are closely linked with health benefits.

Policy GA1 of the Neighbourhood Plan considers the promotion of sustainable movement and states that development proposals that increase travel demand will be supported where it is demonstrated that walking and cycling routes are improved (through financial contribution); that they are located in places accessible to public and community transport or improves the accessibility of the site to public and community transport by contributing towards the provision of services and that they do not result in the loss of existing public rights of way.

Policy GA3 of the Aldingbourne Neighbourhood Development Plan considers parking and new development. It requires that proposals must provide adequate parking in accordance with current standards. Proposals that would result in the loss of parking spaces either on or off street will be resisted.

Emerging policy T SP1 considers transport and development and policy T DM1 considers sustainable travel and public rights of way.

The site would be served by a new access via Hook Lane which has already been approved under permission ref. AL/39/13. The access would be provided by demolishing 'Oakdene' and comprise a bellmouth arrangement, 5.5m wide and supported by 6m corner radii. The access dimensions would allow two vehicles to pass when turning in and out of the access and would allow large service vehicles to safely enter the site. With regard to congestion on Hook Lane, the Local Highways Authority has raised no objection to the scheme with improvements to be made in terms of pedestrian links and road improvements.



With regard to parking, a mixture of allocated parking spaces, visitor parking spaces, garages and cycle parking would be provided, consistent with Policy H9. The development would provide 176 residential parking spaces and 16 marked visitor parking spaces. The 2-bed dwellings and most of the 3-bed dwellings would have 2 parking spaces each. The 4-bed dwellings would benefit from 3 parking spaces each and the 5-bed dwellings would have 4 parking spaces. The Local Highway Authority raises no objection and considers that on-site parking is broadly in accordance with the WSCC Parking Demand Calculator, but there is a shortfall of two unallocated parking spaces. Despite this, internal carriageway widths would enable any overspill parking to be retained within the site. On this basis, it is considered that the development would not give rise to the need for off-site parking on the highway, or result in obstruction of the access and associated visibility splays and is deemed acceptable in principle and in accordance with NP Policy GA3 and Policies GEN7 and GEN12 of the Arun Local Plan.

With regard to internal road layout, carriageway widths of 4.8m have been provided and this is sufficient for a large vehicle to pass a car, with footways of approximately 2m adjacent. Some of the cul-de-sac areas have been designed as shared space with widths of 6m which is also consistent with the Manual for Streets guidance. The layout allows for sufficient space for refuse vehicles, emergency vehicles and vehicles associated with the pumping station to turn and pass other vehicles on site. This is to the satisfaction of the Local Highways Authority following a vehicle tracking exercise which demonstrated that turning manoeuvres are possible and presented in the Transport Assessment accompanying the planning application.

The Management Plan drawing 160104/MC indicates that all hard landscaping areas including carriages and footways are to be managed by an appointed 'Management Company' and are not offered for adoption as publicly maintainable highway. This is satisfactory to the Local Highways Authority, however it is mentioned in their consultation response that should the internal roads require to be publicly maintainable highway, then a Section 38 application should be made.

With regard to off-site highway improvements, a puffin crossing is proposed across the A29 close to Aldingbourne Primary School and would be the subject of a details section 278 design works application. A ghost right hand turn is also to be implemented at Hook Lane/Westergate Street along with widening the Hook lane approach to the Hook lane/Westergate Street junction. In accordance with Policy GA1, the public right of way running along the northern boundary is also to be improved to provide a wider footpath in order to create a sustainable link to shops and services in the village and this too shall be the subject of a Section 278 application. This was however approved at outline stage and is the subject of a S106 agreement.

Sustainable travel is also encouraged by the development, with the submission of a Travel Plan accompanying the planning application. This includes measures to encourage sustainable modes of travel including cycling, walking for short journeys and links to public transport such as bus routes and rail travel as well as car sharing for longer journeys and commuting and accords with emerging Local Plan policy T DM1.

Overall, it is considered that the proposed development is acceptable in terms of parking and highway safety and accords with policies contained within the NP (policies GA1 and GA3), Policies GEN7, GEN12 and GEN15 of the Arun Local Plan, emerging Local Plan policies T SP1 and T DM1 and with Paragraphs 32, 34 and 36 of the NPPF.

**OTHER MATTERS:**

**Foul Drainage:**

Foul drainage is proposed to be accommodated via a pumping station proposed to be located at the south eastern corner of the site. Sewerage has been carefully considered both at outline stage and at reserved matters stage and Southern Water raises no objection. The Applicant has applied to Southern Water for formal section 104 sewer adoption and an approval is awaited. The applicant advises that they have made payment to Southern Water to be used in the provision of additional capacity.

#### Surface Water Drainage:

Pre-commencement conditions were imposed on the outline permission requiring the submission of: a surface water drainage scheme; to gain formal approval for the discharge of any flows to watercourses; the submission of SUDS Management and Maintenance Plan; and the submission of measures to prevent surface water run-off draining to the public highway. Drainage details were submitted with the reserved matters application and therefore the principles of drainage were considered as part of the submission, as they can have an impact of the layout of the scheme. Initial concerns were raised about the long term sustainability of using a pump to facilitate discharge of surface water to the existing ditches. In order to test whether an acceptable sustainable urban drainage scheme could be achieved without the use of a pump, an independent Peer Review of the scheme was carried out. This concluded that the proposed scheme was a robust solution for the site and that a gravity based alternative would have required raising the levels across the site by up to a metre (which could have had negative impacts on the amenity of adjoining residents). The Peer Review also highlighted the need for off site ditches where the discharge points are to be cleared and maintained. Subsequently the site layout and drainage strategy was revised to include permeable paving to the car parking bays, attenuation basins, additional roadside swales and ditches and below ground cellular tanks.

An additional pre-commencement condition that would require arrangements for the future access and maintenance of any watercourse or culvert crossing or abutting the site has been submitted and approved by the Local Planning Authority is recommended. This would ensure that duties and responsibilities required under the Land Drainage Act 1991 as amended can be fulfilled.

Following these amendments further concerns have been raised by the ADC Drainage with regard to the proposed development layout. There is concern that the proposed surface water drainage design does not reflect the existing flow of water through the site currently and that all of the outfalls need to be fully investigated and brought back into working order. A key concern is the maintenance of the eastern drainage ditch. A distance of 3m should be retained in order to allow for maintenance however the proposed layout only allows a distance of 1m.

The outline permission requires details for the drainage scheme to be submitted and formally discharged prior to the commencement of the development. Although the submitted information has informed the layout in terms of where drainage solutions are required, the details of the drainage scheme will be dealt with through the discharge of the drainage conditions under the outline permission. However, there is a possibility that in order for a sustainable drainage system to be achieved on this site, that the layout would have to be amended in order to accommodate the scheme. Therefore, delegated authority is sought to enable any minor amendments to the layout following the satisfactory resolution of the surface water drainage scheme.

#### BIODIVERSITY:

There has also been some concern raised regarding biodiversity at the site by local residents and in particular, great crested newts (and water voles) located in the eastern ditch, birds and bats associated with existing mature trees and buildings to be demolished. The Applicant has submitted an ecological report which provides findings for surveys carried out on site for such species. The ADC Ecologist has been consulted and is satisfied that the ditches on site have negligible potential for supporting great

crested newts and water voles; the trees on site have negligible potential to support roosting bats and therefore do not require further surveys. With regards to bats associated with the demolition of buildings, an Ecological Mitigation and Management Plan has been submitted and approved under Condition 14 of consent reference AL/39/13 relating to outline consent.

On this basis, it is considered that there are sufficient measures in place and details are satisfactory to ensure that the proposed development would result in no significant impact upon biodiversity.

**RECOMMENDATION:**

Delegated Authority be given to the Director of Place to determine the application subject to any amendments following the satisfactory resolution of the surface water drainage scheme and subject to 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 approved shall be carried out in accordance with the following approved plans:

- 160104/LP Location Plan
- 160104/SL Rev X Site Layout
- 160104/CSL Rev F Site Layout Colour
- 160104/SS01 Rev B Streetscenes (sections) Sheet 1
- 160104/SS02 Rev B Streetscenes (sections) Sheet 2

BSO-E4462-020 B Proposed Levels Strategy  
 160104/BP Rev G Boundary Plan  
 160104/TP Rev F Tenure Plan

160104/MC Management Company Plan  
 160104/RP Rev F Refuse Plan  
 BSO/E4462/013 C Highway Layout Review  
 160104/PP Rev F Parking Plan  
 160104/SL Rev X Roof Plan  
 160104/EP Sub Station Elevations and Floor Plan

BSO/E4462/004 E Pumping Station Tanker Swept Path Analysis  
 BSO/E4462/001 G Refuse Vehicle Swept Path Analysis  
 BSO/E4462/002 G Fire Tender Swept Path Analysis

160104/HT/ASH-AFF/EL Ashworth (Affordable) Elevations  
 160104/HT/ASH-AFF/FP Ashworth (Affordable) Floorplans  
 160104/HT/CHA/EL Charnwood Elevations  
 160104/HT/CHA/FP Charnwood Floorplans  
 160104/HT/SHE/EL Sherwood Elevations  
 160104/HT/SHE/FP Sherwood Floorplans

60104/DG1/EP Double Garage 1 Elevations and Plans  
 60104/DG2/EP Double Garage 2 Elevations and Plans  
 60104/SG1/EP Single Garage 1 Elevations and Plan  
 160104/SG2/EP Single Garage 2 Elevations and Plan  
 160104/TG1/EP Triple Garage 1 Elevations and Plan

160104/HT/ASH/EL Ashworth Elevations  
 160104/HT/ASH/FL Ashworth Floorplans  
 160104/HT/HAD-DET/EL Hadley Detached Elevations  
 160104/HT/HAD-DET/FP Hadley Detached Floorplans  
 160104/HT/HAD-END/EL Hadley End Elevations  
 160104/HT/HAD-END/FP Hadley End Floorplans  
 160104/HT/HAD.1/EL Hadley 1 Elevations  
 160104/HT/HAD.2/EL Hadley 2 Elevations  
 160104/HT/HAD.A/EL Rev A Hadley A Elevations  
 160104/HT/HAD.A/FP Rev A Hadley A Floorplans  
 160104/HT/HAD.B/EL Rev A Hadley B Elevations  
 160104/HT/HAD.A/FP Rev A Hadley B Floorplans  
 160104/HT/HAD/EL Rev A Hadley Elevations  
 160104/HT/HAD/FP Hadley Floorplans

160104/HT/HOL/EL Holden Elevations  
 160104/HT/HOL/FL Holden Floorplans  
 160104/HT/LAY.1/EL Layton 1 Elevations  
 160104/HT/LAY/EL Rev A Layton Elevations  
 160104/HT/LAY/FL Layton Floorplans  
 160104/HT/LEI/EL Leighton Elevations  
 160104/HT/MAN/EL Rev A Manning Elevations  
 160104/HT/MAN/FL Rev A Manning Floorplans  
 160104/HT/TAM/EL Tamar Elevations

160104/HT/TAM/FP Tamar Floorplans

BDWS20440 11D - Sheets 1 to 4 Soft Landscape Proposals TO CHANGE TO REFLECT BALANCING POND

BDWS20440 12E - Sheets 1 to 4 Hard Landscape proposals TO CHANGE

BDWS20440 20B Detailed Play Area Proposals

160104/OS Rev B Open Space Areas Plan

BDWS20440 10B Landscape Masterplan TO CHANGE

Reason: For the avoidance of doubt and in the interests of amenity and the environment and in line with policies GEN7 of the Arun District Local Plan, Policies H1, H3, H9 of the Aldingbourne Neighbourhood Plan and Policies H DM1, H DM2, D SP1, D DM1, D DM2 and D DM3 of the Emerging Arun District Local Plan.

- 2 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses on Plots 1 through to 5, Plot 19, Plot 37, Plots 39 through to 44, Plot 67 and 79 (shown on Plan ref. 160104/SL Rev X) shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

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

- 3 No dwelling shall be occupied until provision for their car parking has been made within the site in accordance with the approved details shown on the 'Parking Plan' (ref. 160104/PP Rev F, dated April 2016) by the Local Planning Authority and such provision shall thereafter be used only for the parking of cars.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of adjacent highways and in accordance with Policies GA1 and GA3 of the Aldingbourne Neighbourhood Plan and GEN7 of the Arun District Local Plan.

- 4 No dwelling shall be occupied until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion and in accordance with policies W SP1, W DM1, W DM2 and WDM3 of the Emerging Arun District Local Plan.

- 5 The existing outfall pipe which leaves the site in an easterly direction towards Westergate Street identified in the Surface Water Drainage Strategy plan BSO/R4462/031 D, associated with this development, is to be cleared of any blockages and appropriately repaired, if required, prior to the discharge of any surface water flows into this network associated with the approved development.

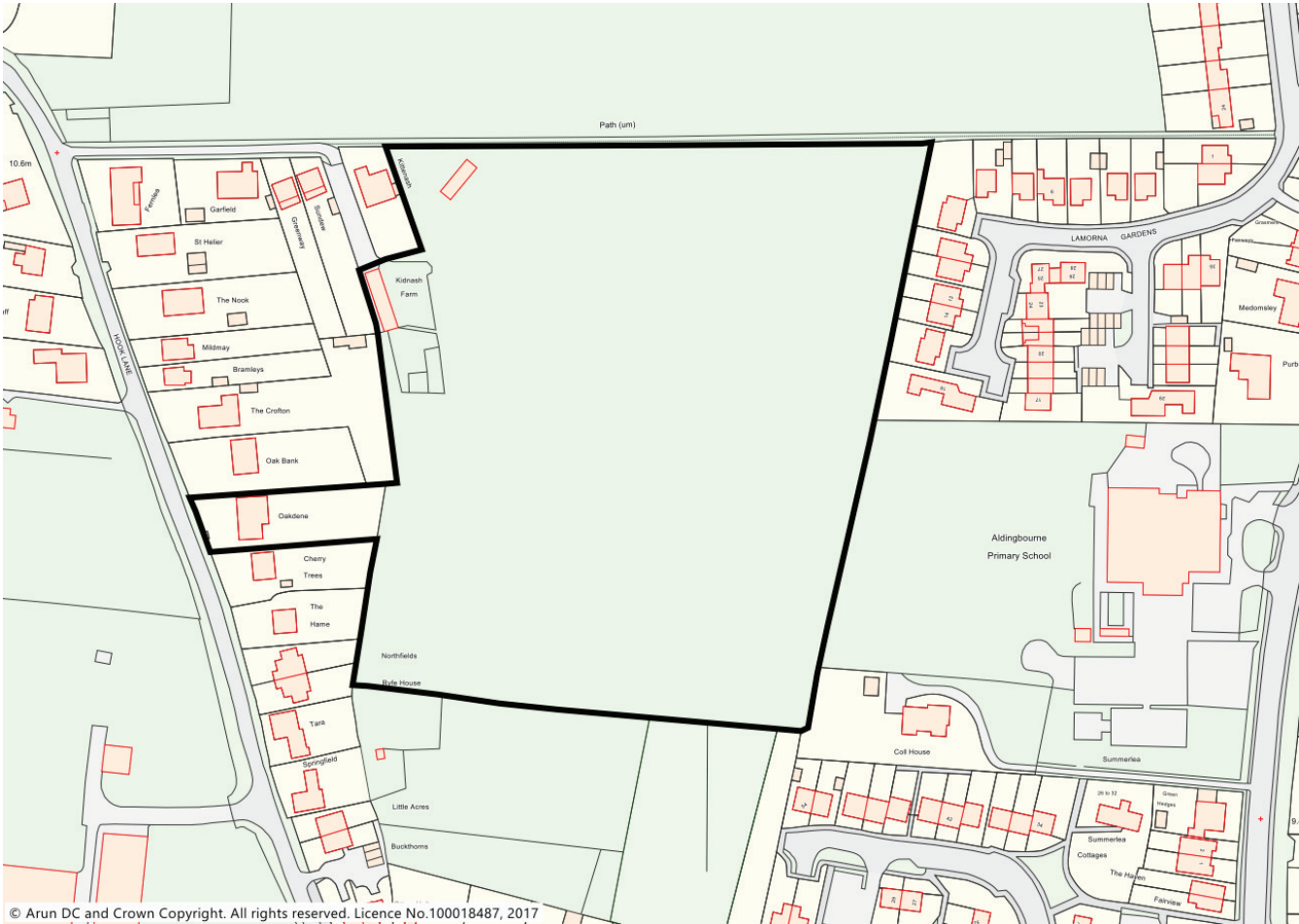
Reason: The proposed outfall pipe is essential to the successful and appropriate drainage of

this residential development in accordance with Policy GEN9 of the Arun District Local Plan.

- 6 INFORMATIVE: Please note that related to this permission there is an agreement under Section 106 of the Town & Country Planning Act 1990.
- 7 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.
- 8 INFORMATIVE: The Applicant intends to manage internal roads via the approved Management Company Plan (160104/MC Rev B) however if the intention is for part or all, or part of the internal road layout to be offered for adoption, the Applicant should provide both an adoptable layout plan setting out the extent of the proposed adoption and an accompanying Design Audit for consideration by the Local Highways Authority, West Sussex County Council, under a S38 application.



**AL/107/16/RES - 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

### PLANNING APPEALS

## APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

### Appeals Awaiting a Decision

<b>AB/115/14/OUT</b> <b>Received:</b> 24-02-15	12 & 14 Canada Road Arundel Outline application with some matters reserved for 2 No. 3 bed semi detached houses <b>Written Representations</b> <b>PINS Ref:</b> APP/C3810/W/15/3003824
<b>AB/135/16/HH</b> <b>Received:</b> 16-03-17	Tortington House Tortington Lane Arundel 2 bay garage, incorporating open car port & artists studio. Resubmission of AB/85/16/HH <b>Written Representations</b> <b>PINS Ref:</b> APP/C3810/D/17/3169968
<b>AW/93/16/HH</b> <b>Received:</b> 30-08-16	Tradewinds 7 Arun Way Aldwick Bay Estate Proposed garage replacing demolished water tank & garden room. Resubmission of AW/122/15/HH <b>Written Representations</b> <b>PINS Ref:</b> APP/C3810/D/16/3157123
<b>BE/138/16/OUT</b> <b>Received:</b> 28-03-17	Land to the rear of 17, 19, 21 & 23 Greencourt Drive Bersted Outline application with all matters reserved for 2 No. dwellings. <b>Written Representations</b> <b>PINS Ref:</b> APP/C3810/W/17/3171399
<b>BE/77/16/OUT</b> <b>Received:</b> 09-01-17	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. <b>Public Inquiry</b> <b>26-09-17</b> <b>PINS Ref:</b> APP/C3810/V/17/3166900
<b>BR/279/16/PL</b> <b>Received:</b> 27-02-17	55 Longford Road Bognor Regis Change of use from single dwelling to house of multi-occupancy for up to seven occupants. <b>Written Representations</b> <b>PINS Ref:</b> APP/C3810/W/17/3168437
<b>FG/69/16/OUT</b> <b>Received:</b> 28-02-17	44 Ferringham Lane Ferring Outline application with some matters reserved for 4 No. 3 bed bungalows (resubmission of FG/196/15/OUT). <b>Written Representations</b> <b>PINS Ref:</b> APP/C3810/W/17/3166634

<p><b>FP/184/16/T</b>  <b>Received:</b> 17-10-16</p>	<p>Manor Flats 100 Felpham Road FELPHAM  Fell to ground level 1No. Blue Atlas Cedar  <b>Written Representations</b>  <b>PINS Ref:</b> ENV/3161078</p>
<p><b>FP/186/16/PL</b>  <b>Received:</b> 21-02-17</p>	<p>Rear of 8-11 South Road Felpham  5 No. dwellings including partial demolition of 10 South Road to allow for access (resubmission following FP/60/16/PL).  <b>Written Representations</b>  <b>PINS Ref:</b> APP/C3810/W/17/3166943</p>
<p><b>LU/153/16/PL</b>  <b>Received:</b> 17-01-17</p>	<p>The Marine Selborne Road Littlehampton  Bedsit (resubmission following LU/183/15/PL). This application affects the character &amp; appearance of the Littlehampton Seafront Conservation Area.  <b>Written Representations</b>  <b>PINS Ref:</b> APP/C3810/W/16/3165293</p>
<p><b>WA/22/15/OUT</b>  <b>Received:</b> 20-01-16</p>	<p>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)) &amp; associated works including access, internal road network, highway works, landscaping, selected tree removal, informal &amp; formal open space &amp; play areas, pedestrian &amp; cyclist infrastructure utilities, drainage infrastructure, car &amp; cycle parking &amp; waste storage. This application is a departure from the Development Plan &amp; also lies within the parish of Eastergate.  <b>Public Inquiry</b>                      <b>01-11-16</b>  <b>PINS Ref:</b> APP/C3810/V/16/3143095</p>
<p><b>Y/19/16/OUT</b>  <b>Received:</b> 08-09-16</p>	<p>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 &amp; associated infrastructure. This application is a Departure from the Development plan  <b>Public Inquiry</b>                      <b>25-04-17</b>  <b>PINS Ref:</b> APP/C3810/V/16/3158261</p>