



Committee Manager : Carrie O'Connor (Ext 37614)

11 May 2017

## **DEVELOPMENT CONTROL COMMITTEE**

A meeting of this Committee will be held in the **Millennium Chamber, Littlehampton Town Council, Church Street, Littlehampton**, on **Wednesday 24 May 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 membership is subject to confirmation at Annual Council on 17 May 2017 and therefore might change)**

**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 26 April 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. \*PREVIOUSLY DEFERRED APPLICATIONS

Updated report on application deferred from a meeting held on 4 January 2017 LU/258/16/PL- 7 No. mobile homes for permanent residency & office building to service mobile homes. This application is a Departure from the Development Plan.Old Mead House, Old Mead Road Littlehampton

Updated report on application deferred from meeting held on 26 April 2017 AL/107/16/RES-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 and East of Hook Lane Westergate.

7. TREE APPLICATIONS

There are no applications to consider.

8. \*PLANNING APPLICATIONS

To consider the attached reports.

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

9. \*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

26 April 2017 at 2.30 p.m.

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

550. APOLOGIES

Apologies for absence had been received from Councillors Mrs Maconachie, Maconachie and Mrs Pendleton.

551. DECLARATIONS OF INTEREST

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

Reasons

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

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

Councillor Wells declared a prejudicial interest in Agenda Item 7, Planning Application AW/24/17/PL, as his company had had dealings with the applicant and he stated that he would leave the meeting during its consideration.

552. MINUTES

The Minutes of the meeting held on 29 March 2017 were approved by the Committee and signed by the Chairman as a correct record.

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553. PLANNING APPLICATIONS

BE/18/17/PL – 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, Land west of New Barn Lane, Bersted Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BN/69/16/PL – 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, Land East of Toll Cottage, Lake Lane, Barnham Having received a report on the matter, together with the officer's written report update detailing corrections to the report, the Committee

RESOLVED

That the application be approved as detailed in the report.

*(Prior to consideration of the following application, Councillor Wells had declared a prejudicial interest and left the meeting and did not take part in the debate or vote.)*

AW/24/17/PL – Variation of condition 4 imposed under BR/846/71 to amend amount of children in attendance, Dizzy Duckling Pre-School, Behind St Richards Church, St Richards Way, Aldwick Having received a report on the matter, together with the officer's written report update detailing a correction to the report relating to mention of the Barnham & Eastergate Neighbourhood Plan, the Committee participated in a full discussion.

Members expressed serious reservations around the noise being created by the children playing in the outside area and the resultant disturbance to nearby residents. The Planning Team Leader advised that, at the moment, the current attendance of 30 children could all play outside at the same time. This application sought to increase attendance to 48 children (in line with a recommendation from Ofsted) but a condition would restrict the outside area being used for only 16 children at any one time.

However, views were expressed that steps needed to be taken to reduce noise levels and it was suggested that the application be deferred to enable further negotiation to take place between officers and the applicant to encourage the implementation of mitigation measures to reduce the problem of noise. It was further

queried as to how the number of children playing outside would be enforced and monitored, together the practicality and value of producing a travel plan.

Having been proposed and duly seconded, the Committee

RESOLVED

That the application be deferred to enable further negotiation between officers and the applicant to address the issue of noise.

AW/61/17/PL – New bungalow on land to the front, 26 Christchurch Crescent, Aldwick Having received a report on the matter, together with the officer's written report update advising that the Section 106 Legal Agreement had now been signed, resulting in the recommendation being changed to read "Approve Conditionally with a Section 106 Agreement", the Committee

RESOLVED

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

AL/107/16/RES – 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 The Committee received a report on the matter, together with the officer's written report update detailing :-

- ADC Greenspace comments
- ADC drainage comments
- Comments on Surface Water Drainage, including two options considered to be acceptable to address concerns raised
- Amended recommendation to delegate authority to the Director of Place to determine the application subject to conditions and subject to any amendments following resolution of the surface water management scheme in accordance with either Option 1 or Option 2 as set out in the update report
- Amended Condition 1 to reflect revised plans

The Principal Planning Officer then gave a comprehensive presentation on the detail of the application and Members were reminded that this reserved matters application followed approval of outline planning permission AL/39/13 (which was granted at appeal) and which reserved all matters except for means of access into

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the site. The remaining matters of layout, appearance and landscaping were therefore now before the Committee for consideration.

It was the view of officers that with regard to appearance, scale and layout; landscaping, trees and open space provision; and parking and highway safety, the proposed development was acceptable and did accord with policies contained in the adopted and emerging Development Plan.

As a result of the concerns raised by both the Council's Drainage Engineers and Aldingbourne Parish Council, a meeting had been held with the applicant to discuss options for the management of surface water at the site. Two options had been agreed (as detailed in the report update), with option1 being the preferred option but, in the event that no south eastern pipe was found or no evidence existed of a ditch, then option 2 would be applied. ADC Drainage Engineers had confirmed their satisfaction with that approach.

In discussing the matter, Members expressed concerns about a number of issues relating to school provision; lack of financial contributions to infrastructure; and density. However, the main concern related to drainage and views were expressed that the matter needed to be determined by Members rather than be delegated to the Director of Place. The Planning Team Leader advised that, should the matter be deferred and further representations be submitted as a result, then an amended report would need to be prepared to take account of and address any further points raised.

Having been proposed and duly seconded, the Committee

**RESOLVED**

That the application be deferred.

#### 554. PLANNING APPEALS

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

(The meeting concluded at 4.25 p.m.)

**AGENDA ITEM 6**

**DEVELOPMENT CONTROL COMMITTEE**

**24th May 2017**

**REPORTS ON APPLICATIONS DEFERRED FROM  
PREVIOUS MEETING**



## REPORTS ON APPLICATIONS DEFERRED FROM PREVIOUS MEETING

<b>AL/107/16/RES</b>	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>(Deferred For Further Negotiations)</b>	Land West of Westergate Street & East of Hook Lane Westergate
<b>LU/258/16/PL</b>	7 No. mobile homes for permanent residency & office building to service mobile homes. This application is a Departure from the Development Plan. <b>(Deferred For Further Negotiations)</b>	Old Mead House Old Mead Road Littlehampton

Report following a request for further information, negotiations or consultation

**REF NO:** AL/107/16/RES

**LOCATION:** Land West of Westergate Street & East of Hook Lane  
Westergate

**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.

This application was deferred for further information on 27 April 2017. The report below has been amended to reflect the additional information.

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</p>
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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:

- 2 bed dwellings - 39%
- 3 bed dwellings - 46%
- 4 bed houses - 11%
- 5 bed houses - 4%

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.

**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**

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.

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.

**SITE CHARACTERISTICS**

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'.

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.

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.

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.

#### 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.

## **REPRESENTATIONS**

### **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.

The Parish Council wishes to respond to the Applicant's rebuttal concerning the drainage and layout proposals as they are linked.

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.

<b>CONSULTATIONS</b>
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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. The revised plans submitted now contain sufficient information regarding additional landscaping to the pond areas, including the provision of 1.2m high post and rail fencing around the balancing ponds.

**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.

#### ADC DRAINAGE - CONCERN RAISED

Although there has been a peer review regarding drainage of 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' the 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 drainage outfalls were fully functioning. ALL existing outfalls should be fully investigated before further comments can be made on the proposed drainage layout.

Any 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 would be sufficient. The working area is normally considered as 3m from the top of the bank to the ditch. Later comments reiterated the importance of achieving a 3m 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.

Following a meeting held with ADC Planning Officers and Drainage, the applicants have proposed two options regarding surface water drainage at the site, which ADC Drainage would be satisfied with. If Option 1 does not prove feasible, Option 2 (based on the Peer Review) would be applied to the scheme.

#### ADDITIONAL RESPONSES SINCE 26 APRIL DEVELOPMENT CONTROL COMMITTEE:

##### ARUN DC DRAINAGE-

Until the investigation works into the south eastern outfall have been completed it is not possible to rule out the Option 1.

A 3m easement has also been designed into the scheme to the satisfaction of the drainage authority.

##### WSCC STRATEGIC PLANNING:

A response was received from WSCC Strategic Planning on the 28th April setting out that the following contributions were required:

£193,482 on additional facilities at Aldingbourne Primary School.

£208,235 on additional facilities at Ormiston Six Villages Academy.

£48,782 on additional facilities at Ormiston Six Villages Academy Sixth Form.

£20,253 on expansion of the facilities at Bognor Regis Library.

£1,650 Fire and Rescue Service Contribution to be used towards supply and installation of additional fire safety equipment/smoke alarms to vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Aldingbourne.

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Comments on additional consultee responses post 26th April are included in the main conclusions.

<b>POLICY CONTEXT</b>
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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

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

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
D SP1	Design
H DM1	Housing Mix
OSR DM1	Open Space, Sport & Recreation
W DM3	Sustainable Urban Drainage Systems
ENV DM4	Protection of Trees
INF SP1	Infrastructure provision and implementation

[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.

<b>CONCLUSIONS</b>
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## 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 &amp; 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 had been raised by the ADC Drainage and Aldingbourne Parish Council 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 initially only allowed a distance of 1m. The layout has subsequently been amended to include a 3m easement along the eastern boundary.

Further to the concerns being raised by ADC Drainage and Aldingbourne Parish Council, the Applicant has provided a response addressing each point raised. In light of this, a meeting was held with ADC Drainage and the Applicant and their hydrologists on the 19th April to discuss the surface water drainage options for the development. The Options agreed to be investigated were:

Option 1: With ADC assistance and powers of access explore the possibility of an offsite pipe / ditch through the garden of Woodlands, Hook Lane. If a pipe / ditch is located David Wilson Homes agree to repair / replace / or reinstate the ditch using reasonable endeavours to allow this to be used as a further drainage discharge point. This will be in addition to the Eastern drainage discharge point (the subject of the Peer review) which David Wilson Homes agree to repair / replace using reasonable endeavours. In addition to this it is agreed that the pump freeboard will be 200 - 300mm above the ditch level and the ditch will be re-graded to allow a better flow to the eastern outfall point. A baffle will be inserted into the ditch and the pump will discharge two flows - one to the north of the baffle and one to the south. This will allow the flow of surface water from this site to mimic the greenfield arrangement currently in place.

Option 2: As per the Peer Review strategy with the drainage flows utilising the eastern discharge point. This discharge point will be repaired / replaced using reasonable endeavours by David Wilson Homes, this may require the assistance of ADC and powers of access. In addition to this it was agreed the pump freeboard will be 200 - 300mm above the ditch level and the ditch will be re-graded to allow a better flow to the eastern outfall point.

Option 1 would be the preferred option, however should no south eastern discharge pipe be found or no evidence exists of a ditch following the use of reasonable endeavours, Option 2 shall be applied.

It is also important to note that 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.

#### 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.

#### UPDATED CONCLUSIONS FOLLOWING 26th APRIL DEVELOPMENT CONTROL COMMITTEE:

#### INFRASTRUCTURE

The S106 Agreement attached to the outline permission included the provision of 30% affordable housing, as well as index linked contributions towards: fire and rescue service, halls, pools and 3G pitches, healthcare, libraries, strategic highways. It also included highway and footpath works. It did not include contributions towards education as there was spare capacity in the Barnham Area to accommodate pupil numbers from the development at the time the application was determined. As the principle of the development has already been established at the outline stage, including the impact of the proposals in relation to education provision, these principles cannot be revisited as part of the

reserved matters application which is only considering matters of appearance, scale, layout and landscaping. Therefore it is not possible in planning law to amend the agreed S106 obligation to include the education contributions requested by WSCC.

**DRAINAGE**

Investigation into Option 1 was carried out at the end of April/beginning of May but has not yet been concluded due to difficulties in obtaining access to the properties where the ditch was/is located. Access has been granted for the week commencing 15th May. This will determine if that pipe/ditch is at the right level to drain the development. If it is not at the right level (i.e. too high) then the pipe/ditch will not be a suitable means of draining the site and the eastern ditch will provide the main outfall (as set out in Option 2). However, if it is at the right level then further investigation will be required in order to determine whether the pipe/ditch is clear or blocked. If blocked then further work would be required to determine if it is suitable. Once the Option has been confirmed, an Update will be provided.

**RECOMMENDATION:**

The application is approved 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**

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:

Site Layout Plan - 160104/SL Rev Y  
Site Layout Plan - 160104/CSL Rev G

Boundary Plan - 160104/BP Rev H  
Tenure Plan - 160104/TP Rev G  
Management Company Plan - 160104/MC Rev C  
Materials Schedule - 160104/MS Rev K  
Parking Plan - 160104/PP Rev G  
Soft Landscape Proposals - BDWS20440 11G Sheets 1 to 4  
Open Space Areas Plan - 160104/OS Rev C  
Landscape Masterplan - BDWS20440-10B Rev C

160104/SS01 Rev B Streetscenes (sections) Sheet 1  
160104/SS02 Rev B Streetscenes (sections) Sheet 2  
BSO-E4462-020 B Proposed Levels Strategy

160104/RP Rev F Refuse Plan  
BSO/E4462/013 C Highway Layout Review  
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 12E - Sheets 1 to 4 Hard Landscape proposals  
 BDWS20440 20B Detailed Play Area Proposals

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.

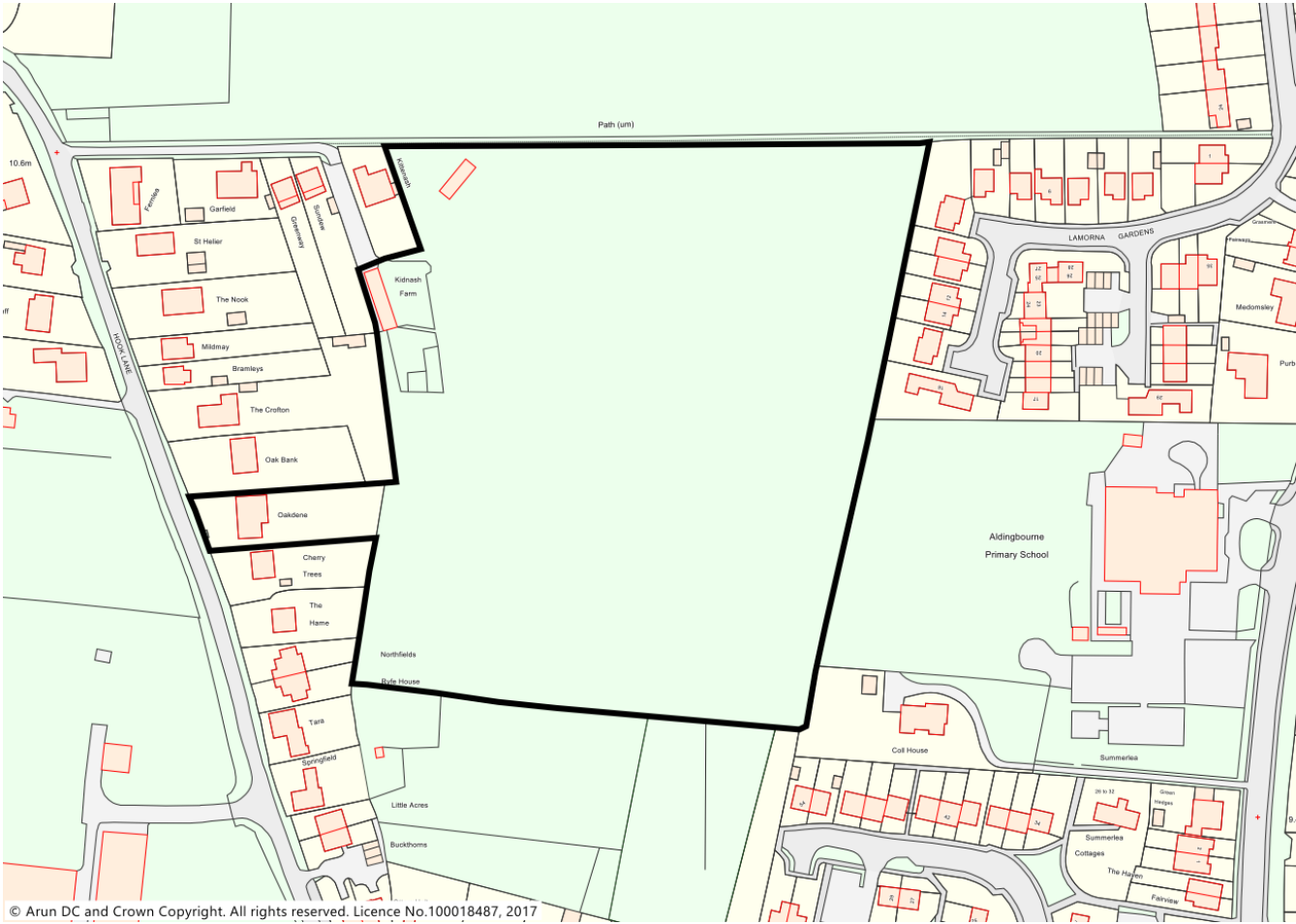
- 5 The existing outfall pipe which leaves the site in an easterly direction towards Westergate Street identified in the Surface Water Drainage Strategy plan BSO/R4462/031 D, associated with this development, is to be cleared of any blockages and appropriately repaired, if

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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Report following a request for further information, negotiations or consultation

**REF NO:** LU/258/16/PL  
**LOCATION:** Old Mead House  
 Old Mead Road  
 Littlehampton  
**PROPOSAL:** 7 No. mobile homes for permanent residency & office building to service mobile homes. This application is a Departure from the Development Plan.

The application was deferred by the Committee on the 4th January 2017 to enable more detailed plans to be presented. The below report has been amended to reflect the amendments to the scheme.

PLANNING APPLICATION REPORT

**REF NO:** LU/258/16/PL  
**LOCATION:** Old Mead House  
 Old Mead Road  
 Littlehampton  
 BN17 7PU  
**PROPOSAL:** 7 No. mobile homes for permanent residency & office building to service mobile homes. This application is a Departure from the Development Plan.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	The application seeks planning permission for 7 no. mobile homes situated outside of the built up area boundary for permanent residential occupation. The application also seeks permission for the construction of a detached office building described in the application form as being "single storey office building to serve 7 no. residential caravans". However, a subsequent email received from the agent on the 25th November 2016 stated that the office was "to be the administrative offices for all of the family's holdings and projects".
SITE AREA	Approximately 0.14 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The boundaries of the site are generally open with the western boundary of the site featuring chain link fencing and concrete posts to approximately 1.8m in height.

SITE CHARACTERISTICS	The site is currently overgrown with a portion of it featuring a disused poly tunnel.
CHARACTER OF LOCALITY	The character of the locality is predominantly rural with an existing mobile home park to the north. To the west of the site is a solar farm measuring approximately 5.2 hectares.

<b>RELEVANT SITE HISTORY</b>
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None.

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

Littlehampton Town Council

The Town Council's Planning and Transportation Committee considered this matter at its meeting held on Monday 14th November 2016 and object to the application on the grounds that the proposed development was situated outside the built area boundary and constituted a departure from the Development Plan. The application also lacked detail such as a design and access and drainage statement to enable a proper assessment of the impact of the planned development.

1 No. letter of objection:

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

**COMMENTS ON REPRESENTATIONS RECEIVED:**

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

In response to the 1 no. letter of objection:

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

<b>CONSULTATIONS</b>
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- WSCC Strategic Planning
- Environment Agency
- Environmental Health
- Engineers (Drainage)
- Engineering Services Manager

**CONSULTATION RESPONSES RECEIVED:**

Below is a summary of the consultation responses received. Full consultation responses are available on the Arun District Council website.

ENVIRONMENT AGENCY

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

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

ENGINEERS (DRAINAGE) - 17/11/2016

Please apply standard condition ENGD2A.

ENGINEERS DRAINAGE - 10/04/2017

Previous comments still apply, no further comments.

WSSC STRATEGIC PLANNING - 18/10/2016

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

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

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

There are no footpaths at this end of Mead Lane and it is similar to a shared surface street.

Pedestrians should be considered at the access and we would advise pedestrian visibility splays of 2m x 2m are provided, at the very least.

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

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

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

in, as another form of sustainable transport.

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

#### WSCC STRATEGIC PLANNING - 01/03/2017

The road is private and not maintained by the LHA; however the plans show the road has been widened to allow two cars to pass each other and WSCC are satisfied this provides a safe road layout.

#### ENVIRONMENTAL HEALTH - 20/10/2016

It appears that the proposed use is unlikely to comply with the accepted standards for 1 Model Standards 2008 for Caravan Sites in England, Caravan Sites and Control of Development Act 1960 - Section 5, DCLG, April 2008 residential mobile home parks or site licensing requirements.

If recommended for approval then I recommend conditions as below.

1. Construction management plan to be submitted.
2. Submission of detailed scheme of external lighting.
3. Model Standards for Caravan Sites in England condition.

#### ENVIRONMENTAL HEALTH - 30/03/2017

Having reviewed the development proposal, it has been determined that any noise from the proposed use is not likely to be noticeable at the nearest noise sensitive receiver.

However, it appears that the proposed use is unlikely to comply with the accepted standards for residential mobile home parks or site licensing requirements. As insufficient information is available for the assessment and determination of the proposed use, I therefore recommend refusal unless a detailed design statement, complying with national and local standards is submitted to, and approved by, the Planning Authority.

If recommended for approval then I recommend conditions as below.

Conditions the same as those requested in the consultation response dated 21/10/2016.

#### **COMMENTS ON CONSULTATION RESPONSES:**

Comments noted. Requested conditions included in the recommendation report.

However, Condition 1 Proposed by Environmental Health was considered a duplicate of WSCC Construction Management condition.

Condition 3 requested by Environmental Health relates to Site Licensing and as such is not considered necessary in the determination of this application - an informative has been included advising the applicant to contact Environmental Health to discuss site licensing requirements in the event of the application being approved.

## POLICY CONTEXT

Designation applicable to site:  
Outside built area boundary

### DEVELOPMENT PLAN POLICES

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

AREA10	Strategic Gaps
GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN12	Parking in New Development
GEN32	Noise Pollution
GEN33	Light Pollution
GEN9	Foul and Surface Water Drainage

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

D DM1	Aspects of Form and Design Quality
SD SP3	Gaps Between Settlements
D SP1	Design
SD SP2	Built -Up Area Boundary
QE DM1	Noise Pollution
QE DM2	Light Pollution
W DM3	Sustainable Urban Drainage Systems
WM DM1	Waste Management

#### [Littlehampton Neighbourhood Plan 2014 Policy 2](#)    A Spatial Plan for the Town

### PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

## POLICY COMMENTARY

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

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

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

The Neighbourhood Development Plan

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

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

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).

Whilst an NDP is under preparation it will be afforded limited weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

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

## DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

## OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. Namely that the proposed development by virtue of the existing character of the locality will not adversely impact upon the countryside. It is also considered that the National Planning Policy Framework under paragraph 28 supports the diversification and expansion of all sustainable growth and expansion of all types of business and enterprise in rural areas.

## CONCLUSIONS

### INTRODUCTION

The application has been amended since it was last presented at Development Control Committee with the number of mobile homes having been reduced from 8 to 7. The proposed access road for the site has also been widened to allow two way vehicular movement and additional parking provision has been included in relation to the proposed office building. WSCC have been re-consulted in relation to this matter. The proposal now also includes reference to the provision of a foul treatment plant (FTP) on site.

Environmental Health have retained the view that the proposal based upon the site layout plan would fail to gain a site licence. However, this matter falls outside of the planning system and does not constitute justification for refusal as it is controlled by other legislation.

It remains that insufficient information has been provided in relation to lighting, drainage and the proposed FTP. However, it is considered that these matters can be adequately addressed and controlled through the use of conditions to avoid unacceptable harm to the character or amenity of the locality. Conditions 4, 6 and 9 relate specifically to these matters.

### PRINCIPLE

The site is outside the built up area of Littlehampton in a location that is not allocated for housing in the Local Plan 2003. The site is similarly not identified in the emerging Arun District Local Plan.

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

The NPPG has provided clear guidance on the issue of the weight that can be given to both the adopted

local plan and emerging or made Neighbourhood Plans where the Council cannot demonstrate the 5 year supply of deliverable housing sites. Therefore the adopted development plan policies relating to housing supply are out of date and the emerging Local Plan policies carry limited weight at this time.

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

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

A written Ministerial Statement was published on the 13th December 2016 which stated that;

"relevant policies for the supply of housing in a neighbourhood plan, that is part of the development plan, should not be deemed to be 'out-of-date' under paragraph 49 of the National Planning Policy Framework where all of the following circumstances arise at the time the decision is made:

- this written ministerial statement is less than 2 years old, or the neighbourhood plan has been part of the development plan for 2 years or less;
- the neighbourhood plan allocates sites for housing; and
- the local planning authority can demonstrate a three-year supply of deliverable housing sites.

The statement applies to decisions made on planning applications and appeals from the date it was laid."

The Council are currently only able to demonstrate <2 year HLS and as such the policies relating to the supply of housing in the Littlehampton Neighbourhood Plan must be considered 'out-of-date' under para 49 of the NPPF in accordance with the written ministerial statement.

Therefore, as the Council are only able to identify a <2 year HLS the Littlehampton Neighbourhood Plan policies in relation to supply of housing can only be attributed limited weight in the determination of this application.

#### CHARACTER AND APPEARANCE

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

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

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



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

#### RESIDENTIAL AMENITY

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

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

#### NPPF TEST ON SUSTAINABILITY

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

##### Environmental Role -

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

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

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

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

##### Social Role -

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

##### Economic Role -

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

local economy which is in favour of the proposed development.

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

#### NATIONAL PLANNING POLICY FRAMEWORK

Paragraph 28 of the National Planning Policy Framework states that "the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings" should be supported. It is deemed that the proposed office has been designed with the constraints of the site having been considered.

The proposed development the subject of this application is well designed and in keeping with the established character of the locality with the proposal constituting sustainable development and as such the proposed office development is deemed to accord with the NPPF.

#### HIGHWAY

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

The proposal has also been amended with the access road having been increased in width allowing two vehicles to pass.

#### NOISE AND LIGHT POLLUTION

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

However, it is considered that insufficient information has been provided in relation to lighting at the site. Therefore, a condition has been included with this recommendation requiring the submission of an external lighting scheme to be submitted to and approved by the Local Authority prior to the occupation of the site.

#### DRAINAGE

Conditions have been included with the recommendation report requiring the submission of full details concerning surface water drainage.

The amended scheme includes the installation of a septic tank on site for 24 people. However, limited information has been provided in relation to the proposed septic tank and additional comments are still awaited from the Environment Agency following amendment to the scheme. Therefore, a condition has been included with the recommendation requiring submission of full details regarding the proposed septic tank and its maintenance for approval by the local planning authority in conjunction with the Environment Agency prior to the implementation of the use.

#### SITE LICENSING

Whilst not a material consideration in the determination of this application it has been raised by the Environmental Health department that the proposal by virtue of its layout would likely fail to accord with the accepted standards for residential mobile home parks or site licensing requirements. The agent for this application was previously made aware of this.

The scheme has subsequently been amended with the number of mobile homes provided at the site having been reduced from 8 to 7. Despite this reduction in numbers it has been noted by Environmental Health that the proposal is unlikely to comply with the accepted standards for residential mobile home parks or site licensing requirements. Despite this site licensing is separate to the

determination of the application on its planning merits and as such the proposals lack of compliance with site licensing requirements does not constitute justification for refusal of this application.

**SUMMARY**

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

**HUMAN RIGHTS ACT**

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

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

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

**RECOMMENDATION**

**APPROVE CONDITIONALLY**

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

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

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

- Location Plan - PL26-01A (06/03/2017)
- Block Site Plan - PL26-02C (06/03/2017)
- Proposed Floor Plans & Elevations - PL37-03 (06/03/2017)

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 office building have been submitted to and approved by the Local Planning Authority and the

materials so approved shall be used in the construction of the building.

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

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

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

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

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

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

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

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

Reason: In the interests of highway safety and the amenities of the area in accordance with Arun District Local Plan policy GEN7 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because the purpose of the condition is to mitigate the impact of construction.

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

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

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

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

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

Reason: To provide alternative travel options to the use of the car in accordance with the National Planning Policy Framework.

- 9 The development shall not commence until full details of the proposed foul treatment plant has been submitted to and approved in writing by the Local Planning Authority (including details of its routing, design, and subsequent management/maintenance).

No mobile home shall be occupied until the foul water drainage scheme has been 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 Council Local Plan.

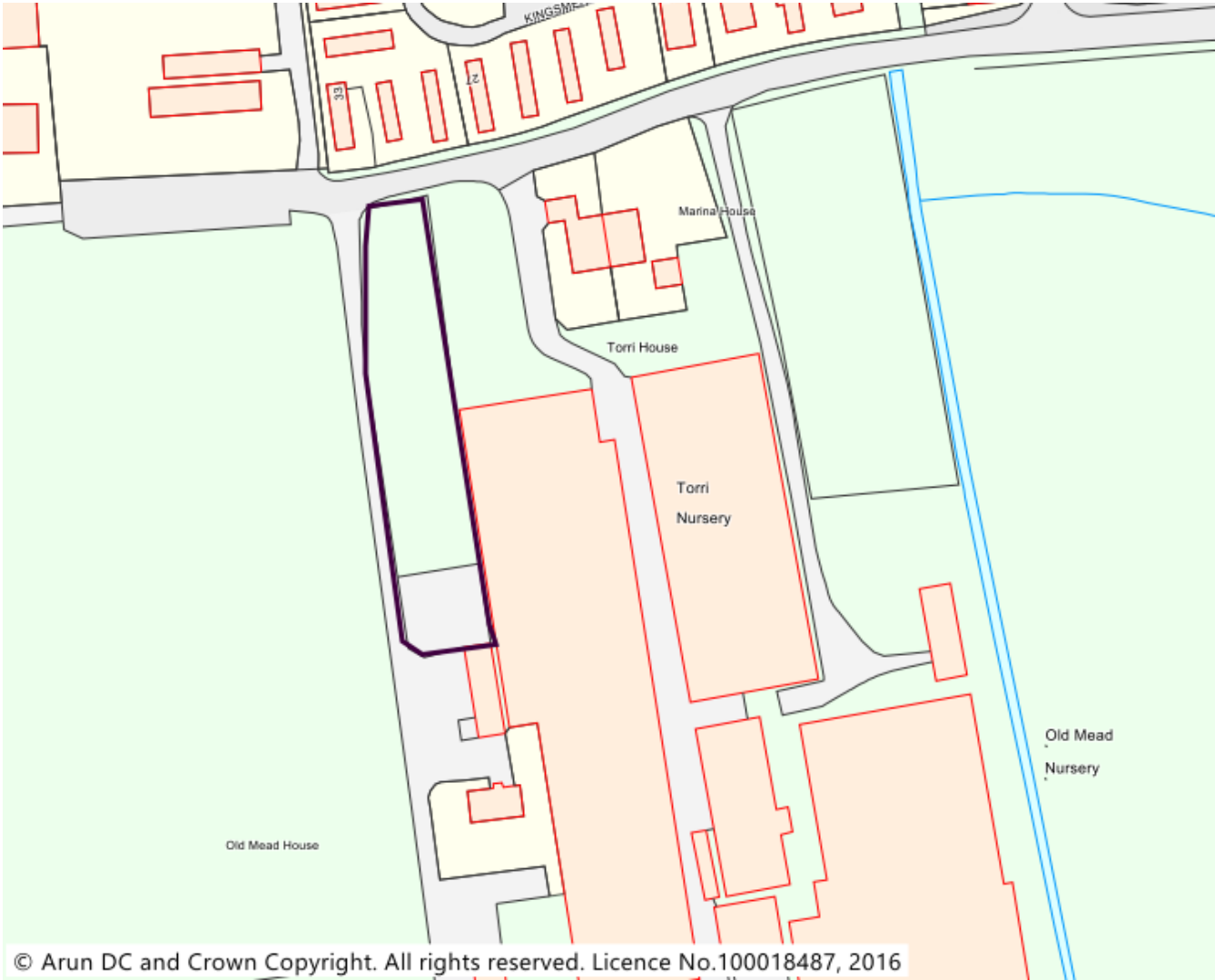
- 10 INFORMATIVE: A site license will be required prior to the implementation of the approved use. The applicant should contact the Council's Environmental Health Department to discuss site licensing on (01903) 737755.

- 11 INFORMATIVE: It is understood that a private treatment system is proposed for foul drainage. This may require an Environmental Permit. The Environmental Permitting Regulations (England and Wales) 2010, cover water discharge activities, groundwater activities, radioactive substances, waste, mining waste and installations. Please see the Environment Agency's website for further information: <https://www.gov.uk/permits-you-need-for-septic-tanks/overview>.

- 12 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.

- 13 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 trees for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

**LU/258/16/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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**AGENDA ITEM 8**

**DEVELOPMENT CONTROL COMMITTEE**

**24th May 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**

**EAST PRESTON**

<b><u>Reference</u></b>	<b><u>Development Description</u></b>	<b><u>Location</u></b>
<a href="#">EP/41/17/PL</a>	1 No. dwelling & dormer to front elevation & velux roof windows to rear roof slope to 4 Beechlands Cottages.	Land adjacent to 4 Beechlands Cottages & 4 Beechlands Cottages Beechlands Close East Preston BN16 1JT
<b>Case Officer:</b>	Mr A Wood	
<b>Recommendation:</b>	Approve Conditonally	

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**EASTERGATE**

<b><u>Reference</u></b>	<b><u>Development Description</u></b>	<b><u>Location</u></b>
<a href="#">EG/57/16/PL</a>	Medical centre with pharmacy retail unit & other ancillary uses together with access onto Barnham Road & associated car parking. This application is a Departure from the Development Plan.	Land adjacent to the Croft Practice Barnham Road Eastergate PO20 3RP
<b>Case Officer:</b>	Mr S Davis	
<b>Recommendation:</b>	Approve Conditonally	

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**FELPHAM**

<b><u>Reference</u></b>	<b><u>Development Description</u></b>	<b><u>Location</u></b>
<a href="#">FP/264/16/PL</a>	Erection of 2 No. dwellings.	10 Kingsmead Felpham PO22 7BE
<b>Case Officer:</b>	Mr S Davis	
<b>Recommendation:</b>	Approve Conditonally	

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**LITTLEHAMPTON**

<b><u>Reference</u></b>	<b><u>Development Description</u></b>	<b><u>Location</u></b>
<a href="#">LU/56/17/PL</a>	Change of use of ground floor from retail shop (A1 Shops) to hot food takeaway (A5 Hot Food Takeaway) & associated works.	22 Beach Road & 3 Evans Gardens Littlehampton



**Case Officer:** Mr D Easton  
**Recommendation:** Approve Conditonally

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PLANNING APPLICATION REPORT

**REF NO:** EP/41/17/PL

**LOCATION:** Land adjacent to 4 Beechlands Cottages  
& 4 Beechlands Cottages  
Beechlands Close  
East Preston

**PROPOSAL:** 1 No. dwelling & dormer to front elevation & velux roof windows to rear roof slope to 4 Beechlands Cottages.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	0.03 hectares
RESIDENTIAL DEVELOPMENT DENSITY	50 houses per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.8 metre close boarded fence enclosing rear garden, Open to plan side elevation and front.
SITE CHARACTERISTICS	The site is a newly built block of 4 terraced 2/3 bedrooomed properties with an unmade private access road 10 metres wide to the east side serving a block of land to the rear of a nearby parade of shops including a garage block, unmade hard standing parking areas and a small dilapidated commercial building.
CHARACTER OF LOCALITY	A residential area with a commercial shopping parade to the west. Beechlands Close is accessed from the main road, Sea Road and intersects a parade of local shops. The applicants terraced block just behind the parade of shops faces onto a residential street with a similar terrace block opposite and a cul de sac of bungalows to the east.

**RELEVANT SITE HISTORY**

EP/91/09/ - Construction of 4 terraced houses at Beech Close - Approved Conditionally - Decision date - 13/08/2009

**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**

East Preston Parish Council

Objection on the grounds of ;

- 1) Additional terrace would unbalance existing block of 4 terraces due to;
  - i) Different roofline at either end of terrace.
  - ii) Step forward of new dwelling at the front.
  - iii) Use of cladding not flint work on the front elevation not matching 4 other terraced houses.
  - iv) No door to the front of the dwelling unlike other terraced houses.
- 2) Concern about narrow gap between south eastern corner of the property and fence line.
- 3) Concern about vehicular access to the side road to the east leading behind shops and concern that the delivery goods vehicles would use the narrow service road to the west of the terrace.
- 4) Contrary to policy GEN 7 and DEV 19 as it does not respond to the characteristics of the area and does not sympathetically relate to the existing houses and is not visually integrated with them.
- 5) Contrary to Policy 1 of the East Preston Neighbourhood Plan because it would not reflect and enhance the character of surrounding buildings nor would it look like part of the original symmetrical design of the terrace.

The East Preston & Kingston Preservation Society

Object for the following reasons;

- 1) Proposal should be treated as an extension.
- 2) Proposal would create an unbalanced structure and destroy the symmetry of the terrace due to additional dormer at eastern end and entrance door on side elevation.
- 3) Object to use of fibre board making the new dwelling appear as an afterthought.
- 4) Contrary to Policy GEN 7 and DEV 19 of the Arun District Local Plan and Policy 1 of the East Preston Neighbourhood Plan (for reasons set out above).
- 5) Traffic hazard as large vehicles need to use access road to shops to east of the new dwelling.
- 6) Inappropriate place of entrance door to new dwelling on the narrow driveway

1 letter of support was received from a member of the public citing the following reasons;  
Development would obscure an eyesore (servicing, garages area to the rear) and is an opportunity to improve the appearance of the area. for everyone subject to a few visual modifications recommended at the Parish Council meeting.

12 letters of objection from members of the public citing the following issues;

Reduction in size of side road leading behind shops is unacceptable.  
The road is used for shop delivery vehicles/removal vehicles and cars with trailers.  
No room for vehicles to pass.  
Large delivery vehicles having to reverse up the road causing a hazard to road users and pedestrians.  
Area to rear of the proposed house used for parking.  
Restrict access for emergency vehicles.  
Capacity of Beechlands Close in terms of access, manouvering area and parking inadequate. Restricted additional parking to the front of parade of shops.  
Inadequate provision of parking for additional dwelling.

Too much infill building - busy roadways, congestion and parking issues around the north end of the village impacting on safety including the safety of the infant and junior school.

Infilling no benefit to village.

Access to proposed property severely limited and hazardous.

Shop delivery vehicles would park on the main road (North Road/Sea Road) on the bend before the shops and would cause a nuisance.

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

West Sussex County Council Highways Authority have not objected to the proposal on safety or other grounds.

The unmade road would be reduced from 8.6 metres in width at its narrowest point to 3.2 metres as a result of this proposal. It is noted that various individuals and businesses use the unmade road and hardsurfaced areas for access and parking. These matters are however private legal issues of ownership and rights of access and will not be considered as planning issues in this report.

The other issues raised by the Parish Council, East Preston and Kingston Preservation Society and members of the public will be addressed in the conclusion below.

#### **CONSULTATIONS**

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

WSCC Strategic Planning

Scotia Gas Networks

Southern Electric

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

West Sussex County Highways - No objection subject to conditions regarding retention of parking space and cycle storage

ADC Drainage Engineers - No objection.

Southern Water - No objection subject to an informative.

Scotia Gas Networks - No objection, no gas pipes shown in the vicinity of the proposed development.

#### **COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

#### **POLICY CONTEXT**

Designation applicable to site:

CLASS C ROAD

ADOPTED LOC PLN

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
DEV19	Extensions to existing residential buildings

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

SD SP2	Built -Up Area Boundary
D DM1	Aspects of Form and Design Quality
D DM3	External Space Standards
D DM4	Extensions & Alterations to Existing Buildings

<u><a href="#">East Preston Neighbourhood Plan 2014 Policy 1</a></u>	Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 3	Design in Character Area Two

**PLANNING POLICY GUIDANCE:**

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

**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.

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

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

## The Neighbourhood Development Plan

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

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

Policies NEEP 1 - Housing General Principles and Policy 3 - Design in Character Area Two of the East Preston Neighbourhood Plan are considered relevant to this application.

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

East Preston Neighbourhood Plan does not have policies relating to the supply of housing and therefore the above statement does not apply.

### 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 falls within the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy considerations in the determination of this application are considered to be DEV19, GEN7, GEN 12 of the Local Plan; Policy 1 and 3 of the East Preston Neighbourhood Plan (EPNP); D DM1, D DM3 and D DM4 of the Emerging Arun District Local Plan; and the NPPG and NPPF.

## DESIGN AND VISUAL AMENITY

It is acknowledged that the proposed new roof extension to an existing terrace and new terraced dwelling at the end of terrace including additional roof dormers, the stepped forward frontage of the new dwelling and the doorway to the side of the dwelling would alter the appearance of the block however the original 4 terraced dwellings were constructed using flint work and stone quoins on the front elevations and hipped roofs in a Sussex vernacular style, features typical of cottages. The materials and general style of the block are not one of a formal block of terraces. A vernacular cottage style development would not necessarily be symmetrical. In addition the 4 properties are newly built (2009) and if an application of 5 terraced properties as configured after the addition of a dwelling here proposed, had originally been submitted it would have been likely to have been approved. It is considered, that with this in mind, the change in appearance would not be unacceptable.

The roof extension of 4 Beechlands Close and the additional terraced dwelling on the eastern end of the terrace would match the roof height of the terrace and general scale of the existing terraced houses in the block. The general design of the new build elements would use matching materials including an amendment to use flint work on the front elevation of the new dwelling.

For this reason, subject to a condition requiring approval of precise matching materials to be used, the proposed roof extension is considered to be subservient to the existing dwelling. The additional new dwelling can be suitably accommodated within the space available. It is not considered to be out of keeping with the existing terrace or surrounding area nor to have a significant adverse impact upon the established character of the block of terraces and the locality because the design of the additional extension and new dwelling would be sympathetic with the style of the current 4 terraced properties.

The additional dwelling and roof extension are not considered to have an unacceptably adverse impact upon the spatial pattern or character of the street scene and for the above reasons the development is considered to comply with policy DEV 19 and GEN 7 of the Arun District Local Plan and policy 1 of the East Preston Neighbourhood Plan.

The dwelling will have a gross internal floor area of approximately 109 sq.m. above the requirements of the Nationally Described Space standards contained within the National Planning Policy Guidance. The external amenity space would be 10 metres in length and approx. 67 metres in area and is considered to comply with policy D DM3 of the Emerging Arun District Local plan.

## RESIDENTIAL AMENITY

The proposed roof extension and new dwelling would be located approximately in line with the existing terraces rear and front building lines (except the 90 cm projection of the front element of the new dwellinghouse). The development would therefore not negatively impact the terrace dwellings in terms of a loss of light, overbearing impact or loss of privacy.

There are no dwellings within 23 metres of the front or rear elevations of the proposed dwelling or new roof dormer extension and the bungalow to the east side beyond the side access road has no primary habitable facing windows in its side elevation 13 metres away from the new side elevation of the dwelling proposed. A first floor bathroom window in the side elevation of the proposed dwelling at first floor level

would be conditioned to be obscure glazed and non opening below 1.7 metres in height to protect the privacy of the neighbouring bungalow at 1 Beechlands Close.

The development is considered to accord with policy GEN7(iv) and DEV 19 (iii) of the Arun District Local Plan.

#### PARKING

WSCC Highways Authority have made no objection to the proposed provision of 1 parking space for the proposed new dwelling and the location of the property is considered to be sustainable with good access to shops, facilities and public transport on nearby Sea Road.

In addition, WSCC Highways consider that use of the side access road to the east of the new dwelling would not be heavily used. According to County Highways the side access to the dwelling would have a 'level traffic generation anticipated from these existing garages the Local Highway Authority (LHA) consider that a chance of conflict between vehicles travelling in opposing directions would be negligible.'

#### SUSTAINABILITY

This site is within 50 metres of a parade of local shops and other services upon which it could be expected to rely. In terms of public transport there are bus stops within 50 metres and Angmering railway station is within 1 kilometre of the site. It is considered that the development is consistent with policy in respect of sustainable development in policy GEN7 (iii) of the Local Plan.

#### NPPF TEST ON SUSTAINABILITY:

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

#### Environmental Role

The site is located within the existing built up area and is within easy walking distance of shops services, transport hubs as well as leisure opportunities.

As such it would be possible to walk, cycle or catch a bus from the site to nearby shops & facilities and this option would be reasonably attractive in comparison with use of the private car. This weigh in favour of the proposals in terms of environmental aspects of sustainability

#### Social Role

It is considered that the proposal will support the local community by providing an additional family dwelling at the affordable end of the market in the area constituting to the diversity of market housing available. This factor weighs in the scheme's favour.

#### Economic Role

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

#### Assessment-



The NPPF requires there to be a presumption in favour of the proposals which are located in a sustainable location. The site lies within the built up area boundary, is located in a location adjacent to a local shopping parade, close to local services & facilities. It is considered that the site would not be car reliant and that people can walk, cycle or use public transport to reach all facilities and to take advantage of local and regional employment opportunities. It is considered therefore that this site could represent a sustainable location of an additional housing unit within the existing built up area boundary.

## SUMMARY

The development is considered to accord with relevant development plan policies and as such is recommended for approval 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;

Dwg.no. 2.02 Rev B - Proposed plans and elevations dated 25/04/17

Dwg.no. 2.03 Rev A - Proposed Site Plan, Block Plan and Location Plan dated 28/1//2016  
Dwg.no. 2.04 - Cycle store, bin store and fence details dated March 2017

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District Local Plan.

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

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

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

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

- 5 The materials and finishes of the external walls, rainwater goods, windows and roof of the new dwellinghouse and roof extension hereby permitted shall match in colour and texture those of the existing terrace of dwellinghouses at both the front and rear.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 6 The window at first floor level in the east facing side elevation of the proposed new end terraced dwelling shall:  
(i) consist of at least two lights divided horizontally with only the top light capable of being opened above 1.8 metres in height and  
(ii) at all times be and remain glazed entirely with obscure glass.

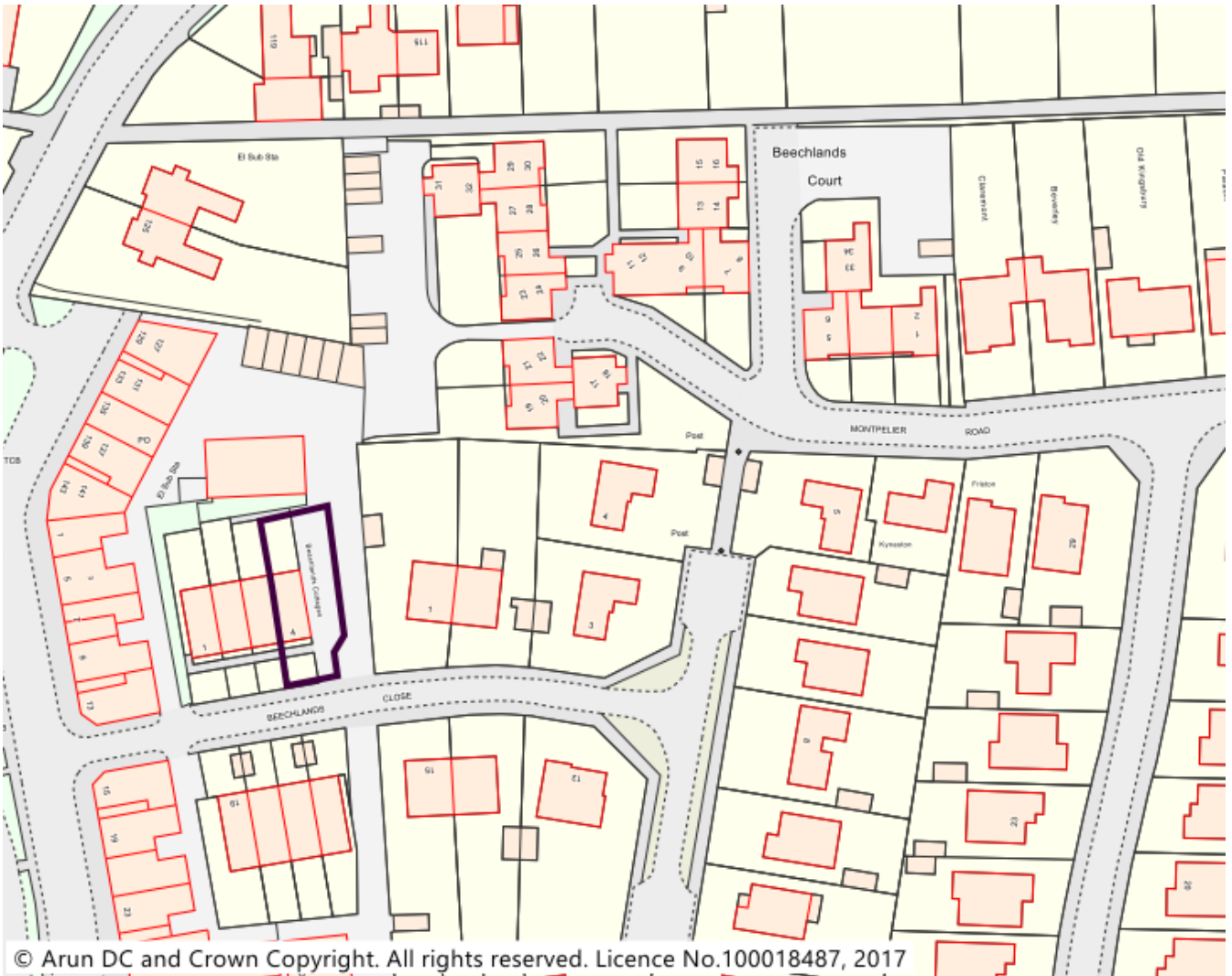
The window shall be shall be maintained in that condition at all times;

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 7 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).

- 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**EP/41/17/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:** EG/57/16/PL

**LOCATION:** Land adjacent to the Croft Practice  
Barhnam Road  
Eastergate  
PO20 3RP

**PROPOSAL:** Medical centre with pharmacy retail unit & other ancillary uses together with access onto Barnham Road & associated car parking. This application is a Departure from the Development Plan.

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

The proposed new medical centre building would be predominantly two storeys in height but with a single storey element on the northern end. It would be a maximum of 9.3m high to the ridge (6.5m to the eaves). The floor plans include a pharmacy (A1 retail use) on the ground floor at the southern end. Other facilities include 15 consulting rooms, 2 treatment rooms, 4 office rooms, 1 meeting room, 1 multi purpose room, 2 admin rooms, 1 staff room, 1 IT server room, 1 data entry room, 1 plant room, 1 interview room, 1 records room, 2 storage rooms, 1 cleaner room, a foyer, a waiting area with reception, staff changing rooms/shower room and 6 toilets. The building will have floor space of 1,429 square metres of which 160 square metres will be allocated to the pharmacy.

Access will be via an existing informal access into the staff car park from Barnham Road. The proposal includes a 56 space car park, including 11 disabled bays, 43 standard bays & 2 motorcycle bays. Fourteen cycle spaces will be provided, contained within two separate covered cycle stores. An uncovered bin store will be provided in the north western corner of the site.

Landscaping details submitted with the application indicate ecological enhancements to the site comprising of:

- \* A substantial area of new meadow grassland to be created and managed by annual late summer cutting with arisings removed;
- \* Native hedgerow planting to be provided along eastern boundary; and
- \* New tree planting (around 48 individual trees).

It should be noted that the layout and landscaping plans have been amended in order to slightly bend the access road

around the large Oak Tree located just over the eastern boundary.

The applicant has stated that funding for the new surgery has been applied for from NHS England and it is anticipated, given that the NHS Coastal West Sussex Clinical Commissioning Group support the proposal and that the land is owned by the applicants, that funding will be granted. The existing premises would remain in use until at least the point where the new medical centre has opened. However, no decision has yet been made on the future use of the existing facility once the new medical centre has opened. It is possible that it would remain in a healthcare use, for example as a dentist or veterinary surgery, or that permission will be sought for an alternative use of it.

SITE AREA	0.71 Hectares.
TOPOGRAPHY	Predominantly flat.
TREES	There are lots of existing trees to the site boundaries. One notable Oak tree on adjoining land to the east.
BOUNDARY TREATMENT	Tall hedging/existing tree planting to the doctors surgery and field boundaries on the eastern side. Boundaries to the south and west with residential properties close boarded fencing of between 1.8m and 2m in height. The northern boundary was not clear due to the overgrown nature of the site.
SITE CHARACTERISTICS	The southern narrow part of the site is used for staff car parking for approximately 20 vehicles. There is then a gate into the larger open part of the site which is largely overgrown up to 2m in places. Members will note that the location plan supplied with the agenda suggests that there is a pond on the west side of the site adjacent to 11 Collins Close. However, a site visit confirmed that the site of this 'pond' was actually a small piece of hardstanding.
CHARACTER OF LOCALITY	The site is considered to be rural but lies adjacent to residential development to the south and west. Cherry Tree Drive to the south comprises detached bungalows. Collins Close to the west comprises detached two storey dwellings. The existing surgery to the south east is single storey. The Collins Close dwellings to the west of the proposed new building include windows in rear elevations which overlook the site.

<b>RELEVANT SITE HISTORY</b>
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EG/75/12/	Renewal of unimplemented outline planning permission EG/67/09/ for new medical centre incorporating pharmacy retail unit (A1 Shops) and other ancilliary uses together with access off of Barnham Road and associated car parking	ApproveConditionally 19-02-13
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EG/67/09/	Outline application for a new medical centre incorporating pharmacy retail unit (class A1) and other ancillary uses together with access off Barnham Road and associated car parking. (This application is a departure from the development plan)	ApproveConditionally 03-02-10
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Outline planning permission for the proposed surgery incorporating a pharmacy was granted in February 2010 and subsequently renewed in 2012 but has since expired.

Outline planning permission was granted in 2015 at Eastergate Fruit Farm, on the land to the east of this for 60 homes under Ref EG/71/14/OUT. This permission remains extant but requires the submission of a reserved matters application within 9 months otherwise it will expire. It is noted that the Oak Tree referred to by the Councils Tree Officer would be retained by this permission.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Eastergate Parish Council

Objection: "The council supports the provision of improved facilities for parishioners but wishes to express concern as to the possible loss of the Pharmacy in Barnham village centre. Closure of that pharmacy will lead to considerable inconvenience to elderly residents as well as mothers with children. The council asks that the Barnham pharmacy be protected through planning conditions or agreements."

1 letter of support stating: "Brilliant....if they don't expand soon with all the development in the area the won't function at all. At present it's bad enough and needs massive expansion to run efficiently and promptly."

### COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

There is no evidence that the provision of a new pharmacy in this location will result in the closure of the pharmacy in the centre of Barnham. The Five Villages Pharmacy currently operate the pharmacies at both Barnham and at the existing Croft Medical Centre. However, if one has to close then this would be for commercial reasons and therefore separate to the planning process.

## CONSULTATIONS

Parks and Landscapes

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

Environmental Health

WSCC Strategic Planning

Economic Regeneration  
NHS Coastal West Sussex CCG  
Ecology Advisor  
Arboriculturist

**CONSULTATION RESPONSES RECEIVED:**

NHS COASTAL WEST SUSSEX CLINICAL COMMISSIONING GROUP - "The CCG supports this request and is part of our short term list growth & 'state of building' development plans."

SOUTHERN WATER - No objection subject to a condition requiring approval of proposed means of foul sewerage and an associated informative.

WSCC HIGHWAYS - No objection:

"The Local Highway Authority (LHA) requested further information to fully assess this application. The following points needed addressing and clarification.

1. A scaled plan demonstrating approximate visibility splays
2. A scaled plan demonstrating access arrangements to the site (to include how the footways would link in with the existing footway network)
3. A Road Safety Audit (RSA) stage 1 to cover all access arrangements was required
4. A Staff Travel Plan, was required or for the old one to be updated and submitted for review
5. A Revised parking strategy
6. Revised vehicle tracking diagrams

**Access/Visibility**

Drawing 2016-2889-DWG-203 demonstrates visibility in line with current standards, the LHA would raise no concerns to visibility. This plan also demonstrates access arrangements and how the footways would link into the existing footway network.

**RSA**

A RSA and Designer Response has been provided. The RSA raised two points,

- \* 2.3.1 Side Road Gradient - it was recommended that at detailed design stage an appropriate gradient is agreed by the Designer, the LHA agree that this point can be addressed at detailed design; and
- \* 2.4.1 Pedestrian Desire line - it is recommended that a formal crossing point is provided to allow pedestrians access the bus stop on the opposite side of the road from the surgery. The Designer has said that a crossing point will be reviewed at the time of the detailed design and provided if deemed appropriate.

The LHA agree that some form of crossing point is required to allow safe and suitable access for pedestrians. As part of Outline planning application EG/71/14 (Eastergate Fruit Farm) funding for a signalised pedestrian crossing point has been secured under the s106 agreement, although the implementation of this crossing is reliant on this development and the funding coming forward; although the LHA do not know when or if this development will happen. Some form of crossing point is required in line with the Road Safety Auditors comments, as to what form this takes can be agreed at detailed design stage and covered via condition.

**Staff Travel Plan**

No staff travel plan has been provided, this will need to be provided/updated and submitted to the LHA to

review.

#### Parking

The LHA have been in discussion with the Transport Consultant in relation to the on-site parking provision. After discussions parking has been increased from 54 - 60 spaces. The LHA are satisfied that although the maximum parking standard of 67 spaces has not been met the provision has been increased. Given the nature of the site with fixed appointment times and vehicles staying for short periods the LHA would not expect parking to cause a highway safety issue. The LHA can only consider the impact of overspill parking from a safety perspective; matters of amenity would be a matter for the consideration of the Local Planning Authority (LPA).

#### Tracking

Drawing 2016-2889-AT-101 shows a large refuse vehicle entering and exiting the site. When exiting there is some overhang over the centreline of Barnham Road, this is the largest vehicle expected to visit the site and infrequently, given the nature and width of Barnham Road it is not unusual for this to occur. The tracking of the refuse vehicle entering the site from both directions also enters onto the opposing side of the access road slightly. Given the infrequent use of this access by such a vehicle the LHA would raise no concern to this. The RSA also raised no concerns to the access or tracking.

#### Conclusion

The National Planning Policy Framework (NPPF) states that development should only be prevented or refused on highway grounds where the residual cumulative impacts of the development are severe. The LHA do not consider that this development would result in any impacts on the local highway network that could be considered severe. No objection would be raised."

CHICHESTER DISTRICT COUNCIL ECOLOGIST - No objection:

#### "Reptiles

Following the reptile survey submitted a precautionary approach should be taken within the site area with regards to reptiles. Site clearance should be conducted during the season reptiles are active and the vegetation should be cut down to 10cm prior to any works taking place and then carefully cleared. Any dead wood, or rubble piles should be dismantled by hand and relocated.

#### Bats

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

#### Nesting Birds

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

ADC TREE OFFICER - Objection:

#### "Comments On Application:

- \* The applicants have employed Tim Pursey of Davies Landscape Architects who has prepared a Tree Survey & Tree Constraints Plan in accordance with the requirements of BS5837:2012 in support of an application where trees are within influencing distance of proposals.
- \* I have studied this and conclude that the trunk diameters and gradings allocated are a fair assessment.
- \* The tree content in the central part of this site is sparse and of poor quality and the better trees are confined to the boundaries with most being off-site.



- \* Dense brambles and understorey vegetation prevent full access to the trunk of the Oak T5 but 800mm is a fair assessment of its diameter which would give it an RPA of 9.6m.
- \* I am not happy with the relationship of this tree to the proposed development and in particular the access road which cuts right through the RPA. I see no need for this when there is adequate space to keep outside of the RPA altogether.
- \* I am disappointed to see that instead of looking for a solution by revising the layout to accommodate the tree as per BS5837 recommendations they have sought to apply mitigation measures with a 'No Dig' solution - this in my opinion is 'making it fit' the original layout rather than adjusting same and designing out any conflict with the tree.

Conclusions:

- \* The Tree Survey report is brief but acceptable and the Constraints Plan likewise but sadly it has not informed the design and the proposed access road cuts right through the RPA exceeding the maximum of 20% of hard surfacing within an RPA advised under BS5837 and having the potential to have a serious and damaging effect on this fine specimen Oak tree.
- \* Furthermore, BS5837 requires that where there is a threat to on or off-site trees an Arb Expert prepares a Method Statement & Tree Protection Plan are prepared and submitted in support of the layout explaining how this impact can be avoided or at the very least mitigated. This document and plan have not been provided.
- \* I am not satisfied with the alternative proposals and still seek a revised layout that accommodates the full tree RPA as I do not see why the whole development cannot be moved further over to the west away from the tree and any loss of parking in the southern sector added to the northern sector where there is scope to accommodate it.

Recommendations:

- \* I wish to register an OBJECTION to this scheme because of the high potential for it to have a serious and damaging effect on the fine off-site specimen Oak tree listed as T5 in the survey data. Furthermore there is no Arb Method Statement & Tree Protection Plan submitted to explain how this impact can preferably be avoided or at the very least mitigated.
- \* In view of the threat to this fine tree I recommend that a TPO is made to protect it and include a TEMPO assessment and location plan with this report.
- \* OBJECTION sustained.

ADC GREENSPACE - No objection:

"The proposals put forward in this application have indicated several existing trees within this location. These existing landscape features such as mature trees and hedgerows and appropriate new planting will require detail to be supplied regarding their long term management as the landscape develops. Any proposed landscape scheme will need to maximise the biodiversity of the site with the inclusion of native species and the retention of a variety of habitats. Existing trees and hedgerows along boundaries where established must be protected and retained and would require further planting to infill if found to be required. New tree and hedge planting would be required to infill sections where there are gaps and missing sections. This is particularly required to the southern and western boundaries of the site, where the proposals border neighbouring properties.

Landscaping

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 so that a clear picture of the proposals can be seen. These details are required to assure the adjacent properties privacy is maintained and the surrounding landscape is uncompromised. The landscape details dwg L90-200 and dwg L90-201 shows this in some detail but in indicative form only, further plan detail with annotation would be required. The privacy and views of the

adjacent existing properties have the potential to be compromised by the proposals and full consideration of mitigation planting to offset the impact should be considered within the landscape design.

Arun District Councils Tree officer would need to be consulted regarding any proposed tree works. We note the tree cover to the periphery of the site which possess several existing significant trees including those located to the proposed access road and to the east of the site, which would require tree protection zones to be in place before any construction begins. This would be required for any retained trees including trees those whose root protection areas fall within the construction zone from neighbouring land; beyond the site boundary. This should be in accordance with BS 5837:2012 'Trees in relation to construction'

We would recommend that the above information is addressed and submitted for approval as part of a complete and considered application."

ADC ECONOMIC DEVELOPMENT: "Economic Development has no comment on this application."

ADC ENVIRONMENTAL HEALTH - No objection:

"Thank you for submitting the historical maps and conceptual site model with the application. Please apply ENV 5 (below) to approval."

ADC DRAINAGE ENGINEERS - No objection:

"Infiltration to be investigated for surface water drainage of new impermeable areas. Please apply standard conditions ENGD2A."

#### **COMMENTS ON CONSULTATION RESPONSES:**

All comments noted.

In response to the Tree Officer comments, the applicant has written to say that their advice (from their consultant) is that the scheme, as amended, is perfectly acceptable in arboricultural terms in relation to the Oak tree. They note that further changes could be made to the scheme to further distance any development from the tree but that this would have implications for other elements of the development.

On balance, it is considered that the local need for this new medical centre outweighs any unsubstantiated harm that will occur to the tree. It should also be noted that no objections were raised as to the impact of the development on the tree during either of the two previous applications.

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

Outside the Built Up Area Boundary;  
No Public Sewer;  
Area of Special Control (Adverts); and  
Lidsey Treatment Catchment Area.

#### **DEVELOPMENT PLAN POLICES**

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

- |       |   |
|-------|---|
| DEV27 | Retail Development Outside the Principal Shopping Areas |
| GEN3  | Protection of the Countryside                           |

GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development
GEN28	Trees and Woodlands
GEN29	Nature and Conservation Across the District
GEN32	Noise Pollution
GEN33	Light Pollution

Publication Version of the Local Plan (October 2014):

C SP1	Countryside
D DM1	Aspects of Form and Design Quality
D SP1	Design
ECC SP2	Energy and climate change mitigation
ENV DM4	Protection of Trees
ENV DM5	Development and Biodiversity
QE DM1	Noise Pollution
QE DM2	Light Pollution
QE DM4	Contaminated Land
RET DM1	Retail Development
SD SP1	Sustainable Development
T SP1	Transport and Development
W DM3	Sustainable Urban Drainage Systems
INF SP1	Infrastructure provision and implementation

Barnham & Eastergate Neighbourhood Plan 2014 Support for new medical facilities  
POLICY CLW2

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES8	Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA1	Connection to sustainable transport
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H1	Specific site allocation

Main Modifications of the Local Plan (April 2017):

Housing Allocations  
H SP1 Strategic Site Allocations

**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.

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

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

The Neighbourhood Development Plan

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

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; 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 following is an analysis of the Written Ministerial Statement (WMS) in respect of this application:

- The Barnham & Eastergate Neighbourhood Plan has not been part of the development plan for less than 2 years but the WMS is less than 2 years old;
- The Barnham & Eastergate Neighbourhood Plan allocates land for housing; and
- Arun District Council can only currently demonstrate an approximately 2 year supply of deliverable housing sites.

Therefore, the WMS does not apply.

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 relevant Development Plan policies in that it would comprise of development unrelated to the needs of agriculture outside the built up area boundary and it would also conflict with Policy H1 of the Barnham and Eastergate Neighbourhood Development Plan which allocates the application site for 60 new homes. However, the application 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 and would provide a medical centre much needed by current and future residents.

**OTHER MATERIAL CONSIDERATIONS**

Material considerations exist which are considered to allow the development contrary to the development plan. These are discussed within the Conclusions Section of this report.

**CONCLUSIONS**

PRINCIPLE:

The site lies outside of the Built-Up Area Boundary within the adopted Local Plan where development is not acceptable in principle, unless necessary for the needs of agriculture, forestry, the extraction of minerals, deposit of waste, the diversification of the rural economy or where it is in accordance with another part of the Local Plan (Arun Local Plan Policy GEN3).

The application site forms a small part of a larger site allocation for up to 60 homes as set out within the Barnham and Eastergate Neighbourhood Development Plan (BENDP). The supporting text to the policy states that the Neighbourhood Plan for Barnham and Eastergate had to allocate land for a minimum of 200 housing units. Against this, permission has already been granted for some 158 houses & flats since 31 March 2013. The resulting requirement is accordingly that the plan should allocate land for at least 42 housing units. The 60 home allocation therefore exceeds this balance. Furthermore, outline permission was granted in 2015 (EG/71/14/OUT) for 60 new homes on the land immediately to the east of the application site. Therefore, the 200 home requirement has already been met by permissions elsewhere in the area.

It should also be noted that the current version of the emerging Local Plan (Arun Local Plan 2011-2031 Publication Version showing Modifications - which is out for public consultation prior to an Examination scheduled for later in 2017) allocates land for up to 2300 dwellings over the plan period (up to 2031) with a further 700 planned beyond 2031. These dwellings will be located on a different site roughly located between Barnham, Eastergate and Westergate.

Other material considerations which should be taken into account include support from the National Planning Policy Framework, support from other planning policies, community benefits & the need for the new medical centre. These are discussed below. Furthermore, it should be noted that the principle of development has previously been accepted by outline applications EG/67/09 and EG/75/12/. These are all considered to be sufficient to allow for an approval in principle of this proposal as an exception to development plan policy.

#### NATIONAL PLANNING POLICY FRAMEWORK (NPPF):

The National Planning Policy Framework or NPPF is considered to lend considerable support to proposals which will benefit the health of local communities. For instance, paragraph 17 states that "..... planning should: \* take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs."

Furthermore, paragraph 70 states that: "..... 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 NPPF also sets out a presumption in favour of sustainable development. Paragraph 14 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'. Paragraph 7 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.

It is considered that this new surgery would result in economic benefits through the employment of additional staff & the need to employ persons to construct the development. Social & health benefits will be gained from the provision of greater medical services to the community and the ability to satisfy current & future demand. In terms of the environment, it is considered that the site lies in a relatively

sustainable location being on a main road and bus route between Barnham and Eastergate/Westergate and also being within walking distance of nearby residential development. The site is also next door to the existing surgery.

WSCC Highways have stated that that the scheme demonstrates that proposed new footways will link into the existing footway network. It is therefore considered that the proposal is environmentally acceptable and offers economic & social benefits. It would therefore represent sustainable development.

#### SUPPORT FROM OTHER PLANNING POLICIES:

Barnham and Eastergate Neighbourhood Development Plan (BENDP) policy CLW2 (Medical Facilities) supports new medical facilities within the area. The postamble text to the policy states that: "There is no medical provision in Barnham. Resident surveys have shown concerns about increased waiting times at GP surgeries and the pressure on services when the additional approved housing is built."

In addition, policy INF SP1 of the Arun Local Plan 2011-2031 Publication Version showing Modifications states that: "The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers and users of the development and the existing community."

#### NEED & BENEFITS:

It is understood that the existing surgery building was purpose built to the maximum specification of the NHS red book guidelines of the time (1992) and was intended to serve a total practice list of 6,500 people. The current patient list is almost 11,275 people and there has also been an increase in services offered by the surgery due to NHS guidelines on primary versus secondary care.

The existing surgery building is stated to be severely cramped with a floor area of only 300sqm, well below the recommended requirements for modern GP surgeries, and this severely impacts upon service delivery for patients. Furthermore, the current surgery does not comply with the Disability Discrimination Act (DDA)

The proposed building will enable compliance with the DDA, will meet the needs of the existing patients and will also allow for the expected future demand to be met with a medical centre suitable for up to 15,000 patients. The new facility would also be suitable for 7 days working should that be necessary in the future.

It is noted that the application is supported by the NHS Coastal West Sussex Clinical Commissioning Group.

The key benefits of the development will be the creation of a modern day primary care facility, fit for purpose, with the aim of improving access to the practice population to a wide range of medical services, with appropriate shifts of secondary to primary care work to be delivered closer to home, and in line with the NHS plan. The surgery will also be capable of absorbing the increase in people expected from the future large scale development on Barnham, Eastergate & Westergate.

#### DESIGN & CHARACTER:

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.

Barnham & Eastergate Neighbourhood Development Plan policy ES5 states that: "All new development

within the parishes should be of a high quality design, and will be expected to conform to the forthcoming Barnham and Eastergate Design Guide once it has been adopted as supplementary planning guidance in accordance with paragraph 1.41 of the Local Plan."

There is no Design Guide as yet.

Policy ES6 then states that: "New development should contribute positively to the character of the two villages, and should reflect the design qualities of their time, so that the richness of varied character continues and is extended into the future."

Although the site lies outside of the built up area, it is adjacent to existing residential development to the west and south, and is also adjacent on the eastern side to a planned residential site. The residential properties in Collins Close, to the west, are two storey and the proposed scale of the surgery would be in keeping with these and it would not therefore appear as an overly dominant feature in the area. The building would be centrally located within the site, providing space to the site boundaries reflecting the spaciousness of adjoining development.

The proposed drawings show a predominantly 2 storey building but with a section of single storey on the north western corner. The building design incorporates different elevational treatments including ground to first floor glazing, timber cladding, render, brickwork and mixed roof forms. It is considered that the proposed building can be satisfactorily accommodated on the site without adversely affecting the visual amenities of the locality. It is also noted that the proposed design is the same as previously shown on the outline applications.

#### 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 National Planning Policy Framework (NPPF) is to secure high quality design and a good standard of amenity (paragraph 17).

The site is considered to benefit from good existing tree screening on the eastern side with some sporadic trees also on the western boundaries. The application also proposes to plant a number of trees to the northern, western and southern boundaries which will, in time, screen and soften the building when viewed from nearby residential properties.

The proposed building will be sited 25m from the rear boundary of the nearest residential property in Collins Close to the west. There is a similar distance to the side boundary of 18 Cherry Tree Drive to the south. These distances are considered to be acceptable so as to prevent any materially adverse effects resulting to adjoining residential properties from either overlooking or loss of light.

Proposed car parking would be 5m from the boundary of 11 Collins Close at its closest point. It is proposed to plant trees along this boundary and this will reduce any adverse noise arising from vehicle movements to an acceptable level. The distance between car parking spaces and the boundaries of properties on Cherry Tree Drive is greater at 6-7m.

The hours of opening referred to in the application forms preclude Sundays and Bank Holidays and the pharmacy would operate between 9 a.m. and 4 p.m. on a Saturday, 9 a.m. - 6 p.m. Monday - Friday and the surgery would be open between 7 a.m. - 8 p.m. Monday to Friday and 8.30 a.m. to 12 noon on Saturdays. These hours would reduce activity and noise generated from the site at evenings and weekends when residents would expect to be able to enjoy peace and quiet. It is proposed to restrict these hours by condition.



**HIGHWAYS & PARKING:**

The proposal will use an existing access point from Barnham Road and provides 56 car parking spaces including 11 disabled bays, 43 standard bays and 2 motorcycle bays. In addition, 14 cycle spaces are provided. West Sussex Highways had originally requested additional information but this was provided and their assessment is that the development would not result in any impacts on the local highway network that could be considered severe. Therefore, in accordance with paragraph 32 of the National Planning Policy Framework, they raise no objection.

**TREES:**

Barnham & Eastergate Neighbourhood Development Plan policy ES10 states that:

"Development that damages or results in the loss of ancient trees or trees or hedgerows of arboricultural and amenity value will not be supported. Development proposals must be designed to retain ancient trees or trees or hedgerows of good arboricultural and amenity value. A minimum buffer of at least 15 metres in width should be maintained between ancient woodland and any development boundary"

As is clear from the response of the Councils Tree Officer above, there is concern that the proposed road layout will impact on the Root Protection Area (RPA) of the notable Oak Tree on the eastern side of the site (within neighbouring land). The applicants have amended the road layout slightly to mitigate this impact and their Arboricultural consultants consider that the scheme, as amended, is acceptable in arboricultural terms in relation to the oak tree. The applicants do not wish to make any further revisions as this will then start to impact on the other elements of the development such as the building itself. However, the Councils Tree Officer does not consider that the changes go far enough and sustains his objection.

However, this objection must be balanced against the benefits of the proposed surgery to the health and wellbeing of the local community. These benefits are considered to outweigh the potential for harm to the tree and therefore, it is not considered that the application should be refused on these grounds. Another consideration is that on two previous occasions, the health of the tree was not questioned.

**DRAINAGE:**

No objections have been raised to the scheme on drainage grounds. Conditions are recommended by Council Engineers and by Southern Water to require approval of foul and surface water sewerage details.

**SUMMARY:**

It is considered that the provision of an enlarged medical centre is needed within the local area and that it will provide a significant social benefit to the local community. The new surgery will also future proof local medical provision for the expected increase in new houses. These benefits are considered to be important material considerations to which great weight can be attached. These therefore serve to offset the fundamental policy objections of development outside the built up area boundary, of development within a Neighbourhood Plan housing allocation and of the possibility of harm to a notable tree. The application is therefore recommended for approval subject to the following conditions.

<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 positive 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:

Block Plan dwg. 5499 109 Rev C;  
Site Plan dwg. 5499 110 Rev E;  
Site Entrance Plan dwg. 5499 111 Rev D;  
Ground & First Floor Plans dwg. 5499 112;  
Proposed Elevations dwg. 5499 114 Rev A;  
Proposed External Enclosures dwg. 5499 115;  
Roof plan dwg. 5499 113;  
Swept Path Analysis Using a Large Refuse Vehicle dwg. 2016-2889-AT-102;  
Proposed Junction Improvements with 2.4m by 43m Visibility Splay dwg. 2016-2889-DWG-203;  
Landscape Details Sheet 1 of 2 dwg. L90-200 Rev A;  
Landscape Details Sheet 2 of 2 dwg. L90-201 Rev A; and  
Tree Protection plan dwg. 1753 DLA ARB 01.

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

- 3 The development must be carried out in accordance with section 3 of the submitted Reptile

Survey Report (October 2016), with section 3 of the submitted Ecology Report (July 2016) and with the recommendations of the Councils Ecologist, namely:

(1) Efforts should be made to ensure that site clearance operations, particularly the clearance of dense vegetation should be undertaken in such a manner as to avoid accidental killing and injury of hedgehogs that might be sheltering within the Site. All dense ground vegetation should be cleared by hand outside of the bird nesting period (as described above) and the ground checked by an ecologist to ensure that it is free of hedgehogs before machinery is allowed to break the ground surface. Any hedgehog that is found should be relocated to a safe sheltered part of the northern land area. All cut vegetation should be chipped on site or, preferably, removed from site and not stored in heaps that could prove attractive to hedgehogs for shelter unless the intention is to leave them as permanent habitat piles for wildlife; and

(2) Site clearance should be conducted during the season reptiles are active and the vegetation should be cut down to 10cm prior to any works taking place and then carefully cleared. Any dead wood, or rubble piles should be dismantled by hand and relocated.

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

- 4 Should it prove necessary to clear bird nesting habitat during the bird nesting season, then within 24 hours of such works, a pre-works check for nesting birds should be undertaken by a chartered ecologist. If any active nests are found then all site clearance/demolition activities should cease and an appropriate buffer zone around the nest should be established. This buffer zone should be left intact until it has been confirmed that the young have fledged and the nest is no longer in use.

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

- 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. 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.

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

Local Planning Authority in consultation with Southern Water. The scheme as approved shall be implemented prior to the first occupation of the building and maintained in good working order.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policy GEN9 of the Arun District Council Local Plan.

- 7 No excavation works, changes in levels or introduction of machinery onto the site shall take place unless and until an Arboricultural Method Statement and Tree Protection Plan have been submitted to and approved by the Local Planning Authority. The approved development shall thereafter proceed in accordance with the approved Method Statement and Tree Protection Plan.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area. This is required to be a pre-commencement condition because otherwise trees might be harmed by construction works.

- 8 Prior to any demolition or construction works taking place or the introduction of machinery and plant to the site the following issues must be resolved to the complete satisfaction of Arun District Council :-

(1) A pre-commencement site meeting is to take place between the Arun DC Tree Officer and the Arboricultural Consultant representing the site owners - at this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the submitted Tree Protection Plan required by Condition 07.

(2) If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area. This is required to be a pre-commencement condition because otherwise trees might be harmed by construction works.

- 9 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); and

\* 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.

- 10 No development shall commence until such time as revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response (in particular to problem 2.4.1 - a pedestrian crossing point) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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 it relates to the safe use of the access onto the highway.

- 11 No development other than as required by this condition shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing (Drawing no: 2016-2889-DWG-203).

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun Local Plan and with the National Planning Policy Framework. This is required to be a pre-commencement condition because it relates to the safe use of the access onto the highway.

- 12 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme which takes forward the ecological enhancements detailed within the submitted Landscape Detail Plans (Drawings L90-200 Rev A & L90-201 Rev A) and includes details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the 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 policies GEN7 and GEN29 of the Arun District Local Plan.

- 13 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 surgery 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 surgery 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.

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

Reason: To encourage and promote sustainable transport in accordance with policy GEN7 of the Arun Local Plan and with the National Planning Policy Framework.

15 No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall thereafter be retained at all times for their designated use.

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

16 No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Barnham Road in accordance with the approved planning drawings (Drawing no: 2016-2889-DWG-203). 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 in accordance with policy GEN7 of the Arun Local Plan and with the National Planning Policy Framework.

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

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

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

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

19 The surgery shall only be open between the hours of 7am and 8pm daily on Mondays to Fridays and 8.30am and 12 noon on Saturdays and the pharmacy shall only open between 9am and 6pm daily on Mondays to Fridays and 9am and 4pm on Saturdays inclusive. There shall be no opening of either the pharmacy or the surgery on Sundays or Public Holidays.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring residential properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

20 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.

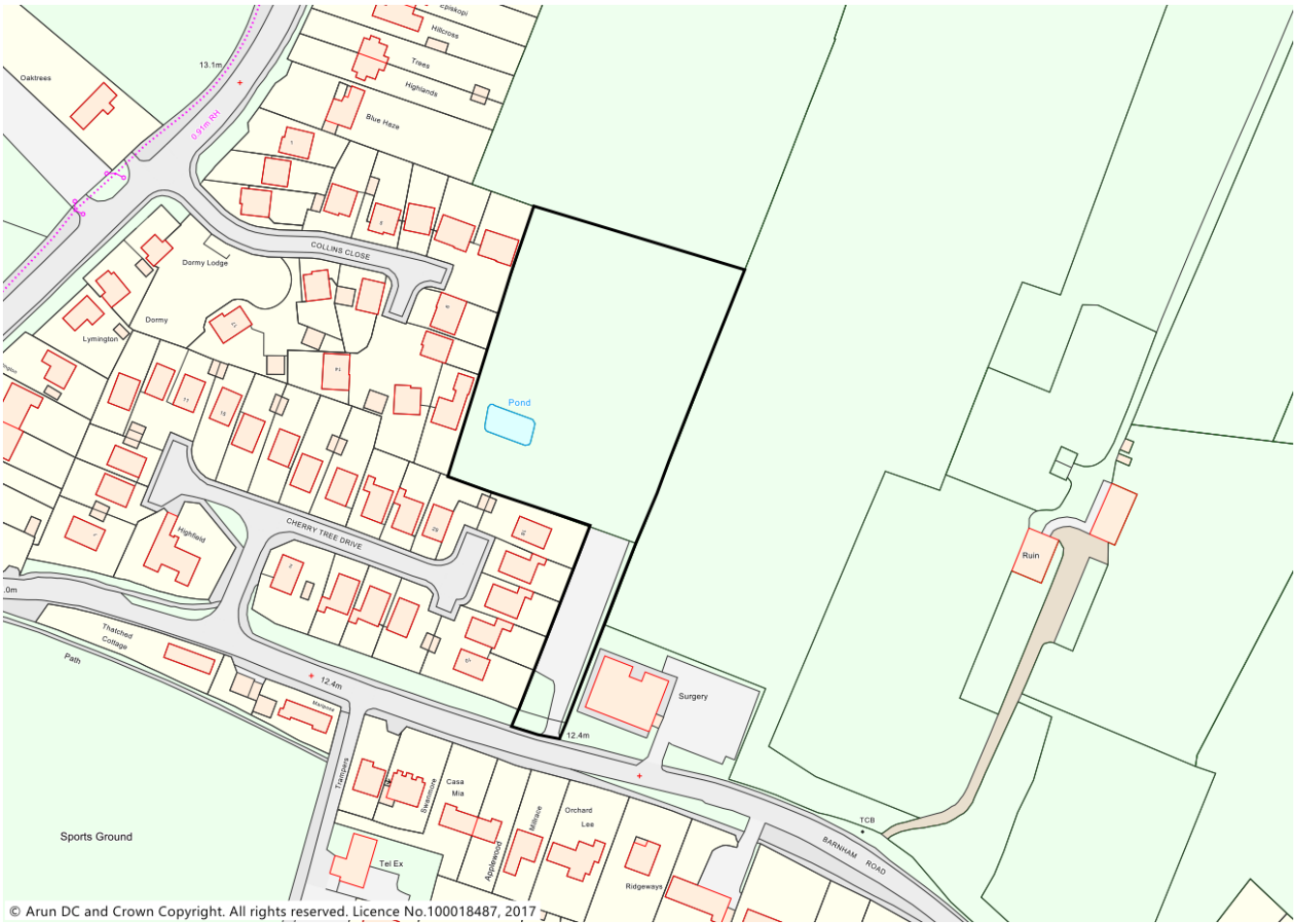
Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Plan policy GEN7.

- 21      INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 22      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.
- 23      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).
- 24      INFORMATIVE: It is understood that a private treatment system is proposed for foul drainage. This may require an Environmental Permit. The Environmental Permitting Regulations (England and Wales) 2010, cover water discharge activities, groundwater activities, radioactive substances, waste, mining waste and installations. Please see the Environment Agency's website for further information: <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>.
- 25      INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or Chichester District Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.
- 26      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.
- 27      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.

- 28      **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.



**EG/57/16/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

REF NO: FP/264/16/PL

LOCATION: 10 Kingsmead  
Felpham  
PO22 7BE

PROPOSAL: Erection of 2 No. dwellings.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	A pair of semi-detached dwellings. Two storey with integral garages and 4 bedrooms. Solar panels to the front roof. Permeable hard surfacing to either side of the front garden. The applicant has amended the proposals by removing the raised rear decking and replacing with steps down from the rear lounge/dining room to a paved patio area.
SITE AREA	0.05 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	40 dwellings per hectare.
TOPOGRAPHY	Slight slope front to rear.
TREES	One Sweet Chestnut Tree, subject to a Tree Preservation Order located within the front garden.
BOUNDARY TREATMENT	1.7m high close boarded fence to sides of rear garden. 2m high close boarded fence to bottom of the rear garden. No front boundary treatment. It is proposed to erect 1.8m high close boarded fencing in between the new rear gardens. Close boarded fence proposed to the boundary with 8a. This will be 0.9m at the front & 1.8m to the rear.
SITE CHARACTERISTICS	Vacant site formerly occupied by a single storey dwelling with separate garage in rear garden.
CHARACTER OF LOCALITY	Residential. Mixed heights/designs. Predominantly detached. Both neighbouring properties are two storeys with rear conservatories but no flank windows. Unrestricted on-street parking on both sides of Kingsmead, in practice is only possible on one side without blocking the highway.

<b>RELEVANT SITE HISTORY</b>
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FP/265/16/DEM	Prior Notification for proposed demolition of 1No. bungalow of non-standard construction.	No Objection 22-12-16
FP/106/14/T	To Crown Reduce by 1-2 metres in unbalanced areas,	ApproveConditionally

Prior Approval was given in December 2016 for the demolition of the previous dwelling. In accordance with Part 11, Class B of the General Permitted Development Order 2015 (as amended), the Local Planning Authority was only able to assess that application in respect of the method of demolition and details of site restoration. The applicant stated that the root protection area of the protected tree would be demarked by fencing.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Felpham Parish Council

"Objection. Severe over development of site - Parking issues - Concerns over Sweet Chestnut tree standard precautions NOT carried out - no proper fence around tree (over 200 years old and with a TPO on it) electrical box 'screwed to the tree - fire hazard when rains etc as winds have now opened the door of this - roots exposed where contractors have dug down for cable for this - burning of demolished debris for approximately 3 days - portable toilet right against neighbours fence (No 12) - suggest two 2 bedroom semi-detached properties - more in keeping with the roads other properties - obscuring/blocking light in to No. 12 if two four bedroom properties are allowed."

8 letters of objection. Concerns as follows:

- (1) Damage to the tree from (a) a Digger taking branches off with evidence then removed from the site, (b) attaching the Electric box to it, and (c) from digging around the base of the tree;
- (2) Problems during demolition (burning of waste, siting of portaloo adjacent to neighbouring house);
- (3) Re-development of this site OK in theory;
- (4) Overdevelopment of plot;
- (5) Too many bedrooms for the size of house;
- (6) Ground floor accommodation is insufficient in size for 4 bedrooms;
- (7) Impact on neighbouring properties in terms of privacy and light particularly the smaller houses to the west;
- (8) Removal of the rear bedroom making the rear living area single story would not dwarf the 2 bedroom property on the western boundary;
- (9) Local demand is for smaller houses;
- (10) Decking in the rear garden will allow overlooking of neighbouring properties;
- (11) Inadequate parking for the number of bedrooms;
- (12) Parking overspill will conflict with other residents and with non-residents who all park along the pavement and block access to driveways;
- (13) Large vehicles already struggle to get up & down Kingsmead;
- (14) Garages are shown to be used for cycle storage;
- (15) No turning space for the dwellings;
- (16) No space for the new driveway between the tree and the western boundary fence;
- (17) Proposed site plan not too scale and is misleading as there will be a lot less rear garden than as shown;
- (18) How will the planning department prevent future rear extensions;
- (19) Why have the public been given such a short time to make their comments - this suggests the development has been agreed in principle; and

(20) The fence on the western boundary is private property and should not be touched.

#### COMMENTS ON REPRESENTATIONS RECEIVED:

In respect of the Parish Council comments:

\* Overdevelopment, character, residential amenity, parking and impact of the development on the protected tree will all be discussed within the Conclusions section; and

\* The Parish Council's other concerns relate to activities that occurred during the demolition of the previous dwelling and which are subject to a separate compliance investigation.

In respect of the local resident comments:

(1) - (2) These concerns relate to issues that occurred during the demolition and which were either resolved at the time by Environmental Health Officers or are subject to a separate compliance investigation;

(3) Noted;

(4) This is discussed within the Conclusions section;

(5) - (6) Noted. Reference will be made to the Council's internal space standards within the Conclusions;

(7) This will be discussed within the Conclusions section;

(8) Noted;

(9) There are no current development plan policies that require a particular size of house. There is a policy in the emerging Local Plan (H DM1 - "Housing Mix") but this applies to developments of 11 houses or more;

(10) The decking has been removed from the proposal and replaced with ground level paving slabs;

(11) - (12) This will be discussed within the Conclusions section;

(13) Noted. Parking issues are discussed within the Conclusions section;

(14) Noted. Conditions will be imposed requiring that garages are solely used for the parking of vehicles and that a separate secure cycle store is provided for each house;

(15) This will be discussed within the Conclusions section;

(16) The drawings state that the width of the driveway is 2.5m which exceeds the width of a standard parking space and is therefore capable of allowing a normal sized car to pass over it;

(17) The Roof Plan (Drawing 1A) is shown to be at a scale of 1:100 whilst the Block Plan shown on Drawing 5 is shown to be at a scale of 1:200. The amount of rear garden space is shown on Drawing 5 and there is no reason to refute its size as shown;

(18) A condition will be imposed to remove permitted development rights for extensions and outbuildings. Future residents will need to apply for permission for any extensions and the local planning authority would then be able to assess the impact of these on the amenity of neighbours;

(19) The Local Planning Authority is required to give the public at least 21 days notice of an application before it can be determined. A site notice was displayed adjacent to the site on the 25th January. The expiry date on the site notice was the 16th February; and

(20) Noted. The applicant has not stated any plans to alter this fence.

#### CONSULTATIONS

Engineers (Drainage)

Engineers (Drainage)

Arboriculturist

Environment Agency

**CONSULTATION RESPONSES RECEIVED:**

ENVIRONMENT AGENCY - no objection. Comment as follows:

"The Environment Agency has no objection in principle to the proposal. Whilst the proposals increase occupancy, compared to the existing bungalow where sleeping accommodation was located on the ground floor, the new proposals will result in a betterment both in terms of the protection of future occupants (sleeping accommodation at first floor) and the flood resilience of the building. The proposed development will only meet the requirements of the NPPF if the following measures as detailed in the Flood Risk Assessment (FRA) (dated November 2016) submitted with this application are implemented and secured by way of a planning condition on any planning permission granted"

**Condition**

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (November 2016) and the following mitigation measure detailed within the FRA:

- \* Finished floor levels are set no lower than 2.51m above Ordnance Datum (AOD) with no sleeping accommodation at ground floor
- \* Flood risk mitigation measures as detailed in Section 6.1 of the FRA (November 2016) must be incorporated into the new dwellings

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

Reason: As detailed in the Flood Risk Assessment (FRA) dated November 2016, undertaken by Baker and Associates submitted with this application, according to Environment Agency (EA) Flood Map for Planning (Rivers and Sea) the site is shown to be within tidal Flood Zone 3 (high risk). Additionally the submitted FRA shows that the site could be affected from fluvial flooding should the Aldingbourne Rife or the tributary to the rear of the property overtop.

**Informative**

(1) We note that a Flood Plan has been produced in support of the Flood Risk Assessment (November 2016). Whilst it is matter for the Local Authority Emergency Planning Officer to approve its content, we would advise that tidal flood risk can be predicted well in advance of the event. Occupants can either evacuate the property in advance or take safe refuge upstairs where the level of 5.11m AOD is above 4.43m AOD the 1 in 200 year tidal flood risk level plus climate change. As stated within the Flood Plan, registration with the EA's Flood Warning service would be therefore recommended.

(2) Any works in, under or over the Aldingbourne Rife Tributary (shown at the rear of the property) a classified main river under the jurisdiction of the EA and subject to our byelaws, or within 8metres from the watercourse bank edges, an Environment Permit (EPR) will need to be applied for. Further information can be obtained by emailing [PSOWestSussex@environment-agency.gov.uk](mailto:PSOWestSussex@environment-agency.gov.uk)

With regards surface water disposal your Councils own engineers should be consulted as to the suitability of any system."

ADC DRAINAGE ENGINEERS - "Infiltration to be investigated to drain new roof areas. Please apply standard conditions ENGD2A."

ADC TREE OFFICER - The Councils Tree Officer had initially raised objection due to concerns with the impact on the protected trees. The applicant has sought to overcome these concerns through the provision of additional information. The tree officers 4th and final response is set out below:

- \* You have received a request from Simon Davis in Planning for me to respond to the latest comments submitted by the applicants arboricultural experts Arbortech on 3rd April 2017.
- \* They have submitted a written account of recent 'Hand Dig' Trial trench operations out on site.

Comments:

- \* Unless they propose to construct ribs of concrete footings along the alignment of trenches A to E then they have missed the point of the whole exercise.

I thank them for the clarification on the form of footings which are to be applied to this project and I now understand why the trenches were dug radially at the locations which are to receive the concrete support beams for the suspended floors above.

- \* What I asked for was for them to excavate a trench across the frontage parallel to the footings of the old bungalow (transverse not in line) to prove that there are no roots of any consequence that would be affected by their proposals.
- \* They could quite easily have missed the main root runs within the spaces between trenches A to E.
- \* Added to which the photographs are taken of the men digging from some distance back from the trenches and it is not possible to see what root content was being exposed as they dug - I would have expected to see close up photographs of the trenches to prove that there are no roots there otherwise we are taking it based on hearsay evidence - which is not adequate for purpose.
- \* Are they really saying that NO ROOTS were found other than the 30mm one - I doubt this and would have wanted details of diameter and frequency and proof that what they found was severed with secateurs cleanly by the Arb Expert monitoring the exercise in accordance with BS5837 recommendations.
- \* I am puzzled as to why they would leave the trenches open and subject to drying out and root desiccation - there was no agreement or stipulation that the Tree Officer would need to inspect the trenches - otherwise whats the point of them going to the trouble of employing their own Arb Expert?

As they have now provided confirmation that the footings are to go into trenches A to D the above comments are no longer applicable. I suggest that the trenches are backfilled at the earliest opportunity.

Conclusions

- \* Their work to date has not proven that roots do not exist below the current bungalow foundation.
- \* Unless 600mm is the full depth of the proposed new foundation then they will have to dig to the full depth of same.
- \* They should backfill the current trenches with soil at the earliest opportunity.
- \* I would want them to dig a further trench across the frontage parallel to the current bungalow footings - and provide close up photographic evidence of what root matter was found - with records of frequency and diameter of the said roots and how they were dealt with.

As they have now provided confirmation that the footings are to go into trenches A to D the above comments are no longer applicable. I suggest that the trenches are backfilled at the earliest opportunity. There will not be a requirement to dig any further trial trenches.

Recommendations

- \* I am now satisfied with their explanation and withdraw my OBJECTION to this scheme.

Suggested Conditions:

1. All demolition & construction works are to be carried out in strict accordance with :- Tree Survey & Arboricultural Impact Assessment Report Ref: ARBORTECH (Consultancy) December 2016 and Bald/ATcor/3417 & Appendix 1 & Appendix 2 - April 2017.
2. A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required to cover the duration of the build process.

**REASONS :**

To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area."

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

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

Within Built Up Area Boundary;  
Tree Preservation Order;  
No Public Sewer; and  
Flood Zone 3.

**DEVELOPMENT PLAN POLICES**

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

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN10	Tidal Flooding and Coastal Defence
GEN11	Inland Flooding
GEN12	Parking in New Development
GEN28	Trees and Woodlands

[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
H DM1	Housing Mix
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
T SP1	Transport and Development
W DM3	Sustainable Urban Drainage Systems

## W DM2 Flood Risk

<a href="#">Felpham Neighbourhood Plan 2014 POLICY ESD1</a>	Design of new development
Felpham Neighbourhood Plan 2014 POLICY ESD2	Development in flood sensitive areas
Felpham Neighbourhood Plan 2014 POLICY ESD4	New dwellings - code for sustainable homes
Felpham Neighbourhood Plan 2014 POLICY ESD5	Surface water management
Felpham Neighbourhood Plan 2014 POLICY ESD8	Building design
Felpham Neighbourhood Plan 2014 POLICY ESD9	Tree protection
Felpham Neighbourhood Plan 2014 POLICY ESD10	Design details
Felpham Neighbourhood Plan 2014 POLICY ESD11	Increasing the energy efficiency of our buildings

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**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.

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

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



## The Neighbourhood Development Plan

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

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; 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 following is an analysis of the Written Ministerial Statement (WMS) in respect of this application:

- The Felpham Neighbourhood Plan has not been part of the development plan for less than 2 years but the WMS is less than 2 years old;
- The Felpham Neighbourhood Plan does not allocate land for housing; and
- Arun District Council can only currently demonstrate an approximately 2 year supply of deliverable housing sites.

Therefore, the WMS does not apply.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

The relevant policies of the Felpham Neighbourhood Development Plan have been considered in the determination of this report.

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

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

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

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

## OTHER MATERIAL CONSIDERATIONS

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

## CONCLUSIONS

### PRINCIPLE:

The site is in the built up area boundary where the principle of development is considered to be acceptable subject to other policies in the development plan. Paragraph 49 of the NPPF states with regard to housing that: "Housing applications should be considered in the context of the presumption in favour of sustainable development".

The NPPF supports the effective and efficient use of land for sites in the built up area and 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.

The Felpham Neighbourhood Plan does not contain any housing allocations nor windfall type policies and instead seeks only to control the design of new housing.

### 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 location and is in walking distance of local amenities including shops, schools and public houses. These walking routes use adopted street pavements which are predominantly flat and have street lighting. It is 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.

There is concern that the proposal will result in damage to a protected tree however, the Councils Tree Officer does not raise an objection and therefore, the relationship of the development to the tree does not affect the environmental sustainability of the site.

### Economic Role -

It is considered the proposal will result in localised economic benefits through the need to employ people to carry out the building works. The proposal 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 new family sized housing 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.

DESIGN AND CHARACTER:

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

Felpham Neighbourhood Plan policy ESD1 states that: "New development which would have an effect on the appearance or character of the surrounding area must be of a high quality of design and must contribute to local character by creating a sense of place appropriate to its location." Furthermore, Policy ESD8 states that "The design of new buildings must reflect the design principles of their time so that the richness of varied character would continue and would be extended into the future. However, the quality of design must ensure that new buildings contribute positively to the historic character of the area"

Objections have been raised in respect of:

- \* Severe over development of site;
- \* Suggest two 2 bedroom semi-detached properties - more in keeping with the roads other properties; and
- \* Overdevelopment of this narrow plot.

The plot previously accommodated a single bungalow. However the plot is 14.2m wide along the front tapering to 9.1m wide along the rear. The frontage width compares favourably to the frontage width of 12 & 12A to the west (15.5m) and with the frontage width of other semi-detached dwellings to the west of the site - for example nos. 23 & 25 and 27 & 29 both have widths of around 13m. It is noted that the rear boundary to 12 & 12A also tapers and is only 9.6m wide.

It is not considered that developing the site for two semi-detached houses is overdevelopment. Regard is had to the comment by the Parish Council: "Suggest two 2 bedroom semi-detached properties" and other resident concerns that highlight the number of bedrooms not the number of dwellings as the issue.

The building design is considered to be acceptable and the height will match that of 8/8A and be lower than that of 12/12A. The building line will be broadly the same as the adjacent properties. Proposed materials include bricks and tiles and these are considered to be appropriate in the streetscene.

RESIDENTIAL AMENITY:

Local Plan Policy GEN7 (iv) indicates 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 (para 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.

Objections have been raised in respect of:

- \* Impact on neighbouring properties in terms of privacy and light particularly the smaller houses to the west; and
- \* Obscuring/blocking light in to No. 12 if two four bedroom properties are allowed.

The dwellings will be sited on broadly the same building line as adjacent properties and have broadly the same depth albeit that the adjacent properties both have single storey rear conservatories whereas the proposed dwellings will be entirely two storey. Concerns have been expressed as to the impact of the rear two storey projections on light reaching adjacent gardens. However, these two storey rear elements are set in from the boundary by 2-3m and neither proposed dwelling affects a 45 degree angle drawn from the rear ground floor windows of either neighbour. It is also noted that the gardens are all north facing. Neighbouring properties may experience some light loss in the morning or evening but this is not considered to be significant.

The new dwellings include flank facing first floor bathroom windows and these will be restricted by planning condition so as to be obscure glazed and top vent opening only.

#### INTERNAL & EXTERNAL SPACE STANDARDS:

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

Objections have been raised in respect of:

- \* Too many bedrooms for the size of house; and
- \* Ground floor accommodation is insufficient in size for 4 bedrooms.

As per the national standards, the requirement for a two storey, four bedroom, 6 person dwelling is 106m<sup>2</sup>. The proposed floor area is 104.9m<sup>2</sup> and the 1.1m<sup>2</sup> shortfall is not considered significant enough to sustain an objection.

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.

Each of the dwellings requires a rear garden of 10m depth and 100m<sup>2</sup> in area. The rear gardens as shown taper and are narrower at the very rear. However both are at least 17m deep and both are an acceptable size with plot 1 (western side) at around 100m<sup>2</sup> and plot 2 (eastern side) at around 90m<sup>2</sup>. The shortfall in respect of plot 2 is not considered to be significant particularly considering the extensive

depth of the gardens.

#### HIGHWAY SAFETY & PARKING:

Objections have been raised in respect of:

- \* Parking overspill will conflict with other residents and with non-residents who all park along the pavement and block access to driveways;
- \* Inadequate parking for the number of bedrooms;
- \* Large vehicles already struggle to get up & down Kingsmead; and
- \* No turning space for the dwellings.

Each of the dwellings includes an integral garage and a section of driveway to the front which will allow for 2 cars to be parked off-street. Although it is noted that the proposed floor plans indicate that cycles will be parked within the garage, it is considered that this could prevent the garages from accommodating a car and thus result in overspill parking on the highway. Planning conditions are proposed to (a) require separate cycle storage sheds in the rear garden and (b) prevent the garages from being used for purposes other than car parking.

According to the West Sussex Parking Demand Calculator, the proposal will result in a total demand of 5 spaces - 2 allocated spaces per dwelling plus 1 shared visitor space. The proposal does not allocate any visitor parking spaces. However, it is not considered that occasional visitor parking on local roads will be so harmful to the amenity of local residents so as to make the proposed development unacceptable.

Neither of the two houses includes space for a vehicle to enter and exit the site in first gear. However, this is normal for a residential road of this nature and it is not considered that vehicles reversing in or out of the driveway spaces will result in danger to other road users.

It is noted that Kingsmead is fairly heavily parked and that this may affect the ability of large or emergency vehicles to get up and down the road. However, it is not considered that the addition of these two dwellings will have a materially significant impact on the existing situation.

#### FLOODING & DRAINAGE:

Felpham Neighbourhood Plan Policy ESD2 states that "All developments in flood sensitive areas, including new green spaces, will be designed and constructed to reduce the level of flood risk when compared to current use". The site is located within Flood Zone 3 and is at risk of tidal flooding. The Environment Agency have been consulted and they consider that the proposals will result in a betterment of the situation in that as opposed to the previous bungalow, bedrooms will be provided on the first floor. No objection is raised subject to a condition on finished floor levels.

Felpham Neighbourhood Plan Policy ESD5 (surface water management) requires that development proposals provide a surface water management plan. Council drainage engineers have assessed the application and advise that this plan should be provided by way of a planning condition.

#### TREES:

There is a protected Sweet Chestnut Tree within the front garden. However, following extensive negotiation, the Council's Tree Officer is satisfied that the proposal will not harm the health of this tree. A condition is proposed to require that the applicant agree a schedule of visits with the Tree Officer so that the tree can be checked throughout the construction process. Tree protective fencing will also be installed as per the approved Tree Survey & Arboricultural Impact Assessment.

**SUMMARY:**

It is considered that the proposed development would provide two new dwellings without compromising the character of the area or the amenities of neighbouring properties. The proposal also represents sustainable development and 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.

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

**RECOMMENDATION****APPROVE CONDITIONALLY**

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

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

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

Drawing 1 Rev A Location Plan, Site Plan & Roof Plan;  
 Drawing 2 Rev A Ground and First Floor Plans;  
 Drawing 3 Rev A Proposed Elevations & Streetscene;  
 Drawing 4 Rev A Section;  
 Drawing 5 Block Plan showing new/existing fencing;

Drawing 6 Foundation Plan;

Tree Survey & Arboricultural Impact Assessment by Arbortech, December 2016; and Letter from Arbortech dated 03/04/17 Ref Bald/ATcor/3417 including Appendix 1 ("Site Investigations - Further Images") & Appendix 2 ("Foundation Plan with Additional Tree Protection Detail").

In addition, the following materials are approved for the walls and roofs: Cassandra Face Brick; and Marley Eternit Edgemere Smooth Grey Tile.

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

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

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

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

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

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

- 4 No construction works shall take place or machinery/plant/building materials introduced into the site unless and until written approval has been received from the Local Planning Authority in respect of a schedule of proposed site monitoring/supervision visits and a set of reporting procedures as prepared by an appropriate arboricultural expert.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area. This is required to be a pre-commencement condition because otherwise trees might be harmed by construction works.

- 5 Details for the secure storage of at least 2 bicycles per dwelling within the site curtilage shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the new dwellings. The secure cycle storage so approved shall be implemented in accordance with the approved details and retained in perpetuity unless otherwise agreed in writing with the local planning authority.

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

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

Reason: To provide car-parking space for the use in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 7 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (November 2016) and the following mitigation measures detailed within the FRA:

\* Finished floor levels are set no lower than 2.51m above Ordnance Datum (AOD) with no sleeping accommodation at ground floor; and

\* Flood risk mitigation measures as detailed in Section 6.1 of the FRA (November 2016) must be incorporated into the new dwellings.

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

Reason: As detailed in the Flood Risk Assessment (FRA) dated November 2016, undertaken by Baker and Associates submitted with this application, according to Environment Agency (EA) Flood Map for Planning (Rivers and Sea) the site is shown to be within tidal Flood Zone 3 (high risk). Additionally the submitted FRA shows that the site could be affected from fluvial flooding should the Aldingbourne Rife or the tributary to the rear of the property overtop. In accordance with the NPPF.

- 8 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Management Plan November 2016 by Baker and Associates and this shall be made permanently available to all future residents of the houses.

Reason: To ensure safe egress from the site in the event of a flood in accordance with the NPPF.

- 9 The two internal garages 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.

- 10 The two first floor bathroom windows in the eastern and western elevations shall at all times be glazed with obscured glass and permanently fixed to be top vent opening only.

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

- 11 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilages of the dwellings 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.

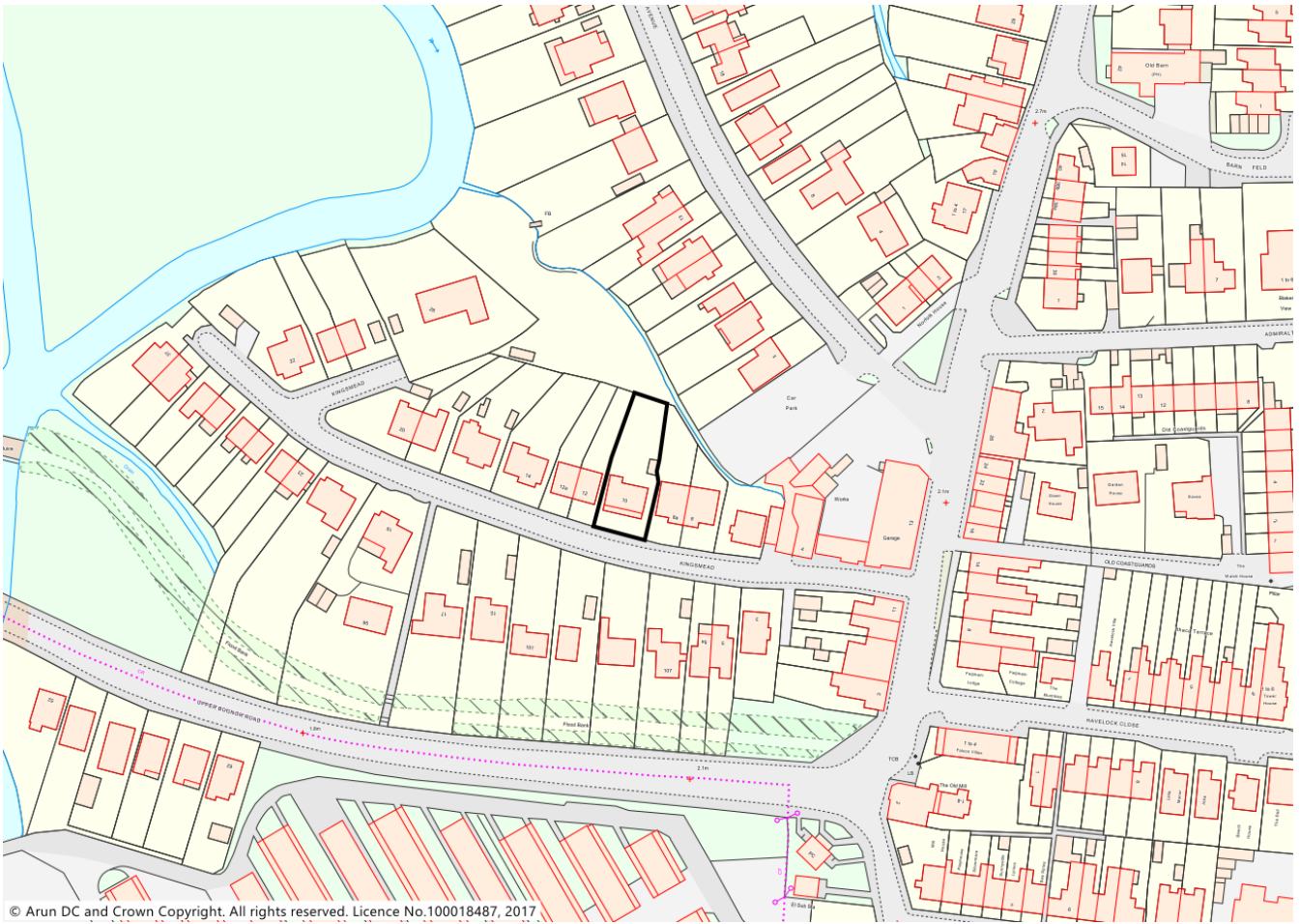
- 12 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of



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.

- 13      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.
- 14      INFORMATIVE: Any works in, under or over the Aldingbourne Rife Tributary (shown at the rear of the property) a classified main river under the jurisdiction of the Environment Agency (EA) and subject to EA byelaws, or within 8metres from the watercourse bank edges, an Environment Permit (EPR) will need to be applied for. Further information can be obtained by emailing [PSOWestSussex@environment-agency.gov.uk](mailto:PSOWestSussex@environment-agency.gov.uk)
- 15      INFORMATIVE: In respect of the Flood Management Plan condition above, the Environment Agency advise that tidal flood risk can be predicted well in advance of the event. Occupants can either evacuate the property in advance or take safe refuge upstairs where the level of 5.11m AOD is above 4.43m AOD the 1 in 200 year tidal flood risk level plus climate change. As stated within the Flood Plan, registration with the EA's Flood Warning service would be therefore recommended.

**FP/264/16/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

**REF NO:** LU/56/17/PL

**LOCATION:** 22 Beach Road & 3 Evans Gardens  
Littlehampton  
BN17 5HT

**PROPOSAL:** Change of use of ground floor from retail shop (A1 Shops) to hot food takeaway (A5 Hot Food Takeaway) & associated works.

<b>SITE AND SURROUNDINGS</b>
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<b>DESCRIPTION OF APPLICATION</b>	The application seeks permission for the change of use of the ground floor shop (A1) to hot food takeaway (A5). The proposal makes provision for the storage of vehicles to the rear in a garage accessed via Evans Gardens and a new shop front.
<b>SITE AREA</b>	N/A
<b>TOPOGRAPHY</b>	Predominantly flat.
<b>TREES</b>	None affected by the development.
<b>BOUNDARY TREATMENT</b>	The primary elevation abuts the highway.
<b>SITE CHARACTERISTICS</b>	3 storey mid terrace property. Ground floor in retail use and residential accommodation above. The shop features a white painted wooden shop front with the first and second floor featuring red brick. The premises features a rear access which is accessed via Evans Gardens which is a small courtyard to the rear of the site which provides access to a number of other retail uses as well as a seating area associated with a restaurant.
<b>CHARACTER OF LOCALITY</b>	The site is in Littlehampton town centre and forms part of the secondary retail frontage. Predominantly commercial at ground floor with residential accommodation at first and second floor level.

<b>RELEVANT SITE HISTORY</b>
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None.

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

Littlehampton Town Council

The Town Council's Planning and Transportation Committee considered this matter at its meeting on Monday 6th March 2017 and object to the application. The Committee welcomed the investment in the Town however, there were serious reservations about the impact of motor scooters on the residential amenity of the residents in Evans Gardens courtyard and the route that the mopeds undertaking deliveries would take on leaving the premises. Noting that mopeds would be stored in a unit at the rear of the premises in the Courtyard, Members recalled this was a well-used amenity space. Observing that the home delivery service would form a significant proportion of sales, Members considered that users' amenity would be disturbed by the constant coming and going of mopeds. It was therefore considered imperative that the mopeds be kept on the street in front of the premises in Beach Road during the hours of business. The Committee therefore objected to application on the grounds that it would have a detrimental impact on neighbouring amenity. Only if Members were satisfied on this point, which could be addressed by condition, would the Committee consider lifting its objection. It was also reported that a planning notice was not on display in Evans Gardens and Members considered that this should be rectified as residents here would be directly affected by the proposals.

7 no. letters of objection (from 6 individuals):

- 1] Mopeds being operated within Evans Gardens would have an unacceptable impact upon residential amenity and would give rise to conflict between pedestrians using Evans Gardens and the vehicles.
- 2] Disruption will be caused to the delivery bay situated forward of the premises.
- 3] Too many takeaways in Littlehampton and this is a loss of a retail unit.
- 4] Late night opening would adversely impact upon the residential amenity of Beach Road.
- 5] Proposed development will block disabled access to opticians situated at 20 Beach Road. However, this matter has been raised with the agent who has provided an amended plan which relocates the units above head height to avoid conflict with the established disabled access.
- 6] Restrictive covenant is present within Evans Gardens restricting the storage of rubbish, building, materials, oil or petrol.

1 no. letter of support:

- Great location for such a use.
- To refuse would be contrary to GEN7 of the Arun District Local Plan and Policy 1 of the Littlehampton Neighbourhood Plan as development is sustainable.

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

In response to the comments from Littlehampton Town Council:

- Concerns regarding the disturbance that vehicular movements to and from Evans Gardens would have upon residential amenity are noted. However, it is considered that a suitable condition could be included to prevent mopeds from being operated within Evans Gardens and that delivery collections by drivers were only made from Beach Road. It is considered that this condition will protect the residential amenity of nearby occupiers and avoid conflict between pedestrians access the shops located within Evans Gardens and delivery vehicles.
- A site notice was affixed forward of the primary elevation as well as to the telephone pole next to the entrance into Evans Gardens and facing onto Arcade Road. A notice in this location was considered most appropriate as it would be clearly visible to anyone accessing Evans Gardens as well as people walking along Arcade Road.

In response to the 7 no. letters of objection (from 6 individuals):

- 1 - 4] Comments noted. These matters will be considered further in the conclusion to this report.
- 5] The alleyway to the rear of 20 Beach Road which also provides for the disabled access falls within the red edge, with the application form stating that the land is owned by the applicant. Therefore, any blocking of this means of access would likely be a private matter which falls outside of planning.

6] Covenants are not a material planning consideration and no weight can be given to this in the determination of the application. The enforcement of covenants is a private legal matter.

In response to the 1 no. letter of support:

· Comments noted. These matters will be considered further in the conclusion to this report.

<b>CONSULTATIONS</b>
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Environmental Health  
 Economic Regeneration  
 WSCC Strategic Planning

**CONSULTATION RESPONSES RECEIVED:**

**ECONOMIC DEVELOPMENT:**

Whilst Economic Development would welcome a national chain to Littlehampton we do not consider this to be the correct place to run a delivery service from. Our concern would be around vehicle movement in Evans Courtyard. This is an area which is frequently used for small events which add to this end of the town centre. In addition there are retail units in the courtyard whose customers would have potential conflict with traffic.

If alternative arrangements could be made and enforced by condition for the delivery vehicles this proposal would be acceptable.

**WSCC STRATEGIC DEVELOPMENT:**

The proposal to change the use of the existing A1 retail shop into a hot food takeaway (A5) use has been considered by WSCC as the Local Highway Authority. No objection is raised to this proposal from a highway safety or capacity point of view.

The shop is vacant and the shop will be accessed on foot off Beach Road. There are pavements either side of the road linking to other areas of Littlehampton. Beach Road is located in the Town Centre and there are existing parking restrictions in the form of double yellow lines at the junctions with Beach Road and Arcade Road. Directly outside the shop is a designated goods vehicle loading bay, which serves the local shops and parking is available but restricted to 1 hour.

The rear courtyard known as Evans Gardens is privately owned and as such does not form part of the public highway network. There is a dropped kerb in place to provide access to vehicles wishing to access the rear of the property. If this is to be used for delivery motorbikes the access provision is acceptable to the front and rear of the shop.

WSCC are satisfied this proposal would not cause any highway safety or capacity issues and is within a sustainable town centre location. As such no objection is raised.

**ENVIRONMENTAL HEALTH:**

Comment received 30.03.2017

An Acoustic Report will be necessary in respect of delivery vehicles, particularly delivery mopeds; and plant, to be used in association with this premises in order to demonstrate that the proposed business will not cause noise nuisance to the nearest noise sensitive location.

Informative: I understand that the area known as Evans Gardens has small shops to which the public have access, as well as an al fresco eating area for Panama Joe's cafe. A Health & Safety Risk Assessment as detailed in The Management of Health & Safety at Work Regulations 1999, will be necessary to demonstrate how this area can be safely used as a through way for delivery mopeds associated with this proposed food outlet.

The premises will require Registration under the Food Safety Act 1990 and will need to comply with the standards contained in the relevant Food Hygiene Regulations prior to becoming operational. The applicant is advised to contact The Food Safety Team at Environmental Health on Tel 01903 737755; E Mail Food.Safety@arun.gov.uk.

Comment received 11.04.2017

I can confirm that I have just been telephoned by David Pickford from Pegasus Group. We discussed the use of noisy delivery mopeds to the above proposed Pizza Take Away, whose operation might adversely affect the quiet enjoyment of this area. I would be obliged if you would add a condition to the Planning consent that such vehicles must be wheeled through Evans Gardens, not to be operated until outside the business and on the main Beach Road. No Health & Safety Risk Assessment will be required with this adjustment in place.

An Acoustic Report, as previously advised, will still be necessary, however, in respect of plant and machinery to be operated on site. Please would you provide the standard condition for this accordingly, together with the requirement that any such report must be acceptable to the Planning Department/EHD before building reconfiguration proceeds.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

**POLICY CONTEXT**

Designation applicable to site:  
 Within built area boundary  
 Building special character

**DEVELOPMENT PLAN POLICES**

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

- AREA19 Primary Shopping Frontages
- GEN7 The Form of New Development
- GEN32 Noise Pollution
- GEN34 Air Pollution
- DEV26 Criteria for Retail Development
- GEN22 Buildings or Structures of Character

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

- HER DM2 Locally Listed Buildings or Structures of Character
- D DM1 Aspects of Form and Design Quality
- D DM4 Extensions & Alterations to Existing Buildings
- QE DM1 Noise Pollution
- QE DM3 Air Pollution

## RET DM1 Retail Development

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**POLICY COMMENTARY**

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

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

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

**The Neighbourhood Development Plan**

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

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

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

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

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

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

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

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

#### **OTHER MATERIAL CONSIDERATIONS**

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

#### **CONCLUSIONS**

##### **PRINCIPLE**

The site is in the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The site is in the principle shopping area as defined in the Local Plan 2003 and is in the secondary shopping frontage in the emerging Local Plan.

Paragraph 2.34 of the Local Plan identifies that this area of Littlehampton should serve a complementary function adding to services and facilities provided by the primary shopping centre. Policy RET DM1 of the emerging Local Plan seeks to prevent a concentration of non-retail uses to the detriment of the vitality of the town centre.

This section of Littlehampton town centre (excluding the application site) currently consists of approximately;

51% - A1 Uses (Shops)



16% - A2 Uses (Financial and professional services)  
19% - A3/A5 Uses (Restaurants, Cafes and Take-away)  
13% - Other Uses (Sui Generis & D1)

It is considered that the change of use from A1 to A5 will not undermine the vitality of the town centre and will serve a complimentary function to the primary shopping frontage.

The key policy considerations in the determination of this application are policies GEN7, GEN32 and GEN34 of the Local Plan; policy RET DM1 of the emerging Local Plan; and the NPPF.

#### DESIGN AND VISUAL AMENITY

The application proposes a new shop front which by virtue of its design is not considered to adversely impact upon the established character of the building or the wider locality. As such, the shop front accords with policy GEN7(ii) of the Local Plan.

The application also includes various alterations to the fenestration of 3 Evans Gardens to the rear as well as the provision of a flue affixed to the rear elevation of 22 Beach Road. The alterations to the fenestration is not considered to adversely impact upon the character of 3 Evans Gardens, whilst the flue by virtue of its location will not have a significant presence within the street scene and will not adversely impact upon the established character of the locality.

The application site is identified as a building of special character along with the majority of properties on Beach Road. It is considered that the proposed alterations to the shop front will not have an unacceptably adverse impact upon the appearance, character or special interest of this property. Whilst, the replacement shop front will be constructed from powder coated aluminium and will replace the existing wooden shop front. However, this change in materials and design is considered acceptable given the various materials and designs of shop fronts already present in neighbouring properties. Therefore, the proposed alterations to 22 Beach Road are considered to accord with policy GEN22 of the Arun District Local Plan.

#### RESIDENTIAL AMENITY

The use has the potential to harm the amenity of nearby residential properties by virtue of noise and disturbance. It is intended for the premises to operate between 11.30 and 23.00. These hours are considered to be acceptable given the town centre location and in keeping with opening hours elsewhere on Beach Road. Whilst it is acknowledged that residential properties and situated at first floor level in close proximity to the site a number of food outlets are already within the vicinity of the site and the proposal is unlikely to result in unacceptably adverse noise or disturbance beyond that which is already present in the locality.

It is noted that the A5 use will carry out deliveries via moped. The site is served by a one way street through the centre of town and these vehicles could be operated on the highway at anytime of day without restriction. It is considered that noise and disturbance associated with the use will not exceed that which could already be achieved in this area.

The storage of mopeds is intended to take place within Evans Gardens which is a privately owned courtyard which features a number of retail premises as well as an outdoor eating area associated with the A3 restaurant located on the corner of Arcade Road and Evans Gardens. The operation of the mopeds within Evans Gardens was identified as having the potential to adversely impact upon the residential amenity of nearby occupiers. It is considered that with suitably worded conditions (conditions 3, 4 & 5) the use of premises and the operation of vehicles within Evans Gardens can be adequately controlled to avoid unacceptably adverse harm to residential amenity. This has been considered by Environmental Health and has been deemed an acceptable measure to prevent unacceptably adverse

harm to the residential amenity of nearby occupiers.

It has been identified by Environmental Health that an acoustic report will be required in relation to plant and machinery to be operated on site. This will be secured through condition.

#### HIGHWAY SAFETY

Concerns have been raised relating to vehicular movements to the rear of the site. Evans Gardens is privately owned and is not part of the highway. As identified above it is considered that the operation of mopeds within Evans Gardens would conflict with policy GEN7(vii) of the Local Plan. Therefore, condition 5 has been included requiring that mopeds are wheeled onto the highway before being operated.

WSSC Strategic Planning have been consulted in relation to this application and have stated that "access provision is acceptable to the front and rear of the shop". Therefore, no objections have been raised in relation to proposed use and the safe operation of the highway.

#### SUMMARY

It is considered that the proposal accords with relevant development plan policies and as such is recommended for approval subject to the below conditions.

#### HUMAN RIGHTS ACT

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

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

#### DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

#### RECOMMENDATION

##### APPROVE CONDITIONALLY

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

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

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

approved plans: Proposed Plans Inc Mechanical Spec - PL01 Rev A; and Proposed Elevations - PL02 Rev B.

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 Before the development commences, the applicant shall submit a report, prepared in accordance with the provisions of BS4142 to predict noise levels generated by the machinery and plant to be operated on site at the nearest noise sensitive location.

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

- 4 The use hereby approved and machinery and plant on site shall only be operated only between the hours of:-

11.00 - 23.00 Monday to Sunday (including Bank Holidays)

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

- 5 No motor vehicles associated with the use hereby approved shall be operated within Evans Gardens, all vehicles stored to the rear of the premises will be pushed by hand onto the highway before being operated.

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

- 6 The extraction equipment installed at the site shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority.

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

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

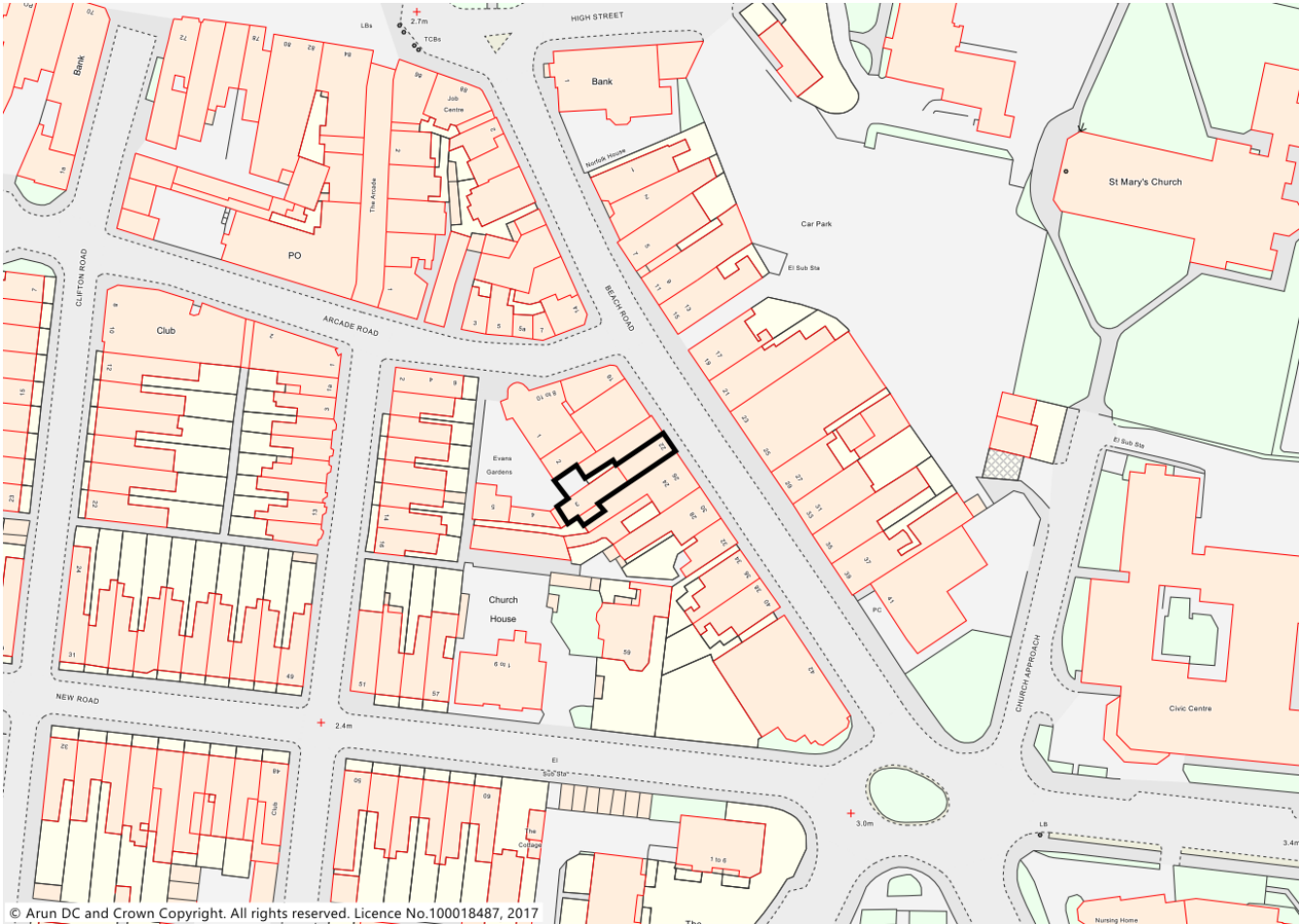
Reason: In order to safeguard the amenities of neighbouring properties, in accordance with policy GEN7 (iv) and (v) of the Arun District Local Plan.

- 8 INFORMATIVE: The premises will require Registration under the Food Safety Act 1990 and will need to comply with the standards contained in the relevant Food Hygiene Regulations prior to becoming operational. The applicant is advised to contact The Food Safety Team at Environmental Health on Tel 01903 737755 or via E-Mail at Food.Safety@arun.gov.uk.

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

National Planning Policy Framework.

**LU/56/17/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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## AGENDA ITEM 9

### 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>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/W/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
<b>FP/184/16/T</b> <b>Received:</b> 17-10-16	Manor Flats 100 Felpham Road FELPHAM Fell to ground level 1No. Blue Atlas Cedar <b>Written Representations</b> <b>PINS Ref:</b> ENV/3161078
<b>FP/186/16/PL</b> <b>Received:</b> 21-02-17	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

**LU/153/16/PL**

**Received:** 17-01-17

The Marine Selborne Road Littlehampton

Bedsit (resubmission following LU/183/15/PL). This application affects the character & appearance of the Littlehampton Seafront Conservation Area.

***Written Representations***

**PINS Ref:** APP/C3810/W/16/3165293

**WA/22/15/OUT**

**Received:** 20-01-16

Land to the East of Fontwell Avenue Fontwell

Outline application with some matters reserved to provide up to 400 No. new dwellings, up to 500 sqm of non-residential floorspace (A1, A2, A3, D1 and/or D2), 5000 sqm of light industrial floorspace (B1 (b)/(c)) & associated works including access, internal road network, highway works, landscaping, selected tree removal, informal & formal open space & play areas, pedestrian & cyclist infrastructure utilities, drainage infrastructure, car & cycle parking & waste storage. This application is a departure from the Development Plan & also lies within the parish of Eastergate.

***Public Inquiry***                      ***01-11-16***

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

**Y/19/16/OUT**

**Received:** 08-09-16

Land off Burndell Road Yapton

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

***Public Inquiry***                      ***25-04-17***

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