



Committee Manager : Carrie O'Connor (Ext 37614)

6 July 2017

## **DEVELOPMENT CONTROL COMMITTEE**

A meeting of this Committee will be held in the **Council Chamber** at the Arun Civic Centre, Maltravers Road, Littlehampton on **Wednesday 19 July 2017 at 2.30 p.m.** and you are requested to attend.

Members : Councillors Bower (Chairman), Hitchins (Vice-Chairman), Mrs Bence, Mrs Bower, Brooks, Dillon, Gammon, Mrs Hall, Mrs Maconachie, Maconachie, Mrs Oakley, Oliver-Redgate, Miss Rhodes, Mrs Stainton and Wells

**PLEASE NOTE THAT THE ORDER OF THE AGENDA MAY BE ALTERED AT THE DISCRETION OF THE CHAIRMAN AND SUBJECT TO THE AGREEMENT OF THE MEMBERS OF THE COMMITTEE**

**PLEASE ALSO NOTE THAT PLANS OF THE APPLICATIONS DETAILED IN THE AGENDA ARE AVAILABLE FOR INSPECTION AT THE COUNCIL'S PLANNING RECEPTION AT THE CIVIC CENTRE AND/OR ON LINE AT [www.arun.gov.uk/planning](http://www.arun.gov.uk/planning)**

## **A G E N D A**

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of personal and/or prejudicial/pecuniary interests that they may have in relation to items on this agenda.

You should declare your interest by stating :

- a) the application you have the interest in
- b) whether it is a personal interest and the nature of the interest
- c) whether it is also a prejudicial/pecuniary interest
- d) if it is a prejudicial/pecuniary interest, whether you will be exercising your right to speak at the application

You then need to re-declare your prejudicial/pecuniary interest and the nature of the interest at the commencement of the application or when the interest becomes apparent.

3. VOTING PROCEDURES

Members and Officers are reminded that voting at this Committee will operate in accordance with the Committee Process Procedure as laid down in the Council's adopted Local Code of Conduct for Members/Officers dealing with planning matters. A copy of the Local Code of Conduct can be obtained from Planning Services' Reception and is available for inspection in the Members' Room.

4. MINUTES

To approve as a correct record the Minutes of the meeting held on 21 June 2017 (attached).

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

6. TREE APPLICATIONS

There are no applications to consider.

7. \*PLANNING APPLICATIONS

To consider the attached reports.

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

8. \*PLANNING APPEALS

To consider the attached report.

### **Background Papers**

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

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

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

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

Note: Members are reminded that if they have any detailed questions would they please inform the Chairman and/or the Head of Development Control, in advance of the meeting. This is to ensure that officers can provide the best possible advice to Members during the meeting.



DEVELOPMENT CONTROL COMMITTEE

21 June 2017 at 2.30 p.m.

Present: Councillors Bower (Chairman), Hitchins (Vice-Chairman), Mrs Bence, Mrs Bower, Brooks, Dillon, Gammon, Mrs Hall, D. Maconachie, Mrs Oakley and Miss Rhodes.

Councillor Elkins was also in attendance at the meeting.

44. APOLOGIES

Apologies for absence had been received from Councillors Mrs Maconachie, Oliver-Redgate, Mrs Stainton and Wells.

45. 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.

There were no declarations of interest made.

46. MINUTES

The Minutes of the meeting held on 24 May 2017 were approved by the Committee and signed by the Chairman as a correct record.

Development Control  
Committee – 21.06.17.

47. START TIMES

The Committee

RESOLVED

That start times of meetings for the remainder of 2017/18 be 2.30 p.m.

48. PLANNING APPLICATIONS

LU/147/17/DOC – Application for approval of matters reserved by condition imposed under LU/314/16/PL relating to Condition 7 – surface water drainage, 8 – Protection of public sewers & 20 – level survey Having received a report on the matter, together with the officer's written report update detailing:-

- Consultation responses from the Council's Engineers, Southern Water and Building Control stating that they had no objection to the discharge of conditions 7 and 8
- As the site level details were considered to be acceptable it was recommended that condition 20 could be discharged based on the submitted plan drawings, as detailed in the update.

The Engineering Services Manager was in attendance at the meeting and confirmed that conditions 7 and 8 could be discharged.

Following consideration, the Committee

RESOLVED

That conditions 7,8 and 20 be discharged

FG/198/16/PL – Demolition of existing house with erection of 2 storey building comprising of 8 No. residential 2 bedroom flats & associated external works, 1 Sea Drive, Ferring Having received a report on the matter, together with the officer's written report update detailing :-

- Amended plans submitted increasing the level of car parking by 1 additional space; removal of an obscure glazed window at first floor level in west elevation; showing finished floor level of existing and proposed developments Above Ordinance Datum; and outline of existing property as compared to proposed.
- As the amended plans would be subject to full consultation it was proposed that the final decision be delegated to the Group Head of Planning, in

consultation with the Chairman and Vice-Chairman, following re-consultation of the application.

- Additional letters of objection
- Rectification of error in 'Officer Comments on Reps'
- Amended wording to condition 14 to include the words 'fixed shut' and to include a further first floor secondary window serving the living room.

In presenting the detail of the application to Members, the Senior Planning Officer advised that there had been no objection in terms of highway safety from West Sussex County Council (WSSC). Under the West Sussex Parking Calculator, 11 spaces had been identified; the applicant was now proposing to provide 10 and, given the minor shortfall together with the availability of car parking on Sea Lane, it was considered that the proposal would not be contrary to policy.

The Planning Team Leader firstly apologised to the meeting for the poor quality of the presentation due to technical issues. He then advised that the additional plans had been submitted at the end of the previous week and would need to go out for re-consultation with regard to the additional car parking space and the removal of the window in the west elevation and, as such, it was proposed that the final decision to approve or refuse would be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman. He confirmed that the process for dealing with the application had been carried out in accordance with the planning matters that planning professionals had to take account of.

In the course of detailed discussion on the proposal concern was raised that, owing to its contentious nature, any decision should not be delegated to officers but should be brought back to Committee for determination.

A number of concerns with the application were expressed, mainly relating to the inadequacy of car parking provision on the site and dependence on the surrounding roads to provide further spaces. It was felt that additional pressure on "on street" parking would alter the character of the area and would have a detrimental impact. It was suggested that the application be deferred to enable officers to speak to the developer to negotiate more car parking provision.

Members were reminded that WSSC had accepted the level of car parking.

In turning to the recommendation as set out in the officer report update, the Committee did not accept that the final decision on the application should be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman following re-consultation on the two amended plans. Members therefore voted that the application would be brought back to Committee for determination.

Development Control  
Committee – 21.06.16.

The Committee then considered deferral of the application, subject to re-consultation taking place on the amended plans. However this was not agreed and the Chairman called a short adjournment to take advice from the Group Head of Planning.

On the meeting being reconvened, it was proposed and duly seconded that the application be deferred on car parking grounds to enable officers to negotiate with the applicant an improved provision.

The Committee then

RESOLVED

That the application be deferred on car parking grounds to enable officers to negotiate with the applicant an improved provision.

FP/80/17/PL – Demolition of existing dwellings & replacement with 3 No. dwellings with garages & ancillary parking. Resubmission of FP/207/16/PL, 112 & 114 Felpham Way, Felpham Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

49. PLANNING APPEALS

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

(The meeting concluded at 4.15 p.m.)



**AGENDA ITEM 7**

**DEVELOPMENT CONTROL COMMITTEE**

**19th July 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**

**ALDWICK**

**Reference**

[AW/85/17/PL](#)

**Development Description**

Replacement of new kitchen extract supply system which will include odour control & sound attenuation & installation of new walk-in cold store & silent running condenser with additional condenser within yard area to the rear of site (resubmission of AW/315/16/PL).

**Location**

The Martlets Public House  
Aldwick Road  
ALDWICK  
PO21 3AD

**Case Officer:**

Mr R Temple

**Recommendation:**

Approve Conditionally

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**ANGMERING**

**Reference**

[A/81/17/PL](#)

**Development Description**

Application for removal of condition No. 2 of previously approved planning application A/113/88 relating to retail sales restrictions

**Location**

Roundstone Farm & Shop  
Littlehampton Road  
Angmering  
BN12 6PW

**Case Officer:**

Mrs A Gardner

**Recommendation:**

Approve Conditionally

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**BOGNOR REGIS**

**Reference**

[BR/130/17/PL](#)

**Development Description**

Change of Use of hotel & function room/licensed bar (C1 Hotel) to 18No. flats (C3 Dwellinghouses). This application affects the character and appearance of The Steyne Conservation Area. Resubmission of BR/155/15/PL

**Location**

The Royal Hotel  
The Esplanade  
Bognor Regis  
PO21 1SZ

**Case Officer:**

Mr S Davis

**Recommendation:**

App Cond sub to S106

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**LITTLEHAMPTON**

**Reference**

[LU/94/17/OUT](#)

**Development Description**

Outline application with all matters reserved for residential re-development comprising of 10 No. dwellings & associated works (resubmission following LU/327/16/OUT).

**Location**

Westholme Nursery  
Toddington Lane  
Littlehampton  
BN17 7PP

**Case Officer:**

Mrs A Gardner

**Recommendation:** App Cond with S106

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**PAGHAM**

**Reference**

[P/48/17/PL](#)

**Development Description**

Application for variation of condition no's 28 & 29 imposed on planning permission P/125/14/PL for the relocation of reptiles to an off site receptor site.

**Location**

251 Pagham Road & the  
Land R/O  
251 Pagham Road  
Pagham  
PO21 3QB

**Case Officer:** Mr S Davis

**Recommendation:** Approve Conditonally

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**YAPTON**

**Reference**

[Y/1/17/OUT](#)

**Development Description**

Outline Application with some matters reserved for the erection of 56 No. dwellings with associated open space and creation of new access. This application is a Departure from the Development plan & affects the character & appearance of the Yapton (Main Road) Conservation Area.

**Location**

Bonhams Field  
Main Road  
Yapton  
BN18 0DX

**Case Officer:** Mr D Innes

**Recommendation:** Approve Conditonally

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PLANNING APPLICATION REPORT

**REF NO:** AW/85/17/PL

**LOCATION:** The Martlets Public House  
Aldwick Road  
ALDWICK  
PO21 3AD

**PROPOSAL:** Replacement of new kitchen extract supply system which will include odour control & sound attenuation & installation of new walk-in cold store & silent running condenser with additional condenser within yard area to the rear of site (resubmission of AW/315/16/PL).

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	The new equipment will be located on the west side flat roof and west side elevations of the building
SITE AREA	0.39 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m fence to west and north side boundaries, wall with picket fence atop approx. 1.4m high to south and east side (facing road).
SITE CHARACTERISTICS	Part two storey part single storey detached pub-restaurant unit located back from the road on a corner plot. Garden and play area to south, parking to north and east section of the site and storage yard to west side.
CHARACTER OF LOCALITY	Mainly residential, formed of detached bungalows with some flats.

<b>RELEVANT SITE HISTORY</b>
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BR/140/48	Use Of Land For Licensed Premises	No Objection 04-02-49
BR/140/48/A	Outline Public House	ApproveConditionally 03-04-64
BR/140/48/C	Public House Off Licence Flat And Garage	ApproveConditionally 30-11-64

AW/135/86	Proposed Internal Alterations And Extensions To Bars Toilets Etc	ApproveConditionally 14-07-86
AW/183/92	Forming flat roof extension for dry goods store and kitchen area. Forming two bay windows. Forming flat roof extension to provide access to new toilet layout. Extending existing conservatory window structure together with small extension to licensed area. Fence garden area. Close one vehicular access and reconstruct carpark layout to provide 60 spaces.	ApproveConditionally 10-02-93
AW/41/93	Installation of fixed double tower with suspension bridge play equipment 4.8 x 4.9 x 2.96m high set in 8.50 x 8.30m bark safety surface pit.	ApproveConditionally 19-05-93
AW/315/16/PL	Replacement of the existing kitchen supply & extract system to suit the new internal catering kitchen layout. Installation of walk-in cold store & silent-running condenser & additional condenser	Withdrawn 13-03-17

Previous application withdrawn owing to EH objection on noise and odour pollution grounds.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Aldwick Parish Council

Aldwick Parish Council

An objection.

Members opposed the application on the grounds that the problems with sound and odour have not sufficiently been addressed. Members would also like the Environmental Health Officer's concerns to be answered.

The Parish Council retained their objection following amendments to the application.

13 letter of public representation received, objecting on the grounds of:-

- Noise pollution to nearby residences
- Odour Pollution to nearby residences
- The design of the ventilation system is damaging to the appearance of the street scene and building.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted.

Following further comments from EH after amended plans and specifications were received, it is not considered that (should conditions be complied with) the development will lead to detrimental impact on neighbouring residential amenity from noise and odour pollution.

The extraction system, whilst of no particular merit is not considered to be unacceptable on the roof of the building which is set back from the road. It is considered to be a relatively modest addition to the building.

<b>CONSULTATIONS</b>
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Environmental Health

Engineers (Drainage)

Engineering Services Manager

Environmental Health

**CONSULTATION RESPONSES RECEIVED:**

ENVIRONMENTAL HEALTH

initially objected to the application requiring more information and amended proposals.

Final comments:-

EH have reviewed the updated plans, numbered 091799 and dated 12 May 2017 for the siting of the kitchen extract system, the updated report by Purified Air, dated 15 March 2017, the odour management plan produced by Green King and received by Environmental Health on 30 May 2017 and the Environmental Noise Assessment Report, completed by ENL and dated May 2017. We are satisfied with the proposals detailed in these plans and reports but would request that in order to protect neighbours from noise and cooking odours the following conditions are attached should the application be approved:

1. That Greene King comply with the conditions and controls set out within their odour management plan submitted on 30 May 2017.
2. That the kitchen ceases operation at 22.00 hours daily and the kitchen extract system is not used between the hours of 22.15 and 08.00 daily.
3. Records must be kept of any maintenance and servicing of the kitchen extract system and these must be made available to the local authority upon request.
4. Records must be kept of any odour monitoring undertaken by the duty manager or other staff as set out in the odour management plan. These records should include actions taken where significant odours are detected and must be made available to the local authority upon request.
5. Greene King must notify Environmental Health at Arun District Council if any repairs or alterations are carried out on the kitchen ventilation extract system or other plant equipment e.g. walk in freezer.

6. The kitchen extract system is to be installed in accordance with the specifications detailed in the report provided by Purified Air dated 15 March 2017 and the drawing number 091799, dated 12 May 2017, provided by Greene King.

7. The mitigation and control measures set out in paragraph 8.1 - 8.4 of the Environmental Noise Assessment Report by ENL, dated May 2017 must be completed prior to the operation of the system.

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Conditions will be included.

Recommendation no. 7 would be suitably covered by recommendation 1. As such it is not required, this would represent a duplicated condition.

#### POLICY CONTEXT

Designation applicable to site:  
Within the built up area boundary.

#### DEVELOPMENT PLAN POLICES

##### Arun District Local Plan (2003):

GEN2	Built-up Area Boundary
GEN32	Noise Pollution
GEN34	Air Pollution
GEN7	The Form of New Development

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

D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
QE DM1	Noise Pollution
QE DM3	Air Pollution
QE SP1	Quality of the Environment
SD SP2	Built -Up Area Boundary

#### PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

#### SUPPLEMENTARY POLICY GUIDANCE:

SPD10	Aldwick Parish Design Statement
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#### POLICY COMMENTARY

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

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).

Aldwick Parish Council is not preparing a NDP but does have a Parish Design Statement which is a material consideration.



## 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.

## CONSIDERATION OF ALTERNATIVE SITES

(ONLY REQUIRED FOR TELs)

The applications report received with this application explains that alternative sites have been considered. These include the following:

(Enter site address and reason for discounting)

## CONCLUSIONS

PRINCIPLE

Policy GEN 2 "Built up area boundary" states:-

"The boundaries of the built-up area for the purposes of the West Sussex County Structure Plan and this District Local Plan are defined on the Proposals Map. Development or redevelopment will be permitted within the built-up area boundaries, subject to the other policies in this plan. Outside the built-up area boundaries, development or redevelopment will not be permitted unless it is consistent with other Local Plan policies."

This site is within the built up area boundary and is for modifications/alterations to an existing use. As such, the principle of development is acceptable.

DESIGN AND VISUAL AMENITY

Saved policy GEN 7 "The form of new development" states:

"Development will be permitted provided it:

(ii) demonstrates that it responds positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and respects and enhances local distinctiveness; "

AREA 13 "Aldwick Road" of the Aldwick Parish Design Statement states:

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

and:

"exercise strict control over any roof development likely to be particularly intrusive by virtue of proximity to neighbouring dwellings. Any roof redesign should be sympathetic and in keeping with the character of existing properties."

The section of the development visible from the street scene would be the roof extraction equipment. This would replace the existing unauthorised flue. There was extraction equipment in place prior to the current flue and extraction equipment. The building is characterised by this type of development and the proposed extraction equipment and flue are not considered to vary significantly from the existing or previous. As such, the development is considered to have a neutral impact on the visual amenity and existing building. Thus, it is considered to comply with saved policy GEN7 of the Arun District Local Plan and AREA 13 of the Aldwick Parish Design statement.

## RESIDENTIAL AMENITY

### Visual Impact

Policy GEN 7 states:-

"Development will be permitted provided it:

(iv) does not have an unacceptable adverse impact on adjoining occupiers, land, uses or property and, where relevant, facilitates the development of adjoining sites;

(v) takes account of any unacceptable adverse impacts that may arise from adjoining land uses or property;"

In terms of visual impact on neighbouring residential amenity, the development would create a modest change. The roof development will replace an existing flue and the development at ground floor level will not be visible from the adjacent neighbouring properties (216 Aldwick Road and 32 Greyfriars Close) or their gardens. As such, in terms of visual intrusion the development is considered to be acceptable. Given the development will be set away (3.920m minimum to common boundary) from neighbouring gardens and windows it would not result in significant loss of light via overshadowing and passes the 45 degree test to rear facing neighbouring windows. The impact would be further nullified by the existing 1.8m fence on the eastern boundary.

### Noise and Odour Impact

Saved policy GEN32 'Noise Pollution' states:

"Noise sensitive development will not be permitted if its users would be affected adversely by noise from existing or proposed noise-generating uses.

Development which is a potential source of significant noise pollution will not be permitted unless the Council is satisfied that appropriate measures have been included in the proposal to reduce noise pollution to acceptable levels. Details of such measures will be required as part of the planning application."

Policy GEN34 'Air Pollution' states:

"Development that contributes to air pollution through dust, smell, fumes, smoke, heat, radiation, gases, steam or other forms of pollution will not be permitted unless the Council decides that the health, safety and amenity of users of the site or surrounding land is not put at risk and the quality of the environment would not be damaged or put at risk."

It should be noted that an abatement notice has been served on this site by the Arun District Council Environmental Health Team. This planning application is an attempt by the applicant to comply with the abatement notice should permission be granted.

Following revisions to the application which concluded further details of proposed noise and odour attenuation; the Council's Environmental Health Team withdrew their objection subject to conditions. The conditions recommended include:-

- complying with the most recently submitted odour management plan and requirements of the Environmental Noise Assessment Report by ENL, dated May 2017,
- the extract system to not be used between the hours of 2215 and 0800 daily,
- records to be kept of maintenance and servicing of the kitchen extract system and records of any odour monitoring as set out in the odour management plan. These must be made available to the local authority upon request,
- the applicant or user to notify Environmental Health at Arun District Council if any repairs or alterations are carried out on the kitchen ventilation extract system or other plant equipment e.g. the walk in freezer.
- extract system to be installed in line with specifications in submitted report by Purified Air dated 15 March 2017 and the drawing number 091799, dated 12 May 2017,

These recommendations are considered reasonable and will be attached as conditions. Should the conditions be fully complied with and the development installed in line with approved plans, it is not considered that the odour and noise pollution level (from the operation of the equipment mechanically and the use of the walk in Cold store by staff) would create significant harm to neighbouring residential amenity namely that of 216 Aldwick Road and 32 Greyfriars Close.

The development is considered to comply with the policies of the Development Plan and is recommended for conditional approval.

#### **HUMAN RIGHTS ACT**

Human Rights Act:

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

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

<b>DUTY UNDER THE EQUALITIES ACT 2010</b>
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Duty under the Equalities Act 2010

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

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

<b>RECOMMENDATION</b>
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APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with plans Location Plan "Stanfords for business", Proposed Block Plan no. 2717.16.01, Proposed elevations no. 2717.14.01 and no. 091799 Rev F within 6 weeks of the date of this permission. Upon completion the Local Planning Authority must be notified in writing.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7, GEN32 and GEN34 of the Arun District Local Plan.

- 2 The development must be carried out and continually operated in accordance with the conditions and controls set out within the odour management plan within the "Purified Air" report dated 15 March 2017, "Environmental Noise Assessment Report" of May 2017 and drawing number 091799 Rev F.

Reason: In the interests of and to protect the amenity of neighbouring residential properties in accordance with Arun District Local Plan policies GEN7, GEN32 and GEN34.

- 3 The extract system shall not be operated between the hours of 2215 and 0800.

Reason: In the interests of and to protect the amenity of neighbouring residential properties in accordance with Arun District Local Plan policies GEN7, GEN32 and GEN34.

- 4 Written records of any maintenance and servicing of the kitchen extraction system must be kept and made available to the local authority upon request.

Written records must be kept of any odour monitoring undertaken by the duty manager or other staff as set out in the odour management plan. These records should include actions taken where significant odours are detected and must be made available to the local authority upon request.

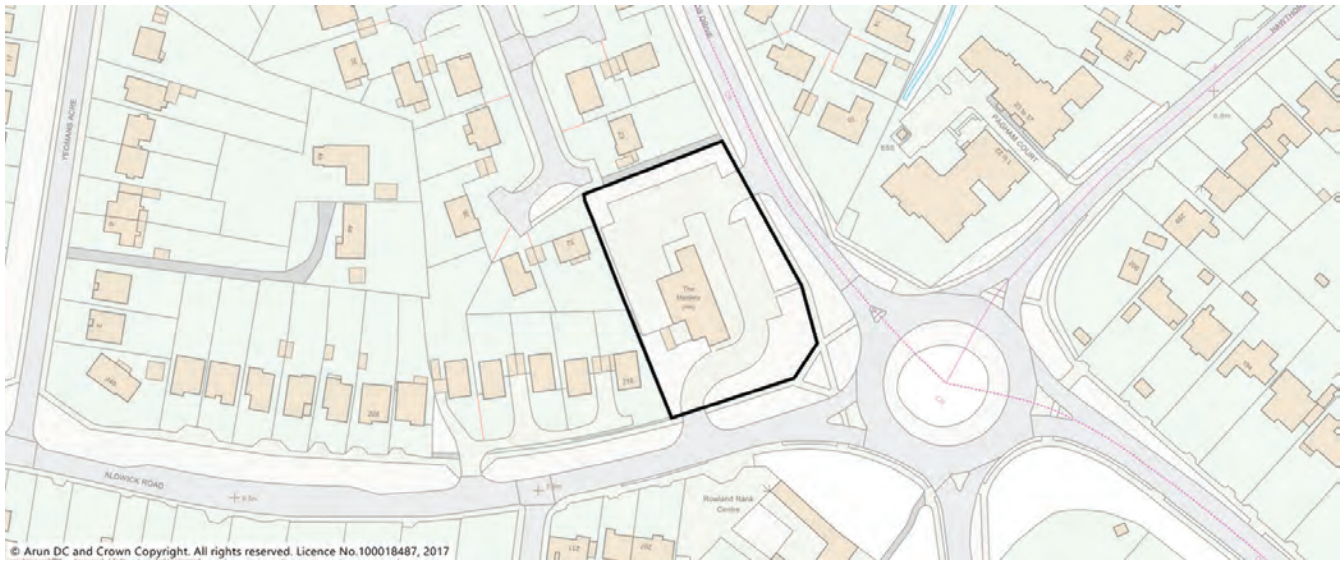
Reason: To ensure the continuing acceptable operation of the extraction system, in the interests of and to protect the amenity of neighbouring residential properties in accordance with Arun District Local Plan policies GEN7, GEN32 and GEN34.

- 5 The operator of the development must notify Environmental Health at Arun District Council, imminently, if any repairs or alterations are carried out on the kitchen ventilation extract system or other plant equipment.

Reason: To ensure the continuing acceptable operation of the extraction system, in the interests of and to protect the amenity of neighbouring residential properties in accordance with Arun District Local Plan policies GEN7, GEN32 and GEN34.

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

**AW/85/17/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:** A/81/17/PL

**LOCATION:** Roundstone Farm & Shop  
Littlehampton Road  
Angmering  
BN12 6PW

**PROPOSAL:** Application for removal of condition No. 2 of previously approved planning application A/113/88 relating to retail sales restrictions

<b>SITE AND SURROUNDINGS</b>
------------------------------

<b>DESCRIPTION OF APPLICATION</b>	<p>The proposal seeks permission to use the buildings north of the A259 which include the farm shop and coffee shop for unrestricted retail purposes. The application site extends to the parking area which accommodates a minimum of 76 parking spaces, to the east of the site. The farm shop is restricted by condition 2 of planning permission A/113/88 which states</p> <p>'At no time shall any retail sales take place other than in respect of farm produce, including fruit and plants and items associated with gardening and garden use'.</p> <p>The proposal is to remove this restriction from the buildings to allow retail sales of any products from the site.</p>
<b>SITE AREA</b>	Approx 5,740sq m.
<b>RESIDENTIAL DEVELOPMENT DENSITY</b>	N/A.
<b>TOPOGRAPHY</b>	Predominantly flat.
<b>TREES</b>	None of any significance affected by the proposed development.
<b>BOUNDARY TREATMENT</b>	Ranch style fencing on frontage to approximately 1.2m height. Hedging to east on field boundary and 1.8m high fencing on western boundary. To north trees/shrubs.
<b>SITE CHARACTERISTICS</b>	Roundstone Farmshop on site frontage. Large tarmaced car park to east. Buildings are single storey with brick elevations and slate roof. Existing access on to A259. The buildings are former farm buildings which have been converted. External flue on east elevation. An internal seating area for 24 people, a kitchen/prep area and WCs and an outside area to the east of the building with picnic benches and tables and chairs are located adjacent to the coffee shop area.
<b>CHARACTER OF LOCALITY</b>	Predominantly rural. Farmhouse and yard to west. Fields to east.

<b>RELEVANT SITE HISTORY</b>
------------------------------

A/128/14/PL	Application for the removal of condition 3 following grant of planning permission A/42/14/PL to remove storage building once use ceases.	Refused 23-10-14
A/26/14/	Regularisation of use of cafe.	ApproveConditionally 15-05-14
A/113/88	Change of use of redundant farm buildings to farm shop selling farm produced foods, flowers & items associated with gardening. Demolition & re-erection of wall with gates and alterations to end bays of existing barns.	App Cond with S106 07-04-89
A/73/13/	Application for a removal of condition 2 following a grant of planning permission A/113/88/ to enable premises to sell a wider range of goods	Refused 16-07-13

<b>REPRESENTATIONS</b>
------------------------

**REPRESENTATIONS RECEIVED:**

Angmering Parish Council

Objection - The information provided by the applicant was insufficient for the Committee to form a view on what might be done with the site, were the condition to be removed. A change of use to allow more general retail sales to take place on the site had concerning implications for the surrounding area, and in particular highway safety on an already very busy stretch of the A259.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The information/details submitted are considered sufficient to determine the application. County Highways have no objection to the proposal on highway safety grounds. The proposal seeks permission for unfettered retail use, to allow for the sale of a broad range of items which is why there are no further details.

<b>CONSULTATIONS</b>
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WSCC Strategic Planning

**CONSULTATION RESPONSES RECEIVED:**

County Highways - No Objection. It is not considered the proposed use will differ from its previous use as



a farm shop.

Trips to the site are already catered for in terms of car parking provision. There could be a change to the size of deliveries of the product ranges are to be changed, this therefore should be provided to ensure the existing delivery and servicing arrangements which are in place will be suitable.

As the shop is located on the A259 it is accessible and the access into the site is wide with good visibility. Therefore apart from confirmation over the size of delivery vehicles and where these may/may not load/unload no objection is raised subject to the imposition of a Delivery / Servicing Management Plan condition.

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

#### POLICY CONTEXT

Designation applicable to site:

Outside built up area boundary

Class A road

Right of Way

#### DEVELOPMENT PLAN POLICES

##### Arun District Local Plan (2003):

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN12	Parking in New Development
DEV1	Conversion of Rural Buildings for Industrial or Business Use
DEV26	Criteria for Retail Development
DEV27	Retail Development Outside the Principal Shopping Areas
DEV31	Farm Shops

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

C SP1	Countryside
SD SP2	Built -Up Area Boundary
SD SP3	Gaps Between Settlements
EMP SP1	Employment land provision
EMP DM1	Employment land:Development Management
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.

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.

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

There are no relevant policies in Angmering Neighbourhood Plan.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

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

**OTHER MATERIAL CONSIDERATIONS**

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

## CONCLUSIONS

### PRINCIPLE

The site lies outside the built up area boundary in a rural area adjacent to the A259. It also lies within a Gap Between Settlements within the Publication Version of the Local Plan. There are no relevant designations or policies within the Angmering Neighbourhood Plan.

The application seeks removal of condition 2 of A/113/88/ which states

'At no time shall any retail sales take place other than in respect of farm produce, including fruit and plants and items associated with gardening and garden use'.

The reason for the condition was that unrestricted retail sales would be contrary to the Council's policy in respect of the rural area, where normally only that development essential in the interests of agriculture or forestry is normally permitted.

The proposal relates to use of the existing buildings which have a footprint of 600sqm and does not include any extensions to the building footprint. A retail use is already existing and therefore policy DEV1 of Arun District Local Plan conversion of rural buildings is not considered to be relevant. The application falls to be determined against the countryside, retail and employment policies of the local plan and publication version and the National Planning Policy Framework (NPPF).

### BACKGROUND AND PLANNING HISTORY

When the farm shop originally opened there was an identified need for a local convenience food and garden store in the immediate area. Since then a large number of retail units have been opened along Littlehampton Road including ASDA opposite which have had a detrimental impact on perceived retail sales from the farm shop.

Planning application A/73/13 was submitted in 2013 to remove condition 2 as now proposed. County Highways raised concerns relating to the need for more information relating to existing and proposed traffic levels, details of goods to be sold, demonstration that parking is adequate, provision of sustainable access considerations and demonstration of suitability of access. The application was refused for the following reasons:

'Based on the limited information submitted and lack of an adequate justification for the proposal the Local Planning Authority is not satisfied that the sale of an increased range of goods could be carried out without adversely impacting on the rural character of the area or that the existing parking and access are acceptable for the proposed use. The proposal is therefore contrary to policies GEN3, GEN7 and GEN12 of the Local Plan and the National Planning Policy Framework'.

and

'The proposal would result in an expansion of a retail use on a site that is not sustainably located contrary to policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.'

Since then the applicant has tried to keep the shop going, but over this 3 year period the shop has been declared bankrupt twice. The current stock is being sold off and the shop will then close.

### POLICY CONSIDERATIONS

County Highways now have no objection to the proposal. The use of the site is limited by the existing building footprint and any extension would require the submission of an application for planning permission and would be considered separately.

Paragraph 24 of the National Planning Policy Framework (NPPF) refers to the need for sequential testing to planning applications for main town centre uses that are not in accordance with an up-to-date Local Plan. However paragraph 25 states that the sequential approach should not be applied to applications for small scale rural offices or other small scale rural development. This application falls within this excluded category so sequential testing is not necessary.

Paragraph 26 of the NPPF states 'when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sqm)'

This floor area of the site is below this threshold and therefore an impact assessment is not required.

Paragraph 28 of the National Planning Policy Framework states that planning policies should support economic growth in rural areas, promote development and diversification of agricultural and other land-based rural businesses and promote the retention and development of local services and community facilities such as local shops. The proposal is consistent with this.

It is considered that the proposal would represent diversification of the rural economy and is therefore compliant with policy GEN3 of the Local Plan. It would also provide safe access and given that it represents use of existing retail footprint to unrestricted retail use would not adversely impact on the character of the area. The amount of activity generated by the use has declined recently, but in the past the level of activity and volume of sales was much greater. It would therefore accord with policies GEN7 and GEN12. The site is considered to be sustainably located given the presence of nearby bus routes and the cycle and pedestrian access opposite which is facilitated by a designated crossing with a central refuge.

Policy DEV27 allows for retail development outside principal shopping areas provided it does not impact on these areas. Given the limited 600sqm footprint of the retail area proposed and the height of the building this is unlikely to materially impact on existing retail areas and many of the goods currently available to purchase from the site are already sold from the principal shopping areas.

Policy RETDM1 part 3 refers to retail development outside the town centres and local service centres which states that applications for food and non-food retail will be permitted provided that the scheme meets the impact tests of the NPPF, is easily accessible by the highway network and public transport, includes provision for access by cycle and on foot and includes appropriate provision for people with disabilities. The proposal is considered to accord with this policy in that it is below the threshold for an impact test, it is easily accessible by car and bus and accessible by bicycle and on foot. The site is also flat and level and is already accessed by disabled.

For the reasons set out above the proposal is also considered to accord with policies SD SP2, SDSP3, EMP SP1, EMP DM1 and RET DM1 in the publication version of the Local Plan.

## IMPACT ON RURAL CHARACTER

Given that county highways have no objection, that the building is already in retail use and that the footprint and potential floor sales would not alter it is considered that the change in products sold from the site would not adversely impact on the rural area. Although previously refused County Highways now have no objection to the proposal and the increased effort made by the applicant to continue with the existing retail use in the intervening period has not resulted in sufficient return to allow the restricted retail use to continue.

The buildings have previously been converted without significant alteration or extension and are sympathetic in terms of form, bulk and visual design and the associated traffic can be accommodated by the site access and local road system. The parking is existing and already in use. The daytime use of the premises would reflect the nature and traffic and activity levels previously associated with the farm shop when it was first opened and the volume of sales was greater. However the introduction of traffic movements after 6pm would represent an unsatisfactory increase in opening hours which would have a detrimental impact on the rural character of the area. It is therefore proposed to impose a condition restricting the hours of operation to 6pm to ensure no additional activity, traffic or lights are generated in the evenings.

#### APPROPRIATENESS OF CONDITION 2

Paragraph 206 of the NPPF states that planning conditions should only be imposed if they comply with the following 6 tests:

- Necessary,
- Relevant to planning,
- Relevant to the permitted development,
- Enforceable
- Precise and reasonable in all other respects.

To determine whether a condition is reasonable it is necessary to determine whether a proposal would be acceptable without its imposition. The increase in items sold at the premises would not significantly impact on the character and appearance of the area or highway safety and unrestricted use of the site is considered acceptable. The condition is not necessary since the extent of use of the premises is already determined by the floor area for sales. If the building was still in agricultural use it could be used for unrestricted retail purposes in accordance with Class R of the General Permitted Development Order. Further with the ASDA store opposite and Haskins and Wyevale to the east and west it is clear that the premises is close to other larger and unrestricted retail uses and it is questionable whether such a restriction is reasonable or justifiable on a site located in close proximity to other retail outlets.

When originally imposed in 1998 the condition reflected policies to only allow agricultural and forestry uses in the countryside. The character of the agricultural market and other retail use of this part of the A259 has altered with the changes in retail use. These policies have now been altered with the NPPF and other emerging local plan policies which seek to encourage business use and diversification of the rural economy. The justification for the condition is therefore outdated.

It is considered that the condition is unnecessary and unreasonable in that it excessively restricts the retail use of the site and prevents the premises from effectively competing with other unrestricted retail units.

#### CONCLUSION

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 neutral impact on the protected characteristics.

**RECOMMENDATION**

APPROVE CONDITIONALLY

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

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

2 The development hereby approved shall be carried out in accordance with the following approved plans:  
Location 85/24/13/B and Parking and Visibility.

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 unrestricted retail sales shall take place from the buildings until such time as a Servicing Management Plan has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out arrangements for the collection of refuse. Once the use has commenced it shall operate only in accordance with the approved Plan.

Reason : To safeguard the operation of the public highway in accordance with policy GEN7 of Arun District Local Plan.

4 The premises shall not open for business except between the hours of 0900 hours and 1800 hours on Mondays to Saturdays inclusive and 0900 hours and 1600 hours on Sundays and bank holidays.

Reason: To ensure that the proposed development does not prejudice the rural character of the area in accordance with Arun District Local Plan policies GEN2, GEN3 and GEN7.

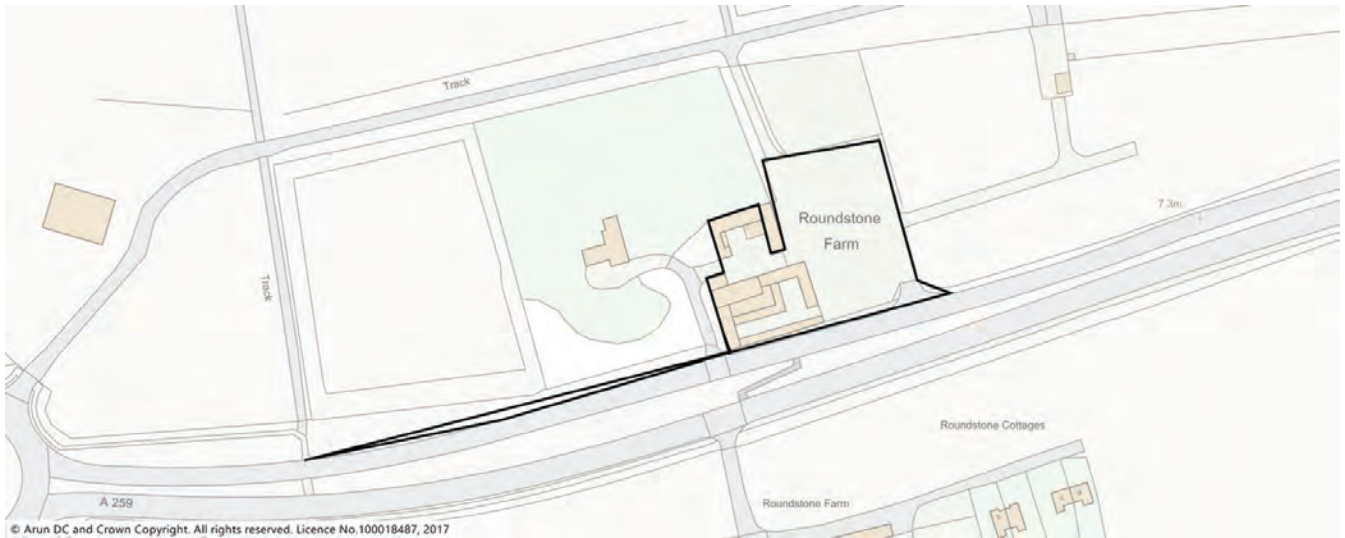
5 Retail sales shall not take place anywhere on the site except within the existing buildings.

Reason: To ensure that the proposed development does not prejudice the rural character of the area in accordance with Arun District Local Plan policies GEN2, GEN3 and GEN7.

6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority

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

**A/81/17/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:** BR/130/17/PL

**LOCATION:** The Royal Hotel  
The Esplanade  
Bognor Regis  
PO21 1SZ

**PROPOSAL:** Change of Use of hotel & function room/licensed bar (C1 Hotel) to 18No. flats (C3 Dwellinghouses). This application affects the character and appearance of The Steyne Conservation Area. Resubmission of BR/155/15/PL

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	The application seeks permission for a conversion of the whole building to provide a total of 18 flats spread across the basement, ground, first, second and third floors. There will be a communal entrance and lift/stair access to all floors. Some of the basement area to the rear will also be retained for communal use. The development will comprise of 2 x 1 bedroom flats, 14 flats x 2 bedroom flats & 2 x 3 bedroom flats. No external changes or additional parking is proposed.
SITE AREA	0.2 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	90 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	None.
SITE CHARACTERISTICS	The application site comprises a 3 storey 1830's Victorian hotel located on the Esplanade looking out over the seafront. The hotel is largely a stand-alone building but does share a party wall with the smaller Pixie Hotel on the eastern side. Part of the hotel incorporates a former bar/nightclub "Jack Rabbit Slims" on the western side.
CHARACTER OF LOCALITY	The hotel does not benefit from any off-street allocated parking but there is a general use pay-at-machine parking bay on the Esplanade right outside the hotel suitable for 6-7 cars.  This is a seafront location and part of a mixed residential and commercial area. The site forms part of the "Bognor Regis - The Steyne and Waterloo Square Conservation Area" and is characterised by modest terraces predominantly in stucco.

<b>RELEVANT SITE HISTORY</b>
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BR/155/15/PL	Change of use of redundant hotel & function room/licensed bar (C1 Hotel) to 10 No. flats (C3 Dwelling houses). This application affects the character & appearance of The Steyne Conservation Area.	App Cond with S106 25-11-15
BR/121/88	New leisure complex in basement upgrading of hotel accomodation and conversion of 1st floor area into 10no Studio/1 bed apartments.	ApproveConditionally 05-04-88

Planning Permission ref BR/155/15/PL was granted planning permission at the Development Control Committee on the 25th November 2015. It allowed the conversion of the basement, ground, second & third floors for 10 new flats. These were to be in addition to the 10 flats already present on the first floor as permitted by BR/121/88. Therefore, the effect of permission ref BR/155/15/PL was a total of 20 flats within the building.

**REPRESENTATIONS**

**REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council

"OBJECTION - Although the Committee support the restoration and refurbishment of this once grand hotel which has been neglected over recent years, Members feel that the application goes against the Neighbourhood Plan, namely:- Promotion of Tourism (Policy 7) - there is limited visitor accommodation in the Town, and a hotel would provide long term employment opportunities therefore benefiting the local economy. Also goes against Seafront Strategy, which states that it must help reverse the decline of the seafront and create a vibrant destination"

Two letters of objection raising the following concerns:

- (1) Where will the residents park;
- (2) Traffic congestion to the detriment of the seafront;
- (3) The market means these flats will likely be rented out and this may lead to HMO use in turn causing late night noise disturbance; and
- (4) 8 flats was ok but 18 will have an adverse impact on the building.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The Town Council comments are noted. Bognor Regis Neighbourhood Plan policy 7 states that:

"This Neighbourhood Plan recognises the crucial importance the tourist industry has for the Bognor Regis economy. Where proposals comply with other policies in this plan, development of new and existing tourist facilities will be supported, as a crucial part of improving Bognor Regis as a visitor destination.

This Neighbourhood Plan supports the locating of an appropriate range of amenities and structures around five specific Beach Service Points/Hubs each in close proximity to step-free access routes between the town and the foreshore. These five service points are the four key access routes as indicated on the key priorities map and the immediate area around the pier. Permanent and seasonal

amenities are to be focused along these Beach Service Points each shall aim to include, if not already provided, step free access walkways to the foreshore and onto the esplanade and beyond, seasonal promenade cafe/eateries/retail and information outlets relevant to beach and seafront experience and visitor's needs. The immediate area around the pier is expected to provide the greatest range of amenities. Any development proposal on the seafront at these service points will be expected to maintain the visual integrity of the key views and vista defined in the Bognor Characterisation Study 2014 from the town out to the sea and along the seafront. Any alterations and additions to the seafront will need to assess potential impact on the Bognor Reef SSSI and take any measures necessary to remove any adverse effects on the reef."

The policy does not provide any protection to existing hotels and therefore is not relevant to this determination.

The Bognor Regis Seafront Strategy does not form part of Arun District Council's current development plan. However, it is intended to be a Supplementary Planning Document to Arun's emerging local plan. The Seafront Strategy has been developed to identify the strengths and weaknesses of Bognor Regis seafront and to prepare a co-ordinated programme of possible developments and projects that have been tested and consulted on with the public. The document does not make any specific reference to the Royal Hotel, does not make any specific references to the protection of hotels and does not identify any projects with regard to the Royal Hotel frontage.

In response to the letters of objection:

- (1) This will be discussed in the conclusions section;
- (2) This will be discussed in the conclusions section;
- (3) Noted. There is no certainty that a HMO use would happen or that it would result in amenity concerns; and
- (4) The writer refers to the previous permission for 8 flats but the previous permission was actually for 10 flats. Furthermore, the writer does not realise that the building already has permission for 10 flats and hence this application actually seeks permission for 2 less flats than would have been the case with the previous application.

## **CONSULTATIONS**

WSCC Strategic Planning  
Conservation Officer  
Environmental Health  
Economic Regeneration  
Sussex Police-Community Safety  
Engineering Services Manager  
Engineers (Drainage)

### **CONSULTATION RESPONSES RECEIVED:**

**SUSSEX POLICE:** No objection. Request consideration of the measures designed to improve the security of the building.

**WEST SUSSEX HIGHWAYS:** No objection raised. Consider the site to be in a sustainable location and do not consider that the nil parking provision will have an adverse impact on local highway safety. WSCC consider that a C1 hotel use would generate a comparable number of vehicle movements to a C3

residential development and that therefore, there will be no change in the character of traffic near the site. WSCC do not consider that the proposed change of use would have 'severe' impact on the operation of the highway network and therefore is not contrary to the National Planning Policy Framework (para 32).

ADC CONSERVATION OFFICER: No objection raised to the conversion of the interior and note that no external changes are proposed.

ADC ECONOMIC REGENERATION: Have no comments to this renewed application.

ADC ENVIRONMENTAL HEALTH (PUBLIC SECTOR HOUSING): Advise on several matters for the proposed flats including fire safety (provision of extinguishers within the building), means of escape, fire doors, escape windows, natural lighting & ventilation, internal doors for privacy and room sizes.

CONSERVATION AREA ADVISORY COMMITTEE (CAAC): Raise no objection but ask that all original features be retained. Raise concern at the parking issues and consider that parking overspill could harm the Conservation Area."

### COMMENTS ON CONSULTATION RESPONSES:

The Sussex Police and Private Sector Housing comments have been incorporated into separate informatives.

CAAC request that ADC ensure that all interior features are retained. However, the building is not nationally listed and as such, its interior features have not been surveyed and its interior is not protected. Policy GEN22 only infers protection to either the whole building (i.e. protecting from demolition) or to its external appearance and setting. As such, if a condition was to be applied, it is considered highly likely that the applicant would lodge an appeal and this could generate an award of costs against the Council.

## POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;  
Class C Road;  
Conservation Area;  
Building of Special Character;  
No Public Sewer; and  
Pagham Harbour Zone B.

### DEVELOPMENT PLAN POLICES

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

AREA2	Conservation Areas
AREA13	Sites of International Importance for Nature Conservation
DEV36	Change of Use of Hotel and Guest House Accommodation
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN12	Parking in New Development
GEN22	Buildings or Structures of Character

[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  
 ENV DM2 Pagham Harbour  
 H DM1 Housing Mix  
 HER DM2 Locally Listed Buildings or Structures of Character  
 HER DM3 Conservation Areas  
 HER SP1 The Historic Environment  
 SD SP2 Built -Up Area Boundary  
 TOU DM1 Tourism Related Development  
 T SP1 Transport and Development

**PLANNING POLICY GUIDANCE:**

NPPF National Planning Policy Framework  
 NPPG National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD2 Conservation Areas  
 SPD9 Buildings or Structures of Character

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

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

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

Arun District Council's Development Plans:

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

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used 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 Bognor Regis Neighbourhood Plan has been part of the development plan for less than 2 years and the WMS is less than 2 years old;
- The Bognor Regis Neighbourhood Plan does 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).

There are not considered to be any relevant policies in the Bognor Regis Neighbourhood Plan.

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

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

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

The proposal is considered to comply with relevant Development Plan policies in that the change of use

from hotel to residential flats would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties and would not have any impact on either the character/appearance of the building or the Conservation Area.

#### **OTHER MATERIAL CONSIDERATIONS**

The presence of the previous planning permission ref BR/155/15/PL is an important material consideration in the determination of this planning application as it represents an approved and achievable 'fall-back' position.

#### **CONCLUSIONS**

##### **PRINCIPLE:**

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

##### **PLANNING HISTORY:**

The site already benefits from planning permission BR/155/15/PL which allowed for 10 new flats to complement the existing 10 flats on the first floor. This would then have resulted in a total of 20 flats within the building - i.e. 2 more than as currently proposed. This previous planning permission does not expire until the 25th November 2018 and therefore could be implemented even if this application were to be refused. This represents an achievable 'fall-back' position.

##### **LOSS OF THE HOTEL:**

Policy DEV36 "Change of Use of Hotel and Guest House Accommodation" is the relevant adopted Local Plan policy. It requires that a viability study is submitted to demonstrate that the current hotel use is no longer viable.

The relevant policy in the emerging Local Plan is TOU DM1 which expands on policy DEV36 listing the following additional requirements - a viability appraisal, a clear demonstration of the marketing undertaken, an exploration of alternative visitor uses and an assessment of the suitability of the premises to accommodate the alternative use.

The NPPF does not contain any hotel specific policies but does state at paragraph 22 that: "Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities".

The applicants have not submitted a viability study with the application. However, regard is had to the determination of the previous application, BR/155/15/PL, at which time a viability study was provided and it was accepted that the hotel use was no longer viable. There is no reason to take a different view at this time, particularly given that Economic Development officers have not made any comment.

##### **CONSERVATION AREA:**

In considering whether to grant planning permission with respect to any buildings or other land in a Conservation Area, the Council shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area (Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990).

The application does not propose any external alterations and it is therefore considered that the appearance of the Conservation Area will be preserved. It is not considered that the alternative use of the building will have a material impact on the character of the Conservation Area. There are existing residential properties nearby and people entering the building will do so through the existing entrances (as per the current situation). The amount of waste/recycling is likely to be similar or less than that of a functioning hotel and there are no gardens associated with the property which might otherwise be used for the hanging of washing etc.

#### **BUILDING OF CHARACTER:**

Arun District Local Plan policy GEN22 states that "planning permission will not be granted for development resulting in the loss of existing buildings or structures of interest and importance which are attractive in their own right or which contribute to the character and appearance of an area. Alterations, extensions or other development which would adversely affect the appearance or setting of such buildings or structures will not be permitted."

The proposed change of use complies with GEN22 in that the change of use does not result in the loss of the building but rather preserves it with the potential for future external repair works. It should also be noted that the existing bar/nightclub signage (Jack Rabbit Slims) is likely to be removed as a consequence of this change of use and if this occurs, it would make a positive contribution to the appearance of the building.

#### **HIGHWAYS & PARKING:**

WSCC Highways have not raised any objections to the application. In respect of parking, they consider regard should be had to the former use of the building as a hotel and the location of the site in a highly sustainable urban area. Therefore, residential occupiers would not need to own a car to access local services, facilities and sources of employment. It is also noted that the previous hotel use did not offer any parking facilities for staff or guests. WSCC do not consider that the lack of parking will have any impact on the safety of the local road network.

In respect of the impact of the nil parking provision, although it is considered that some overspill parking may occur in nearby roads, it is considered that the majority of nearby spaces are already governed by parking restrictions and therefore, any additional vehicles will not compete with local residents for 'free' parking spaces.

Policy 8b of the Bognor Regis Neighbourhood Plan requires that major developments demonstrate through a Transport Assessment and Travel Plan that they do not impact on the existing capacity of public highways to accommodate parking. Although the proposal is major development (defined as 10 or more dwellings), the applicant has not submitted a Transport Assessment. However, the Councils local validation list only requires the submission of a Transport Assessment for residential schemes of in excess of 80 dwellings (and a Transport Statement for applications in excess of 50 dwellings). It is not therefore considered appropriate to raise this policy as a reason for refusal particularly as 10 of the 18 flats already exist.

It should also be noted that this application seeks permission for 18 flats and this is therefore 2 less than the number of flats that would be possible under application BR/155/15/PL. This application should



therefore result in a reduced demand for parking spaces.

#### INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). The following is a list of the requirements versus the actual measured internal space for each of the 10 new dwellings:

Unit No. - No. of beds - Required Floor Space - Actual Floor Space - Compliance (Y/N)

Unit No.	No. of beds	Required Floor Space	Actual Floor Space	Compliance (Y/N)
1	3	95m <sup>2</sup>	173m <sup>2</sup>	Y
2	2	70m <sup>2</sup>	90m <sup>2</sup>	Y
3	2	70m <sup>2</sup>	88m <sup>2</sup>	Y
4	1	50m <sup>2</sup>	127m <sup>2</sup>	Y
5	2	61m <sup>2</sup>	68m <sup>2</sup>	Y
6	2	70m <sup>2</sup>	116m <sup>2</sup>	Y
7	1	50m <sup>2</sup>	97m <sup>2</sup>	Y
8	3	95m <sup>2</sup>	131m <sup>2</sup>	Y
9	2	61m <sup>2</sup>	90m <sup>2</sup>	Y
10	2	61m <sup>2</sup>	68m <sup>2</sup>	Y
11	2	61m <sup>2</sup>	56	N
12	2	61m <sup>2</sup>	56	N
13	2	70m <sup>2</sup>	90	Y
14	2	61m <sup>2</sup>	68	Y
15	2	61m <sup>2</sup>	53	N
16	2	61m <sup>2</sup>	56	N
17	2	70m <sup>2</sup>	83	Y
18	2	61m <sup>2</sup>	58	N

The scheme is therefore considered to be 72% compliant. Policy D DM2 of the Arun Local Plan 2011-2031 Publication Version showing Modifications refers to the same standards. This emerging policy states that the standards themselves will provide guidance only. Furthermore, paragraph 13.3.5 of the preamble to the policy states that there might be occasions where development schemes cannot comply with all the space standards required such as the conversion of an existing building or in the case of a historic building. It is therefore considered that the shortfall in the internal space for flats 11,12, 15, 16 & 18 is acceptable having regard to the location of the flats within this existing historic hotel building.

In respect of external standards, it is necessary to have regard to Policy D DM3 of the emerging local plan (publication version) which has been approved by the Council for development management purposes. The policy states that 1 bed flats should have 4 square metres of private amenity space, 2 bed flats should have 5 square metres and 3 bed flats should have 6 square metres. This should ideally take the form of either private garden, patio, balcony or roof garden.

The existing site does not have any private or communal amenity space and it could be harmful to the character of the building to add new balconies or roof terraces. Policy D DM3 states that an exception can be made in town centres where greater flexibility is required. Furthermore, residents have easy access to the amenities of the beach and to nearby parks/gardens. Flats 11, 12 & 17 will have access to individual small balconies.

#### IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

Policy ENV DM2 of the Emerging Local Plan (Publication Version) requires that all new residential

developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. An original contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015 and subsequently reduced down to £871 per new residential unit as of the 10th April 2017. The 2015 report to Cabinet stated that:

"The access management measures identified are referred to as Strategic Access Management and Monitoring (SAMMs). As these do not include the allocation of specific land, they are not classified as physical infrastructure, and are not included under the definition of infrastructure within Section 216 of the Planning Act 2008, meaning the pooling restrictions as set out under Regulation 123 of the CIL Regulations (2010) as amended, do not apply. It is common practice by many other authorities (for example Elmbridge) that contributions towards SAMMs are gathered through S106 planning obligations. This approach has also been confirmed within Counsel advice sought by the Council. As a contribution is required to make the development acceptable in planning terms, it is therefore in compliance with the tests under Regulation 122 of the CIL Regulations (2010) as amended"

Furthermore, this policy has a basis in the current development plan in that Local Plan policy AREA13 "Sites of International Importance for Nature Conservation" states that: "Where development is permitted, the use of conditions or planning obligations will be considered in order to avoid and minimise harm to the site, to enhance the site's nature conservation interest, and to secure any compensatory or mitigation measures and appropriate management that may be required."

This contribution is now required for all new residential developments within Zone B and this zone includes the application site. The applicant is currently working up a legal agreement which would secure this contribution.

#### SUMMARY:

The loss of the hotel was previously accepted by application BR/155/15/PL and there is no evidence that it has become any more viable since that decision. It is not considered that the proposal will adversely affect the character of this Building of Character or the surrounding Conservation Area and it is considered that the site is sustainably located such that residential occupiers would not need to own a car to access local services, facilities and sources of employment. It should also be noted that this proposal is for a total of 18 flats spread throughout the whole building. There is an extant planning permission (BR/155/15/PL) for 20 flats throughout the building. Although there will be an increase in the total number of bedrooms (from 28 to 36), this application does propose 2 less flats than as previously approved.

Therefore, it is considered that this application should be approved subject to the conditions set out below and a S.106 legal agreement covering a contribution in respect of the provision of accessible natural open green spaces to serve the area (£6,968). However, if the S.106 legal agreement has not been signed within 2 months of the date of the resolution to approve then the application should be refused for the following reason:

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

<b>HUMAN RIGHTS ACT</b>
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The Council in making a decision should be aware of and take into account any implications that may

arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

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

### **DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

### **SECTION 106 DETAILS**

This decision will be granted in conjunction with a Section 106 legal agreement relating to a contribution of £6,968 towards the provision of accessible natural open green spaces to serve the Pagham area.

### **RECOMMENDATION**

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

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

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

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

Drawing 1 "Location Plan";  
 Drawing 2 "Block Plan";  
 Drawing 30 "Proposed Basement Floor";  
 Drawing 31 "Proposed Ground Floor";  
 Drawing 32 "Proposed First and Second Floor"; and  
 Drawing 33 "Proposed Third Floor".

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 In the event that any future repairs/renewal works are proposed, then no external works shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs have been submitted to and

approved by the Local Planning Authority and the materials so approved shall be used in the repair/renewal works.

Reason: To enable the Local Planning Authority to control the appearance of the building in detail in the interests of visual amenity and the character/appearance of the Conservation Area in accordance with policies AREA2, GEN7 and GEN22 of the Arun District Local Plan.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any order revoking or re-enacting that Order), the elevations of the Royal Hotel building shall not be painted/repainted other than in such colours as agreed with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the appearance of the building in detail in the interests of visual amenity and the character/appearance of the Conservation Area in accordance with policies AREA2, GEN7 and GEN22 of the Arun District Local Plan.

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

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

- 7 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £6,968 towards the provision of accessible natural open green spaces to serve the Pagham area.

- 8 INFORMATIVE: In the interests of Secured By Design, please consider the following security provisions:

- \* Use of a video door entrance system;
- \* Vandal resistant external door entry panel with integral/separate camera;
- \* Front communal door to be accredited to either PAS 024-2012 or LPS 1175 SR2 with any sidelights glazed to BS EN 356 P1A;
- \* Apartment doors to conform to PAS 024-2012 with security chains & viewers fitted;
- \* Any ground/sub-ground or accessible windows to conform to PAS 024-2012 and have limiters fitted;
- \* Lighting around the entrances & lobby to be dusk until dawn switched with the remaining corridors having PIR switched lighting; and
- \* Either through the wall secure post boxes, external secure post boxes or lobby situated post boxes.

- 9 INFORMATIVE: Please note the following comments of our Private Sector Housing Officer:

#### Fire Safety

- Appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary. Guidance on fire safety is contained in the LACORS guidance document, "Housing - Fire Safety, Guidance on fire safety precautions for certain types of existing housing"
- Any external staircase which is the means of escape from the flats should be protected from

the effects of fire along its length. The sensitive area is 1.8m horizontally therefore any windows in this region should be fire resisting construction and if possible fixed shut and any doors should be fire resisting and self-closing.

- A room where the only escape route is through another room is termed an "inner room" and poses a risk to its occupiers if a fire starts unnoticed in the outer room. There are a number of rooms which appear to be inner rooms, this can be overcome on ground and first floor by the provision of escape windows, however, alternative layouts would need to be considered on 2nd floor or lower ground if this is not possible.

- There appears to be a spiral staircase at the rear of the property which is acting as the main access to the flats and therefore also means of escape which is not an ideal arrangement.

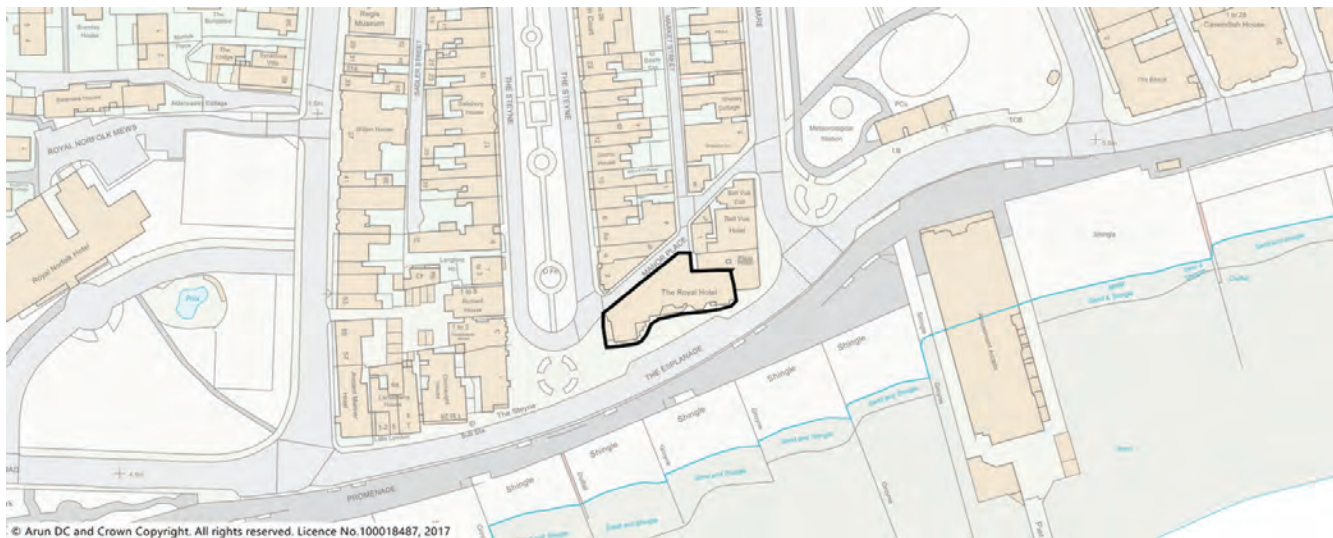
#### General

- It is not clear from the plans, but all habitable rooms ie. bedrooms and living rooms must have windows to provide adequate natural lighting and ventilation

- It is not clear from the plans but some rooms appear to have no internal doors, rooms must be provided with doors for privacy, security and in some instances fire protection.

- Must meet the requirements of the Housing Act 2004 and be free of Category 1 and significant Category 2 Hazards;

**BR/130/17/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:** LU/94/17/OUT

**LOCATION:** Westholme Nursery  
 Toddington Lane  
 Littlehampton  
 BN17 7PP

**PROPOSAL:** Outline application with all matters reserved for residential re-development comprising of 10 No. dwellings & associated works (resubmission following LU/327/16/OUT).

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	As above. The application is supported by a Conceptual Site Layout Plan, a Conceptual Street View Elevation and a Stage 1 Road Safety Audit. The conceptual plans indicate 4 detached dwellings and 6 semi detached 2 storey dwellings, comprising 2 no 2 bedroom units, 4 number 3 bedroom units and 4 no 4 bed dwellings arranged in a cul-de-sac layout.
SITE AREA	0.49 hectares
RESIDENTIAL DEVELOPMENT DENSITY	20 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development. There are no trees within the site they are located along site boundaries.
BOUNDARY TREATMENT	Fencing and hedges on site boundaries to between 2 and 4m height
SITE CHARACTERISTICS	The site has an existing vehicular/pedestrian access onto Toddington Lane at the south west corner of the site; between the boundaries of Knightscroft and Dutch Cottages. This provides lorry, car and pedestrian access for the nursery and Anggerik. The site comprises an open field area used in part for storage of materials which formerly comprised glasshouses and out buildings which have now been demolished.
CHARACTER OF LOCALITY	Knightscroft comprises a bungalow with garage and single storey extension adjacent to the access into site. The area surrounding the site is a mixture of residential and commercial properties in what was a rural area. Existing residential properties are located to the south of the northern boundary. The remaining northern boundary (formerly glasshouses) is part of a large residential development site, currently under construction. This residential site construction also wraps

around the northern boundary of the application site.

Existing low density residential properties lie to the south of the site. A commercial estate lies to the east of Westholme.

**RELEVANT SITE HISTORY**

LU/327/16/OUT	Outline application for residential re-development comprising of 10No. dwellings & associated works. This application is a Departure from the Development Plan	Withdrawn 22-12-16
LU/357/08/EIS	Request for scoping Opinion North Littlehampton Urban Extension.	Scoping Issued 29-01-09
LU/6/93	1 No. Horticultural dwelling (bungalow)	ApproveConditionally 07-04-93
LU/268/92	Retention of mobile home permitted by planning permission LU/49/91 for a temporary period.	ApproveConditionally 08-12-92

**REPRESENTATIONS**

**REPRESENTATIONS RECEIVED:**

Littlehampton Town Council

Objection - The access to this site is a narrow strip of road between two existing dwellings from a Lane with no pavement or street lighting. It is considered that once the North Littlehampton development has been built out significantly, there will be an opportunity to deal with highway and pedestrian access, together with foul water connections in a more sustainable way. It is therefore considered that the application is premature and should only proceed once the issues raised above have been addressed through the build out of highways and foul water provision as part of the North Littlehampton development

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The Local Planning Authority cannot pre determine when applications will come forward and this application has been submitted for consideration on its own merits at this time and should be considered against relevant development plan policies. County highways have no objection to the proposal on highway safety grounds and drainage engineers have no objection in principle in terms of drainage. The location of the site as it neighbours a significant and developing housing area is considered to be sustainable.



<b>CONSULTATIONS</b>
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Archaeology Advisor  
 WSCC Strategic Planning  
 Economic Regeneration  
 Engineering Services Manager  
 Engineers (Drainage)  
 Parks and Landscapes  
 Sussex Police-Community Safety  
 Surface Water Drainage Team  
 Environment Agency

**CONSULTATION RESPONSES RECEIVED:**

West Sussex County Council Highways

No Objection. The scheme proposes access from an existing vehicular crossover onto Toddington Lane. Whilst it is stated there will not be any changes to the access, it does appear at present to require some upgrading in the form of surface improvements for the proposed usage. These works would be undertaken with a licence agreement with the WSCC Implementation Team under a Section 278 Agreement. The access appears have the provision visibility splays of 2.4 by 43 metres indicated. The splays provided are considered acceptable for the 30 mph speed limit.

Based on the information within the supporting statement it would appear the site will be serviced by a refuse vehicle.

The Road Safety Audit (RSA) has been undertaken and no problems with the access arrangement have been recorded within the RSA, we are therefore satisfied with this aspect of the application.

Swept path diagrams were requested demonstrating how larger vehicles can safely enter the site. This has still not been provided, having measured the submitted plan there does appear to be sufficient space for larger vehicles to turn within the turning head to the east of the site, however this could require some modification and enlargement of the design. We are satisfied that this can provided via a condition to any planning consent, ensuring the design of the access road takes into account refuse collection vehicles.

The application form does not indicate if the internal road will be offered for adoption. In principle, the layout would be acceptable subject to detailed design and the demonstration of adequate turning facilities. The access road would be acceptable to work as a 'Shared Surface' environment, this would be sufficient for the low speeds anticipated. Parking provision meets the requirements of the WSCC Parking Demand Calculator, we are satisfied with the provisions provided.

The proposal will see a likely increase in traffic movements to and from the site and more notable a change to the peak traffic times on the network. However it is considered the intensification would not warrant an objection on capacity aspects and the proposals would not be contrary to Paragraph 32 of the National Planning Policy Framework (NPPF).

It is concluded that the proposal would not have a 'severe' impact on the operation of the highway network and therefore it is not contrary to the National Planning Policy Framework (para 32), and there are no transport grounds to resist the proposal. Any approval of planning consent should be subject to conditions relating to car parking, visibility and an informative relating to the Section 278 Agreement.

West Sussex County Council Strategic Planning

The likely requirements for contributions towards the provision of additional County Council service infrastructure, other than highways and public transport that would arise in relation to the proposed

development based on the adopted Supplementary Planning Guidance document "The Provision of Service Infrastructure Related to New Development in West Sussex - Part 1 are contributions relating to primary, secondary and sixth form education.

West Sussex County Council Engineers

The proposed site is at 'low' risk from surface water flooding. Therefore, a wholesale site level rise via the spreading of excavated material should be avoided. Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.

The majority of the proposed development is shown to be at 'moderate-high risk' from ground water flooding based on the current mapping.

Ground water contamination and Source Protection Zones.

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk. The Drainage Layout for this application proposes that sustainable drainage techniques (permeable paving and infiltration) would be used to control the surface water from this development. This method would, in principle, meet the requirements of the NPPF, PPG and associated guidance documents.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

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

Parks and Landscape

Developments of 10-200 dwellings or more are expected to provide open space on site. The Council's SPG guidelines which apply to developments of houses and are based broadly upon the National Playing Fields Association's (NPFA) "Six Acre Standard". Under superseded Fields in Trust guidelines (FIT) this requires that 3.2 hectares of open space are provided for every 1,000 people ie 32 square metres of open space per person. We would require confirmation of the areas of public open space being proposed with this development.

Due to the number of houses exceeding 7, this would trigger the requirement for public open space on site, but not on-site play provision. The requirements for this would equate to 768m<sup>2</sup> of open space on this development, which is not being catered for within the plans submitted. In this instance we would therefore request a commuted sum to mitigate against this. This we would request at £1000 per dwelling therefore £10,000 for this development.

Landscape/Tree protection

We would require on this application that 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 any trees and vegetation to be retained so that a clear picture of the proposals can be seen. These details are required to assure that any adjacent properties privacy is maintained and the setting is uncompromised. Any considered tree works if required for the development must be in agreement with Arun District Councils Tree Officer.

Drainage Engineers

No Objection. Standard conditions suggested. Foul Drainage will require a permit from the Environment Agency.

Sussex Police

No immediate concerns over the design and layout of the development. Lighting will be a big consideration for the development around the parking and communal areas should conform to the recommendations within BS 5489:2013.

Archaeology Officer

Recent archaeological investigations of adjacent sites have demonstrated that they contained significant archaeological interest, particularly relating to fairly intense occupation in the late Iron Age and Roman periods. If similar deposits are contained within this site, as seems likely, a similar process of evaluation and further investigation will be necessary in order to ensure proper preservation of their significance. This process should be secured by a version of standard condition ARC1.

Environment Agency

Awaited

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted. Requested conditions have been imposed. Works to trees cannot be controlled these are not subject to protection. The proposed landscaping condition does include tree protection measures.

<b>POLICY CONTEXT</b>
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Designation applicable to site:  
 Outside Built Up area Boundary  
 Arundel and Littlehampton Strategic Gap  
 North of Littlehampton Strategic Housing Allocation

**DEVELOPMENT PLAN POLICES**

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

- GEN2 Built-up Area Boundary
- GEN3 Protection of the Countryside
- GEN7 The Form of New Development
- GEN9 Foul and Surface Water Drainage
- GEN12 Parking in New Development
- GEN20 Provision of Public Open Space within New Development
- AREA10 Strategic Gaps

AREA17 Sites of Archaeological Interest

DEV17 Affordable Housing

Publication Version of the Local Plan (October 2014):

H SP2 Affordable Housing

D SP1 Design

SD SP1 Sustainable Development

HER DM6 Sites of Archaeological Interest

HOR DM1 Horticulture

SD SP2 Built -Up Area Boundary

C SP1 Countryside

D DM1 Aspects of Form and Design Quality

D DM2 Internal Space Standards

D DM3 External Space Standards

Littlehampton Neighbourhood Plan 2014 Policy 1      The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2      A Spatial Plan for the Town

Littlehampton Neighbourhood Plan 2014 Policy 22      Design of New Development

**PLANNING POLICY GUIDANCE:**

NPPF      National Planning Policy Framework

NPPG      National Planning Practice Guidance

**POLICY COMMENTARY**

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

A new Local Plan is in preparation is 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 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 and policies 1, 2 and 22 are considered relevant to the determination of this application.

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

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

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

The proposal is considered to be in accordance with relevant Development Plan policies in that it would be situated within a site identified for housing within the Littlehampton Neighbourhood Plan.

#### **OTHER MATERIAL CONSIDERATIONS**

It is considered that there are also other material considerations that weigh in favour of the proposals.

#### **CONCLUSIONS**

##### **PRINCIPLE**

The site was a former 'cut flower' Nursery which ceased trading approximately 13 years ago when the business became unviable. Unable to expand, it proved too small an operation to compete against larger companies. The buildings have now been demolished and the site is vacant and occupies a countryside location outside the built-up boundary where the principle of development is considered unacceptable. The site has not been allocated for housing in the Arun District Local Plan (2003), but it has been included in the emerging Local Plan (2014) as a Strategic Housing Allocation. It therefore does not accord with adopted local plan policies, but this plan is out of date, but does comply with the emerging local plan.

The made Littlehampton Neighbourhood Plan (2014) is the most up to date plan for development control purposes and contains the following policies relevant to principle considerations:

Policy 1 - The Presumption in Favour of Sustainable Development

Policy 2 - Spatial Plan for the Town

Policy 1 states planning applications which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations indicate otherwise. There are no policies in the Neighbourhood Plan specifically relating to this site other than a reference to the area as a strategic housing site in policy 2. The proposal would therefore accord with this policy.

Policy 2 refers to the site (Toddington North of the Railway Line) which states :

The Neighbourhood Plan concentrates future housing, economic and community-related development within the built up area of Littlehampton and especially the Fitzalan Corridor connecting the strategic housing allocations at North Littlehampton (Toddington- north of the railway) and at Courtwick Park with the Littlehampton Academy, the Town Centre and the Community Hub and the Green. The proposal therefore accords with this policy. As a more recent part of the development plan, the proposals are in accordance with the development plan.

The policies that relate to the supply of housing in the 2003 Local Plan are now only afforded very limited weight as they do not relate to development needs beyond 2011 and the current built-up area boundaries were drawn to accommodate a specific quantum of development in the period 2001 - 2011.

The Council has produced new evidence to support the emerging Local Plan which indicates that the objectively assessed housing need (OAHN) for the District equates to 919 dwellings per annum. The proposed modifications to the Local Plan result in a housing requirement of 20,000 dwellings over the Plan period between 2011 and 2031. The housing supply comprises completions, commitments, Neighbourhood Plan allocations, deliverable HELAA sites (within the Built-Up area boundary), non-strategic sites, windfall sites and strategic site allocations. This site falls within a strategic site allocation within the publication version of the Local Plan.

A Housing Implementation Strategy has been produced (March 2017) to support the modifications to the Local Plan housing policies and this document identifies the current five year housing land supply situation. The current housing land supply (with a 'policy off' position) is 1.92 years. A report to the Local Plan Sub-Committee recommended to Full Council that planning applications should be invited on sites identified as being 'deliverable' by the HELAA where they are considered sustainable and will not prejudice the emerging local plan and/or infrastructure delivery. This was due to the shortfall in housing land supply since the start of the plan period in 2011. The emerging Plan must ensure that an adequate supply of sites to provide for a rolling five year land supply over the course of the Plan period once the Plan is in place.

Once the Local Plan is adopted and is able to carry significant weight, the policies will seek to exert a strict control over new development in the countryside to protect it for its own sake. Development will only be permitted in exceptional circumstances or where there is a strong justification for a countryside location. The Government's planning advice indicates that planning authorities should continue to ensure that the quality and character of the wider countryside is protected, and where possible enhanced.

However, it is now accepted that because housing policies only related to housing provision up to 2011, the weight afforded to them is significantly reduced. In recent appeal determinations Inspectors have confirmed that the principle of development on land outside the defined built up boundary can be accepted in certain cases. In relation to the sustainability of the location has previously been considered sustainable given the neighbouring residential sites under construction.

#### CONCLUSION ON PRINCIPLE

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"

Whilst the proposed dwellings would be located outside of the built area boundary as defined by the Arun District Local Plan 2003, the site falls within the built area boundary as defined in the Publication Version of the Emerging Local Plan published in October 2014 and the built up area boundary as defined by Policy 2 of the Littlehampton Neighbourhood Plan which is the most up to date development plan.

It is recognised that there is an allocated housing site to the north and construction has begun on the North Littlehampton development and development to the South of Toddington Lane is under construction. The site would have the appearance of being situated within the urban envelope.

Given compliance with the Littlehampton Town Neighbourhood Plan and the Publication version of the Local Plan and other more limited supporting material considerations it is considered that the proposed development would be acceptable.

CONSIDERATIONS WITH REGARD TO POLICY 22 OF LITTLEHAMPTON NEIGHBOURHOOD PLAN  
Policy 22 is entitled 'Design of New Development'. Since the application is in outline form and not a significant application or major development proposal it was not considered at pre application stage by Littlehampton Design Assessment Panel. However the conceptual plans indicate acceptable plot sizes and West Sussex County Council have no objection regarding parking layout and provision and it is therefore considered that the residential design criteria established in the development plan have been met in accordance with the requirements of policy 22.

#### DESIGN AND VISUAL AMENITY

Planning Policies and Central Government Advice support the efficient and effective use of land. Section 7 of the NPPF states that good design is a key aspect of sustainable development (paragraph 56), and that developments should establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 58). Paragraph 64 confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

Policy GEN7(ii) of the Arun District Local Plan requires new development to respond positively to the identified characteristics of the site in order 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.

Policy D SP1 'Design' of the Local Plan Publication Version seeks good quality and demonstration of a high quality of design based on a site analysis and context appraisal; adherence to objectives informing sustainable design; and the influence of these objectives have on the form of the development

The NP also includes Policy 22 which seeks accordance with the design criteria established in the development plan.

The proposed development is in outline form and is supported only by conceptual plans and a Design and Access Statement. The dwellings would be of two storey scale and it is proposed that the external appearance for each individual property will be chosen from a pallet of materials selected to match the local vernacular architecture. Roofs would be constructed from a mixture of plain and interlocking

concrete tiles of two colours, with varying ridge and eaves heights incorporating dormers to create variation of the roof line. Main roofs would be of gabled and hip construction and porches will be a mix of lean-to and gable. Wall elevations would be constructed with facing materials selected from a mix of face brickwork, render, vertical tile hanging and flint; incorporating contrasting brick dressings, plinths, string courses and detailing. Final design and layout of the dwellings will be controlled by condition. Soft landscaping shall be incorporated to soften the appearance of hard landscaped areas and buildings and will be subject to a reserved matters application.

The numbers proposed would result in a density of 20 dwelling per hectare (dph) which is not out of character with the locality given that approval LU/116/13/ to the south-west of the application site for 63 dwellings has a density of 37dph and the development of 3 properties at Knightscroft (LU/131/16/PL) had a density of 30 dwellings per hectare. The other existing properties to the south have a lower density. It is considered the proposed development does not constitute overdevelopment of the site and is in keeping with the established character and appearance of the locality. The site will be surrounded by a high density residential development to the west and north and a commercial development to the east. The layout of the houses has therefore been arranged as 'inward looking', arranged either side of the access road. This will facilitate a community feel to the small development with correct overlooking providing a secure environment for the residents and their property.

#### **ACCESS AND PARKING**

The proposal is to utilise the existing vehicular and pedestrian access onto the site between the boundaries of Knightscroft and Dutch Cottages. The access is restricted as indicated on the drawings and would receive traffic calming measures to slow cars within this area. It is proposed that once beyond the restrictions of adjacent properties the road would widen to 5.5m with a footpath to one side. The County Highways officer has no objection to the proposal in terms of highway safety.

#### **RESIDENTIAL AMENITY**

The dwellings in the conceptual layout indicated will be situated 1m from the adjacent access road to the West and 1.5m from the western boundary with the commercial units at Five Stones Nursery. The nearest residential property being Anggerik to the south of the application site. Anggerik at its closest point is situated 10m from the shared boundary with the site. Given the distance by which the proposed dwellings are set back, at their closest point they will be approximately 20m from Anggerik which would be acceptable. However the layout does not form part of the proposal and would be considered at reserved matters stage.

Any side facing windows proposed at first floor level on the side elevations of the dwellings on the site perimeter could be controlled by condition at the reserved matters stage if deemed necessary.

Given the above it is considered that the 10 dwellings could be accommodated on the site which would not result in unacceptably adverse overlooking, overshadowing or overbearing impacts on neighbours and therefore are deemed to accord with policy GEN7(iv) of the Arun District Local Plan.

The layout includes dwellings with rear gardens which measure at least 10m deep and generally achieve rear garden areas which exceed those identified within policy D DM3 of the Emerging Local Plan. The conceptual layout also provides dwellings which have an internal floor area of approximately which exceeds those specified within the Nationally Described Space Standards. The dwellings are considered to result in a good standard of amenity for future occupiers in accordance with Paragraph 17 of the NPPF.

Outline consent for low density residential use would present an opportunity to provide much needed housing for the area and an appropriate use for a site which is inviable in its current form.

The site is located in the centre of an area undergoing comprehensive re-development and will be able to



utilise the new transport links and amenities being provided.

The proposals provide a correct density for the location and access onto Toddington Lane and the site proximity to existing adjacent lower density residential development.

#### SUMMARY

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

#### DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

#### SECTION 106 DETAILS

The application is subject to a signed section 106 Agreement in respect of open space and education. The education contributions are as follows: Primary £15,558, Secondary £23,442, Further Secondary £25,424). The contributions generated by this proposal shall be spent on additional facilities at Lyminster Primary school, additional equipment at The Littlehampton Academy and additional equipment at The Littlehampton Academy Sixth Form.

#### RECOMMENDATION

1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;

- (c) Appearance;
- (d) Access;
- (e) Landscaping.

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

- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

- 3 The development hereby approved shall be carried out in accordance with the following approved plans:  
Location Plan and Site Plan as existing.

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

- 4 The reserved matters application shall comprise dwellings not exceeding 2 storeys in height.

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

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

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

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

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

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

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

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

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

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

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

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

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

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

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

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

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

11 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 Toddington Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

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

Reason: To ensure flood risk is not increased elsewhere in accordance with NPPF paragraph 103 .

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

7.00 and 19.00 on Mondays to Fridays inclusive

7.00 and 13.00 on Saturday

Not at any time on Sundays or Public Holidays

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

- 14 No development above damp proof course (DPC) level shall take place until a detailed ecological enhancement scheme (which shall include the installation of bat boxes and bird boxes throughout the site) has been submitted to the LPA for approval. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

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

- 15 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
- the anticipated number, frequency and types of vehicles used during construction,
  - the method of access and routing of vehicles during construction,
  - the parking of vehicles by site operatives and visitors,
  - the loading and unloading of plant, materials and waste,
  - the storage of plant and materials used in construction of the development,
  - the erection and maintenance of security hoarding,
  - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
  - details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area. It is considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or impede access onto a classified road which could compromise highway safety.

- 16 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority

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

Policies GEN7 and AREA17. This is required to be a pre-commencement condition because it is necessary to implement any archaeological surveys prior to commencing any building works.

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

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

- 18 Prior to the commencement of the development hereby approved, a detailed level survey of the site including existing and resulting ground levels and the slab levels of the building the subject of this approval, shall be submitted to and approved by the Local Planning Authority. The development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: It is necessary for this to be a pre commencement condition in order to safeguard the amenities of the area and neighbouring residents in accordance with policy GEN7 of the Arun District Local Plan.

- 19 **INFORMATIVE:**  
Where the intention is to dispose of surface water via infiltration/soakaway, these should be shown to be suitable through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent.

- 20 **INFORMATIVE:**  
Lighting will be a big consideration for the development around the parking and communal areas should conform to the recommendations within BS 5489:2013.

- 21 **INFORMATIVE:**  
Section 278 Agreement of the 1980 Highways Act - Works within the Highway.  
The applicant is advised to enter into a legal agreement with West Sussex County Council, 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.

- 22 **INFORMATIVE:**  
This permission is subject to an agreement under Section 106 of the Town & Country Planning Act 1990 relating to open space and education contributions.

- 23 **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.

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

**LU/94/17/OUT - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

REF NO: P/48/17/PL

LOCATION: 251 Pagham Road & the Land R/O  
251 Pagham Road  
Pagham  
PO21 3QB

PROPOSAL: Application for variation of condition no's 28 & 29 imposed on planning permission P/125/14/PL for the relocation of reptiles to an off site receptor site.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	As above. The applicants have obtained agreement from the Brook Meadow Conservation Group for the translocation of those reptiles (Slow Worms, Grass Snakes, Common Lizards) currently on the site to the Brook Meadow Local Nature Reserve in Emsworth approximately 9 miles from the site. The submitted "Reptile Mitigation Addendum" describes the processes for the capturing and movement of reptiles from the site. It also includes a proposed grass snake enhancement for the Brook Meadows site.
SITE AREA	1.4 Hectares.
TOPOGRAPHY	Predominantly flat.
TREES	There are a number of trees within and adjacent to the site. The majority of those within the central areas are fruit trees. There are larger non-fruit trees close to the north and west boundaries.
	Tree Preservation Orders have been served on three trees on the site. TPO/P/1/15 refers to 1 Ash Tree (referenced within the application as T28) located adjacent to the drain and proposed to be within the Public Open Space (POS). TPO/P/2/15 refers to 2 Poplar Trees (referenced within the application as T29 & T32) located adjacent or close to the north boundary. These are proposed to be retained.
BOUNDARY TREATMENT	Various - hedges, ranch style fencing, drainage ditch, close boarded fencing. The boundaries to 8 & 9 Brooks End are formed by approximately 2m high close boarded fencing supplemented by existing tree planting within the site (which is to be retained). The rear boundaries of 239-249 Pagham Road are relatively low (around 1m) and open. Some of these properties have created unauthorised accesses into the site.
SITE CHARACTERISTICS	Roughly L shaped and includes 251 Pagham Road, a two storey dwelling. This property comprises of three single storey outbuildings, two of which have pitched roofs and are situated

to the north of the dwelling. The third is a flat roofed former shop building to the front. There is residential garden to the rear and then a large amount of additional land to the west formerly used for horticultural purposes (for sale in the shop) and the grazing of animals. There are three dilapidated greenhouses on the land as well as a number of fruit trees. Much of the land is littered with grassed tufts. The site access is from Pagham Road between 251 and the Inglenook Hotel. There are 2 on street layby spaces on the site frontage.

CHARACTER OF LOCALITY

The site is bordered by residential properties & a public house/hotel fronting Pagham Road; by grazing land with a residential mobile home park beyond to the north & north-east; grazing land to the south with residential properties beyond which front onto Summer Lane; and open farmland to part of the western boundary.

Nos. 239-249 Pagham Road to the east are two storey properties with west facing principal windows and rear gardens. The two Brooks End dwellings that border the site do so with their flank walls and these elevations do not contain any principal windows. There are rear elevations of mobile homes totalling around 10-12m of the far west boundary.

<b>RELEVANT SITE HISTORY</b>
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P/33/17/DOC	Application for approval of details reserved by conditions 34, 35 & 36 imposed on planning permission P/125/14/PL relating to drainage	DOC Approved 02-06-17
P/137/16/PO	Application to modify a planning obligation dated 30th June 2016 under planning application P/125/14/PL to request change referencing 'social rent' to 'affordable rent'.	Approve 04-05-17
P/125/14/PL	Demolition of existing dwelling & ancillary buildings & erection of 40 no. dwellings with associated access, car parking, cycle & refuse storage, hard & soft landscaping & amenity space. This application is a Departure from the development plan	App Cond with S106 30-06-16

Planning permission for 40 dwellings on the site was granted in June 2016 (P/125/14/PL) and will not expire until June 2019. The conditions to be varied by the current application are as follows:

(28) The development must be carried out in accordance with the reptile mitigation and enhancement measures as set out in section 6.3 of the submitted Ecosupport "Phase I & II Ecological Surveys" Rev



10/6/15. The enhancements and mitigation measures shall be retained and thereafter maintained.

(29) Prior to development or any preparatory works commencing the reptile population shall be translocated only in accordance with the submitted reptile mitigation strategy and retained as such thereafter, unless otherwise first agreed in writing by the Local Planning Authority.

Application P/137/16/PO allowed for a slight change to the wording of the agreed section 106 Legal Agreement (changing the words 'social rent' to 'affordable rent').

Application P/33/17/DOC approved the discharge of the three surface water drainage conditions imposed on P/125/14/PL.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Pagham Parish Council

Pagham Parish Council

"The Council wished to OBJECT to this application, as no provision had been made for the retention of the "wildlife buffer zone" despite the proposed translocation. The Council felt it was essential that this area was retained to provide habitat in the future. It noted and supported the comments of Chichester District Council's Ecology Officer dated 8th June 2017 in this regard. Furthermore, it would like to see a condition requiring the reintroduction of the affected species once the buffer zone reached maturity. Cllr Mr Hailey abstained."

The Parish Council were then asked to reconsider the application in light of statements by Chichester DC Ecology and by the applicant. Their second response was as follows:

"The Council did not wish to withdraw its objection and felt that development on the plot should progress without translocation. The habitat was already mature at the site and it could not see why such habitat should be destroyed to facilitate building. It wished to sustain its objection. Cllr Mr Hailey abstained from the vote."

In addition, one letter of objection from Parish Councillor Mr Hailey. The full text of this 1.5 page letter is on the Councils website but to summarise:

(1) Potential loss of proposed wildlife and habitat improvement works proposed on approved application P/125/14/PL

- \* Fast tracking the development to the detriment of existing wildlife habitat;
- \* Translocation of the reptiles will likely result in a future request for removal of the wildlife buffer & wildlife enhancements;

(2) Contrary to Natural England's advice (Natural England Technical Information Note TIN 102).

(3) Translocation of slow worms would be destructive as identified in research published by Science Direct

- \* Science Direct research states that the conservation value of such exercises is unproven for many species;
- \* The research describes a case study re slow worm translocation and states that the translocated slow

worms were in a poorer condition and there was little evidence of successful reproduction;

(4) Contrary to Government Standing Advice (March, 2015)

\* Reptile mitigation planning should involve changing a layout / not developing areas used by reptiles, displacing reptiles from sensitive areas by changing vegetation, changing development timings, translocating reptiles to other sites but only as a last resort and sites to be as close as possible to the existing, within same local authority area and where not already colonised by the translocated species.

#### COMMENTS ON REPRESENTATIONS RECEIVED:

As set out above, the Parish Council were requested to reconsider the application but they maintained their objection on the grounds that translocation should not occur and there was no justification for the destruction of habitat to facilitate building. This was despite the comments of the Councils Ecologist (see Consultation Responses section) and the following comments made by the applicant's ecologist:

"The Chichester District Council ecologist (Liz Rogers) when consulted on this application did not object to the change though wanted reassurance that the works outlined within section 6 (i.e. wildlife buffer creation) of the Phase I & II Ecological Surveys report (Ecosupport 2015) would be implemented so reptiles may recolonize the area from adjacent habitats upon maturity. An objection was however placed by Pagham Parish Council where it was requested ...' it would like to see a condition requiring the reintroduction of the affected species once the buffer zone reached maturity'. Having discussed this point with the CDC ecologist we are both in agreement that attempting to re-capture any reptiles from the Brook Meadow Local Nature Reserve (LNR) and moving them back into the wildlife buffer is both unnecessary and against best practice. Furthermore as there is no proposal in place to have a holding pen within the Brook Meadow LNR, the likelihood that we will actually capture the same individuals from the 251 Pagham site is very slim as they will have undoubtedly dispersed into the habitats through the LNR by the time the buffer has reached maturity and mixed with the existing population. The hope here however is that once the buffer has reached maturity and is suitable for reptiles, it may naturally be recolonised by any reptiles within the boundary/adjacent habitats."

It is therefore compelling that the advice from the Council Ecologist is that the proposed translocation is acceptable. Furthermore, the applicant has confirmed that the existing proposed buffer area will be retained and will not be destroyed.

The following comments are made in respect of the objection letter:

(1) Potential loss of proposed wildlife and habitat improvement works proposed on approved application P/125/14/PL.

The applicant has confirmed that the proposed wildlife habitat will be retained and will still be subject to the same enhancement measures as proposed in the original application. There is no guarantee that the applicant will not make a future application to redevelop the wildlife buffer area but if that were to occur then such an application would be assessed at that time. It is not appropriate to assess the current application on the basis of something that is not currently proposed.

(2) Contrary to Natural England's advice (Natural England Technical Information Note TIN 102).

TIN102 states in respect of translocation that:

"If you need to move reptiles to a new location you'll have to choose a receptor site:

- \* as close as possible to the development site, and within the same local planning authority if possible
- \* that is at least the same size as the habitat that will be lost, and larger if the habitat to be lost is high quality (you can provide smaller habitat if it's substantially better quality)
- \* that it will serve the same function as the habitat to be lost, e.g. it has hibernation features
- \* with similar habitat to the area that will be lost, including water bodies
- \* that doesn't currently support the same species, but can be improved to make it suitable
- \* that will be safe from future development and managed in the long term

You can introduce small numbers of reptiles to an area with an existing population if you have improved the habitat so it can support the increased numbers. You must allow enough time for new habitats to become suitable for the reptiles before you start to capture them."

The submitted "Reptile Mitigation Addendum" states that:

- \* The Brooks Meadow site is within 9 miles of the Pagham Road site;
- \* The Brooks Meadow site is 4.5 hectares in size (so larger than the Pagham Road site);
- \* The Brooks Meadow site has a good range of habitat including wet/dry meadows, scrub, woodland, watercourses;
- \* The Brooks Meadow site has excellent habitat including foraging, basking & hibernation opportunities;
- \* The Brooks Meadow site has a Management Plan (2015 to 2018) in place and is subject to active management;
- \* The Brooks Meadow site has previously acted as a donor site from two previous development schemes in 2014 and 2015;
- \* The Brooks Meadow site has a 'good' population of Slow Worms but no Common Lizards and no Grass Snakes (although the habitat is suitable for them);
- \* Only a low number of reptiles are anticipated to be captured from the Pagham Road site; and
- \* There are not considered to be any potential issues with exceeding carrying capacity at the Brooks Meadow site.

This document has been accepted by Chichester DC's Ecologist. Natural England were also consulted but their response just advises of the need to follow their Standing Advice (which is as set out above).

(3) Translocation of slow worms would be destructive as identified in research published by Science Direct.

The Science Direct research dates to September 1999 and is therefore more than 17 years old. It is therefore considered acceptable to instead refer to the Natural England Standing Advice and to the comments of the Council's Ecologist.

(4) Contrary to Government Standing Advice (March, 2015).

It is unclear which Standing Advice this refers to. However, in any case, it is clear that this application does not propose to develop the areas of the site set out as buffer zones. It is also considered, for the reasons set out above, that the proposal accords with Natural England's Technical Information Note TIN 102.

## CONSULTATIONS

Natural England  
Ecology Advisor

**CONSULTATION RESPONSES RECEIVED:**

NATURAL ENGLAND: No comment:

"Natural England currently has no comment to make on the variation of condition 28 and 29. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation."

CHICHESTER DC ECOLOGY: No objections:

Original comments dated 08/06/17 stated:

"We are happy with the proposals to amend the reptile mitigation strategy and to translocate the reptiles to an off-site receptor site at Brook meadow Local Nature Reserve. We require confirmation however that the wildlife buffer onsite will still be retained within the scheme and habitat improvement works should still take place within this area to provide suitable habitats for wildlife including reptiles."

Second comments dated 19/06/17:

"I had a call earlier from the ecologist working on the site at 251 Pagham Road (P/48/17/PL) confirming that the wildlife buffer area will still be retained on site, though the reptiles would be translocated elsewhere. I am satisfied with this and happy with the proposed amendments. They have also commented on an objection from the parish council and their request for the reptiles to be reintroduced once the site is complete. I don't feel that this would be in the best interests of the reptiles who will have already been translocated once, and as Adam has stated it would be impossible to only catch the translocated reptiles. It would be more suitable for the wildlife buffer area to be made suitable for reptiles so any local populations can naturally colonise this area in the future."

**COMMENTS ON CONSULTATION RESPONSES:**

As stated above, the wildlife buffer will be retained. Furthermore, the proposed variation to condition 28 (new condition 1) will maintain the need for mitigation/enhancements within the Pagham Road site in accordance with the previously submitted mitigation strategy.

**POLICY CONTEXT**

Designations applicable to site:

Outside of the Built Up Area Boundary;  
Flood Zone 1;  
Class C Road; and  
TPO Refs TPO/P/1/15 & TPO/P/2/15.

It should also be noted that nos. 247 Pagham Road (Nyetyimber House) & 253-255 Pagham Road (The Inglenook Hotel) are both Grade II Listed Buildings.

**DEVELOPMENT PLAN POLICES**

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

GEN29 Nature and Conservation Across the District

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

ENV SP1 Natural Environment  
 ENV DM5 Development and Biodiversity

## 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).

In December 2014, the Pagham Neighbourhood Plan was withdrawn from the examination process in order to produce further studies in respect of the impact on the Pagham Harbour SPA/Ramsar Site. This work has been completed and the Regulation 14 'pre-submission consultation & publicity' stage was undertaken between 02/10/15 and 13/11/15. It is therefore necessary, in accordance with paragraph 216 of the NPPF, to have regard to the Draft Neighbourhood Plan as a material planning consideration.

Policy 2 "Housing Site Allocations" is relevant to this proposal. It states that:

"The Neighbourhood Plan allocates the following sites for low density housing development, as shown on the Proposals Map, subject to the development principles outlined:

ii. approximately 35 dwellings on Land south of Inglenook Hotel - comprising a mix of 1, 2, 3 and 4 bed bungalows and houses, to be delivered as part of the comprehensive scheme with development in parallel on both sites subject to the implementation of the link road at the commencement of the developments, provided the scheme:

- (a) makes provision for contributions towards the agreed Strategic Approach to Access Management at Pagham Harbour
- (b) makes an appropriate financial contribution to Pagham's Accessible Natural Open Green Space (ANOGS) shown on Inset Map 2 as the hashed area south of Summer Lane and provides open space or green infrastructure with recognised qualities within the development area that links to the ANOGS.
- (c) demonstrates that locally valued and important habitats, including wildlife corridors and stepping stones will be retained and sympathetically incorporated into its public open space scheme that lies in close proximity to a Biodiversity Opportunity Area (as defined on the Arun Local Plan Proposals Map) and that any disturbance to habitats of the adjoining development scheme will be minimised;
- (d) layout allows for road, footpath and cycle connectivity to the adjoining Land off Summer Lane site;
- (e) makes provision for a ground floor unit for a village centre use at the entrance to the site from Pagham Road and makes provision for off-street public car parking as part of the village centre.

iii. provision is made by one or both the allocated sites in this comprehensive scheme for a total of at least 30 extra care dwellings to be restricted to occupation by older households.

iv. planning applications must include a flood risk assessment to demonstrate how a scheme will not increase pluvial or fluvial flood risk on any adjoining land, to the satisfaction of the local planning authority and the Environment Agency.

## 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

### PROPOSAL & PRINCIPLE:

This application seeks to amend a previous planning permission as granted in June 2016 by proposing to capture those reptiles existing on the site and move them to a nearby wildlife reserve. This will allow the developers to commence works on the site sooner as they would otherwise have had to wait until the on-site wildlife buffer had matured (approx. 1 year) before the on-site reptiles could be moved into the buffer area.

The principle of residential development on this site has already been established by the previous decision and it is only necessary on this application to consider the proposed translocation of the reptiles from the site to the off-site receptor location. It should also be noted that there are no plans to remove the proposed wildlife buffer. This will still be subject to enhancement with the hope that it will be recolonised in the future by reptile species living in surrounding areas.

### REPTILE TRANSLOCATION:

There is no specific policy within the development plan in respect of the translocation of wildlife species. Arun Local Plan policy GEN29 has regard to the incorporation of wildlife habitats into development schemes. This has already been proposed by application P/125/14/PL and there are no plans to change this. Emerging Local Plan policy ENV DM5 also advises of the need to protect existing habitats on site and further states that developments shall have regard to Natural England's standing advice for protected species.

Draft Pagham Neighbourhood Plan policy 2 requires that this site retains locally valued & important habitats, including wildlife corridors & stepping stones and that these are incorporated into the public open space. This was proposed by application P/125/14/P? and there are no plans to change the areas of retained habitat (i.e. the wildlife buffer). Policy 2 also states that any disturbance to habitats of the adjoining development scheme be minimised. It is not considered that the translocation of reptiles from this site will disturb those habitats within the adjoining site (Land at Summer Lane). However, it should be noted that the Pagham Neighbourhood Plan has not yet been made and therefore attracts only limited weight in this determination.

In the absence of relevant planning policies, it is considered that regard should be had to Natural England's Standing Advice and to the guidance of the Council's technical experts (Chichester DC Ecology). The Standing Advice was assessed in the "Officer's Comments on Repts" section of this report and it was considered that the proposed translocation would accord with the Standing Advice.

Furthermore, Chichester DC Ecology have considered the application and following confirmation of the retention of the wildlife buffer, they raise no objections. They consider that the wildlife buffer can be made suitable to attract new reptile species in the future. They also do not feel that any proposal to bring the reptiles back to the site from the receptor site (Brooks Meadow) would be in their best interests.

#### SUMMARY:

The advice of the Council's technical experts on ecology matters, Chichester DC Ecology, is compelling in demonstrating that the proposed translocation of reptile species to the off site receptor location is acceptable. Furthermore, with the proposed enhancement measures to the wildlife buffer area on the site, reptiles should in future recolonize the Pagham Road site. On this basis it is recommended that conditions 28 and 29 are varied by replacing them with the new conditions 1 and 2 as shown below. It would be very difficult to defend a decision to refuse against the evidence submitted by the ecology experts.

### **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 must be carried out in accordance with the reptile mitigation and



enhancement measures as set out in section 6.3 of the Ecosupport "Phase I & II Ecological Surveys" (Rev 10/6/15) as submitted with application P/125/14/PL except in respect of the "Reptile Mitigation Addendum" dated April 2017 as submitted with application P/48/17/PL regarding the translocation of reptile species to an off-site receptor site. Any proposed on-site enhancements shall be implemented in accordance with these documents and thereafter permanently retained and maintained.

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

- 2 Prior to development or any preparatory works commencing the reptile population shall be translocated to an off-site receptor location in accordance with the submitted "Reptile Mitigation Addendum" dated April 2017.

Reason: To safeguard resident reptile species in accordance with Policy GEN29 of the Arun District Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because otherwise the resident reptile species could be harmed.

- 3 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.
- 4 INFORMATIVE: All of the conditions imposed on P/125/14/PL shall remain in force except for conditions 28 & 29 which are replaced by new conditions 1 and 2 above.

**P/48/17/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:** Y/1/17/OUT

**LOCATION:** Bonhams Field  
Main Road  
Yapton  
BN18 0DX

**PROPOSAL:** Outline Application with some matters reserved for the erection of 56 No. dwellings with associated open space and creation of new access. This application is a Departure from the Development plan & affects the character & appearance of the Yapton (Main Road) Conservation Area.

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

The application seeks outline planning permission for 56 dwellings with associated open space on land at Bonhams Field, Main Road, Yapton. Means of access is not to be reserved.

Of the 56 dwellings proposed, 16 would comprise affordable homes (50:50 split between social rent and shared ownership). The proposed mix of homes would be:

- 4 x 1 bedroom houses;
- 24 x 2 bedroom houses;
- 20 x 3 bedroom houses; and
- 8 x 4 bedroom houses.

The proposal also includes:

- a retained hedgerow through the site and reinforced boundary hedgerows and additional native tree planting;
- over 0.5 hectares of public open space comprising a Community Orchard/wildlife corridor;
- Local Play Area (LAP) and general amenity areas;
- a new vehicular access with Main Road;
- pedestrian access;
- sustainable urban drainage; and
- reinforced hedgerows and additional hedge and tree planting.

Detailed approval for appearance, layout, scale and landscaping are reserved for later detailed consideration.

A S106 agreement has also been prepared to provide for financial contributions towards:

- Affordable Housing;

- Open Space;
- Play Areas;
- Fire and Rescue Contribution;
- Primary Education Contribution;
- Secondary Education Contribution;
- Further Education Contribution;
- Library Contribution;
- NHS, and
- Travel Plan Contribution.

#### SITE AREA

The total site area is 3.2 hectares.

#### RESIDENTIAL DEVELOPMENT DENSITY

The development would provide a gross density of approximately 17.5 dwellings per hectare.

#### TOPOGRAPHY

Predominantly flat, but rises gently northwards.

#### TREES

None of any significance affected by the proposed development. Two trees are proposed to be removed (T26 Monterey Cypress and T13 Hawthorn), both are category U due to diminished vitality. New planting would be included with the development, details for which would be considered at reserved matters stage.

#### BOUNDARY TREATMENT

The northern and western boundaries of the site are defined by established hedgerow and mature trees. Where it meets Main Road, the western boundary also lies adjacent to an existing row of cottages. Several mature trees line the eastern boundary also, together with a flint wall which forms the boundary of the Main Road Conservation Area. Beyond the flint wall lies a row of properties along North End Road. To the south, the boundary is formed of a combination of fencing and low stone walls at the point where it runs along Main Road. Bonhams Farm complex lies to the south of the site, but north of Main Road, and is contained by a flint wall that runs along the application boundary here.

#### SITE CHARACTERISTICS

The site currently comprises an agricultural field utilised for grazing and is located in open countryside, but immediately abuts the western edge of the Settlement Boundary of Yapton and the Main Road Conservation Area. The site wraps around Bonhams House and Elms Barn; a residential barn conversion, these properties do not form part of the proposed site.

The site is not located in an area at risk from fluvial flooding, nor is it designated in an area of high landscape sensitivity or ecological importance.

#### CHARACTER OF LOCALITY

The site is located within the Parish of Yapton, just outside the Settlement Boundary of Yapton village. To the east on the corner of North End Road there is the former Olive Branch public house which is being converted to residential use. Properties on the west site of North End Lane back on to the proposed site. The site is set within an area that has an open character with a mix of large properties in large plots and smaller terraced properties located along Main road.

Residential development is located along the length of North End Road to the east, and along either side of Main Road to the South and west of the site. An established hedgerow runs from north to south towards the eastern end of the site.

Main Road serves the village and runs south of the site. The wider village is rural in character, but benefits from GP surgeries and pharmacy, two churches, a village hall and playing fields, Yapton Church of England Primary School, a pub and a small selection of shops (including post office and local convenience store). Barnham railway station is located 2 miles to the west and a regular bus service serves the village.

## RELEVANT SITE HISTORY

PAA/104/16: Pre-application advice.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Yapton Parish Council

Raises an OBJECTION to the proposed development for the following reasons:

- The application is premature to the Local Plan making process and should be deferred;
- The proposal is contrary to the Yapton Neighbourhood Plan;
- The site provides an essential setting for the Main Road Conservation Area, its listed buildings and the village settlement as a whole;
- The introduction of built form beyond the existing Main Road Conservation Area would represent an inappropriate incursion into the countryside;
- Yapton's rural character would be eroded;
- It would remove the village's sense of place;
- The sensitive location for the proposed housing development is unsuitable and unsustainable;
- The proposal fails to meet policy criteria established by the NPPF, saved Local Plan policies GEN2 and GEN3 and emerging policy;
- The proposal is a departure from the development plan;
- The site is agricultural land;
- The emerging Local Plan has designated two (300 unit) Strategic Housing sites within Yapton Parish (Y11 Land South of Tack Lee Road and NEW19 Land at Drove Lane). These sites will adequately accommodate the suggested increase enabling the Parish and its residents time to consider additional HELAA sites;
- Arun District Council originally allocated Yapton 100 new homes over the new Local Plan period which the Yapton Neighbourhood Development Plan adequately accommodated including a 20% buffer;
- Allocated sites within the Parish have exceeded 100 homes and the recent HELAA has identified sites that could increase housing numbers in the village by a further >405 homes excluding the 208 units currently awaiting appeal or High Court ruling. Housing numbers exceed Yapton's need;
- The cumulative impact has not been assessed. Emerald Gardens (178 homes), Fellows Gardens extension (34 homes), the adjoining site in Ford Parish (Burndell Road) (45 homes). This will amount to 257 new homes all within 350m of each other. A further 208 units await appeal and High Court ruling;
- There will be an impact upon local infrastructure and services (such as GP surgeries, shops and the

primary school);

- The layout of the site is well thought out with sympathetic use of planting to reflect the rural nature of the site, however the Parish does not consider No 33 to blend in or enhance the setting of the listed buildings and Conservation Area. The building is isolated and sits in a key area of open space which defines the rural approach to Yapton and enhances the historic rural nature of Elms Barn. The Parish would seek to retain this as open space;
- Drainage is a concern - foul water drainage has insufficient capacity in the local network;
- The access is in close proximity to bends in Yapton Road along with potential exit traffic from Drove Lane in relation to small strategic sites NEW19/Y11;
- The Parish would like additional information on the likely cumulative impact this proposal will have on Main Road/Yapton Road with other housing development nearby;
- Network Rail's response is also noted where there is concern regarding application Y/80/16/OUT and the level crossing;
- Cycleway improvements should be made linking Yapton to Barnham;
- The applicant has engaged with the local community;
- Overall, the development would have a significant adverse impact on the community in terms of sustainability, impact on local facilities, infrastructure and on the rural nature of the village.

To date, 36 representations raising concern have been received raising the following comments:

- There are preferred alternative strategic housing sites in and around Yapton that are deliverable and will contribute to meeting the housing land supply requirement. The proposed development is premature on a site that is not allocated for housing and does not accord with the Development Plan;
- The site is outside the existing built up area boundary and would result in the loss of a rural village setting;
- Impact upon the countryside - the development would result in the incremental coalescence of Yapton and Barnham. The existing 'gap' contributes towards their rural character and setting;
- The proposed development is not sustainable;
- There are adverse impacts that would significantly and demonstrably outweigh any identified benefits when assessed against the NPPF;
- It is possible that a lack of spare capacity in the foul water network could be dealt with through a planning condition;
- The current illustrative layout and design completely fails to avoid harm on neighbouring properties;
- Impact upon the Main Road Conservation Area. The scheme neither protects or enhances the special character of the Conservation Area;
- Impact upon Elm Barn, a Listed Building due to architectural and historic merit associated with its rural farmland setting, which has an intimate relationship with the surrounding landscape setting together with other listed buildings such as Bonhams Farmhouse, Laburnham Cottage, Malt House;
- The applicant has provided no illustrations showing the impact of a suburban intrusion into the views of the Conservation Area as you enter the village from the west, in particular showing the visual impact on the listed barn and farmhouse;
- Loss of Grade 1 Agricultural Land and the conclusion made by the Agricultural Assessment is challenged. This is contrary to emerging planning policy;
- Bonhams Field is not identified as a preferred housing site in the emerging Arun Local Plan and Housing Implementation Strategy;
- The development of Bonhams Field would adversely impact upon the livelihood of the existing tenant farmer;
- Impact upon local infrastructure (local primary school and GP surgeries);
- The Yapton Neighbourhood Plan has allocated 152 homes. Any increase in this allocation must be from sites chosen by the local community as part of a revision to the current Neighbourhood Plan and when ADC provide revised allocations;
- No consideration of cumulative impact as a result of other housing developments in Yapton;

- It would generate an increase in road traffic and impact upon the local road network. This will impact Main Road, the level crossing at North End Road and at the C of E Primary School, a known local congestion area;
- Impact upon Biodiversity including birds (raptors such as buzzards, kestrels and sparrow hawks and owls and woodpeckers) and mammals, including bats (as a result of increased light pollution);
- Sheep grazing is an important feature of Bonhams Field;
- There would be an increase in flood risk on Main Road as surface water run off increases.
- There is inadequate parking provision proposed. Any overflow parking onto Main Road will increase the risk of accidents;
- The proposed housing density is too high;
- The site comprises greenfield land that has not altered in use for over 300 years;
- The development would generate overlooking into existing adjacent properties;
- pedestrians walking from the site into Yapton village to gain access to the shops would be at risk because the pavement is too narrow;
- There is no need for more housing in Yapton;
- The value of existing properties would decrease;
- No sustainable transport options have been considered and should include on site routes and off site links to schools, shops and other transport hubs. Links to existing cycle routes should be considered.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments are noted and issues are addressed by the Conclusions section of this report.

**CONSULTATIONS**

- WSCC Strategic Planning
- Conservation Officer
- Engineering Services Manager
- Engineers (Drainage)
- Surface Water Drainage Team
- Environmental Health
- Arboriculturist
- Southern Water Planning
- Head of Planning Policy & Cons
- Ecology Advisor
- NHS Coastal West Sussex CCG
- NHS Coastal West Sussex CCG
- Mr Clavell-Bate
- Highways England

**CONSULTATION RESPONSES RECEIVED:**

**ARCHAEOLOGY ADVISOR:**

Provides the following COMMENTS:

- The conclusions of the Archaeological Desk Based Study (dated July 2016) are agreed with;
- The mitigation proposed by the study is also agreed with whereby the site should be investigated ahead of development; and
- A condition requiring the submission of a Written Scheme of Archaeological Investigation is suggested.

The Scheme should include proposals for an initial trial investigation and for mitigation of damage through development to deposits of importance identified.

#### HISTORIC BUILDINGS ADVISOR:

Raises an OBJECTION for the following reasons:

- The site is an area of agricultural land which informs the setting of Yapton Conservation Area (Main Road) and a number of listed buildings;
- As former agricultural buildings and farm houses, the relationship with the landscape is an intimate one;
- There would be harm upon the setting of the Conservation Area and associated listed buildings, particularly with regard to views of the buildings from the public highway, but also from within the curtilages of the heritage assets themselves. Limited or private views also carry great weight;
- Setting can be harmed not only from visual impacts, but also from noise, lightspill and increased activity;
- The change in land use can be harmful if it takes on an inappropriate character. The introduction of 56 dwellings therefore has to have an impact and given the site's history and previous use, its transformation must be considered to represent a level of harm;
- The conclusion by the Heritage Statement that there would be an 'overall negligible adverse effect' is questioned;
- The conservation of heritage assets and their settings must be given great weight;
- The design of the development represents a townscape rather than a village extension;
- A number of suggested amendments to the layout and design have been proposed, however overall it is considered that at present, the design, scale and layout of the buildings appears to represent a 'Poundbury - type' development. There is not the density in the existing setting to support such an approach; and
- Before the scheme can be considered as acceptable, further consideration should be given to mitigating potential harm through layout and design and better integration of the scheme into its surrounds.

On the revised layout, the OBJECTION is maintained and the following comments are raised:

- Acknowledges the attempt to mitigate potential harm should the scheme be approved in principle;
- It is impossible to suggest that there is no harm from the proposal as the scheme occupies two fields which contribute to the historic setting of the listed buildings and their relationship with the landscape;
- The 'degree of change' (a key consideration for the setting of heritage assets) has not been sufficient enough to offset a housing development of this nature or scale;
- The Heritage Statement also refers to potential harm which is concurred with by the Historic Buildings Officer;
- Design can go part of the way to mitigating harm, which the statement suggests, but it is unlikely to remove it completely;
- It was helpful to see the layout options during the site visit, in addition to a pair of houses on the main road. The reduction to two houses here, as from the terrace discussed, works better in that it continues the building line along the main road, but doesn't bridge the gap to the barn. The main concern with having a more open gap and the houses set back, is that the development would appear more isolated and less integrated into the existing built environment;
- The houses are set back enough to not disturb the views of the listed barn;
- The main development itself has two very different characters. The barns which would occupy the smaller field reflect neighbouring agricultural buildings in terms of typology and bare some relation architecturally and spatially to the neighbouring Stakers Farm. The success of this depends upon the degree of detail which is not yet available;
- There is concern that these dwellings will have individually laid out gardens with tightly defined boundaries. This is likely to domesticate the setting, which should be avoided. Some separation might be possible, but limited;
- Other design considerations should also be considered such as roof lights and solar panels which can



all contribute to the level of harm upon the setting of heritage assets;

- The proposed 'buffer zone' to the north of Bonham's Farm and Barn is an improvement on the original layout in terms of their close setting and provides some screening;
- The main development beyond this to the north remains the most difficult aspect of the scheme. The main housing and its layout doesn't have the same reference points and therefore is more difficult to ground within the existing environment. The major concern here, is the potential for this to appear overtly suburban or incongruous and therefore harmful to the setting.
- The layout and landscaping are vital to the setting as are the number of houses proposed;
- Internal road layout and parking should be sensitively thought out in order to appear organic. Parking in the form of front of house or bays should be avoided;
- There is a need of 'understated architecture'. A cottage terrace is a good example of this. The images provided with this application are indicative, however the variation in roof profiles and material palette should avoid over complexity. Doors, windows, chimneys, pointing and boundary treatments should all differ slightly. Close boarded fencing should be avoided, to prevent the development appearing as 'suburban';
- Unfortunately, these are not all things that can be addressed at outline stage. If the scheme is supported in principle by the planning authority we can work with you on these points at a later stage.

#### CONSERVATION AREA ADVISORY COMMITTEE:

Raises an OBJECTION for the following reasons:

- There would be an adverse impact upon the Main Road Conservation Area.

#### SOUTHERN WATER:

Provides the following COMMENTS:

- No development or new tree planting should be located within 3 metres either side of the centreline of the surface water sewer;
- No new soakaways should be located within 5 metres of a public sewer;
- All existing infrastructure should be protected during the course of construction works;
- An initial desk top study confirms that Southern Water currently cannot accommodate the needs of this application without the development providing additional infrastructure;
- The development would increase flows into the wastewater sewerage system and consequently increase the risk of flooding in and around the existing area;
- The applicant will need to ensure that long term maintenance arrangements exist for any SUDS proposed; and
- Should the Planning Authority be minded to approve the planning application however 3 conditions regarding foul water drainage and an informative are recommended.

#### DRAINAGE OFFICER:

Provides the following COMMENTS:

- Satisfied that surface water is to be discharged to SuDS system.
- Soakage appears to be feasible. The soakaway system must include adequate groundwater monitoring to determine the highest winter groundwater table in support of the design. Extent of groundwater monitoring should be discussed with Drainage Officers.
- Infiltration rates to be based on percolation tests carried out during winter months and at location and depth of proposed structures.
- Satisfied that further information can be provided at details design stage and as a result of pre-commencement conditions regarding surface water management.

#### TREE OFFICER:

Raises NO OBJECTION, subject to conditions and comments that:

- The Arboricultural Impact Assessment (and tree constraints plan and tree protection plan) is satisfactory and accords with requirements of BS5837:2012;

- The most important trees on the site are contained within the perimeter hedges and there are also specimen trees off-site that have root protection areas that will overlap the site;
- Wherever possible, trees have been incorporated into Open Space area and where this has not been possible, they have been afforded the full root protection area protection distances required by the adopted standard; and
- The condition of trees T26 and T13 is agreed with for reasons of sound arboricultural management and safety.
- Two conditions are proposed requiring the implementation of an Arboricultural Method Statement and the inspection of tree protection fencing and site supervision where development has the potential to impact tree root protection areas.

**GREENSPACE:**

Provides the following COMMENTS:

**PUBLIC OPEN SPACE:**

- New FIT (Fields in Trust) guidelines require that 3.2 Ha of open space is provided for every 1,000 people. Based on this requirement, the proposed development should provide 0.43Ha;
- The open space areas indicated would appear to be in excess of the minimum required and the proposed layout takes into account a buffer zone between existing historic buildings and proposed development with consideration of existing tree locations;
- The proposed layout indicates that much of the proposed open space will form a good green corridor within the site, creating a usable space with the potential for existing and additional tree cover; and
- The proposed number of dwellings (56) triggers the need for onsite play provision, MUGA contribution as well as landscaped open space areas. The layout indicates LAP, which doesn't need to be equipped, but onsite LEAP would also be sought in addition to this. This detailing can be managed through reserved matters and through a S106 agreement.

**LANDSCAPING:**

The emerging landscape design aims should be:

- To design and implement a scheme that reflects and incorporates elements of its surroundings and enhances the atmosphere of local distinctiveness;
- To create a visually pleasing and interesting landscape for owners, employees and visitors to the development;
- To enhance the landscape quality of the site when viewed from the surrounding area;
- To provide a planting scheme that includes native species to blend with the surrounding location, enhance biodiversity and create enhanced wildlife corridor opportunity;
- To provide a sense of flow and cohesion between the different elements of the landscape, buildings, open areas and surrounding environment; and
- Consider long-term management of any future landscaping scheme.

**BIODIVERSITY/ECOLOGY:**

- A habitat survey report must be included with recommendations covered by conditions of any planning approval;
- Clearing of any vegetation must not be carried out during the bird nesting season;
- Vegetation where detailed for retention to boundaries to be retained; and
- Bat and bird boxes would be recommended to be provided to enhance the ecological potential of the site and mitigate for any loss of vegetation.

Conditions are recommended for:

- Landscaping scheme; and
- Tree protection measures.

**ECOLOGIST:**

Provides the following COMMENTS:

- Notes the results of the Ecological Assessment of the site and mitigation and enhancements proposed in section 6 of the report.
- Should permission be granted, these should be conditioned and implemented in their entirety, including:
  - Retention and protection of the boundary features during construction;
  - Clearance of vegetation outside the bird nesting season (which is Feb - August inclusive), unless under the supervision of a qualified ecologist;
  - Native tree, hedgerow, orchard and grassland planting;
  - A total of 6 nest boxes to be installed on trees and 6 house martin/house sparrow terrace boxes at suitable locations on-site; and
  - 12 bat roost units to be installed at suitable locations on-site.
- The following should be submitted to the local authority at reserved matters or before work commences on-site:
  - Details of external lighting. The boundary features should not be lit and downward facing directional lighting;
  - A detailed mitigation plan for reptiles providing a method statement and sites for translocation of any reptiles.

**LOCAL HIGHWAY AUTHORITY:**

Raises NO OBJECTION subject to conditions and comments that:

- Main Road is a single carriageway 'B' class road designated as the B2233. The road is subject to a 30mph speed limit which changes to 40mph approximately 140m to the north of the proposed site;
- The LHA is satisfied with the conclusions of the Transport Statement (TS) which includes TRICS data and a Stage 1 Road Safety Audit (RSA) with Designer's Response;
- The LHA does not consider that the development would result in a 'severe' impact on the operation of the local highway network, that it accords with policy in terms of highways and that there are no transport grounds to resist the development; and
- Conditions are recommended for access, visibility splays and a construction management plan together with informatives regarding S278 works and S59 of the 1980 Highways Act.

On the revised layout, the Local Highway Authority provides the following advice:

- It is unlikely that 'Resin Bound Gravel' would be a suitable surface for the access road and would not be accepted at detailed design under a Section 38 Agreement with the Local Highway Authority. If the estate road remains private and a section 38 Agreement not be entered into, then the surface type would be considered acceptable;
- As per previous advice, the design of the internal road layout accords with the Manual for Streets parameters.

**WEST SUSSEX COUNTY COUNCIL - STRATEGIC PLANNING:**

The following COMMENTS are provided and request that a S106 agreement includes financial contributions towards:

- School infrastructure provision;
- Library infrastructure provision; and
- Fire and Rescue service infrastructure.

The s106 is to include a standard WSCC formula that will relate to housing mix as a means of calculating contributions.

At present primary/secondary/further secondary schools within the catchment area of the proposal currently would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development from this proposal. Accordingly, contributions would

need to be requested.

The contributions generated by this proposal shall be spent on expansion at Yapton Primary School.

The contributions generated by this proposal shall be spent on additional facilities at Ormiston Six Villages Academy.

The contributions generated by this proposal shall be spent on additional facilities at St Philip Howard Sixth Form.

### Housing Strategy

The proposal includes the provision of 30% affordable housing, 16 units where the aim is to provide 8 intermediate units and 8 rented units. The S106 is drafted to stipulate that there would be affordable housing provided on-site in the first instance at 30% of the total dwellings permitted. A commuted sum (Planning Obligation) would become payable only if the first and second offer was not implemented by the developer. At that stage a sum of £80,000 per foregone affordable home would be payable upon commencement of the development. I would want evidence however from the developer showing that they had attempted to seek offers for the affordable housing on two occasions before the commuted sum becomes an option. It is always by preference to seek affordable housing on-site wherever possible.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

The heritage objection is addressed in the assessment of the application.

Landscaping details can be conditioned and linked through to an application for reserved matters.

### POLICY CONTEXT

Designation applicable to site: NONE

### DEVELOPMENT PLAN POLICES

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

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
AREA2	Conservation Areas
AREA17	Sites of Archaeological Interest
DEV17	Affordable Housing
GEN11	Inland Flooding
GEN12	Parking in New Development
GEN18	Crime Prevention
GEN20	Provision of Public Open Space within New Development
GEN25	Water Resources
GEN29	Nature and Conservation Across the District
GEN32	Noise Pollution
GEN33	Light Pollution

GEN9	Foul and Surface Water Drainage
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure

Publication Version of the Local Plan (October 2014):

INF SP1	Infrastructure provision and implementation
H SP2	Affordable Housing
SD SP1	Sustainable Development
D DM1	Aspects of Form and Design Quality
C SP1	Countryside
SD SP2	Built -Up Area Boundary
LAN DM1	Protection of Landscape Character
HER DM1	Listed Buildings
HER DM3	Conservation Areas
HER DM6	Sites of Archaeological Interest
H DM1	Housing Mix
OSR DM1	Open Space, Sport & Recreation
T DM1	Sustainable Travel and Public Rights of Way
W DM3	Sustainable Urban Drainage Systems
QE DM1	Noise Pollution
QE DM2	Light Pollution
SO DM1	Soils
ECC DM1	Renewable Energy
ECC SP1	Adapting to Climate Change

<u>Yapton neighbourhood plan 2014 Policy BB1</u>	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E1	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy H1	Housing requirement
Yapton neighbourhood plan 2014 Policy H2	Dwelling size
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**POLICY COMMENTARY**

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

Arun District Council's Development Plans:

A new local plan is in preparation and is 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

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

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

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

Policies contained in the Yapton Neighbourhood Development Plan have been considered in the preparation 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 not considered to comply with the relevant development plan policies in that it is located outside of the defined built up area boundaries within the development plan. However, there are significant material considerations that would weigh in favour of the proposals and the policies within the development plan that relate to the supply of housing are out of date.

## OTHER MATERIAL CONSIDERATIONS

The council cannot demonstrate a 5-year housing land supply at present and therefore the need for housing, and the presumption in favour of sustainable development is a material consideration.

The NPPF provides a presumption in favour of sustainable development. The application must be assessed as to whether the benefits of the development outweigh any adverse impacts. This is addressed in the body of the report.

Supreme Court Ruling dated 10th May 2017 on the application of Paragraph 49 and 14 of the NPPF as it relates to lack of a 5-year housing land supply.

Written Ministerial Statement December 2016.

The Local Plan Sub-Committee decision in December 2016, followed by the Full Council decision that the Council would invite planning applications on sites identified as being 'deliverable' by the HELAA where they are considered sustainable and will not prejudice the emerging local plan and / or infrastructure delivery.

The Secretary of State decision at Ford Lane, Yapton is also a material consideration. The decision to refuse the application for up to 100 dwellings had been challenged in the High Court where the decision was upheld.

The emerging Local Plan (eLP) is a material consideration.

## CONCLUSIONS

The site lies in a countryside location outside the built up area boundary of Yapton village as defined by saved ALP policies GEN2 and GEN 3 and adopted policy BB1 of the Yapton Neighbourhood Development Plan. These development plan policies seek to exert strict control over development in the countryside to protect it for its own sake.

The status of these three development plan policies has been clarified by the Supreme Court Decision and therefore should no longer be considered to be policies for "the supply of housing" for the purposes of paragraph 49 of the NPPF. ALP Policy GEN 5 and YNP Policy H1 are policies for the supply of housing and are therefore out of date. As the Council is unable to demonstrate a 5 year supply of deliverable housing the tilted balance in favour of the grant of permission is triggered in the NPPF except where the benefits are significantly and demonstrably outweighed by the adverse effects of the development.

Policies GEN2 and GEN3 were derived in a plan that was adopted in 2003, prior to the publication of the NPPF, and based on a much lower OAN that sought to accommodate residential development needs up to 2011. The weight that would be attributed to GEN 2 & 3 was considered in the 2014 appeal at Lake Lane, Barnham (paragraph 12 of appeal decision ref. APP/C3810/A/14/2220943, February 2015). The policies (although still 'saved') carry limited weight due to the lack of a 5-year housing land supply within Arun District, in accordance with paragraph 49 of the NPPF.

The Ministerial Statement 'Neighbourhood Planning: Written Statement dated 12 December 2016 sought to clarify matters, but this has been challenged (pre-action Judicial Review papers have been served). This statement sets out that the neighbourhood plans should not be deemed out of date under paragraph 49 of the NPPF if all of the following circumstances arise at the time the decision is made:

- The 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 3 year supply of deliverable housing sites.

The Written Ministerial Statement does not apply in this case as the housing land supply is substantially less than 3 years.

Policy BB1 and H1 of the YNP was made in 2014 and is based on an OAN that is approximately 50% less than the current figure. The Ford Lane, Yapton decisions are relevant in as much as the Inspector found that a site for up to 100 dwellings could be supported on the basis the OAN at that time of 758 dpa. The Secretary of State (SoS) disagreed with his Inspector and concluded that while the YNP is currently underpinned by an outdated OAN (IR11.9), Policy H1 has flexibility to allow any shortfall in housing supply to be met. As such, the SoS gives significant weight to the housing policies of the YNP. The SoS agrees that policy BB1 is out of date (IR11.10) in the absence of a 5 year HLS. However, given his conclusions on Policy H1 he gives it significant weight. The Secretary of State considers that neighbourhood plans, once made part of the development plan, should be upheld as an effective means to shape and direct development in the neighbourhood planning area in question. Consequently, in view of Framework paragraphs 198 and 185, and guidance on neighbourhood planning that this is the case even in the absence of a 5 year housing land supply, the Secretary of State places very substantial negative weight on the conflict between the proposal and policy BB1. The decision was to refuse Ford Lane.

The Yapton Neighbourhood Development Plan identifies two sites to meet its housing requirements (of 95 dwellings) for the Parish SA1 - Land to the north of Yapton Primary School and SA2 - Land at Cinders Lane. Yapton Neighbourhood Development Plan rely on a figure in the emerging Local Plan at a point in time, which is approximately 50% lower than the present figure, they are no longer consistent with the latest housing supply situation, with the most recent figures being assessed as part of the Housing Implementation Strategy, March 2017. Neither allocation has yet brought forward housing within the Parish. The Parish Council has stated that they have no intention of renewing or updating the YNP at this time and have a preference for the LPA to prepare a small sites DPD which would cover Yapton. This means that whilst Policy H1 does have flexibility to allow any shortfall of supply to be met, there is no evidence to suggest that this is taking place at the moment. The OAN figure has also increased since the SoS made his decision and the housing land supply figure reduced further.

For the reasons set out above, Policies BB1 and H1 of the YNP are considered to out of date and are therefore afforded little weight.

The emerging Local Plan can only be afforded limited weight given its current status.

Currently the Council is unable to demonstrate a 5-year housing land supply as required by paragraph 49 of the NPPF. The primary purpose of paragraph 49 is to act as a trigger to the operation of the tilted balance in favour of approving sustainable development. As the Council currently can only demonstrate 1.9 years housing land supply the tilted balance of para 14 applies. Where there is presumption in favour of sustainable development - and where relevant policies contained in the development plan are out of date - paragraph 14 of the NPPF considers that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF, or specific policies in the NPPF indicate development should be restricted. In rural areas, housing should be located where it would enhance or maintain the vitality of rural communities.

Yapton is considered to be a sustainable location for further residential development. The Housing and Economic Land Availability Assessment (HELAA) supports the principle of residential development on this site and recognises it as 'deliverable'. The Local Plan Sub-Committee decision in December 2016,



followed by the Full Council decision that the Council would invite planning applications on sites identified as being 'deliverable' by the HELAA where they are considered sustainable and will not prejudice the emerging local plan and / or infrastructure delivery.

The site is in a sustainable location and has a positive relationship to the built up area given that Yapton has existing shops, services, major routes for good public transport links. As indicated by the indicative layout plan, the site would also be physically and visually connected to the existing built up area, particularly along the approach to the village along Main Road from the north. The Ford Lane decision confirmed that Yapton is one of the most sustainable settlements in the district. This further supports the principle of additional residential development in the village.

Overall, given that the Council doesn't have an up to date Local Plan, the Council cannot currently demonstrate a 5-year housing land supply and that the weight to be afforded to the Yapton Neighbourhood Plan in relation to housing supply policies is very limited (given that the housing figures are based on evidence which is now out-of-date as well as implications of the Ministerial Statement), the proposed development should be considered with regard to other material considerations. The proposed development would provide an additional 56 houses which are needed in Arun District. The proposed development should be considered in the context of the presumption in favour of sustainable development. It is considered that the development would have a positive effect upon the supply and location of housing and therefore, the principle of residential development on this site would, in current policy circumstances and as set out in the NPPF, be acceptable. The assessment will now consider other policy considerations and whether this gives rise to any adverse impacts.

#### AFFORDABLE HOUSING:

Of the 56 total dwellings proposed, 30% would equate to 16 affordable dwellings. This meets the requirement of emerging Local Plan policy AH SP2 to provide 30% affordable homes as part of any housing development. If approved the S106 is drafted to stipulate that there would be affordable housing provided on-site in the first instance at 30% of the total dwellings permitted. A commuted sum (Planning Obligation) would become payable only if the first and second offer was not implemented by the developer. At that stage a sum of £80,000 per foregone affordable home would be payable upon commencement of the development. The Council would want evidence from the developer showing that they had attempted to seek offers for the affordable housing on two occasions before the commuted sum becomes an option. It is always by preference to seek affordable housing on-site wherever possible. This is in line with saved policy DEV17, emerging policy AH SP2 and Interim Affordable Housing Policy for Arun 2010.

#### DESIGN, LAYOUT & PUBLIC OPEN SPACE:

GEN 7 requires a high quality of design and layout the applicant has provided a Design and Access Statement. The design, layout, public open space provision and landscaping of the site would be the subject to a reserved matters application, however to provide context for the outline application an indicative layout has been provided as well as a brief design concept. The scheme aims to appear traditional in style with a range of architectural styles, ridge heights and materials to reflect varied local vernacular and complement the nearby Listed Buildings and Conservation Area.

The applicant has provided an indicative layout the detailed design would be reserved for a future application should the application be approved.

The eastern part of the site is located in part within the Conservation Area. This part of the site accommodates an informal green corridor with only single storey dwellings with the appearance of 2 barn

conversions with courtyard parking. The barn conversion style buildings would be timber clad with brick and flint. The 'barns' are separated from the other part of the site by the existing field boundary which is a mature hedge.

Around two thirds of the application site is in a 'Poundbury' style where the proposed street scene has been designed to remove cars from the front of houses where possible and to present a more pedestrian-friendly environment. The internal roads include raised platforms and changes in surfacing to reduce vehicle speeds within the site. The street edges would be softened with planting. A number of no-through roads are designed to reduce traffic speed and provide turning areas. All public open spaces are designed to be overlooked for safety in the form of passive surveillance.

The indicative layout has also been revised following advice from the Historic Buildings Officer to ensure that the street scene from Main Road would be more acceptable in terms of the approach into the village and the Main Road Conservation Area.

While the design and layout is a reserved matter the form of development and the low density is generally acceptable. This has brought about layout changes to address mitigation of harm caused by the proposal in the vicinity of heritage assets and the Conservation Area. The heritage impacts are considered in a separate section below.

The layout provides 2 car parking spaces per dwelling and additional visitor parking. The proposed layout would be in accordance with ALP GEN7 and YNP PK1.

Section 7 of the NPPF recognises that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Design should be high quality and inclusive for all development, including individual buildings, public and private spaces and wider development schemes. In particular, paragraph 58 of the NPPF considers that planning decisions should aim to ensure that developments:

- function well and add to the overall quality of the area, over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential to accommodate development, create and sustain an appropriate mix of houses (including green and public open space) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

The proposed housing scheme is of low density (providing a density of 17.5 dwellings per hectare) and the indicative layout is the result of consultation with the local community, particularly in terms of how the site should be viewed from with the Main Road Conservation Area.

As the indicative layout is low density there are large areas of open space that includes informal areas of public open space and the introduction of a community orchard, that has the dual purpose of adding a open space but adds as a buffer between the proposal and the existing heritage assets. The landscaped open space creates a corridor within the site which creates a useable space with the potential for existing and additional tree cover. It is on this basis that the Greenspace Officer is satisfied with the indicative design and layout of the site.

The proposed development also accords with Saved policies GEN7, GEN20 GEN27 and Emerging

policy D SP1.

Overall, it is considered that the details for design, layout, appearance, scale and landscaping would be a matter for a reserved matters application. However, the indicative layout and design of the scheme has been informed by engagement with the local community and is considered to be acceptable in terms of the development plan and the NPPF.

#### FLOOD RISK AND SURFACE WATER DRAINAGE:

A flood risk assessment (FRA) has been submitted with the planning application. The site lies within Flood Zone 1 which is an area with a low probability of flooding. Residential development is considered as suitable within Flood Zone 1 areas. The FRA concludes that surface water drainage would be possible via infiltration and SuDS and this is supported by the ADC Drainage Engineers who are satisfied with the proposed surface water management measures, subject to conditions requiring the formal submission of drainage details for the site. Conditions are proposed to ensure that the most appropriate surface water drainage scheme is applied to the site.

On this basis, it is considered that the proposed development accords with Saved policy GEN9, GEN26, Emerging policies ECC SP1, W SP1 and W DM3, Policy E11 of the Yapton Neighbourhood Plan and paragraphs 100, 101 and 103 of the NPPF.

#### FOUL DRAINAGE:

Policy GEN9 seeks to ensure that appropriate foul drainage capacity can be provided as part of new development.

Any proposed connection to the existing discharge system must be approved by Southern Water prior to commencement of any construction works. The site is within the Lidsey waste water treatment works catchment area. Southern Water have commented that in order to accommodate the needs of this application additional local infrastructure would need to be provided. It is proposed to collect and discharge all foul wastewater from the site by gravity to the south western corner of the site.

The indicative layout includes a location for a package treatment works. This would not be acceptable and at a nearby application this was rejected by the Environment Agency.

Overall, it is considered that through the use of conditions relating to foul water drainage and an informative requiring the applicant to enter into an formal agreement with Southern Water, that the requirements of GEN9 and emerging policy W DM1 regarding foul drainage would be met.

#### IMPACT ON HERITAGE ASSETS:

Listed Buildings and the Main Road Conservation Area:

Policy AREA2 of the ALP states that permission will be granted for development which preserves or enhances the character or appearance of a Conservation Area or its setting. This is echoed by Policy E8 of the YNP, which also includes requirements to ensure that the design, scale, massing and building materials respect the surrounding area.

The site is located adjacent to and partly within the Main Road Conservation Area, but no houses are proposed within it. Concern has been raised by Yapton Parish Council, the Conservation Area Advisory Committee and ADCs Historic Buildings Advisor. All of these consultees have objected to the proposed development for the reasons specified in the consultation section of this report, which in summary consider that the transformation of an agricultural field into housing would result in harm to the Conservation Area, listed buildings and their setting.

A Heritage Statement has been submitted with the planning application which suggests that 'the open farm land of the site adds to the significance of the listed buildings as a reflection of their original setting'. The Historic Buildings Advisor has commented that the 'change of land use can be harmful if it takes on an inappropriate character', however also considers that such harm is likely to amount to 'less than substantial harm' as the development would not result in the physical removal or alteration to existing heritage assets. Paragraph 134 of the NPPF states that "where a development proposal will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use". Paragraph 133 of the NPPF does not apply, the impact therefore should only be considered in terms of 'heritage asset setting' and subject to reserved matters, there would be scope to mitigate any potential harm in terms of appearance, scale, layout and landscaping at a later stage.

The initial layout submitted reflected comments made by the local community to ensure that it addressed their aspirations and concerns regarding the adjacent Main Road Conservation Area and listed buildings located within it. However, it is recognised that much of the concern regarding the setting of the heritage assets relates predominantly to the appearance of the development, something which can only be considered indicatively at this stage. The application concerns the overall principle of developing the site for residential development and although it does have a bearing on whether or not it would be acceptable in terms of impact upon the setting of that Conservation Area and listed buildings, this would be more of a matter for consideration at reserved matters as oppose to outline.

Paragraph 61 of the NPPF considers that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Following a site meeting with the applicant and the Historic Buildings Advisor, the original indicative layout has been revised to reflect design concerns raised, particularly with regard to how the site is viewed from Main Road and from key view points within the Conservation Area. The Historic Buildings Advisor has raised an objection to the original indicative layout stating that a level of harm is likely to result due to the role Bonhams' Field plays in providing the setting for the heritage assets, however it would be possible to reduce that level of harm through appropriate mitigation via good design.

Following a site meeting with the applicant and heritage advisor the revised layout has reoriented the barn style dwellings to close off the courtyards from Main Street this has the effect of shielding the front of the dwellings and parking areas. It will be necessary at reserved matters to address the external space to avoid the barns being too domesticated when viewed from Main Street.

The layout has also sought to mitigate the potential harm caused to the listed building - Bonhams, located on Main Street. This is achieved with the introduction of a community orchard, landscaped buffer between the proposal an Bonhams.

Paragraph 128 of the NPPF advises that the local planning authority should require the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The submitted Heritage Statement does this and adequately understands the impact of the proposal on the significance of Main Road Conservation Area and the C19th listed buildings lying within.

In summary there would be harm to the Conservation Area but the harm is limited and can be mitigated against to reduce the level of harm. This is accepted by the Heritage officer. Subject to reserved matters, the houses would be separated from the conservation are by open space, gardens and landscaping. For these reasons, the scheme would have a limited affect on the significance of this designated heritage asset (Bonhams) or the character or appearance of the conservation area. As there is no substantial harm the proposal would accord with historic environment policy.

Archaeology:

The site comprises an agricultural field 'Bonham's Field' and as a greenfield site, has the potential for archaeology to be present. An archaeological statement has been provided whereby it is advised that evidence for Bronze Age, Iron Age and Roman-British archaeological activity and finds are not uncommon. Similar finds may be encountered at this site. The south eastern portion of the site falls within the Yapton Archaeological Notification Area. A Bronze Age pot was found to the south west of the site in 1951. The probability of finding archaeological remains on the site are considered to be low to possibly moderate, a conclusion that the ADC Archaeologist concurs with. In order to ensure that the development complies with paragraph 141 of the NPPF, a condition is recommended in order to record any archaeology that may be discovered as a result of a programme of archaeological work prior to commencement of the development.

Overall, no houses are proposed within the Conservation Area, the development would result in 'less than substantial harm' to the significance of the designated heritage assets. The potential harm can be reduced through mitigation and on balance the application can be recommended for approval on the basis that an acceptable layout and design can be achieved. There would be no adverse impact upon archaeology and although there remains an objection to the scheme on the basis that there would be an impact upon the setting of heritage assets, concerns raised regarding appearance, scale and layout should be considered at a later stage. Through appropriate design, mitigation could be provided to ensure that the level of harm upon the setting of the Main Road Conservation Area, and listed buildings contained within it, is reduced. It is therefore considered that the proposed development would not be contrary to Policies E8 of the Yapton Neighbourhood Development Plan and emerging policy HER DM3 of the Arun Local Plan.

#### IMPACT ON LANDSCAPE & TREES:

##### Landscape:

A Landscape and Visual Impact Assessment has been submitted with the planning application. The site is located in the landscape character area of the 'South Coast Plain'. The South Coast Plain is characterised by gently sloping topography towards the coast, with flinty marine and valley gravels forming the underlying geology. Coastal inlets exist with narrow tidal creeks, shingle beaches and stretches of farmland exist between developed areas, often with large arable fields defined by low hedges or ditches. The Greenspace Officer raises no concern regarding landscape and recommends that the scheme should reflect and incorporate elements of its surroundings and enhances the atmosphere of local distinctiveness; create a visually pleasing and interesting landscape for owners, employees and visitors to the development; enhance the landscape quality of the site when viewed from the surrounding area; To provide a planting scheme that includes native species to blend with the surrounding location, enhance biodiversity and create enhanced wildlife corridor opportunity; provide a sense of flow and cohesion between the different elements of the landscape, buildings, open areas and surrounding environment; and consider long-term management of any future landscaping scheme.

##### Trees:

No concern has been raised regarding trees. The proposed development does not lie within an area of protected landscape, nor does it contain any trees the subject of a Tree Protection Order (TPO). Along the eastern boundary of the site a TPO (TPO/Y/1/10) covers off-site trees T15 to T24 as referred to by the submitted Arboricultural Impact Assessment and Method Statement. It is also proposed remove T26 (a very poor quality Monterey Cypress) and T13 (a poor quality Hawthorn). ADC's Tree Officer has been consulted and has raised no concern subject to conditions relating to tree protection measures and implementation of the submitted Method Statement.

Overall, it is considered that the proposed development would be acceptable in terms of impact upon landscape and trees and complies with paragraph 109 of the NPPF, policies E4 and E6 of the Yapton Neighbourhood development Plan, saved policy GEN28 and emerging policies ENV DM4, C SP1 and LAN DM1 of the Local Plan.

#### IMPACT ON AGRICULTURAL LAND:

One representation has been received regarding the loss of Bonham's Field in relation to sheep grazing. Policy GEN3 seeks to protect the countryside for its own sake but as assessed above this policy is out of date and now has very little weight. Policy E1 of the Yapton NP seeks to protect Grade 1 & 2 agricultural land and carries full weight. The policy includes in the second bullet point the exception that providing "it involves the granting of planning permission for any additional housing sites required by Policy H1 to meet objectively assessed housing needs in the Plan area".

YNP Policy H1 is now an out of date policy with limited weight but it was amended by the YNP examiner to make explicit that it was an overarching policy to provide flexibility and choice for the provision of additional housing. As addressed in the principle section above there are material considerations for accepting additional residential development as set out in the NPPF. One such consideration is the OAN which is a specific exception included in E1.

Emerging policy SO DM1 considers soils, the Agricultural Assessment submitted with the application concludes that the site comprises Grade 1 agricultural land. Grade 1 land is the best quality land for growing crops. As technology has changed and arable farming has grown to become large scale, Bonham's Field has changed its use and it used for pastoral farming/grazing of sheep under the control of tenant farmers on the land. Despite the grade of soil at the site, it is considered that the site is limited for future agricultural use due to its size/workable area and accessibility.

Overall, it is considered that the proposed development would lead to the loss of Grade 1 agricultural land, however there are other material considerations that would outweigh the loss and a condition is recommended to ensure that a Soil Resources Plan is submitted and therefore accords with YNP policy E1 and emerging policy SO DM1 and paragraph 112 of the NPPF.

#### IMPACT ON LOCAL HIGHWAY:

A number of concerns have been raised by representations and the Parish Council regarding the location of the proposed access in relation to a bend in Main Road; the cumulative traffic impact associated with other strategic sites and housing sites nearby; increased congestion; lack of pedestrian footways; and lack of sustainable transport options. A Transport Assessment (TA) has been submitted with the planning application which considers existing traffic conditions, access, sustainability and the potential impact upon the local highway.

#### Access:

There is currently no formal access to the site. A new access in the form of a priority junction (6-metre bellmouth) onto Yapton Road (B2233) is proposed. Yapton Road is a two-way single carriageway road and is subject to a 30mph speed limit. The B2233 runs in a north-west/south-east direction between the A259 (Grevatt's Lane/Crookthorn Lane) to the south and the A29 (Nyton Road) to the north. There are intermittent footways on the northern and southern sides of the carriageway to aid pedestrian movement. On the southern side of the carriageway is a lay-by which provides informal parking provision.

Other key highway links to the site are North End Road and Drove Lane. North End Road is located to the east of the site and links Yapton with the A27 Arundel Road. This road is single carriageway, with

footways either side and benefits from existing street lighting and a bus stop. Drove Lane is a single lane, private road which provides access to Drove Lane Farm, the junction for which lies opposite the site. The Local Highway Authority considers that the principle of the access is acceptable and the works to develop it would be the subject of a Section 278 Agreement.

Further, a temporary access for construction purposes would be required to enable construction traffic to access the site from Main Road. This would need to be the subject of a formal Section 59 Agreement with the Local Highway Authority.

Trip generation and capacity:

In terms of trip generation, this has been assessed using the Trip Rate Information Calculator System (TRICS). The recognised peak is 08:00 - 09:00 and 17:00 - 18:00 and during this time, it is suggested that up to 38 two way movements would be generated in the morning and 31 during the evening peak times. The Local Highway Authority agrees with the methodology used to assess the impact and considers that the proposed development would not increase entry flows into existing junctions by 30 or more movements during the course of any hour.

Although it has the potential to give rise to intensification in use of Main Road it is considered that the proposed development would not have a severe impact on the operation of the local road network. The Local Highway Authority does not raise an objection on the grounds of highway impact.

Parking:

Private vehicle parking provision has been calculated using the WSCC Parking Demand Calculator and indicates that the development would generate an 'expected parking demand' for 87 vehicles. On this basis, the proposed development would design a mix of one parking space for 1 and 2 bed dwellings and two spaces for 2 to 4 bed dwellings. A total of 87 car parking spaces would be provided. The YNP as set out in PK1 that 1 bed units should have 1 parking space, for 2 & 3 bed units 2 spaces and for 4 & 5 bed properties 3 spaces. It makes no reference to the provision of visitor spaces. The total level of parking meets the requirements of the policy and meets the requirements of the local highway authority.

Cycle parking is provided by covered and secure bike spaces at a rate of 2 spaces per dwelling. These would either be in sheds or within gardens. Where garages are provide, these would be longer to accommodate cycle storage.

Sustainability and Accessibility:

Pedestrian access has been considered by the TA. Improvements are proposed to pedestrian infrastructure, namely to provide a length of internal footway connecting to the southern side of Main Road. This would provide a route for pedestrians to use in order to gain access to the village centre and the nearest bus stop. Further design detail of the footway would be required at reserved matters stage, including lighting and surfacing to ensure a safe and accessible footway is provided.

A review of accident data also concludes that in the last 3 years, no accidents have been recorded involving pedestrians or cyclists within Yapton. There is no evidence to suggest that the existing arrangements for pedestrians are inadequate or result in safety issues.

In terms of sustainability, there are several bus services operating in the vicinity of the site. Two buses operate solely on school days, Compas bus 228 from Ormiston Six Village Academy to Tangmere and the 665 Stagecoach from Littlehampton to Chichester High School. For general bus travel, the site would be served by Compas bus 66, which operates 8 services per day, linking the site with Bognor

Regis, Barnham, Yapton and Walburton. Bus stops are located to the east of the site, one on North End Road and another further along the B2233 which is served with a shelter. There are other bus services from Yapton Village Hall further to the east.

The nearest rail service is located 1.2 miles north west of the site in Barnham, accessed by road and bus, or by foot (24 minutes). This provides an alternative transport mode to the car in terms of commuting or for longer distance travel to Portsmouth and London Victoria. The proposed internal footway to the east of the development would create a link for both pedestrians and cyclists.

The Local Highway Authority considers that Yapton is a sustainable area, with local shops and amenities within walking distance of the site and the local school would be accessible in a sustainable way.

Overall, it is considered that the proposed development would not have a severe residual impact on the operation of the highway network and is considered to be in accordance with paragraph 32 of the NPPF, saved policies GEN7, GEN14, GEN15, GEN12 of the Arun Local Plan and policies QE DM3, T SP1 and T DM1 of the emerging Local Plan and PK1 of the Yapton Neighbourhood Plan.

#### IMPACT ON BIODIVERSITY:

Concern has been raised by representations regarding impact upon birds and mammals. In particular, birds and bats. Paragraph 109 of the NPPF advises that the planning system should contribute to and enhance the local environment by, amongst other things, minimising impacts upon biodiversity, preventing new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

The site has no ecological designation and there are no Sites of Special Scientific Interest (SSSI) within 2km of it. There are no European designated sites (Special Area of Conservation (SAC), Special Protection Area (SPA), or Ramsar site) within 7km of the site. There are no Local Nature Reserves within 2km of the site, nor are there any Local Wildlife Sites present within 2km.

The site at Bonham's Field comprises grassland bounded by a mixture of trees, vegetation and wooden fencing. A report presenting the findings of an ecological assessment of the land at Bonham's Field has been submitted with the planning application. The removal of grass within the field has the potential to impact upon Barn Owl foraging for owls associated with Stakers Farm buildings north of the site. However, no activity over the site was recorded in 2016. The mature trees around the perimeter of the site have the potential for roosting bats. Although the assessment concludes that there is no record of bat roosts in those trees, it recommends that mitigation should be in place for any potential disturbance to bats as a result of lighting. The report concludes that provided mitigation measures are in place, there would be no significant residual effects upon the ecology of the site as a result of the proposed development. The ADC Ecologist concurs with the conclusions of the report and recommends that a condition should be used to ensure that all appropriate mitigation measures are in place.

Overall, it is considered that the proposed development would not have a significant impact upon biodiversity provided that appropriate mitigation is in place, in accordance with policy E5 of the Yapton Neighbourhood Development Plan, saved policies GEN29 and GEN33 and emerging policies ENV SP1 and ENV DM5 of the development plan.

#### IMPACT ON LOCAL INFRASTRUCTURE:

Concern has been expressed through representations where reference has been made to a lack of infrastructure to support further residential development in Yapton. Yapton is a sustainable location with a number of local shops and services. There is no capacity in local schools and there is a need for



developer contributions, as the housing mix is not yet confirmed in this outline proposal the s106 will include formula. There would be a requirement for any major residential proposal to provide developer contributions towards education, fire and rescue, police, library and health services. The NHS have requested a contribution (£56,122) that would be directed to the Avisford Surgery. The principle of the proposal is considered to be acceptable and there is a presumption in favour of sustainable development. Therefore, the application is accompanied by a Section 106 Agreement which, based on index linked payments, would secure the following contributions towards local infrastructure in Yapton:

- Affordable housing;
- Open space;
- Play areas;
- Fire and rescue;
- Primary education;
- Secondary education;
- Further education;
- Library;
- Healthcare, and
- Travel Plan.

Full details are included in the s106 Table appended to the report.

#### IMPACT ON RESIDENTIAL AMENITY:

Saved policy GEN7 considers the form of new development and indicates that planning permission will only be granted for schemes of high quality design and layout. It further requires that development will be permitted if it takes into consideration impact on adjoining occupiers, land, use or property. The NPPF also requires new development to contribute positively to making places better for people. Although the detailed design does not form part of the application, an indicative layout has been provided and indicates that there would not be any significant impact on neighbouring residential amenity. The Environmental Health Officer has raised no concerns regarding residential amenity, but recommends that a condition is imposed regarding unsuspected contamination.

Overall, it is considered that there would not be a significant impact upon residential amenity as a result of the proposed development which accords with saved policy GEN7 of the Arun Local Plan 2003.

#### CONCLUSION & RECOMMENDATION:

This outline planning application considers the development of 56 residential dwellings together with associated access. All other matters regarding design, layout, appearance and scale are to be the subject of a reserved matters application. The proposed development is contrary to the Development Plan, but as the policies that relate to the built up area boundary and protection of the countryside are out of date and little weight can be given to them, namely ALP GEN2 & GEN3 and BB1 of YNP. The housing supply policies GEN5 and H1 of the YNP are out of date which means that they are also afforded limited weight. The site is considered to be sustainable development and when applying the 'tilted balance' in para 14 of the NPPF there are no adverse impacts which would significantly or demonstrably outweigh the benefits. Significant weight must be given to the provision of housing and affordable housing in the district where the application can overcome adverse impacts, including the level of harm that would result by developing a site adjoining a conservation area and in proximity to listed buildings. The proposed development is on balance acceptable in terms of the development plan when taken as a whole and is therefore recommended for approval.

The lack of 5 year housing land supply and the requirement to make provision to meet the OAN, buffer and shortfall is a major consideration. The site is located in one of the most sustainable settlements in

the district as stated in the Ford Lane Inquiry decision. The NPPF sets out a presumption in favour of sustainable development and for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

There is potential for the development to have an impact upon the setting of heritage assets and to result in the loss of a parcel of Grade 1 Agricultural Land, however it is considered to be sustainable in terms of its location in proximity to local services and amenities, which can all be accessed without the need for private vehicle use. The proposed development is acceptable, subject to conditions in terms of highway impact and would not result in any adverse impacts upon biodiversity, landscape, trees, or surface water drainage. Formal agreements are required to secure the main site access and to ensure that capacity is available for foul drainage. Despite concerns over the impact upon local infrastructure including schools and health care facilities, the S106 Agreement would provide a financial contribution towards local infrastructure improvements.

The overall design, layout and appearance of the site would be determined at reserved matters stage, however a revised indicative layout of the site has been considered as part of this application and would provide a form of mitigation for any potential harm identified on the setting of heritage assets, which is considered as having 'less than substantial harm' which should be weighed against the public benefits of the proposal, including securing the development's optimal use (paragraph 134 of the NPPF).

It is therefore recommended to "Approve subject to conditions and a S106 Agreement".

#### **HUMAN RIGHTS ACT**

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

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

#### **DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

## SECTION 106 DETAILS

A S106 agreement has also been prepared to provide for:

### ADC Obligations

#### 1. Affordable Housing:

- a. 30% of Dwellings or 16 units.
- b. 8 to be provided as Affordable Rent; and 8 as Shared Ownership.
- c. Final mix to be determined at reserved matters stage - indicative mix as follows:

Affordable Rent 3, 1 bed 3, 2 bed 1, 3 bed 1, 4 bed  
 Shared Ownership 1, 1 bed 4, 2 bed 2, 3 bed 1, 4 bed

#### 2. Open space:

- a. management plan and maintenance arrangements for all POS/landscaped areas and the proposed community orchard.

#### 3. Play areas:

- a. management plan and maintenance arrangements for the on site provision of a LAP

- 4. NHS Contribution - £56,122 to be provided at Avisford GP Surgery, Yapton to meet the demand for infrastructure needs of the practice.

### WSCC Obligations

#### 1. Education contribution

- a. in accordance with WSCC formula for projects at Yapton Primary School, Ormiston six villages secondary and St Philip Howard 6th Form.
- b. calculated at reserved matters stage and paid in instalments

#### 2. Library contribution - in accordance with WSCC formula for Library to serve six villages.

- a. in accordance with WSCC formula for projects to be specified
- b. calculated at reserved matters stage and paid in instalments

#### 3. Fire & Rescue contribution- in accordance with WSCC formula for projects to be specified

- a. in accordance with WSCC formula for projects to be specified
- b. calculated at reserved matters stage and paid in instalments

## RECOMMENDATION

### APPROVE CONDITIONALLY

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

- (a) Layout;
- (b) Scale;

- (c) Appearance; and
- (d) Landscaping.

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

- 2 The development hereby permitted shall begin not later than one year from the date of approval of the first of the reserved matters to be approved.

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

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

SK04 Rev C (Site Location Plan); and  
01 Rev D (Site Access Plan).

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

- 4 The reserved matters to be submitted pursuant to Condition 1 shall be substantially in accordance with drawing number XXXXXXXX, and the Design and Access Statement dated December 2016.

Reason: For the avoidance of doubt and in the interests of amenity, the environment and the setting of the Main Road Conservation Area in accordance with Policies GEN7 and GEN22 of the Arun District Local Plan.

- 5 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

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

- 6 The landscaping and layout particulars to be submitted in accordance with Condition 1 shall include:

- Details of all existing trees and hedgerows on the land, showing which are to be retained and which removed;
- Details of the positions, height, design, materials and type of boundary treatment to be provided;
- Details of any proposed alterations in existing ground levels and of the position of any proposed excavation, within the crown spread of any retained tree;
- The detailed landscape design for the development including layout and design of the public realm within the development; and
- Details of surfacing, lighting and signage of all footpaths, cycle routes and phasing plan for their provision.

No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the Local Planning Authority.

Reason: To protect and enhance the quality of the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 7 Prior to the commencement of development or any preparatory works, an Ecological Enhancement and Management Scheme shall be submitted to the Local Planning Authority for approval and is to be based on the recommendations within the supporting Ecological Assessment dated November 2016, as appropriate. All approved details shall then be implemented in full in accordance with the agreed timings and details.

Reason: To protect and retain the biodiversity value of the site, in particular the perimeter hedgerows and trees before any works commence on site in accordance with policy GEN29 of the Arun District Local Plan.

- 8 Prior to the commencement of construction all tree protection measures and ground protection measures are to be inspected by Arun District Council's Arboricultural Officer to ensure that it is in accordance with the Tree Protection Measures set out by the Tree Protection Plan. A schedule of site monitoring/supervision visits and reporting procedures should be submitted and approved in writing ahead of any works commencing on site.

If there is deemed to be a need for any utility service route connections to bisect retained tree Root Protection Areas/Zones then the Arboricultural Method Statement should set out how this would be achieved without adverse impact upon existing trees.

Reason: To ensure the retention and maintenance of trees and vegetation, before any works commence on site, which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 9 Landscaping (hard and soft) shall be carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the first occupation of each phase or sub-phase of the development hereby permitted or the completion of the development, whichever is sooner, and any trees or plants which, within a period of 5 years from the completion of the development or completion of the phase or sub-phase, 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: To protect and enhance the quality of the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 10 There is a requirement that 25% of 1, 2 and 3 bed dwellings included as part of the development must be delivered to Lifetime Home standards.

Reason: To ensure that part of the development allows for residents to remain in their own homes over the course of their lifetime in accordance with Policy H3 of Yapton Neighbourhood Plan.

- 11 The exact position of the surface water sewer must be determined on site by the applicant before the layout of the proposed development is finalised.

Reason: To ensure that the public sewer and Southern Water infrastructure is protected in accordance with GEN7 and GEN9 of the Arun Local Plan.

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

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

Winter groundwater monitoring to establish highest annual ground water levels and

Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

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

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

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

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

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

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

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

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

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

- 16 Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and an implementation timetable has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure adequate foul drainage capacity exists, or appropriate drainage capacity can be provided as part of the development and provided at the earliest stages of the

development in accordance with policy GEN9 of the Arun District Local Plan.

- 17 Prior to the commencement of development or any preparatory works, a Soil Resources Plan shall be submitted to the Local Planning Authority for approval and is to be based on the supporting Agricultural Assessment dated September 2016, as appropriate. The Soil Resources Plan shall demonstrate measures to be taken to ensure that a community orchard will be provided on-site and comprise an area that is substantially in accordance with the 'Community Orchard Public Open Space and Green Buffer to Heritage Assets' as shown on the indicative 'Sketch Layout' drawing number SK02 Rev All approved details shall then be implemented in full in accordance with the agreed timings and details.

Reason: To protect and retain the value of the site's soil and to ensure that it is utilised in the proposed orchard area in accordance with emerging policy SO DM1 of the Arun District Local Plan.

- 18 No part of the development shall be first occupied until such a time as the vehicular access has been constructed in accordance with the approved plan 01 Rev D (Site Access Plan) and details set out in the transport Assessment dated December 2016.

Reason: In the interests of road safety and to accord with approved policy in accordance with policy GEN7 of the Arun District Local Plan.

- 19 The development hereby permitted shall not be occupied until visibility splays of 2.4m by 54m to the north and 2.4m by 53m to the south have been provided at the proposed site vehicular access onto Main Road. In accordance with approved plan 01 Rev D (Site Access Plan). Once provided, the visibility splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level or as otherwise agreed.

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

- 20 No development shall take place, including 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 routeing 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 provision of temporary Traffic Regulation Orders);
  - measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security; and
  - details of public engagement both prior to and during construction works.

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

- 21 Prior to the occupation of the first property of the development hereby permitted, a Green Travel Plan describing the means by which residents of the development shall be encouraged to travel to and from the site by means other than the private car, shall be submitted to and

approved in writing by the Local Planning Authority. The approved Green Travel Plan shall be implemented from occupation of the first dwelling within the development and thereafter complied with unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure sustainable modes of travel are encouraged at the earliest stage and to enhance the quality of the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 22 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.

- 23 Prior to the commencement of development or any preparatory works, a lighting strategy shall be submitted to the Local Planning Authority for approval. All approved details shall then be implemented in full.

Reason: To ensure that lighting is considered and approved at the earliest stage in order to control the residential amenities of the local environment in accordance with Arun District Local Plan policies GEN7, GEN33.

- 24 No dwelling shall be occupied until refuse and recycling bins have been provided and space has been laid out for their storage in relation to that dwelling in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall not be used for any purpose other than the storage of refuse and recycling bins.

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

- 25 No dwelling shall be occupied until space for that dwelling has been laid out for the parking of cars, motorcycles and cycles in relation to that dwelling in accordance with a drawing and schedule to be submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter not be used for any purpose other than the parking of cars, motorcycles and cycles.

Reasons: In the interests of amenity and impact upon the setting of the Conservation Area and in accordance with Arun District Local Plan policies GEN7 and GEN22.

- 26 INFORMATIVE:

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

- 27 INFORMATIVE:

With reference to Condition 14, the applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. the applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk) in order to progress the required infrastructure.



28 INFORMATIVE:

S278 Works:

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.

29 INFORMATIVE:

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

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

**Y/1/17/OUT - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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## AGENDA ITEM 8

### DEVELOPMENT CONTROL COMMITTEE

### PLANNING APPEALS

## APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

### Appeals Awaiting a Decision

- AB/115/14/OUT**  
**Received:** 24-02-15  
12 & 14 Canada Road Arundel  
Outline application with some matters reserved for 2 No. 3 bed semi detached houses  
**Written Representations**  
**PINS Ref:** APP/C3810/W/15/3003824
- BE/138/16/OUT**  
**Received:** 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.  
**Written Representations**  
**PINS Ref:** APP/C3810/W/17/3171399
- BE/77/16/OUT**  
**Received:** 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.  
**Public Inquiry** **26-09-17**  
**PINS Ref:** APP/C3810/V/17/3166900
- BR/292/16/PL**  
**Received:** 27-06-17  
1 Regis House Richmond Road Bognor Regis  
Replace all windows to Flat 1. This application affects the setting of the Bognor Railway Station Conservation Area & the setting of Listed Buildings.  
**Written Representations**  
**PINS Ref:** APP/C3810/W/17/3169745
- 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

**Y/80/16/OUT**

***Received:*** 28-06-17

Land to the South of Ford Lane East of North End Road Yapton

Outline application with some matters reserved for 4.5 hectares of residential development comprising 3.4 hectares of land for up to 100 dwellings (up to 30 (30%) affordable housing) together with 1.1 hectares of land set aside for public open space & strategic landscaping &

2.2 hectares of public open space and green corridors with vehicular access from Ford Lane & pedestrian/cycle access only from North End Road. Resubmission of Y/60/14/OUT. This application is a departure from the development plan, affects the character & appearance of the Church Lane Yapton Conservation Area & affects the setting of a listed building.

***Written Representations***

**PINS Ref:** APP/C3810/W/17/3170059