



Committee Manager : Carrie O'Connor (Ext 37614)

9 August 2017

DEVELOPMENT CONTROL COMMITTEE

The date of this meeting has been changed to **Thursday 24th August 2017. The time and venue remains the same.**

A meeting of this Committee will be held in the **Council Chamber** at the Arun Civic Centre, Maltravers Road, Littlehampton on **Wednesday 23 August 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

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 19 July 2017 (attached).

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

6. *PREVIOUSLY DEFERRED APPLICATIONS

Updated report on application deferred from a meeting held on 21 June 2017 FG/198/16/PL- Demolition of existing house with erection of 2 storey building comprising 8No residential 2 bedroom flats & associated external works. 1 Sea Drive, Ferring.

7. TREE APPLICATIONS

There are no applications to consider.

8. *PLANNING APPLICATIONS

To consider the attached reports.

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

9. *PLANNING APPEALS

To consider the attached report.

Background Papers

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

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

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

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

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

19 July 2017 at 2.30 p.m.

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

Councillor Ambler was also in attendance at the meeting.

108. APOLOGIES

Apologies for absence had been received from Councillors Dillon, Mrs Maconachie, Oliver-Redgate and Miss Rhodes.

109. 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.

Development Control
Committee – 19.07.17.

110. MINUTES

The Minutes of the meeting held on 21 June 2017 were approved by the Committee and signed by the Chairman as a correct record.

111. PLANNING APPLICATIONS

AW/85/17/PL – 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), The Martlets Public House, Aldwick Road, Aldwick Having received a report on the matter, together with the officer's written report update detailing an amendment to Condition 2 relating to pollution controls, the Committee was advised by the Planning Team Leader that this application was seeking to address and resolve the complaints of nearby residents in relation to noise, odour and appearance. The Environmental Health team was of the view that the proposal should overcome the problems residents had been experiencing.

In discussing the matter, concerns were expressed regarding the level of noise from the cold store and the ugly appearance of the unit on the roof. It was suggested that a condition be attached to any approval requiring improved fencing and sound insulation around the cold store. However, officer advice was given that that could be considered to be an unreasonable requirement as Environmental Health had not indicated there was a need for it, particularly as the old cold store unit was being replaced with a new one, which should be more efficient and quieter. It was also anticipated that the new extractor unit on the roof would alleviate the problems being experienced with odour. In the event that the proposal did not resolve the problems, Environmental Health would be able to take action under separate legislation.

Following consideration, the Committee

RESOLVED

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

A/81/17/PL – Application for removal of condition No. 2 of previously approved planning application A/113/88 relating to retail sales restrictions, Roundstone Farm and Shop, Littlehampton Road, Angmering Having received a report on the matter, together with the officer's written report update detailing amended plans, the Committee now considered the matter.

Some concerns were raised that this application could be the precursor to something much bigger, i.e. one of the big supermarkets moving in. However, the

Group Head of Planning advised that the footprint of this existing use was only 600 sqm and was nothing like the scale required for a supermarket. He reminded Members that they were looking at the use of the building at this time and that, in addition, no works to increase the entrance to the site was being requested.

Following consideration, the Committee

RESOLVED

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

BR/130/17/PL – Change of use of hotel & function room/licensed bar (C1 Hotel) to 18 No. flats (C3 Dwellinghouses). This application affects the character and appearance of the Steyne Conservation Area. Resubmission of BR/155/15/PL, The Royal Hotel, The Esplanade, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing an additional letter of objection received, the Committee participated in a full discussion on the matter.

Members expressed their concern that, with the ongoing work that was being done to regenerate the town of Bognor Regis in tandem with the Seafront Strategy, it was essential to retain this iconic building as a hotel. Whilst acknowledging that planning permission had previously been granted for 20 flats, it was felt that circumstances had now changed and that this application could now be refused. The Planning Team Leader reminded the Committee that the change of use was not for debate, rather that it was the reduction in the number of flats from 20 to 18.

A further concern was raised that the appearance of the building needed to be preserved and the Group Head of Planning advised that there was very little the applicant could do with regard to the development without first obtaining planning permission.

Following some discussion, the Committee

RESOLVED

That the application be approved as detailed in the report.

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(Prior to consideration of the following application, Councillor Bower declared a personal interest as Chairman of the North Littlehampton Steering Group – he reserved his position when discussing the application and remained in the meeting during the debate and vote.)

LU/94/17/OUT – Outline application with all matters reserved for residential re-development comprising of 10 No. dwellings & associated works (resubmission following LU/327/16/OUT), Westholme Nursery, Toddington Lane, Littlehampton
Having received a report on the matter, together with the officer's written report update detailing:-

- Open space contributions would be allocated to Worthing Road Recreation Ground to be used on play improvements; and
- An additional condition following a response from the Environment Agency relating to foul drainage.

Following consideration, the Committee

RESOLVED

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

P/48/17/PL – 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, 251 Pagham Road & the Lan R/O 251 Pagham Road, Pagham
Having received a report on the matter, the Committee was advised by the Planning Team Leader that the applicants had confirmed that the wildlife buffer zone would be retained as part of the development to enable reconolisation of the area by any reptiles within the boundary/adjacent habitats.

In discussing the matter, comment was made that Members had originally agreed Conditions 28 and 29 to protect the reptiles in the locality and that sufficient reasoning had not been put forward to dispense with them. It was felt that the species concerned were indigenous to the area and must remain so and should therefore not be moved.

The Committee did not support the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason:-

The proposed relocation of the reptiles would be harmful to the ecological features of the locality contrary to paragraph 118 of the NPPF and ENV SP1 of the emerging Arun District Local Plan.

Y/1/17/OUT – 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, Bonham Field, Main Road, Yapton Having received a comprehensive report on the matter, the Committee also received a written officer report update which detailed:-

- Additional representations made, including criticisms of the report
- The decision of the Secretary of State with regard to the Fontwell application (a verbal summary was presented at the meeting)
- Amendment to conditions 4, 17 and 20
- S106 Head of Terms table
- Inclusion of Policy E8: Conservation Areas

Members participated in a full discussion which encompassed a number of issues, i.e.

- Traffic Regulation Orders (TROs) and road surfacing – officer advice was given that that would be dealt with at the detailed application stage. Members also heard that the Cabinet Member for Planning had been in discussion with the County Council with regard to TROs and other highways matters and was awaiting a response.
- Concerns regarding the effect of the proposal on the Conservation Area – Members were reminded that the application was partly in the Conservation Area. It was acknowledged that there would be some harm but the mitigation proposed to separate the built development from heritage assets would address the effects. The reserved matters application would be required to address this issue further.
- Preservation of this very old field should be maintained – however, officer advice was given that the land was no longer viable for crop production and was only used for grazing

The Group Head of Planning reminded the Committee that Full Council had taken a decision to significantly boost its housing numbers due to the under provision with regard to its 5 year HLS (Housing Land Supply). It had been agreed to invite planning applications on sites already identified for development within the District and that was the framework within which the Planning Department was working. Based on the current planning policy framework, if Members were minded to refuse the application, it would be extremely difficult to present a robust case at appeal and the Council could then face significant costs against it.

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In addition, Member comment was made that the proposed development was considered to be of a high quality and low density, with adequate parking provision.

The Committee then

RESOLVED

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

112. PLANNING APPEALS

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

(The meeting concluded at 5.25 p.m.)

AGENDA ITEM 6

DEVELOPMENT CONTROL COMMITTEE

23rd August 2017

**REPORTS ON APPLICATIONS DEFERRED FROM
PREVIOUS MEETING**

REPORTS ON APPLICATIONS DEFERRED FROM PREVIOUS MEETING

FG/198/16/PL	Demolition of existing house with erection of 2 storey building comprising of 8No. residential 2 bedroom flats & associated external works (Deferred For Further Information)	1 Sea Drive Ferring
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Report following a request for further information, negotiations or consultation

REF NO: FG/198/16/PL
LOCATION: 1 Sea Drive
 Ferring
PROPOSAL: Demolition of existing house with erection of 2 storey building comprising of 8No. residential 2 bedroom flats & associated external works

INTRODUCTION

It was resolved at Development Control Committee of 21st June 2017 that;
 'the application be deferred on car parking grounds to enable officers to negotiate with the applicant an improved provision.'

AMENDMENTS TO SCHEME

The applicants have provided an improved provision with a further 3 parking spaces being added to an enlarged underground car park making a total of 12 car parking spaces to be provided in total in the amended plan - Proposed Floor plans - Dwg. No. 16/046 - PL004 Rev L dated Aug 2017.

The resulting amended scheme was re-consulted upon.

COMMENT RECEIVED FOLLOWING RE-CONSULTATION

Technical responses;

WSCC Highways - No objection.

'The Applicant has subsequently submitted plan PL007 Rev A which provides a vehicular tracking assessment of the revised layout. Both the parking bay and aisle width minimum dimensions have been maintained. It should be noted that these dimensions are also suitable for parking provision within structures (8.3.54, Manual for Streets 1). The tracking assessment submitted by the Applicant demonstrates that the reversing manoeuvre can be undertaken as part of a 3-point turn without coming into conflict with another vehicle or the structure itself.

The landing area at the bottom of the ramp has been extended to accommodate a parking space. This will discourage parking outside of the marked bays at this location. In turn, this will protect the space required to undertake a turning manoeuvre, should a vehicle enter the car park when all spaces are already occupied. The LHA have tracked this manoeuvre and confirm that an unimpeded 3-point turn can be undertaken.'

A further comment has been received from WSCC Highways on 3rd August;

'The LHA response referred to the capacity of the car park being 10 spaces. The two surface level spaces are noted.

In respect of the Parking Demand Calculator there are two options. If none of the parking spaces are to be allocated (i.e. all spaces are available for residents/visitors to use without) then the demand would be for seven spaces. If each flat was allocated a single space, with the remainder of the spaces remaining

unallocated and available for unrestricted resident/visitor use, then a demand for 11 spaces would be generated. In either scenario, the proposed provision of 12 spaces would exceed the anticipated demand.'

Officer comment;

ADC are guided by the professional advice of WSCC Highways with respect to parking provision and highways safety.

No objection have been raised as a result of the amendment to the scheme in terms of parking or highways safety.

Other consultees

No other additional consultation responses added any further comment to the scheme as a result of the increased car parking provision.

Ferring Parish Council

Note - While many of the issues raised following re-consultation on 28th June have already been raised in earlier consultations, for the avoidance of doubt, all Ferring Parish Council representation issues raised and have been listed again below comments related to the improved parking provision.

Comments relating to improved parking provision and highways;

- Car parking still inadequate.
- Parking spaces undersized and unusable.
- Two end car parking spaces unusable.
- Lack of on street car parking would lead to overspill parking on the unrestricted parking areas on the seafront between Ferring and Goring where there are already problems with lack of availability and overnight camper parking. The scheme will encourage petty crime and vandalism and would be detriment to amenities of the area and neighbouring properties as a result.
- Development does not reduce the need to travel by car as no public transport links.

Other issues raised;

- Overdevelopment.
- Referred to refusal of flats at 1 Beehive Lane FG/116/15/PL and dismissal at appeal of APP/C3810/W/15/3138194 on grounds of overdevelopment or 'character and appearance of the area'. Similar situation to current application. The proposed scheme is out of character with the surrounding area.
- Out of character contrary to GEN 7;
- The monolithic appearance of a 28.75m long building facing a protected open vista that forms the southern gateway to Ferring is deeply inappropriate and would have a detrimental effect on the character and appearance of the area.
- Comparison to apartment blocks (in Conclusion section of main Officer report) further up Sea Lane is erroneous as those properties are low height and set in spacious grounds with generous open parking spaces.
- Unacceptable impact on amenity of neighbouring properties.
- Number of obscure glazed windows in this scheme proves this.

Officer Comments;

The overall underground area for parking has been increased from 16.4 metres to 16.9 metres in length and the rear basement wall has been squared off to create additional space. The standard size of parking spaces (4.8 metres by 2.4 metres) has remained the same in the amended plan.

A swept path analysis for the improved parking provision layout has been produced Dwg.no. - PL007 REV A which has been approved WSCC Highways.

ADC are guided by the professional advice of WSCC Highways with respect to parking provision and highways safety.

The site has been considered sustainable in the Conclusion sections of the main report. I note that there is a further bus stop, not mentioned in the main report on Ocean Drive, Ferring which is 650 metres from the site along the sea front.

The other issues have already been addressed in the original report as amended and no further Officer comment is to be added on other issues.

Neighbour Representations

Note - While many of the issues raised following re-consultation on 28th June have already been raised in earlier consultations, for the avoidance of doubt, all neighbour representation issues raised have been listed again below comments related to the improved parking provision.

The issues raised below include the views of the Ferring Conservation Group (objection).

1 letter of support;

Comments relating to improved parking provision and highways issues;

- Underground parking a great benefit to the area.
- Other issues;
- No reason why application should not be granted.
- Popular and busy walking destination.
- Proposed development similar to Bluewaters apartment block neighbouring the site (opposite on Sea Drive) and to existing flat developments on Sea Road.
- Development will enhance the area.
- Bluewaters scheme much admired and proposed scheme likely to be the admired in the same way.

33 letters of objection;

Comments relating to improved parking provision and highways issues;

- Inadequate number of car parking spaces.
- Small size of parking spaces result in residents owning small vehicles. Not fit for purpose.
- Car parking spaces impossible to access.
- Car parking does not comply with Gov Planning Portal Parking Standards Annex A : Residential Parking standards, table
- No supporting columns shown in plan of car park to support 2 storey structure above. If support columns were included the parking provision would be less than shown on plans.

- No provision for manouvering.
- No provision for loading and unloading.
- No provision for delivery vehicles or rigid vehicles i.e. delivery vans. No room on Sea Drive for such vehicles.
- No car parking provision for disabled people.
- Increased parking achieved by reducing the size of the car parking spaces.
- Proposed development would result in car parking on the sea front which should for locals and visitors using the beach and greensward, not for residential use.
- Cause road side parking in a restricted area.
- Further traffic as a result of additional residents and delivery vehicles unacceptable.
- Extra comings and goings of additional residents on a quiet cul de sac would be unfair to current residents.
- 2 households on Sea Drive have disabled people living there who need ambulance access.
- Width of Sea Drive unacceptable and does not allow two vehicles to pass each other.
- Highway safety including on the the bend of Sea Lane.
- Sea Drive is the responsibility of Ferring Roads Association not the Highways Agency (WSCC?).
- Development will cause congestion and highway safety issues at Sea Drive, Sea Lane junction

Other issues raised;

- Overdevelopment.
- Development shows 10 obscure glazed windows including windows to 2 master bedrooms and 1 living room.
- Out of keeping with general mix of the area.
- Inappropriate high density of development.
- Development will ruin 'lovely village atmosphere'.
- Appearance of 2 apartment blocks including Bluewaters next door would adversely affect appearance of Ferring when approached from the East.
- Extra residents will put more strain on the already stretched infrastructure.
- Request for a site visit.
- Loss of view.
- No disabled access to development as a whole.
- Overbearing impact of development on 3 Sea Drive
- Loss of privacy to 3 Sea Drive
- Level of obscurity not defined in the condition relating to Obscure glazed windows (i.e. Pilkington standard levels of obscurity). Obscure glazed windows should also be fixed shut to avoid loss of amenity to neighbouring property.
- Ground floor windows in west elevation not included within the relevant condition when shown on approved plans.
- Confusion and lack of detail throughout process of planning application.
- Reduction in sustainability of the area.
- Precedent for further apartment developments within the area.
- Inadequate sewerage provision for new apartments.
- Apartments cause an increase in noise and pollution.
- Boundary hedging a temporary feature. Boundary fence owned by neighbouring property is 6 ft. high.

Officer comments;

As per Officer comments to Ferring Parish Council above.

SUMMARY OF OFFICER COMMENTS

A reconsultation took place on the amended plans resulting and the responses are taken into account in coming to the following conclusion in relation to Highways & Parking. No other aspect of the Officer comments has changed.

It is considered that the amended plans providing additional car parking are acceptable in quantum complying with the West Sussex Parking Demand Calculator and WSCC comments in relation to Parking and Highways.

The conclusion to the Highways section of the report remains the same as follows;

'It is considered that adequate and satisfactory provision of parking has been made at this site in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

West Sussex County Highways comments demonstrate that, subject to conditions, as a result of this development there would not be a significant adverse impact with respect to highway safety in line with local policy and guidance within the NPPF para.35.'

FINAL RECOMMENDATION

The Officer recommendation remains the same - 'The proposal is recommended for approval subject to the conditions.'

Condition 2 (Plans) of the main report has been updated to include the amended plan.

REPORT UPDATE

Application No: FG/198/16/PL

Reason for the Update / Changes

Reason for Update/Changes:

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

PLANNING APPLICATION REPORT

REF NO: FG/198/16/PL

LOCATION: 1 Sea Drive
Ferring
BN12 5HD

PROPOSAL: Demolition of existing house with erection of 2 storey building comprising of 8No. residential 2 bedroom flats & associated external works

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal involves the demolition of the existing two storey detached dwellinghouse and the erection of a 2 storey flat roofed block of 8 x 2 bedroom flats and includes 12 parking spaces, cycle parking and bin stores. 7 of the parking spaces and the cycle parking would be located in an underground car park. The building would be 6.7m high at its highest point and it would have a front elevation 19.4 metres in width along Sea Drive and 28.4 metres along Sea Lane overlooking the Goring Gap.
SITE AREA	1,279 sq.m.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	63 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	A 1.3 metre low wall to the front to the front boundary on Sea Lane. Hedging and a 2 metre close boarded wooden fence to the side and rear boundaries.
SITE CHARACTERISTICS	A substantial 2 detached storey chalet bungalow with a front elevation width of 19.5 metres on Sea Drive and a side elevation width facing onto Sea Drive of 12 metres. The property has a two storey gable end element adjacent to 3 Sea Drive, a first floor within the roof and ground floor extension to the front and sides set on a large plot with

gardens to the side & rear, an in and out driveway provides 2 accesses onto Sea Drive which is a private road. The property occupies a corner plot on Sea Drive and Sea Lane, a local connecting route leading from Ferring to the beachfront.

CHARACTER OF LOCALITY

A residential area within 50 metres of the beachfront. The site is within the built up area boundary next to the strategic gap between Ferring and Goring. The character of the area is of a mix of dwelling types including 2 storey detached houses, apartment blocks and maisonette developments.

RELEVANT SITE HISTORY

FG/61/67	Sun Room	Approve 09-06-67
FG/59/55	Chalet Bungalow And Garage	ApproveConditionally 23-06-55
FG/88/11/	Single storey extension	ApproveConditionally 07-09-11
FG/12/05/	New pitched roof dormer window to existing en-suite bathroom	ApproveConditionally 23-03-05

A number of extensions have been granted over the years to the applicant's dwellinghouse.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Ferring Parish Council objected to the development on the following grounds;

- Overdevelopment of the site.
- Out of character with the local area, huge impact on the street scene.
- Design, form height and scale would be domineering and overbearing on the neighbouring properties.
- Concern regarding the site lines and boundaries on Sea Drive and Sea Lane.
- Underground car park will inevitably raise the height of the proposed development.

1 letter of support

As a former resident of Bluewaters;

- Application will introduce a new and modern look bringing it into 21st century away from the stigma as an area for old people and bungalows it has already.

77 letters of objection were received.

- 1) Out of character with rural area and surrounding dwellings and village of Ferring.
- 2) Eye sore/ Flats inappropriate/ too large and high
- 3) Loss of sea and field views
- 4) Precedent
- 5) Loss of residential amenity to neighbouring properties
- 6) Loss of garden land/overdevelopment
- 7) Failure to maintain an open rear garden would be contrary to policy GEN 7 (vi) of the Arun District Council Local Plan as open space not retained.
- 8) Traffic Problems
 - Noise and pollution due to proximity to residential properties.
 - Lack of parking. Contrary to Policy GEN 12
 - Increase in traffic/congestion unacceptable.
 - Dangerous access onto Sea Lane from Sea Drive
 - Visibility on Sea Lane reduced by bulk of building
 - 2 accesses on Sea Drive and neighbouring properties access dangerous.
 - Access to front from path over ramp not feasible
- 9) Contrary to policy GEN 7 (vii) GEN 15 - Cycling and Walking.
- 10) Sustainability - No public transport - bus routes half a mile away
- 11) No Housing need - second home owners, no local need
- 12) Lack of infrastructure including doctors, dentists and school places.
- 13) Construction Disturbance
- 14) Light pollution - Contrary to policy GEN 33
- 15) Noise and Air pollution to rear gardens/ Additional Council waste vehicles
- 16) Drainage and Flooding - Contrary to Policy GEN 9
- 17) Road subsided the side of Bluewaters
- 18) Not in accordance with the neighbourhood (village) plan.
- 19) No biodiversity survey
- 20) GEN 4 not a saved policy in the Arun District Council Local Plan 2004
- 21) Views are not a material planning consideration.
- 22) West Sussex Structure Plan is no longer a part of the Local Development Plan and as such its policies are not taken into account in the assessment of this application.
- 23) Impact on right to light - Right to light is a private legal issue
- 24) Loss of financial value of property as a result of development.
- 25) Allegation that the Local Planning Authority forcing neighbouring residents to accept development. -
- 26) Lack of consideration of developers
- 27) Greed of developers
- 28) Use of flats for holiday makers
- 29) Restrictive covenants are private legal issues
- 30) More affordable housing/infrastructure (i.e. doctors/schools) needed - Applications for under 10 dwellinghouses do not trigger a requirement to provide affordable houses or infrastructure contributions.
- 31) Plans submitted inaccurate
- 32) Request for committee to visit site.
- 33) Loss of neighbouring residential properties property value as a result of development.

Additional comments were received prior to the Development Control committee meeting of 21st June 2017 as follows (including officer comments following indented point);

- Loss of amenity to the rear elevation of 3 Sea Drive.

As stated in the Conclusions section of the main report, it is not considered that loss of residential amenity would be unacceptable because none of the primary habitable room windows would be within 20 metres of a habitable room window at 3 Sea Drive. The first floor windows on the west elevation that would result in unacceptable overlooking have been conditioned (Condition no. 14) to be obscure glazed and fixed shut.

- Access splay onto Sea Drive

The access splay onto Sea Drive was not raised as a cause for concern in the Local Highway Authorities comments.

The objection made here would only concern a shortfall of a matter of 10-20 centimetres and would be subject of a land ownership dispute which is a private legal issue. The applicants have signed certificate B to claim that they own all the land applicable to this application. Disputes about land ownership are non planning matters.

- Height of proposed block and Inaccuracy of plans

The height of the proposed block has raised 20 cm from the plans first submitted as shown on PL005 Rev J dated March 2017 due to the inclusion of the underground car park. The minor error (10cm) occurred in the response to Mr. Gann was due to line thickness on the plans.

- Level of windows

3 Sea Drive does have a variety of window heights which generally match the window heights of the new development. None would be overlooked due to the imposition of condition no. 14 and given that the nearest proposed clear glazed window is in excess of 20 metres from the primary habitable room windows.

- Deletion of window

Following an earlier written commitment from the applicants, the amended plans presented to committee remove the obscure glazed fixed window facing towards the front balcony of no.3 Sea Drive.

- Overlooking

There are no windows directly adjacent to 3 Sea Drive that overlook the property. The closest overlooking habitable room window is set at a distance in excess of 20 metres from the primary habitable room rear elevation windows of 3 Sea Drive.

The window and finished floor height of the proposed new development would not allow for the ground floor windows at the new development at 1 Sea Drive to overlook the garage wall along the boundary or 2.5 metre hedge and 1.8 metre fence between the two properties and therefore a condition requiring obscure glazing at ground floor level would be unnecessary and unreasonable. The applicant's have demonstrated in the amended plan PL005 Rev J dated March 2017 that the finished floor level of the proposed apartment block would be 10 centimetres higher than the existing dwelling.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments raised by objections which are material planning considerations will be addressed on the Conclusion section of the report below.

The following matters are not considered material planning considerations;

21), 28). 34) Right to a view, Financial considerations and personal comments regarding the developers are not material considerations in deciding planning applications.

23) The procedure for speaking at Development Control Committee is set out on Arun District website under 'Decision Making Process & The Development Control Agenda' and the paragraph entitled 'Speaking at Development Control Committee Meetings'.

29) The Council cannot control whether or not residential properties are used as 2nd homes or not. This applies to existing as well as proposed dwellings.

30) Restrictive covenants are a private legal matter.

32) The balcony doors at 3 Sea Drive are secondary windows within the master bedroom. A supplementary plan is to be provided by the applicants to demonstrate the relationship of built form between the front elevation of 3 Sea Drive and the proposed new development.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Arboriculturist

WSCC Strategic Planning

Southern Water Planning

Parks and Landscapes

Environment Agency

Env. Amenities & Comm. Safety

Environmental Health

WSCC Strategic Planning

Southern Water Planning

Archaeology Advisor

Ecology Advisor

Parks and Landscapes

Engineering Services Manager

CONSULTATION RESPONSES RECEIVED:

ENGINEERING SERVICES MANAGER - No objection subject to a condition

As far as the proposals affect flood risk / coastal defence, the revisions related ostensibly to the majority of the parking provision being taken underground (into a basement) and the re-routing of the path serving the entrance in the north elevation. The previous proposal for a new access onto Sea Lane has been dropped in favour of retaining the two existing entrances (onto Sea Drive), one for vehicles and the other reduced in size for pedestrian usage.

The Flood Risk Assessment states that the site is within Flood Zones 1, 2 & 3; this is correct -however, the site is outside of the area at risk of 'flooding from rivers and the sea'; a designation that is perhaps better suited to areas close to the sea, with less fluvial influence.

The area is in Shoreline Management Plan (SMP) policy unit 4d17 - the policy for which is to 'Hold the Line'. Below the SMP sits the Coastal Defence Strategy and the implementation plan for this area is to 'Hold the Line - Sustain' (sustain meaning to maintain the current standard of defence but allowing for the impacts of climate change. I note that the Environment Agency has requested a condition relating to the floor levels and I would agree with this. I would also suggest that the level of 5.8m is appropriate. In light of the above, I have no objection to the provision of a parking basement. However that basement could potentially flood in an extreme event. The boundary is to be provided with a rendered wall over the most part (this should be to the same level if not greater than the floor level) but the accesses will become the weak link.

I would suggest therefore that the pedestrian path and vehicular access are both provided with a 'cill' level equivalent to the (conditioned) floor levels - this could be by building up the access (providing a continuous seal is provided with the boundary walls) or, as the increase in height may make the ramp into the basement too steep, by the provision of a temporary barrier/gate on the boundary - again continuous with the boundary walls, that could be closed in time of need. There would be a need also to prevent water entering the site (basement) through the hedging between the site and the neighbouring property (No. 3 Sea Dr.).

I would suggest that an operational / maintenance flood plan is produced and all residents made aware of the risk and the need to close the barrier / gate (if that option is taken).

The following condition has been recommended;

The development is provided with a means of preventing flood water from entering the basement. This should be to a height not less than the minimum floor level (mentioned elsewhere) and be continuous around the building, either at the boundary or by some other means within the site. The means of preventing flood water entering may be either permanent, demountable or in the form of a readily closed, solid gate (with suitable seals. If the means of flood resistance is not permanent then there shall be an operational / maintenance flood plan produced to the satisfaction of the Local Planning Authority. All residents shall be made aware of the risk and the need to close the barrier / gate and to comply with the contents of the Plan.

Reason; "To reduce the risk of flooding to the basement parking area"

ENGINEERS (DRAINAGE) - No objection subject to conditions

ARBORICULTURALIST - No objection

There are no trees either on or off site within a distance where adverse impact could occur.

WSCC STRATEGIC PLANNING - HIGHWAYS - No objection

WSCC County Highways have no objection with respect to highway safety in the final amended plan submitted PL002 Rev. F but have offered the following advice;

- There is a shortfall of 2 spaces in parking provision in accordance with the WSCC Parking demand calculator (PDC) which would not cause a highway safety concern but may be an amenity issue.
- WSCC accepts following submission of additional plans that cars can enter and leave the underground car park in a forward gear.
- WSCC notes there does not appear to be any provision for visitor parking or home delivery

vehicles.

- The two parking spaces fronting onto the site on Sea Drive are still in close proximity to Sea Drive junction and there could be a safety concern of vehicles caused by reversing into and out of the spaces. No formal objection made by WSCC.

A number of concerns were raised regarding the width of the accessway, location of the parking bays fronting onto Sea Drive and demonstration by the applicants that cars could enter and leave the underground parking area in forward gear in particular in spaces 6 and 7. The applicant addressed these issues in the final scheme and provided a supplementary vehicle swept path analysis PL007 which demonstrated that this was possible.

- no concerns to the extra trips associated with the development using the Sea Lane junction.
- The junction is an existing junction and well established, with clear visibility in each direction.
- No further investigation required (i.e no transport assessment required.)
- No recorded incidents to indicate that the junction of Sea Drive and Sea Lane is operating unsafely.
- Forward visibility offered to vehicles leaving Sea Drive is adequate enough to allow them to see a vehicle entering the junction and allow manoeuvres to take place to pass clear of the highway
- The two parking bays fronting onto Sea Drive have been moved further away from the junction although they are still in close proximity and reversing into or out of these spaces whilst vehicles are entering or exiting the Sea Drive junction 'could cause a safety concern.'
- width of underground car park access - it is not considered that this would lead to any impact on the highway provided as demonstrated that vehicles enter and exit in a forward gear.

SOUTHERN WATER PLANNING - No objection

Southern Water have requested a condition requiring approval of foul and surface water drainage systems and informatives.

ADC PARKS AND LANDSCAPES - No objection

As this is a proposal is for a smaller development of residential flats there would be no requirement for POS or play area contribution. However greening to soften the development would be required on a development of any kind.

Forming part of the application and at least conditioned would be the requirement of the submission of a full landscape scheme which should be submitted for approval

Further to submission of Dwg PL 002 Rev F we would request confirmation of proposals detailed as;

- Proposed vegetation/buffer zone
- Proposed hedging run from front
- Low level hedge

Detail to be provided in plan form showing quantities proposed, species choice, planting density and size at time of planting. This is to ensure that the proposals are fitting for location and should be submitted for approval or at least conditioned as part of any decision.

ENVIRONMENT AGENCY - No objection

Condition requiring finished floor levels above 5.9 m AOD (Above Ordinance Datum)

ENV. AMENITIES & COMMUNITY SAFETY - No comments received.

ENVIRONMENTAL HEALTH - No objection

Should the application be approved I would request that the following condition be applied:

No machinery, or plant shall be operated and no deliveries to/from the site shall take place, except between the hours of 8:00 and 18:00 on Mondays to Fridays inclusive; 7:00 and 13:00 on Saturdays and not at any time on Sundays, or any public or Bank holiday.

Reason: In order to safeguard the amenity.

The Construction Management Plan should take all relevant precautions to minimise the potential disturbance to neighbouring residents during the demolition/construction phase of the development. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved by, The Local Planning Authority. The Plan shall provide for :

- a. An indicative programme for carrying out the works
- b. The arrangements for public consultation and liaison during the construction works.
- c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method should foundation piling occur, the careful selection of plant and machinery and use of noise mitigation barriers.
- d. Detail of any flood lighting, including location, height, type and direction.
- e. The parking of site operatives and visitors
- f. Loading and unloading of plant and materials
- g. Storage of plant and materials used in construction and development
- h. Wheel washing facilities
- i. Measures to control the emission of dust and dirt during construction

Reason: In order to safeguard the amenity.

External lighting in association with this development shall comply with the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2 and to avoid over lighting.

Reason: In order to safeguard the amenity.

Comments from Private Sector Housing

Ventilation

- Any bathrooms and kitchens without windows for natural ventilation should have adequate mechanical ventilation.

Room Sizes

- Room sizes should meet the minimum standards for houses in multiple occupation if the flats are intended to be rented.

Fire Safety

- The property would need to meet all fire detection and safety requirements as per the Lacors: Housing - Fire

Safety: Guidance on fire safety provisions for certain types of existing housing, including adequate separation from any commercial units located below and external means of escape;

ARCHAEOLOGY ADVISOR - No comment

ECOLOGY ADVISOR

Bats

Due to the location of the site, the condition of the building and the records of bats within close proximity of the site there is a moderate likelihood of bats roosting within the building. Unfortunately no bat surveys have been undertaken on the site so we are unable to establish if bats are present. Prior to determination we require that a bat survey is undertaken on the building to determine if there is evidence of bats roosting within the building. If there is evidence of bats, further bat activity surveys would be required and mitigation strategies will need to be produced. These surveys plus mitigation strategies required will need to be submitted as part of the planning application prior to determination. Due to the level of protection bats hold within European legislation, if bats are found to be roosting onsite the application will also require a Natural England Protected Species Licence for the works.

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

Nesting Birds

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

A bat survey has been submitted by the applicants. The Council's ecologist offered the following comments;

Bats

Following submission of the Ecological Appraisal (June 2017) we are satisfied that no bats are roosting within the buildings onsite.

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

Nesting Birds

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

COMMENTS ON CONSULTATION RESPONSES:

Consultations are noted and addressed in the conclusion below;

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

CLASS C ROAD

NO PUBLIC SEWER

WITHIN BUILT UP AREA BOUNDARY

DEVELOPMENT PLAN POLICES

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

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN10	Tidal Flooding and Coastal Defence
GEN12	Parking in New Development
GEN15	Cycling and Walking
GEN29	Nature and Conservation Across the District
GEN32	Noise Pollution
GEN33	Light Pollution
GEN34	Air Pollution

Publication Version of the Local Plan (October 2014):

SD SP2	Built -Up Area Boundary
ENV DM5	Development and Biodiversity
QE DM1	Noise Pollution
QE DM2	Light Pollution
QE DM3	Air Pollution
T SP1	Transport and Development
W DM2	Flood Risk
W DM3	Sustainable Urban Drainage Systems
D DM1	Aspects of Form and Design Quality
D DM3	External Space Standards
D SP1	Design

Ferring Neighbourhood Plan 2014 Policy 1A

Ferring Neighbourhood Plan 2014 Policy 10

A Spatial Plan for the Parish

Sustainable water management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
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POLICY COMMENTARY

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

Arun District Council's Development Plans:

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

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day

of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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

The Neighbourhood Development Plan

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

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

Policies 1A and 10 of the Ferring Neighbourhood Plan are considered relevant to this application

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

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

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 be within the built up area boundary, be of a high quality of design and layout responding to local distinctiveness and would have no materially adverse effect on the visual amenities of the locality or the established character of the area. Furthermore it would not have a significant adverse impact on the safety of the highway network, flooding and protected species in the local area nor the residential amenities of the adjoining properties.

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

INTRODUCTION

Following consideration at the Development Control Committee of 21st June 2017 the following, taken from the minutes of that committee meeting, was resolved;

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

The applicants have provided an additional 3 spaces from that presented to DC committee on 21st June 2017. A full re-consultation has taken place.

Under the West Sussex Parking Calculator, 11 spaces had been identified; the applicant is now proposing to provide 12 under amended plan Dwg.no. 16/046 PL004 Rev L.

PRINCIPLE

The site lies within the built up area boundary where the principle of residential redevelopment is acceptable in accordance with policy 1A of the Neighbourhood Plan and policy GEN 2 of the Arun District Local Plan. Policy 1A Ferring Neighbourhood Plan 'Spatial Plan for the Parish' states 'Proposals for development located inside the built up area boundary will be supported, provided they are suited to an urban setting and they accord with the provisions of the Neighbourhood Plan and with other relevant development plan policies.' The proposal is considered to be in keeping with its urban setting and to accord with this policy irrespective of the fact that the relevant Neighbourhood Plan is considered to be out of date.

The Council is unable to demonstrate an adequate 5 year supply of housing land as required by paragraph 49 of the National Planning Policy Framework (NPPF) and Policy GEN 5 of the Arun District Local Plan is outdated. Furthermore, the Examination into the emerging Local Plan was suspended by the Planning Inspector on the grounds that the Council's Objectively Assessed Housing Need (OAN) should be reviewed higher than that proposed in the Local Plan (580 units p.a). The Council therefore need to identify adequate land supply to meet the additional housing requirements. The OAN figure has now been increased to 919 units per annum as of October 2016 and the Council, based on this need, is only able to demonstrate approximately 2 years worth of supply.

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

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

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

The above circumstances arise as Arun District Council can only currently demonstrate approximately 2 years supply of deliverable housing sites, the ministerial statement is less than two years old and Ferring Neighbourhood Plan allocates sites for housing. Although only recently published, the relevant policies for the supply of housing in the NDP cannot be considered to be up-to-date.

Where the relevant policies of development 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'. In this case, the development plan is not silent and the principle of development is in accordance with the development plan. Furthermore, paragraph 49 states that: "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

NPPF TEST ON SUSTAINABILITY:

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

Environmental Role-

The site is located on the seafront within the built up area boundary and is within 1 km walking distance of local shops & 1.8 kilometres to the nearest health facilities within the settlement of Ferring and 600 metres to the nearest bus stop. Although Ferring does not have dedicated footpaths (this applies to the entire village) and has interrupted levels of street lights, it is not considered to be an unsafe or unattractive walking or cycling environment. It is considered this is a reasonably sustainable location for new development.

Social Role-

It is considered the proposal will support the local community by providing eight new flats to help meet future needs and add to the variety of house types in the area. This factor weighs in the scheme's favour.

Economic Role-

It is considered the proposal will lead to a not insignificant increase in Council Tax receipts and create a number of jobs during construction. All of these would provide a benefit to the local economy. These economic factors weigh in the scheme's favour.

Assessment-

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

SUMMARY OF SUSTAINABILITY & PRINCIPLE:

This site lies within the defined built up area. Relevant local plan policies for the supply of housing should not be considered up-to-date as Arun District Council cannot demonstrate a 5 year supply of deliverable housing sites.

The above analysis shows that the proposal represents sustainable development and benefits from the presumption in favour of sustainable development set out in paras 14 and 49 of the NPPF.

The proposal is considered in principle to comply with the Local Development Plan.

DESIGN AND VISUAL AMENITY

The proposal needs to be assessed against policy 1A of the Ferring Neighbourhood Plan and policy GEN 7 of the Arun District Local Plan with respect to design and visual amenity. Policy GEN 7 (ii) states development would be permitted if it 'responds positively to the identified characteristics and resources of the site and area to create attractive places and spaces with the needs of people in mind and respects and enhances local distinctiveness;

The character of the area is mixed with a block of flats opposite the proposed development on Sea Drive further east on the cul de sac a mixture of large detached houses and maisonettes. While there are a significant number of large detached 2 story properties in the area the variety of house types means no one housetype is predominant and the proposed development of apartments is considered to in keeping with the character and appearance of the local area as a result. The plans submitted show the Finished Floor Level of existing and proposed developments Above Ordinance Datum (A.O.D.) and outline of existing property as compared to proposed which verify the heights shown and demonstrate the height of the proposed building relates to that of the existing and neighbouring dwellinghouse and apartment blocks.

The proposed block of flats in close proximity to the seafront enhances local distinctiveness in that its modern architecture reflects Bluewaters and a number of other modern residential properties currently being constructed on the coastal strip from East Preston to Ferring and beyond to Goring and Worthing. Its broken elevations reduce the visual impact of its wider front facing elevations and the design contains attractive design features such as balconies, Juliet balconies, large windows, white rendered facades, underground parking as well as generous communal amenity space.

The dominant visual feature in this area of Sea Lane and Sea Drive is the white modern block of flats known as Bluewaters. When viewed from a distance along Sea Lane or from Marine Drive the proposed development would fit into the built form of the area in terms of its size and bulk. It is of a similar height to the 2 storey properties on either side at 3 Sea Drive and 108 Sea Lane and of Bluewaters as demonstrated by the street elevations provided by the applicant.

The area of landscaping to the front on Sea Lane would assist in assimilating the building into its setting adjacent to the Goring Gap. A final landscaping scheme would be submitted in accordance with a condition set by the ADC Parks and Landscapes Department who had no objection to the proposal in landscape terms.

The density of the development at 63 dwellings per hectare(dph) is slightly lower than the density of the neighbouring block of apartments Bluewaters (69 dph) and is similar to other apartments in the vicinity including St Malo Court, Sea Lane (59 dph) St Helier Court , Sea Lane (53 dph) and a block of 8 apartments recently granted permission at Beehive Lane - FG/33/17/PL (44 dph) and is of comparable height to neighbouring properties. The development would have a 6.4 metres maximum height on the front elevation on Sea Drive compared to a 7 metre ridge height at 3 Sea Drive. The existing house to be replaced has an 8 metre ridge height. A maximum 7 metre ridge height at the centre of the elevation facing onto Sea Lane compares with a maximum ridge height of Bluewaters at 8 metres facing onto Sea Lane. The area is considered to be mixed in character and the density and height is therefore in keeping with the character of the area.

The building line at the side of the proposed development matches the building line of Bluewaters on Sea Lane but is set forward 6 metres of the building line of properties to the north from 108 Sea Lane onward. There is a 17 metre gap between the proposed development and 108 Sea Lane creating a visual distinction between the neighbouring properties. The building line is not therefore considered to be out of character with surrounding developments and responds to the identified characteristics of the site.

The development would provide increased choice and variety of housing types for single people and couples, the young and elderly 'downsizers'. The proposal would, in this sense, create an attractive place with the needs of people in mind. The site clearly has the capacity to accommodate additional residential units and given the attractive modern design commensurate with other buildings in the area, it is not considered to be out of character nor to cause harm to the visual amenity of the area.

In addition the provision of underground car parking means that the development retains the rear garden for leisure space and would integrate the proposed apartments with the character of the surrounding residential rear gardens as Bluewaters has.

Given the relationship of the proposal to Bluewaters, its similar design and the character of the wider area, the development is considered appropriate in its urban setting and therefore it complies with policy 1A of the Ferring Neighbourhood Plan with respect to design and visual amenity.

The development is considered to be of an attractive design which has taken the lead from surrounding contemporary development and is considered to accord with GEN 7 (ii) which states development should be permitted if it 'responds positively to the identified characteristics and resources of the site and area to create attractive places and spaces with the needs of people in mind and respects and enhances local distinctiveness.

EXTERNAL AMENITY SPACE

Adequate amenity/landscaped space is provided to the rear of the units and most units would have their own area of outside space in the form of a balcony or terrace in general compliance with policy DDM3 of the Emerging Local Plan. Due to the communal gardens and the proximity of the beachfront and Goring Gap to the development the shortfall in external open space, namely the first floor apartment on the western boundary of the site has no external space and the central apartment on the western elevation has a 3 sq.m. balcony rather than a 5 sq.m. balcony, is acceptable.

INTERNAL SPACE STANDARDS

Each flat has an internal space standard in excess of 70 sq. m. and therefore complies with national policy guidelines for internal space standards contained within the Technical housing standards - nationally described space standard contained within Planning Policy Guidance

RESIDENTIAL AMENITY

The flats would be located a reasonable distance from site boundaries and would not cause a significant and unacceptable overbearing impact, loss of light or loss of privacy to the neighbouring properties.

The key properties that would be affected would be 3 Sea Drive the neighbour to the west, 108 Sea Lane to the north and Bluewaters to the south and to a lesser extent properties further away on Elverlands Close and St Malo Close & the north side of Sea Drive beyond no. 3.

3 Sea Drive

At 3 Sea Drive, the relationship of the new property and the existing dwelling house would be side elevation to side elevation at the front and rear elevations of 3 Sea Drive with a further oblique outlook toward the L shaped element of the block of flats facing onto Sea Lane. The level of the windows shown on street elevations matches that of 3 Sea Drive and would provide an acceptable relationship between the windows and floor levels of the development and the windows and floor levels of the neighbouring property.

The Council uses the 45 degree rule to assess overbearing impacts of development on primary habitable room windows. If built development encroaches within a 45 degree site line drawn from the closest habitable room window then it is considered unacceptable in terms of causing an overbearing impact on

the neighbour's window and a loss of light to them.

On the front elevation of 3 Sea Drive adjacent to the shared boundary with the new development, at first floor level there is an external balcony in front of the bedroom windows with clear glazed sides which is not considered a primary habitable room. The neighbour's balcony would not affect the privacy of the new build development as there are no facing windows nor aspect into habitable rooms from the development.

The new development would not encroach upon a 45 degree line drawn from the centre of master bedroom at the front of 3 Sea Drive. It is acknowledged that a small part of the view will be lost to however view is not a material planning consideration and providing no harm is caused to the residential amenity in terms of significant overlooking, overbearing impact or loss of light in breach of the 45 degree line then the Council has no valid reason to reject the proposal on amenity grounds.

The proposed new building is L shaped. The northern part of the L shape would face toward the rear garden of 3 Sea Drive but would not intersect the 45 degree when measured from the ground floor 'family room' at 3 Sea Drive adjacent to the shared boundary. This section of the dwelling would be a minimum of 10 metres from the boundary receding to 13 metres set back at the northernmost part of the building. All windows in the northern section on this west facing elevation would be obscure glazed with the exception of 2 bedroom windows at ground and first floor level at the northern most end of the building which would be in excess of 20 metres away from the closest rear window at 3 Sea Drive and at a 90 degree angle. This impact on residential amenity of relationship of the built form and windows of the new development to the rear windows and rear amenity areas of 3 Sea Drive is considered acceptable.

108 Sea Lane

The primary objection in relation to residential amenity by 108 Sea Lane is that they have a sole bedroom window at first floor level in their side elevation facing south toward the development at a separation distance of 16 metres.

The window currently faces into the rear garden of 1 Sea Drive and its rear elevation. The new rear elevation of the proposed building would be a blank elevation incorporating only obscure glazed windows at a distance of 16 metres. The minimum separation distance usually sought by the Council between similar sized residential properties to provide an acceptable relationship between facing windows to a blank elevation is 10 metres to prevent an adverse impact on residential amenity in terms of a loss of light or overbearing impact on that window. In this case the minimum standard of 10 metres is significantly exceeded. The nearest facing window to the bedroom window at 108 Sea Lane would be 22 metres away which again is considered by the Council to be a sufficient distance away to prevent an unacceptable loss of privacy.

The complaint is that the bedroom is regularly used by the occupant and valued for its view of the sea to the east side of the current dwelling. Loss of view is not a material planning consideration.

The eastward outlook from the windows front elevation of 108 Sea Lane toward the Goring Gap and beach front would not be affected by the proposed development with regard to residential amenity.

Bluewaters

The Bluewaters apartment development opposite on Sea Drive would be separated from the front elevation of the proposed development by 30 metres and no unacceptable residential amenity issues would arise.

Elverlands Close, St Malo Close & the north side of Sea Drive beyond no. 3 .

These properties would be located a minimum of 30 metres from the development and no significant loss of residential amenity in terms of a loss of light, an overbearing impact on windows or a loss of

privacy would occur. Objections have been received complaining of a loss of view toward the Goring Gap however as stated above loss of view is not a material planning consideration.

In summary the proposed development due to the location of built form and habitable room windows would not cause a significant loss of light, overbearing impact or loss of privacy to any neighbouring properties and the proposal accords with GEN 7 (iv) and (v) and para 17 of the National Planning Policy Framework.

POLLUTION

Objections have been received that the noise, air and light pollution levels generated by the development would have an unacceptable impact on amenity and protected species.

Noise and Air

Residential development is not considered to be a significant source of noise or air pollution and therefore in policy terms under policy GEN 32 and GEN 34 of the Arun District Local Plan 2003 no objection could be made to the proposed development.

The use of the rear garden for a communal garden and access to the rear 4 flats including use of a pathway to the side of the proposed new building would be more intensive than at present given the occupation of a large detached house by a single couple however the use of the amenity space could increase depending on the occupants of the existing household and/or additional housing units on the plot which given its size and location is likely to occur in future.

No complaint has been received by the Council's Environmental Health Officers regarding noise nuisance or air pollution regarding the apartment development at Bluewaters opposite and no reasonable prospect of this relationship causing harm to residential amenity in terms of a noise nuisance or air pollution exists.

Light

No proposals currently exist for external lighting for the proposed development. A condition to restrict any possible adverse impacts from potential glare and light spillage of external lighting to protect wildlife, namely bats, would be applied to the final permission on the advice of the Council's ecology advisor which would control lighting levels at the property.

It must also be stated that the Council does not have control over the level of external lighting of neighbouring properties or the use of motion sensor lighting.

The proposal for the above reasons is considered to accord with policy GEN 33 of the Arun District Local Plan. No other local policy relating to lighting forms part of the Neighbourhood Plan.

DRAINAGE AND FLOODING

Subject to conditions no objections have been received to the proposed development from the Arun District Council drainage engineers, Southern Water or the Environment Agency in relation to foul and surface water drainage and flooding including consideration of the underground parking. The scheme proposes to incorporate SUDS (Sustainable Urban Drainage Systems) subject to approval by the Local Planning Authority and the Council's Drainage Engineer. The proposal is therefore considered to accord with policy GEN 9 of the Arun District Council Local Plan 2003.

ECOLOGY

The Council's Ecologist identified that there was a record of bats within close proximity of the site and a moderate likelihood that bats roosted within the existing building. A bat and wider ecology survey has been received indicating that there are no bats roosting on the site and no other significant adverse impacts. The Council ecologists has no objection to the proposed development subject to conditions.

Subject to mitigation measures advised, the proposal is considered to be acceptable under policy GEN 29 - Nature Conservation of the Arun District Local Plan 2003.

HIGHWAYS

Parking provision

The parking proposed is 1 spaces higher than that prescribed by the WSCC Parking Demand calculator at 12 spaces rather than 11 spaces.

No objection has been raised to the level on highway safety or operational grounds by WSCC and given the unrestricted availability of on street car parking at the beach car park on Marine Drive, on Marine Drive and Amberly Drive for in excess of 600 metres to the east of the development.

It is considered that adequate and satisfactory provision of parking has been made at this site in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

Access

West Sussex County Highways have no formal objection to the proposal in terms of highway safety with respect to vehicular, cycle and pedestrian traffic subject to conditions to be applied. They do not object to the number of trips associated with development using the Sea Lane junction, the safety of that access and have not requested any further information.

They have some reservations about the two parking spaces which directly access onto Sea Drive but have not made a formal objection to the proposal in this respect. The proposal would result in an existing access from the property being removed which is 6 metres from Sea Lane in the current property at 1 Sea Drive. The closest car parking space to the junction with Sea Drive would be 12 metres away.

The applicant has demonstrated that the 7 underground parking spaces could enter and leave the car park in a forward gear. This leaves the impact of 2 cars reversing on or off Sea Drive. Other properties on Sea Drive do not have turning heads within their driveways and presumably they enter and exit their properties in reverse gear on occasion.

West Sussex County Highways comments demonstrate that, subject to conditions, as a result of this development there would not be a significant adverse impact with respect to highway safety in line with local policy and guidance within the NPPF para.35.

SUMMARY

The proposal is recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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

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

report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Proposed Site Plan - Dwg.no. 046/PL002 REV F Dated Aug 16

Proposed Block Plan Dwg.no. 046/PL003 REV F Dated Apr 17

Proposed Floor plans - Dwg. No. 16/046 - PL004 Rev L dated Aug 2016

Proposed Elevations and Street Scenes - Dwg.no. 16/046 - PL005 Rev J dated Aug 2017 (street scenes are for illustrative purposes only)

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

- 3 No 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 scheme must include all boundary treatments. 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.

- 4 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, windows, doors and rainwater goods of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

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

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

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

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

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

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

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

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

- 7 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To provide adequate foul and surface water disposal in accordance with policy GEN 9 of the Arun District Local.

- 8 The development must be provided with a means of preventing flood water from entering the basement. This should be to a height not less than the minimum floor level , 5.8 M AOD and be continuous around the building, either at the boundary (i.e. low wall) or by some other means within the site. The means of preventing flood water entering may be either permanent, demountable or in the form of a readily closed, solid gate (with suitable seals). The details of the flood defence shall be submitted to and approved in writing prior to the occupation of the development and shall be retained in perpetuity as approved.

If the means of flood resistance is not permanent then there shall be an operational / maintenance flood plan produced to the satisfaction of the Local Planning Authority. All residents shall be made aware of the risk and the need to close the barrier / gate and to comply with the contents of the Plan.

Reason: To reduce the risk of flooding to the basement parking area in accordance with policy GEN 10 of the Arun District Local Plan and the NPPF.

- 9 No part of the development shall be first occupied until the vehicle parking and turning spaces

including the footpath access to the ramped garage access and the covered and secure cycle parking spaces have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy GEN 12 of the Arun District Local Plan and the NPPF.

- 10 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (07/11/2016) and the following mitigation measure detailed within the FRA:
- Finished floor levels are set no lower than 5.8m above Ordnance Datum (AOD).

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

Reason: To reduce the risk of flooding to the proposed development and future occupants. This condition is in line with Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

- 11 The Construction Management Plan should take all relevant precautions to minimise the potential disturbance to neighbouring residents during the demolition/construction phase of the development. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved by, The Local Planning Authority. The Plan shall provide for :

- a. An indicative programme for carrying out the works
- b. The arrangements for public consultation and liaison during the construction works.
- c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method should foundation piling occur, the careful selection of plant and machinery and use of noise mitigation barriers.
- d. Detail of any flood lighting, including location, height, type and direction.
- e. The parking of site operatives and visitors
- f. Loading and unloading of plant and materials
- g. Storage of plant and materials used in construction and development
- h. Wheel washing facilities
- i. Measures to control the emission of dust and dirt during construction
- j. No demolition or construction work shall take place except during the hours of 8:00 to 18:00 Monday-Friday, 8:00 to -13:00 Saturdays and not at all on Sundays or Bank Holidays.

Reason: To ensure safe and neighbourly construction in the interests of amenity and road safety in accordance with policy GEN7 of the Arun District Local Plan.

- 12 External lighting in association with this development shall comply with the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2 and to avoid over lighting. Further to the above in consideration the presence of bats in the local area the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Reason: In the interests of the conservation of protected species and residential amenity in accordance with policies GEN 30 and GEN 33 of the Arun District Local Plan.

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

Reason: In the interests of the conservation of protected species in accordance with policies GEN 30 and GEN 33 of the Arun District Local Plan.

- 14 The windows at first floor level in the north elevation closest to 108 Sea Lane and in the west elevations with the exception of the northernmost window in the west elevation, of the new dwellings shall at all times be glazed with obscured glass and fixed shut.

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

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

- 16 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.

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

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

The applicant is advised to discuss the matter further with Southern Water Services, Southern House, Otterbourne, SO21 2SW 9EH (Tel 03303030119)

- 19 INFORMATIVE: ADC Environmental Health - Private Sector Housing

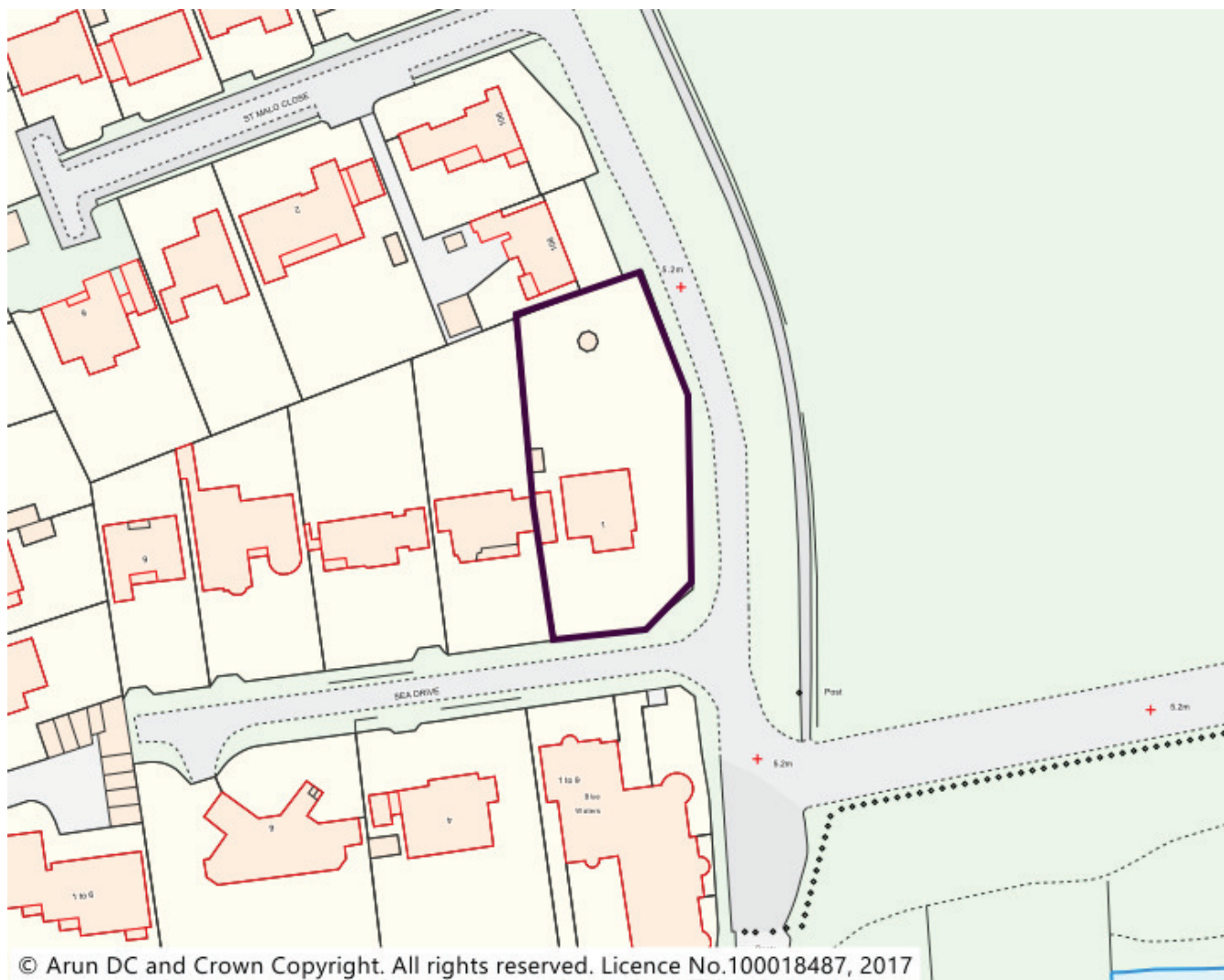
Ventilation - Any bathrooms and kitchens without windows for natural ventilation should have adequate mechanical ventilation.

Room Sizes - Room sizes should meet the minimum standards for houses in multiple occupation if the flats are intended to be rented.

Fire Safety - The property would need to meet all fire detection and safety requirements as per the Lacors: Housing - Fire Safety: Guidance on fire safety provisions for certain types of existing housing, including adequate separation from any commercial units located below and

external means of escape

FG/198/16/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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AGENDA ITEM 8

DEVELOPMENT CONTROL COMMITTEE

23rd August 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

WALBERTON

Reference

[WA/23/17/OUT](#)

Development Description

Outline application with all matters reserved for residential development comprising of 22 No. dwellings involving demolition of Barnfield House & existing outbuildings. This application is a Departure from the Development Plan

Location

Barnfield House
Arundel Road
Fontwell
Walberton
BN18 0SD

Case Officer: Mr A Wood

Recommendation: App Cond sub to S106

RUSTINGTON

Reference

[R/65/17/PL](#)

Development Description

Demolition of existing dwelling & erection of two-storey apartment building (6no two-bedroom apartments)

Location

70 Woodlands Avenue
Rustington
BN16 3EY

Case Officer: Mrs A Gardner

Recommendation: Approve Conditionally

MIDDLETON

Reference

[M/50/17/PL](#)

Development Description

Application for removal of Condition No. 4 relating to obscured glazing & variation of Condition No. 2 relating to plans following a grant of planning permission M/6/17/PL

Location

1 Deepdene Close
Elmer
Middleton

Case Officer: Mr D Easton

Recommendation: Approve

LYMINSTER

Reference

[LY/9/17/PL](#)

Development Description

Demolition of the existing building & cessation of mixed commercial/residential use & redevelopment of the site with a new two storey building, comprising 4 no. residential flats - This is a Departure from the Development Plan

Location

Roseland
The Causeway
ARUNDEL
BN18 9JL

Case Officer: Mr D Easton

Recommendation: Approve Conditonally

LITTLEHAMPTON

Reference

[LU/177/17/DOC](#)

Development Description

Application for approval of details reserved by condition imposed under planning permission LU/314/16/PL relating to condition No. 3 (Landscaping scheme), 4 (Habitat mitigation strategy), 6 (Foul & Surface water sewerage disposal), 10 (Details of plant & equipment), 14 (Details of kitchen extract system & type of cooking to be undertaken in the facility) & 15 (External lightings scheme)

Location

Littlehampton Swimming & Sports Centre
Sea Road
Littlehampton
BN16 2NA

Case Officer: Mrs A Gardner

Recommendation: DOC part approved

LITTLEHAMPTON

Reference

[LU/233/17/DOC](#)

Development Description

Application for approval of details reserved by condition imposed under planning permission LU/314/16/PL relating to condition No. 5 (materials & finishes for external walls and roofs)

Location

Littlehampton Swimming & Sports Centre
Sea Road
Littlehampton
BN16 2NA

Case Officer: Mrs A Gardner

Recommendation: Approve

LITTLEHAMPTON

Reference

[LU/354/16/DOC](#)

Development Description

Application for approval of matters reserved by condition imposed under LU/224/14/PL relating to conditions 3 - schedule & samples of materials & finishes, 4 - details of screen wall/fences, 5 - surface water drainage, 6 - landscape scheme, 7 - established root protection areas, 11 - cycle parking spaces & 12 - noise protection.

Location

Land Between 81 - 92
Greenfields
Littlehampton
BN17 7HF

Case Officer: Mr D Easton

Recommendation: Approve

LITTLEHAMPTON

Reference

[LU/355/16/DOC](#)

Development Description

Application for approval of matters reserved by condition imposed under LU/222/14/PL relating to condition no. 3 (schedule of materials & samples), 4 (screen walls /fences), 5 (surface water drainage), 6 (landscaping), 7 (root protection areas), 11 (cycle parking spaces) & 12 (scheme for protecting dwellings from road traffic noise)

Location

Land North of 7-12
Joyce Close
Littlehampton
BN17 7JG

Case Officer: Mr D Easton

Recommendation: Approve

LITTLEHAMPTON

Reference

[LU/356/16/DOC](#)

Development Description

Application for approval of matters reserved by condition

Location

Land north of 31-40

imposed under LU/221/14/PL relating to condition no. 3 (Schedule of materials & samples), 4 (new screen walls /fences), 5 (surface water drainage), 6 (landscaping scheme), 10 (cycle parking spaces) & 11 (scheme for protecting the proposed dwellings from noise from road traffic noise)

Joyce Close
Littlehampton
BN17 7JG

Case Officer: Mr D Easton

Recommendation: Approve

LITTLEHAMPTON

Reference

[LU/358/16/DOC](#)

Development Description

Application for approval of matters reserved by condition imposed under LU/223/14/PL relating to condition No. 3 (schedule of materials & samples), 4 (details of screen walls & fences), 5 (Surface water drainage), 6 (Landscaping), 7 (Root protection areas), 11 (Covered & secure cycle parking spaces), 12 (Roads, footways & casual parking), 13 Construction management plan), 14 (Vehicle wheelcleaning facility) & 15 (Scheme for protecting the proposed dwelling from road traffic noise)

Location

Land north of 52 - 67
Greenfields
Littlehampton
BN17 7HF

Case Officer: Mr D Easton

Recommendation: Approve

LITTLEHAMPTON

Reference

[LU/361/16/DOC](#)

Development Description

Application for approval of matters reserved by condition imposed under LU/227/14/PL relating to condition No. 3 (Schedule & samples of materials), 4 (new screen walls/fences), 5(Surface water drainage), 6 (Landscaping scheme), 7 (Root protection area), 11 (Cycle parking spaces) & 12 (Scheme for protecting proposed dwellings from road noise traffic)

Location

Land Between 99 & 100
Greenfields

Case Officer: Mr D Easton

Recommendation: Approve

FELPHAM

Reference

[FP/127/17/PL](#)

Development Description

Proposed detached two storey dwelling

Location

2 Second Avenue
Felpham
PO22 7LJ

Case Officer: Mr S Davis

Recommendation: Approve Conditionally

CLIMPING

Reference

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

Development Description

Outline application for the erection of up to 300 dwellings & ancillary development comprising open space, a building within use class D1 (Non- Residential Institutions) of up to 875 square metres net, a building for A1 (Shops) use

Location

Land West of Church
Lane &
South of Horsemere
Green Lane

having a floor area of up to 530 sq. metres net, together with open space & ancillary works, including car parking & drainage arrangements, with appearance, landscaping, layout & scale wholly reserved for subsequent approval. The access detail, showing the points of access to the development, & indicated on Bellamy Roberts drawings numbered 4724/004 & 4724/005 are access proposals to be determined at this stage of the application. For the avoidance of doubt all other access detail within the site is to be determined as a reserved matter at a later stage. This application is a Departure from the Development Plan & affects the setting of Listed Buildings.

Climping

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

ANGMERING

Reference

[A/44/17/OUT](#)

Development Description

Outline application (with all matters reserved) for demolition of existing buildings on site and the erection of a mixed use development comprising up to 90No. residential units and a care home (Use Class C2 and C3) & ancillary facilities, including railway crossing, together with associated access, car parking & landscaping. Departure from the Development Plan. This application also falls within the parishes of Littlehampton & Rustington.

Location

Land west of Brook Lane and South of A259
Angmering
BN16 3JL

Case Officer: Mr D Easton
Recommendation: App Cond with S106

PLANNING APPLICATION REPORT

REF NO:	WA/23/17/OUT
LOCATION:	Barnfield House Arundel Road Fontwell Walberton
PROPOSAL:	Outline application with all matters reserved for residential development comprising of 22 No. dwellings involving demolition of Barnfield House & existing outbuildings. This application is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>An outline application for 22 residential units in total following the demolition of the existing house and outbuildings. All matters are reserved including appearance, means of access, landscaping, layout & scale.</p> <p>The breakdown of housing units is as follows: Open market housing: 16 units comprising 8no. 2 bed house, 7no. 3 bed house and 1no. 4bed house. Affordable housing: 6 units comprising 2no. 2 bed flats, 2no. 2bed house and 2no. 3 bed house.</p> <p>An indicative layout has been submitted with the application.</p> <p>The scheme incorporates 1329 sq.m. of open space, and an estate road leading from Arundel Road</p>
SITE AREA	0.95 hectares
RESIDENTIAL DEVELOPMENT DENSITY	23 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There is a strong tree (macrocarpa) and hedge belt on the eastern border of the site and a number of other trees on the site of which the most significant are two trees on the western side of the house and garden close to existing residential development, a Beech tree and Weeping Willow tree.
BOUNDARY TREATMENT	Currently the site is surrounded by a 2 metre close boarded fence with landscaping and a tree (macrocarpas) belt from 2.5 metres to 7 metres in height behind it on the eastern side of the site adjacent to the public footpath. There is a further hedge between 2 to 4 metres in height on the eastern side of the footpath making a double hedge boundary on the eastern side of the site.
SITE CHARACTERISTICS	The site is a large detached residential property on an

extensive plot served by a long driveway from Arundel Road. The plot contains large formal gardens, a bungalow residential annexe, an outdoor swimming pool & associated buildings, a stable block and paddock for the keeping of horses and various other outbuildings associated with the dwelling house.

The main 2 storey 7 bedrooomed property, Barnfield House is constructed in a Sussex vernacular style including red brick and tile, hipped roofs and chimneys.

A public footpath runs along the western boundary of the site which leads from the edge of the village to the A27 and footpaths toward Slindon Woods beyond.

CHARACTER OF LOCALITY

The site has residential development on 3 sides with only the eastern border of the site facing toward open countryside. A boundary fence, tree and hedging belt, a public footpath and a second 3 metre hedge occupies the eastern boundary side of the site. The triangular field beyond the eastern boundary is itself bounded by a further 6 metre tree belt where the field boundary adjoins the A 27 the dual carriageway linking Arundel to Chichester to the north and on Arundel Road to the south.

RELEVANT SITE HISTORY

PAA/201/16/	Proposed outline planning application with all matters reserved to create 26 dwellings on a 0.84ha site of Barnfield House on the east edge of Fontwell north of Arundel Road.	Refuse Pre App 22-11-16
WA/71/07/	Demolition of existing buildings and replacement with 24 residential units (4 x 2 bed houses, 4 x 3 bed houses & 16 x 4 bed houses) along with parking and open space. This application is a departure from the development plan.	Refused 01-11-07

The applicants submitted a pre-application enquiry PAA/201/16. The principle of development, given the lack of housing supply within the district and the current policy position, was approved however the application was refused on the grounds of ;

- 1) a lack of on site open space provision
- 2) Inadequate external amenity space
- 3) Unacceptable relationship of unit 13 to unit 14 in residential amenity terms
- 4) Shortfall of 1 unit of affordable housing.

The current application has addressed these reasons for refusal including the reduction of number of units from 26 to 22.

WA/22/15/OUT - On 13th July 2017 a called in application for 400 houses (the Dandara application) was approved by the Secretary of State following a recommendation for approval by Arun District Council in Fontwell. It was considered to be a sustainable location by Arun District Council. The Secretary of State concurred that Fontwell was a sustainable location. The Dandara site is now included within the main modifications of the emerging Arun District Local Plan as a strategic housing site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

Walberton Parish Council

Objections on the following grounds

- Contrary to Neighbourhood Plan (NP).
- Policies in NP are not considered out of date.
- Site inappropriate for residential development due to bottleneck entrance/long driveway.
- Site linear and the appearance of the development would visually dominated by car parking.
- High density and small gardens unsatisfactory.
- Proposed development would affect adversely the visual amenities of the locality in that it would be obtrusive in the landscape and prominent from surrounding viewpoints.
- Not compliant with ADC Local Plan regarding built form and the countryside.
- Highway Safety at Arundel Road/West Walberton Lane (could be facilitated by moving access to south).
- Harm to ecology.
- Drainage inadequate.
- Noise unacceptable as First Priority Location with a high NEC noise level.
- Unsustainable development lack of shops/services and facilities beyond NP limits.
- Housing and Economic Land Availability Assessment (HELAA) of Emerging Arun District Local Plan original objection from Parish Council still stands - Noise policy, physical constraints, car dependant village. Contrary to HP1, VE 6, HP 11 and NP policy.
- Reasons for refusal of previous application WA/71/07 and appeal upheld including; Site lies within a rural area contrary to Policy GEN 2 & GEN 3.
- Adverse effect on visual amenities of the area/ prominent in landscape contrary to GEN 7.
- Not sustainable.
- Flood risk - Flooding situation worsened since.
- Limited capacity for water supply.

109 Neighbour objections and 1 letter of No objection have been received which can be summarised as follows;

Material Planning Considerations

- Development in direct conflict with Neighbourhood Plan.
- Outside built up area boundary of NP, ADCLP 2003 and emerging ADCLP 2011.
- Adverse effect on rural character of village/landscape. Adverse effect on National Park and National Trust land.
- Highway Safety objections concerning access, mini roundabout, road surface problems, Arundel Road, West Walberton Lane, A27, pedestrians, cyclists, horses.
- Unsustainable location - car dependant, inadequate infrastructure ,no shops/schools /health services/ facilities/employment, inadequate surface and foul water drainage/flood risk, lack of water supply.
- Adverse impact on visual amenity due to density, layout, inadequate parking.

- Overlooking - new dwellings overlook existing properties and vice versa.
- Loss of amenity by reason of disturbance,
- Parking inadequate, lead to on street car parking, no garages.
- Highways assessment inadequate/traffic congestion.
- Bin collection area would lead to vermin, unsightly, odourous, unhygienic area.
- No footpath/cycle link to Walberton/Barnham.
- Public Footpath access on east side allows easy access for strangers.
- Ecology assessment inadequate with respect to Barbastellus Fly/Bats/Hedgehogs/Amphibians.
- Premature due to pending decisions/housing supply policy/additional infrastructure.
- Light , Noise and Air Pollution on existing development due to proximity of A27 and caused by proposed properties on existing dwellings. No lighting impact statement.
- Approval would be contrary to Planning policy locally and in NPPF /Ministerial Statement of December 2016 /case law in Suffolk v Hopkins/ subject to legal challenge.
- Former reasons for refusal of WA/71/07 and appeal dismissal still stand.
- Parish objections to HELAA call for sites should be considered. Proposal contrary to HELAA.
- Objections to transport statement.
- Objections to Tree Plan showing T36 out of development site.
- Concern regarding bin collection from Hunters Mews . Is estate road not fit for refuse vehicles/
- Question relating to segregation of application site and Hunters Mews.
- A back garden not a brown field site.
- Excess in housing provision elsewhere including Dandara scheme and other NP allocations/housing estates in North Bersted. No housing need.
- S106 agreement benefits areas outside Fontwell.
- No improvement to Broadband/Internet infrastructure.
- Inadequate consultation with National Trust/ Police and Emergency Services.
- Insufficient time for public comment/lack of formal consultation.
- Noise from construction.
- Lack of affordable housing (6 units provided in the scheme).

Objections raised that are not material planning considerations

- Loss of view.
- Loss of property value.
- Personal views expressed regarding motives of applicants.
- Other developments proposed in the area.
- Public consultation a sham, District Council has its own agenda, individual contributions to Local plans a waste of time.
- Speculation that a previous scheme (Bellway Homes) may re-emerge as a result of this application (each scheme judged on its merits, a further application would be required) or other land including National Trust Land developed as a result.
- Non statutory period of notice display (Site notices were displayed on 12th April until 4th May, a 22 day period, photographic evidence retained).
- Political persuasion of MP/Councillors.

Reasons for support

- Variety of house types, affordable housing.

The application was re-advertised on 28th June 2017 following highway amendments and a further 11 comments were received. The following additional comments were made;

- In the light of the Dandara planning application approval WA/22/15/OUT the Council can no longer argue that current housing supply need have been met.

- Dispute WSCC Highways and Highways England comments.
- Dispute ecological appraisal.

COMMENTS ON REPRESENTATIONS RECEIVED:

The material planning considerations are addressed in the conclusions section of the report below. The application was advertised in accordance with Council procedure of posting site notices and advertising the application in the local newspapers.

<h4>CONSULTATIONS</h4>

WSCC Strategic Planning
 Surface Water Drainage Team
 Environmental Health
 Parks and Landscapes
 Southern Water Planning
 Engineering Services Manager
 Engineers (Drainage)
 Portsmouth Water PLC
 WSCC Strategic Planning
 Arboriculturist
 Environment Agency
 Mr Clavell-Bate
 Sussex Police-Community Safety
 Planning and Housing Strategy
 Archaeology Advisor
 Ecology Advisor
 West Sussex -Landscape/Ecology
 Highways England
 Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

WSCC STRATEGIC PLANNING - No objection subject to s106 contributions

- Off site infrastructure contributions required for Primary, Secondary & Tertiary Schools and Fire and Rescue Service. Contributions are in compliance with policy tests in NPPF in that they necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably relate in scale and kind to the development.

WSCC HIGHWAY - No objection

Access onto Arundel Road subject to visibility splay. Footpath through site linking to existing footway along Arundel Road acceptable.

Trip generation and modelling deemed acceptable.

Parking 3 spaces below WSCC parking calculator level (51 spaces rather than 54) however additional car parking spaces can be accommodated on the street.

Refuse vehicles are able to access the site and use turning provision within the site
Cycleway - signed cycle way exists to Walberton and Barnham.
Conditions required relating to turning circles, phase 1 safety report and a construction management plan.

No further comments following re-consultation.

HIGHWAYS ENGLAND

An informal letter commenting on the scheme following a member of the public contacting Highways England. Comments as follows;

I understand that application no. WA/23/17/OUT is for 23 dwellings which access directly to Arundel Road which itself is connected to the A27 east and west of the A27 Fontwell junctions with the A29. Highways England, in this instance, have not been consulted on the application by the planning authority. Whilst I understand your concerns with regard to traffic congestion and safety our view is that the development is highly unlikely to have a material detrimental effect on the safe operation of the A27 trunk road due to the very low numbers of vehicle trips this site will generate. Under those circumstances I would not have expected the Local Planning Authority to consult Highways England except if access were to be directly onto our network which is not the case.

In the event that Highways England had been consulted we would most likely have offered no objection to the proposals.

No further comments following re-consultation.

ENVIRONMENTAL HEALTH - No objection

Noise report requested in relation to proximity of proposed dwellings to A27.

- Having read the acoustic report, it would appear that noise is an issue. Therefore I would propose that noise is dealt with as a Reserved Matter in order that the mitigation measures can be detailed at that time, depending on the final layout of the dwellings.

Should the development propose a package sewage treatment plant or pumping station then Environmental Health would need further details in order to assess the likely impact on future residents.

Notwithstanding the above two issues, Environmental Health does not object to this application

PARKS AND LANDSCAPES - No objection.

A minimum of 1329 sq.m. of open space are required in accordance with the Councils Supplementary Planning Guidance. An off site contribution to play areas is to be made via a s106 agreement.

SOUTHERN WATER - No objection

Conditions and Informatives required.

Site within a Source Protection Zone and Lidsey Catchment Area. Request that Environment Agency views be taken into account.

Additional infrastructure required as proposed development would lead to increased wastewater flows into the wastewater sewerage system and as a result would increase the risk of flooding on the area contrary to para 109 of the NPPF.

ADC ENGINEERS (DRAINAGE) - No objection

Subject to standard conditions

WSCC FLOOD RISK MANAGEMENT - No objection

Site is considered at low risk to surface water and ground water flooding with no record of any historic flooding on the site nor any watercourses.

PORTSMOUTH WATER PLC - No objection

Subject to conditions protecting the source protection area .

ENVIRONMENT AGENCY - No comments.

The area is within flood risk zone 1 and subject to standing advice. As the development is less than 1 hectare a flood risk assessment is not required. No further comments received in relation to the Source Protection Zone.

NHS ENGLAND - No objection subject to s106 contribution toward Croft Road Surgery.

ADC ARBORICULTURALIST - No objection subject to conditions;

There were a number of technical issues with the initial submission which have now been resolved. I recommend that we insist on semi-mature replacement plantings that are a mix of deciduous and coniferous species offering all round screening potential for the future on the eastern boundary with the public footpath where the current *Macrocarpa* trees are old/dying. Subject to the application of Tree Preservation orders which has now been achieved on the site, the Arboriculturalist considers the layout has allowed sufficient open space in which to achieve a high level of new tree planting subject to the final landscaping scheme which would be a key factor on this development to ensure that it sits in harmony with its surroundings.

Conclusions:

- I will need to see a Tree Survey/Root Protection Schedule that is fully compliant with BS5837 requirements so that I can check the accuracy of the Tree Protections Plan (TPP) to make sure that it is accurate and affords adequate protection to the retained trees.
- The arboriculturalist for the applicant has not provided a root protection schedule but has annotated the TPP with dimensions and provided an explanation as to how he calculated the RPA's.
- I will need to see a Tree Protection Plan that has crown spreads and root protection areas accurately shown.
- As explained above the RPA's are now shown for retained trees but crown spreads are not shown and the arboriculturalist seeks to rely on the fact that the RPA exceeds the spread so the spread does not need to be shown.
- I will need to see a Method Statement that is full and detailed and site specific with individual trees discussed and any mitigation measures fully explained.
- This has not been provided but I accept that as this is an OUTLINE application we can require this as a Planning Condition attached to an approval at the Full Detailed Application stage.

Recommendations:

- I recommend that in the interim we make a TPO to protect the Beech and the Weeping Willow. I

understand that this has now been implemented which protects the two key trees on this site.

- I would also like to see a Landscape Condition added that requires them to replace the screen of Macrocarpas with semi-mature trees - species and size and location to be agreed with the Arun DC Landscape Officer.

- Whilst I have not received all of the information that I requested I am prepared to recommend the application for approval provided that the following Conditions are applied to the final full and detailed application:-

1. All demolition & construction works are to be carried out in strict accordance with :- Arboricultural Method Statement Report Ref: Treetec 1717 March 2017 and Tree Protection Plan ref: Treetec 1717 June 2017.
2. Prior to any demolition or construction works taking place or the introduction of machinery and plant to the site the following issues must be resolved to the complete satisfaction of Arun District Council :-

A pre-commencement site meeting is to take place between the Arun DC Tree Officer and the Arboricultural Consultant representing the site owners - at this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan ref: Treetec 1717 June 2017.

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

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

SUSSEX POLICE - COMMUNITY SAFETY - No objection subject to advice on the final design.

Where communal parking occurs it is important that they must be within view of an active room within the property. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area.

As the first line of defence, perimeter fencing must be adequate with vulnerable areas such as side and rear gardens needing more robust defensive barriers by using walls or fencing to a minimum height of 1.8metres. In circumstances that require a more open feature such as a garden overlooking a rear parking court or a rear garden pathway, 1.5metre high close board fencing topped with 300mm of trellis can achieve both security and surveillance requirements.

I do not recommend the footpath link to the existing public footpath on the development's boundary. This would give a potential offender unobserved access to the adjacent parking court.

PLANNING AND HOUSING STRATEGY - No objection

The site layout plan confirms 30% of the total number of units will be affordable: 2x 2 bed flats, 2x 2 bed houses and 2x 3 bed houses.

- Plots 5 & 6 will be 'shared ownership' 2 x 3 bed houses measuring 86 sqm;
- Plots 7 & 8 will be 'social rent' 2 x 2 bed houses measuring 76 sqm; and

·Plots 9 & 10 will be 'social rent' 2 x 2 bed flats measuring 67 sqm.

ARCHAEOLOGY ADVISOR- No objection subject to standard condition ARC 1.

WEST SUSSEX - LANDSCAPE/ECOLOGY - No objection subject to conditions.

Bats

Due to the presence of bats roosting within building B1 which is being demolished, mitigation will be required for the works and a Natural England protected species licence will also need to be obtained. We require that prior to determination a mitigation strategy is submitted to us for approval detailing how the bats will be protected and the roosting opportunities retained post construction work (applicant subsequently submitted the relevant mitigation strategy which was approved by the ecology officer). The ivy on building B5 also needs to be removed with a precautionary approach including removing the ivy by hand under ecological supervision. If any bats are found all work must stop immediately and Natural England consulted.

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Where any hedge is to be removed at detailed within the survey, new hedgerow should be planted. Conditions should be used to ensure this

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

Following submission of the additional Bat mitigation report dated June 2017), we are happy that the mitigation proposed would be suitable and a condition should be used to ensure this takes place. The applicants should be aware that a Natural England Protected Species Licence will be required for the works, and this will need to be obtained prior to any works taking place.

Reptiles

To ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop onsite. If this is not possible then a precautionary approach should be taken within the site with regards to reptiles

Dormice

Precautionary measures have been outlined within section 6.14 and 6.15 of the Ecological Appraisal March 2017 with regards to dormice. These measures should be followed and include a hand search of the area by an ecologist and clearance of vegetation under ecological supervision during the active dormice period. During the winter period all vegetation will also need to be inspected, no hibernation features can be disturbed, any tree and limb felling must not fall within hibernating habitat. If any dormice are found all work must stop immediately and Natural England consulted.

Nesting Birds

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

Mammals

If there are any deep pits or holes onsite during the works there should be a secured plank within them to allow a means of escape of any animals.

Enhancements

- Any trees removed should be replaced at a ratio of 2:1
- Filling any gaps in tree lines or hedgerows with native species
- Bat and bird boxes installed on the site
- Grassland areas managed to benefit reptiles.
- Log piles onsite
- Fencing installed to allow the continued movement of animals through the site.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and reflected in the Conclusions section of the report below. The conditions and informatives suggested are included within the recommendation.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

CLASS A ROAD

TRUNK ROAD

OUTS BUILT AREA

SPEC CONT ADVTS

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development
GEN29	Nature and Conservation Across the District
GEN32	Noise Pollution
GEN33	Light Pollution

Publication Version of the Local Plan (October 2014):

D SP1	Design
SD SP2	Built -Up Area Boundary
W DM3	Sustainable Urban Drainage Systems
C SP1	Countryside
D DM1	Aspects of Form and Design Quality
D DM3	External Space Standards
ENV DM4	Protection of Trees
ENV DM5	Development and Biodiversity
H DM1	Housing Mix
H SP2	Affordable Housing
INF SP1	Infrastructure provision and implementation

LAN DM1 Protection of Landscape Character
 OSR DM1 Open Space, Sport & Recreation
 QE DM1 Noise Pollution
 QE DM2 Light Pollution
 SD SP1 Sustainable Development
 T DM1 Sustainable Travel and Public Rights of Way
 T SP1 Transport and Development
 W DM2 Flood Risk

Walberton Neighbourhood Plan Policy 2017 HP1	Spatial Plan of the Parish
Walberton Neighbourhood Plan Policy 2017 HP10	Affordable Housing
Walberton Neighbourhood Plan Policy 2017 HP11	Housing Density
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2017 VE3	Protection of Trees and Hedgerows
Walberton Neighbourhood Plan Policy 2017 VE7	Surface Water Management
Walberton Neighbourhood Plan Policy 2017 VE8	'Unlit village' status

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

POLICY COMMENTARY

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

A new Local Plan 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.

Arun District Council's Development Plans:

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

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging

Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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

The Neighbourhood Development Plan

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

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

Policies HP 1, HP 10, HP 11, HP 13, VE 3, VE 7 and VE 8 of the Walberton Neighbourhood Plan are considered relevant to this application.

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

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

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

The relevant policies of the Walberton Neighbourhood Plan have been taken into account in the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is not considered to comply with 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 other 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 conclusions section of the report.

The following are also material planning considerations;

- Supreme Court Ruling (Suffolk Coastal District Council & Cheshire East Borough Council)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 was 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.

CONCLUSIONS

PRINCIPLE

The development plan for Arun District currently comprises the Arun District Local Plan (2003)(saved policies) and the Walberton Neighbourhood Plan (2017).

Arun Local Plan 2003

The policies of most relevance are saved policies GEN2 and GEN3 of the Arun Local Plan. The site is outside the built-up area boundary for Fontwell identified by Policy GEN2 - Built Up Area Boundary(BUAB). Outside the BUAB development will not be permitted unless it is consistent with other ALP policies. Policy GEN3 - Protection of the Countryside states that except for several categories of development, none of which relation to the application proposal, development will not be permitted outside the BUAB. As this site lies outside the BUAB it is categorised as countryside and the scheme would conflict with ALP Policies GEN 2 and GEN 3.

Walberton Neighbourhood Plan 2017

The Walberton Neighbourhood Plan (WNP) was made in March 2017 on the basis of the saved policies in the ALP and the draft policies in the eALP (2014).

Policy HP1 of the Walberton Neighbourhood plan - Spatial Plan of the Parish - defines a built up area boundary around Fontwell and sets out a number of identified development sites inside and outside of the built up area boundary supported by policies within the plan. The application site is neither within the Built Up Area Boundary identified within WNP nor is it allocated as a development site within the plan and therefore the proposed development conflicts with policy HP1 of the Walberton Neighbourhood Plan which seeks to resist development on such sites.

Walberton Parish Council have stated in their objection that they are consider that an alternative local

housing application the Dandara (Fontwell) Site (WA/25/15/OUT) might make up for the shortfall in future housing supply within the Neighbourhood Plan area. A note has been included pursuant to policy HP1 in the made WNP to this effect however this note has no formal status and it is acknowledged on p 23. para.1 of the WNP that the Dandara proposal 'is not covered by the policies of the NP'. Further to this on 13th July 2017 the Dandara application was approved by the Secretary of State it was concluded that the WNP 'does not make specific provision for the application'. In the meantime the Dandara site as a whole has been proposed as a strategic housing allocation in the emerging Local Plan as a main modification to the emerging ADLP. The Fontwell site is a strategic housing allocation that relates to the strategic needs of the District which will not count towards the housing provision needed by each Parish Council under policy H SP1 of the emerging Arun District Local Plan.

Planning Balance

For reasons given above, the application is not in accordance with ALP Policies GEN 2 and GEN 3 or policy HP1 of the WNP. The following sets out whether there are any material consideration which indicate that the proposal should be determined other than in accordance with the development plan.

There has been an almost doubling of the OAN to 919 dpa and the current housing land supply figure is around 1.92 years. This demonstrates that there is a pressing need to identify and bring forward deliverable sites for housing and that ADC cannot demonstrate a 3 or 5 year supply of deliverable housing sites and the ALP policies GEN 2 and GEN 3 in accordance with para 49 of the National Planning Policy Framework, relevant policies of the supply of housing should not be considered up to date where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

As the Council cannot demonstrate a 3 year housing land supply, the Written Ministerial Statement on Neighbourhood Planning (12 December 2016) does not apply and WNP Policy HP1 is considered out of date and therefore afforded reduced weight.

Given the absence of a 3 and 5 year housing land supply, paragraph 14 of the NPPF is engaged. In accordance with paragraph 14 of the NPPF, planning permission should be granted unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted.

Given the significant shortfall in housing supply only limited weight can be given to the conflict with out-of-date ALP Policies GEN 2 and GEN 3 and the policy HP1 of the WNP.

A previous application for a similar housing development (WA/71/07) was refused and an appeal against the decision was dismissed on the following grounds;

- Unsustainable form of development
- Harmful to the character and appearance of the area especially in the view from the east.

The sustainability of the site for development has been established as acceptable on consideration above. Furthermore a recent planning decision in Fontwell - WA/22/15/OUT - on 13th July 2017, a called in application for 400 houses (the Dandara application) was approved by the Secretary of State following a recommendation for approval by Arun District Council in Fontwell. It was considered to be a sustainable location by Arun District Council. The Secretary of State concurred that Fontwell was a sustainable location. The development proposed is therefore no longer considered an unsustainable form of development.

No objection has been received from the Councils Parks and Landscapes Officer subject to approval of landscaping and tree works at reserved matters stage and the impact of the proposal on the landscape is now considered acceptable.

Emerging Plan

This includes the emerging Arun Local Plan 2011-2031 Publication Version October 2014 (eALP) as modified March 2017 ('the modified eALP').

The eALP was submitted for examination in January 2015. Following a material increase in the Objectively Assessed Need (OAN) for housing the eALP examination has been suspended to allow ADC to review potential locations for housing development. The proposed Modifications were approved by Full Council and consultation took place between 10 April - 30 May 2017.

Policy H SP1 - Housing Allocation of the modified eALP sets out the overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes reference to additional allocations for small sites being made across the District and Parish allocations. At the present time the site does not form a part of any allocation for housing within the plan as a small site or as a parish allocation however this is under review as the site has been identified as deliverable under the Housing Land and Economic Availability Assessment (November 2016).

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.

A further main modification to policy HP1 of the emerging Arun District Local Plan requires Parish Councils to provide a further 1,250 units of housing through review of their Neighbourhood Plans to meet the updated Objectively Assessed Need for Housing or a Non Strategic Development Sites Plan Document would allocate housing sites to meet the OAN in the absence of enough housing sites being brought forward through Neighbourhood Plan reviews.

Policy H SP2 - Strategic Site Allocations. The site is not allocated with a strategic, site specific or broad allocation.

Policy SD SP2 - Built up area boundary states that outside the BUAB apart from Strategic, Site Specific and Broad Allocations, development will not be permitted unless consistent with other plan policies.

Policy C SP1 - Countryside seeks to safeguard the countryside outside of the BUAB for its own sake apart from Strategic, Site Specific and Broad Allocations, subject to a list of exceptions none of which apply to the proposed development.

The proposed development therefore conflicts with modified policies SD SP2 and Policy C SP1 of the eALP and is not allocated within the site as a strategic site within H SP2 or in other categories of housing allocation within H SP1 however this is currently under review in order to identify sufficient housing land to meet future needs.

Presumption in favour of sustainable development

Regard should also be had to the policies contained in the National Planning Policy Framework (2012) (NPPF) which are a material consideration. In the event of conflicts between policies in these plans or with Government policy, it is the most recent policy which takes precedence. With this in mind the NPPF, which was issued in March 2012, is materially relevant and should be afforded significant weight.

As set out above, the policies in the local development plan are out of date and can be afforded limited weight and this means that the presumption in favour of sustainable development set out in paragraph 14 of the National Planning Policy Framework (NPPF) applies. The following considers the proposals against the presumption in favour of sustainable development. Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system

Environmental Role-

Paragraph 55 of the NPPF advises that housing in rural areas should be located where they will enhance or maintain the vitality of rural communities.

The site would infill a gap in the built up area boundary and be surrounded by houses on three sides and have access to facilities in Fontwell on good quality footpaths.

The site is located in defined countryside just beyond the perimeter of the settlement of Fontwell. Fontwell benefits from a reasonable range of shops and services which are within easy walking distance of the site and include an off-licence, newsagent, convenience store, cafe / restaurant and public house. The site is also located close to leisure opportunities including hotels and Fontwell Racecourse. A wider range of shops and services are available in Barnham which is circa 2.1 miles from the site.

There are two General Practices (GPs) within 2 km. These are the Croft Surgery located to the south in Eastergate and Flintcroft Surgery located to the east in Walberton. There are two dentists within 2 km.

The nearest bus stops to the site are located along Fontwell Avenue and Arundel Road, adjoining the site. all within 50 metres of the development site. The stops are served by the 85/85A service, which runs from Worthing or Arundel to Chichester on weekdays and Saturdays.'

As such it would be possible to walk, cycle or walk to catch a bus from the site to nearby shops & facilities and this option would be reasonably attractive in comparison with use of the private car. However it is noted that for major weekly shopping trips including weekly food shopping trips and commutes to local employment centres would be likely to occur by private motor vehicle.

The sites access to local shopping and leisure facilities and a local bus route weigh in favour of the proposals while the need to use private motor vehicles for other needs weigh against the scheme on terms of environmental aspects of sustainability.

Social Role-

It is considered that the proposal will support the local community by providing 22 new houses and flats including 6 affordable units to help meet future needs. Given the significant shortage of housing supply in the Arun District currently it is considered that the proposed scheme would be socially sustainable which weighs in favour of the scheme.

Economic Role-

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

Assessment-

The development of the proposed site is considered to be sustainable development for the reasons set out above.

Conclusion on matters of principle:

Overall, the principle of development on this site is contrary to the development plan, however, as the Arun Local Plan policies GEN2 and GEN3 and policy HP1 of the WNP are out of date, in accordance with paragraph 49 of the NPPF, then they carry reduced weight.

The material considerations set out above, including the lack of a 5 year housing land supply are considered to weigh in favour of granting permission. The sustainability of the site is considered to accord with paragraph 14 of the NPPF. Therefore it is considered that significant weight in the planning balance should be given to the substantial contribution to housing and affordable housing in the district, boosting the sustainability of Walberton, creating additional area of public open space, affordable housing and contributing toward strategic infrastructure.

There are no specific policies in the Framework that indicate that this development should be restricted. Therefore it can be concluded that the adverse impacts do not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.

CHARACTER & VISUAL AMENITY

Local Plan (2003) Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Central Government Advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted. Furthermore, new development should be well integrated with and complement the local area in terms of, for example, layout.

Policy D SP1 'Design' of the Local Plan Publication Version seeks 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.

Policy HP 11 - 'Density' of the Walberton Neighbourhood Plan (WNP) states that the density of new development shall be appropriate to its location by virtue of size, siting and relationship to existing properties.

Policy HP 13 Design Guidance of the WNP requires that 'New development which would have an effect on the appearance or character of the surrounding area must be of a high quality of design and must contribute to local character by creating a sense of place appropriate to its location.'

The proposed development is acceptable by reason of the quantum of development. The density of housing, at 23 dwellings per hectare, would be slightly higher than that of the surrounding wider area however it is in keeping with housing density adjacent to the site to the north.

The development would introduce dwellings, public open space, roads and car parking in place of the residential dwelling, outbuildings, stable and small paddock. Notwithstanding this the proposal results in a significant increase in the level of development on the site, this is within the context of other

established residential development on three sides of the boundary of the site.

Furthermore from the east there is now a visually strong double hedged boundary between 3 - 5 metres in height along the boundary formed by the public footpath on the eastern side of the site, in addition to a further 5-7 metre high tree belt along the A27 and Arundel Road at the boundaries of the adjacent field. A landscaping scheme has been submitted supporting this boundary hedging which would further protect the character of the landscape.

In summary the development is not considered to have a significant visual impact on the landscape, nor unacceptably impact on the views in and out of the site from open countryside and South Downs National Park to the west. It is therefore considered from the indicative layout plan provided to respect the identified characteristics and resources of the immediate neighbourhood of the site and is in accordance with policy GEN 7 (ii) of the Arun District Local Plan, Policy D SP1 of the publication version of the emerging Arun District Local Plan and Policies HP, 11 & 13 of the Walberton Neighbourhood Plan with respect to design and affordable housing.

RESIDENTIAL AMENITY

At this stage, prior to assessment of the reserved matters application, the precise impact on residential amenity is difficult to assess. However given the indicative layout provided which would be approved as part of the application it can be demonstrated that the proposal would not have unacceptable adverse impacts on residential properties to the east, north or south of the site. Attention is needed to the relationship of dwellings adjacent to existing dwellings on Hunters Mews and Furlong Close. The relationship between dwellings facing elevations would be in excess of 20 metres and the side by side properties adjacent to Furlong Close would not be significantly harmed as a result of side facing windows in those properties.

The building lines of the proposed properties and those of neighbouring dwellings are such that no unacceptable adverse impacts would result in terms of a loss of light, overbearing impact or loss of privacy. Any unacceptable impacts on residential amenity could be addressed by condition.

Residents have raised concerns as to the potential for light pollution as there will be an increase in light pollution for existing neighbouring residents. Street lighting will be controlled by condition to minimise any detrimental impacts and take into account the unlit environments of Walberton Parish. There has also been a request from the ecologist that a lighting plan is submitted in relation to the location of street lights and security lights due to the presence of bats near the site.

Housing development is not considered to cause unacceptable noise pollution on neighbouring properties and the impacts of the development from noise pollution on the A27 has been subject to a noise assessment report. The Council's EH officer has made no objection on noise grounds subject to further details regarding mitigation measures which the final layout would determine in the reserved matters application.

It is considered that the proposed development will not give rise to any unacceptably adverse impacts to residential amenity, sound and noise pollution and as such would accord with policy GEN7 GEN 32, and GEN33 of the Arun District Local Plan and Policy VE8 of the Walberton Neighbourhood Plan.

HIGHWAY CONSIDERATIONS

Notwithstanding that the outline application is subject to approval of the means of access at reserved matters stage a Transport Statement and Stage 1 Road Safety Audit was submitted by the applicants and West Sussex County Council (WSSCC) were consulted.

The Local Highways Authority have made no objection to the scheme as a whole and access from Arundel Road subject to the application of conditions. They are satisfied that the development proposed will not give rise to severe impacts to the operation of the highways network. Highways England have also been consulted in relation to the proposal and have raised no objections in relation to the proposed development. Paragraph 32 of the NPPF confirms that decisions should only prevent development on transport grounds where the residual cumulative impacts of development are severe.

The proposed parking provision at the site has been considered by the WSCC who have acknowledged that there would be a shortfall of 3 spaces (51 rather than 54) with regard to the requirements of the WSCC Parking Demand Calculator. However there are on street no parking controls within the new development or on surrounding existing roads.

The proposal is considered to comply with policy GEN 12 of the Arun District Local Plan.

DRAINAGE/FLOODING

The application site is situated within Flood Zone 1, in an area of land with low probability of flooding where all land uses are appropriate. West Sussex County Council (WSCC) Flood Risk Management Team have identified that the site as being at low risk from surface water flooding and of negligible risk of ground water flooding.

The applicants have identified that the proposal will be connected to the main sewer network where capacity exists. It is considered that a suitable surface water, and foul water drainage strategy could be secured through conditions.

Portsmouth Water have added additional conditions relating to the location of the site within a Water Source Protection Zone. This has generated no further comment from the Environment Agency.

Arun District Council drainage engineers have also been consulted in relation to this application and have raised no objections with suitable conditions having been proposed. These conditions have been included in this recommendation.

The proposal is therefore considered acceptable with respect Policies VE6 & VE 7 of the Walberton Neighbourhood Plan and policies GEN 9, GEN 22, 23 & 24 of the Arun District Local Plan.

TREES

A tree survey and arboricultural statement has been submitted. This statement sets out tree protection during development and identifies trees to be retained and to be removed as a result of the development. It demonstrates that, in particular the tree belt on the eastern border of the site would be protected during development and identifying trees to be retained and to be removed as a result of the development. Two trees on the eastern side of the house close to existing residential development, a Beech tree and Weeping Willow tree have had Tree Preservation Orders made on them as a result of this application and will be preserved as a result.

ECOLOGY/BIODIVERSITY

A phase 1 ecological survey and a further Bat Mitigation report (June 2017) accompanied the application with a consultation response having been received from the Council's Ecology Advisory. No objection has been raised in relation to ecological or biodiversity impact with relevant conditions having been proposed and included in this recommendation report.

The proposal is therefore considered to accord with policies GEN 29 & GEN 30 of the Arun District Local Plan and policy VE 3 of the Walberton Neighbourhood Plan.

SECTION 106 DETAILS

A legal agreement is being prepared in relation to the provision of 6 no. affordable housing units at the site. This Section 106 legal agreement will also require an £22,000 contribution towards the off-site provision of public open space/play facilities due to the absence of on-site provision this contribution will go towards play area improvements at Palmer Road Recreation ground.

The s106 will also include contributions towards the NHS, Education, Library and the Fire & Rescue Service.

SUMMARY

Based upon the details submitted and consideration above the proposal will not result in any adverse impacts which significantly or demonstrable outweigh the benefits of the proposed scheme. On balance the proposal is considered to be acceptable with regard to the Development plan, including Neighbourhood Plan policies, the NPPG and the NPPF and all other material considerations and is recommended for approval subject to the below conditions and the completion of a S106 agreement.

If after two months of the date of the decision the s106 has not been completed and signed delegated authority to the Group Head of Planning for the reason that;

(1) The proposed development makes no contribution toward affordable housing & local infrastructure and is thereby contrary to the Policy GEN 8 of the Arun District Local Plan, Policy INF SP1 & H SP2 of the emerging plan and the National Planning Policy Framework.

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 legal agreement has been prepared in relation to the provision of 6 no. affordable housing units at the site. This Section 106 legal agreement requires an £22,000 contribution (index linked) towards the off-site provision of public open space/play facilities due to the absence of on-site provision. This contribution will go towards play area improvements at Hunters Mews next to the site,.

The s106 includes contributions towards the NHS, Education, Library and the Fire & Rescue Service to allocated projects..

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 2 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 3 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

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

Dwg.no. 1717-03C - Location Plan dated March 2017

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

4 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. As part of the scheme, the screen of Macrocarpas trees on the eastern boundary must be replaced with semi-mature trees of a species, size and location to be agreed with the Arun DC Landscape Officer. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the

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

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

- 5 No development including site access, demolition or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

All demolition & construction works are to be carried out in strict accordance with :- Arboricultural Method Statement Report Ref: Treetec 1717 March 2017 and Tree Protection Plan ref: Treetec 1717 June 2017.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

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

A pre-commencement site meeting is to take place between the Arun DC Tree Officer and the Arboricultural Consultant representing the site owners/developpers - at this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan ref: Treetec 1717 June 2017.

Reason: To comply with BS5837 and to ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

A pre-commencement condition is required to protect the existing trees and landscaping on site which significantly reduce the impact on visual amenity and the wider landscape in the

area.

- 6 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 and Portsmouth water. (Including details of its routing, design, and subsequent management / maintenance).The development shall be carried out in accordance with the approved scheme and timetable."

No building shall be occupied until the foul water drainage scheme has been implemented in accordance with the approved details and the details so approved shall be retained in good working order in perpetuity.

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

The proposed condition is necessary prior to commencement in order to avoid the possibility of flood risk.

- 7 Construction of the development shall not commence until details of the proposed means of surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority.

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

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

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

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

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

- 8 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.

- 9 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.

- 10 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.

- 11 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Portsmouth Water.

Piling or any other foundation design using penetrative methods shall not be permitted other than with the express written consent of the local planning authority in consultation with Portsmouth Water. The development shall be carried out in accordance with the approved details.

Reasoning: The proposed works are situated in a sensitive groundwater catchment and there are potentially significant risks associated with groundworks in this area. Piling or any other foundation designs using penetrative methods can pose a risk to potable supplies from, for example, turbidity, mobilisation of historical contaminants, drilling through different aquifers and creation of preferential pathways. Thus, it should be demonstrated that any proposed piling will not result in contamination of groundwater in compliance with policies GEN 25 & GEN 26 of the Arun District Local Plan .

- 12 The proposed re-development of the existing site must be accompanied by a thorough assessment to demonstrate that there will be no unacceptable input of pollutants to groundwater. This should include a preliminary risk assessment which has identified:

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

The preliminary assessment should address the potential risks on site, to ensure that the water resource is not detrimentally affected by the proposed development.

Reasoning: Any development on contaminated land can potentially mobilise existing contamination during demolition/construction phases, which could put the public water supply at risk contrary to policies GEN 25 & GEN 26 of the Arun District Local Plan.

- 13 The applicant is advised to adopt, where appropriate, the measures in the table "Practical measures to reduce the potential impacts of development".

Due to the location of the proposed development within the Lidsey Catchment Area and to satisfactorily ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

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

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

Reason: In the interests of road safety

- 15 No development shall commence until such time as revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety.

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

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

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

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

Reason: In the interests of the conservation of protected species in accordance with policies GEN 30 and GEN 33 of the Arun District Local Plan.

- 18 No development including site access, demolition or associated construction activities, shall take place on the site unless and until a 'Mitigation Statement' that details all of the protection and enhancement measures for reptiles and other wildlife on the site has been submitted to and approved by the Local Planning Authority. This should include all of the following;

The mitigation and enhancement measures proposed in 'Phase 1 Ecological Appraisal - dated 10th March 2017' and Bat Mitigation Report dated June 2017 relating to Bats, Dormice, reptiles, Mammals and other wildlife shall be included in the mitigation statement set out above.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition to prevent damage/harm to the ecology of the site

- 19 External lighting in association with this development shall comply with the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2 and to avoid over lighting. Further to the above in consideration the presence of bats in the local area the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Reason: In the interests of the conservation of protected species and residential amenity in accordance with policies GEN 30 and GEN 33 of the Arun District Local Plan.

- 20 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. The pre-commencement condition is necessary to protect potential archaeological assets on the site

- 21 A noise report incorporating the mitigation measures for sound pollution as a result of the proximity of the proposed dwellings to the A27 to be detailed at that time of the reserved matters application, depending on the final layout of the dwellings and noise impacts relating to the potential package sewage treatment plant or pumping station

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

- 22 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.

- 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 'The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk' in order to progress the required infrastructure.
- 25 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 26 INFORMATIVE; Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk":
- 27 INFORMATIVE: The applicant is directed to the Sussex Police website at www.securedbydesign.com where the SBD Homes 2016 document can be found. The Secured by Design scheme is a Police initiative to guide and encourage those engaged within the specification, design and build of new homes, and those undertaking major or minor property refurbishment, to adopt crime prevention measures. The advice given in this guide has been proven to reduce the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments. The applicant is also directed toward the comments from Sussex Police included in the summary of consultations section of the officers report which may cause reason for an objection at reserved matters stage.
- 28 INFORMATIVE:The applicants should be aware that a Natural England Protected Species Licence will be required for the works in relation to the Bat mitigation report June 2017 and this will need to be obtained prior to any works taking place.

WA/23/17/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 Ref: WA/23/17/OUT	Today's date: 02/08/2017
Date of Agreement (or original deed/agreement if variation/supplemental):	
Completed Deed relating to: Barnfield House, Fontwell, Arundel Road, Fontwell, Arundel, West Sussex BN18 0SD	Seal Register Number: (to be inserted by Legal)
Legal Ref:	Statement completed by: Andrew Wood
Delegated authority: (please sign)	Please refer to instructions on SharePoint regarding authority. If the signing authority is from a committee decision, please attach the relevant committee minutes to this form as evidence.
Full name of Freeholders/Leaseholders: The Owners are the freehold owner of the Land registered at HM Land Registry under title number WSX234015 free from encumbrances except as shown in the tile register of title.	PHILIP JUSTIN JONES of Barnfield House, Arundel Road, Fontwell, Arundel, West Sussex BN18 0SD and RICHARD OSBORN JONES of 46 Albert Road, Addlestone, Surrey KT15 2PX and PATRICK STANLEY JONES of Barnfield House, Arundel Road, Fontwell, Arundel, West Sussex BN18 0SD .
Please attach a plan with the site outlined in red and complete a brief description of the development: Outline application with all matters reserved for residential development comprising of 22 No. dwellings involving demolition of Barnfield House & existing outbuildings.	

This table sets out the Heads of Terms for the S106 Agreement, Deed of Variation or Supplemental Agreement (amend as appropriate)

Financial obligation(s) summary or change	Trigger Point	Amount	Due to (ADC, WSCC, NHS, other)	Destination/ project	5% or £15,000 for related projects	Spend by restriction
NHS	Commencement of Development	£22,269	NHS	To be used specifically for General medical Practitioner services to serve the area of the Development and in particular The Croft Road Surgery.		
Education	Occupation of first dwelling unit	Formula provided.	WSCC	Primary education - additional equipment at Walberton and Binsted CofE Primary School. Secondary education - additional equipment at St Philip Howard Catholic High School. Sixth form education - additional equipment at St Philip Howard Catholic High School's Sixth Form.		
Libraries	Occupation of first dwelling unit	Formula provided	WSCC	Contribution towards the costs of providing additional stock at the Arundel Library required to accommodate the extra demands for library services within the locality of Arun District that		

				would be generated by the Proposed Development and in particular for spending specifically on additional stock at Arundel Library.		
Fire Service	Commencement of Development	Formula provided	WSSC	Community fire link smoke detectors to vulnerable persons homes in West Sussex Fire and Rescue Services Southern area serving Walberton to serve the additional needs of the community generated by the Proposed Development.		
Public Open Space	Commencement of Development	£22,000 index linked	ADC	Walberton Public Open Space as a priority but with the option to re allocate for the Hunters Mews Play Area in Fontwell Play equipment.		
Right click above to insert extra rows						

NON-FINANCIAL Obligation Summary	Trigger Point	Due To (ADC, WSSC, Other)	Department/Officer to Confirm Compliance
Affordable Housing - 6 units	Occupation of 50% of Open Market Units	ADC	Andy Elder
Provide the Public Open Space Land	Occupation of the final dwelling unit.	ADC	Sue Howell – Parks and Landscapes
Right click above to insert extra rows			

Other Comments:

PLANNING APPLICATION REPORT

REF NO: R/65/17/PL

LOCATION: 70 Woodlands Avenue
Rustington
BN16 3EY

PROPOSAL: Demolition of existing dwelling & erection of two-storey apartment building (6no two-bedroom apartments)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposal is for 2 storey development comprising 6 x 2 bed flats. Six parking spaces and a bike and bin store are included to the front of the development.
SITE AREA	0.118 hectares
RESIDENTIAL DEVELOPMENT DENSITY	51 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	Some trees are being removed, but any of significance would not be adversely affected by the proposed development.
BOUNDARY TREATMENT	1.8m high close boarded fence to No.68. Rear Leylandii and shrubs to approx. 4m. To the frontage hedging/walling to 1.6m. Rear 3m high evergreen hedges in front of flat roofed garages
SITE CHARACTERISTICS	Detached chalet style bungalow. Two windows in rear elevation at 1st floor level. Two in side elevation -secondary bedroom. Two windows at ground floor of No.68 which is a 2-storey dwelling. Dormers in roof. Plain tile roof. Brick elevations. Adjacent to an Edwardian terrace with closest unit in use as a Pet Doctors (commercial use) to south with a public footpath between. Flat roofed garages on rear boundary. Silverwood Court to north is 2 and 3-storeys high.
CHARACTER OF LOCALITY	Edge of village centre location. Predominantly residential characterised by a mix of building styles, age and type.

RELEVANT SITE HISTORY

R/148/08/	Demolition of existing dwelling and erection of 5no two bedroom and 1no one bedroom flats	Refused 03-09-08
R/63/08/	Demolition of existing dwelling and erection of 6 x 2 bed flats	Refused 22-04-08

R/266/05/	Outline application for 9 No. 2 bed residential flats and demolition of existing residential property	Refused 19-01-06
R/52/06/	Outline application for the demolition of existing bungalow and construction of 6 No. 2 bed flats in a two storey building (Resubmission following R/266/05)	Refused 12-04-06

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

Objection -

(i) The proposal would give rise to an increased movement of vehicles on to and off the public highway at this point, which would be detrimental to the safety and free flow of traffic, and would add to the hazards for highway users to an unacceptable degree.

(ii) The proposal would constitute an unsatisfactory form of backland development, which would present an over-bearing and unsympathetic appearance to the occupiers of Nos. 34-40 Church Road, which would be severely detrimental to their quiet enjoyment and visual amenities.

(iii) The proposed development would be likely to attract standing vehicles which would interrupt the free flow of traffic on the public highway and thereby add to the hazards of road users at this point, particularly in such close proximity to the entrance and exit of the Churchill Car Park, an area already severely congested during office/shop opening hours

(iv) Inadequate car parking provision and in the absence of any visitors parking space, would most certainly increase the pressure for on-street parking in a busy road in which parking restriction areas are already in place and which is the subject of much congestion in close proximity to the site from traffic entering and exiting the Public Car Park. Whilst the aforementioned Car Park is almost immediately opposite the site, this has a restriction of three hours parking and, therefore, should not be considered as an available facility for visitors.

My Council would also request that a full Site Traffic Management Plan, to include wheel washing where required, to cover the period from the commencement to the end of construction, as a condition of any permission subsequently granted in respect of the application.

4 Objections - The building is much too large & the design is not in keeping with the surrounding area.

- House & garden being overlooked at the rear.
- The site is in close proximity to the main Rustington car park.
- It is a very busy roadway and a new block of flats would add to these problems. Area is a mix of flats and houses.
- More flats would look awful and be out of keeping with the ambience of Rustington generally.
- There is more demand for houses than flats.
- Proposal is not in line with properties on the site frontage.
- Parking would be better placed at rear.
- Some tree screening should be retained/provided along rear boundary.
- Represents over development of the site.
- The number of flats and the associated vehicle movements would adversely impact on the access to

Churchill car park opposite.

- Electric gates at entrance to site should be located further within the site to reduce the impact on users of the road and footpath.
- There is no turning provision on site which will result in reversing onto the public highway which could impede traffic flows.

1 Support- It is accepted that redevelopment of this site is highly likely as evidenced by previous applications in the last few years. The current proposal is far more acceptable than previous plans. Previous concerns have been taken into account.

COMMENTS ON REPRESENTATIONS RECEIVED:

County highways have no objection to the proposal in terms of highway safety and a similar access and level of parking provision and potential volume of traffic was allowed previously at appeal.

It is not accepted that the proposal constitutes backland development.

The principle of 6 flats on the site was established at appeal.

A Construction Management plan is conditioned.

The proposal is not considered to have a materially adverse impact on the residential amenities of neighbouring properties in Church Road.

CONSULTATIONS

WSCC Strategic Planning

Environmental Health

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection. Construction Management Plan condition suggested.

Southern Water - No Objection. Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer, which it is requested is covered by an informative.

County Highways - No Objection

The Local Highway Authority (LHA) is aware of a previously upheld appeal decision at the site in 2008 under R/63/08 which proposed 6 new two-bedroom homes, this has not been implemented. Therefore the principle of residential development at this site is considered to have been established in the past.

The proposals are accessed from Woodlands Avenue, which is a 'D' class road subject to a 30 mph speed limit.

The site has an existing vehicular access onto Woodlands Avenue albeit modified as part of this application. As proposed the access is considered to be of sufficient geometry to accommodate the anticipated level of vehicular activity. Sightlines along Woodlands Avenue from the existing point are considered acceptable. Pedestrian visibility splays have also been indicated on the submitted plan.

A review of the access onto Woodlands Avenue indicates that, there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that the access and local highway network are operating unsafely.

Taking into account the previously permitted application, the LHA consider that there will be no material

increase in traffic movements over the previously permitted use. In addition there are no known capacity and congestion issues within the immediate vicinity of the site. From a capacity perspective we are satisfied the proposal will not have a severe residual impact.

The submitted design and access statement does suggest that persons using the site could arrive on foot, cycle, bus, train or by car. Woodlands Avenue does have footway links that lead to the town centre and Angmering train station is within walking distance of the site. Realistically given the type of use, the majority of visits would be via the car. However as previously stated the proposal is not anticipated to result in a material increase in traffic movements over the permitted and historic uses.

Conclusion

The proposal is not considered to have a 'severe' impact on the operation of the highway network, therefore 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 and access.

Drainage Engineer - No Objection.

Infiltration to be investigated for surface water drainage. Please apply standard conditions ENGD2A. Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change.

Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

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

Tree Officer - The proposals have the potential to adversely affect a number of trees positioned both on and off the site.

The Himalayan Tree Cotoneaster T9 which is a healthy and highly visible specimen contributes a great deal to the amenity of this area. It has a low branching habit and is under threat of being heavily pruned and its crown raised (which will spoil its natural habit) to accommodate vehicular access to the site. I do not fully understand this because as part of the proposals they are intending to move the access away from this tree well outside its canopy and RPA. I suggest that this new access is formed at the outset and that T9 is afforded full protective fencing to the full extent of its prescribed RPA and no pruning is permitted - this tree should be made the subject of a TPO.

There is also an off-site tree that is under threat from the proposals - T8 Silver Birch - as its RPA overlaps the boundary line and the proposals show car parking bays intruding into this zone. The intrusion is minimal but I would prefer to see the scheme re-designed to have the parking bays outside of this trees RPA altogether to avoid root loss. I suggest that this tree will also need to be TPO'd.

The proposal is to remove T4; T5 Grp 6; T7 & T10 and I would not object to this as they are all low C or U graded trees of limited value.

This leaves Grp1; T2 & T3 at the bottom of the garden - there is no proposal to remove these and protective fencing encompasses and protects them all but whilst we are making the TPO for T8 & T9 at the front I suggest it would be a good idea to add in tree T1 Pride of India (Koelreuteria) as this is a highly visible healthy trees of merit in the landscape.

Conclusions:

·No objection to the principle of redeveloping this site but concerns as to the tree protection measures which are being proposed - particularly as the Method Statement is generic and does not specifically detail the measures which would be employed to safeguard the root system of T8 in particular.

Recommendation: · Objection. T8 Silver Birch is not adequately protected.

Wish to see amendments made to the layout to fully accommodate the full prescribed RPA for T8 and reference made to Cotoneaster T9 retained intact and protective fencing shown set out at the fully prescribed distance and a note on the tree protection plan to the effect that the new access will be formed at the outset so that access can be provided for demolition/construction traffic without it having any impact on T9.

· Recommend that a TPO be made in the interim to protect trees T2 Pride of India; T8 Silver Birch & T9 Himalayan Tree Cotoneaster.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Requested conditions have been imposed and Tree Preservation Orders have been made in accordance with tree officers advice.

POLICY CONTEXT

Designation applicable to site:

Within Built-up Area
Public Right of Way
Provisional Tree Preservation Order

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN1	Sustainability
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D SP1	Design
D DM2	Internal Space Standards
T SP1	Transport and Development
D DM3	External Space Standards
W DM1	Water Supply & Quality
W DM3	Sustainable Urban Drainage Systems

Rustington Neighbourhood Plan 2014 Policy 2 Housing Design

Rustington Neighbourhood Plan 2014 Policy 4 Sustainable Drainage

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

RDS	Rustington Design statement by Rustington Parish Council
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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). Policy 2 'Housing Design' and Policy 4 'Sustainable Drainage' of Rustington Neighbourhood Plan are considered relevant.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PLANNING HISTORY

A previous outline application for 6 x 2 bedroom flats was dismissed at Appeal (R/52/06).

The Inspector was of the view that:-

"The site lies in a relatively sensitive area where it will be important to ensure that any new development relates appropriately to the low and unassuming forms of the adjoining properties, the wider area and to the adjoining path. Six flats on the site would equate to a density of 51 dwellings per hectare and I think it appropriate to acquire detailed drawings of any building and siting to ensure that this increased density causes no harm to the character and appearance of the area or to the living conditions of the adjoining occupiers."

Following on from this dismissed Appeal the applicants submitted a full application for six 2 bed flats (R/63/08) which was refused at Committee for the following reason:-

"Given the scale, bulk and massing of the proposed development the site is considered unsuitable to accommodate six flats and private amenity space satisfactorily without damaging the character of this established residential area. The proposal would therefore result in an unduly prominent and obtrusive form of development which would be detrimental to the character and amenities of the surrounding residential area, contrary to Policies DEV1, CH1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan."

It was subsequently allowed at appeal. The Inspector considered that the site was sustainably located

with shops and other facilities within walking distance. In terms of massing, scale and bulk the proposed building had a slightly higher ridge line and eaves height than no. 68, but he considered the differences were not significant. Similarly the front of the building was slightly wider, but he did not consider this caused material harm or that the proposal was unduly prominent or obtrusive. The projection to the rear was acceptable given the comparatively large plot size and that a building of this size could be accommodated without detriment to the character of the area. He considered that the design, materials and architectural quality were acceptable. He concluded that the proposed building would not have a harmful effect on the character of the area or the neighbouring properties. Bearing in mind the sustainability credentials of the site and the quality of the proposed design it was considered to make an effective and efficient use of the site

A later application R/148/08 for 5 No. 2- bedroom and 1 No. 1-bedroom flat on the site was refused by Committee. This had a footprint measuring some 19.7m x 16m less than the 22m x 17m allowed at appeal and a height of 8.7m high at the highest point (excluding chimneys) as opposed to 9m in height (excluding chimneys) which was allowed at appeal. Further, the orientation and siting were amended to maintain greater rear amenity space. Car parking was to the front of the property as currently proposed. The application was refused for the following reason:

"Given the scale, bulk and massing of the proposed development, the site is considered unsuitable to accommodate 6 flats satisfactorily without damaging the character of this established residential area. The proposal would therefore result in an unduly prominent and obtrusive form of development which would be detrimental to the character and amenities of the surrounding residential area, contrary to policies DEV1, CH1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan."

The application has been amended since originally submitted by providing an additional 1 metre gap to the rear boundary, decreasing the distance to the site frontage by 0.5m and decreasing the width of the access by 0.5m and increasing the width of the access to the bin store.

PRINCIPLE

The site is located close to the village centre of Rustington which lies within the built up area boundary where the principle of residential redevelopment is acceptable. The only policy in Rustington Neighbourhood Plan relating to the allocation of housing concerns the Convalescent Home site and is not therefore relevant to the consideration of this application.

The Council is unable to demonstrate an adequate 5 year supply of housing land as required by paragraph 49 of the National Planning Policy Framework (NPPF) and Policy GEN 5 of the Arun District Local Plan is outdated. Furthermore, the Examination into the emerging Local Plan was suspended by the Planning Inspector on the grounds that the Council's Objectively Assessed Housing Need (OAN) should be reviewed higher than that proposed in the Local Plan (580 units p.a). The Council therefore need to identify adequate land supply to meet the additional housing requirements. The OAN figure has now been increased to 919 units per annum as of October 2016 and the Council, based on this need, is only able to demonstrate approximately 2 years worth of supply.

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'. In this case, as stated below, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits.

Furthermore, paragraph 49 states that: "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not

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

At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision taking. This is in accordance with the three dimensional approach to include economic, social and environmental considerations defined in paragraph 7 of the NPPF. As set out below it is considered that the proposal represents sustainable development and is therefore acceptable in this respect.

NPPF TEST ON SUSTAINABILITY:

Environmental Role-

The site is located within the village centre of Rustington within the built up area boundary and is within walking distance of local shops & facilities within Rustington and close to bus stops. Rustington has dedicated footpaths and street lighting and is a safe and attractive walking environment. It is considered this is a sustainable location for new development.

Social Role-

It is considered the proposal will support the local community by providing eight new flats to help meet future needs and add to the variety of house types in the area. This factor weighs in the scheme's favour.

Economic Role-

It is considered the proposal will lead to a not insignificant increase in Council Tax receipts and create a number of jobs during construction. All of these would provide a benefit to the local economy. These economic factors weigh in the scheme's favour.

Assessment-

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

SUMMARY OF SUSTAINABILITY & PRINCIPLE:

This site lies within the defined built up area.

The above analysis shows that the proposal represents sustainable development and benefits from the presumption in favour of sustainable development set out in paras 14 and 49 of the NPPF. Given the planning history of the site and the location of the site the principle of redevelopment of the site to create 6 flats is considered acceptable and the proposal would comply with the development plan. This is subject to the design, layout and siting of the proposal being in accordance with development control criteria set out in policy GEN7 of Arun District Local Plan and policy 2 of Rustington Neighbourhood Plan.

VISUAL AMENITY AND CHARACTER

The proposal follows an allowed appeal for a building of similar height, bulk and site coverage (R/63/08). This proposal is not significantly higher, is only 1.6m wider and is of comparable depth. The middle section of the proposed building has a slightly larger footprint and the property is set in from both side

boundaries. The design of the building is not unattractive and is sensitive to its setting having the appearance of a large detached dwelling. It incorporates bays and brick corbelling which are not considered be out of keeping with its locality and the number of balconies are limited to one per flat providing uncluttered elevations. The materials to be used for the building are critical in order for the scheme to be of high quality and a condition is suggested requiring the details and samples of materials to be submitted and approved by the Local Planning Authority. This is considered to be an important factor of any development on this site in order that it will readily assimilate to the character and appearance of the existing street scene. The ridge height of the proposed development would also be no higher than the dwelling to the north and the property would be set back from the site frontage 18m which reduces its visual impact and prominence in the street scene further.

In addition Rustington Neighbourhood Plan Policy 2 'Housing Design' requires layout to reflect that of surrounding buildings. The shorter rear garden length is similar to adjacent developments. 34 Church Road to the west has a rear garden length of 6m and Silverwood Court to the north has very little rear amenity space since the car parking area is located to the rear.

The Rustington Village Design Statement identifies design guidelines for development proposals. Woodlands Avenue is within Character Area 7, a largely residential area north of The Street. The Village Design Statement identifies brick facades and clay rooftiles as the prevailing architectural features of the area, with uPVC doors and windows commonplace. Brickwork facades are proposed at ground floor level, with white render to the first floor - providing an additional element of visual interest. Both neighbouring properties incorporate half brick, half white render facades. The proposals therefore comply with Policy D SP1 (Design) of the emerging Local Plan (2014).

Roof tiles and uPVC windows and doors are proposed in accordance with design guidance. An oak door is proposed within the main entrance to the building. The roof is partially set back and set down below the main ridgeline to both sides of the building, reducing the bulk and scale of the roof as a whole, when viewed from the street. The height of the property remains two storeys, which reflects the character of the area and provides an appropriate design solution within the parameters of the Village Design Statement guidance.

The proposals accord with all relevant design policies, as well as the more detailed design guidance tailored for the specific Character Area of Rustington within the Village Design Statement.

The proposal includes new 2m high close boarded fence to the rearward part of the southern boundary adjacent to the footpath to the south and a low 600mm wall with piers and metal railings above to 1.1m to the rest of the site frontage. The existing dwelling has entrance gates approx 1.2m high with brick piers and 0.3m high wall with hedging behind to approx. 2.2m. There are railings to properties to the north of the site. It is considered that the proposed changes to the boundary treatment are acceptable. The terraced properties to the south of the site have open frontages, but these have a distinctly different character. The development reflects the more enclosed frontages to the north of the site.

RESIDENTIAL AMENITY

The 2 storey property would be located to the rear of the site and would leave a gap of 8m to the rear site boundary with Church Road. It would have an eaves height of 6m and a ridge height of 9.3m, 9m to the rear. There are 2 first floor bedrooms located in this elevation overlooking the gardens to the rear. At its closest point the development is 16.5m from the rear elevation of properties in Church Road. It is considered that this distance is acceptable and would not result in materially adverse overlooking impacts. Indeed, it reflects the distances previously allowed at appeal.

The supporting text para 4.12 of the Rustington Neighbourhood Plan Policy 2 'Housing Design' states

development should not impact on surrounding properties but should seek to maintain privacy. This proposal results in no materially adverse overlooking or loss of privacy to properties in Church Road and therefore does accord with the Neighbourhood Plan. The proposal also provides a gap of 3.5m to the northern boundary and is staggered on this elevation. This reduces overbearing impacts on the neighbouring property no 68 and ensures that no material harm results. Consideration has been given to the potential for overlooking 68 Woodlands Avenue and the secondary windows within the northern elevation at first-floor levels will be obscure glazed in accordance with the recommendations of the R/63/08 Inspector's Decision. The primary windows within the affected rooms would not offer significant views of the neighbouring property or gardens due to the acute angle of view available from these windows.

SPACE STANDARDS

The proposed dwellings are all compliant with the minimum floor space requirements set out in National Guidance and are capable of adaptation for wheelchair users with little need for modification. All accesses into the site provide level access and a disabled parking provision is included within the parking plan. The external space standards in the Emerging Plan policy DDM 3 are also considered to be met. 3 units have their own patio areas and one has a balcony and shared garden facilities to the rear are available for all flats.

IMPACT ON TREES

The tree officer has requested that three trees are protected. Two are located within the application site and one within the garden of no 68 Woodlands Avenue and the plans have been amended accordingly to incorporate their safe retention. A second consultation response from the tree officer is awaited.

HIGHWAY SAFETY AND CAR PARKING

The application includes 6 parking spaces, including one disabled which equates to one space per unit. The site is sustainably located close to the village centre shops, restaurants, library and bus stops and there is a public car opposite. This level of car parking is considered acceptable and was deemed appropriate at appeal.

CONCLUSION

It is considered that the application complies with development plan policies and is therefore recommended for approval subject to the following conditions

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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.A

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 1000 rev01,
 Existing and Proposed Block Plan 1001 rev03,
 Existing and Proposed Site Plan 1002 rev03,
 Existing Floor and Roof Plans 2000 rev02,
 Existing and Proposed Site Sections 1003 rev01,
 Proposed Plans 2002 rev02, Existing Elevations 2001 rev01,
 Proposed Elevations 2003 rev01,
 Visibility Splays 2004, rev01,
 Street Scene and Comparative Roof Plans

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

- 3 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for :

- a. An indicative programme for carrying out the works
- b. The arrangements for public consultation and liaison during the construction works.
- c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method should foundation piling occur, the careful selection of plant and machinery and use of noise mitigation barriers.
- d. Detail of any flood lighting, including location, height, type and direction.
- e. The parking of site operatives and visitors
- f. Loading and unloading of plant and materials
- g. Storage of plant and materials used in construction and development
- h. Wheel washing facilities
- i. Measures to control the emission of dust and dirt during construction

No machinery shall be operated, no process shall be carried out and no deliveries taken or despatched on the site, except between the hours of 7:00 and 18:00 on Mondays to Fridays

inclusive; 8:00 to 13:00 hrs on Saturdays and at no time at all on any Sunday, Public or Bank Holiday.

Reason: In order to safeguard the amenity in accordance with policy GEN7 of Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because any works on the site without agreed measures being in place could result an adverse impact on amenity

- 4 No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety

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

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

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

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

- 7 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.

8 The windows at first floor level on the east side elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m above floor level.

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

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

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

10 The proposed development shall proceed in accordance with the Initial Arboricultural Survey, Impact Assessment & Method Statement dated 28 February 2017 by PJC Consultancy ref 4340/17-01.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 and GEN28 of the Arun District Local Plan.

11 No development above damp proof course (DPC) level shall take place unless and until precise details of the bin and cycle store have been submitted to and approved in writing by the Local Planning Authority and the development shall proceed in accordance with the approved details.

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

12 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.

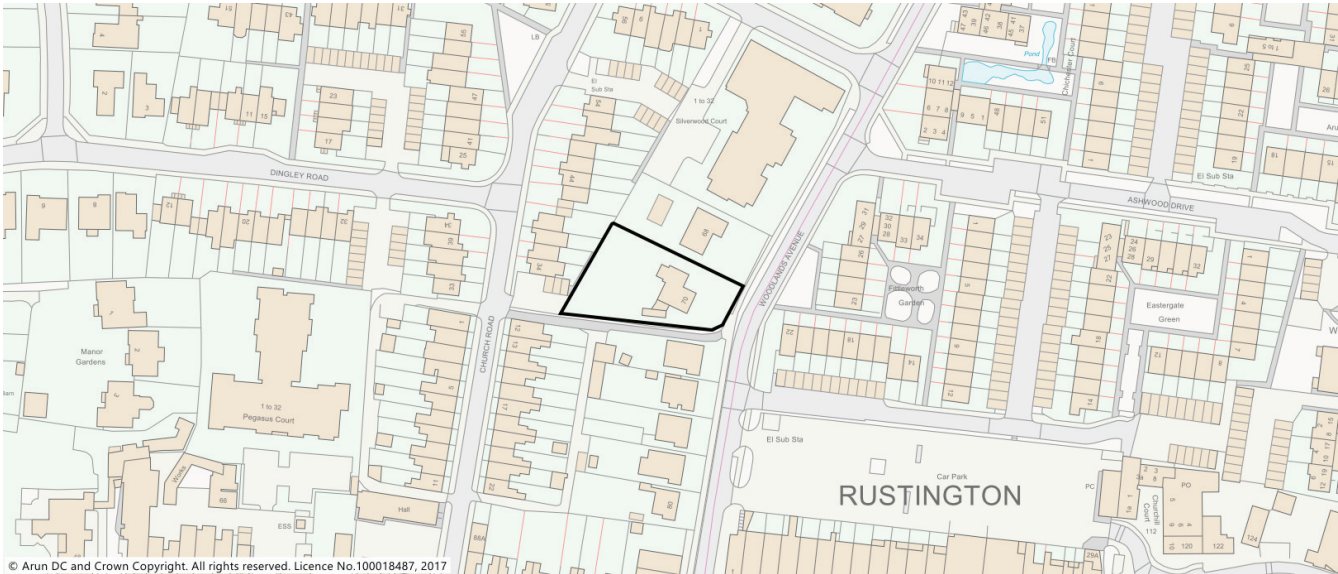
13 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September 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.

14 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.

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

R/65/17/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: M/50/17/PL

LOCATION: 1 Deepdene Close
Elmer
Middleton

PROPOSAL: Application for removal of Condition No. 4 relating to obscured glazing & variation of Condition No. 2 relating to plans following a grant of planning permission M/6/17/PL

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for the variation of Condition 2 through the submission of amended drawings and the removal of Condition 4 relating to obscured glazing at first floor level.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The north, east and west boundary consists of 1.5m - 1.8m high close boarded fencing with the southern boundary of the site consisting of hedging to approximately 3m in height.
SITE CHARACTERISTICS	Detached bungalow with rendered elevation and a slate roof.
CHARACTER OF LOCALITY	Predominantly residential featuring properties of various designs and styles with semi-detached two storey properties constructed from brick and tile to the north and west; bungalows primarily featuring rendered elevations to the south; and a three storey block of flats to the east.

RELEVANT SITE HISTORY

M/6/17/PL	1 No. replacement dwelling (resubmission following M/59/16/PL).	Approve Conditionally 13-03-17
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Planning permission was granted for the construction of a replacement two storey dwelling under reference M/6/17/PL. The design of the dwelling included glazing on the southern elevation at first floor level and a full glazed balcony inset to the southern elevation. It was considered in the determination of this application that the proposed glazing, by virtue of the proposed dwellings relationship with neighbouring properties, would have given rise to unacceptably adverse overlooking. Therefore,

Condition 4 was included requiring a number of the windows to be obscurely glazed on the southern elevation and the western side of the rear balcony.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

Objection - The committee unanimously objected because, It agreed with the objections from the Planning Solicitor of Arun District Council with regard to his email to Planning on the 13th June 2017

1 no. letter of objection:

- This will mean more overlooking of my property.

1 no. letter of support:

- Condition 4 concerns over looking and asks us to fit Opaque windows to 1.7m to certain areas. In this variation of condition application we have offered to remove the windows completely and replace them with walls.

COMMENTS ON REPRESENTATIONS RECEIVED:

In response to the objection from the Parish Council:

- The proposal will see the existing windows which are required to be obscurely glazed in accordance with Condition 4 removed through the variation of the approved plans under Condition 2. Therefore, it is considered that the proposal will not result in any additional overlooking and the need for Condition 4 will no longer serve any purpose.

In response to the 1no. letter of objection:

- It is considered that the proposed variation of condition 2 and removal of condition 4 imposed under planning application M/6/17/PL will not give rise to any additional overlooking of neighbouring properties.

In response to the 1 no. letter of support:

- Comments noted.

CONSULTATIONS

Solicitor - Legal Services

CONSULTATION RESPONSES RECEIVED:

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

Council's Planning Solicitor:

Original consultation response received 13.06.2017:

Objection raised-

- 1] the application attached gives no reason why
- 2] the officer report attached and extracted below, the planning permission ref M/6/17/PL suggests there is potential overlooking of neighbouring premises and the reasons for the conditions are to prevent that.
- 3] there is nothing to suggest the potential for overlooking is now removed.

Consultation response received 28.07.2017:

Earlier objection is withdrawn in light of additional information having been provided. He explains that the changes proposed by the applicant appear to be an enhancement and that the planning officer assessment should prevail.

COMMENTS ON CONSULTATION RESPONSES:

Comments from the Council's Planning Solicitor are noted. His original comments have now been withdrawn.

POLICY CONTEXT

Designation applicable to site:

Within built area boundary

DEVELOPMENT PLAN POLICES

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

GEN2 Built-up Area Boundary

GEN7 The Form of New Development

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

D DM1 Aspects of Form and Design Quality

D DM3 External Space Standards

D DM4 Extensions & Alterations to Existing Buildings

D SP1 Design

SD SP2 Built -Up Area Boundary

[Main Modifications of the Local Plan \(April 2017\):](#)

Middleton-on-Sea Village Design Statement by Middleton PC

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

MDS Middleton-on-Sea Village Design Statement by Middleton PC

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).

There is currently no Neighbourhood Plan being prepared for Middleton-on-Sea and as such there are no policies relevant to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

CONCLUSIONS

The application seeks permission for the variation of Condition 2 and the removal of Condition 4 both imposed on permission M/6/17/PL.

CONDITION 2

The variation of Condition 2 would see the originally approved plans superseded by drawings 'Proposed Elevation - 512-1-004 Rev 6' and 'Proposed Roof and Floor Plans - 512-1-002 Rev 04'. The alterations to the previously approved scheme would be through the removal of the previously proposed glazing on the western side of the rear balcony and the removal of the two eastern most window at first floor level on the southern elevation. These would be replaced by solid walling

The alterations to the proposed dwelling are considered acceptable and will not result in any unacceptably adverse impacts upon the residential amenity of neighbouring properties. Nor will these changes have any adverse impact upon the established character of the locality.

Therefore, it is considered that the proposal is acceptable in accordance with relevant development plan policies.

CONDITION 4

Condition 4 required that;

"Prior to the occupation of the dwelling hereby approved the two eastern most windows located at first floor level on the southern elevation and the windows on the western side of the sheltered terrace as shown on 'drawing no. 512-1-004 Rev 05' shall at all times be obscurely glazed and non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: In the interest of amenity in accordance with policy GEN7(iv) of the Arun District Local Plan."

It is considered that given the alteration to the approved drawings for Condition 2 that there is no longer any purpose for the retention of Condition 4 as the windows which gave rise to the unacceptably adverse overlooking of neighbours will have been removed and replaced by solid walling.

It is considered through the variation of Condition 2 and removal of Condition 4 there is the potential for future conflict between the proposed dwelling and the existing neighbouring development should the applicant plan to insert windows in the future under permitted development rights. However, this can be overcome through the inclusion of a condition (proposed condition number 4) preventing the installation of any additional windows at first floor level on the southern elevation of the dwelling.

Therefore, it is recommended that the application is approved subject to the below conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

RECOMMENDATION

APPROVE

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

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

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

Proposed Block Plan - 5121-1-001 Rev 06;
 Proposed Elevations - 512-1-004 Rev 06;
 Proposed Floor Plans & Roof Plans - 512-1-002 Rev 04; and
 Proposed Garage Floor Plan and Elevations, Bin Store, Floor Plan and Elevations - 512-1-005 Rev 02

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

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

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

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

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

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

- 4 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking or re-enacting this Order) no additional windows beyond those specified on drawings 'Proposed Elevations - 512-1-004 Rev 06' and 'Proposed Floor Plans & Roof Plans - 512-1-002 Rev 04' shall be created at first floor level on the southern elevation of the dwelling.

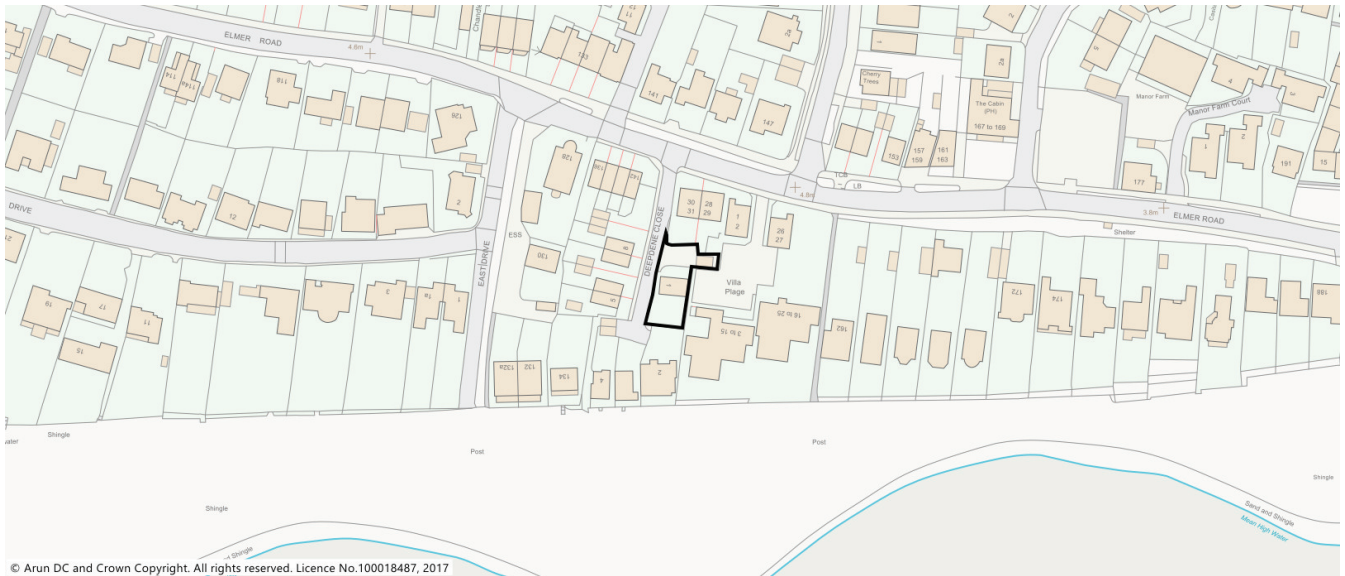
Reason: To prevent any unacceptably adverse harm to the residential amenity of neighbouring properties in accordance with policy GEN7 of the Arun District Local Plan

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

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

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

M/50/17/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: LY/9/17/PL

LOCATION: Roseland
The Causeway
ARUNDEL
BN18 9JL

PROPOSAL: Demolition of the existing building & cessation of mixed commercial/residential use & redevelopment of the site with a new two storey building, comprising 4 no. residential flats - This is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks planning permission for the demolition of the existing mixed use commercial and residential property and the construction of a two storey building to provide 4 no. 1 bedroom flats with associated landscaping and car parking.
SITE AREA	Approximately 0.03 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 133 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The existing building abuts the roadway with 4 parking spaces located to the east of the existing building. A 2m high wooden gate also abuts the road with the rear and side boundaries of the site consisting of mature planting to a height of between 2m and 3m.
SITE CHARACTERISTICS	The site is currently occupied by a single storey building with a double garage attached. The property is a live work unit comprising of residential accommodation and a commercial workshop. The existing building is constructed from brick with white windows. The property features a mix of roof materials including felt roofing and corrugated iron.
CHARACTER OF LOCALITY	The character of the locality is predominantly commercial with Arundel train station situated to the east of the site and associated car park to the south. A taxi rank is situated to the north-east with commercial uses located to the west and further to the south. Residential properties are located to the north adjacent to the A27.

RELEVANT SITE HISTORY

LY/23/99/	Formation of one dwelling within existing single storey	ApproveConditionally
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building.

Planning permission was previously granted under reference LU/29/99/ for the formation of a 1no. dwelling within the existing single storey building.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No comments received from Lyminster & Crossbush Parish Council.

Arundel Town Council:

Objection - Materials are unsympathetic to this area especially opposite a Victorian Railway Station. This would be better suited to a single storey building.

1 No. letter of support;

The development at the Railway Station is positive for Arundel.

1. New housing in a location that has excellent transport links should attract people under retirement age. Arundel is currently in danger of becoming over populated by the elderly, with a high proportion of retirement property in/near the centre. This demographic make little, if any, contribution to the local economy and the SME's situated in the town rely heavily on local residents during the winter.

2. Architecturally, this proposed development is an unostentatious building, sympathetic in style to the station. As a first impression for visitors to the town, it offers a positive and attractive outlook from the station replacing what looked like a neglected and derelict building.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments from Arundel Town Council are noted and will be considered in the conclusion to this report.

CONSULTATIONS

Economic Regeneration

Environment Agency

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Highways England

Environmental Health

Network Rail

CONSULTATION RESPONSES RECEIVED:

Below is a summary of the consultation responses received in relation to this application. Full comments are available on the Arun District Council website.

WSCC HIGHWAYS:

- The development is served via a privately maintained "Q" classified road.
- This road adjoins the A27 which is maintained by Highways England. Therefore, it is advised that Highways England are consulted in relation to this development.

SOUTHERN WATER:

- Southern Water require a formal application for connection to the public foul sewer to be made by the applicant or developer. Therefore it is requested that an informative relating to this is included.
- The application makes reference to the use of a SUDS scheme. Where a SUDS scheme is to be implemented, the drainage details submitted to the LPA should;
 - Specify responsibilities of each party for the implementation of the SUDS scheme.
 - Specify a timetable for implementation.
 - Provide a management and maintenance plan for the lifetime of the development.

ENVIRONMENT AGENCY:

- No objection was raised by the Environment Agency subject to the inclusion of a condition relating to the implementation of the development in accordance with the approved FRA and the mitigation measures specified within the FRA.
- On the basis that the site is within the River Arun Internal Drainage Board Catchment then an application for consent will need to be submitted to the Environment Agency, under Section 23 of the Land Drainage Act 1991 should any further investigation reveal a piped ditch.

ECONOMIC DEVELOPMENT:

- No comment on this application.

DRAINAGE & COASTAL ENGINEER:

- Please apply conditions ENGD2A, ENGD4A and ENGD6A

HIGHWAYS ENGLAND:

Comments awaited.

NETWORK RAIL:

Comments awaited.

ENVIRONMENTAL HEALTH:

Comments awaited.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted - requested conditions and informatives have been included as part of this recommendation report.

Comments are awaited from Highways England, Network Rail and the Council's Environmental Health department. A report update will be prepared prior to Development Control Committee in relation to these consultation responses.

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

AREA3	The Setting of Arundel
GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN22	Buildings or Structures of Character
GEN3	Protection of the Countryside
GEN5	Provision of New Residential Development
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

C SP1	Countryside
D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
T SP1	Transport and Development
D DM3	External Space Standards
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
HER DM2	Locally Listed Buildings or Structures of Character
LAN DM2	The Setting of Arundel
SD SP2	Built -Up Area Boundary
W DM2	Flood Risk

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD9	Buildings or Structures of Character
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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).

Lyminster & Crossbush Parish Council are not currently in the process of preparing a Neighbourhood Plan and as such there are no relevant policies to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The site is situated outside of the built area boundary within a countryside location. Due to the location of the site it is not considered to accord with policies GEN2 and GEN3 of the Arun Local Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. Namely this is considered to be a sustainable form of development where there is a recognised shortage of housing and there are no significant adverse effects from granting permission.

CONCLUSIONS

PRINCIPLE

The application site is situated outside of the built up area boundary in a countryside location as defined by policies GEN2 and GEN3 of the Arun District Local Plan. These development plan policies seek to exert strict control over development in the countryside to protect it for its own sake.

Following the supreme court's ruling on the 10th May 2017 in relation to the proper interpretation of paragraph 49 of the National Planning Policy Framework (NPPF). It is considered that policies GEN2 and GEN3 of the Arun District Local Plan should no longer be considered as policies for "the supply of housing" for the purposes of paragraph 49.

However, it must be considered that policies GEN2 and GEN3 were prepared as part of a plan that was adopted in 2003, prior to the publication of the NPPF and based upon a much lower Objectively Assessed Housing Need (OAN) that only sought to accommodate residential development needs until 2011. The weight which can be attributed to policies GEN2 and GEN3 was considered in the 2014 appeal under reference APP/C3810/A/14/2220943. Paragraph 12 of this appeal decision stated that policies GEN2 and 3 (although still 'saved') could only be attributed limited weight due to the lack of a 5-year housing land supply within Arun District, in accordance with paragraph 49 of the NPPF.

It is considered that policy GEN5 of the Arun Local Plan relates to "the supply of housing" and as such is deemed to be out of date (given the Council's lack of a 5 year housing land supply).

The Examination of the emerging Local Plan was suspended by the Planning Inspector on the grounds that the Council's OAN should be reviewed higher than that proposed in the Local Plan (580 units p.a). The Council has therefore had to identify more suitable land to meet additional housing supply requirements. The OAN figure has been increased to 919 units per annum as of October 2016 with additional strategic sites currently being assessed and allocated in order to meet this higher figure. Therefore, given the current position of the emerging Local Plan it is considered that only limited weight can be afforded to the emerging Local Plan at this time.

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

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. The Council are currently only able to demonstrate <2 year supply of deliverable housing and as such it is considered by virtue of this significant shortfall that the tilted balance in favour of the grant of permission is triggered unless the

benefits are significantly and demonstrably outweighed by the adverse effects of the development as stated in paragraph 14.

SUSTAINABILITY

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

Para 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Furthermore, paragraph 49 states that:

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

Environmental Role-

The application is situated outside of the built up area boundary. The Institute of Highway and Transportation (IHT) publication 'Guidelines for Providing Journeys on Foot (2000)' sets out recommended guidelines for walking distances. These guidelines identify a maximum walking distance of 800m for Town Centres, 2,000m for commuting and 1,200m for school and elsewhere.

The site is situated in close proximity to sustainable transport with Arundel train station situated immediately adjacent to the site and the Arundel station bus stop situated approximately 66m from the site. The site is situated approximately 650m from Arundel Town Centre which features a number of services, shops and facilities.

The proposed dwellings are 1 bedroom flats and as such it is considered that these would be most appealing to young professionals by virtue of their location in close proximity to transport links. The proposed units would be inappropriate as family accommodation and as such it is considered that the distance to local schools would not be unacceptably adverse.

Therefore, it is considered that the location of the proposed flats is sustainable in accordance with paragraph 29 of the NPPF.

Economic Role-

It is considered that the proposal will result in localised economic benefits through the need to employ people to carry out the development. The proposal will also result in an increase in Council Tax receipts and new homes bonus payments. These economic factors weigh in the schemes favour.

Social Role-

It is considered that the proposal will provide a number of social benefits through the provision of housing to meet the significant shortfall currently faced by the Local Authority.

The site is considered to be sustainable by virtue of its location given its close proximity to Arundel and main transport links (this will be considered in greater detail later in the conclusion of this report). Given the current housing land supply figure it is deemed that the proposed development should be considered with regard to other material considerations and the proposed development must be considered in the context of the presumption in favour of sustainable development. Therefore, it is considered that the principle of the proposed development is acceptable in current policy circumstances as set out in the NPPF. The assessment of the proposed development will now consider other policy considerations and whether this give rise to any adverse impacts which significantly and demonstrably outweigh the benefits

of the proposed development.

DESIGN AND VISUAL AMENITY

The existing building on site was granted planning permission for use as a dwelling in 1999 and the Council are unaware of any evidence to suggest that this has not been the lawful use for the previous 17 years. The application proposes the demolition of this building and the construction of a two storey building sub divided to provide 4 no. 1 bedroom flats.

The proposed building will have a maximum height of approximately 9.55m, with an eaves height of 6m. It is therefore considered that the proposal will not appear out of scale with existing development within the immediate locality. The proposed building will be situated approximately 16m to the west of Arundel Station and has been designed with a number of similar design features to the existing station building.

The proposed development will be clearly visible within the street scene to those who access the station, but will be well screened from various vantage points along the A27. Vehicles and pedestrians crossing the bridge (over the railway line) will have clear visibility of the proposed development. But those looking towards the site from further to the east and west will find the building to be obscured by existing development and trees and planting. Therefore, it is considered that the proposal will not appear incongruous within the street scene or give rise to unacceptably adverse impact upon the established character of the locality.

The application site is situated adjacent to Arundel Station which is identified as a building of special character. Policy GEN22 of the Arun District Local Plan seeks to prevent the loss of existing building or structures of interest - it is also stated that development which would adversely affect the appearance or setting of such buildings will not be permitted. It is considered in this case that attempts have been made to design the proposed building so as to appear in keeping with the existing station.

The proposed elevations (sheet 1 and 2) show the building as being constructed from brown brick with a grey slate roof and brick quoins above the windows. Therefore, it is considered that the proposed building will appear in keeping with the character of the station. A condition has been included with this recommendation report requiring the submission of a schedule of materials prior to the commencement of development (above DPC). This will allow the LPA to ensure that the materials used in this development do not adversely impact upon the setting of the building of special character in accordance with GEN22 or the character of the locality in accordance with GEN7(ii) of the Arun District Local Plan.

SETTING OF ARUNDEL

Policy AREA3 of the Arun District Local Plan seeks to prevent development which would adversely impact upon the view of Arundel or its special setting.

The proposed development is situated in close proximity to existing development and is not of such significant height that it will give rise to detrimental impacts upon the setting of Arundel. Those leaving the station already have impeded views towards the castle by virtue of the trees and existing residential development. It is not until pedestrians reach the A27 that views of the castle are achievable. The proposed development by virtue of its location will also retain views of the cathedral for those exiting the train station.

Similarly, the proposal will not affect existing views of the Cathedral and castle for vehicles traveling on the A27. Therefore, it is considered that the proposed development does not conflict with policy AREA3 of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposed development by virtue of its design and location is not considered to give rise to any

unacceptable adverse overbearing, overshadowing or overlooking impacts on nearby development. The nearest residential property is located approximately 95m to the north-west.

There are a number of commercial uses including the station, station car park, taxi rank and a builders yard to the south (approximately 100m to the south of the site). A consultation response is awaited from environmental health to identify the potential impacts that these uses would have upon the residential amenity of future occupiers of the site and what mitigation measures if any are necessary to overcome any potential conflict.

The proposed development will consist of 4 no. 1 bedroom flats two of which will measure approximately 50.9m² in floor area and two which will measure approximately 43m². The two flats with a gross internal floor area of 50.9m² exceed the requirements of the Nationally Described Space Standards (NDSS). The proposed one bed flats with a gross internal floor area of 43m² fall short of these space standards by 7m². However, given the size of the bedrooms and living room proposed it is considered that the shortfall will not result in unsatisfactory living accommodation for future occupiers. Therefore, it is considered that the size of the proposed flats accords with paragraph 17 of the NPPF which requires a good standard of amenity for future occupants of buildings.

The proposed development does not incorporate any balconies but will feature communal open space to the rear. Policy D DM3 of the emerging Local Plan seeks the provision of 4 sq.m of external amenity space per unit with the communal gardens exceeding this. Therefore, it is considered that the proposal make provision of adequate amenity space to ensure satisfactory living accommodation for future occupiers is satisfactory.

PARKING PROVISION

The application retains the provision of 4 parking spaces forward of the primary elevation. This equates to 1 parking space per flat which is in accordance with the requirements of the WSCC parking demand calculator.

WSCC were consulted in relation to this application but no comments were provided given that 'Station Approach' is a "Q" classified road and is accessed directly from the A27 which is maintained by Highways England. Therefore, no highways objections have been raised but comments are awaited from Highways England and will be included as a report update once they have been received.

FLOOD RISK & DRAINAGE

The site falls within flood zone 3 and consultation has taken place with the Environment Agency, who have raised no objection subject to development being implemented in accordance with the Flood Risk Assessment (FRA).

It is identified in the consultation response from the Council's Drainage Engineer that a culverted watercourse may cross the site and that this could have significant implication in respect of the proposed redevelopment of the site. It was confirmed by the Council's drainage engineers that the relocation of this drain/culvert would be acceptable. However, as the site is situated within the River Arun Internal Drainage Board Catchment (for whom the Environment Agency act as agents) then an application for consent will need to be submitted to the Environment Agency, under Section 23 of the Land Drainage Act 1991 should any further investigations at the site reveal a piped ditch. This information has been included as an informative to ensure the applicant/developer is aware of their responsibilities.

Conditions 3, 4 and 5 have been included at the request of the Council's Drainage Engineer and will require the submission of details regarding drainage of the site prior to the commencement of development. Therefore, it is considered that the proposed development accords with relevant development plan policy relating to drainage.

SUMMARY

By virtue of the above it is considered that the proposed development will accord with relevant development plan policies and granting permission would not give rise to significant adverse effects. As such it 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.

RECOMMENDATION**APPROVE CONDITIONALLY**

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

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

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

- Block Plan - 1701/PL_02 Rev B
- Site Plan - 1701/PL_03 Rev C
- Proposed Elevations Sheet 1 - 1701/PL.08 Rev A
- Proposed Elevations Sheet 2 - 1701/PL.09 Rev A
- Proposed Ground Floor Plan - 1701/PL.05 Rev A
- Proposed First Floor Plan - 1701/PL.06
- Proposed Roof Plan - 1701/PL.07

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

- 3 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the 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.

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

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

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

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

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

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

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

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

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

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. 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 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

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

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

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

1. Finished floor levels are set no lower than 3.05m above Ordnance Datum (AOD).

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

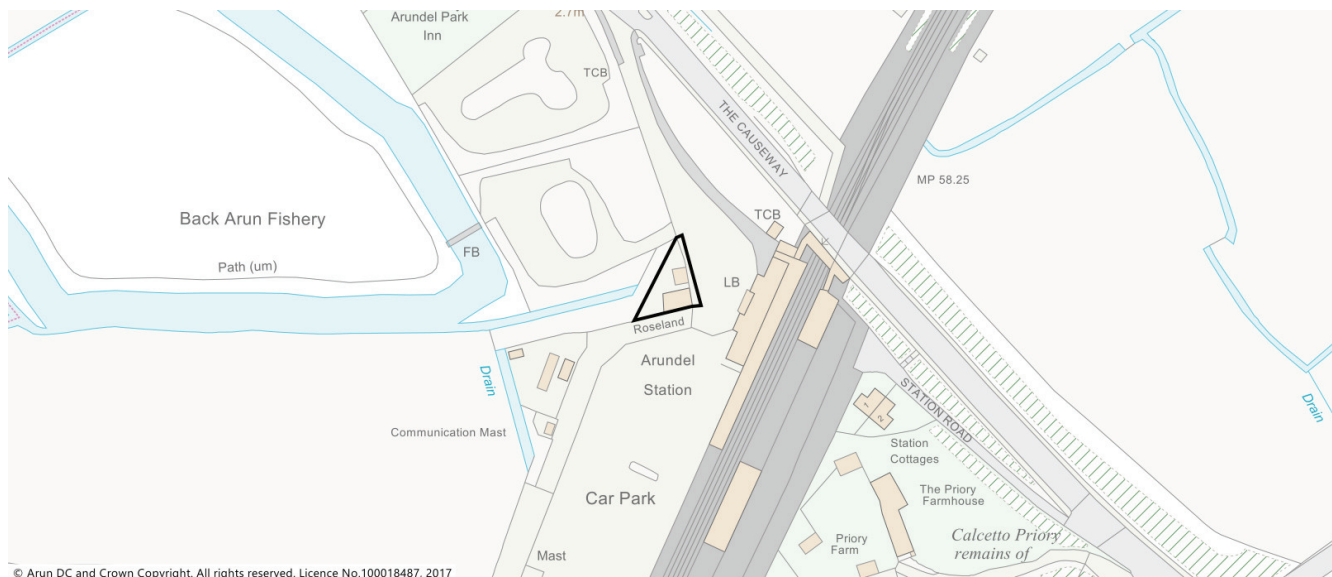
Reason: To reduce the risk of flooding to the proposed development and future occupants.

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

- 10 INFORMATIVE: As the site is situated within the River Arun Internal Drainage Board Catchment (for whom the Environment Agency act as agents) then an application for consent will need to be submitted to the Environment Agency, under Section 23 of the Land Drainage Act 1991 should any further investigations at the site reveal a piped ditch.

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

LY/9/17/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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Recommendation Report for Planning Permission

REF NO: LU/177/17/DOC and LU/233/17/DOC

LOCATION: Littlehampton Swimming and Sports Centre, Sea Road, Littlehampton.

PROPOSAL: Application LU/177/17/DOC for approval of matters reserved by condition imposed under LU/314/16/PL relating to condition 3 – Landscaping, 4 – Habitat Mitigation Strategy, 6 - Foul and Surface Water sewerage disposal, 10 - Details of plant and equipment, 14 – Details of kitchen extract system and type of cooking to be undertaken and 15 External Lighting Scheme.
Application LU/233/17/DOC for approval of condition 5 relating to materials

DESCRIPTION OF APPLICATIONS

LU/177/17/DOC

The application seeks to discharge six conditions which were imposed upon LU/314/16/PL which sought permission for the redevelopment of Littlehampton Swimming Centre. The conditions are as follows:

(3)

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

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

(4)

Habitat mitigation must be provided in accordance with section 4 of the Ecology Appraisal and section 5.3 and 5.4 of the Roost Assessment. More specifically this must include:

- compensation for loss of the mixed woodland and hedgerow through the planting of native trees, scrub and hedgerow and also enhancement to the existing woodland and creation of grassland. Although a landscaping strategy has been submitted, further details are required detailing how the loss of hedgerows and scrub has been mitigated and compensated for and to ensure no net loss in these habitats. The planting scheme should be in accordance with the recommendations in section 4.30 of the Ecology Appraisal.

- Should the existing buildings and/or trees remain on site for more than 18 months prior to the development commencing, then follow up surveys must be submitted to and approved by the Local Planning Authority prior to development commencing.

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

(6)

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The details shall include a drainage strategy including the proposed means of surface water disposal and a implementation timetable, which shall be submitted to and

approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and timetable.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a surface drainage scheme once development had commenced.

(10)

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

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

(14)

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

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

(15)

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

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

LU/233/17/DOC

The application seeks to discharge one condition which was imposed upon LU/314/16/PL which sought permission for the redevelopment of Littlehampton Swimming Centre. The condition is as follows:

(5)

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

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

TOPOGRAPHY

Predominantly flat. The Swimming Centre itself is located at a lower level than Sea Road and the site of the existing sports dome is lower still.

TREES

Several mature trees within the northern part of the site are proposed to be felled.

BOUNDARY TREATMENT

Some boundaries are defined by post and rail fencing, others by hedging/trees of varying height.

SITE CHARACTERISTICS

The existing swimming centre currently occupies a prominent corner site, has a pitched roof and is single and 2 storey. Parking for cars and coaches is situated to the front of the Sports Dome and to the side of the existing Leisure Centre. The swimming centre is located at a higher land level than the Dome to the North. Ruby Gardens to the North comprises mature trees.

CHARACTER OF LOCALITY

The application site is used for leisure purposes and lies on the sea front on the edge of the built up area boundary. There are residential properties to the east, Mewsbrook Park to the North, leisure uses comprising a golf course and skatepark to the west.

RELEVANT SITE HISTORY

LU/522/04/ - ApproveConditionally – 16/02/2005 - Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for removal of existing ventilation plant and installation of new.

LU/323/09/ - ApproveConditionally – 03/03/2010 - Change of use of field from overflow car park to pedal go kart leisure facility. Facilities will include grass track surrounded by recycled tyres and 6m x 3m shipping container for storage of karts. Two flagpoles to display the Union flag.

LU/7/72/ - ApproveConditionally – 02/10/1972 – Erection of swimming pool with sports area restaurant and parking for 100 cars.

LU/366/81/ - ApproveConditionally – 15/07/1981 – Proposed swimming pool and sports complex

LU/604/83/ - Approve Conditionally – 01/02/1981 – Car park and picnic area

LU/232/86/ - ApproveConditionally – 09/07/1986 – Sports Hall

LU/147/17/DOC – Approved – 21/06/2017- 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.

SUMMARY OF REPS RECEIVED

None. Discharge of Condition applications are not subject to public consultation.

OFFICERS COMMENTS ON REPS

None

SUMMARY OF CONSULTATIONS RESPONSES

Environmental Health – First Consultation
Condition 10

I refer to the acoustic report provided by Pace Consult, dated 31 May 2017. This report provides mitigation measures required to ensure that the plant and equipment installed will provide a suitable acoustic environment and prevent disturbance to residents living close by. However, the mitigation measures referred to give detail of specific acoustic attenuation required across a range of frequencies but lacks evidence of how this will actually be practically achieved on site i.e. there is lack of evidence provided on specific materials or acoustic systems that will be installed to achieve the required attenuation for different pieces of plant and equipment. The report also fails to confirm that the noise levels from all plant and machinery shall not exceed 30dBA between 07.00 -23.00 hours and 28dBA between 23.00 – 07.00 hours when measured according to BS 4142 at any adjoining or nearby noise sensitive premises.

As a result discharge of this condition 10 cannot be recommended based on the current information provided.

Condition 14

The information provided in the statement from Wilmott Dixon, dated 30 May 2017 indicates that only a very basic level of catering will be provided and as such the odour generation is likely to be minimal. As such I am satisfied with the proposals and this condition can be discharged.

Condition 15

With regard to the provision of external lighting I note that there is a schematic plan showing the layout of the external lighting (plan 186 Rev 1) and a reference to 'M & E' specifications which are not defined or provided. The external lighting must not cause nuisance to neighbouring residents but the plan does not provide sufficient information on the type or height of external lights and I am unable to establish if the scheme is suitable from the information provided. I would ask the applicants to provide further details in line with the Institute of Lighting professional guidance notes for the reduction of obtrusive light GN01:2011, Environmental Zone E2.

Second response awaited

Southern Water - Further to the applicant's request to provide comments regarding discharge of condition 6 relating to foul and surface water drainage for the above development site, Southern Water would recommend discharge of condition 6. An approval for connections to public sewers shall be obtained under Section 106 of the Water Industry Act.

As previously stated, the commencement of construction works is subject to diversion of public 300mm foul sewerage rising main to be carried out under Section 185 of the Water Industry Act, currently dealt under our ref. SWS.S185S.000034.

The Council's Building Control officers/technical staff and the Environment Agency should be consulted regarding the discharge condition relating to surface water disposal. Any changes to the terms of agreed Trade Effluent Discharge License should be agreed with Southern Water's Trade Effluent Inspectors.

Greenspace – First Response

Further to submission of DWG No 5312-LC-100 Landscape Masterplan, DWG No 5312-LC-401/405. It is recommended that some minor amendment is made and further detail is provided as follows:

- The tree species choice of *Betula Pendula* in close proximity to Sea Road and Hendon Avenue would be questionable in this full exposure location. Whilst *Pinus radiata* should be capable of establishing in such a marine exposed site, *Betula* may struggle in this location and would therefore have to recommend that this species choice is reconsidered.
- Amenity grassland proposed to include 'daisy lawns'. This specification may be unachievable and impractical in this high amenity area where close mown grass areas would be the norm. These areas are also those shown for 'natural screen planting' of native shrubs which would benefit from planting into cultivated and mulched planting beds rather than the amenity grassland proposed. The removal however of this species rich lawn would give a greater deficit and therefore also not off-set the loss of semi-improved grassland types both in terms of area and plant diversity.
- The Ecological review of Landscape Strategy states 'loss of mixed woodland is temporary and will be compensated through additional woodland planting along the east boundary of the site' It is unclear where this planting is; as planting to eastern boundary is not detailed?
- There is an area identified on the layout plan as species rich grassland mix however this is not

further detailed on the detail plans. Clarification would be sought regarding the specification of this.

- The area to the rear of new proposals which could potentially be enhanced and improved upon are shown as 'lawn areas to be reinstated' these areas require further detail regarding pathway formation, reinstatement specification and detail of how this area will marry with the retained existing woodland scrub, shrub and hedgerow planting.

We would require that the above points are considered and therefore would not recommend the discharge of condition 3 imposed under LU/314/16/PL until these are submitted and approved.

Second Consultation response awaited

Drainage Engineer – First Response

There is insufficient information in respect to the surface water drainage scheme, and the information provided has been superseded by later proposals. On that basis, the condition cannot be discharged at this time.

Second response awaited

Ecology Officer – First Response

We have not been provided with adequate information to be able to discharge condition 4. The condition states that information should be submitted detailing how the loss of hedgerow and scrub has been mitigation and compensated for. No information detailing a mitigation plan for the site has been submitted. The Ecological Review of Landscape Strategy only provides a list of losses and gains per ha for the site rather than going into detail regarding the actual mitigation.

We require that more information is being submitted detailing the mitigation.

Second response awaited

OFFICERS COMMENTS ON CONSULTATIONS

Comments noted, additional information sought by consultees is awaited.

POLICY CONTEXT

Designations applicable to site:

Class B road
Asset of Community Value
Existing Open Space

POLICY COMMENTARY

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

Arun District Council's Development Plans:

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

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to recommence in summer 2017 following publication of modifications to the Plan.

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

The Neighbourhood Development Plan

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

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

Policy 11 of Littlehampton Neighbourhood Plan is considered relevant.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

GEN11	Inland Flooding
GEN12	Parking in New Development
GEN15	Cycling and Walking
GEN18	Crime Prevention
GEN2	Built-up Area Boundary
GEN25	Water Resources
GEN26	Water Quality
GEN28	Trees and Woodlands
GEN32	Noise Pollution
GEN33	Light Pollution
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage
GEN10	Tidal Flooding and Coastal Defence
AREA5	Protection of Open Space

Publication Version of the
Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality
D SP1 Design
OSR DM1 Open Space, Sport and Recreation
QE DM1 Noise Pollution
QE DM2 Light Pollution
QE DM4 Contaminated Land
SD SP1 Sustainable Development
ECC SP1 Adapting to Climate Change
T SP1 Transport and Development
W DM1 Water Supply and Quality
W DM2 Flood Risk
W DM3 Sustainable Urban Drainage Systems
HWB SP1 Health & Wellbeing
ENV DM4 Protection of Trees

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance

DEVELOPMENT PLAN BACKGROUND

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

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

The details submitted in respect of the conditions are considered acceptable in respect of conditions 14 and 6 but the other conditions are not considered to be dischargeable at this stage - further information/consultation responses have been sought prior to Committee and will be reported if available.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are significant material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

If further information/consultation responses are provided in time for Committee (a report update will be provided) and found to be acceptable it is recommended that they be approved. If this position has not yet been reached with regard to conditions 3, 4, 5,10 and 15 it is recommended that the final decision be delegated to the Group Head of Planning in association with the Chair and Vice-Chair of Committee.

HUMAN RIGHTS

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

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

EQUALITIES

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

That 2 of the conditions be discharged with the following decision notice wording:

Condition 06

This condition is discharged in so far as submission of details relates and refers to the Proposed Drainage Layout L1953/D10 rev E, Existing Drainage Layout showing drainage to be retained/removed L1953/D11 revA, Proposed Drainage Details L1963/D12 revA and Proposed Internal Foul Drainage Layout L1953/D13 rev A.

An approval for connections to public sewers shall be obtained under Section 106 of the Water Industry Act.

As previously stated, the commencement of construction works is subject to diversion of public 300mm foul sewerage rising main to be carried out under Section 185 of the Water Industry Act, currently dealt under our ref. SWS.S185S.000034.

Any changes to the terms of agreed Trade Effluent Discharge License should be agreed with Southern Water's Trade Effluent Inspectors.

Condition 14

This condition is discharged in so far as submission of details relates and refers to the Catering Proposals statement from Wilmott Dixon dated 30th May 2017 and the indicative kitchen layout plan drawing XXX-GA-003 - Proposed Kitchen Area General Arrangement Proposals and the indicative café layout plan drawing XXX-GA-00-002 – Proposed Servery Area General Arrangement Proposals.

With regard to the conditions 3, 4, 5,10 and 15, either

- i) The decision be made in accordance with the report update to be provided to Committee or
- ii) In the absence of sufficient details being submitted in time for Committee that the decision on the discharge of the four conditions be delegated to the Group Head of Planning in association with the Chair and Vice Chair of Committee.

LU/177/17/DOC - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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Recommendation Report for Planning Permission

REF NO: LU/354/16/DOC

LOCATION: Land north of 81-92 Greenfields, Littlehampton

PROPOSAL: Application for approval of matters reserved by condition imposed under LU/224/14/PL relating to conditions 3 - schedule & samples of materials & finishes, 4 - details of screen wall/fences, 5 - surface water drainage, 6 - landscape scheme, 11 - cycle parking spaces & 12 - noise protection.

DESCRIPTION OF APPLICATION

Details submitted for the discharge of conditions for application LU/224/14/PL:-

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

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

4) No development shall take place until details of any new screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls and/or fences associated with either them or the adjacent car park them have been erected.

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

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

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

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

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

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

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

11) No part of the development shall be first occupied until covered & secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The cycle spaces shall then be retained thereafter.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and Policy GEN7 of the Arun District Local Plan.

12) Development shall not begin until a scheme for protecting the proposed dwellings from noise from the road traffic on the A259 adjacent to the proposed development has been submitted in writing and approved by the Local Planning Authority. This scheme should include details and location of the acoustic fencing to protect amenity spaces, and also window specification and ventilation requirements for all dwellings. Any works which form part of the scheme approved by the Authority shall be completed before any permitted dwelling is occupied unless an alternative period is agreed in writing by the Authority.

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

The original application (LU/224/14/PL) approved is for:-

Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for erection of 1No house, 2No flats and associated parking, hard and soft landscaping, on an existing parking court.

SITE AREA

0.14 hectares.

TOPOGRAPHY

Predominantly flat but there is a slight incline up the grass verge to the footpath.

SITE CHARACTERISTICS

Existing parking plot/court located off Greenfields and behind several existing dwellings. To the north there is a 'dogwalk' footpath and an area of landscaping forming a buffer to the A259. The site is predominantly hardstanding edged with either pavement or grass verge. The parking spaces are not marked out with white lines. The parking area is currently underused and there is evidence of littering on the grass verge/hedge areas.

CHARACTER OF LOCALITY

Residential but edge of settlement and adjacent to the A259 ring road.

RELEVANT SITE HISTORY

None

SUMMARY OF REPS RECEIVED

None

OFFICERS COMMENTS ON REPS

N/A

SUMMARY OF CONSULTATIONS RESPONSES

Greenspace

Further to submission of VDW 'planting drawing' dated Nov 2016, we can confirm that the information supplied does propose a well thought out and comprehensive scheme which is fitting for location and therefore we would recommend the discharge of Condition 6 Landscaping scheme reserved under planning approval LU/224/14/PL on this application LU/355/16/DOC.

Engineers (Drainage)

Surface water drainage design for all attached applications is satisfactory, surface water drainage condition may be discharged on each (LU/354/16/DOC, LU/355/16/DOC, LU/356/16/DOC, LU/358/16/DOC and LU/361/16/DOC).

WSSC Strategic Planning Team (Highways)

Refer to your consultation in respect of the above planning application and would provide the following comments.

Condition 11 - Cycle Parking. Shown in the materials schedule, is a shed/secure covered cycle store. The LHA are satisfied that this condition can be released.

Environmental Health

Original comments made on the 6th February 2017 are available in full from the Arun District Council website. Additional comments were made following the submission of additional information and are summarised below.

Comments dated 28.04.2017 - We have no objection to the fencing as long as this construction provides the equivalent acoustic remediation detailed in Ian Sharlands acoustic report April 2014. However no further detail/information has been provided. Previous comments from this department still apply and so we cannot agree to discharge the other conditions.

Comments dated 30.06.2017 - I can confirm that the decentralised System 3 Ventilation System as proposed will be acceptable to this Department. This is insofar as it meets all requirements of the 'Ian Sharland Noise Assessment' dated 5th June 2017, paragraphs 5.4 – 5.10 and 1.6.

I therefore agree to discharge of Condition 11 in respect of Planning Application Number LU/356/16/DOC and Condition 12 in respect of Application Numbers LU/354/16/DOC, LU/355/16/DOC and LU/361/16/DOC and Condition 15 in respect of Planning Application Number LU/358/16/DOC.

I also refer to the amended Construction Management Plan (attached) and agree to discharge of Condition 13 (and Condition 14 wheel cleaning) in respect of Planning Application Number LU/354/16/DOC.

OFFICERS COMMENTS ON CONSULTATIONS

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Built up area boundary

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).

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

DEV17	Affordable Housing
GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN5	Provision of New Residential Development
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN18	Crime Prevention
GEN32	Noise Pollution
GEN33	Light Pollution
GEN29	Nature and Conservation Across the District

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
D DM4	Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1	Design
ECC SP2	Energy and Climate Change Mitigation
ENV DM4	Protection of Trees
ENV DM5	Development and Biodiversity
H DM1	Housing Mix
H SP2	Affordable Housing
QE DM1	Noise Pollution
QE DM2	Light Pollution
QE DM4	Contaminated Land
SD SP2	Built-Up Area Boundary
W DM3	Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance

DEVELOPMENT PLAN BACKGROUND

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

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

The submitted details in relation to conditions 3, 4, 5, 6, 11 and 12 are considered to be acceptable.

OTHER MATERIAL CONSIDERATIONS

It is not considered that there are significant material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

No objections have been raised by consultees in relation to the details submitted and it is considered that the details meet the aims of the conditions. Therefore, it is recommended that conditions 3, 4, 5, 6, 11 and 12 are recommended for discharge in so far as they relate to the submitted detail.

HUMAN RIGHTS

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

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

EQUALITIES

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

That the conditions imposed on LU/224/14/PL be discharged with the following wording:

Condition 3

The condition is discharged in so far as it relates to the materials specified on 'Materials Schedule – 16-065 ADC Sites'.

Condition 4

The condition is discharged in so far as it relates to fencing as specified on drawing 'Fencing Design – Elevations' submitted on the 24th November 2016.

Condition 5

The condition is discharged in so far as it relates to surface water drainage at the site in accordance with the details specified on drawing '*Drainage Layout Sheet 5 – dwg no. 1062 Rev 1*'.

Condition 6

The condition is discharged in so far as it relates to the details specified on '*Planting Layout – TND 26561-5*' dated November 2016.

Condition 11

The condition is discharged in so far as it relates to the details for the covered and secure cycle parking spaces as specified on '*Material Schedule ADC Sites 16-065*'.

Condition 12

The condition is discharged in so far as it relates to the details for the acoustic fencing as specified on drawings '*Site 5 – 82-92 Joyce Close*' and '*RANS/Noisewall©/Timberpost/001*' insofar as it accords with '*Ian Sharlands acoustic report dated April 2014*'.

LU/354/16/DOC - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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Recommendation Report for Planning Permission

REF NO: LU/355/16/DOC

LOCATION: Land north of 7-12 Joyce Close, Littlehampton

PROPOSAL: Application for approval of matters reserved by condition imposed under LU/222/14/PL relating to condition no. 3 (schedule of materials & samples), 4 (screen walls /fences), 5 (surface water drainage), 6 (landscaping), 11 (cycle parking spaces) & 12 (scheme for protecting dwellings from road traffic noise)

DESCRIPTION OF APPLICATION

Details submitted for the discharge of conditions for application LU/222/14/PL:-

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

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

4) No development shall take place until details of any new screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls and/or fences associated with either them or the adjacent car park them have been erected.

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

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

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

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

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

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

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

11) No part of the development shall be first occupied until covered & secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The cycle spaces shall then be retained thereafter.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and Policy GEN7 of the Arun District Local Plan.

12) Development shall not begin until a scheme for protecting the proposed dwellings from noise from the road traffic on the A259 adjacent to the proposed development has been submitted in writing and approved by the Local Planning Authority. This scheme should include details and location of the acoustic fencing to protect amenity spaces, and also window specification and ventilation requirements for all dwellings. Any works which form part of the scheme approved by the Authority shall be completed before any permitted dwelling is occupied unless an alternative period is agreed in writing by the Authority.

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

The original application (LU/222/14/PL) approved is for:-

Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for erection of 3No houses 2No flats and associated parking, hard and soft landscaping, on an existing parking court

SITE AREA

0.18 hectares.

TOPOGRAPHY

Predominantly flat.

SITE CHARACTERISTICS

Existing parking plot/court located off Joyce Close and behind several existing dwellings. To the north there is a 'dogwalk' footpath and an area of landscaping forming a buffer to the A259. The site is predominantly hardstanding edged with either pavement or grass verge. The parking spaces are not marked out with white lines. The parking area is currently underused and there is evidence of littering.

CHARACTER OF LOCALITY

Residential but edge of settlement and adjacent to the A259 ring road.

RELEVANT SITE HISTORY

None

SUMMARY OF REPS RECEIVED

None

OFFICERS COMMENTS ON REPS

N/A

SUMMARY OF CONSULTATIONS RESPONSES

Greenspace

Further to submission of VDW 'planting drawing' dated Nov 2016, we can confirm that the information supplied does propose a well thought out and comprehensive scheme which is fitting for the location and therefore we would recommend the discharge of Condition 6 Landscaping scheme reserved under planning approval LU/222/14/PL on this application LU/355/16/DOC.

Engineers (Drainage)

Surface water drainage design for all attached applications is satisfactory, surface water drainage condition may be discharged on each (LU/354/16/DOC, LU/355/16/DOC, LU/356/16/DOC, LU/358/16/DOC and LU/361/16/DOC).

WSSC Strategic Planning Team (Highways)

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSSC map information. A site visit can be arranged on request.

West Sussex County Council, as the Local Highway Authority (LHA), has been consulted on the discharge of conditions relating to approval LU/222/14 (3 x 2 bedroom dwelling and 2 x 1 bedroom flats on an existing parking court). 11 (cycle parking) relate to highways and comments are as follows:

Condition 11

Sheds for storage of bicycles are shown in the rear gardens of the plots and on the Materials Schedule. One cycle space per house and one cycle space per flat will be provided in line with WSCC parking standards. The sheds are of sufficient dimensions to accommodate this though the LPA may wish to clarify with the applicant whether cycle storage for the flats will be communally shared with the houses. The plans and details pertaining to this condition are acceptable.

Environmental Health

Original comments made on the 6th February 2017 are available in full from the Arun District Council website. Additional comments were made following the submission of additional information and are summarised below.

Comments dated 28.04.2017 - We have no objection to the fencing as long as this construction provides the equivalent acoustic remediation detailed in Ian Sharlands acoustic report April 2014. However no further detail/information has been provided. Previous comments from this department still apply and so we cannot to agree to discharge the other conditions.

Comments dated 30.06.2017 - I can confirm that the decentralised System 3 Ventilation System as proposed will be acceptable to this Department. This is insofar as it meets all requirements of the 'Ian Sharland Noise Assessment' dated 5th June 2017, paragraphs 5.4 – 5.10 and 1.6.

I therefore agree to discharge of Condition 11 in respect of Planning Application Number LU/356/16/DOC and Condition 12 in respect of Application Numbers LU/354/16/DOC, LU/355/16/DOC and LU/361/16/DOC and Condition 15 in respect of Planning Application Number LU/358/16/DOC.

I also refer to the amended Construction Management Plan (attached) and agree to discharge of Condition 13 (and Condition 14 wheel cleaning) in respect of Planning Application Number LU/354/16/DOC.

OFFICERS COMMENTS ON CONSULTATIONS

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Built up area boundary

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).

There are considered to be no relevant policies to the determination of this application within the Littlehampton Neighbourhood Plan.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

DEV17	Affordable Housing
GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN5	Provision of New Residential Development
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN18	Crime Prevention
GEN32	Noise Pollution
GEN33	Light Pollution
GEN29	Nature and Conservation Across the District

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
D DM4	Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1	Design
ECC SP2	Energy and Climate Change Mitigation
ENV DM4	Protection of Trees
ENV DM5	Development and Biodiversity
H DM1	Housing Mix
H SP2	Affordable Housing
QE DM1	Noise Pollution
QE DM2	Light Pollution
QE DM4	Contaminated Land
SD SP2	Built-Up Area Boundary
W DM3	Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework
NPPG National Planning Policy Guidance

DEVELOPMENT PLAN BACKGROUND

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

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

The submitted details in relation to conditions 3, 4, 5, 6, 11 and 12 are considered to be acceptable.

OTHER MATERIAL CONSIDERATIONS

It is not considered that there are significant material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

No objections have been raised by consultees in relation to the details submitted and it is considered that the details meet the aims of the conditions. Therefore, it is recommended that conditions 3, 4, 5, 6, 11 and 12 are recommended for discharge in so far as they relate to the submitted detail.

HUMAN RIGHTS

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

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

EQUALITIES

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

That the conditions imposed on LU/222/14/PL be discharged with the following wording:

Condition 3

The condition is discharged in so far as it relates to the materials specified on 'Materials Schedule – 16-065 ADC Sites'.

Condition 4

The condition is discharged in so far as it relates to fencing as specified on drawing 'Fencing Design – Elevations' submitted on the 24th November 2016.

Condition 5

The condition is discharged in so far as it relates to surface water drainage at the site in accordance with the details specified on drawing '*Drainage Layout Sheet 5 – dwg no. 1065 Rev 1*'.

Condition 6

The condition is discharged in so far as it relates to the details specified on '*Planting Layout – TND 26561-2A*' dated November 2016.

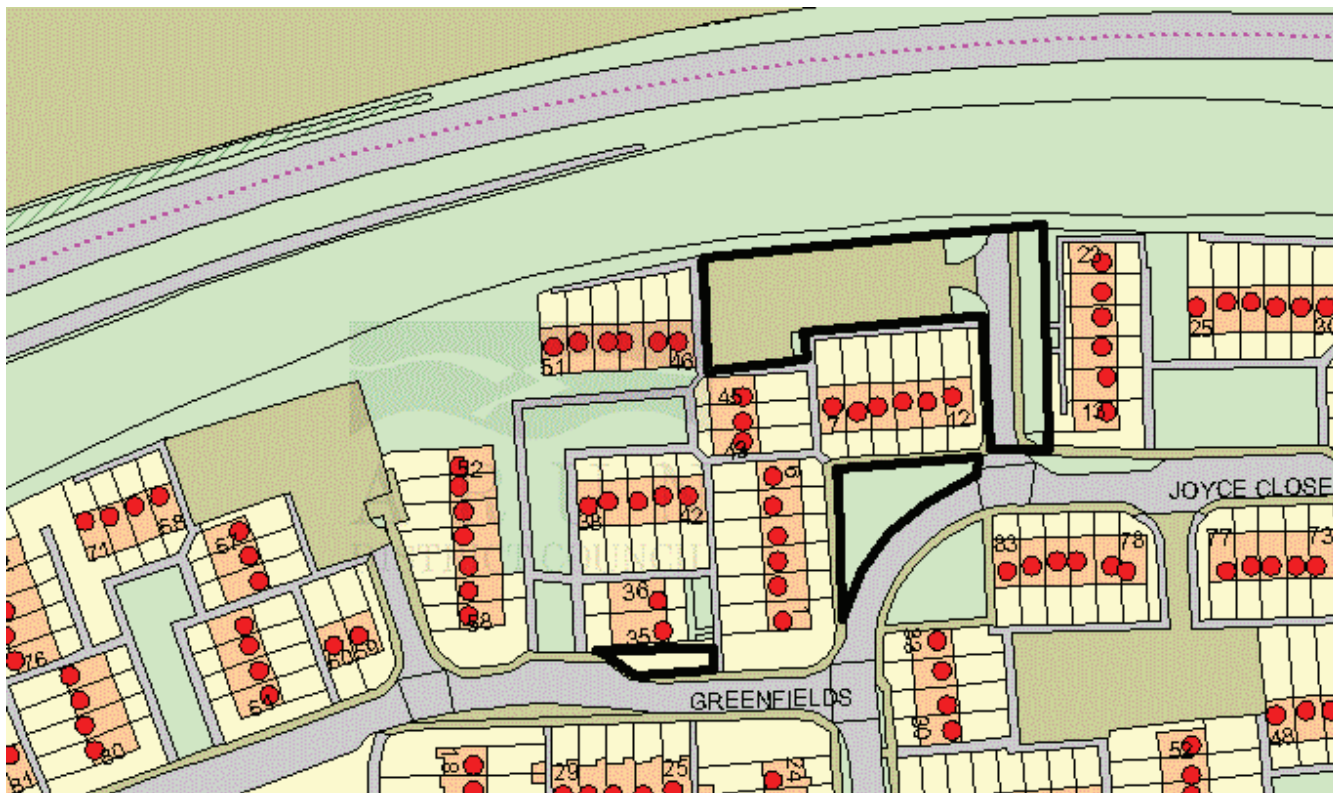
Condition 11

The condition is discharged in so far as it relates to the details for the covered and secure cycle parking spaces as specified on '*Material Schedule ADC Sites 16-065*' submitted 24th November 2016.

Condition 12

The condition is discharged in so far as it relates to the details for the acoustic fencing as specified on drawings '*Site 3 – 7-12 Joyce Close*' and '*RANS/Noisewall©/Timberpost/001*' insofar as it accords with '*Ian Sharlands acoustic report dated April 2014*'.

LU/355/16/DOC - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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Recommendation Report for Planning Permission

REF NO: LU/356/16/DOC

LOCATION: Land north of 31-40 Joyce Close, Littlehampton

PROPOSAL: Application for approval of matters reserved by condition imposed under LU/221/14/PL relating to condition no. 3 (Schedule of materials & samples), 4 (new screen walls /fences), 5 (surface water drainage), 6 (landscaping scheme), 10 (cycle parking spaces) & 11 (scheme for protecting the proposed dwellings from noise from road traffic noise)

DESCRIPTION OF APPLICATION

Details submitted for the discharge of conditions for application LU/221/14/PL:-

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

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

4) No development shall take place until details of any new screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls and/or fences associated with either them or the adjacent car park them have been erected.

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

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

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

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

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

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

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

10) No part of the development shall be first occupied until covered & secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The cycle spaces shall then be retained thereafter.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and Policy GEN7 of the Arun District Local Plan.

11) Development shall not begin until a scheme for protecting the proposed dwellings from noise from the road traffic on the A259 adjacent to the proposed development has been submitted in writing and approved by the Local Planning Authority. This scheme should include details and location of the acoustic fencing to protect amenity spaces, and also window specification and ventilation requirements for all dwellings. Any works which form part of the scheme approved by the Authority shall be completed before any permitted dwelling is occupied unless an alternative period is agreed in writing by the Authority.

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

The original application (LU/221/14/PL) approved is for:-

Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for erection of 4No houses and associated parking, hard and soft landscaping, on an existing parking court.

SITE AREA

0.23 hectares.

TOPOGRAPHY

Predominantly flat but there is a slight incline from the car park to the fence on the northern boundary.

SITE CHARACTERISTICS

Existing part parking plot/court, part grassed amenity space located off Greenfields and behind several existing dwellings. To the north there is a 'dogwalk' footpath and an area of landscaping forming a buffer to the A259. The site is predominantly hardstanding edged with either pavement or grass verge. The parking spaces are not marked out with white lines and the parking area is underused. The grassed amenity space measures approximately 1000m² and had several items of litter on it at the time of the visit. These included half a chair, drinks bottles & cans, a paper cup and a black bag. It is also noted that an Arun DC sign next to the space states "No Ball Games".

CHARACTER OF LOCALITY

Residential but edge of settlement and adjacent to the A259 ring road.

RELEVANT SITE HISTORY

None

SUMMARY OF REPS RECEIVED

None

OFFICERS COMMENTS ON REPS

N/A

SUMMARY OF CONSULTATIONS RESPONSES

Greenspace

Further to submission of VDW 'planting drawing' dated Nov 2016, we can confirm that the information supplied does propose a well thought out and comprehensive scheme which is fitting for location and therefore we would recommend the discharge of Condition 6 Landscaping scheme reserved under planning approval LU/221/14/PL on this application LU/356/16/DOC.

Engineers (Drainage)

Surface water drainage design for all attached applications is satisfactory, surface water drainage condition may be discharged on each (LU/354/16/DOC, LU/355/16/DOC, LU/356/16/DOC, LU/358/16/DOC and LU/361/16/DOC).

WSCC Strategic Planning Team (Highways)

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request. West Sussex County Council, as the Local Highway Authority (LHA), have been consulted on the discharge of conditions secured on approval LU/221/14 (4 x houses). Condition 10 relates to storage of bicycles. The plans and documents indicate sufficient bicycle storage for the proposed development in line with WSCC parking guidance. The plans and details pertaining to this condition are acceptable.

Environmental Health

Original comments made on the 6th February 2017 are available in full from the Arun District Council website. Additional comments were made following the submission of additional information and are summarised below.

Comments dated 28.04.2017 - We have no objection to the fencing as long as this construction provides the equivalent acoustic remediation detailed in Ian Sharlands acoustic report April 2014. However no further detail/information has been provided. Previous comments from this department still apply and so we cannot to agree to discharge the other conditions.

Comments dated 30.06.2017 - I can confirm that the decentralised System 3 Ventilation System as proposed will be acceptable to this Department. This is insofar as it meets all requirements of the 'Ian Sharland Noise Assessment' dated 5th June 2017, paragraphs 5.4 – 5.10 and 1.6.

I therefore agree to discharge of Condition 11 in respect of Planning Application Number LU/356/16/DOC and Condition 12 in respect of Application Numbers LU/354/16/DOC, LU/355/16/DOC and LU/361/16/DOC and Condition 15 in respect of Planning Application Number LU/358/16/DOC.

I also refer to the amended Construction Management Plan (attached) and agree to discharge of Condition 13 (and Condition 14 wheel cleaning) in respect of Planning Application Number LU/354/16/DOC.

OFFICERS COMMENTS ON CONSULTATIONS

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Built up area boundary

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).

There are considered to be no policies which are relevant to the determination of this application within the Littlehampton Neighbourhood Plan.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

DEV17	Affordable Housing
GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN5	Provision of New Residential Development
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN18	Crime Prevention
GEN32	Noise Pollution
GEN33	Light Pollution
GEN29	Nature and Conservation Across the District

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
D DM4	Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1	Design
ECC SP2	Energy and Climate Change Mitigation
ENV DM4	Protection of Trees
ENV DM5	Development and Biodiversity
H DM1	Housing Mix
H SP2	Affordable Housing
QE DM1	Noise Pollution
QE DM2	Light Pollution
QE DM4	Contaminated Land
SD SP2	Built-Up Area Boundary
W DM3	Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework
NPPG National Planning Policy Guidance

DEVELOPMENT PLAN BACKGROUND

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

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

The submitted details in relation to conditions 3, 4, 5, 6, 11, 13, 14 and 15 are considered to be acceptable.

OTHER MATERIAL CONSIDERATIONS

It is not considered that there are significant material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

No objections have been raised by consultees in relation to the details submitted and it is considered that the details meet the aims of the conditions. Therefore, it is recommended that conditions 3, 4, 5, 6, 11, 13, 14 and 15 are recommended for discharge in so far as they relate to the submitted detail.

Details remain outstanding in relation to condition 12 and as such this condition has not been recommended for discharge at this time. However, if further information/consultation responses are received prior to committee and found to be acceptable then a report update will be prepared recommending this condition for approval. If this position has not been reached prior to committee then it is recommended that the final determination in relation to Condition 12 be delegated to the Group Head of Planning in association with the Chair and Vice-Chair of Committee.

HUMAN RIGHTS

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

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this

case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

EQUALITIES

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

That the conditions LU/221/14/PL be discharged with the following wording:

Condition 3

The condition is discharged in so far as it relates to the materials specified on 'Materials Schedule – 16-065 ADC Sites'.

Condition 4

The condition is discharged in so far as it relates to fencing as specified on drawing 'Fencing Design – Elevations' submitted on the 24th November 2016.

Condition 5

The condition is discharged in so far as it relates to surface water drainage at the site in accordance with the details specified on drawing '*Drainage Layout Sheet 5 – dwg no. 1065 Rev 1*'.

Condition 6

The condition is discharged in so far as it relates to the details specified on '*Planting Layout – TND 26561-3*' dated November 2016.

Condition 10

The condition is discharged in so far as it relates to the details for the covered and secure cycle parking spaces as specified on '*Material Schedule ADC Sites 16-065*' submitted on 24th November 2016.

Condition 11

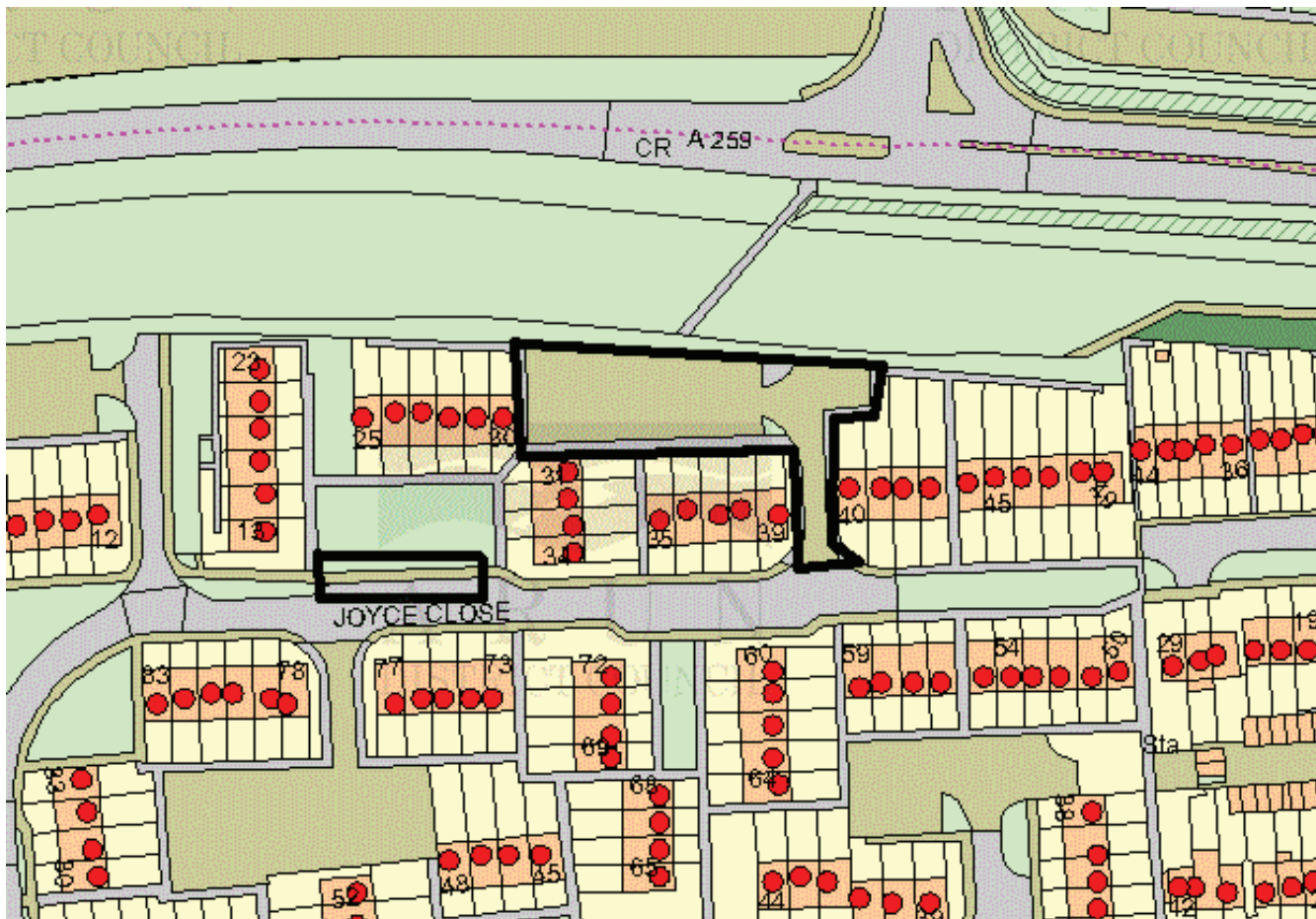
The condition is discharged in so far as it relates to the details for the acoustic fencing as specified on drawings 'Site 1 – 31-40 Joyce Close' and 'RANS/Noisewall©/Timberpost/001' insofar as it accords with 'Ian Sharlands acoustic report dated April 2014'.

Condition 12

In relation to condition 12 it is recommended that either;

- i) The decision be made in accordance with the report update provided prior to committee, or;
- ii) In the absence of sufficient details being submitted in time for Committee that the decision on the discharge of condition 12 be delegated to the Group Head of Planning in association with the Chair and Vice Chair of Committee.

LU/356/16/DOC - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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Recommendation Report for Planning Permission

REF NO: LU/358/16/DOC

LOCATION: Land north of 52 – 67 Greenfields, Littlehampton

PROPOSAL: Application for approval of matters reserved by condition imposed under LU/223/14/PL relating to condition No. 3 (schedule of materials & samples), 4 (details of screen walls & fences), 5 (Surface water drainage), 6 (Landscaping), 11 (Covered & secure cycle parking spaces), 12 (Roads, footways & casual parking), 13 Construction management plan), 14 (Vehicle wheel cleaning facility) & 15 (Scheme for protecting the proposed dwelling from road traffic noise)

DESCRIPTION OF APPLICATION

Details submitted for the discharge of conditions for application LU/223/14/PL:-

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

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

4) No development shall take place until details of any new screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls and/or fences associated with either them or the adjacent car park them have been erected.

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

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

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

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

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

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

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

11) No part of the development shall be first occupied until covered & secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The cycle spaces shall then be retained thereafter.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and Policy GEN7 of the Arun District Local Plan.

12) No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

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

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

- The method of access by construction vehicles during construction
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the recycling, removal and disposal of waste materials including an agreed traffic route for the waste vehicles,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the erection of site offices and ancillary buildings, the provision of wheel washing facilities,

· the measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security.

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

14) No development shall be carried out on the site unless and until an effective vehicle wheel cleaning facility has been installed in accordance with details provided by the Local Planning Authority and such facility shall be retained in working order and throughout the period of work on site to ensure the vehicles do not carry mud and earth on to the public highway, which may cause a hazard to other road users.

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

15) Development shall not begin until a scheme for protecting the proposed dwellings from noise from the road traffic on the A259 adjacent to the proposed development has been submitted in writing and approved by the Local Planning Authority. This scheme should include details and location of the acoustic fencing to protect amenity spaces, and also window specification and ventilation requirements for all dwellings. Any works which form part of the scheme approved by the Authority shall be completed before any permitted dwelling is occupied unless an alternative period is agreed in writing by the Authority.

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

The original application (LU/223/14/PL) approved is for:-

Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for erection of 8No houses and associated parking, hard and soft landscaping, on an existing parking court.

SITE AREA

0.23 hectares.

TOPOGRAPHY

Predominantly flat but there is a slight incline from the car park to the fence on the northern boundary.

SITE CHARACTERISTICS

Existing part parking plot/court, part grassed amenity space located off Greenfields and behind several existing dwellings. To the north there is a 'dogwalk' footpath and an area of landscaping forming a buffer to the A259. The site is predominantly hardstanding edged with either pavement or grass verge. The parking spaces are

not marked out with white lines and the parking area is underused. The grassed amenity space measures approximately 1000m² and had several items of litter on it at the time of the visit. These included half a chair, drinks bottles & cans, a paper cup and a black bag. It is also noted that an Arun DC sign next to the space states "No Ball Games".

CHARACTER OF LOCALITY

Residential but edge of settlement and adjacent to the A259 ring road.

RELEVANT SITE HISTORY

None

SUMMARY OF REPS RECEIVED

None

OFFICERS COMMENTS ON REPS

N/A

SUMMARY OF CONSULTATIONS RESPONSES

Greenspace

Further to submission of VDW 'planting drawing' dated Nov 2016, we can confirm that the information supplied does propose a well thought out and comprehensive scheme which is fitting for location and therefore we would recommend the discharge of Condition 6 Landscaping scheme reserved under planning approval LU/223/14/PL on this application LU/358/16/DOC.

Engineers (Drainage)

Surface water drainage design for all attached applications is satisfactory, surface water drainage condition may be discharged on each (LU/354/16/DOC, LU/355/16/DOC, LU/356/16/DOC, LU/358/16/DOC and LU/361/16/DOC).

WSSC Strategic Planning Team (Highways)

Condition 11 - Cycle Parking. Shown on Materials Schedule 16-065 ADC Sites, is a shed/secure covered cycle store. The LHA are satisfied that this condition can be released.

Condition 13 – Construction Management Plan. The LHA are satisfied with details specified within the submitted Construction Management Plan and are satisfied that this condition can be released.

Condition 14 – Vehicle Wheel Washing Facility. Sufficient wheel washing facilities have been shown, this condition can be released.

Environmental Health

Original comments made on the 6th February 2017 are available in full from the Arun District Council website. Additional comments were made following the submission of additional information and are summarised below.

Comments dated 28.04.2017 - We have no objection to the fencing as long as this construction provides the equivalent acoustic remediation detailed in Ian Sharlands acoustic report April 2014. However no further detail/information has been provided. Previous comments from this department still apply and so we cannot to agree to discharge the other conditions.

Comments dated 30.06.2017 - I can confirm that the decentralised System 3 Ventilation System as proposed will be acceptable to this Department. This is insofar as it meets all requirements of the 'Ian Sharland Noise Assessment' dated 5th June 2017, paragraphs 5.4 – 5.10 and 1.6.

I therefore agree to discharge of Condition 11 in respect of Planning Application Number LU/356/16/DOC and Condition 12 in respect of Application Numbers LU/354/16/DOC, LU/355/16/DOC and LU/361/16/DOC and Condition 15 in respect of Planning Application Number LU/358/16/DOC.

I also refer to the amended Construction Management Plan (attached) and agree to discharge of Condition 13 (and Condition 14 wheel cleaning) in respect of Planning Application Number LU/354/16/DOC.

OFFICERS COMMENTS ON CONSULTATIONS

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Built up area boundary

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.

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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).

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

DEV17	Affordable Housing
GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN5	Provision of New Residential Development
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN18	Crime Prevention
GEN32	Noise Pollution
GEN33	Light Pollution
GEN29	Nature and Conservation Across the District

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
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QE DM2	Light Pollution
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SD SP2	Built-Up Area Boundary
W DM3	Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance

DEVELOPMENT PLAN BACKGROUND

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

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

The submitted details in relation to conditions 3, 4, 5, 6, 11, 13, 14 and 15 are considered to be acceptable.

OTHER MATERIAL CONSIDERATIONS

It is not considered that there are significant material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

No objections have been raised by consultees in relation to the details submitted and it is considered that the details meet the aims of the conditions. Therefore, it is recommended that conditions 3, 4, 5, 6, 11, 13, 14 and 15 are recommended for discharge in so far as they relate to the submitted detail.

Details remain outstanding in relation to condition 12 and as such this condition has not been recommended for discharge at this time. However, if further information/consultation responses are received prior to committee and found to be acceptable then a report update will be prepared recommending this condition for approval. If this position has not been reached prior to committee then it is recommended that the final determination in relation to Condition 12 be delegated to the Group Head of Planning in association with the Chair and Vice-Chair of Committee.

HUMAN RIGHTS

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

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

EQUALITIES

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender

reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

RECOMMENDATION

That the conditions imposed on LU/223/14/PL be discharged with the following wording:

Condition 3

The condition is discharged in so far as it relates to the materials specified on 'Materials Schedule – 16-065 ADC Sites'.

Condition 4

The condition is discharged in so far as it relates to fencing as specified on drawing 'Fencing Design – Elevations' submitted on the 24th November 2016.

Condition 5

The condition is discharged in so far as it relates to surface water drainage at the site in accordance with the details specified on drawing '*Drainage Layout Sheet 3 – dwg no. 1063 Rev 1*'.

Condition 6

The condition is discharged in so far as it relates to the details specified on '*Planting Layout – TND 26561-4*' dated November 2016.

Condition 11

The condition is discharged in so far as it relates to the details for the covered and secure cycle parking spaces as specified on '*Material Schedule ADC Sites 16-065*' submitted on the 24th November 2016.

Condition 13

The condition is discharged in so far as it relates to compliance with the details specified within '*Brymor – Construction Management Plan - Rev D (23rd June 2017)*'.

Condition 14

The condition is discharged in so far as it relates to the vehicle wheel washing method statement specified within '*Brymor – Construction Management Plan - Rev D (23rd June 2017)*'.

Condition 15

The condition is discharged in so far as it relates to the details for the acoustic fencing as specified on drawings 'Site 4 – 52-67 Greenfields' and 'RANS/Noisewall©/Timberpost/001' insofar as it accords with '*Ian Sharlands acoustic report dated April 2014*'.

LU/358/16/DOC - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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Recommendation Report for Planning Permission

REF NO: LU/361/16/DOC

LOCATION: Land between 99 & 100 Greenfields, Littlehampton

PROPOSAL: Application for approval of matters reserved by condition imposed under LU/227/14/PL relating to condition No. 3 (Schedule & samples of materials), 4 (new screen walls/fences), 5(Surface water drainage), 6 (Landscaping scheme), 11 (Cycle parking spaces) & 12 (Scheme for protecting proposed dwellings from road noise traffic)

DESCRIPTION OF APPLICATION

Details submitted for the discharge of conditions for application LU/227/14/PL:-

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

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

4) No development shall take place until details of any new screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls and/or fences associated with either them or the adjacent car park them have been erected.

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

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

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

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

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

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

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

11) No part of the development shall be first occupied until covered & secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The cycle spaces shall then be retained thereafter.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and Policy GEN7 of the Arun District Local Plan.

12) Development shall not begin until a scheme for protecting the proposed dwellings from noise from the road traffic on the A259 adjacent to the proposed development has been submitted in writing and approved by the Local Planning Authority. This scheme should include details and location of the acoustic fencing to protect amenity spaces, and also window specification and ventilation requirements for all dwellings. Any works which form part of the scheme approved by the Authority shall be completed before any permitted dwelling is occupied unless an alternative period is agreed in writing by the Authority.

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

The original application (LU/227/14/PL) approved is for:-

Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for erection of 2 No Houses and associated parking, hard and soft landscaping, on an existing parking court.

SITE AREA

0.09 hectares.

TOPOGRAPHY

Predominantly flat but there is a slight incline beyond the northern boundary up the grass verge to the footpath.

SITE CHARACTERISTICS

Existing parking plot/court located at the western end of Greenfields and close to existing dwellings. To the north there is a 'dogwalk' footpath and an area of landscaping forming a buffer to the A259. The site is predominantly hardstanding edged with pavement down the sides and a grass verge to the north. The parking spaces are not marked out with white lines. The parking area is currently underused and there is evidence of littering on the grass verge area.

CHARACTER OF LOCALITY

Residential but edge of settlement and adjacent to the A259 ring road.

RELEVANT SITE HISTORY

None.

SUMMARY OF REPS RECEIVED

None

OFFICERS COMMENTS ON REPS

N/A

SUMMARY OF CONSULTATIONS RESPONSES

Greenspace

Further to submission of VDW 'planting drawing' dated Nov 2016, we can confirm that the information supplied does propose a well thought out and comprehensive scheme which is fitting for location and therefore we would recommend the discharge of Condition 6 Landscaping scheme reserved under planning approval LU/227/14/PL on this application LU/361/16/DOC.

Engineers (Drainage)

Surface water drainage design for all attached applications is satisfactory, surface water drainage condition may be discharged on each (LU/354/16/DOC, LU/355/16/DOC, LU/356/16/DOC, LU/358/16/DOC and LU/361/16/DOC).

WSSC Strategic Planning Team (Highways)

Condition 11 - Cycle Parking. Shown on Material Schedule ADC Sites 16-065, is a shed/secure covered cycle store. The LHA are satisfied that this condition can be released.

Environmental Health

Original comments made on the 6th February 2017 are available in full from the Arun District Council website. Additional comments were made following the submission of additional information and are summarised below.

Comments dated 28.04.2017 - We have no objection to the fencing as long as this construction provides the equivalent acoustic remediation detailed in Ian Sharlands acoustic report April 2014. However no further detail/information has been provided. Previous comments from this department still apply and so we cannot to agree to discharge the other conditions.

Comments dated 30.06.2017 - I can confirm that the decentralised System 3 Ventilation System as proposed will be acceptable to this Department. This is insofar as it meets all requirements of the 'Ian Sharland Noise Assessment' dated 5th June 2017, paragraphs 5.4 – 5.10 and 1.6.

I therefore agree to discharge of Condition 11 in respect of Planning Application Number LU/356/16/DOC and Condition 12 in respect of Application Numbers LU/354/16/DOC, LU/355/16/DOC and LU/361/16/DOC and Condition 15 in respect of Planning Application Number LU/358/16/DOC.

I also refer to the amended Construction Management Plan (attached) and agree to discharge of Condition 13 (and Condition 14 wheel cleaning) in respect of Planning Application Number LU/354/16/DOC.

OFFICERS COMMENTS ON CONSULTATIONS

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Built up area boundary
Buildings of Special Character

POLICY COMMENTARY

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

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).

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

DEV17	Affordable Housing
GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN5	Provision of New Residential Development
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN18	Crime Prevention
GEN32	Noise Pollution
GEN33	Light Pollution
GEN29	Nature and Conservation Across the District

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
D DM4	Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1	Design
ECC SP2	Energy and Climate Change Mitigation
ENV DM4	Protection of Trees
ENV DM5	Development and Biodiversity
H DM1	Housing Mix
H SP2	Affordable Housing
QE DM1	Noise Pollution
QE DM2	Light Pollution
QE DM4	Contaminated Land
SD SP2	Built-Up Area Boundary
W DM3	Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance

DEVELOPMENT PLAN BACKGROUND

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

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

The submitted details in relation to conditions 3, 4, 5, 6, 11 and 12 are considered to acceptable.

OTHER MATERIAL CONSIDERATIONS

It is not considered that there are significant material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

No objections have been raised by consultees in relation to the details submitted and it is considered that the details meet the aims of the conditions. Therefore, it is recommended that conditions 3, 4, 5, 6, 11 and 12 are recommended for discharge in so far as they relate to the details submitted.

HUMAN RIGHTS

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

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

EQUALITIES

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

That the conditions imposed on LU/227/14/PL be discharged with the following wording:

Condition 3

The condition is discharged in so far as it relates to the materials specified on 'Materials Schedule – 16-065 ADC Sites'.

Condition 4

The condition is discharged in so far as it relates to fencing as specified on drawing 'Fencing Design – Elevations' submitted on the 24th November 2016.

Condition 5

The condition is discharged in so far as it relates to surface water drainage at the site in accordance with the details specified on drawing '*Drainage Layout Sheet 1 – dwg no. 1061 Rev 1*'.

Condition 6

The condition is discharged in so far as it relates to the details specified on '*Planting Layout – TND 26561-6*' dated November 2016.

Condition 11

The condition is discharged in so far as it relates to the details for the covered and secure cycle parking spaces as specified on '*Material Schedule ADC Sites 16-065*'.

Condition 12

The condition is discharged in so far as it relates to the details for the acoustic fencing as specified on drawings '*Site 6 – 99-100 Greenfields*' and '*RANS/Noisewall@/Timberpost/001*' insofar as it accords with '*Ian Sharlands acoustic report dated April 2014*'.

LU/361/16/DOC - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: FP/127/17/PL

LOCATION: 2 Second Avenue
Felpham
PO22 7LJ

PROPOSAL: Proposed detached two storey dwelling

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed dwelling will be sited on a similar front building line to no. 2 but set further back than no. 1. The house will be between 7.1 and 7.7m wide. It will be 4.5m to the eaves and around 8.55m to the ridge. An integral garage is proposed along with an additional off-street driveway parking space. The house will have 4 double bedrooms. No roof accommodation is shown. The existing garden outbuilding situated at the end of the garden will be demolished.
SITE AREA	0.0855 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	11.7 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Existing 1m brick wall with close boarded fencing inserts to the very front. This is part supplemented with hedging of 2-2.5m. There is then a grassed area before a further 'front' boundary comprising 1.7-1.8m close boarded fencing. Similar height close boarded fencing to the boundary with no. 1 Second Avenue. 1.8-1.9m high close boarded fencing to the rear.
SITE CHARACTERISTICS	Existing side garden comprising of children's play equipment. Separately fenced off single storey pitched roof summerhouse at the end of the garden.
CHARACTER OF LOCALITY	No. 2 Second Avenue is a two storey detached dwelling with white rendered walls at ground floor, timber cladding above and a red tiled roof. Front covered but open porch constructed from timber and brick with a red tiled roof. Existing single storey rear extension with further garden to the rear, a boat shed and a small domestic shed.
	Private residential estate comprising of detached properties of various styles and designs.
	No. 1 is a detached two storey dwelling with a single storey front projection. It has a ground floor utility room window and

a first floor bathroom window on the affected side. Ground floor rear windows are obscured by a rear single storey extension. The first floor has a rear facing bathroom. No. 1 has an eaves height of 4.8m and a ridge height of 7.65m.

No. 2 has three ground floor flank facing windows and 3 first floor flank facing windows. These are understood to be secondary windows. The single storey extension has a further two large windows which face the application site and serve a kitchen/utility area. No. 2 has an eaves height of 5.25m and a maximum ridge height of 8m.

21 First Avenue to the rear is a bungalow.

RELEVANT SITE HISTORY

FP/266/07/	Outline application for proposed 2 storey 4 bedroom detached house and new vehicular access.	ApproveConditionally 27-02-08
FP/178/02/	Detached timber shed	ApproveConditionally 05-11-02
FP/72/01/	Single storey rear extension	ApproveConditionally 25-05-01

Outline planning permission was granted in February 2008 for a 2 storey, 4 bedroom detached house with a new vehicular access. This was granted by the Development Control Committee following a site visit and subject to an additional planning condition requiring that the gap between the southern elevation of no. 2 Second Avenue and the northern elevation of the proposed dwelling be not less than 3m. It is not possible to apply a similar condition to the new application as the layout is not a reserved matter.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

"Objection. Not in keeping with the street scene, design guide or Neighbourhood Plan"

Eight letters of objection raising the following issues:

- (1) The gap between the northern elevation and the southern elevation of no. 2 is only 2m not the 3m as previously required;
- (2) The proposed garage door is only just over 2m wide and will only be suitable for a small car;
- (3) The proposed dwelling is slightly further forward than the established front building line;
- (4) Overdevelopment given the width of the plot compared to others;

- (5) Impact on local character;
- (6) The application was not brought to the attention of the recent purchasers of 23 First Avenue;
- (7) There is an existing single storey dwelling in the grounds of 2 Second Avenue which abuts nos. 21 & 23 First Avenue and is not authorised.
- (8) Loss of outlook to no. 23 First Avenue;
- (9) The plans are inaccurate in relation to the outline of the adjacent house, no. 1 Second Avenue; and
- (10) Insufficient parking leading to parking on-street and conflict with residents.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council comments are noted.

Points (4), (5), (8) & (10) will be discussed in the Conclusions section of this report. The following comments are offered in respect of the other local resident objections:

- (1) It is true that the gap is only 2m. However, the 3m requirement was a condition of the expired outline permission and does not automatically apply to this brand new application as submitted some 10 years after the previous;
- (2) The width of the garage opening has been checked and is 2.3m. This is only 0.1m less than the width of a standard parking space and is therefore considered to be sufficient;
- (3) The proposed dwelling is 1.1m further forward than no. 2's front building line but is also set back by 3.5m from no. 1's front building line;
- (6) This is not a material planning consideration;
- (7) The building in question is a summerhouse and is not separately occupied. The application proposes its demolition in order to create more garden for the proposed dwelling; and
- (9) The applicant was advised of the concerns with the drawings and has provided replacement plans which address these.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

ADC TREE OFFICER:

Notes that the front garden contains a shrub clump, a hedge of shrubby plants and one Holm Oak which has been kept pruned down to small shrub proportions. There is then a dying Cherry tree in the rear garden. None of the trees are considered to be worthy of retention or protection. No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary; and
Bognor No. 3 Tree Preservation Order.

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

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

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
D SP1	Design
ECC SP2	Energy and climate change mitigation
H DM1	Housing Mix
SD SP2	Built -Up Area Boundary
T SP1	Transport and Development
W DM3	Sustainable Urban Drainage Systems

<u>Felpham Neighbourhood Plan 2014 POLICY ESD1</u>	Design of new development
Felpham Neighbourhood Plan 2014 POLICY ESD5	Surface water management
Felpham Neighbourhood Plan 2014 POLICY ESD8	Building design
Felpham Neighbourhood Plan 2014 POLICY ESD10	Design details
Felpham Neighbourhood Plan 2014 POLICY ESD11	Increasing the energy efficiency of our buildings

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

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

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

Arun District Council's Development Plans:

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

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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

The Neighbourhood Development Plan

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

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

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

The following is an analysis of the Written Ministerial Statement (WMS) in respect of this application:

- The Felpham Neighbourhood Plan has been part of the development plan for more than 2 years and the WMS is less than 2 years old;
- The Felpham Neighbourhood Plan does not allocate any sites 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).

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The site is located within the built up area boundary where the principle of new development is considered to be acceptable subject to other policies in the development plan. The National Planning Policy Framework (NPPF) supports the effective and efficient use of land for sites in the built up area and advises that new housing should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

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

DESIGN AND CHARACTER OF THE AREA:

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

Felpham Neighbourhood Plan policy ESD1 states that: "New development which would have an effect on the appearance or character of the surrounding area must be of a high quality of design and must contribute to local character by creating a sense of place appropriate to its location."

It is also necessary to consider policy ESD8 which includes the following: "The design of new buildings must reflect the design principles of their time so that the richness of varied character would continue and would be extended into the future."

In addition, policy ESD10 states that: "The following items must be considered early in the design process and integrated into the overall scheme:

- bin stores and recycling facilities
- cycle stores
- meter boxes
- lighting

- flues and ventilation ducts
- gutters and pipes
- satellite dishes and telephone lines"

The proposed dwelling will be sited slightly further forward (1.1m) than the front of no. 2 but is also set back by 3.5m from the front of no. 1 (due to no. 1 having a single storey front extension). The depth of the new dwelling will be similar to no. 1 but also less than no. 2 (due to no. 2's single storey rear extension). The new dwelling will be 1m from the boundary with no. 2 and 1.4m, narrowing to 1m from the boundary with no. 1. The total gap between the fronts of these dwellings is 2.5m to no. 1 and 2m to no. 2.

Although existing residential plots within this private estate are generally spacious, there is no established pattern to gaps between dwellings. For example: 2.2m between nos. 4 & 5 Second Avenue; 1.1m between the northern wall of 3 Second Avenue and its boundary; 1.3m between northern wall of 14 Second Avenue (opposite the site) and its boundary; and 2.2m between nos. 9 and 10 Second Avenue. For this reason, it is not considered appropriate to insist on a 3m gap between the southern elevation of no. 2 Second Avenue and the northern elevation of the proposed dwelling.

The proposed dwelling will be marginally higher (less than 1m) than the adjacent dwellings but has a front gabled roof which has less bulk than the roofs of the adjacent dwellings. There are other front gabled roofs on Second Avenue. No chimney is shown but then there is also no chimney on no. 1.

Proposed materials include painted render, stained timber weatherboarding and clay tiles. These are considered to be appropriate within the streetscene.

It is considered that the proposal is in accordance with Local Plan policy GEN7 (ii) and with policies ESD1 and 8 of the Neighbourhood Plan. The proposal does not fully comply with policy ESD10 in that although the position of cycle and bin stores are shown, the other details are not. However, the missing details are not considered to be necessary at the planning stage and would instead be included at the Building Regulations stage. It is not considered that non-compliance with this policy should result in a refusal.

RESIDENTIAL AMENITY:

Arun District local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property.

The layout of the proposal is such that there will be no impact on a 45 degree splay drawn from the rear principle windows of neighbouring windows. There will be some loss of light to the southern elevation of no. 2 due to the plot being to the south. However, the new dwelling has been designed so as to be set back from the existing rear of no. 2 and thus, light will still reach no. 2's rear elevation and their rear extension.

There will be a loss of view from the existing flank windows of no. 1 and no. 2. However, those on no. 1 are secondary in nature (utility room & bathroom) whilst those on no. 2, although serving living space and bedrooms, are still secondary to existing front/rear facing windows. Furthermore, it should be noted that the applicants are the owners of no. 2 and they will have designed the proposed dwelling knowing that there may be an impact on their own windows. The proposed south facing first floor bathroom windows are indicated as being obscure glazed but it will be necessary to also obscure glaze the north facing stairs window to prevent views between the new dwelling and no. 2.

It is proposed to site a new cycle store adjacent to the rear fence. Although this will be only a low level

shed like structure, it may have an impact on the amenity of the properties to the rear (21 & 23 First Avenue). However, the large summerhouse outbuilding that currently sits adjacent to the rear boundary line will be removed and thus there will be a net improvement in the amenity of these properties.

A local resident has raised concern as to the impact on the outlook of no. 23 First Avenue. This dwelling is not the immediate property to the rear and therefore faces the site at an angle. Nos. 21 and 23 are both single storey and it was not possible to view their rear windows from the ground level of the site. No. 23 does have an attic level window which may currently afford views over the site through to the opposite side of Second Avenue. However, there is no right to a view in planning law and the interface distance between no. 23 and the new dwelling, at around 40m is considered to be more than sufficient to protect their amenity.

It is therefore considered that the proposal is in accordance with Local Plan policy GEN7 (iv).

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). The requirement for a two storey, four bedroom, 7 person dwelling is 115m² but the internal floor space (excluding the garage) proposed is 134m² and therefore exceeds this requirement.

Policy D DM3 of the Arun Local Plan 2011 - 2031 (Publication Version) (October 2014) sets out the Council's external space standards and despite not being an adopted policy is currently being used for development management purposes and has been subject to testing at appeal. There are two requirements to the policy. Firstly, a minimum rear garden depth of 10m. The rear garden depth serves to (a) ensure that rear gardens are usable spaces and (b) to provide for a 20m back to back distance between dwellings.

This depth standard may be relaxed if both of the following situations are in existence: (a) there is no back to back arrangement (and no realistic possibility of a future back to back arrangement); and (b) where the garden is sufficiently wide so as to exceed the area requirement. The second requirement concerns the area of the private rear garden and in this case should be at least 100m². The proposed garden is to the rear and is 17.5m deep with an overall rear area of 144m². No. 2 meanwhile will retain a rear garden of 147m² with a depth of between 12.5m and 16m. The proposal therefore complies with these external space standards.

PARKING PROVISION & ACCESS:

A local resident has raised concern that the proposal includes insufficient parking and this would therefore lead to conflict with other residents and non-compliance with private estate rules regarding on-street parking.

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. The standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator. This indicates that that the proposed development would generate a demand of 2 spaces. The proposal includes an integral garage as well as driveway and turning space able to accommodate at least 1 other car. This therefore meets the anticipated demand. A third car could be accommodated within this area. This would then block in the other two but would be appropriate on a temporary basis (such as for visitors). Planning conditions will be imposed to ensure that the garage is not converted into habitable accommodation and to ensure that the cycle storage building is provided and retained permanently for its intended use.

On this basis, it is considered that the proposal complies with the Local Plan.

DRAINAGE:

Felpham Neighbourhood Plan Policy ESD5 requires that development proposals provide a surface water management plan. However, this is not a high risk area such that the Council would ordinarily impose a drainage condition. Instead, drainage will be dealt with through the building regulations process. This is an appropriate solution and therefore, the proposal is considered to comply with the policy.

ENERGY EFFICIENCY:

Felpham Neighbourhood Plan Policy ESD11 states that:

"The Plan will support development which contributes to both mitigating and adapting to climate change and to meeting the national targets to reduce carbon emissions through incorporating measures which are strongly linked to the measures set out in the Code for Sustainable Homes (CfSH), with regard given to achieving Level 4 CfSH. All new housing development, with the exception of the conversion of historic buildings should have a minimum energy efficiency standard equivalent to Level 3 of the CfSH."

The proposed house will be built to modern Building Control standards and will therefore achieve a high level of thermal efficiency. This is an appropriate solution and the proposal is therefore considered to comply with the policy.

SUMMARY:

It is considered that this proposed infill development would provide an additional dwelling without compromising the character of the area or the amenities of neighbouring properties. Accordingly, it is recommended that permission be granted subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal 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 and Site/Roof Plan - Rev A (26/07/17);
 Proposed Plot Plan - Rev A (26/07/17);
 Proposed Ground Floor Plan - Rev C (17/05/17);
 Proposed First Floor Plan - Rev C (17/05/17);
 Proposed Elevations - Rev C (17/05/17); and
 Proposed Street Elevation (15/05/17).

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

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

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

- 4 No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because the access goes to the heart of the planning permission.

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

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

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

Reason: To ensure that adequate and satisfactory provision is made for the parking of

bicycles in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 7 Before the building hereby permitted is occupied, a dustbin enclosure shall be provided as part of the development in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof. The enclosure so approved shall be retained in perpetuity.

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

- 8 The proposed first floor bathroom, en-suite and stair windows on the northern and southern side elevations of the building shall at all times be glazed with obscured glass.

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

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order) the building shall not be extended or altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the amenities of adjoining residential occupiers and the locality in general in accordance with policy GEN7 of the Arun District Local Plan.

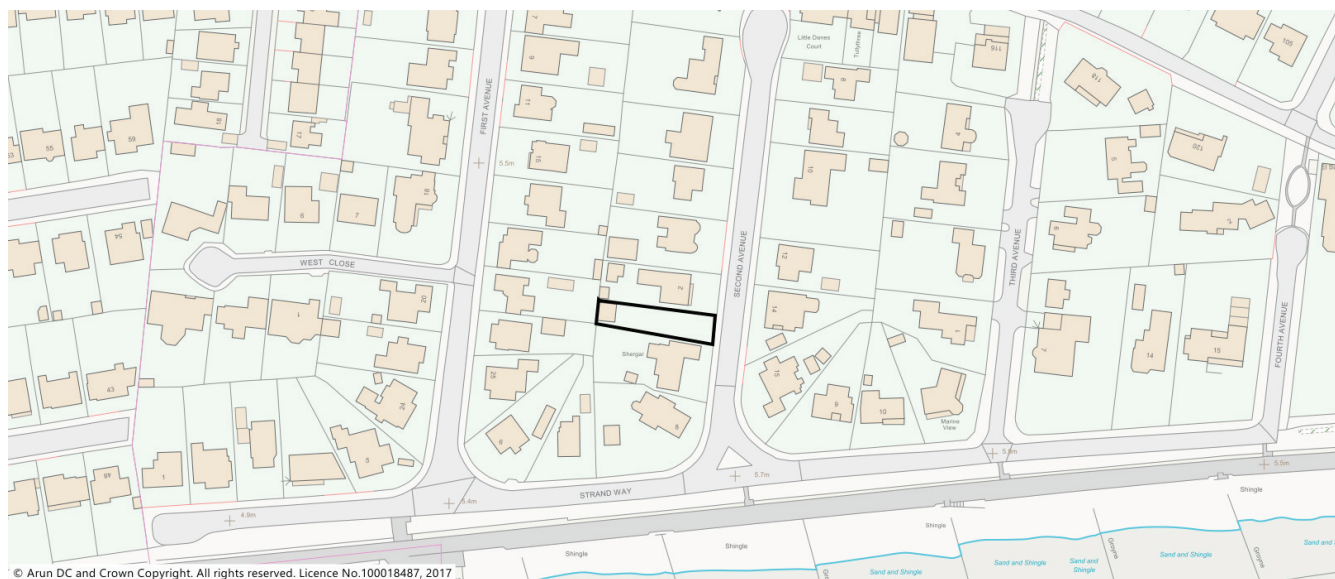
- 10 The integral garage shall not be used for any other purpose other than as a private domestic garage in connection with the residential use of the approved dwelling.

Reason: To ensure the provision of adequate off street parking space in accordance with policy GEN7 of the Arun District Local Plan.

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

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

FP/127/17/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:	CM/1/17/OUT
LOCATION:	Land West of Church Lane & South of Horsemere Green Lane Climping
PROPOSAL:	Outline application for the erection of up to 300 dwellings & ancillary development comprising open space, a building within use class D1 (Non- Residential Institutions) of up to 875 square metres net, a building for A1 (Shops) use having a floor area of up to 530 sq. metres net, together with open space & ancillary works, including car parking & drainage arrangements, with appearance, landscaping, layout & scale wholly reserved for subsequent approval. The access detail, showing the points of access to the development, & indicated on Bellamy Roberts drawings numbered 4724/004 & 4724/005 are access proposals to be determined at this stage of the application. For the avoidance of doubt all other access detail within the site is to be determined as a reserved matter at a later stage. This application is a Departure from the Development Plan & affects the setting of Listed Buildings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The proposal is for outline planning permission for up to 300 dwellings and ancillary development comprising:</p> <ul style="list-style-type: none"> - open space - a building within use class D1 of up to 875 sqm net - a building for A1 use with a floorspace of up to 530 sqm net <p>The access detail, showing the points of access to the development is not to be reserved. This includes a proposed new roundabout on the A259/ Church Lane junction and access to the north of the site from Horsemere Green Lane.</p> <p>Appearance, landscaping, layout and scale are reserved for subsequent approval.</p> <p>The proposal is for residential development of up to 300 dwellings with a development area of 10ha. An illustrative layout accompanies the application showing how the dwellings could be accommodated on the site. The Design and Access Statement anticipates that more dense development would be clustered around the village green and site access routes. 30% affordable housing is proposed which would be provided across the site. The frontage on Church Lane would be set back 30m+ to provide a green frontage and allow a new footway to be provided behind the existing hedge and trees.</p> <p>The proposal also includes a building within use class D1 of up to 875 sqm net which would be provided alongside the</p>
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housing development. This unit has potential for a village hall, doctor's surgery or pre-school nursery. A second building is proposed for a retail (A1 use) with a floorspace of up to 530 sqm net and is shown at the site entrance close to Church Lane and the A259 to serve the wider community.

A range of public open space to serve the development is proposed. This comprises a dedicated semi-natural greenspace to the western end of the site which could provide wetland, meadow and extended woodland area habitats. A village green with equipped play area and pond are illustrated in the centre of the site. A northern greenspace is also shown which connects to the existing playspace on Crophorne Drive. Pocket greens are also proposed as more local spaces for informal recreation. Existing tree belts to the perimeter of the site are to be retained and extended, except where the new access/ roundabout is proposed.

A network of footpaths are proposed in order to provide open access across the site, connecting different parts of the village and facilities including the school to the south of the site, with improved pedestrian crossings.

The Design and Access Statement also sets out how sustainable urban drainage principles can be accommodated on the site, with wetland habitats, swales and ponds with additional storage capacity

The transport improvements associated with the development can be summarised as follows:

- The primary route into the new development is proposed to be from a new roundabout on the A259 which would then go north with a left turn into the development.
- The primary route would then join with Horsemere Green Lane providing an improved junction with Church Lane than the existing junction.
- The transport mitigation measures detailed in the Transport Assessment include new bus stops on the A259 close to the proposed new Church Lane roundabout.
- Cycle connectivity would be accommodated through the provision of a cycle path within the site to join with the South Coast Cycle Route (which currently passes along Church Lane/ Horsemere Green Lane).

SITE AREA

27.01 hectares (gross site area)-

RESIDENTIAL DEVELOPMENT
DENSITY

Across the whole site the density is 11 dwellings per hectare (dph) (including the 14 ha of open space). Based on the residential areas (10 ha) the density is 30 dph.

TOPOGRAPHY

Predominantly flat.

TREES

Mature trees form the southern, western and part of the eastern boundary of the site. The trees provide a good screen

for the site and separation from the surrounding roads. TPO/CM/1/04 covers the western and southern tree belts. The proposed realignment of the Church Road would require removal of some of the eastern hedgerow/ trees and the new roundabout would require removal of part of the southern tree belt.

BOUNDARY TREATMENT

The southern boundary consists of a woodland tree belt, adjacent to the A259. The eastern boundary, adjacent to Church Lane, also has mature trees and hedgerow becoming more sporadic towards the north eastern corner of the land. The northern boundary is formed by residential development with the exception of a section that fronts directly onto Horsemere Green Lane.

SITE CHARACTERISTICS

The site is flat agricultural land.

CHARACTER OF LOCALITY

The site lies to the south of Climping. The village has been extended through residential developments along sections of Horsemere Green Lane in the 1990's/ early 2000s. The village includes a church and church hall and the Rudford Industrial Estate. The settlement of Ford lies further to the north. The surrounding areas to the east, south and west consist of agricultural land except for sporadic development to the south along the A259 including Baird's Farm Shop, housing along Climping Street and St Mary's Church of England School. The Oyster Catcher Public House and Grange Holiday Lodge Park are to the west of the site across the B2233. A village hall and sports pitches are to the east of Church Lane.

RELEVANT SITE HISTORY

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

Climping Parish Council

Strongly object for following reasons:

- Contrary to Climping Neighbourhood Plan vision, objectives and Policies CNP 7, 8, 9, 10, 11, 12, 13, and 14. Also contrary to Arun Local Plan (2003) Policy GEN 3.
- Loss of local identity and sense of place - countryside site important part of rural setting of Climping
- Loss of countryside and agricultural land - Grade 1 and 2 agricultural land, local farming part of sense of place felt by local community, countryside should be protected for its own sake and for wildlife habitats and ecosystems.
- Loss of trees and hedgerows and natural habitat for wildlife - will severely impact on natural habitats, opinion of Sussex Wildlife Trust should be sought as protected species surveys insufficient. Trees, woodland and hedgerows are important feature in rural environment.
- Design and adverse impact on the neighbourhood - scheme shown will be visually intrusive to neighbouring properties and impact on privacy

- Detrimental to listed building - concern on setting of a Listed Building referred to in Policy CNP 13.
- Risk of Flooding - site known to flood and groundwater high, concern that proposals for surface water not sufficient. Also concerns over foul provisions.
- Sustainability and lack of services/ Infrastructure - Pressure on existing facilities - e.g. schools, GP practices.
- Detrimental impact on road network - Will add to existing congestion in Church Lane and A259. No local jobs therefore will result in out-commuting. Cumulative assessment of impacts is necessary. No provision for controlled crossing of local roads or the A259 to facilities to the south.

Middleton-on-Sea Parish Council made the following comments:

- Increase in traffic along the A259 especially with regard to Comet Corner junction - new roundabout will not deal with up to 600 additional vehicles which will pass the Comet Corner junction.
- A259 and Comet Corner junction at risk of further serious accidents with continued pressure by other housing planning applications in neighbouring parishes
- Deceleration lane at Comet Corner will help but not solve problem. Traffic lights are only solution.
- Consideration should be given to pooling S106 contributions to enable cost of traffic lights to be funded.
- Formally seeking £100,000 of S106 monies to commence pooling of contributions for traffic lights at Comet Corner or to improve facilities in Middleton and Elmer on projects awaiting funding and approval

Littlehampton Town Council made the following comments:

Objection. The development should be considered in context of other developments along the A259 Corridor and increase in traffic since Felpham by-pass opened. Proposals to improve the roundabout thought to be an improvement but surrounding network also needs to be upgraded. Application should be reviewed in context of Local Plan transport study to ensure co-ordinated approach to implementation of infrastructure.

1 representation was received in support of the proposal and raised the following points:

- Houses badly needed
- Good site near local amenities and facilities
- Site should be allocated if not already
- Site will provide a 'heart' for the village with central and accessible facilities
- Road alterations could slow down traffic whilst keeping it moving safely

1 representation raised 'no objection' and raised the following points:

- If restricted to 300 houses, may help link the various parts of Climping village
- Will improve walking opportunities and safety for pedestrians
- New roundabout may ease the flow on Ford Road and the A259 and benefit the area
- We have seen acceptable developments in Horsemere Green Lane and similar infill dwelling may be more in keeping with the village size at present

92 representations were received objecting to the proposal and raising the following issues:

Access:

- An amendment to the scheme is required in order to ensure that the scheme does not prevent future access to land to the east of Church Lane. Alternative designs have been provided for consideration.

Neighbourhood Plan and Principle:

- Site is outside the Neighbourhood Plan and contrary to NP

- Takes no account of local plans
- No consideration of local housing needs as Climping doesn't need 300 additional homes
- Shouldn't be using greenfield sites, brownfield sites first
- Site distant from main settlements and would set precedent for development in open countryside
- No one local will purchase the houses so they will become holiday homes

General amenity:

- Will double to size of the village, overdevelopment with no benefits
- Cumulative impact will lead to coalescence with Climping and surrounding villages
- 'Planning blight' faced by properties to the north of the site which had views across the fields
- Loss of privacy

Illustrative layout:

- No emphasis on Sheltered Accommodation for over 55/60s
- Shop would not be viable
- No need for another Hall
- Should have fewer more generous properties to maintain village character
- Covenant would be needed to retain remaining green area
- Pedestrian access between existing and proposed developments should be improved
- Plans changed from early consultation on which views were favourable
- Query about gardens facing the existing gardens on the northern boundary and lack of integration between the schemes
- Loss of light to 8 Cropthorne Drive

Drainage and Flooding:

- Flooding of the Mulgrave Field not taken into account in FRA
- Flooding of Mulgrave Field led to flooding of Field Place
- Ditches need to be maintained
- Ditches along Horsemere Green Lane fill and overflow, flooding dangerous to drivers and children walking to school
- Winter water table high leading to surface water flooding and soil moisture levels is at field capacity for most of the winter - percolation test should be carried out in winter months.
- Existing drainage for surface water insufficient therefore proposed drainage will fail
- Creation of ponds to aid drainage
- Concerns about coastal flooding and ability of sea defences to prevent it in future, as well as Environment Agency strategy of 'managed retreat'.

Traffic and Highways:

- Safety concerns regarding entry and exit onto Horsemere Green Lane
- Larger roundabout not sufficient to deal with additional traffic
- Roads cannot support the development, already overloaded
- No account of effect on traffic
- Additional traffic on Horsemere Green Lane will exacerbate existing concerns with safety of exit onto Church Lane and at the Oystercatcher.
- Increase in HGV traffic using Church Lane, some linked to Grundon and Viridor facilities
- Felpham By-pass has led to increased waiting times to exit Middleton at Comet Cottage.
- A259 separates north and south of Climping - need safe crossing point for pedestrians and cyclists
- Traffic from other proposed developments needs to be considered.
- Residents 'trapped' by roads, sea and railways - Bognor Relief Road has increased traffic
- Horsemere Green Lane used as a 'rat-run', new estate may also be rat-run
- Oystercatcher Junction - impossible to turn right - therefore more people will use Horsemere Green Lane.

- Access location inadequate
- Train station has inadequate parking and no secure bike parking
- Route to station unlit and heavily trafficked so unsuitable for walking and cycling
- Cycle route will have to cross 3 lanes of traffic going south down Church Lane
- Entrance to housing estate should be directly off the roundabout
- Lack of public transport
- Roads on the estate will be narrow leading to parking on pavements which is a hazard for pedestrians
- No safe route to local school
- 5 accidents including two fatalities at Oystercatcher Junction - does not properly assess the junction and major improvements needed
- Second roundabout at end of Yapton Road and A259
- New footpath/ cycle path along Horsemere Green Lane needed to link with existing Church Lane cyclepath
- Traffic management scheme needed on Horsemere Green Lane
- Traffic backs up at Ford railway crossing
- Any accidents in the locality cause severe issues on the roads
- Additional traffic will be created if children are taken to Yapton School and there is no safe walking route to Yapton School
- YouTube video submitted showing congestion on Horsemere Green Lane and Church Lane.
- Lack of safe walking route to the A259 farm shop or the village school.

Open space and Play Provision:

- Proposal for access and useage of the playground which is on private property (footpath by Cropthorne Drive)

Infrastructure:

- Schools cannot support the development, specifically the village school.
- No space for expansion of current village school, currently a waiting list, only 2 places left at St Mary's School
- Dangerous to walk to the school at peak times, layby on Crookthorn Lane would help.
- Medical facilities cannot support the development
- Medical facilities only accessibly by car
- Yapton and Middleton surgeries fully subscribed and have had difficulties recruiting GPs.
- Littlehampton surgeries closing
- Building a surgery is good but still need to find GPs to run it
- Nearest secondary school at Littlehampton too far to walk or cycle
- Adds nothing to the community
- New car park at Ford Station for increased commuters
- No cohesive approach to transport, education or medical facilities

Landscape:

- Area will be transformed from semi-rural to urban area
- Doesn't fit with the character of the area
- Visual impact on landscape not considered
- HELAA assessment judged area as having negligible/ low capacity for development
- Strategic gap will be lost and areas coalesce

Agricultural land:

- Loss of Grade 1 and 2 prime agricultural land

Ecology:

- Loss of habitat for skylarks, starlings, house martins, woodpeckers, sparrows, robins, deer, foxes,

awns and hedgehogs

- Bat habitat
- Loss of wildflowers and other fauna species
- Loss of east/west wildlife corridor along A259
- Evidence of frogs, toads and newts using the field and ponds in the area

Other:

- No economic reason for a development of this scale
- Foul sewage discharge capacity greater than Waste Water Treatment facilities can handle
- Uncertainty over foul connection
- No local employment
- More household waste will cause difficulties for WSCC
- Impact on setting of listed buildings
- Impact of Brexit on immigration unclear therefore population may not increase
- Lack of local recreational provision for young people could led to social disorder
- Site may be of historical and archaeological importance
- Loss of local farming jobs

Tourism:

- Tourism will be effected if coast road gets more busy

Noise and Air quality:

- Noise and pollution from HGVs using re-aligned road
- Predicted noise levels above the acceptable norm
- High earthen bank needed to the north of A259 to reduce noise and emissions
- Air pollution from traffic will be excessive

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are addressed in the Conclusions section of the Report.

CONSULTATIONS

Highways England

WSCC Strategic Planning

Environmental Health

Planning and Housing Strategy

Sussex Police-Community Safety

Engineering Services Manager

Engineers (Drainage)

Historic England

Environment Agency

Natural England

Surface Water Drainage Team

Listed Building Officer

Archaeology Advisor

Ecology Advisor

NHS Coastal West Sussex CCG

Conservation Officer
 Parks and Landscapes
 Arboriculturist
 Southern Water Planning
 Economic Regeneration
 Mr Clavell-Bate

CONSULTATION RESPONSES RECEIVED:

ADC HOUSING:

Support. Agree with the figure of 90 affordable units as proposed (30%). Affordable housing should be secured through S106 agreement and not by condition as suggested by the application. Tenure proposed to be a matter for reserved matters stage but starting point of 80% rented and 20% intermediate is acceptable. Principle of pockets of affordable housing being pepper-potted within the development supported. Several fully wheelchair accessible units should be provided. Further consideration to housing need at the reserved matters stage. Recommendation that applicants refer to the latest evidence which currently supports a mix of 1, 2 and 3 bed dwellings. S106 considerations - ADC would not support capped percentage transfer values to a provider affordable housing being applied to the affordable housing dwellings.

ADC DRAINAGE:

- Surface water to be discharged to SuDS system.
- Advise that pumps should be avoided as unsustainable
- Focus should be on shallow attenuation with infiltration with landraising avoided
- Recommend application of standard conditions and standard advice on percolation tests to be undertaken in the winter period and at the location and depth of proposed structures.
- Design of SuDs or soakaways must include adequate groundwater monitoring data to determine highest winter groundwater table.

WSSC FLOOD RISK MANAGEMENT:

- Advise that majority of site at low risk from surface water flooding, suitable mitigation should be considered and existing surface water flow paths across the site should be maintained
- Moderate risk from groundwater flooding
- No reported flooding on the site. Horsmere Green Lane has experienced flooding
- Any local field boundary ditches should be maintained and highlighted on future plans
- The FRA/ Surface Water Drainage Assessment proposed that above ground attenuation would be used as primary method to restrict run off from the development. Should infiltration not be possible, this would, in principle meet the requirements of the NPPF, PPG and associated documents.
- Advice on detailed drainage designs to be finalised prior to development commencing and details of maintenance and management of SuDS to be submitted and approved, then implemented.

LOCAL HIGHWAY AUTHORITY:

No objection raised to the principle of the development, however, some modification and further information is required to assess the suitability of the proposed off-site highway improvements as follows:

- A Design Audit of the highway improvements
- Modification of the design to incorporate pedestrian/ cycle infrastructure being delivered by the County Council
- Removal of the north western pedestrian access onto Ford Lane
- Address comments made in relation to Road Safety Audit point 3.1, 3.3, 4.1 and 4.2.

Access:

New roundabout will replace the existing roundabout at the A259/Church Lane junction. A ghost right turn junction will provide site access from Church Lane, a right hand turn junction with a left only arrangement at Crookthorn Lane and pedestrian refuges at various locations to provide crossing opportunities. Further information requested in relation to the Designers Response to the Road Safety Audit.

Network Capacity Impact:

The Arun Transport Study (3) identifies that the proposed development will have capacity impact at the following junctions and the following contributions are required based on the 'high estimate' in the Arun Study:

- A27/A280 Patching Northern Roundabout - £33,000
- A259/ Church Lane - content in application Transport Assessment superseded Arun Study
- A259/ B2187 Littlehampton West - Tesco roundabout - £36,260

In addition the study identifies that the development has an impact at the following location, which has been identified for improvement on safety grounds.

- A259/B2233 (Oyster Catcher) - 24% of scheme cost (tbc)

Church Lane/ A259 Junction:

Improvements to the roundabout are a significant improvement to the junction (over and above the mitigation measures proposed in the Arun Study). Minor modelling issues raised but these would not make a material difference to the modelling outputs. Junction arrangements to be secured with an early trigger (e.g. prior to 50 occupations).

Sustainable Access:

Former Church Lane would be closed and retained as footway/cycleway. Appropriate links to internal network and crossing facilities also proposed for pedestrians and cyclists. Two new traffic islands on A259 - linked to new westbound bus stop and to facilitate pedestrian and cyclist movements via Crookthorn Lane. Scheme needs to link up with County Council cycle infrastructure along A259. Not considered that increase in pedestrian movements to the School on Crookthorn Road would constitute severe impact. New bus stops provided in the south east corner of the site. Illustrative masterplan highlights additional linkages. Recommended that the footway link to Yapton Road through the site is removed as it doesn't link with any existing footways.

Travel Plan:

No details submitted - appropriate to secure by condition.

Following modifications to the plans the LHA provided revised comments dated 18th May 2017. These raised some detailed design considerations which would be addressed at the detailed design stage and some remaining planning comments. These related to the length of the bus laybys, desire line for pedestrians crossing from the site to Crookthorn Lane, the police not being supportive of right turn bans, the location of the north/south pedestrian crossing point west of the roundabout and whether Church Lane should be retained as a pedestrian/cycle route.

The comments have been addressed by the applicant and further modified plans submitted.

Following consideration of the modifications the LHA provided additional response (dated 30th June 2017) concluding that:

- the amended plans for the access and highway works accord with their recommendation and would be subject to a S278 Agreement. The proposed arrangements should be secured via condition and obligation.
- the provision of the roundabout improvement in full by the applicant amounts to around £800,000 -

£1,200,000 (excluding cost of third party land). The improvements outlined in the ADC Transport Study would have cost circa £169,000 of which the development would have been required to contribute £32,000. The proposed roundabout will enable a capacity improvement that addresses existing congestion.

- in relation to the Oyster Catcher junction there is no agreed scheme at this location but it envisaged to be a roundabout. Recommended that S106 obligation is sought that requires land under control of the applicant to be safeguarded and transferred to the County Council at such a time (at no cost) it is required for delivery of a junction improvement. To be safeguarded for the entirety of Local Plan period. Extent of land to be agreed prior to completion of S106 Agreement.

- Contributions towards the A27/A280 Patching Roundabout and A259/B2187 Junctions are not considered in line with the CIL Regulations due to the value of the works being undertaken at the A259/ Church Lane junction.

No objection subject to conditions/obligations - Construction Management Plan, Travel Plan, Access, Highway works, safeguarding land. Informative relating to S278.

HIGHWAYS ENGLAND:

Initial comments - insufficient information to base an informed position in relation to the potential impact on their road network. Detailed comments made in relation to the transport assessment work in order to ensure that the cumulative impacts on the Strategic Road Network are clear.

HIGHWAYS ENGLAND FURTHER COMMENTS:

Further to additional information being provided, Highways England confirmed that they have no objection subject to an appropriate contribution being secured towards A27 highway mitigations required by the emerging Local Plan. .

ECONOMIC DEVELOPMENT:

No comments but ask that Developer signs the Arun Developer and Partner Charter, holds an event to encourage local suppliers to be involved in the development and produces and implements a work and skills plan.

ECOLOGY:

Recommended condition to ensure that Ecological Management and Mitigation Plan including a Schedule of Works to be submitted for approval prior to work commencing on site or at Reserved Matters. An updated habitat survey should be undertaken if more than 12 months have elapsed between the survey and the point at which any development decisions have been made at the site.

SOUTHERN WATER:

Sewer within site - exact location must be determined on site by applicant before the layout of the proposed development is finalised. Recommended buffer zones to ensure foul main protected. Condition recommended setting out measures to protect the public sewers. Results of desk top study shows cannot accommodate needs of this application without the development providing additional local infrastructure. Proposed development would increase flows into the wastewater sewerage and surface water system and as a result increase the risk of flooding in and around the local area. Condition recommended to ensure details of means of disposing of foul and surface water disposal and implementation timetable to be submitted and approved. Recommendations in relation to SuDS. On site pumping station proposed may be acceptable provided the control mechanism and point of monitoring are agreed. No habitable rooms should be located closer than 15m to the boundary of a proposed pumping station and the pumping station layout and drainage details should comply with Sewers for Adoption Standards.

SUSSEX POLICE:

OBJECT in the absence of developer contributions towards the provision of additional infrastructure. In order to mitigate against the impact of growth Sussex Police have calculated that the 'cost' of policing new growth in the area equates to £44,772.52 to fund the future purchase of infrastructure to serve the proposed development. This is broken down as follows:

£2847.88 towards the costs of an additional officer to work in the Yapton neighbourhood policing team
 £422.24 towards the cost of 1 additional support staff member to be based at Littlehampton Police Station.

£26,342.40 towards the costs of a re-provided Littlehampton Police Station

£3,699 towards the purchase of an additional vehicle for use by the Yapton Neighbourhood Policing Team

£1,470 towards the purchase of additional Mobile IT kit for officers working within the Yapton Neighbourhood Policing Team.

£8,500 for one fixed Automatic Number Plate Recognition Camera (ANPR)

£129 for radio cover/capacity

£1,362 for control room telephony

SUSSEX POLICE CRIME PREVENTION:

Broad comments provided with more in-depth comments at reserved matters stage. Advice provided on providing increased opportunities for natural surveillance, community interaction and environmental control. Advice on perimeter fence or wall heights depending on location within the site and gates to secure access to gardens. Signposting to Secured by Design Commercial Development (2015) document in relation to design and layout of commercial and public buildings.

NATURAL ENGLAND:

No objection. Based on plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites or best and most versatile land and has no objection. Comments provided in relation to Climping Beach Site of Special Scientific Interest (SSSI) - no objection. Comments on soils and land quality - proposed development falls under the Development Management Procedure Order consultation arrangements as the developed part of the site is under 20ha. Therefore not making detailed comments in relation to agricultural land quality and soils. Signposted relevant guidance. Additional standard advice provided on protected species, priority species and habitats, environmental enhancement and access and recreation.

ARCHAEOLOGY:

Agree with conclusions that unlikely that setting of nearby Scheduled deserted medieval village would be likely to be unacceptably impacted upon by this proposal. Trial trenching should be used to determine if the settlement may have spread into the north-east part of the site and to investigate the potential of the site. Condition recommended to ensure that the site is evaluated ahead of development.

WSCC INFRASTRUCTURE:

Education: No spare primary/secondary/ further secondary schools in catchment areas have spare capacity to accommodate the children generated. Contributions requested as follows:

Formula based contribution to be spent on: new Primary facility at either Yapton or Ford, whichever strategic site is better placed to educate the pupils from the Climping development; Phase 2 of a new secondary school or expansion of the Littlehampton Academy should the new school not progress; Phase 2 of a new sixth form or expansion of The Littlehampton Academy Sixth Form should be the new school not progress.

Library: a new tier 7 facility on site or formula based contribution on a project to enhance library space with improved digital access at Littlehampton Library should the community facility either not progress or progress without space for Library facilities.

Fire and Rescue: formula based contribution towards fire stations and services serving the area - new technological equipment such as fire lances and thermal imaging cameras to serve the parish of Climping.

HISTORIC ENGLAND:

Do not object but concerns about whether the degree of harm has been adequately assessed and demonstrated. In particular:

- the impact on the setting of Climping's historic core of visible new development, increased ambient lighting and noise, and changes to the rural nature of the Church Lane approach
- the expected effect of the development on flood risk and the local hydrological regime, and consequent impacts on the preservation of Climping's historic core and buried remains within the deserted medieval village (DMV)
- whether the proposed development site contains any archaeological remains that are related, and of equivalent significance, to the DMV, and whether it will cause them any harm.

FURTHER HISTORIC ENGLAND COMMENTS:

Further assessment has been carried out and impact on heritage significance better understood. Still some gaps in assessment. Overall development's impact upon the setting of St Mary's Church, the Scheduled Monument and Climping's Historic Core does appear minimal. With mitigation impact expected to be slight within 5 years and reduced to negligible within 10-15 years. Agree with recommendations that further noise assessment carried out at detailed design stage and planting proposals refined. Recommend that the harm remaining is weighed against public benefits of the scheme in accordance with para 139 of the NPPF.

ENVIRONMENTAL HEALTH:

Objection due to noise levels (doubling of loudness and exceedance of internal noise levels when windows open). Mitigation would bring external noise levels to those acceptable for higher noise areas but in rural context, lower (moderate) level of 50db would be appropriate.

FURTHER ENVIRONMENTAL HEALTH COMMENTS:

Further information requested about proposed mitigation measures for noise (bund and fence) and impact these will have on noise levels. Would recommend a condition requiring acoustic testing of each dwelling prior to first occupation. Following provision of additional plans showing the location of the bund and acoustic fencing and additional noise contour information, Environmental Health have no concerns with the achievability of the fence/bund combination.

GREENSPACE:

Open space:

To be provided on site appears to exceed the minimum required, although confirmation of areas of public open space being proposed required. Proposed indicative layout indicates open areas and pond areas which is good to see. Number of dwellings would trigger need for on-site LEAP and LAP with contributions towards a Multi-Use Games Area (MUGA) and NEAP as well as landscaped open space areas. Details to be approved by the LPA and detail of maintenance provision and commuted sums required.

Landscaping:

Advice given on ensuring high quality landscaping scheme. Conditions required for provision of landscaping setting out what a full landscaping scheme should include in order to maximise the biodiversity of the site.

Arboricultural:

Tree survey needs to be undertaken. Conditions to ensure tree protection fencing and protection plan.

Retention of significant existing trees along the boundary edge and adjoining neighbouring land recommended.

Biodiversity:

Habitat survey must be included to be covered by conditions. Recommendations given for clearing vegetation and provision of bird and bat boxes to enhance ecological potential.

Further Greenspace comments:

Play being proposed is under-provision with just one LEAP. Queries raised in relation to the location of the LEAP on the site in relation to SUDs. SPG recommends NEAP contribution - query whether the fitness trail being proposed as a contribution to the NEAP requirement. Provision of informal LAPs good to see but further detail required on siting and whether additional provision could be made to the east of the site. Outline confirmation of maintenance responsibility required.

ARBORICULTURAL:

Comments provided on tree survey and arboricultural impact assessment submitted with the application - information acceptable. Important trees contained in southern and western woodland shelterbelts. Individual A and B grade oaks should ideally be retained. Loss of trees caused by new road layout would be mitigated by replacement tree planting proposed. Concerns about proximity of trees to rear gardens along southern boundary.

No objection subject to conditions requiring an Arboricultural Method Statement Report and Tree Protection Plan to be submitted and works carried out in accordance with the plan. Inspection of tree protection fencing on-site prior to commencement and schedule of monitoring visits. Any works within Tree Protection Fencing to be carried out in accordance with methodology.

NHS CCG:

Objection in the absence if developer contributions towards additional health infrastructure. Request funding contribution towards Avisford Park GP surgery for the infrastructure needs of managing GP consultant Health Care of £329,013. Justified on the basis that the impact of the proposed housing will fall onto the provision of healthcare at Avisford GP Surgery. Currently serves 10,500 patients and is at full capacity. The contribution would be utilised to add on additional infrastructure and associated costs in order to provide health care to new residents.

ADC POOLS AND HALLS:

Detailed response awaited. An update will be provided.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

DEVELOPMENT PLAN POLICES

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

GEN3	Protection of the Countryside
GEN10	Tidal Flooding and Coastal Defence
GEN11	Inland Flooding

AREA16	Ancient Monuments + Sites of National Archaeological Interest
AREA17	Sites of Archaeological Interest
DEV17	Affordable Housing
GEN14	Public Transport
GEN15	Cycling and Walking
GEN18	Crime Prevention
GEN2	Built-up Area Boundary
GEN20	Provision of Public Open Space within New Development
GEN28	Trees and Woodlands
GEN29	Nature and Conservation Across the District
GEN32	Noise Pollution
GEN34	Air Pollution
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
ENV DM4	Protection of Trees
ENV DM5	Development and Biodiversity
HER DM1	Listed Buildings
HER DM6	Sites of Archaeological Interest
H SP2	Affordable Housing
INF SP1	Infrastructure provision and implementation
LAN DM1	Protection of Landscape Character
OSR DM1	Open Space, Sport & Recreation
QE DM1	Noise Pollution
QE DM3	Air Pollution
SO DM1	Soils
T DM1	Sustainable Travel and Public Rights of Way
T SP1	Transport and Development
W DM2	Flood Risk
W DM3	Sustainable Urban Drainage Systems
ECC SP2	Energy and climate change mitigation
SKILLS SP1	Employment and Skills
TELS P1	Strategic delivery of telecoms infrastructure

<u>Clymping Neighbourhood Plan 2015 Policy CPN10</u>	Protection of high grade Agricultural Land
Clymping Neighbourhood Plan 2015 Policy CPN11	Quality of Design
Clymping Neighbourhood Plan 2015 Policy CPN12	Reducing the risk of flooding
Clymping Neighbourhood Plan 2015 Policy CPN14	Traffic and the Environment

Clymping Neighbourhood Plan 2015 Policy CPN7	Protection of open views
Clymping Neighbourhood Plan 2015 Policy CPN8	Protection of Trees and Hedgerows
Clymping Neighbourhood Plan 2015 Policy CPN13	Retain buildings or structures of character
Clymping Neighbourhood Plan 2015 Policy CPN9	Protection of Natural Habitats

[Main Modifications of the Local Plan \(April 2017\):](#)

Housing Allocations
H SP1 Strategic Site Allocations
H SP2c Inland Arun

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD1 Open Space & Recreation Standards
XXX6 Interim Affordable Housing Policy

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; Climping; East Preston; Felpham; Ferring;

Kingston; 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).

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

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the conclusion section. These include the emerging Arun District Local Plan, National Planning Policy Framework (NPPF) and associated Guidance, the Written Ministerial Statement on Neighbourhood Plans (December 2016) and the CIL Regulations 2010 (as amended).

CONCLUSIONS

PRINCIPLE:

The development plan for Arun District currently comprises the Arun District Local Plan (2003) (saved policies) and the Climping Neighbourhood Plan (2015).

Arun Local Plan 2003

The policies of most relevance are saved policies GEN2 and GEN3 of the Arun Local Plan. The site is outside the built-up area boundary for Climping identified by Policy GEN2 - Built Up Area Boundary(BUAB). Outside the BUAB development will not be permitted unless it is consistent with other ALP policies. Policy GEN3 - Protection of the Countryside states that except for several categories of development, none of which relation to the application proposal, development will not be permitted outside the BUAB. As this site lies outside the BUAB it is categorised as countryside and the scheme would conflict with ALP Policies GEN 2 and GEN 3.

Climping Neighbourhood Plan 2015

The Climping Neighbourhood Plan (CNP) was made in October 2015 on the basis of the saved policies in the ALP and the draft policies in the eALP (2014).

The CNP does not have a built-up area boundary shown on a map or referred to in policies as the whole plan area is treated as countryside - to accord with the adopted Local Plan 2003 and the earlier publication version of the emerging Local Plan (2014) which did not propose the application site as a strategic allocation. The application site is therefore classified as countryside and the CNP anticipates that the countryside restrictions in the adopted Local Plan would apply to any applications. As set out above, the scheme conflicts with the ALP policies GEN 2 and GEN 3 and therefore conflicts with the intention of the CNP to protect countryside in accordance with those policies.

Emerging development plans

This includes the emerging Arun Local Plan 2011-2031 Publication Version October 2014 (eALP) as modified March 2017 ('the modified eALP').

The eALP was submitted for examination in January 2015. Following a material increase in the Objectively Assessed Need (OAN) for housing the eALP examination has been suspended to allow ADC to review potential locations for housing development. The proposed Modifications were approved by Full Council and consultation took place between 10 April - 30 May 2017.

Policy H SP1 - Housing Allocation of the modified eALP sets out the overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes reference to additional allocations for small sites being made across the District.

Policy H SP2 - Strategic Site Allocations is split into 3 sections covering different areas of the District. Policy H SP2c 'Inland Arun' allocates the application site for 'at least 300 dwellings over the plan period'. The policy includes a requirement for key design and infrastructure requirements including a new one form entry (expandable to two form) primary school and nursery places, improvements to the A259 between Climping and Littlehampton and a Community hub (with retail, commercial and community facilities, a new library facility and contributions to healthcare facilities to be provided in Ford). The 2015 version of the eALP did not include the application site as a proposed Strategic Site; it has been added in order to ensure that the additional quantum of required housing can be accommodated within the District over the Plan period.

Policy SD SP2 - Built up area boundary states that outside the BUAB apart from Strategic, Site Specific and Broad Allocations, development will not be permitted unless consistent with other plan policies. The application falls within the Strategic allocations definition and therefore the exception in the policy applies. The scheme complies with the modified eALP policies H SP1, H SP2c and SD SP2.

Planning Balance

For reasons given above, the application is not in accordance with ALP Policies GEN 2 and GEN 3. The following sets out whether there are any material consideration which indicate that the proposal should be determined other than in accordance with the development plan.

There has been an almost doubling of the OAN to 919 dpa and the current housing land supply figure is around 1.92 years. This demonstrates that there is a pressing need to identify and bring forward deliverable sites for housing and that ADC cannot demonstrate a 3 or 5 year supply of deliverable housing sites. In recognition of this, the Local Plan Sub-Committee resolved (December 2016) to invite planning applications for the first phases of sites being investigated at potential strategic allocations.

Given the absence of a 5 year housing land supply, paragraph 14 of the NPPF is engaged. In accordance with paragraph 14 of the NPPF, planning permission should be granted unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted. As the Council cannot demonstrate a 3 year supply, the Written Ministerial Statement on Neighbourhood Planning does not apply. Paragraph 49 of the NPPF is also engaged, which states that the relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a 5-year housing land supply.

Given the significant shortfall in housing supply only limited weight can be given to the conflict with out-of-date ALP Policies GEN 2 and GEN 3 and the intention of the CNP. Policy GEN 2 is clear that the boundaries of the built up area were defined 'for the purposes of the West Sussex Structure Plan and this District Local Plan'. The built-up areas were drawn for the purposes of defining the extent of the built up areas and countryside. This was done with the background of the required number of dwellings for the plan making period being provided within the built-up areas or on allocated sites (up to 2011). Therefore this supports the position that the policies are out-of-date and can only be afforded limited weight.

The Publication Version of the eALP (2015) (on which the CNP was based) was prepared to address the OAN at the time and has been subject to major change to meet the requirements of the significantly increased OAN and therefore should be given very limited, if any, weight. The CNP was produced based on the Publication Version of the eALP (2015) which did not include Climping as a parish which was expected to provide for a minimum allocation of housing. As such the CNP does not identify or allocate any housing land in its plan. Therefore only limited weight can be given to the conflict with the intention of the CNP to protect the countryside as the context within which the CNP was prepared has significantly changed.

Consideration needs to be given to the respective roles of Neighbourhood Plans which deal with local, non-strategic needs and Local Plans which deal with strategically assessed needs across the whole district. This approach was confirmed by the Secretary of State in the Fontwell decision (Land East of Fontwell Avenue - APP/C3810/V/16/314095) The modified eALP Policy H SP2c is seeking to address these strategically assessed needs through the identification of the application site as a Strategic Site. The modified eALP (2017) is yet to be examined and adopted and therefore limited weight can be attached to the modified eALP and the accordance of the scheme with Policy H SP2c.

In relation to the issue of prematurity, the Secretary of State decision at Fontwell concluded that little weight should be given to the potential for the application to undermine the plan making process due to the size of the site in relation to the housing requirement and that it wouldn't close off other options in terms of the spatial strategy in the modified eALP. Whilst the modifications have now been published and the modified eALP has progressed closer to adoption, it is considered that little weight should be given to the potential for this application to undermine the plan making process.

Presumption in favour of sustainable development

Regard should also be had to the policies contained in the National Planning Policy Framework (2012) (NPPF) which are a material consideration. In the event of conflicts between policies in these plans or with Government policy, it is the most recent policy which takes precedence. With this in mind the NPPF, which was issued in March 2012, is materially relevant and should be afforded significant weight.

As set out above, the policies in the development plan are out of date and can be afforded limited weight and this means that the presumption in favour of sustainable development set out in paragraph 14 of the National Planning Policy Framework (NPPF) applies. The following considers the proposals against the

presumption in favour of sustainable development.

In terms of sustainability of the site, the following facilities are available in the local area within 800m of the site:

- St Mary's Primary School
- Climping Village Hall and sports pitches
- Baird's Farm Shop
- St Mary's Church and Church Hall
- Oystercatcher Public House
- Rudford Industrial Estate

A range of employment opportunities, shops and services can be accessed within a 5-10 minute drive from the site in Littlehampton and Yapton. The nearest railway stations are at Ford which is 2.2km north and Littlehampton (2.5km south-east). Both stations offer regular services to settlements throughout West Sussex and beyond. The no 700 bus service runs along the A259 and B2233 and provides a regular reliable service that links the principal coastal settlements in West Sussex. There are bus stops on the A259 and B2233 within 5 minutes walk from the site and cycleway improvements are being carried out along the northern side of the A259 to continue the cycleway from Littlehampton westwards along the A259. The provision of a retail unit and community building on site will increase the sustainability of the site.

The proposal also needs to be viewed alongside the proposed allocation at Ford in the modified Local Plan (Policy H SP2c - 1,500 dwellings at Ford). The policy seeks provision of a new two form entry primary school, nursery places, a community hub to include new healthcare facilities to service Ford, Yapton and Climping, as well as sports pitch provision, improvements to the A259 and new employment provision. These new facilities would be between 800 and 1600m from the proposed Climping site and would enhance the sustainability of the Climping as a settlement. The potential for future improvements to facilities and services through the proposed development and future development at Ford, would mean that future generations would have access to more local services without the need to travel by bus or car.

Overall, whilst the village of Climping does currently lack healthcare facilities and has limited employment opportunities, the regular bus service would allow current and future residents to access to those opportunities and services sustainably. Education facilities, a convenience food store, public house, Church and village hall with sports pitches are all available within the village to support the community's needs and well-being. The environmental aspects of sustainable development are considered in detail in the report below, which concludes that the site, whilst resulting in the loss of high quality agricultural land, would be acceptable in terms of the historic environment and has the potential to enhance the natural environment through the enhanced tree planting and management of open spaces for wildlife.

Conclusion on matters of principle:

Overall, the principle of development on this site is contrary to the development plan, however, as the Arun Local Plan policies GEN2 and GEN3 and the intention of the CNP to protect countryside are out of date, in accordance with paragraph 49 of the NPPF, then they carry reduced weight. The material considerations set out above, including the lack of a 5 year housing land supply and the proposed allocation of the site to contribute to supply, are considered to weigh in favour of granting permission. The sustainability of the site is considered to accord with paragraph 14 of the NPPF. Therefore it is considered that significant weight in the planning balance should be given to the substantial contribution to housing and affordable housing in the district, boosting the sustainability of Climping, giving the community an additional area of public open space and community facilities, and the provision of strategic infrastructure.

There are no specific policies in the Framework that indicate that this development should be restricted. Therefore it can be concluded that the adverse impacts do not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.

TECHNICAL MATTERS

Agricultural land

The site is identified as Grade 1 (towards the west) and Grade 2 for the majority of the site to the east and representation have raised the loss of agricultural land as an issue. Grade 1 and 2 are classified as 'best and most versatile' (BMV) land which is the most flexible, productive and efficient. The NPPF (paragraph 112) requires that the Council takes into account the economic and other benefits of this type of land. Policy CNP10 of the CNP seeks to protect high grade agricultural land and does not permit development which would result in its loss, unless there is an overriding need for the development and development on the site is demonstrated as the most sustainable option and it conforms to other national and local planning policies. As the site has been assessed through the eALP process, it is considered that this provides evidence that alternative options for the location of a strategic site have been explored and subjected to a Sustainability Appraisal process to select the most sustainable sites. The eALP Sustainability Appraisal recognised that most of the undeveloped coastal plain within the District is high grade agricultural land and that the majority of the strategic sites would have a significant negative effect on the objective of avoiding the loss of BMV land. The loss of BMV is one factor in the site selection and decision making process.

Policy SO DM1 of the modified eALP states that development will not be permitted on this type of land unless 'designated by this plan' or unless the need for the development outweighs the need to protect such land in the long term. As the modified eALP proposes allocating the site for housing, the proposal would meet the requirements of the policy once the modified eALP is adopted. Natural England has a statutory responsibility for advising local planning authorities about land quality issues but as the site is under the 20ha threshold, they have not commented in this instance. It is important to note that residential development in the District will inevitably involve the loss of best and most versatile land and that mitigation measures can be adopted, including the submission of a soil resources plan for the site to demonstrate that care will be taken to preserve the soil resource.

Overall, the loss of the agricultural land meets the 'special circumstances' set out in Policy CPN 10 of the CNP in that there is an overriding need for the development. It also accords with the modified eALP Policy SO DM1, to which a limited amount of weight can be given, but the loss needs to be weighed in the balance along with other technical matters as part of the 'weighted balance' in paragraph 14. This is set out in the overall conclusion.

Landscape

The protection of landscape character is an important consideration, although the site is not within a protected landscape or likely to impact on the setting of the South Downs National Park. Policy CPN 7 - Protection of Open Views seeks to ensure that all development is considered with regard to the need to protect the open landscape character of the countryside and beach. The Policy refers to the Climping Character Assessment being used to assess the impact of proposals.

A Landscape and Visual Impact Assessment (LVIA) has been submitted which seeks to assess the impact of the proposal on the landscape and to determine what mitigation measures are appropriate. Local concerns have been raised about how the development will have a negative impact on the rural setting of the village and in relation to coalescence with surrounding settlements.

The site lies within the South Coast Plain character area (WSCC, 2005) and more specifically in the Climping Lower Coastal Plain and has a mainly flat open landscape. The Arun Landscape Capacity Study (2017) carried out to support the allocation of the site in the modified Local Plan identified the site as having medium/ high landscape capacity and the ability to accommodate housing development without a detrimental effect on the landscape or the separation of settlements. The Study recommended that the existing vegetation around the boundaries of the site should be retained and enhanced with supplementary tree planting to help limit the impact of housing development. The Study also recognised that the site has a semi-rural feel but the overlooking from houses to the north and the road noise reduce the tranquillity and remoteness of the site. The submitted LVIA assesses the impacts in more detail. The LVIA assesses the effects on visual amenity of road and footpath users and identified 'moderate negative' impacts which would reduce to 'slight negative' 5 years from establishment. This is due to the removal of roadside hedges and some of the woodland belt along the A259 which would open up direct views into the site from Church Lane and the A259. The impact on residential properties to the north of the site has been identified as being between 'slight negative' and 'significant negative' depending on the location of the properties. The properties which will experience 'significant negative' unmitigated visual impacts in the construction phase are on Crophorne Drive, The Hamlet, May Close and Apple Tree Walk due to the loss of views out across open fields. The LVIA recognises that no amount of mitigation will replace the views but limited mitigation can be provided by planting of native species hedge and trees along the current property boundaries at an early stage to allow for softening of the views between existing properties and rear of the new dwellings. These details can be considered as part of the detailed design at the reserved matters stage.

Overall, whilst there will be negative impacts on visual amenity of existing residents, this would be reduced to a 'moderate negative' in the long term and the detailed design of the site will help to mitigate these impacts. The loss of boundary planting, whilst leading to increased impacts in the short term can be mitigated and enhanced in the longer term. Therefore, the proposal accords with Policy GEN7 of the Local Plan, Policy CNP7 of the Neighbourhood Plan and Policy LAN DM1 of the modified Local Plan.

Affordable housing

For all developments over 11 residential units the Council requires a minimum of 30% affordable housing on site, as set out in Policy AH SP2 of the modified Local Plan and in the Interim Affordable Housing Policy (2010). The proposal includes 30% affordable housing and indicates that the size of units to be provided would be within the range for affordable housing set out in Table 30 of the Council's Objectively Assessed Housing Needs Study 2015. The Affordable Housing Statement requests that the S106 obligation is drafted in a manner which would deliver the quantum and mix of affordable housing set out below, but have clauses which enable and regulate variation to respond to changed circumstances. The proposed provision is: 72 social rented and 18 intermediate (90 units total). The proposed provision of affordable housing is supported by the Council's Housing Manager. Therefore the proposal accords with Policy DEV17 of the Local Plan, as updated by the Interim Affordable Housing Policy and Policy AH SP2 of the modified Local Plan.

Illustrative Layout and Design

Policy H SP2 of the modified Local Plan provides a clear steer for development proposals on strategic sites in order to ensure that they provide a high quality development with a definite sense of place and permeable layout. A comprehensive Design and Access Statement (DAS) has been submitted with the application. The DAS provides a clear analysis of the site area and wider context, providing a character analysis of traditional Climping, the A259 and Horsemere Green Lane. It demonstrates how the design for the site evolved taking into account key opportunities and constraints. Whilst earlier plans showed a lower number of dwellings, which enabled a green gap to be left adjacent to the existing properties to the

north of the site, the upward revision of the Council's OAN figure meant that the number of dwellings proposed on the site was increased to 300. This necessitated the amendment to the layout to include additional dwellings in the northern section. The layout also avoids areas of flood risk and ensures that drainage attenuation basins are on the east of the site to reflect the natural flow of water.

The Masterplan addresses the following issues, which would be a matter for the detailed Reserved Matters stage but provide an indication of the ability to deliver an acceptable scheme:

Scale - The concept for the scheme is that it would be predominately two storey dwellings to reflect the surrounding area with the scope for 2.5 storey dwellings within the centre of the development and set at logical points to provide entrance features and focal points.

Appearance and Character - The detail would be for Reserved Matters stage but the DAS provides examples of the type of dwellings which would be considered appropriate together with visual impressions of how plots would be laid out. This includes blocks set back from the street, spaces between the built form to accommodate off street parking, larger spaces to provide a more rural feel, landmark buildings at the centre of the development, low density housing in some areas of the site to promote the village appearance. The DAS recognises the importance of the local character analysis and ensuring that key features prevalent in Climping are incorporated into the detailed design, including the proposed material palette. The artists impressions provided in the DAS provide an illustration of the site demonstrating the potential for a high quality scheme to be developed which respects the rural character of the area and avoids a suburban appearance. Other built form principles set out in the DAS include the identification of key frontages within the site and focal buildings. It also recognises the importance of gables being appropriately treated with windows to ensure surveillance and true dual aspect dwellings being employed at key corners. The building line along the re-aligned Church Road would be set back by a minimum of 30m which would help ensure a buffer of landscaping to the site.

Pedestrian, cycle and vehicle movement - The primary vehicular route through the development would provide a connection between Horsemere Green Lane and the re-aligned Church Lane. Street typologies are provided in the DAS which illustrate the internal arrangement of movement corridors and dwellings interface within the site. The primary route would have footpaths on both sides. Green verges are proposed to provide a green setting. Secondary routes through the development would have footpaths but not verges. Shared surface streets are also proposed for short stretches where vehicle speeds are low and would be designed to encourage drivers to give priority to pedestrians. The South Coast Cycle Route (Sustrans Route 2) joins Church Lane to the east of the site. The proposal re-routes the cycle path through the site providing a dedicated connection with Horsemere Green Lane. The cycle route would then continue along its present route west along Horsemere Green Lane then north on Yapton Road.

Parking - The DAS provides an example of the types of parking provision that would be appropriate, including: on plot parking to the rear or side of dwellings which takes the car away from the street and provides high levels of natural surveillance; garages to provide secure off street parking (the DAS notes that the garage doors should be well designed and not dominate the building); off plot parking and visitor parking.

Crime prevention - The DAS includes a 'designing out crime' section which details measures and design mechanisms that can be used to allow natural surveillance across the site. This guidance, combined with the guidance from the Sussex Police Designing Out Crime Officer should be taken into account at the detailed Reserved Matters stage.

Overall, it is considered that the Illustrative Masterplan appears to be a logical and rational response to the site, incorporating good design principles and informed by thorough analysis. The concept for the

site is logical and addresses the constraints and opportunities presented by the site and fits in well with existing developments and the structure of the village whilst maintaining the semi-rural character of the area in accordance with Policies D DM1 and H SP2 of the modified Local Plan and GEN 7 of the Local Plan and CNP 11 of the CNP. A condition is recommended to ensure that the Reserved Matters stage is in substantial accordance with the Illustrative Masterplan.

Green infrastructure, open space, recreation and sports provision:

The DAS sets out the green infrastructure provision across the site. This includes a central village green next to the community centre which would include a pond and play space (LEAP). A large area to the west of the site would be a semi-natural greenspace and this could provide wetland, meadow, closely mown informal recreation areas and extended woodlands. This area includes 6 informal play features (LAP standard) and an equipped fitness trail with a minimum of 6 locations. Greenspace have raised concerns about the amount of play provision shown, however, it is considered that further detail on the provision and location of play areas can be considered as part of the reserved matters application and the Public Open Space Scheme that will be required through the S106 Agreement. A network of hard surfaced footpaths would provide access and link the residential areas to the surrounding facilities. A secondary northern green provides an area of open space within the northern part of the development connecting to the existing playspace on Crophorne Drive. Local residents of Crophorne Drive have raised concerns that additional people would come through to use the existing playspace which is privately maintained. As there are play facilities and open space proposed on site which will be closer to the majority of the new residents it is unlikely that there would be any significantly increased usage of the existing playspace on Crophorne Drive. Existing residents would also have the opportunity to use the new play facilities.

Buffer planting is proposed along the southern and western frontages which would help strengthen existing woodland tree belts and the settlement edge. The main access would be lined by grass verges and swales and pocket greens around the site provide local spaces for informal recreation. A single LEAP would be provided on the village green area. The total area of open space amounts to 14.38ha and would provide a high level of amenity for future residents as well as accessible green space for existing residents.

ADC Greenspace have requested confirmation of the areas of open space being proposed, but stated that the proposed indicative layout would suggest provision beyond the minimum which is welcomed. The illustrative masterplan has been updated to show the LEAP, LAP and fitness trail locations (as detailed above) and any further comments from Greenspace will be provided as an update. The details of the onsite open space and contributions, as well as future maintenance will be set out in the S106 obligation and an update on the final requirements will be provided. The landscaping scheme provided with the DAS is indicative and a full landscaping scheme would be required to be submitted with the Reserved Matters application, including further detail on play provision.

Overall, subject to the confirmation of further details, the provision of public open space meets the requirements set out in Policy GEN20 of the Arun Local Plan and Policy OSR DM1 of the modified eALP.

Trees:

An Arboricultural Survey Report has been submitted with the application in order to record the location, condition and value of all significant trees in the site. The most important trees within the site are contained in the southern and western woodland shelterbelts and protected by a TPO. The Tree Survey highlights some individual A and B grade oaks and other tree species which the Tree Officer recommends should ideally be retained as part of the design layout. However, the new roundabout would result in the loss of a large section of the southern tree belt, including some A and B grade trees.

The Tree Officer recommends that this loss would need to be mitigated by a significant amount of new tree planting on the site.

Concerns were also raised by the Tree Officer about the rear of properties proposed to face towards the shelterbelt trees as there could be pressure to allow pruning or felling in the future if they are too close. It is considered that there is sufficient space within the layout to ensure a detailed design at Reserved Matters stage which addresses this issue (a 20m buffer is recommended). The Reserved Matters application would also need to be accompanied by an Arboricultural Method Statement and Impact Assessment and Tree Protection Plan. Conditions are recommended to ensure submission of these documents.

Overall, the proposal would result in the loss of more than one tree which is covered by a Tree Preservation Order. Policy GEN 28 of the Local Plan states that in this will not be permitted unless the benefits of the proposed development outweigh the amenity value of the protected trees. In this case, the benefits of the re-alignment of Church Road and the proposed roundabout would have significant benefits as it would provide spare capacity and resolve an existing constraint on the A259 which would not be possible within the constraints of the highway land. Therefore, the proposal complies with Policy GEN 28 of the Local Plan and Policy ENV DM4 of the modified Local Plan. The Climping Neighbourhood Plan includes Policy CPN 8 'Protection of Trees and Hedgerows' which also seeks to ensure that any loss of trees or hedgerows of arboricultural or amenity value will not be permitted unless the benefits of the proposed development outweigh the amenity value of the trees. In this case, as set out above, the benefits outweigh the amenity value of the trees.

Ecology:

A preliminary Ecology Survey was carried out in 2015 to determine the ecological constraints on the site. Representations raise a number of concerns about the habitats and wildlife present on the site. The site is predominantly an arable field with woodland, areas of scrub, scattered trees, ruderal vegetation and a hedgerow.

The site is not subject to any statutory or non-statutory designations and the closest designated site is Littlehampton Golf Course Site of Nature Conservation Interest located approximately 1km south of the site. Climping Beach Site of Special Scientific Interest (SSSI) is located 1 km south of the site. Natural England have confirmed that the proposed development would not damage or destroy the interest features for which the site has been notified and has no objection.

The Ecological Survey concluded that the main habitats being of value to wildlife had the potential to support populations of badgers, breeding birds, reptiles, bats and great crested newts. This led to further surveys being undertaken for bats, great crested newts and badgers to devise appropriate mitigation. Further surveys for breeding birds and reptiles were not considered necessary and a precautionary approach to works was recommended.

The Great Crested Newt Survey concluded that there were none on the site but a small population using ponds to the south of the site. Therefore, the potential for great crested newts to be utilising the site for commuting and hibernating was low as it was more likely that they would be using habitats to the south, as the road is a barrier. The Survey recommended a precautionary approach to works in order to minimise any potential impacts.

The Bat and Badger Survey identified that 62 trees were considered to have moderate or high value to roosting bats, located in the southern and western site extents. Three species of bats were observed foraging at the site, again in the woodland boundaries. If any trees identified as having potential to support a bat roost subsequently require removal or works, then a climbed inspection is recommended

and if bats are found to be roosting within trees where felling is unavoidable a European Protected Species Mitigation Licence may need to be obtained. Measures to mitigate the impact of lighting on bat foraging would also be required and a condition is recommended to ensure that a lighting scheme is submitted.

No badger setts or secondary signs of badger were identified at the time of the survey but mitigation measures are recommended to safeguard individuals passing through the site during works.

In order to ensure that the mitigation measures identified in the Surveys are incorporated an Ecological Management and Mitigation Plan would need to be submitted for approval. This document should reflect the Survey mitigation measures and contain the information set out in the Ecologists response in order to demonstrate that the impacts on ecology can be managed and mitigated as well as enhanced. A condition requiring submission of an Ecological Management and Mitigation Plan is recommended and this should also include a requirement to update the habitat surveys if more than 12 months has elapsed between the survey and the point at which development decisions have been made at the site.

Overall, subject to the provision of the details requested above, it is considered that the proposed development accords with Policy GEN29 of the Local Plan, Policy CPN 9 of the CNP, Policy ENV DM5 of the modified Local Plan in relation to the impact on protected species and the potential for the scheme to protect existing habitats where possible and provide enhancements.

Historic environment:

The proposal is close to the medieval Earthworks E and SE of St Mary's Church in Climping and therefore it is important to determine whether the development would have an indirect impact on the setting of the site or whether the site has the potential to include heritage assets with archaeological interest.

A Desk-Based Historic Environment Assessment has been carried out which identified the archaeological potential of the site and concluded that the potential for heritage assets being located in the site was either low-medium (Roman, Anglo-Saxon, Medieval - related to Deserted Medieval Village (DMV)), Medium (Pre-Historic) or Medium-High (Medieval - related to agricultural activity, Post Medieval). In relation to Post Medieval building remains are likely to be extant in two discreet areas of the site. As the development would have a direct impact upon an archaeological remains should they be present, a programme of mitigation measures has been suggested to establish the presence or absence if any remains.

The Archaeologist agrees with the conclusions of the assessment and the need for further investigation prior to development but disagreed with the proposed methods for further investigation. A condition is recommended to ensure that the site is evaluated by trial trenching ahead of development and that any archaeological interest it may contain can be properly preserved.

Historic England raised concerns about the assessment that had been carried out and whether it had adequately assessed the impacts on the setting of Climping's historic core, the expected effect of development on flood risk and consequent impacts on the preservation of Climping's historic core and buried remains within the DMV and whether the proposed development site contains any archaeological remains that are related and of equivalent significance to the DMV and whether it will cause them any harm. A further assessment was submitted which addressed these issues. Historic England were re-consulted and still had some outstanding queries but concluded that overall the impact on the setting of St Mary's Church, the Scheduled Monument and Climping's Historic Core appears to be minimal and with mitigation the impact would be slight within 5 years and reduced to negligible within 10 - 15 years and that they would not object. Additional assessment will be required at the detailed design stage to

ensure that the impacts from noise and the visual impacts on designated assets are fully taken into account.

Overall, the proposal accords with Policy HER DM1 and HER DM6 of the modified Local Plan and AREA 16 and AREA 17 of the Local Plan in that it protects the setting of Listed Buildings and, subject to conditions, it has been demonstrated that the development would not be harmful to the archaeological interest of the site.

Traffic and Highways

Access and Safety

Policy CPN 14 of the CNP resists new development that would have a detrimental impact on highway safety and the living conditions of residents. It also seeks appropriate contributions towards highway measures that would make the development acceptable. Relevant identified priorities for Climping include: increasing and enhancing pedestrian and cycle networks; safe crossing points for pedestrians, cyclists and equestrians to reduce the severance effect of the A259; and traffic calming measures on local roads. GEN7 of the ALP requires the safe movement of pedestrians and vehicles, giving priority to pedestrians.

The access plans have been submitted for approval as part of the outline application and show a reconfiguration of the road with the provision of a 50m diameter roundabout which would replace the existing roundabout at the junction of the A259/ Church Lane. A ghost right hand turn junction would provide site access from Church Lane, a bell-mouth junction Crookthorn Lane. A vehicular access is also proposed onto Horsemere Green Lane with footways to link into the existing ones to the south of the Lane. Pedestrian footways, either adjacent to roads or separated, are shown throughout the site on the Illustrative Masterplan.

The representations received raised safety concerns about the entry and exit onto Horsemere Green Lane, concerns about 'rat-running' through the new development and along Horsemere Green Lane, the location of the new access onto Church Lane and accidents that have taken place in the past. Middleton Parish Council also raised safety concerns in relation to Comet Corner. Littlehampton Town Council thought that the roundabout proposed would be an improvement but that the surrounding network also needed improvements. A traffic management scheme (four one-way traffic islands and 30mph speed limit) is currently being implemented along Horsemere Green Lane in order to deter motorists from using it as a rat-run. This will help with current concerns about rat-running along Horsemere Green Lane and it will address concerns about future 'rat-running' through the proposed development as less motorists will be using Horsemere Green Lane to access the A259 via Church Lane.

A Road Safety Audit: Stage 1 has been undertaken on the proposed access arrangements and this led to a Design Audit if the improvements being undertaken. The LHA are satisfied that the design of the proposed roundabout is compliant with Design Manual for Roads and Bridges standards and that any identified relaxations of the standards have been assessed and are acceptable. Some detailed design points have been raised which would be resolved at the detailed highway design stage.

The Transport Assessment provides an analysis of the accident data for the roads surrounding the site. In relation to Church Lane roundabout the TA concludes that the new roundabout would be expected to improve the current accident record, as the current roundabout does not comply with modern design standards.

The Arun Transport Study (Stage 3) identifies that due to the overall traffic flow increases over the Plan period at the Oyster Catcher junction, that the junction should be included in the mitigation package.

Comet Corner was also identified for mitigation. The proposed mitigation is a roundabout for the Oyster Catcher junction and Comet Corner would require a junction improvement.

Following discussions with the LHA the applicants have agreed to the safeguarding of land for potential future Oyster Catcher safety improvement through the S106 Agreement. As there is no specific scheme for the junction it is not possible to ascertain the level of contribution necessary. However, the safeguarding of the land in the south western corner of the site and the transfer of the land to the County Council at no cost when it is required for the delivery of the junction improvement, would enable future delivery of the improvements.

In relation to Church Lane/ Horsemere Green Lane junction, there have been two slight accidents, one involving a cyclist. This is due to poor visibility for vehicles turning right out of the junction. The proposal includes a new access onto Horsemere Green Lane and this will re-route some of the traffic through the new development, leading to the new access onto the re-aligned Church Lane. The visibility of these new junctions would be an improvement over the existing junction. Accidents involving cyclists along the roads around the site would be reduced with the proposed WSCC cyclepath along the A259 and the new route through the site.

Overall, it is considered that the proposed new roundabout, combined with the new accesses into the site will provide a safe layout for traffic, cyclists and pedestrians in accordance with Policy GEN7 of the Arun Local Plan, Policy T SP1 of the modified Local Plan and Policy CPN 14 of the CNP.

Traffic and highway capacity

The development is forecast to have a total of 1509 two-way vehicle trips over a 12 hour period. Over the am and pm peaks, this would amount to 172 additional two-way trips in each peak period. The TA forecasts that the majority of the new traffic would use the A259 with 17% going north along Church Lane and 14% going towards Yapton Road. The modelling carried out by the applicants shows that the junctions assessed work within capacity and that with the combined effects of background traffic growth and the proposed development this would continue to be the case. However, the Arun Transport Study identifies that the development at Climping would have a capacity impact at the A27/A280 Patching North Roundabout, the A259/Church Lane and A259/B2187 (Tesco Roundabout). Highways England have not objected to the proposal, subject to the appropriate contribution being secured towards A27 highway mitigations required by the emerging Local Plan. As set out above, the Arun Transport Study apportions the impacts between the strategic sites. The Study does not apportion any of the A27 impacts to the Climping site, therefore no contributions are sought for A27 related works as it would not be compliant with the CIL regulations due to the lack of justification.

The Church Lane/ A259 roundabout is currently overloaded in both peak hours. This is backed up by the Arun Transport Study which identifies the impacts of the proposed emerging Local Plan allocations on the A259/Church Lane junction as 'severe'. Mitigation measures proposed by the Study include widening of the roundabout, as the improvements are limited to the highway boundary. The proposed new roundabout (described above) would be able to provide a significant improvement by incorporating additional land and therefore the scheme is forecast to provide adequate capacity for the background traffic growth and to accommodate the traffic from the new development. The LHA have recommended that in order to alleviate existing problems the junction improvements should be secured with an early trigger. This is set out in the S106 section of the Report.

In relation to the development contributing to the Patching North Roundabout and the Tesco Roundabout, the Arun Transport Study identifies that the proportional contribution for the Climping site would be 11% and 14% respectively (totalling £69,260) (in addition to 19% of the A259/Church Lane scheme which amounts to £32,110). As the development is proposing to exceed the required junction

improvements for the A259/Church Lane (which, based on the lower cost scheme set out in the Study, amounted to £169,000) and provide a roundabout (estimated by the LHA to cost in the region of £800,000 - £1,200,000) then it is reasonable that no contributions are sought for the other junction improvements. This approach is supported by the LHA. The on-site delivery of the roundabout would lead to a re-distribution of the costs for the other junctions between the other strategic sites, as the other sites would not need to contribute to the A259/Church Lane scheme.

Overall, the development would deliver a strategic improvement to the highways infrastructure which would mitigate its traffic impacts and have wider benefits as it improves the existing congestion and provides a solution which is 'future proof' in relation to proposed growth in the area. The proposal therefore accords with GEN8 of the Arun Local Plan and Policy T SP1 of the modified Local Plan and Policy CPN 14 of the CNP as it has demonstrated that the transport effects on the local and strategic road network can be satisfactorily mitigated.

Pedestrian and cycle movements and sustainable transport

Proposals for development will be supported when they improve access to public transport services and support their provision (Policy GEN14 of the Local Plan and Policy T SP1 of the modified Local Plan). The proposal includes the provision of two new bus laybys on the A259, located to the west of the proposed roundabout and these would provide access to bus services for residents of the site. The details show a pedestrian refuge island in between the two laybys which links with a pedestrian footway into the southeastern corner of the site. A new footway along the southern side of the A259 would connect bus laybys with Crookthorn Lane. A contribution towards completion of a pedestrian footpath on the south side of Horsemere Green Lane between the application site and the footpath to the east of Woolridge Walk is also proposed, in order to provide a safe walking route between the site and future primary school at Ford or Yapton.

In relation to the provision of safe and attractive facilities for cyclists and pedestrians, the roundabout details show the existing shared cycleway/footway on the northern side of the A259 (east of the new roundabout) being widened to 3.5m from the existing junction westwards. To the east of the new roundabout, two pedestrian refuges are proposed in order to help pedestrians move from the northern side of the A259 to the existing footpath/cycleways leading into Crookthorn Lane. Three pedestrian crossing islands are proposed along the re-aligned Church Lane which would link with the footway along the western side of Church Lane. The northernmost crossing then links to the existing footway on the eastern side of Church Lane. Pedestrian links are also shown onto Horsemere Green Lane which links to the existing residential areas and to the south western corner to link to existing bus stops and Baird's Farm Shop. A further pedestrian link is shown on the western boundary of the site adjacent to the Oyster Catcher and Yapton Road. Crookthorn Lane provides the route to St Mary's Primary School and there is no pedestrian provision for the majority of the road. The Parish and representations also raise concerns about the lack of controlled crossing for local roads or the A259 as well as the lack of a safe route to school (Yapton or Climping). There is limited scope to provide further footways along Crookthorn Lane and warning signs are provided at present. The Local Highway Authority have advised that given the low volume of vehicular movements associated with the route it is not considered that an increase in pedestrian movement would constitute a severe impact. The use of signalised crossings would not be appropriate as pedestrian movements would be too low to justify and would be dangerous.

National Cycle Network (NCN) Route 2 currently runs along Church Lane and then Horsemere Green Lane. The proposal includes diverting this route along the section of Church Lane that would be closed and then routing through the site to re-join with Horsemere Green Lane. However, WSCC are introducing a shared cycle/ pedestrian route to the south of the site, adjacent to the A259, which will divert NCN Route 2 along the A259 rather than its current route through Yapton. Therefore the benefits of diverting this route through the site are likely to be reduced, although it would still benefit those cycling

to and from settlements along the B2233, rather than between Littlehampton and Bognor. The Local Highway Authority are satisfied that there is sufficient footprint available to incorporate changes within the available land to allow a 3m shared route to go adjacent to the northwest side of the new junction and that this could be included within a S106 obligation.

A Travel Plan has not been provided but a condition is proposed to secure submission of one and the TA provides details of what is proposed to be included, for example, a Welcome Pack including cycle vouchers or bus permits for new residents. The size of the roads on the development has been raised as a potential issue that would lead to more parking on the road. The detail of internal roads and parking provision will be considered at the reserved matters application stage.

Overall, the proposal would provide improvements to public transport provision through the new bus-laybys, and the layout would ensure that pedestrians can access the services and facilities around the site in a safe and secure manner in accordance with Policies GEN14 and GEN15 of the Arun Local Plan and Policies T SP1 and H SP2 of the modified Local Plan and Policy CPN 14 of the CNP. The diversion of the NCN Route 2 through the site would provide an enhanced and safer route than at present and provision can be made through the S106 agreement to ensure that the new route along the A259 would not be prejudiced in accordance with Policy GEN15 of the Arun Local Plan and Policies T DM1 and H SP2 of the modified Local Plan.

Noise and Air Quality

Concerns have been raised about air pollution from increased traffic and unacceptable noise levels from traffic.

In relation to noise levels, any impacts from the development should not cause a significant adverse effect and should ensure that a good standard of amenity can occur. The initial Noise Assessment showed that the guideline levels for noise would be exceeded by a significant margin across the majority of the development site when windows are partially open to allow for ventilation. This means that the noise levels fall within noise exposure category A or B (depending on location and elevation) for both day and night road noise. The modified eALP states that for category B that noise should be taken into account when determining planning applications and where appropriate, conditions imposed to ensure an adequate level of protection against noise.

Following discussions with Environmental Health a revised Illustrative Masterplan was submitted in order to demonstrate that a 2m bund and 1m acoustic fence could be located between the southern tree belt and proposed dwellings on the southern boundary. The noise modelling was re-done which demonstrated that with mitigation the traffic noise level for the rear gardens would be circa 51 decibels which is below the guideline value of 55 decibels. Concerns were also raised about the mitigation proposed (e.g. ventilation measures) in order to attenuate for noise internally as this would have required future residents not to open windows in order to achieve satisfactory noise levels. The proposed response is to ensure that the properties within the noisiest part of the site would be designed with bedrooms and other sensitive rooms would be on the quieter facades and these rooms would have opening windows, in addition to the alternative ventilation. There are a small number of properties located within the south east corner of the scheme which are predicated to exceed the internal guideline value of 35 decibels. Planning conditions are recommended in order to secure the details of a noise attenuation scheme to ensure that the impact of noise is mitigated to acceptable levels, in line with the measures set out on the Illustrative Masterplan and accompanying noise assessments.

In relation to air quality, there are no designated Air Quality Management Areas (AQMA) in Arun, although the modified eALP identifies that congestion on the A259 at peak times causes poor air quality on parts of the A259. The site is within easy reach of established public transport services and would

provide additional bus stops in order to allow future residents to access the bus service. The scheme also proposes the new roundabout which is predicted to reduce congestion on the roads in the area, thereby reducing the risk of localised air pollution. The scheme also makes provision for cycling and pedestrians and further detail on this would be expected at the detailed application stage (e.g. ensuring cycle storage).

Therefore, subject to the appropriate mitigation measures being implemented the future residents would not be adversely affected by noise in accordance with Policy GEN32 of the Arun Local Plan and Policy QE DM1 of the modified eALP. The proposal accords with Policy GEN34 of the Arun Local Plan and QE DM3 of the modified eALP as it would mitigate any negative impacts and reduced congestion would lead to an improvement.

Flooding and drainage

Representations have raised concerns about localised flooding of Mulgrave Field, as well as lack of ditch maintenance and a high water table causing flooding. Concerns were also raised about coastal flooding and future sea defences. Policy CPN 12 of the CNP seeks to ensure that all developments in flood sensitive areas are designed and constructed to reduce the level of flood risk.

A Flood Risk Assessment (FRA) has been carried out which confirms that the majority of the site is within Flood Zone 1 (low risk). The modelling identified that whilst present day risks from tidal flooding is low, there are some areas of the site with a moderately high impact from tidal flooding in 2115 based on a 1:200 year flood event. The approach taken to address this is to locate as many units as possible outside this area of the site (the north east corner). The Illustrative Masterplan shows 3 dwellings and the commercial building would still be in the flood risk area. The FRA identifies measures to mitigate the flood risk, based on the Illustrative Layout and also demonstrates that there would be a safe access and egress from the site, that the EA flood warning system would be utilised, and sets out measures to be incorporated into future detailed designs (e.g. solid concrete floors at ground floor level). A condition is proposed to ensure that the measures are incorporated into the detailed design of dwellings at the reserved matters stage.

A Surface Water Drainage strategy has been carried out in order to provide an understanding of the drainage requirements for the site. This identified that currently surface water flows from west to east across the site towards an exit point towards the north east of the site. The potential for infiltration methods is likely to be limited but there may be some potential which should be investigated further to inform the detailed design. The outline drainage strategy for surface water includes potential areas for permeable paving, swales and surface water storage areas which would be able to accommodate the required storage volume. The comments from both ADC drainage engineers and WSCC Flood Risk Management emphasis the need to fully investigate options for infiltration methods before ground attenuation. Conditions are proposed in order to ensure that a suitable SuDs scheme is developed informed by winter groundwater monitoring and percolation tests. WSCC Flood Risk Management have also highlighted the importance of local field boundary ditches being maintained and highlighted on future plans.

Overall, sufficient information has been provided to demonstrate that a SuDs scheme for the site could be developed based on the principles in the Strategy and shown on the Illustrative Masterplan in accordance with Policy GEN9 of the Arun Local Plan and Policy W DM3 of the modified Local Plan.

Foul drainage

There is a requirement for new major developments to demonstrate that adequate foul capacity exists or can be provided as part of the development to ensure good water quality in the district and to meet the

needs of future occupiers. A Foul Water Strategy has been submitted to support the application. The proposed strategy for the site would be to discharge foul water from the site to the existing foul water manhole to the north of the site within Horsemere Green Lane. A pumping station may be required in order to connect to the existing sewer. The report states that a pumping station would require a compound areas of 8m x 12m with a 15m offset distance from any habitable buildings. Southern Water have confirmed this distance would comply with their standards. The on-site foul water and pumping stations are proposed to be offered to Southern Water for adoption. The capacity check carried out identified that improvements to the existing network are required in order to accommodate flows from the development. The works required would be secured via a S98 (sewer requisition) agreement with Southern Water. There is also a public sewer crossing the site and the proposed Illustrative Layout allows for the necessary easements. The strategic solution for this site identified in the evidence supporting the modified eALP is either pumped or gravity discharge to Ford treatment works. Should improvements to the existing network not be sufficient to accommodate flows, a direct connection could be made to Ford treatment works (located 920m from the site) which would need to be agreed with Southern Water before being carried out.

Southern Water have commented that the exact position of the sewer should be determined on site before the layout is finalised. A condition is recommended to ensure that the drainage infrastructure on site is protected. Southern Water have confirmed that the needs of the development cannot be accommodated without providing additional local infrastructure and have recommended a condition to ensure that a scheme is submitted and approved prior to development commencing.

Subject to conditions requiring submission of a detailed foul drainage scheme the proposal accords with Policy GEN9 of the Arun Local Plan and Policy W DM1 of the modified Local Plan as it demonstrates that the infrastructure could be upgraded to ensure sufficient capacity for the development.

Supporting Infrastructure

Development is only acceptable with the provision of or contributions to the necessary infrastructure and facilities to mitigate the impacts of the development. Representations raised concerns about the lack of capacity of education and healthcare facilities in the area. The modified Local Plan Policy H SP2c sets out the infrastructure requirements for the site, which include:

- a new one-form (expandable to two-form) entry primary school and nursery places
- improvements to the A259 between Climping and Littlehampton (see Highways section above)
- a Community hub with - new retail, commercial and community facilities, a new library facility and contributions towards a new healthcare facility which will be provided in Ford.

The proposal includes two buildings, the first could be used for a village hall, doctor's surgery or pre-school nursery. The second is a retail unit, located close to the site access. The community building would meet the requirements of Policy H SP2c in providing a building which could house the library facility (self service) and nursery facilities. WSCC have requested a new tier 7 facility on site or a contribution towards a project to enhance library space with improved digital access at Littlehampton Library should the community facility either not progress or progress without space for Library facilities'. The applicant has confirmed that the community building could be suitable for a library facility. It is therefore suggested that the S106 Agreement is worded flexibly to provide a facility as part of the community building or if that does not come forward, that a contribution is made towards Littlehampton Library.

The modified Local Plan policy requires a contribution towards a new healthcare facility to be provided at Ford. The NHS have requested a funding contribution of £329,013 towards Avisford Park GP surgery in Yapton for the infrastructure needs of managing GP consultant Health Care. This is justified on the basis

that the impact of the proposed housing will fall onto the provision of healthcare at Avisford GP Surgery which currently serves 10,500 patients and is at full capacity. The contribution would be utilised to add on additional infrastructure and associated costs in order to provide healthcare to new residents.

WSSC have confirmed that the present primary and secondary schools within the catchment areas of the proposal would not have space capacity and would be unable to accommodate the children from the development. Accordingly contributions are requested (based on a formula to allow the contribution amounts to be based on the housing mix at the reserved matters stage). The contributions are proposed to be spent on: a new primary school to be located at Ford or Yapton, whichever strategic site is better placed to educate pupils from the Climping development; Phase 2 of a new secondary school and a new sixth form; or expansion of the Littlehampton Academy and sixth form should the new school not progress.

Fire and rescue contributions have been sought by WSSC (formula based) to provide new technological equipment such as fire lances and thermal imaging cameras to serve the parish of Climping.

Leisure - Additional details are awaited on the specific projects in relation to contributions for sports halls, swimming pools and sports pitches. An update will be provided.

The highways infrastructure and open space requirements are set out in the relevant sections above and further detail is set out in the S106 section table attached to this report.

In order to mitigate against the impact of growth Sussex Police have calculated that the cost of policing new growth in the area equates to £44,772.52 to fund the future purchase of infrastructure to serve the proposed development.

Subject to the satisfactory conclusion of S106 negotiations it is considered that there are no barriers to achieving compliance with Policy GEN8 of the Arun Local Plan and Policies H SP2, H SP2c, INF SP1 and INF 2 of the modified Local Plan by ensuring provision of the required infrastructure. An update on the final S106 requirements will be provided.

Conclusion

The application site is outside the defined built-up area boundaries and contrary to Policies GEN2 and GEN3 of the ALP and the intention of the CNP to protect countryside. As set out above these policies are out-of-date and carry limited weight. The site is in a sustainable location which has been assessed through the modified eALP and identified as a strategic site suitable for housing. It is considered that the principle of development on this site is acceptable. The development will deliver a strategic highway improvement for the A259, make a significant contribution towards housing and affordable housing in the District, boost the sustainability of Climping and provide additional open space and community facilities.

There are no specific policies in the Framework that indicate that this development should be restricted. Therefore it can be concluded that the adverse impacts do not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.

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

See Table to follow Report.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

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

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

2 The development hereby permitted shall begin not later than two years from the date of the approval 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 plans :

- P14 4899-01 Rev F - Feasibility Illustrative Masterplan
- P14 4899 03 - Acoustic Barrier to A259 Illustrative Proposals
- 4724/002 Rev D - Proposed Roundabout
- 4724/004 Rev B - Proposed Roundabout Details
- 4724/005 - Horsemere Green Lane Proposed Access

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

- 4 The development hereby permitted shall not be carried out except in substantial accordance with the Illustrative Masterplan P14 4889-01 Rev F and the Design and Access Statement (Dec 2016).

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

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

Reason: To enable the Local Planning Authority to control the development in details in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because the use of satisfactory external materials goes to the heart of the planning permission.

- 6 Prior to commencement of development, a plan shall be submitted to the Local Planning Authority to show how the development will be divided into phases and a phasing programme shall be submitted in writing to the Local Planning Authority and implemented in full.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy GEN7 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the phasing of the development needs to be satisfactory before work commences.

- 7 Prior to commencement of development a design code masterplan shall be submitted to, and approved in writing, by the Local Planning Authority. This document shall demonstrate how the detailed proposals will reflect the objectives of the Illustrative Masterplan P14 4889-01 Rev F and Design and Access Statement (Dec 2016) and will provide further details on matters such as character areas, street hierarchy, building typologies, key buildings, the approach to car parking, structural planting, street furniture, lighting and treatment of the public realm. The development shall be carried out in accordance with the approved design code.

Reason: To enable the Local Planning Authority to control the development in details in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because the design of the scheme goes to the heart of the planning permission.

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

completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping scheme should accord with the phasing plan for the site.

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

- 9 All construction works are to be carried out in strict accordance with an Arboricultural Method Statement Report to be submitted and approved by the Local Planning Authority. The Arboricultural Method Statement must include provisions for:
- a pre-commencement site meeting to take place between the Local Planning Authority Tree Officer and the Arboricultural Consultant representing the site owners to ensure that the protection measures have been erected and positioned in accordance with the Tree Protection Plan.
 - a schedule of site monitoring/ supervision visits and reporting procedures to be agreed at the site meeting
 - a method statement should any utility service route connections bisect retained tree Root Protection Areas/ Zone.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 10 No operations including site access, demolition or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained have been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority.

Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without prior written approval of the Local Planning Authority.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because trees need to be protected in advance of works commencing on-site.

- 11 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.

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

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

- 13 The development shall not proceed until formal consent has been approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority (WSCC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

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

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

- 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 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.

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

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

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion and to ensure that the proposed development is does not adversely effect existing watercourse in accordance with policy GEN11 of the Arun District Council Local Plan.

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

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

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

Reason: To ensure that the proposed development is drained in accordance with policies GEN7 and GEN9 of the Arun District. It is considered necessary for this to be a pre-commencement condition because the location of the raising main and foul sewer pipe has to be determined before works commence to avoid damaging the infrastructure.

- 19 Prior to commencement of development, a scheme for flood mitigation and management (based on the measures set out in the approved Flood Risk Assessment (FRA) (December 2016 reference 2323 Ambiential) shall be submitted to, and approved in writing, by the Local Planning Authority. The development permitted by this planning permission shall only be carried out in accordance with the approved scheme.

Reason: To reduce the risk of flooding to the proposed development and future occupants. In accordance with policies GEN7 and GEN11 of the Arun District Local Plan and CPN 12 of the

Climping Neighbourhood Plan (2015). It is considered necessary for this to be a pre-commencement condition because ensuring flood mitigation and management goes to the heart of the planning permission.

- 20 Prior to the commencement of construction works or any preparatory works detailed Ecological Management and Mitigation Plan including a Schedule of Works shall be submitted to the LPA for approval and will be based on the recommendations within the supporting Preliminary Ecological Appraisal Report (May 2016), Great Crested Newt Survey Report (June 2016) and the Bat and Badger Survey Report (June 2016) . All approved details shall then be implemented in full and in accordance with the agreed timings and details.

The Ecological Management and Mitigation Plan shall include but not be restricted to:

- timings for clearance of trees or scrub to avoid impacts on breeding birds
- two phased cutting of grassland along site boundaries to deter reptiles and amphibians
- details of compensatory and additional tree planting
- details of compensatory boundary habitat planting
- details and location of bird and bat boxes, log piles around the site boundaries
- creation of at least three wildlife ponds
- boundary features to measure at least 5m width for the majority of the site to allow for commuting badgers
- measures to minimise the disturbance of badgers as set out in Section 4.14 of the Bat and Badger Survey Report (June 2016)

Should the detailed layout of the site require the removal of further trees which have the potential to support bats, a climbed tree inspection survey will be required.

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). It is considered necessary for this to be a pre-commencement condition because of the need ensure measures are in place to protect wildlife and habitats on site prior to any disturbance.

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

Reason: In the interests of highway safety and the amenities of the area in accordance with Arun District Local Plan policy GEN7. It is considered necessary for this to be a pre-commencement condition because of the safety and amenity issues that need to be

addressed.

- 22 The applicant shall prepare and submit for approval an Employment and Skills Plan for the construction phase of development. Following approval of the Employment and Skills Plan the developer will implement and promote the objectives of the approved plan.

Reason: in accordance with policy SKILLS SP1 of the modified emerging Arun District Local Plan (2017)

- 23 No machinery/vehicles or plant shall be operated on the site, no process shall be carried out and no deliveries taken at or despatched except between the hours of:

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

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

Not at any time on Sundays or Public Holidays

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

- 24 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the storage areas identified in the Construction Management Plan at any time approved by the Local Planning Authority.

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

- 25 A scheme for external lighting shall be submitted and approved in writing by the Local Planning Authority. The scheme shall ensure that the lighting is sensitive to bats by minimising the lighting of the woodland along the southern and western boundaries and shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2.

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

- 26 An acoustic barrier and associated tree and shrub planting, details of which shall be submitted and approved by the Local Planning Authority before development is commenced, shall be formed along the boundary of the site as shown on the Illustrative Masterplan P14 4889-01 Rev F and no building shall be occupied until such acoustic barrier has been completed. In the event that any trees and shrubs, planted in accordance with this condition, die or become seriously damaged or diseased within a period of 3 years following planting, they shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the environment of the development, in accordance with Arun District Local Plan policies GEN7 and GEN32. It is considered necessary for this to be a pre-commencement condition because the details of the barrier need to accord with the detailed site layout.

- 27 Before first occupation of plots along the southern and eastern boundaries of the site, post validation testing shall be undertaken by a competent person to determine compliance with the acoustic report (Ref 2001W-SEC-00002-02, dated Dec 16 and subsequent correspondence). This must be submitted and agreed in writing with the Local Planning Authority before first occupation of the aforementioned plots.

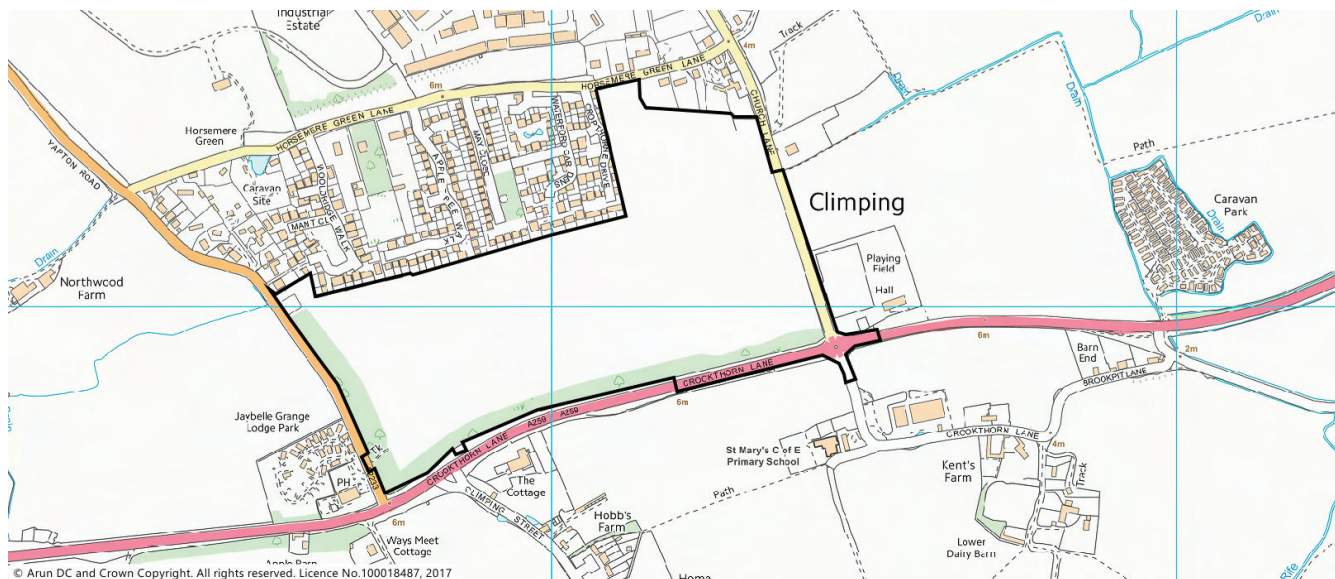
Reason: To safeguard the amenities of nearby residents in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 28 No development shall commence until the vehicular access serving the development has been constructed in accordance with Bellamy Roberts drawing 4724/004 Rev B.
- Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because establishing an access goes to the heart of the planning permission.
- 29 No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.
- Reason: To encourage and promote sustainable transport in accordance with Policy GEN7 of the Arun District Local Plan..
- 30 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or equivalent fabric first standards that would secure a 10% reduction in energy use. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority . The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.
- Reason: In order to seek to achieve high levels of energy efficiency in accordance with the aims of the NPPF and emerging Arun Local Plan Policy ECC SP2.
- 31 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. It is considered necessary for this to be a pre-commencement condition because archaeology can only be investigated before construction commences.
- 32 Prior to the commencement of development, a strategy for the provision or facilitation of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.
- Reason: To ensure that the needs of future residents to connect to the internet does not necessarily entail engineering works to an otherwise finished and high quality living environment in accordance with emerging Arun Local Plan policy TEL SP1. It is considered necessary for this to be a pre-commencement condition because the provision of broadband needs to be incorporated into the design for the site.
- 33 **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.

- 34 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 35 **INFORMATIVE:** The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

CM/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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PLANNING APPLICATION REPORT

REF NO:	A/44/17/OUT
LOCATION:	Land west of Brook Lane and South of A259 Angmering BN16 3JL
PROPOSAL:	Outline application (with all matters reserved) for demolition of existing buildings on site and the erection of a mixed use development comprising up to 90No. residential units and a care home (Use Class C2 and C3) & ancillary facilities, including railway crossing, together with associated access, car parking & landscaping. Departure from the Development Plan. This application also falls within the parishes of Littlehampton & Rustington.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks outline permission for the construction of up to 90 dwellings and a 72 unit residential care home (use classes C2 & C3).
SITE AREA	Approximately 5.9 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 27.5 dwellings per hectare.
TOPOGRAPHY	The topography of the site is predominantly flat but is set at a lower level than the A259 to the north.
TREES	The site, due to its largely undeveloped nature, features a number of mature trees and hedgerows. The Council's Tree Officer has undertaken an assessment of the site and proposed that 15 individual Tree Preservation Orders (TPO) and 3 group TPO are places on the site.
BOUNDARY TREATMENT	The site boundaries consists predominantly of mature trees and hedgerows.
SITE CHARACTERISTICS	<p>The site is situated to the south of the A259 and to the west of Brook Lane. It is accessed directly from the A259 and falls within both Angmering Parish as well as Littlehampton, with the proposed railway bridge providing direct access to Rustington (situated to the south of the site).</p> <p>The site is largely undeveloped and has historically been used as grazing land. The site currently features a detached dwelling and an old stables which is the subject of a personal planning approval for the siting of two caravans for use by travellers.</p> <p>The site is largely situated within flood zone 1, with an area measuring approximately 0.6ha in the south-eastern corner falling within flood zone 2 and an area approximately 0.2ha</p>

identified as flood zone 3.

CHARACTER OF LOCALITY

The character of the locality is varied with the A259 abutting the northern boundary of the application site. Land immediate to the east is currently undeveloped but is the subject of a planning application for the construction of an A1 retail unit as well as an A3/A4 unit. Further east is Manor Retail park. The railway line runs along the southern boundary of the site with a residential estate located to the south along with an allotment. A mixture of commercial uses are located to the south-east.

RELEVANT SITE HISTORY

A/37/04/	Renewal of temporary permission A/12/02 for use of land for the stationing of 1 x mobile home	ApproveConditionally 06-05-04
A/12/02/	Renewal of temporary planning permission A/96/98 for use of land for the stationing of 1 no mobile home (Departure from the Development Plan)	App Cond with S106 16-04-02
A/96/98/	Use of land for the stationing of 1 no. mobile home.	ApproveConditionally 09-06-99
A/101/96	Use of land for stationing of residential mobile home	App Cond with S106 07-03-97

Personal planning permissions were granted under references A/101/96 and A/96/98 for the stationing of a total of 2 residential caravans on a portion of the application site. Whilst these applications conflicted with countryside policies the LPA gave consideration to the personal circumstances of the applicants and their Gypsy/Traveller status and as such granted permission.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Littlehampton Town Council

Rustington Parish Council

Full comments from the Parish and Town Councils are available on the Arun District Council website.

Angmering Parish Council:

Considered at Housing, Transport & Planning Committee Meeting, 4 April 2017. This site is not suitable for the type and size of development proposed in the application; there are particular concerns regarding

highway access, the inevitable increase in traffic density and the imposition of additional load on the A259 roundabouts at The Body Shop and Golfers Lane.

Littlehampton Town Council:

- Members had serious reservations regarding the proposed dementia care home between the A259 and the railway line.
- Impact of noise generated by the A259 should be mitigated against.
- The A259 is already under considerable pressure. Taking into consideration the impact on the A259 of the junction servicing the new retail park also on this stretch of dual carriageway, it was thought that the A259 would effectively become a single lane road for through traffic due to cars decelerating and accelerating into the new junctions. It was therefore considered imperative that the lanes into these junctions were long enough for this to happen safely and without causing additional congestion.
- The proposed rail bridge is considered vital to any development on the site, or adjacent to it and it was judged important that the bridge was as accessible as possible.
- The site has established Gypsy/Traveller status with no mention of this or how alternative provision would be accommodated if the site was developed.
- Adequate water drainage should be provided and the scheme should be designed in conjunction with Southern Water.

Rustington Parish Council:

- The proposal will generate an unacceptable increase in vehicular traffic entering and leaving the public highway to the detriment of highway safety.
- The proposed access in conjunction with that proposed under reference A/11/17/OUT will cause vehicles to be decelerating and accelerating at a further two points along this stretch of road increasing the hazards to road users presenting a serious safety issue. The applicants for this proposal and A/11/17/OUT should work together to achieve an enhanced single point of access.
- The construction of a footbridge across the railway line is imperative in the interests of health and safety and would need to be a strict condition of any permission granted.
- Improvements to Penfold Lane are crucial to enhance the pedestrian links to Rustington and vital services. The LPA should seek financial contributions from the developers to secure this.
- The impact of noise from the A259 upon the development would be unacceptable.
- The proposals location outside of the built up area boundary is contrary to the Local Plan.
- The proposed development will place excessive pressure on an already overloaded sewerage and drainage system.

30 Letters of objection:

Policy objections

- Application site is outside the built up area boundary.

Infrastructure

- Current infrastructure and local services will reach breaking point.
- No provision to accommodate the additional children at schools.
- Doctors surgeries already over stretched.

Highways and Parking

- Additional vehicular movements will add to the already congested A259 and surrounding roads.
- Proposal will exacerbate existing pollution and congestion on the A259.
- Impact of development on Mill Lane leading to longer queues, worse air quality and rerouted traffic.
- Site is too narrow to allow safe access and egress onto the A259.
- Proposal would increase parking problems in Parklands, North Lane and Manor Road.

Flooding and Drainage

- Increased risk of flooding.
- Insufficient drainage and sewerage facilities

Residential Amenity

- Adverse impact upon daylight and privacy of existing properties.

Biodiversity

- Development will result in loss of wildlife and natural habitats.
- The site is a Biodiversity Opportunity Area.

General comments

- Dementia care home in close proximity to the road and railway line is not a good idea.
- Acoustic fencing will adversely impact upon views beyond the land in question.
- Proposed development will result in light pollution and adversely impact on the SDNP.
- Proposed development will adversely impact upon the character of the area.
- Public Transport not accessible from proposed site.
- Site not large enough for 90 dwellings and a care home.
- Proposed railway bridge will be isolated raising concerns in relation to public safety.
- Parklands (to the south) are executive homes with related values, the noise and disturbance of construction would be detrimental.
- Dementia care homes should be situated in noise and disruption free area.

Non-material objections

- Will result in loss of views.
- Proposal will devalue existing property prices.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and will be considered in the conclusion to this report.

CONSULTATIONS

Network Rail

Highways England

WSCC Strategic Planning

Environment Agency

Ecology Advisor

NHS Coastal West Sussex CCG

Southern Water Planning

Surface Water Drainage Team

Environmental Health

Head of Planning Policy & Cons

Sussex Police-Community Safety

Engineering Services Manager

Engineers (Drainage)

Planning and Housing Strategy

Archaeology Advisor

Economic Regeneration
Natural England
Parks and Landscapes
Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Below is a summary of consultation responses received. Full comments can be found on the Arun District Council website.

SOUTHERN WATER:

- The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.
- Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission. "Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable."

WSCC FLOOD RISK MANAGEMENT:

- Modelled surface water flood risk - Low risk
- Modelled groundwater flood risk susceptibility - Moderate risk
- Records of any historic flood within the site - No
- Ordinary watercourses nearby - Yes
- The Flood Risk Assessment included with this application proposes that permeable paving, attenuation via ponds and below ground storage with restricted discharge to the watercourse would be used to control the surface water runoff from the site in line with existing Greenfield runoff rates. Subject to infiltration testing/groundwater monitoring, this method would in principle, meet the requirements of the NPPF, PPG and associated guidance documents.

EMERGENCY PLANNING:

- The FRA is considered to be professionally comprehensive and the risks duly considered and provided for.

ENGINEERS (DRAINAGE):

- The surface water drainage strategy is broadly acceptable, infiltrate where possible, such as in car park areas, and discharge to greenfield rates to a watercourse. Soakage must be investigated further to maximise the amount draining to ground. Three metre easements are required to watercourses, in accordance with our land drainage byelaws and planning conditions.
- Surface water to be discharged to SuDS system.
- Please apply standard conditions ENGD2A, ENGD3A, ENGD4A, ENGD5A and ENGD6A.

ENVIRONMENT AGENCY:

- The proposed development will only meet the requirements of the NPPF if the measures as detailed in the Flood Risk Assessment (March 2017) submitted with this application are implemented and secured by way of a planning condition on any planning permission.

WSCC STRATEGIC PLANNING:

- Revised modelling has been provided by the applicant for the A259/B2187 Body Shop, the results of which detail sufficient capacity at the junction to accommodate the impacts of the development.
- Discussions have taken place with the applicant and with the WSCC Rights of Way team.
- Improvements to the rights of way within the site should be extended to the full extent of the site and an obligation should be included.
- The provision of a new pedestrian and cycle bridge is proposed over the railway and improvements to PROW 2159 Penfold Lane south of the railway line; PROW 2159 to the west of the site; PROW 2158 between Penfold Lane and Brookside Avenue; and PROW 2160 to the north of the site. These improvements should be secured via S106 agreement.
- 5 conditions requested relating to access; car parking; cycle parking; CMP; and Travel Plan.

HIGHWAYS ENGLAND:

No objection.

NETWORK RAIL:

- The applicant correctly identifies that the development proposal will have a considerable impact on the level crossing at Brook Lane. There is also an additional application on land east of Brook Lane (A/11/17/OUT) and the cumulative impact of both developments will be severe.
- Network Rail considers the seeking of contributions to mitigate safety risk to be reasonable for a proposal, which at this stage of the assessment, will likely result in significant increased usage at the crossing.
- In light of the two applications coming forward we believe the only fair solution is for both applications to share the cost. It is therefore Network Rail's recommendation that the footbridge be constructed prior to the beneficial occupation of either development.

ECOLOGY ADVISOR:

- The proposed mitigation in the 'Bat Survey and Mitigation Report - May 2017' is acceptable.
- Following submission of the 'Water Vole Mitigation and Method Statement - May 2017' it is considered that the proposed mitigation is suitable.
- The mitigation measures proposed by the 'Reptile Survey (2017)' are suitable and should be conditioned.
- Prior to commencement a badger survey should be undertaken to ensure badgers are not using the site.
- Works to trees or vegetation clearance on the site should be undertaken outside of the bird breeding season (1st March - 1st October). If works are carried out within this time an ecologist will need to check the site before any works take place (within 24 hours).
- A number of conditions were also requested.

GREEN SPACE:

- Fields in Trust guidelines (FIT) would suggest that 0.69Ha should be provided for the 90 residential units. The care home aspect of this proposal would also require open space more tailored for the usage of that facility.
- With the number of residential dwellings being proposed this would trigger the requirement for onsite play provision and Multi Use Games Area (MUGA) contribution in addition to the landscapes open space areas.
- Details of this will need to be provided to and approved by the LPA. Details of the maintenance provision to be provided and commuted sum payments required towards the maintenance of open spaces where these are provided on site and if taken on by the LPA.
- Comments also received in relation to Landscaping, Arboriculture and Biodiversity/Ecology.

COUNCIL'S TREE OFFICER:

- Overall I am happy with the principle of development at this location but do have some reservations over the retention of high and moderate graded trees on this site and to afford them full protection at the detailed stages I will be recommending that a TPO is made to protect the better trees and groups.
- I find that the base data submitted in support of this outline application is acceptable and supportable and I would therefore recommend APPROVAL subject to relevant Conditions being applied to this project when it comes back in at the detailed stage.

ENVIRONMENTAL HEALTH:

- No objections to this application so long as those conditions noted in the report ref 'ADC Acoustics ARR/PPN/C/2489.05 - 10th May 2017' are properly implemented.
- Conditions also requested.

ARCHAEOLOGY ADVISOR:

- I agree with the desk-based assessment with regard to the potential for as yet unknown heritage assets of archaeological interest to be present. I also agree with the recommended process of archaeological evaluation by trial trenching following by suitable measures to mitigate the effect of the development on important remains thus identified and publication of the results.
- Condition proposed to ensure this is achieved.

NATURAL ENGLAND:

- No objection - Based on the plans submitted, Natural England consider that the proposed development will not have a significant adverse impacts on designated sites and has no objection.

NHS:

- Contribution of £145,512 requested.

ECONOMIC DEVELOPMENT:

- No objection - We would ask that the developer produces a work and skills plan and also works with local businesses on their supply chain.

SUSSEX POLICE:

- No objection received.
- No financial contribution requested due to size of the scheme and pooling restrictions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and relevant conditions included in recommendation report.

POLICY CONTEXT

Designation applicable to site:
Outside built area boundary
Right of Way

DEVELOPMENT PLAN POLICES

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

GEN12	Parking in New Development
GEN18	Crime Prevention
GEN2	Built-up Area Boundary
GEN23	The Water Environment
GEN28	Trees and Woodlands

GEN29	Nature and Conservation Across the District
GEN3	Protection of the Countryside
GEN32	Noise Pollution
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

C SP1	Countryside
D DM1	Aspects of Form and Design Quality
D SP1	Design
ECC DM1	Renewable Energy
ENV DM4	Protection of Trees
ENV DM5	Development and Biodiversity
ENV SP1	Natural Environment
H DM1	Housing Mix
H SP2	Affordable Housing
H SP5	Traveller & Travelling Showpeople Accommodation
LAN DM1	Protection of Landscape Character
QE DM1	Noise Pollution
QE SP1	Quality of the Environment
SD SP1	Sustainable Development
SD SP2	Built -Up Area Boundary
W DM1	Water Supply & Quality
W DM2	Flood Risk
W DM3	Sustainable Urban Drainage Systems
W SP1	Water

Angmering Neighbourhood Plan 2014 POLICY EH2 Protect the Landscape setting of the South Downs National Park

Angmering Neighbourhood Plan 2014 POLICY EH3	Flood Prevention
Angmering Neighbourhood Plan 2014 POLICY HD1	Built-up Area Boundary
Angmering Neighbourhood Plan 2014 POLICY HD3	Housing Mix
Angmering Neighbourhood Plan 2014 POLICY HD4	Materials
Angmering Neighbourhood Plan 2014 POLICY HD5	Built Form
Angmering Neighbourhood Plan 2014 POLICY HD6	Housing Layout & Design
Angmering Neighbourhood Plan 2014 POLICY HD7	Housing Density
Angmering Neighbourhood Plan 2014 POLICY HD8	Parking for New Developments
Angmering Neighbourhood Plan 2014 POLICY HD9	Phasing of Residential Development
Angmering Neighbourhood Plan 2014 POLICY TM2	Cycling Walking & Equestrian
Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town
Littlehampton Neighbourhood Plan 2014 Policy 22	Design of New Development

Rustington Neighbourhood Plan 2014 Policy 2	Housing Design
Rustington Neighbourhood Plan 2014 Policy 4	Sustainable Drainage

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites

SUPPLEMENTARY POLICY GUIDANCE:

SPD1	Open Space & Recreation Standards
SPD6	Archaeology

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

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

Arun District Council's Development Plans:

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

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan

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

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

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

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

The Angmering, Rustington and Littlehampton Neighbourhood Plans have been made and as such policies EH2, EH3, HD2, HD3, HD4, HD5, HD6, HD7, HD8, HD9 and TM2 of the Angmering Neighbourhood Plan; policies 2 and 4 of the Rustington Neighbourhood Plan; and policies 2 and 22 of the Littlehampton 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 conflict with relevant Development Plan policies in that it would be situated outside of the built up area boundary. However there are other material considerations that justify the officer recommendation to approve the application.

OTHER MATERIAL CONSIDERATIONS

Decision makers may find themselves considering applications in an area with a Neighbourhood Plan that has passed referendum and been "made", and thus forms part of the development plan, but where the local planning authority cannot demonstrate a suitable supply of deliverable housing sites. In such instances paragraph 49 of the Framework is clear that "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites." Paragraph 49 applies to policies in the statutory development plan documents which have been adopted or approved in relation to a local planning authority area. It also applies to policies in made Neighbourhood Plans.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the Framework 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, when assessed against the policies in the Framework taken as a whole; or

specific policies in the Framework indicate development should be restricted.

In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning.

This includes paragraphs 183-185 of the Framework; and paragraph 198 which states that where a planning application conflicts with a Neighbourhood Plan that has been brought into force, planning permission should not normally be granted.

The written ministerial statement of the 13th December 2016 states that Neighbourhood Plan policies relating to the supply of housing should not be considered 'out-of-date' under paragraph 49 of the NPPF when all of the following circumstances arise;

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

Taking the above into consideration other material considerations are such that the recommendation of approval for this planning application is justified.

CONCLUSIONS

PRINCIPLE

The application site falls within the parishes of Angmering, Littlehampton and Rustington. Therefore, the development plan for the determination of this application will comprise of the Arun District Local Plan (2003); Angmering Neighbourhood Plan (2015); Littlehampton Neighbourhood Plan (2014); and the Rustington Neighbourhood Plan (2015).

Arun District Local Plan (2003):

The key policy considerations in the determination of this application are considered to be GEN2, GEN3 and GEN5 of the Arun Local Plan (ALP). The application site is situated outside of the built up area boundary (BUAB) as specified by policy GEN2. Policy GEN2 will not permit development situated outside of the BUAB unless it is consistent with other ALP policies. Policy GEN3 of the ALP seeks to protect the countryside for its own sake and as such exerts strict control over development situated outside of the BUAB. Due to the sites location outside of the BUAB development in this location would be in conflict with policies GEN2 and GEN3 of the Arun District Local Plan.

Policy GEN5 of the ALP relates to the provision of new development within the Arun District, making provision for 8,700 new dwellings during the ALP period of 1996-2011. The application site is not identified within policy GEN5 and as such the proposed development is deemed to conflict with policy GEN5 of the ALP.

Angmering Neighbourhood Plan (2015):

The Angmering Neighbourhood Plan (ANP) was made on the 11th March 2015 on the basis of the saved policies in the ALP and the draft policies of the emerging Arun Local Plan 2014 (eALP).

The key policy considerations within the ANP are deemed to be HD1 and HD2. Policy HD1 identifies the BUAB for Angmering and states that development within the BUAB will generally be permitted. Policy

HD1 also modifies the BUAB of Angmering incorporating an additional 1.47 hectare of land on Mayflower Way. Policy HD2 sets housing allocations within the neighbourhood plan area of Angmering and does not identify the application site.

Therefore, the proposed development by virtue of its location is considered to conflict with policies HD1 and HD2 in so far as it relates to the portion of the site which is located within the Angmering Parish Boundary.

Littlehampton Neighbourhood Plan (2014):

The Littlehampton Neighbourhood Plan (LNP) was made on the 5th November 2014 on the basis of the saved policies in the ALP and the draft policies of the eALP. The key policy considerations within the LNP are considered to be Policies 1, 2, 3 and 4. Policy 1 of the LNP states that sustainable development which accords with the policies in the LNP will be approved unless material considerations indicate otherwise; Policy 2 establishes a spatial plan for the town and establishes the built up area boundary and seeks for development to be focused within the Fitzalan corridor; Policy 3 seeks to supply a minimum of 200 dwellings in the period of 2014-2029 within Littlehampton; and Policy 4 makes housing site allocations of which seek to meet the housing supply requirements of Policy 3.

It is considered that the proposed development will not conflict with policies 1, 2 and 3 by virtue of the policies wording. It is acknowledged that the application site is not identified by Policy 4 of the LNP - however, this policy does not seek to prevent further development within the Neighbourhood Plan Area.

Rustington Neighbourhood Plan (2015)

The Rustington Neighbourhood Plan was made on the 11th March 2015. Only a small portion of the application site is situated within the Parish of Rustington and this is limited to the proposed railway crossing. However, the application site despite falling primarily within Angmering and Littlehampton is considered to be most closely associated with the BUAB of Rustington. There are considered to be no policies contained within the Rustington Neighbourhood Plan which are relevant to the consideration of the principle of the proposed development.

Planning Balance:

For reasons given above, the application is not considered to accord with ALP Policies GEN2, GEN3 and GEN5 and Policies HD1 and HD2 of the ANP. The following sets out whether there are any material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

Following the Supreme Court's ruling on the 10th May 2017 in relation to the interpretation of paragraph 49 of the National Planning Policy Framework (NPPF), it is considered that policies GEN2 and GEN3 of the Arun District Local Plan should no longer be considered as policies for "the supply of housing" for the purposes of paragraph 49.

However, it must be considered that policies GEN2 and GEN3 were prepared as part of a plan that was adopted in 2003, prior to the publication of the NPPF and based upon a much lower Objectively Assessed Housing Need (OAN) that only sought to accommodate residential development needs until 2011. The weight which can be attributed to policies GEN2 and GEN3 was considered in the 2014 appeal under reference APP/C3810/A/14/2220943. Paragraph 12 of this appeal decision stated that policies GEN2 and GEN3 (although still 'saved') could only be attributed limited weight due to the lack of a 5-year housing land supply within Arun District, in accordance with paragraph 49 of the NPPF.

It is considered that policy GEN5 of the Arun Local Plan relates to "the supply of housing" and as such is deemed to be out of date (given the Council's lack of a 5 year housing land supply).

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. The Council are currently only able to demonstrate <2 years supply of deliverable housing and as such it is considered by virtue of this significant shortfall that the tilted balance in favour of the grant of permission is triggered unless the benefits are significantly and demonstrably outweighed by the adverse effects of the development as stated in paragraph 14 of the NPPF.

In recognition of this, Full Council resolved (January 2017) to invite planning applications on 'deliverable' HELAA sites or for the first phases of sites being investigated at potential strategic allocations in order to boost the short term housing land supply.

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

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

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

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

The Council are currently only able to demonstrate <2 year HLS and as such the policies relating to the supply of housing in Neighbourhood Plans must be considered 'out-of-date' in accordance paragraph 49 of the NPPF and in accordance with the written ministerial statement (published 13th December 2016). It is considered that policy HD2 of the ANP; and Policies 3 and 4 of the LNP constitute policies for "the supply of housing" for the purposes of Paragraph 49 and as such these policies must be considered out of date in the determination of this application and as such reduced weight can be attributed to these policies.

The proposed development by virtue of its location is in conflict with policy HD1 of the ANP. However, it must be considered that the ANP was prepared on the basis of the OAN identified within the Publication Version of the eALP (2015). Therefore, given the significant revision of this figure which has taken place it is considered that only limited weight can be attributed to policy HD1 of the ANP. This position is further enhanced when the location of the application site is considered - whilst, the majority of the site is situated within the Parishes of Angmering and Littlehampton the site itself is most closely related to the BUAB of Rustington. The RNP does not feature any policies relevant to the consideration of the principle of this development and as such it is considered that the proposed development does not conflict with the RNP.

The consideration of the emerging Development Plans relates to the emerging Arun Local Plan 2011-2031 Publication Version October 2014 (eALP) as modified in March 2017 ('the modified eALP').

The Examination of the Publication Version of the eALP (2015) was suspended by the Planning Inspector on the grounds that the Council's OAN should be reviewed higher than that proposed (580 units p.a). The Council has therefore had to identify more suitable land to meet additional housing supply

requirements. Thus the OAN figure has been increased to 919 units per annum as of October 2016 with additional strategic sites currently being assessed and allocated in order to meet this higher figure. The proposed Modifications were approved by Full Council on the 22nd March 2017 and consultation took place between the 10th April and 30th May 2017.

The key policy considerations contained within the 'the modified eALP' are considered to be;

Policy H SP1 - Housing Allocation of the modified eALP sets out the overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes reference to additional allocations for small sites being made across the District.

Policy H SP2 - Strategic Site Allocations - is split into 3 sections covering different areas of the District.

Policy SD SP2 - Built up area boundary - states that outside the BUAB apart from Strategic, Site Specific and Broad Allocations, development will not be permitted unless consistent with other plan policies.

Policy C SP1 - Countryside - states that outside the BUAB as well as outside both the strategic, site specific and broad allocations, the countryside will be safeguarded for its own sake.

Given that the application site is situated outside of the BUAB and is not a strategic allocation identified in policy H SP1 or H SP2 it is considered that the proposed development the subject of this application will conflict with policy SD SP2 and C SP1 of 'the modified eALP'

Whilst, the proposed development conflicts with policies SD SP2 and C SP1 it must be considered that the modified eALP (2017) is yet to be examined and adopted and therefore only limited weight can be attributed to the policies contained within 'the modified eALP' at this time.

Given the policy position which has been identified above it will be necessary to consider the development and ascertain if it will give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the development as stated in paragraph 14 of the NPPF.

Presumption in favour of sustainable development:

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

Para 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Furthermore, paragraph 49 states that:

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

Environmental Role -

The application site is situated outside of the built up area boundary. Rustington to the south of the site can already be accessed by pedestrians through crossing the railway line. However, the application includes the provision of a railway bridge which will provide a safe pedestrian link directly into Rustington and the facilities it has to offer.

The Institute of Highway and Transportation (IHT) publication 'Guidelines for Providing Journeys on Foot

(2000)' sets out recommended guidelines for walking distances. These guidelines identify a maximum walking distance of 800m for Town Centres, 2,000m for commuting and 1,200m for school and elsewhere. The development fails to meet the 800m for 'town centres' criteria with Rustington Town Centre being located approximately 1500m away. Despite the failure to meet this standard a large number of other services are within the maximum walking distances specifically in relation to;

Dominion Way Industrial Estate - Approximately 120m
Manor Retail Park - Approximately 400m
Summerlea Primary School - Approximately 700m
North Lane Primary School - Approximately 840m
Worthing Road shopping parade - Approximately 816m
Rustington Retail Park - Approximately 900m
Angmering Train Station - Approximately 1,800m

Please note that these distances take into account the proposed railway bridge for the purposes of calculation. The proposed foot bridge over the railway line to the south of the site will be secured via Grampian condition with full details (including design) need to be submitted to the LPA for approval in consultation with Network Rail and West Sussex County Council.

The nearest operational bus stop is located on the corner of Worthing Road and North Lane situated approximately 570m from the site. However, Manor Retail Park when approved included within its travel plan the provision of a bus stop which would be situated approximately 440m from the application site.

Planning application A/11/17/OUT which seeks permission for the construction of an A1 retail unit and an A3/A5 unit to the east of the application site proposes a pedestrian link between the application site and Manor Retail Park. Without this pedestrian link there would be no easily accessible route between the proposed development and Manor Retail Park/Rustington Retail Park. Should planning application A/11/17/OUT fail to come forward it is considered that this pedestrian footpath should still be provided. Therefore, a Grampian condition has been included with this recommendation requiring that this footpath must be provided prior to occupation of the dwellings.

It is considered that the proposed development constitutes sustainable development in terms of its environmental role in accordance with paragraph 29 of the NPPF. It is also considered that the pedestrian improvements and railway bridge would accord with the goals of policy TM2 of the Angmering Neighbourhood Plan.

Economic Role -

It is considered that the proposal will result in localised economic benefits through the need to employ people to carry out the development. The proposal will also result in an increase in Council Tax receipts, new homes bonus payments and the increased commercial activity that the future occupiers of the development will bring to the area. These economic factors weigh in the schemes favour.

The Council's Economic Development team have also requested that the developer produces a work and skills plan to provide opportunities for training whilst the development is being undertaken.

Social Role -

It is considered that the proposal will provide a number of social benefits through the provision of housing to meet the significant shortfall currently faced by the Local Authority. The proposal will also provide 30% affordable housing where there is a significant need for such housing. The scheme will also feature a dementia care home providing for the needs of an aging population. These factors are deemed to weigh in the scheme's favour in terms of its social benefits.

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'. Given the sustainability of the site and the policy position identified above it is now necessary to make an assessment of the impacts of the proposed development and its accordance with paragraph 14 of the NPPF.

LOSS OF GYPSY/TRAVELLER ACCOMODATION

The Council commissioned Peter Brett Associates (PBA) to provide advice in relation to the loss of a parcel of the site which was previously granted planning permission for a Gypsy and Traveller use.

It has been identified by PBA that Land Registry records reveal that the Gypsy and Traveller site is now under the ownership of Store Properties Investments Limited (the applicants) and this has also been confirmed by the agent. The permissions granted for the use were personal planning permission for to the occupiers of the site at that time, due to their Gypsy and Traveller status.

The Gypsy and Traveller Justification Statement states that the Gypsies and Travellers have now moved to alternative permanent accommodation. It has been assumed, albeit that there is no supporting evidence, that this statement is correct given that the named Gypsies and Travellers on the original personal permission are no longer resident at the site. It is unclear if the 'alternative permanent accommodation' referred too is housing or if they will be seeking accommodation in the Arun district again in the future claiming Gypsy and Traveller status.

It is considered by PBA in their response that there is no longer a valid Gypsy and Traveller planning permission on the Old Stables site, due to the site being no longer occupied or owned by the original applicants who were granted the personal planning permissions. However, it has also been confirmed by PBA that emerging Local Plan policies are currently out of date due to the evidence studies (Gypsy and Traveller and Travelling Showpeople Accommodation Assessment GTAA (2013) and Gypsy, Traveller and Travelling Showpeople Site Selection Study (GTTSSS) (2013) having been undertaken before changes were made to national policy for traveller sites. Therefore, even if the site benefited from a full Gypsy and Traveller permission, it would not be possible to prove that the 'need' for this site still existed.

It is acknowledged that the personal permissions have lapsed and that there is an absence of up to date GTAA and GTTSSS studies. However, these documents are in the process of being updated and it is intended for this work to be completed by January 2018. In light of this it is considered that the LPA must defend their position and secure the retention of existing Gypsy and Traveller uses to avoid creating a shortfall of suitably located Gypsy and Traveller sites within the Arun District. Therefore, it is intended for the provision of 2 no. Gypsy and Traveller plots/sites on the application site to be secured via the S106 agreement. Full details of the wording for this provision will be provided as a report update prior to Committee.

CHARACTER AND VISUAL AMENITY

The proposed development would introduce up to 90 dwellings and a 72 unit residential care home upon the site, roads and car parking in place of a single dwellinghouse and former stables with established residential use. Therefore, the proposal will have a significant impact upon the character and appearance of the site. The site is situated outside of the built up area boundary and is enclosed by the A259 to the north and the railway line to the south. Whilst, the site primarily falls within Angmering and Littlehampton, established residential and commercial estates to the south of the site are situated within the built up area boundary and fall within Rustington and Littlehampton.

The site is bordered to the north by the A259 with the character of the area to the north of the site being rural consisting of open fields and golf courses. Poling is located approximately 900m to the north with

the South Downs National Park located approximately 2km away. The proposed development by virtue of its location when viewed from the north will appear integrated with the established built up area and is not considered to adversely intrude into the countryside. Due to the presence of the A259 and the site being set below the level of the road it is considered that the site is not well linked with the rural locality. Therefore, it is considered that the proposed development will respect the landscape setting and views out of the South Downs National Park in accordance with policy HD5 of the Angmering Neighbourhood Plan.

Development has recently taken place to the east of the site up until Mill Lane located to the south of the A259 and north of the railway line with a number of commercial units having been constructed. Further commercial development is also proposed immediately to the east of the application site. Therefore, it is considered that the proposed development will not have an unacceptably adverse impact on the established character of the immediate locality to the east of the site.

The proposed development will have a density of approximately 27.5 dph with the existing residential development to the south of the application site having a density of approximately 24dph. It is considered that the proposed development density is acceptably given the established character of the locality and its close relationship to the established residential development to the south of the application site. Therefore, the proposal is deemed to accord with policy HD7 of the Angmering Neighbourhood Plan.

The application is only for outline consent and as such the layout provided is only indicative and is not the subject of approval by this application.

RESIDENTIAL AMENITY

The proposed development by virtue of its location has the potential to give rise to significant impacts to the residential amenity of future occupiers by virtue of the sites close proximity to the A259 and the railway line. The NPPF under paragraph 123 seek to avoid and mitigate the impacts of noise on health and quality of life for new developments.

The applicant has submitted a 'Noise Assessment Report (Feb 2017) - ARR/PPN/C/2489.05 Rev A' and an 'Addendum Report (May 2017) - ARR/PPN/C/2489/05' which has been considered by the Council's Environmental Health department. It is considered by Environmental Health that the measures proposed are suitable to mitigate against the adverse impact of noise from the A259 and railway upon the residential amenity of future occupiers.

It is considered that the proposed development will have an impact upon the established residential development to the south of the application site. There, will without question be an impact upon the views from the properties which back onto the railway line but it must be considered that the retention of views is not a material consideration in the determination of this application. Objections have also been raised in relation to overlooking of the existing residential properties by the proposed development. The indicative layout shows separation distances of at least 37m between the existing residential development to the south of the site and the proposed dwellings - this distance is considered more than sufficient to prevent unacceptably adverse overlooking, overshadowing or overbearing impacts to residential amenity. However, it must be considered that this application is outline with all matters reserved and as such layout will be a matter for consideration at reserved matters stage.

AFFORDABLE HOUSING

The 'Affordable Housing Statement (March 2017)' which accompanies the application identifies that the proposed development will provide 30% affordable housing on-site and for the indicative scheme of 90 dwellings this will equate to 27 affordable dwellings.

Given that the application is outline the exact tenure, dwelling type, size and location of the on-site

affordable housing cannot be fully agreed. However, the design and access statement proposed a mix of 8 x 1 bed; 16 x 2 bed; and 3 x 3 bed dwellings are proposed. The Council's Housing Strategy and Enabling manager has identified that although the mix is not quite in line with the latest evidence from September 2016 and is slightly skewed towards smaller properties the proposed mix is supported. The design and access statement also identified that the affordable housing will consist of social rented and intermediate ownership which is again considered acceptable.

When details of the proposed layout are submitted for determination at reserved matters stage the LPA will seek the affordable units to be well integrated with the overall development.

The applicant proposed that the affordable housing units should be secured via the use of planning condition. However, this was not considered acceptable and as such the affordable housing contribution will form part of the s106 agreement.

ECOLOGY AND BIODIVERSITY

The site does not fall within any statutory designated areas. The South Downs National Park is approximately 2.1km to the north and Climping Beach Site of Special Scientific Interest (SSSI) and West Beach Local Nature Reserve (LNR) are both situated approximately 3km to the southwest of the site. Although not a statutory designation the site is identified as falling within the Climping to Houghton Biodiversity Opportunity Area.

The Preliminary Ecology Appraisal which accompanied the application made a number of recommendations including the retention of as many trees as possible on the site; that tree planting and hedgerow creation should take place along the boundaries of the site; and that the brook along the eastern boundary should be retained as it is an important wildlife corridor and provides habitat for water voles. This report along with the water vole, bat and reptile surveys and mitigation reports have been considered by the Council's Ecology advisor who has raised no objection to the proposed development subject to the inclusion of relevant conditions. Paragraph 109 of the NPPF identifies that development provides the opportunity to contribute and enhance biodiversity and the local environment. The proposed conditions are considered to secure ecological enhancements in accordance with paragraph 118 of the NPPF which states that opportunities to incorporate biodiversity in and around developments should be encouraged.

The proposed development has also been considered by Natural England who have raised no objection having identified that the proposed development will not have significant adverse impacts on designated sites. The proposed development is not considered to have significant effects on the Arun Valley Special Protection Area (SPA) although the site falls within the Impact Risk Zone for foraging habitat for Bewick's swans that form part of the interest of the Arun Valley SPA. However, given the shape of the site, the fact that it falls between the main road and railway line, and the habitats identified in the Preliminary Ecology Appraisal, it is unlikely to be regularly used by Bewick's Swans. Therefore, the site is not considered to be functionally linked to the SPA, and its loss is unlikely to have a significant effect on the SPA.

RENEWABLE ENERGY

Policy ECC SP2 of the emerging Local Plan identifies that major development must produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated that this is unviable. A condition has been included with this recommendation report requiring the submission of details for approval by the Local Planning Authority as to how this will be achieved on site.

DRAINAGE/FLOODING

The application site is situated primarily within Flood Zone 1 an area of land with low probability of flooding where all land uses are appropriate. However, a portion of the site measuring approximately

0.6ha in the south eastern corner is situated within Flood Zone 2, with a smaller parcel measuring 0.2ha situated within Flood Zone 3. The indicative layout plan provided shows the proposed buildings being located entirely within Flood Zone 1.

The submitted flood risk assessment (FRA) has been considered by the Environment Agency who have raised no objection to the proposal subject to the use of a suitably worded condition to secure the implementation of the flood risk measures identified in the FRA.

A portion of the site measuring approximately 0.6ha is situated within flood zone 2 whilst an area measuring 0.2ha is identified as being flood zone 3. Due to this in accordance with paragraph 101 of the NPPF it is necessary for sequential tests to be undertaken.

A sequential flood risk assessment was submitted to the local planning authority on the 5th June 2017 which identified that there were no other sites more appropriate in terms of flood risk for the proposed development. On the basis of the information submitted it is considered that the sequential test requirements have been met by the applicant.

HIGHWAY CONSIDERATIONS

The proposed development will be accessed by vehicular traffic via a left hand in, left hand out access directly from/to the A259. Highways England have been consulted in relation to the proposed development with no objection being raised.

West Sussex County Council strategic planning have also been consulted and stated that additional information was required in the form of revised modelling for the A259/B2187 Body Shop Roundabout. This additional information has been provided to WSCC and it has been confirmed that the development would not have a severe impact upon the Body Shop roundabout.

The indicative master plan has been considered by WSCC and the 4 proposed turning heads within the development would provide satisfactory access for emergency vehicles. The proposed parking provision is in accordance with the WSCC parking demand calculator as well as policy GEN12 of the Arun District Local Plan (2003). Some concerns were raised in relation to the number of visitor parking spaces in the vicinity of dwellings 52-60 this would be a matter for consideration at reserved matters stage. The transport assessment submitted with the application states that cycle provision will be provided in accordance with WSCC guidance with all spaces sheltered and secured.

With all matters being reserved in this case it is not possible to make an assessment of the impact that the indicative access will have upon highway safety with this matter needing to be considered at reserved matters stage. As such no comments have been provided by WSCC in relation to the indicative access. However, a number of conditions have been proposed by WSCC and these have been included with the recommendation.

SUMMARY

The undersupply of housing within the area means that there is a compelling need to find sustainable housing sites that can be delivered in the short/medium term to assist Arun District Council in meeting its housing target. This is considered to be a sustainable form of development in accordance with the NPPF.

The proposed development based upon the details submitted is not considered to result in any adverse impacts which significantly or demonstrably outweigh the benefits of the proposed scheme in accordance with paragraph 14 of the NPPF. Therefore, despite the proposals location outside of the built up area boundary it is considered that the proposal accords with relevant development plan policy and is recommended for approval subject to the below conditions and the completion of the S106 agreement.

Should the S106 agreement not have been completed within 2 months of the committee meeting on the 23rd August 2017 then it is recommended that authority be delegated to the Group Head of Planning in association with the Chair and Vice-Chair of Development Control Committee to refuse the application for the failure to provide affordable housing and other infrastructure improvements.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

SECTION 106 DETAILS

A Section 106 agreement is in the process of preparation and this will secure the provision of the following contributions;

ADC CONTRIBUTIONS

1. Affordable housing - 30% of dwellings to be provided as affordable units.
 - a. Therefore, for a development of 90 dwellings this would equate to 27 dwellings.
 - b. Tenure split - 22 provided for Affordable Rent and 5 of which will be provided as Intermediate Housing.
2. Open Space -
 - a. Submit to the Council an Open Space Scheme for the Open Space within the Development prior to the Commencement of the development.
3. Play Areas -
 - a. Submit to the Council a Play Area Scheme for the Play Areas within the Housing Phase prior to the Commencement of the development of the Dwellings at the Development.
4. MUGA contribution - Details awaited
5. NHS Contribution -
 - a. Contribution per dwelling of £945.35 per dwelling up to a maximum of £84,901 for 90 dwellings.
 - b. The care home hereby approved will make a contribution of £60,611.

WSCC CONTRIBUTIONS

1. Footpath improvement contributions - a contribution of £28,000 (index linked) towards improvements to PROW 2159 to make it a convenient walking and cycling route to/from the Railway Bridge, including to scrape and grade the existing surface and lay stone, such as DoT1 which will form a robust year round usable surface for all modes.
2. Fire and Rescue Contribution - a contribution which will be calculated at reserved matters stage and paid in instalments towards the cost of community fire link smoke detectors for vulnerable persons homes in the parish of Angmering.
3. Library Contribution - a financial contribution which will be calculated at reserved matters stage and paid in instalments towards a project to enhance library space with improved digital access at Angmering Library.
4. Primary School Contribution - a contribution which will be calculated at reserved matters stage and paid in instalments towards the cost of a permanent solution to the temporary accommodation at Georgian Gardens Community Primary School.
5. Secondary Education Contribution - a contribution which will be calculated at reserved matters stage and paid in instalments towards the cost of providing additional facilities at The Angmering School.
6. Further Education Contribution - a contribution which will be calculated at reserved matters stage and paid in instalments towards the cost of additional facilities for further education at The Angmering School sixth form.

NON-FINANCIAL OBLIGATIONS

1. Provision of the Care Home on site prior to the occupation of X% dwellings. Details to be negotiated and will be provided as a report update prior to committee.
2. Retention of 2 no. Gypsy/Traveller pitches on site for a period of 3 years. Full details to be confirmed and will be provided as a report update prior to committee.

RECOMMENDATION	
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| 1 | Before any phase of the development begins, written approval shall first be obtained from the local planning authority for details of appearance, landscaping, layout, scale and access. (hereinafter referred to as 'the reserved matters') relating to that phase, and thereafter the development shall be carried out in accordance with the details as approved for each phase of development. |
|---|--|

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).

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|---|--|
| 2 | Application for approval of the reserved matters of the first phase or sub phase of the development shall be made to the Local Planning Authority not later than the expiration of two years from the date of this permission. Applications for reserved matters for the remaining phases shall be made within 2 years from the date of this permission. |
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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 permitted shall begin not later than two years 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).

- 4 In conjunction with, the first 'reserved matters' details submitted pursuant to condition 1), there shall be submitted for the written approval of the local planning authority details of phasing for implementation of the development hereby permitted. The development shall thereafter be carried out in accordance with the approved details. Thereafter subsequent applications for approval of 'reserved matters' shall be accompanied by any variations to the approved phasing details to be submitted for written approval of the local planning authority.

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).

- 5 The development hereby approved shall be carried out in accordance with the following approved plan:

· Location Plan - Dwg 1709-01K

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.

- 6 No development shall take place for any phase or sub phase until details for the provision of 2 no. Gypsy and Traveller pitches within the application site have been submitted to and approved by the Local Planning Authority.

Reason: To secure adequate provision of Gypsy and Traveller sites within the Arun District in accordance with policy H SP5 of the emerging Arun District Local Plan; Gypsy and Traveller and Travelling Showpeople Accommodation Assessment GTAA (2013); Gypsy, Traveller and Travelling Showpeople Site Selection Study (GTTSSS) (2013); Planning Policy for Traveller Sites (August 2015); and the NPPF.

- 7 No development shall take place for any phase or sub phase of the development within the area indicated until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

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

- 8 Development shall not commence until full details of the proposed surface water drainage scheme, for that phase or sub phase of the development 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.

- 9 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.

- 10 No development for any phase or sub phase of the development shall proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

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

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

- 11 Development of any phase or sub phase 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.

- 12 Upon completed construction of the SuDS System but prior to occupation of any phase or sub phase, 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.

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

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

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

- 14 Development of any phase or sub phase shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

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 drainage systems for the site prior to commencing any building works.

- 15 Prior to occupation of any part of the development hereby approved the railway bridge proposed shall be implemented in accordance with details of construction and design to be submitted to and approved by the Local Planning Authority in consultation with Network Rail and West Sussex County Council.

Reason: To ensure that the proposed development benefits from appropriate and safe access to services and facilities located to the south of the railway line in accordance with Policy GEN7(vi) of the Arun District Local Plan and the NPPF.

- 16 Occupation of any phase or sub phase shall not begin until a scheme for protecting the proposed dwellings from noise from the A259 and railway line which flank each side of the proposed site have been submitted in writing and approved by the Local Planning Authority. This scheme shall include details and location of any acoustic wall and/or fencing designed to protect amenity spaces and also window specification and ventilation requirements in order to achieve a suitable acoustic environment in line with BS 8233:2014 and World Health Organisation guidelines 1999. Any works which form part of the scheme approved by the Authority shall be completed before any permitted dwelling is occupied, unless an alternative period is agreed in writing by the Authority.

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

- 17 External lighting in association with this development shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for External Lighting Installations, Zone 3.

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

Plan.

- 18 Construction Management Plan. No development of any phase or sub phase shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved by, The Local Planning Authority. All relevant precautions shall be taken to minimise potential disturbance to neighbouring residents to the south of the railway line, particularly in respect to noise, vibration and dust. The Approved Plan shall be adhered to throughout the construction period.

The Plan shall provide for :

- a. An indicative programme for carrying out the works
- b. The arrangements for public consultation and liaison during the construction works.
- c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method should foundation piling occur, the careful selection of plant and machinery and use of noise mitigation barriers.
- d. Detail of any flood lighting, including location, height, type and direction.
- e. The parking of site operatives and visitors
- f. Loading and unloading of plant and materials
- g. Storage of plant and materials used in construction and development
- h. Wheel washing facilities
- i. Measures to control the emission of dust and dirt during construction

Hours of operation of all plant and machinery and deliveries to/from the site to be limited to 07:00 - 18:00hours Monday to Friday; 08:00 to 13:00 hours on Saturdays and not at all on Public or Bank Holidays unless otherwise agreed with the local Authority.

The Construction Management Plan shall also incorporate details of environmental enhancements on site. This should include;

- A wildlife area onsite;
- Tree replacement programme so there is no net loss of trees onsite;
- Hedgerow enhancement with native planting;
- Native species planting scheme within the landscaping design;
- Log piles incorporated;
- Bird and bat boxes installed.

Reason: In the interests of amenity in accordance with policy GEN7 and GEN29 of the Arun District Local Plan. It is considered that this condition must be pre-commencement to minimise disturbance to neighbours and detrimental impacts to the biodiversity on site.

- 19 No lighting shall be installed on any phase or sub phase until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The external lighting in association with this development shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for External Lighting Installations., Zone 3.

The scheme should also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in

respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

- 20 Development on site shall be carried out in strict accordance with the 'Bat Survey and Mitigation Report - May 2017'.

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

- 21 Prior to the commencement of any phase or sub phase details shall be submitted providing clarification as to how the existing hedgerows on site will be enhanced for use by bats. This shall include details of a buffer strip around the hedgerows measuring 5m in width and details of fencing to be used during construction to ensure that this area is undisturbed. Details shall also be provided of additional planting to infill gaps in the existing hedgerow using native hedge species to improve connectivity and where any hedgerow is to be removed, details of a replacement hedgerow shall be provided.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework. It is considered that this condition must be pre-commencement to prevent harm to the sites biodiversity.

- 22 Prior to commencement of any phase or sub phase a badger survey should be undertaken to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced and submitted to the Local Planning Authority for approval.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework. It is considered that this condition must be pre-commencement to prevent harm to potentially vulnerable species on site.

- 23 Prior to occupation of any phase or sub phase a Landscape Management Plan (LEMP) shall be submitted and approved by the Local Planning Authority providing details for the on-going management and aftercare of the site once construction is completed.

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

- 24 Prior to demolition or construction works being carried out on site a details Arboricultural Method Statement Report & Tree Protection Plan shall be submitted to and approved by the Local Planning Authority for each phase or sub phase of development. This report should be prepared by a qualified and experienced arboricultural consultant and all demolition and construction works shall be carried out in accordance with the details approved.

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

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

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

- A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Arun DC Tree Officer.
- If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their on-going health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area. It is considered necessary for this condition to be pre-commencement to ensure that the trees on site are adequately protected during construction.

- 26 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or equivalent fabric first standards that would secure a 10% reduction in energy use. No development above damp proof course (DPC) level shall take place unless and until details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

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

- 27 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.
- 28 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a trees for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 29 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.
- 30 INFORMATIVE: The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove,

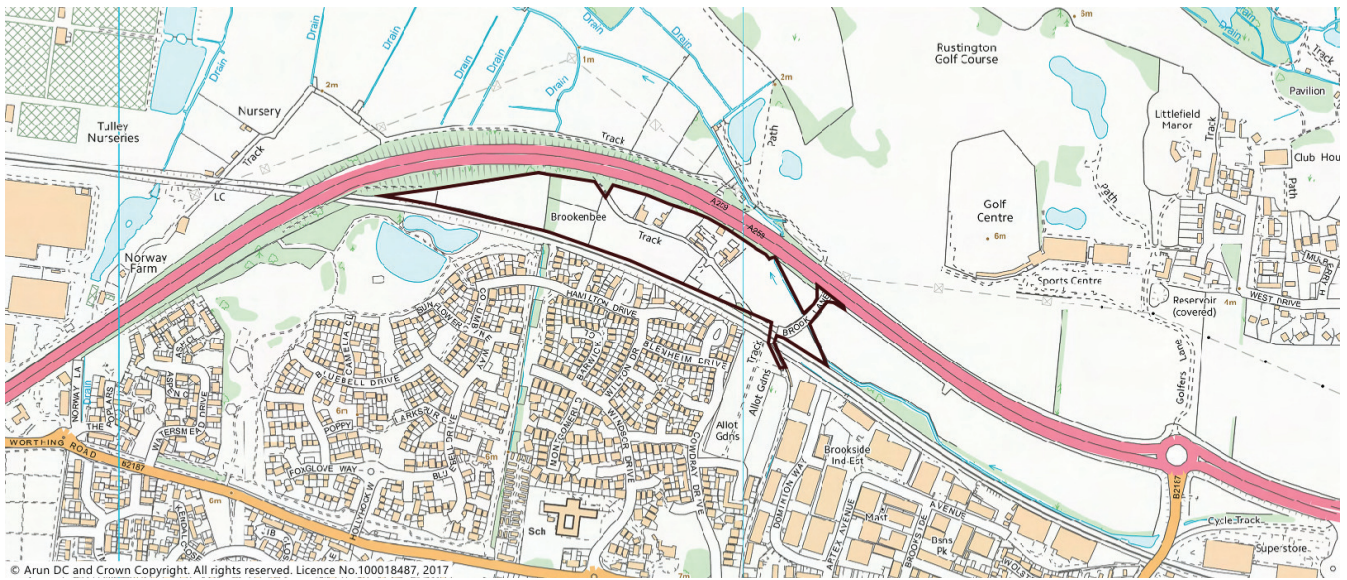
Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure.

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

32 Details for the storage of waste on the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

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

A/44/17/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 Ref: A/44/17/OUT	Today's date: 03/08/2017
Date of Agreement (or original deed/agreement if variation/supplemental):	
Completed Deed relating to:	Seal Register Number: (to be inserted by Legal)
Legal Ref:	Statement completed by: D. Easton
Delegated authority: (please sign)	Please refer to instructions on SharePoint regarding authority. If the signing authority is from a committee decision, please attach the relevant committee minutes to this form as evidence.
Full name of Freeholders/Leaseholders: (ideally the developer will have completed a recent land registry search which can be attached as well)	<p>STORE PROPERTY INVESTMENTS LIMITED (Company No. 00549704) whose registered office is at Farr House, 4 New Park Road, Chichester, West Sussex, PO19 7XA ("Applicant"); and</p> <p>CAROLE CRIPPS of Brookenbee Cottage, Brook Lane, Rustington, West Sussex, BN16 3JL ("First Owner").</p> <p>HERBERT KRALL of Brookenbee Cottage, Brook Lane, Rustington, West Sussex, BN16 3JL ("Second Owner")</p> <p>COVENTRY BUILDING SOCIETY of Economic House, P.O. Box 9, High Street, Coventry CV1 5QN ("First Mortgagee")</p> <p>AVIVA COMMERCIAL FINANCE LIMITED (Company No. 02559391) of Sentinel House, 37 Surrey Street, Norwich, NR1 3UY ("Second Mortgagee")</p>

Please attach a plan with the site outlined in red and complete a brief description of the development:

Outline application (with all matters reserved) for demolition of existing buildings on site and the erection of a mixed use development comprising up to 90No. residential units and a care home (Use Class C2 and C3) & ancillary facilities, including railway crossing, together with associated access, car parking & landscaping.

This table sets out the Heads of Terms for the S106 Agreement, Deed of Variation or Supplemental Agreement (amend as appropriate)

Financial obligation(s) summary or change	Trigger Point	Amount	Due to (ADC, WSCC, NHS, other)	Destination/ project	5% or £15,000 for related projects	Spend by restriction
Affordable housing	Occupation of more than 30 of the Market Units at the Development prior to a contract or contracts for the transfer of the Affordable Housing in the Development to an Affordable Housing Provider or Providers and 15 Affordable	30% of the total number of dwellings created. So for the indicative 90 unit scheme this would equate to 27 affordable units. 22 Affordable rent and 5 intermediate housing.	Cascade agreement: Option 1: Onsite delivery Option2: Onsite Delivery to a different provider. Option 3: Commuted sum		N/A	

	<p>Dwellings have been constructed and made available for Occupation.</p> <p>Occupation of more than 45 of the Market Units at the Development prior to a contract or contracts for the transfer of all the Affordable Housing in the Development to an Affordable Housing Provider or Providers and all the Affordable Dwellings have been constructed and made available for Occupation.</p>					
NHS Contribution	Prior to first occupation.	<p>a. Contribution per dwelling of £945.35 per dwelling up to a maximum of £84,901. for 90 dwellings.</p> <p>b. Care home contribution towards NHS of £60,611.</p>	ADC	TBC	N/A	Ten (10) years of the date of receipt of final instalment of the Care Home NHS Contribution and/ or the Residential NHS Contribution
MUGA contribution	TBC	TBC	ADC	TBC	N/A	Ten (10) years of the date of

						receipt of final instalment of the MUGA Contribution
Footpath improvement contribution	Prior to first occupation.	£28,000 index linked.	WSCC.	improvements to PROW 2159 to make it a convenient walking and cycling route to/from the Railway Bridge, including to scrape and grade the existing surface and lay stone, such as DoT1 which will form a robust year round usable surface for all modes.	N/A	Ten (10) years of the date of receipt of the Footpath Improvement Contribution
Fire and Rescue Contribution	On or before the Occupation of the first Dwelling in the Development.	Approximately £2408.17	Calculated at reserved matter stage and paid to WSCC.	Contribution towards the cost of community fire link smoke detectors for vulnerable persons homes in the parish of Angmering	N/A	Ten (10) years of the date of receipt of the Fire and Rescue Contribution.
Library Contribution	50% of contribution on or before occupation of first market unit,	To be calculated for each residential phase using the	Calculated at reserved matter stage and paid to	Contribution towards a project to	N/A	Ten (10) years of the date of

	remaining 50% on or before occupation of the 25 th market unit.	following formula: $L/1000 \times AP =$ Library Contribution	WSCC.	enhance library space with improved digital access at Angmering Library		receipt of the final instalment of the Library Contribution
Primary School Contribution	50% of contribution on or before occupation of first market unit, remaining 50% on or before occupation of the 25 th market unit.	To be calculated using the following formula: $DfE \text{ Figure} \times ACP =$ Primary Education Contribution	Calculated at reserved matter stage and paid to WSCC.	A contribution towards the cost of a permanent solution to the temporary accommodation at Georgian Gardens Community Primary School.	N/A	Ten (10) years of the date of receipt of the final instalment of the Primary Education Contribution
Secondary School Contribution	50% of contribution on or before occupation of first market unit, remaining 50% on or before occupation of the 25 th market unit.	To be calculated using the following formula: $DfE \text{ Figure} \times ACP =$ Secondary Education Contribution	Calculated at reserved matter stage and paid to WSCC.	A contribution towards the cost of providing additional facilities at The Angmering School	N/A	Ten (10) years of the date of receipt of the final instalment of the Secondary Education Contribution
Further Education Contribution	50% of contribution on or before occupation of first market unit, remaining 50% on or before occupation of the 25 th market unit.	To be calculated using the following formula: $DfE \text{ Figure} \times ACP =$ Further Education Contribution	Calculated at reserved matter stage and paid to WSCC.	A contribution towards the cost of additional facilities for further education at The Angmering School sixth form	N/A	Ten (10) years of the date of receipt of the final instalment of the Further Education Contribution
Open Space	Prior to commencement of	Submit to the Council an Open	ADC	On site delivery.	N/A	

	development of any dwelling.	Space Scheme for the Open Space		Commuted sum payments to ADC if open space to be maintained by the LPA.		
Play Areas	Prior to commencement of development of any dwelling.	Submit to the Council a Play Area Scheme for the Play Areas within the Housing Phase	ADC	On site delivery. Commuted sum payments to ADC if play area to be maintained by the LPA.	N/A	
Right click above to insert extra rows						

NON-FINANCIAL Obligation Summary		
Trigger Point	Due To (ADC, WSCC, Other)	Department/Officer to Confirm Compliance
Provision of Care Home on site prior to the occupation of X% dwellings. Details to be negotiated and will be provided as a report update prior to committee.	ADC	Arun District Council – Planning Department
2 no. Gypsy/Traveller pitches to be retained on site for a period of 3 years. Full details to be confirmed and will be provided as a report update prior to committee.	ADC	Arun District Council – Planning Department
Right click above to insert extra rows		
Other Comments:		



AGENDA ITEM 9

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
AB/154/16/HH Received: 19-07-17	Riverside House 2 Fitzalan Road Arundel Erection of extensions to existing dwelling to form car port, conservatory & rooms in loft space Written Representations PINS Ref: APP/C3810/D/17/3176370
BE/15/17/PL Received: 07-07-17	Land to the rear of 95-99 North Bersted Street Bersted Double garage (revised scheme following BE/133/16/PL). This application affects the setting of a Listed Building & affects the character & appearance of the North Bersted Conservaton Area. Written Representations PINS Ref: APP/C3810/W/17/3177178
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
M/125/16/T Received: 17-07-17	52 Sea Way Middleton-on-Sea Fell 1No. Beech Tree & 2.5m Crown Reduction to 1No. Beech Tree. Written Representations PINS Ref: APP/TPO/6123
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

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