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5 October 2017

DEVELOPMENT CONTROL COMMITTEE

A meeting of this Committee will be held in the **Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton** on **Wednesday 18 October 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, Haymes, Maconachie, Mrs Oakley, Miss Rhodes, Mrs Stainton and Wells [+ 1 Conservative vacancy]

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 20 September 2017 (attached).

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

6. TREE APPLICATIONS

There are no applications to consider.

7. *PLANNING APPLICATIONS

To consider the attached reports.

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

8. *PLANNING APPEALS

To consider the attached report.

9. REVIEW OF THE TERMS OF REFERENCE FOR DEVELOPMENT CONTROL COMMITTEE

To consider the attached report.

10. REPORT ON DEVELOPMENT CONTROL COMMITTEE - SCHEME OF DELEGATION

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

20 September 2017 at 2.30 p.m.

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

[Note: The following Councillor was absent from the meeting during consideration of the matters in the Minutes indicated:- Councillor Miss Rhodes, Minutes 186 (from Planning Application WA/44/17/OUT part) to 188.]

Councillors Ambler, Charles and Wheal were also in attendance at the meeting.

183. 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.

As Planning Application WA/44/17/OUT was an item on the agenda and had been the subject of a petition considered by the Overview Select Committee on 30 May 2017 and Full Council on 12 July 2017, Members of this Committee made declarations of interest as indicated below.

Development Control
Committee – 20.09.17.

“I wish to make this meeting aware that I may have made public statements in the past at the Overview Select Committee and at Full Council and/or in other circumstances with regard to the request of Walberton Parish Council that the site be considered for a potential Local Green Space when Walberton’s Neighbourhood Plan is reviewed. These were my views that I held at that time.

However, this is a decision that needs to be made on a different matter on the same site and I have an open mind regarding this item and I will listen and consider all the relevant issues and interests presented to this Committee today and I confirm that I will reach my decision on merit and not bias.

For the record I ask that this declaration be recorded in the Minutes of this meeting”.

Councillors Mrs Bower, Haymes, Mrs Oakley and Mrs Stainton made their declarations as per the whole statement.

Councillors Mrs Bence, Bower, Brooks, Dillon, Gammon, Mrs Hall, Maconachie, Miss Rhodes and Wells confirmed their declaration as per the second paragraph.

Councillor Hitchins declared that he had taken a decision not to attend the meeting of the Overview Select Committee as the matter was on the agenda and he therefore did not take part in any discussion.

The following Members also made declarations of a personal interest in respect of Planning Application BR/194/17/PL as follows:-

Councillors Bower, Dillon, Hitchins (as Chairman), Maconachie and Wells as members of the Bognor Regis Regeneration Subcommittee.

Councillor Wells also stated that he had made a statement prior to the meeting with regard to public toilet provision in Bognor Regis which had been published on the Arun Planning Portal. However, he would now consider the application on its own merits and consider the views and comments made in the debate and come to a decision based on merit rather than bias.

Councillor Dillon also advised that, as a member of the Bognor Regis Town Council’s Planning and Licensing Committee where the matter had been considered, he had reserved his position on that occasion.

Councillor Brooks, as a member of Bognor Regis Town Council, stated that he had made a statement on the matter but had not taken part in any discussion.

Councillor Haymes advised that his personal interest was due to his being the Cabinet Member for Technical Services, which covered Arun's Estates and Properties.

184. MINUTES

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

185. PREVIOUSLY DEFERRED ITEM

WA/23/17/OUT – 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, Barnfield House, Arundel Road, Fontwell

This application had been considered at the meeting held on 24 August 2017 and, for the avoidance of doubt, was being re-presented to Members for redetermination by way of the attached report in light of the correction to previous officer advice. The correct position was that this land was NOT within the definition of "previously developed land". The whole of the previous report dated 24 August 2017 and the update sheet was therefore re-presented to the Committee for redetermination.

Rule 15 of the Council's Constitution relating to Previous Decisions and Motions, did not apply in this case as the decision could not be considered to be valid and legal due to the incorrect advice given.

The Planning Team Leader, at the meeting on 24 August 2017, had incorrectly advised that the site was not "greenfield" land and, following the meeting, had realized that that was incorrect. However, since publication of the agenda, the applicant's agent had drawn the Council's attention to a recent, relevant High Court decision which set out case law which determined that residential garden land, outside "built-up areas" was deemed to be "brownfield" land and was not, as had been widely understood "greenfield" land. The Planning Team Leader therefore highlighted the written officer report update which had been circulated at the meeting and which provided the detail of that decision.

Members were now being asked to reconsider the application and were advised that the report and report update previously considered did not conclude that the reasons for granting permission were based on whether the site was or was not brownfield land – rather that there were material considerations to justify approving the application contrary to the development plan.

Development Control
Committee – 20.09.17.

The Committee then

RESOLVED

That the application be approved subject to the conditions in the report, and as amended by the update sheet circulated at the meeting on 24 August 2017, as the advice given did not affect the main conclusion in the report.

186. PLANNING APPLICATIONS

(Prior to consideration of the following application, Councillors Bower, Brooks, Dillon, Haymes, Hitchins and Wells had declared a personal interest and remained in the meeting and took part in the debate and vote.)

Demolition of existing Foreshore office & decommissioning of existing underground toilets. New purpose built unisex toilet block including urinals, baby changing facilities & accessible WC, plus a separate beach office with public information point & first aid facilities. All located on the existing seafront promenade, Promenade opposite Walton Avenue, The Esplanade, Bognor Regis
The Committee had received a report on the matter, together with the officer's written report update detailing:-

- Correction to the site location plan
- Amended plan submitted
- Clarification of toilet opening hours
- Additional condition requiring a screen on the railings behind the toilets
- Replacement of condition 3 to require detailed schedule of materials to be used prior to development taking place.

The Committee participated in a full debate on the matter.

Comment was made that, whilst understanding the concerns of residents living opposite the proposal, the underground facilities needed to be replaced to better cater for the elderly, infirm and disabled. It was felt that the proposed screen would alleviate concerns with regard to overlooking into the flats opposite.

A question was asked about the objection from the Police and the fact that they would prefer the doors to the toilets to face the Promenade to remove the possibility of creating blocked off areas and to also reduce the opportunity for robbery and assault, as well as reducing the fear of crime by utilising natural surveillance. A Member response was given that the Police had taken the wrong measurements which indicated that the building was much nearer to the railings

than was actually the case – it was felt that there was plenty of room between the railings and the open doors of the facilities when in use.

It was highlighted that the proposal could have been constructed under Permitted Development Rights (PDR) without coming to Committee for consideration but the Council had gone through the planning application process to enable the public to make comment, much of which had been addressed.

Concerns were raised with regard to the location of the site; doors to the toilets facing the road rather than opening out onto the Promenade and that the Police had objected in this respect; that they were unisex; and that the design and materials for the screen should be determined by the Committee. Comment was also made that there were not sufficient cubicles to cater for coach passengers when they arrived in Bognor Regis.

Following consideration, it was proposed and duly seconded that the matter be deferred to further look at the location of the site; access to the toilets; number of cubicles; and to seek clarification with regard to the screen details. The Group Head of Planning requested that the Committee be clear about the reasons for deferring an application so that officers could go away and address specific issues. He stated that fundamental issues such as location should not be used as a reason for deferral as that would not be addressed within this application. Opinion was split as to whether that was the right course of action but on being put to the vote the Committee

RESOLVED

That the application be deferred to enable officers to undertake further consultation; to look at access to the toilets; number of cubicles; and to seek clarification with regard to the screen details

EG/41/17/PL - Demolition of existing garage & construction of 2 No 4 bedroom dwellings, 59 Elm Grove, Barnham Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

Development Control
Committee – 20.09.17.

WA/44/17/OUT – Outline application with some matters reserved for up to 175 dwellings, new vehicular access, together with associated car parking, landscaping & community facilities to include allotments, play space & community orchard. This application is a Departure from the Development Plan & may affect the character & appearance of the Walberton Village Conservation Area, Land East of Tye Lane, Walberton The Committee received a report on the matter, together with the officer's written report update detailing:-

- Additional representation received
- Response from County Highways regarding HGV routing on the roads around Walberton confirming that “the existing (routing) agreements will have been recorded within the base line traffic flows recorded within the survey work. These flows have then been growthed up using TEMPRO for future year modelling scenarios”.
- Response from Highways England stating that the S106 will need to ensure that the applicant would enter into a s278 for agreed mitigation works on the agreed plan for improvements to the Yapton Lane junction or contribute to the Arundel Bypass Scheme, if that is progressed. The Highways England case officer had indicated that he would be content for the Committee to resolve to permit, subject to resolution of transportation matters.
- Representation received from Walberton Parish Council regarding developer contributions
- Financial figures provided by West Sussex County Council for Highways and Transport; Education; Library; and Fire & Rescue had also been provided in the updated S106 table circulated with the update sheet.
- Verbal confirmation had been received from the NHS that there were no tangible health schemes relating to the current outline planning application that required developer contributions as part of the draft S106 agreement.
- Response from the Council's Cultural Development team requesting developer contributions of £77,743 to provide additional multi-use health and fitness/studio space and dry changing to increase capacity and overall customer experience at Arun Leisure Centre
- Removal of plans listed in the update from Condition 4, as requested by the applicant
- A letter and overview document to Members of the Committee and the relevant planning officer had been sent by the applicant to provide a summary of the details submitted with the outline planning application.
- Table detailing S106 obligations

The Committee received a comprehensive presentation on the detail of the application from the Principal Planning Officer and was particularly advised on the Highways England update.

The Group Head of Planning also advised on the Development Plan context of the application. For the reasons given in the report, the relevant policies in the Arun District Local Plan and the Walberton Neighbourhood Plan were considered to be out of date and therefore carried limited weight. Walberton parish Council had decided not to include the site in its Neighbourhood Plan as a local green space and could only revisit that when the Plan was reviewed. The Council's HELAA (Housing & Economic Land Availability Assessment) for 2013 had assessed the site as not being suitable for development but the 2017 version had made an assessment that the site was available, achievable and suitable and was therefore deliverable in the short term. He stated that the disagreement to this conclusion by Full Council was a factor but was only one consideration of many in considering the overall balance of the proposals. The application was also considered to be sustainable.

Whilst sympathising with the Parish Council regarding the changes to the village character of Walberton that would arise from this development, a Member view was expressed that the proposed development was generous in its provision of open space, orchard and allotments. The Parish Council was also commended for its "wish list" of requirements to help with community facilities.

On the question being asked, the Group Head of Planning advised that the Secretary of State had not asked for the application to be called in and it was for the Committee to make a determination as the determining authority.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

187. PLANNING APPEALS

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

188. INDEXATION OF COMMUTED SUMS PAYMENTS

The Committee received a report from the Director of Place which sought the Committee's agreement to updating the Council's methodology for calculating commuted sums to reflect the Retail Prices Index (RPI) as at April in any given year. This approach would provide clarity and inform the public and would be applied to all Section 106 commuted sums.

Subject to approval at the next Committee meeting

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Development Control
Committee – 20.09.17.

The Committee agreed with the proposal and

RESOLVED – That

(1) an annual updating of any standard commuted sum charges to reflect the Retail Prices Index (RPI) as of April in any given year, be approved; and

(2) the standard charges to be published on the Council's website.

(The meeting concluded at 4.30 p.m.)

AGENDA ITEM 7

DEVELOPMENT CONTROL COMMITTEE

18th October 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

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
WA/57/17/PL	Conversion of 2 No. flats into 1 No. dwelling with two storey front & rear extension (resubmission following WA/25/16/PL).	1 & 2 Stafford Cottages Yapton Lane Walberton BN18 0AR
Case Officer:	Mrs A Gardner	
Recommendation:	Approve Conditionally	

LITTLEHAMPTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
LU/197/17/PL	Change of use of existing leisure use of upper ground floor to form 3 No. flats, extension of first floor to form 2 No. flats & creation of 1 No. flat in roof space (resubmission following LU/395/14/PL & LU/84/16/PL).	90 & 91 South Terrace Littlehampton BN17 5LJ
Case Officer:	Mrs A Gardner	
Recommendation:	Approve Conditionally	

LITTLEHAMPTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
LU/231/17/PL	Change of use of land to the storage of caravans/motor homes; creation of associated hardstanding by the importation of material; siting of 4 No. self storage containers & use of part of site for storage of scaffolding materials.	Castlevew Nursery Old Mead Road Littlehampton BN17 7PU
Case Officer:	Mr J Baeza	
Recommendation:	Approve Conditionally	

LITTLEHAMPTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
LU/234/16/RES	Application for reserved matters relating to access, appearance, landscaping, layout and scale of the previously approved LU/63/11/. This application affects a Public Right of Way	Fitzalan Link Road Littlehampton
Case Officer:	Michael Eastham	

Recommendation: Approve Conditonally

EAST PRESTON

Reference

[EP/69/17/PL](#)

Development Description

Construction of 1 No. dwelling (C3) to rear of existing property.

Location

60 Vermont Drive
East Preston
BN16 1LG

Case Officer: Mr D Easton

Recommendation: Approve Conditonally

ANGMERING

Reference

[A/114/17/PL](#)

Development Description

To widen a section of Hangleton Lane adjacent to the vehicle storage compound to ease access onto the site for transporter vehicles. This application is also within the parish of Ferring.

Location

Highway Outside
Hangleton Nursery
Hangleton Lane
Ferring
BN12 6PP

Case Officer: Mrs A Gardner

Recommendation: Approve Conditonally

ALDWICK

Reference

[AW/138/17/PL](#)

Development Description

Demolition of existing dwelling & outbuildings & erection of 5 No. dwellings. This application affects the setting of listed buildings.

Location

90 Rose Green Road
Aldwick
PO21 3EQ

Case Officer: Mr S Davis

Recommendation: App Cond with S106

PLANNING APPLICATION REPORT

REF NO: WA/57/17/PL

LOCATION: 1 & 2 Stafford Cottages
Yapton Lane
Walberton
BN18 0AR

PROPOSAL: Conversion of 2 No. flats into 1 No. dwelling with two storey front & rear extension (resubmission following WA/25/16/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This is a retrospective application that relates to alterations to the balcony screening previously approved as part of the converted and extended dwelling. The change to the balcony screen relates to its design as separate obscure glazed panels and to the shape of the north and south balcony ends.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front garden is enclosed by fence and hedge to approximately 1.8m. Rear garden enclosed by hedge between 1.4m and 2m.
SITE CHARACTERISTICS	Detached 2 storey dwelling. Conversion works have recently been completed. Rendered and clad elevations and tiled roof. Gravel parking/turning area in front garden area.
CHARACTER OF LOCALITY	The is in a rural area on the edge of the village with fields opposite. The road is characterised by mainly single and two storey detached properties sat in medium sized plots with dwellings set back from the road frontage.

RELEVANT SITE HISTORY

WA/25/16/PL	Conversion of 2 No. flats into 1 No. dwelling with two storey front & rear extensions.	ApproveConditionally 10-08-16
WA/53/93	Provision of access for vehicles (Resubmission following WA/28/93)	ApproveConditionally 22-10-93

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

Objection - The modesty panel does not meet the conditions imposed by application WA/25/16/PL.

One Objection - The proposal does not protect neighbour's privacy from overlooking. Application WA/25/16/PL protected neighbour's privacy by the balcony being fully inset within the first floor walls. The scheme was amended. The walls were removed and neighbours' privacy was protected by a floor-to-ceiling, obscured glass screen which extended to the extreme edge of the western wall. The balcony was a uniformly flat surface with screens and a western balustrade fixed to the floor. The screening to the side elevations of the balcony was conditioned to ensure no direct overlooking resulted to adjoining gardens.

What has actually been built is a low wall around the balcony, not shown in any of the drawings in WA/25/16/PL or WA/57/17/PL. Attached to this wall is a staircase-style, pipework banister/balustrade with glass panels held in place by long clips. The horizontal rail on the western elevation is carried round the corners to continue some way into the northern and southern elevations, before rising diagonally to ceiling height. The effect of this is that anyone leaning on the horizontal rail can see clearly into the northern and southern neighbours gardens. The glass panels have large gaps of several inches surrounding them and the framework itself is set out from the western wall, leaving significant gaps. These are not privacy screens, they are just decorative panels. It is easy for people on the balcony to see over and through the balustrade. During the building work, both neighbours experienced workmen calling to them from the balcony.

COMMENTS ON REPRESENTATIONS RECEIVED:

Whilst the design of the balcony screening has altered from that approved it is not considered to result in any unacceptable additional material loss of privacy to neighbouring properties to warrant refusal. The revised screen projects further than the original design. It cannot easily be looked through between the narrow upright slits or to the side. The agent has advised that the gap between the vertical posts and glass is approximately 22mm. The balcony is not of significant depth and anyone seated would not be able to readily look over the side balustrading.

CONSULTATIONS

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Southern Water - We request that should this application receive planning approval, the following informative is attached to the consent:

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

Drainage Engineer - No Objection. Please apply standard condition ENGD2A.

COMMENTS ON CONSULTATION RESPONSES:

Drainage Engineer's request for a condition and Southern Water's request for an informative are not relevant to the consideration of this application which essentially relates to balcony screening changes.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

DEV19 Extensions to existing residential buildings

GEN7 The Form of New Development

Publication Version of the Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality

D DM4 Extensions & Alterations to Existing Buildings

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

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. 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 examination is due to re-commence in Autumn 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 not considered to be any policies in Walberton Neighbourhood Plan relating to this particular type of development.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that the proposed screening would have no materially adverse effect on 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

BACKGROUND

The site lies within the built up area boundary where residential development is acceptable in principle subject to there being no adverse effect on residential or visual amenity.

The proposal is for amendments to the design of the balcony screening relating to the previously

approved conversion of 2 flats to a single dwelling with extensions to front and rear. The amended screening has been installed at the site. The property has been completed but is currently unoccupied.

VISUAL AMENITY AND CHARACTER OF THE AREA

This application relates to amendments to the approved plan comprising changes to the balcony screening on the rear elevation. These changes are not readily visible in the street scene and have no adverse impact on visual amenity.

RESIDENTIAL AMENITY

Given the previous approval the only matter that can be considered as part of this proposal is the impact that the change in design of balcony screening has on neighbouring residential amenity. The balcony sides are constructed of panels which have a gap of approximately 22cm between them and the supports. The end panels also have a different shape. The previous profile was curved, dropping from 2m to 1.1m at a distance of approx. 20cm from the rear elevation. This proposal extends the projection from the rear elevation at 2m height to 70cm before dropping to 1.1m. The extent of screening is therefore greater in this application, albeit that there are gaps in the screening. It is therefore considered that the application is acceptable in terms of impact on residential amenity from over looking. Conditions relating to the provision and retention of obscure glazing to the balcony are suggested.

CONCLUSION

The application is therefore 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 approved shall be carried out in accordance with the following approved plans Floor, Elevation, Roof and Block 15200/02R8 and Proposed Balcony Elevation 15200/B01 .

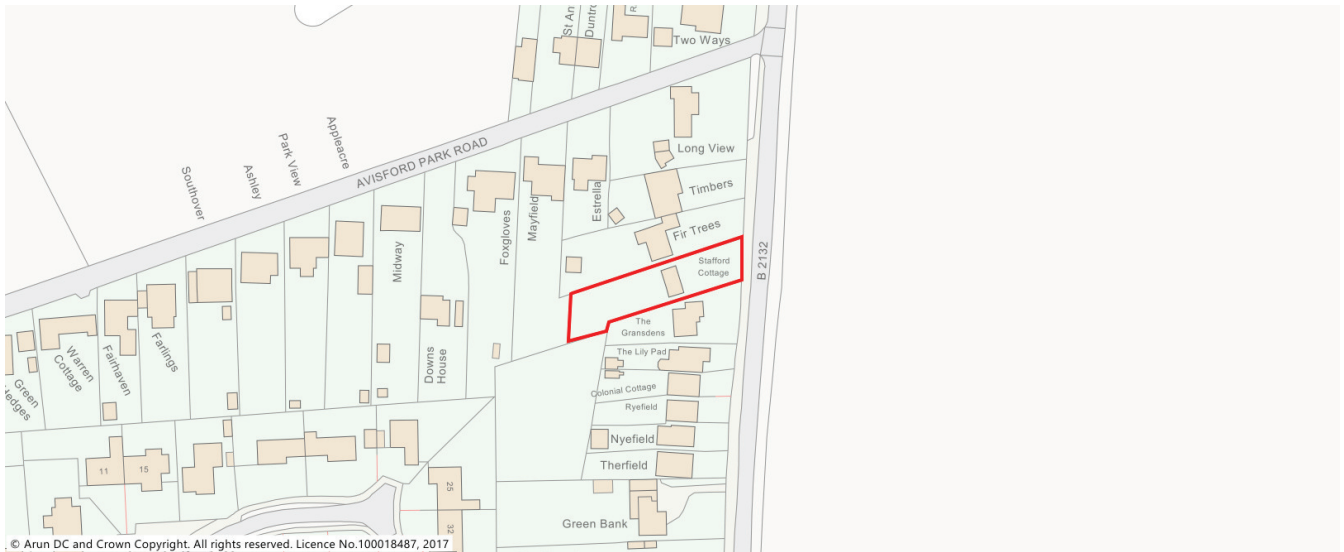
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 2 The obscure screening to the balcony hereby approved and indicated on the submitted plans shall be retained in perpetuity.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

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

WA/57/17/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: LU/197/17/PL

LOCATION: 90 & 91 South Terrace
Littlehampton
BN17 5LJ

PROPOSAL: Change of use of existing leisure use of upper ground floor to form 3 No. flats, extension of first floor to form 2 No. flats & creation of 1 No. flat in roof space (resubmission following LU/395/14/PL & LU/84/16/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal retains a leisure use at lower ground floor and converts the floor above to 3 flats, comprising two, one bedroom flats and a 2 bedroom flat. At first floor 2 no 2 bedroom flats would be created and at second floor a 2 bedroom flat. Additional railings would be provided along the Bayford Road frontage. The proposal relates mainly to internal alterations and subdivision of the former club area. A communal garden area would be created at ground floor for the residents of the flats which would be shared between the flats proposed and those existing. The application essentially alters the internal layouts previously approved under planning permissions LU/395/14/PL and LU/84/16/PL to delete the lift between floors. 6 flats would be provided which is the same number, as approved but there are now no studio flats. This application is for 2 no 1 bed flats and 4 no 2 bed flats. (The previous configuration of flats approved was 3 x 2 bed flats, 2 x1 bed flats and a studio.)
SITE AREA	0.057 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	105 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Black painted railings to roadside in South Terrace to approx. 1.6m high. Low walling to Bayford Road. Fencing to approximately 1m on side of parking spaces.
SITE CHARACTERISTICS	2 storey premises on corner site at junction of Bayford Road and South Terrace. Brick elevations and plain tiled roof. Area to side of building in Bayford Road is used for car parking, loading and unloading and storage. A timber shed is located adjacent to the rear northwestern corner of the site.
CHARACTER OF LOCALITY	Predominantly residential characterised by mainly older style properties, mainly 3 storeys high and constructed of red brick.

Many have been converted into flats.

RELEVANT SITE HISTORY

LU/84/16/PL	Change of use of upper ground floor from leisure use to form 3 No. self contained flats & alterations to retained leisure use of lower ground floor (resubmission following LU/395/14/PL).	ApproveConditionally 04-07-16
LU/395/14/PL	Alterations and additional floors above existing leisure use to provide 3No. new flats	ApproveConditionally 19-03-15
LU/349/07/	Formation of a smoking area.	ApproveConditionally 26-10-07

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objection - The application lacked sufficient on site parking provision and the Committee disagreed with the assertion in the design access statement that "there is plenty of nearby on street parking" as the nearby roads were already full to capacity with parked cars. The retention of the existing leisure use in the basement would have an adverse impact on the residential amenity of the occupants of the flats. With this in mind the Committee also considered that if approved, the current licensing arrangements for the basement premises should be reviewed.

COMMENTS ON REPRESENTATIONS RECEIVED:

4 parking spaces are provided as part of the proposal. Although this parking provision is below one space per unit and will result in some off street car parking this needs to be considered in relation to the parking demand that was generated by the previous club use of the upper ground floor. It is not considered that a refusal on parking grounds could be sustained on this basis.

Licensing is the subject of separate legislation dealt with by environmental health and cannot be considered as part of this proposal. The club use of the premises has currently ceased and environmental health have no objection to the proposal subject to the imposition of conditions relating to sound insulation and hours of operation. The use of the Sailing Club use of the lower ground floor falls within Use Class A4 Drinking Establishment and could be re established without the need for planning permission.

CONSULTATIONS

Environment Agency

Economic Regeneration
 Environmental Health
 Conservation Officer
 Engineers (Drainage)
 Engineering Services Manager
 WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Environmental Health - First response: I understand that Planning Permission had been granted in respect of Application number LU/84/16/PL and Conditions 4 & 5 shall continue to apply in respect of this new submission. As previously stated this Department is concerned that the continued use of the Lower Ground Floor for 'Leisure Purposes,' as yet undefined, has potential to cause noise and possible vibration nuisance to the detriment of any overhead residence.

The current applicant's desire to use the lower ground floor in a way perhaps less likely to cause annoyance, for example as a health or fitness facility, unfortunately does not restrict any future use within this Class. It is therefore imperative that mitigation provided to deal with possible noise and vibration transference is of the highest standard.

The matter requires research by a properly qualified practitioner whose advice must be properly applied. This must take account of any possible flanking transmission. It is further recommended that the Hours of Operation of any use of the lower ground floor be restricted to between 7.00 - 21:00 hours on any week day and between 8:00 and 20:00 hours on any Saturday, Sunday or Bank or Public Holiday. This is again in order to prevent detriment to the amenity.

Second response : Request that this additional condition is added to the original comment :
 'Before first occupation of dwellings as proposed in this application, post validation testing shall be carried out by a competent person to determine compliance with Code of Practice, BS8233:2014, Sound Insulation and Noise Reduction for Buildings. Where initial occupation of the lower ground floor may be delayed, then a suitable noise source must be applied as in a white noise generator and noise transference to any overhead sensitive location identified by suitable tests. This must be submitted and agreed in writing with the Local Planning Authority before first occupation.'

Public Sector Housing - Private Sector Housing
 Fire Safety

- Appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary. Guidance on fire safety is contained in the LACORS guidance document - "Housing - Fire Safety, Guidance on fire safety precautions for certain types of existing housing"
- There should be adequate fire separation between the commercial unit/leisure use and the residential flats above.
- A room where the only escape route is through another room is termed an "inner room" and poses a risk to its occupiers if a fire starts unnoticed in the outer room. The escape routes from the bedroom in Flat B is via the living room, this can be overcome by ensuring that the window in the bedroom is an escape window and adequate fire protection within the flat.

General

- Must meet the requirements of the Housing Act 2004 and be free of Category 1 and significant Category 2 Hazards;
- Must meet the requirements of the Arun District Council Houses in Multiple Occupation Standards (2016);

County Highways - West Sussex County Council, in its role as the Local Highways Authority (LHA), was consulted previously on Highway Matters for this location under planning application LU/395/14 for alterations and additional floors above the existing leisure use to provide 3 dwelling flats across the 1st and 2nd floors. No Highways concerns were raised and consent was granted by the Local Planning Authority (LPA). Subsequently LU/84/16 sought change of use to the upper ground floor, previously retained as D2 use, to form 3 dwelling flats with D2 leisure use only retained on the Lower Ground Floor. Again no highways concerns were raised and consent was granted.

This application seeks to amalgamate the two extant permissions, whereby 6 flats (2 x 1 bed & 4 x 2 bed) will be provided over the upper ground, 1st and 2nd floors, with D2 leisure use retained on the lower ground floor. The principle of this change of use in highway safety and capacity terms has already been considered acceptable under LU/395/14 & LU/84/16 and therefore no concern from the LHA would be raised to the principle of the revised scheme.

A total of 4 car parking spaces will be provided to serve the 6 flats, presumably on an unallocated basis. It would be anticipated that a development of this size in this location would attract the demand for 6 car parking spaces on an unallocated basis. While there is a shortfall of 2 spaces the existing use of the site must be taken into consideration.

The existing D2 use would have attracted a significant quantity of parking demand (1 space per 22sqm); taking into consideration the loss of D2 use class the overall parking demand of the proposed would be considered lower than the existing use of the site.

Nevertheless the LPA may wish to consider implications towards on street car parking amenity towards other residents of South Terrace and Bayford Road.

The applicant has demonstrated a secure and covered cycle parking provision large enough to store 3 cycles communally. This provision should be secured in perpetuity in the interests of sustainability.

The LHA does not consider that the proposal for would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal. If the LPA are minded to grant planning consent conditions relating to provision of car and cycle parking are requested.

Environment Agency - The Environment Agency would reiterate it's previous comments with regards matters relating to potential flood risk, as the site is shown to be within a Flood Zone 3 tidal flood area (high risk).

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

In addition to our previous comments we recommend that the applicant registers with our Flood Warning, which should form part of a Flood Plan. Future occupants should be aware as to what actions to take in a severe flood risk scenario. This measure was identified in the previous planning application LU/84/16/PL, Flood Risk Assessment, but has not been included in this revised application.

Conservation Officer - From the conservation perspective, the roof-top stair enclosure and roof terrace are considered entirely alien to the local context and harmful to the significance of both the locally listed building and the Area of Special Character. However, it is noted that these elements were permitted as part of a previous scheme and in consequence, there is no further comment in terms of the relevant

Conservation Policies.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted. Requested conditions have been recommended

POLICY CONTEXT

Designation applicable to site:
 Within Area of Special Character
 Building or Structure of Character
 Class C road

DEVELOPMENT PLAN POLICES

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

- GEN7 The Form of New Development
- GEN11 Inland Flooding
- GEN12 Parking in New Development
- GEN22 Buildings or Structures of Character
- GEN32 Noise Pollution
- AREA1 Areas of Special Character

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

- D DM1 Aspects of Form and Design Quality
- D DM2 Internal Space Standards
- D DM3 External Space Standards
- W DM2 Flood Risk
- QE DM1 Noise Pollution
- HER DM2 Locally Listed Buildings or Structures of Character
- HER SP1 The Historic Environment
- HER DM4 Areas of Special Character

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 17 Buildings and Structures of Character

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

PLANNING POLICY GUIDANCE:

- NPPF National Planning Policy Framework
- NPPG National Planning Practice Guidance

POLICY COMMENTARY

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

A new local plan is in preparation may be a material consideration when determining Planning

Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. 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 examination into the proposed Plan modifications took place in September 2017.

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).

Policies 1, 2 and 17 of Littlehampton Neighbourhood Plan. are considered relevant to consideration of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site is located within the built-up area and within an Area of Special Character where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within relevant policies of the Arun District Local Plan mainly GEN7 and AREA1 which seek to prevent development that would have an adverse impact upon visual and residential amenities and the character of the area. The proposal is considered to be in keeping with its urban setting and to accord with policy. The made Littlehampton Neighbourhood Plan (2014) is the most up to date plan for development control purposes and contains the following policies relevant to principle considerations:

Policy 1 - The Presumption in Favour of Sustainable Development

Policy 2 - Spatial Plan for the Town

Policy 17- Buildings and Structures of Character

Policy 1 states planning applications which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations indicate otherwise. There are no policies in the Neighbourhood Plan specifically relating to this site. The proposal would accord with this policy.

Policy 2 states :

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

Policy 17 states that the effect of the proposal on non designated heritage assets will be taken into account in determining applications to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. The proposal is considered to minimise the impact on this heritage asset.

As a more recent part of the development plan, the proposals are in accordance with the development plan.

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 part of the residential area of Littlehampton within the built up area boundary. It is within walking distance of local shops & facilities within Littlehampton and close to bus stops and the railway station. Littlehampton 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 .

PLANNING HISTORY

The application essentially alters the internal layouts previously approved under planning permissions LU/395/14/PL for alterations and additional floors above existing leisure use to provide 3 No. new flats and LU/84/16/PL for change of use of upper ground floor from leisure use to form 3 No. self contained flats & alterations to retained leisure use of lower ground floor and replaces the lift between floors with stairs. 6 flats would be provided which is the same number, as approved but there are now no studio flats. This application is for 2 no 1 bed flats and 4 no 2 bed flats. (The previous configuration of flats approved was 3 x 2 bed flats, 2 x1 bed flats and a studio.)

IMPACT ON CHARACTER AND VISUAL AMENITY

The proposal relates to the conversion of the upper ground floor to 3 flats which is to be considered in relation to the extension at first floor and above to provide a further 3 flats. The addition of 2 storeys above the existing ground and lower ground floor development on the site is acceptable in terms of visual amenity and has already been approved. The existing building is located on a prominent corner at the junction of Bayford Road and South Terrace and is significantly lower than the surrounding development on both of the roads onto which it fronts.

The building currently appears squat in both street scenes. The height of the building proposed would reflect that of the adjacent buildings. The proposal would retain a gap to the north and would therefore retain the separate identity of the building when viewed from Bayford Road. The appearance of the building would reflect that of adjoining properties. The roof pitch, window style and proportions would be in keeping with its neighbours. The extension would be no closer to either road frontage than the existing building. Pitched roof dormer windows exist on the front elevations of buildings fronting Bayford Road and the proposal incorporates similar style windows on this elevation.

The Area of Special Character is defined by the formal, cohesive and attractive appearance of the group of buildings forming this part of South Terrace. Boundary walls and traditional timber windows contribute to the character of the area. The extensions have previously been approved. The railings which define the southern boundary are proposed to be extended along the Bayford Road elevation and this would be a positive addition re-enforcing the sense of enclosure.

The building is on the local list and is defined as a building of character. Therefore its appearance should not be damaged by inappropriate development. The proposal relates mainly to internal alterations and would not significantly adversely affect the external appearance of the building. The continued use and maintenance of the building is welcomed. The attractive entrances to the building from Bayford Road and South Terrace would be retained and remain unaltered.

The proposal therefore makes a positive contribution to the character and appearance of the Area of Special Character and the Building of Character in compliance with policies AREA1 and GEN22 of Arun District Local Plan and policies HERDM4 and HERDM2 of the Emerging Local Plan.

SPACE STANDARDS

The Emerging Local Plan contains policies relating to internal and external space standards. The proposal exceeds the nationally described gross internal floor area space standards and complies with policy DDM2 of the Emerging Plan. The proposal includes a communal garden area to serve the flats and all have a separate amenity area and the upper floor flat has a roof garden standard in policy DDM3. The flats do not have their own private garden area, but they do have access to garden areas and are located close to the seafront and areas of public open space so some flexibility in adherence to the policy is acceptable.

RESIDENTIAL AMENITY

The proposed development will not have an unacceptable adverse impact upon the residential amenities of adjoining occupiers. The loss of part of the existing club use which generates noise and its replacement with residential use represents a reduction in noise generation from the site and an improvement in relation to the impact on adjoining neighbours. However even though the club use at lower ground floor has ceased it could be reinstated and noise could be generated from the remaining lower basement leisure use . That is why condition relating to noise insulation is recommended.

HIGHWAYS

County Highways have no objection to the proposal in terms of parking or access.

FLOODING

The site lies within Flood Zone 3 (High probability of flooding), but the residential development would be located above the worst case flood scenario level. A condition is imposed to ensure development proceeds in accordance with the submitted flood risk statement.

CONCLUSION

The application is therefore 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:

Location/Site plan 030617/TP.60

Lower Ground Floor 030617/TP.50

Upper Ground Floor 030617/TP.51

New First Floor Plan 030617/TP.52

Second Floor Plan 030617/TP.53

North Elevation as Proposed and South Store Elevation 030617/TP.56 revA

South Elevation as Proposed 030617/TP.57

East Elevation as Proposed 030617/TP.59

West Elevation as Proposed 030617/TP.58

Roof Plan as Proposed 030617/TP.54

Diagrammatic Cross Section 030617/TP.55

Soft Landscaping Planting Plan PJC-5640/002 rev B

Soft Landscape Plan General Arrangement PJC-5640/001 rev B

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

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

1. Finished floor levels are set no lower than 5.0 m 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 impact of flooding on the proposed development and future occupants. In accordance with policies GEN7 and GEN11 of the Arun District Local Plan.

- 4 Prior to commencement of development a sound insulation scheme shall be submitted to and approved by the Local Planning Authority. This shall include post validation testing to determine compliance with BS8233:2014. Where initial occupation of the lower ground floor may be delayed then a suitable noise source must be applied to any overhead sensitive location identified in testing. The development shall proceed in accordance with the approved details.

Reason: In the interests of residential amenity of the approved properties in accordance with Arun District Local Plan policies GEN7 and GEN32. It is considered necessary for this to be a pre-commencement condition to ensure that the development only proceeds once adequate sound insulation is agreed.

- 5 The flats shall not be occupied until the car parking spaces shown on the submitted plans have been provided and constructed in accordance with the approved upper ground floor plan. The spaces so provided shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy GEN7 of the Arun District Local

Plan.

- 6 The flats shall not be occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans and thereafter the space shall not be used for any purpose other than the parking of cycles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy GEN7 of the Arun District Local Plan.

- 7 The materials and finishes of the external walls and roofs of the extension hereby permitted shall match in colour and texture those of the existing buildings.

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

- 8 Landscaping (hard and soft) shall be carried out in accordance with the details shown on plan (PJC-5640/001 revB and PJC-5640/02 revB). All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 9 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.

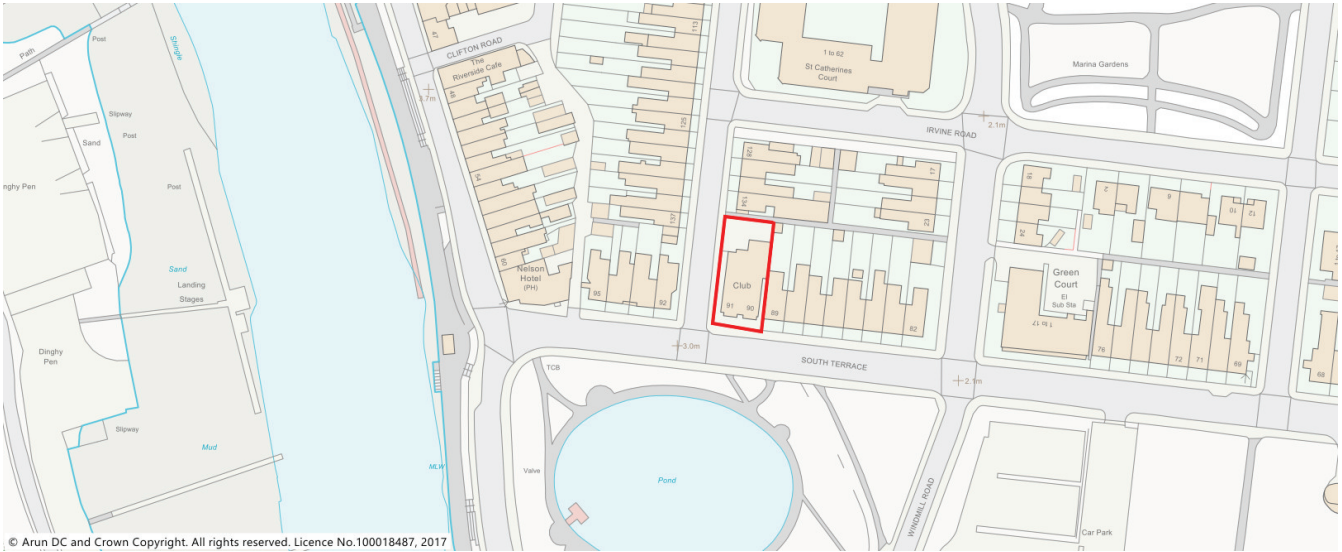
- 10 INFORMATIVE: In addition to our previous comments we recommend that the applicant registers with the Environment Agency's Flood Warning, which should form part of a Flood Plan. Future occupants should be aware as to what actions to take in a severe flood risk scenario. This measure was identified in the previous planning application LU/84/16/PL, Flood Risk Assessment, but has not been included in this revised application.

- 11 INFORMATIVE:
- Appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary. Guidance on fire safety is contained in the LACORS guidance document - "Housing - Fire Safety, Guidance on fire safety precautions for certain types of existing housing"
 - There should be adequate fire separation between the commercial unit/leisure use and the residential flats above.
 - A room where the only escape route is through another room is termed an "inner room" and poses a risk to its occupiers if a fire starts unnoticed in the outer room. The escape routes from the bedroom in Flat B is via the living room, this can be overcome by ensuring that the window in the bedroom is an escape window and adequate fire protection within the flat.

The development must meet the requirements of the Housing Act 2004 and be free of Category 1 and significant Category 2 Hazards and must meet the requirements of the Arun

District Council Houses in Multiple Occupation Standards (2016).

LU/197/17/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: LU/231/17/PL

LOCATION: Castleview Nursery
Old Mead Road
Littlehampton
BN17 7PU

PROPOSAL: Change of use of land to the storage of caravans/motor homes; creation of associated hardstanding by the importation of material; siting of 4 No. self storage containers & use of part of site for storage of scaffolding materials.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The application seeks the regularisation of the following matters:</p> <ul style="list-style-type: none"> · The extension of the caravan/motor home storage area northwards from the boundary of that approved under the previous application LU/141/16 to allow for the storage of around an additional 30 caravans/motor homes. This will increase the storage of caravans and/or motor homes from up to 60 units to up to 91 units. · The formation of the hardstanding which has been formed to level the site and provide a suitable surface for the storage use. · The use of a small area of land in the north-west corner of the site for the storage of scaffolding equipment. · The siting of four no. containers for individual self-storage. One is sited on the extended area the subject of this application whilst the remaining three are on the part of the site where planning permission exists for caravan/motor home storage.
SITE AREA	The application site area is approximately 0.37 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development. The proposal includes a landscaping plan to screen all boundaries with leylandii to complement and mirror remainder of boundary screening on the site
BOUNDARY TREATMENT	The site is screened on the western and southern boundaries by leylandii, which provide a screen of approximately 3m to 4m in height. There is a large double gate entrance of approximately 12m in width at the access point from the track leading up to the site from Glenvilla to the east. The northern boundary has been fenced with trellis style fencing and new planting has taken place on the outside.
SITE CHARACTERISTICS	The application site is situated at the western end of Old Mead

Road. The nursery comprises a glasshouse approximately 20 metres by 30 metres in extent located close to the eastern boundary with open and unused land to the north and west. An area of land previously approved (LU/105/15/PL & LU/141/16/PL) for caravan storage is located by and to the south of the glasshouse. The site is served by a private access drive from Old Mead Road with entrance gates into the south east corner of the holding.

CHARACTER OF LOCALITY

To the south and west of the application site the land is a solar farm which was approved in 2015. To the east is Glenvilla Nursery separated from the application site by means of a pollarded row of fir trees. Further to the east is a residential property known as The Bungalow and beyond this to the north side of Old Mead Road, there is a residential caravan park and housing. Old Mead road has been recently re-surfaced to a reasonable standard, having previously been in need of some attention.

RELEVANT SITE HISTORY

LU/141/16/PL	Change of use of horticultural land (additional to that approved under application LU/105/15/PL) for the storage of caravans & siting of a portable cabin for site office/security. This application is a Departure from the Development Plan.	ApproveConditionally 08-08-16
LU/105/15/PL	Change of use of part existing horticultural nursery to the storage of caravans and/or motor homes	ApproveConditionally 10-06-15
LU/98/09/	Part use of existing horticultural nursery for the storage of domestic caravans.	Refused 09-06-09
LU/81/05/	Proposed glasshouse.	ApproveConditionally 26-04-05

The most relevant planning permissions are LU/105/15/PL and LU/141/16/PL which now provide for the storage of up to 60 caravans and/or motor homes in the southern and northern part of the nursery to the south and alongside of the existing glasshouse. Planning permission was granted under LU/47/16/PL to erect a profile steel building for storage purposes with part of the building providing rest facilities and toilet. This is to the rear (north) of the existing glasshouse.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objection.

The number of caravans has already been significantly increased. The application was therefore considered retrospective which rendered it virtually impossible to impose / enforce any of the conditions suggested by Environmental Health. Had serious concerns about the impact of the intensification of the use of the site on the highways network in the area. The application also lacked information on how water run off from the increased hard standing would be handled.

Old Mead Road; as an unadopted highway, it was considered that the developer should be asked to contribute to the long-term maintenance and upkeep of the Road. In addition, Members also wished to ensure that effective screening was maintained around the site and considered that proposals to deal with the issues highlighted should be submitted with the application before it is determined.

1 letter of objection

The applicant applied last year for planning for 60 touring caravans, a packing shed and toilet, rest room facilities for nursery staff, also the installation of a septic tank to facilitate the toilets. Instead he raised the level of the land to an unacceptable height and has now created a hard standing area over the whole of the site to other than where the glasshouse stands.

This area now accommodates around 90 touring vans/storage containers. There is no mention of surface water drainage in his new application other than into Black Ditch which is the only accessible ditch from his property. With the watershed from these caravans and the raising of the level of the land there is no guarantee that the surface water will end up in the Black ditch to the northern boundary of the property, but will disperse itself onto our property to the east unless adequate drains are put in on the site to direct the water to Black Ditch. Therefore I object to this application on these grounds and also the raising of the level land which was a former tip site of which the levels had already been increased previously.

The applicant has responded to the objection from the Town Council as follows:

Having read the comments from Mr Herbert at the Littlehampton Town Council I wanted to respond as follows:

(1) "...with no upper limit in terms of the number of vehicles and/or caravans that could be accommodated at the site".

This is factually incorrect; the application clearly states that the number of storage spaces being applied for is an increase from 60 to 91. It is clear from this site layout that it will not be possible to increase the number of spaces any more than what I have applied for, i.e. from 60 to 91, therefore this is the limit of any impact both now, as part of this application, and for the future.

(2) "...committee also had serious concerns about the impact of the intensification of the use of the site on the highways network in the area."

The impact assessment of the increase to 91 spaces already effected has been considered by the Highways Agency and they have confirmed their position as being "no objection". I've checked my cctv for comings in to site and goings out from site and the volume of traffic is virtually static to what it was before the increase of space for which I'm applying retrospectively. This is logical due to the nature of the use, which is for long term storage and the entirely seasonal nature of this usage for caravans/motorhomes (for circa 8 or 9 months of the year owners just leave them on our site untouched and they do not take their caravans / motorhome out. If anything, this usage has significantly cut the volume of traffic down from what it was.

(3) "The application also lacked information on how water run off from the increased hard standing would be handled."

This is already confirmed as not being a problem. All surface water simply drains through the permeable surface and into the ground. None of the water runs off to other properties.

(4) "The Committee reiterated its previous comments regarding the status of Old Mead Road. As an unadopted highway, it was considered that the developer should be asked to contribute to the long-term maintenance and upkeep of the Road."

This was not a condition of previous approvals and should not be so here on this application either.

(5) "In addition, Members also wished to ensure that effective screening was maintained around the site and considered that proposals to deal with the issues highlighted should be submitted with the application before it is determined."

The entire site is already screened very effectively and therefore this point is moot.

COMMENTS ON REPRESENTATIONS RECEIVED:

The previous operation of the site as a horticultural nursery would have experienced deliveries by vans and tractors on a regular basis. The road is privately owned and its maintenance is therefore a private matter.

There is a recommendation to limit, by condition, the number of caravans to 91.

There is no evidence of the site having had its level raised. The low nature of caravans and scaffolding together with tree hedging along all boundaries will ensure that there is an acceptable impact on neighbouring residential amenity.

<h4>CONSULTATIONS</h4>

WSCC Strategic Planning

Environmental Health

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - No objection

Since the development has already taken place (see Planning Statement), and the likely road traffic to and from the development is within the capacity of the junction of Old Mead Road and Lyminster Road, the Highway Authority has no objection to the application. However, we consider that any further development of the site is likely to trigger the requirement for a transport statement including details of the traffic and safety impacts on the junction.

Environmental Health advise;

Please apply the same condition as on the previous application for the land to south (LU/141/16/PL).

This is because the site is believed to be over the western edge of a landfill. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason

To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policies GEN7 and GEN31 of the Arun District Local Plan

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area

Within Arundel and Littlehampton Strategic Gap

Area of Special Control for Advertisements

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

AREA10	Strategic Gaps
GEN3	Protection of the Countryside
AREA3	The Setting of Arundel
GEN7	The Form of New Development
GEN32	Noise Pollution

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

C SP1	Countryside
D SP1	Design
LAN DM1	Protection of Landscape Character
LAN DM2	The Setting of Arundel
QE DM4	Contaminated Land
SD SP2	Built -Up Area Boundary
SD SP3	Gaps Between Settlements

<u>Littlehampton Neighbourhood Plan 2014 Policy 1</u>	The Presumption in Favour of Sustainable Development
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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 and it 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 has taking place. 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 examination is due to re-commence in Autumn 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 1 in the Littlehampton Neighbourhood Development Plan is of general relevance and is considered as part of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

Local and National policies make provision for the diversification of the rural economy, including horticultural, activities providing that such proposals accord with other policies. The application is supported by material which clearly indicates that the financial situation of the nursery is such that diversification would contribute to a more viable business. There can therefore be no objection to the proposal in principle as it would be consistent with Adopted Local Plan policy GEN3, and Publication Local Plan 2011- 2030 policy C SP1 both of which relate to the open countryside and both of which make provision for diversification in the rural economy. It would also be consistent with the National Planning Policy Framework which seeks to support a prosperous rural economy and seeks to promote the development and diversification of agricultural and other land-based rural businesses. The recent planning permission LU/141/16/PL provides a compelling case for permission in this case to increase storage capacity from 60 to 91 caravans. This is in addition to the proposed extended hard surfacing of the area and provision of containers and an area for scaffolding storage. Planning permission LU/141/16/PL was granted, by the Council's Development Control Committee and therefore not considered to be in conflict with Littlehampton Neighbourhood Plan policy 1.

VISUAL IMPACT

Substantial screen planting has been established on the south and west site boundaries and this is between 3m to 4m in height. The nature of the screen planting, leylandii, means that this screen planting can be expected to rapidly increase in height and that screening and visual mitigation will improve - its future existence will be secured by proposed condition number 4. The extended storage area will be screened and not particularly visible given that the remaining parts of the boundary are planted with that proposed in the submitted landscape plan. It is not considered that refusal on the grounds of visual impact on the open countryside, on the strategic gap or on the setting of Arundel is justified given this level of screening. The proposal is considered, given the established and proposed screening to accord with policy. Given the significant distance to the north and the low height of that being proposed there is no unacceptable adverse affect on views of the town of Arundel, its castle, cathedral and its special setting and the Strategic Gap designation of the area (policies AREA3, AREA10, SD SP3 and LAN DM2).

IMPACT ON RESIDENTIAL AMENITY

In addition, the nature of the vehicles (towing cars or vans and motorhomes) are such that they are unlikely to give rise to the kind of noise generation that could be expected from commercial or goods vehicles associated with the previous horticultural use of the site. It is not considered that there would be an unacceptable adverse noise impact on the amenity of residents.

The use of a small area for the storage of scaffolding equipment in the north west corner of the site well away from residential boundaries is unlikely to result in unacceptable noise nuisance. No objection on grounds of noise nuisance has been raised by the Council's Environmental Health team.

Screening and the height of the caravans, containers and scaffolding equipment is such the impact on outlook would be limited and acceptable.

HIGHWAY IMPACT

The impact on highways has been considered in highway safety terms. The additional vehicle movements are not considered to constitute a highway objection. This view is backed up by the comments of County Highways.

The additional traffic generated would be limited to that associated with the extra use of 31 caravans and a small area for scaffolding storage. Other than the storage of scaffolding equipment, traffic movement would not be daily for all vehicles and it can be reasonably expected that on many days, traffic movements would be extremely low. The vehicle movements associated with the site are comparatively limited.

CONCLUSIONS

The proposal is not considered to give rise to harm such that planning permission could be reasonably withheld. It is recommended that planning permission is granted subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans: Site Plan, container detail.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.
- 3 The combined total number of caravans and motorhomes stored at the site shall not exceed

91 at any time without the permission of the Local planning Authority on an application for planning permission on that behalf.

Reason: To prevent an uncontrolled intensification of the use in the interests of visual amenity and highway safety and to prevent detrimental impact upon the amenity of nearby residents as a consequence of noise in accordance with policies GEN2, GEN3, GEN7, GEN32 and AREA10 of the Arun District Local Plan.

- 4 The existing screen planting on the boundaries of the site depicted in plan.... shall be retained to a height of 4m and shall not be damaged, uprooted, felled, topped or lopped at any time without the prior written consent of the Local Planning Authority.

Reason: To prevent removal of screen planting and to thereby detrimental visual impact in accordance with policies GEN2, GEN3, GEN7 and AREA10 of the Arun District Local Plan.

- 5 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

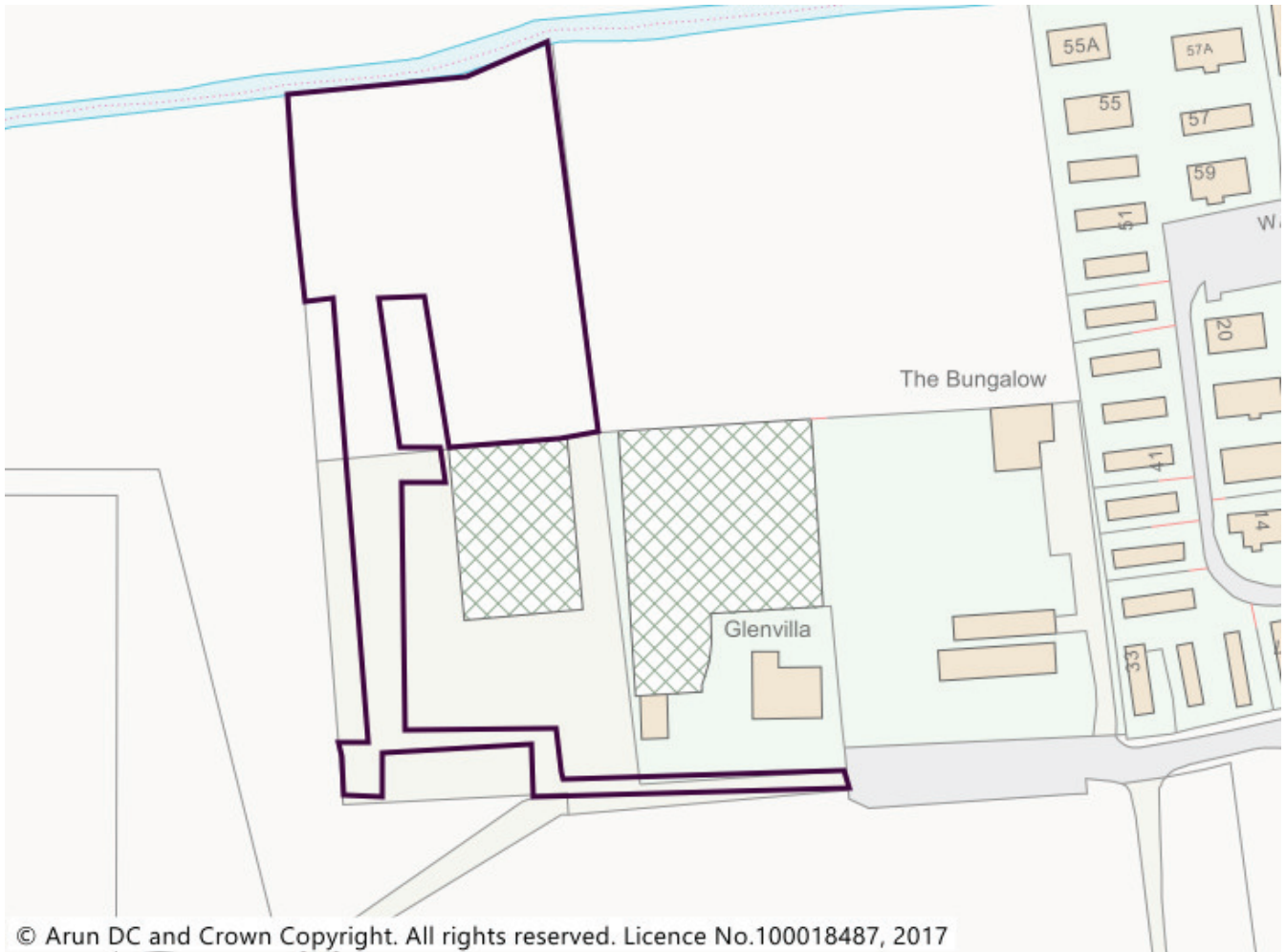
Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policy GEN7 of the Arun District Local Plan and QE DM4 of the emerging plan.

- 6 Materials and equipment associated with the scaffolding use shall not be deposited on the site to a height exceeding 3 metres.

Reason: To prevent detrimental visual impact in accordance with policies GEN2, GEN3, GEN7 and AREA10 of the Adopted Arun District Local Plan.

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

LU/231/17/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO:	LU/234/16/RES
LOCATION:	Fitzalan Link Road Littlehampton
PROPOSAL:	Application for reserved matters relating to access, appearance, landscaping, layout and scale of the previously approved LU/63/11/. This application affects a Public Right of Way

SITE AND SURROUNDINGS**DESCRIPTION OF APPLICATION**

This is an application for reserved matters relating to access, appearance, landscaping, layout and scale of the previously approved LU/63/11 (outline application) for the construction of the 'Fitzalan Link Road' between the A259 Worthing Road and the East Street/Fitzalan roundabout. The site is located on the northern edge of Littlehampton approximately 1.9km from the town centre.

It is proposed that the new Fitzalan Link Road will provide the link between the new Lyminster Bypass to the north, and the existing road network of East Street and Fitzalan Road. The proposed road runs south from the A259 and connects to the southern element of the Link Road that has been delivered by West Sussex County Council. The proposal includes a new roundabout to be constructed at the southern end of the road providing access to Littlehampton Academy. This application affects two public rights of way (PROW), Nos 3103 and 3654. The PROW 3103 runs the length of the Link Road that is subject to this application and the 3654 is located to the north of the Link Road where it connects with the A259 roundabout. The amendments to the PROW would result in the PROW following the footpath link that is proposed to be provided alongside the carriageway and a safe crossing point is provided.

The application follows the outline approval under LU/63/11 for the construction of approximately 800 metres of new highway between a new roundabout to be created on the A259 Worthing Road, connecting into the southern section of the Link Road created as part of the Littlehampton Academy Development. It would comprise a single lane carriageway in each direction, each varying in width from 2.75 to 3.65 metres and a footway/cycleway on each side.

The proposed new vehicle, cycle and pedestrian corridor

comprises the southern part of the A284 Lyminster bypass. The southern section of the Lyminster bypass has outline permission under LU/47/11 as part of the development at Toddington Nursery. The bypass is proposed to bridge the main railway line and Toddington Lane, and extend southwards to a roundabout on the A259 Worthing Road. The Fitzalan Link Road forms part of the proposed strategic transport corridor which will provide a strategic link to the A27; and it will also provide the principal means of access to Littlehampton Academy.

SITE AREA

The site area is 2.43ha.

RESIDENTIAL DEVELOPMENT DENSITY

N/A.

TOPOGRAPHY

The application site is predominantly flat, situated between the South Downs National Park to the north, and the coastal plain to the south. It is within the built up area boundary of Littlehampton, surrounded by mixed uses of residential estates, schools, a caravan park and business premises.

TREES

There is a substantial strip of parkland trees to the north of the site, and numerous trees around the East Street junction. The existing trees on the site consist of a mix of species with hybrid black poplar occurring most regularly. A maturing hedge predominately of hawthorn with some ash and elder runs through the site from NE-SW. Whilst there are no Tree Preservation Orders (TPOs) covering trees on the site, there are some TPOs on neighbouring property ref TPO/LU1/93 and TPO/LU/1/95 - it is not envisaged that they would be affected by the proposed development.

The application incorporates a plan showing a root protection area for each retained tree. The proposed development will require the removal of four healthy trees - two alders and two black poplar hybrids. Four other trees require removal due to their poor condition. In addition a group of trees requires removal and the hedge which crosses the site also requires a section to be removed. The application provides a detailed arboricultural method statement which aims to ensure the protection of retained trees during the site demolition and highway construction works.

BOUNDARY TREATMENT

The site boundary is defined to the north by Worthing Road (A259) and to the south a section of the Fitzalan Link Road has already been built, so that the boundary is just south of the new roundabout which facilitates entry into the Academy. The southern boundary line is where there is a pedestrian /cycleway crossing between Cornwall Road to the west towards Elm Grove Road to the east. The existing section of the Link Road continues southwards to the junction of East Street (B2187) and Fitzalan Road.

The western boundary of the site is defined by rear garden

fences of residential properties along Highdown Drive and Paterson Wilson Road. In the southern part of the site the western boundary is defined by the Police building on Paterson Wilson Road and a disused area of land to the south, immediately adjacent to East Street.

There are a variety of land uses along the eastern boundary of the site, including education, open space and residential. Starting at the northern end of the site there is Cornfield School, which has mature trees along its boundary with the site. To the south is the continuation of the undeveloped land through which the proposed Fitzalan Link Road passes. Further south is the large site of The Littlehampton Academy. The northern part of the site boundary with the Academy is defined by mature trees and an overgrown hedgerow. However, the site extends into Academy playing fields, crossing boundary features, where it proceeds southwards towards Elm Grove Infant School. The route of the Link Road crosses the western edge of land within the primary school, and follows the alignment of the rear garden fences of properties along the southern part of Highdown Drive. The route crosses the cycleway/footpath linking Cornwall Road to the west of the site with Elm Grove Road to the east. Rosemead public open space, houses and Summerlea House nursing home define the eastern boundary of the site between Elm Grove Infant School and East Street. Avenues of mature conifers define the site boundary in this location.

SITE CHARACTERISTICS

The site principally comprises vacant land with no specific land use.

CHARACTER OF LOCALITY

See 'Boundary Treatment' above.

RELEVANT SITE HISTORY

LU/63/11/	Outline Application for the construction of the "Fitzalan Link Road" between the A259 Worthing Road & the East Street/Fitzalan Road roundabout - This application affects a Public Right of Way	ApproveConditionally 06-06-12
LU/47/11/	Outline application with some matters reserved for mixed use development comprising: demolition of existing buildings and structures, up to 1,260 residential dwellings (out of a potential 1,460 dwelling masterplan), up to 13,000 sqm of B1 employment floorspace (including 3,000 sqm Enterprise Centre), up to 3,500 sqm of Class A local facilities, a 100 bed hotel, 60 bed care home, a new 2 Form Entry primary school, community centre, youth and leisure facilities, combined heat & power plant, extension to existing household recycling centre,	App Cond with S106 23-01-13

landscaping, replacement and additional allotments, multi-functional green infrastructure including sports pitches (& associated changing facilities), informal open space, children's play areas, primary vehicular access from a new access from the A259 bridging over the railway line with additional access from Mill Lane & Toddington Lane. This application is the subject of an Environmental Impact Assessment & a departure from the development plan. This application affects a public right of way.

The proposed Fitzalan Link Road is a fundamental part of the infrastructure required for the development of the strategic site of North Littlehampton. The purpose of the Link Road is to provide good access to the new strategic development area north of Toddington Lane, to improve the transport infrastructure for the town and for the sub-region, to enable the delivery of a substantial new housing area and employment area, providing community and sporting facilities in an area of substantial need. The development of both the strategic site of north Littlehampton and the new proposed Link Road have been the subject of substantial and ongoing public consultation.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

No objection following the submission of amended plans which include the provision of bus laybys and a toucan crossing.

One representation was received objecting and raising the following issues:

- ~ approve of the proposed bank and fence at the rear of the properties at Highdown Drive, but request that the noise and pollution levels be further reduced by the implementation of a better bank and fence barrier, then landscaped, such as that implemented at A259 at Bognor Regis from Felpham to North Bersted.
- ~ road surface which reduces tyre noise and cuts down pollution
- ~ implementation of a speed limit of 30mph
- ~ the s-shaped bend that is proposed to join the Link Road may prove to be very dangerous as there is considerable speeding in the locality
- ~ if the Highdown Road junction with the new Link Road is to proceed, the exit should be a left turn only
- ~ any traffic leaving Highdown Drive wishing to go towards the town would have to go around the new A259 roundabout and u-turn back towards the town. To stop traffic attempting a right turn a triangle island should be placed in the centre of the Highdown Drive / new road junction. Because of the closeness of the lanes approaching the roundabout, there may be a problem for road users queuing at the roundabout from the new road.
- ~ insufficient room for traffic queuing to turn right off the new Link Road into Highdown Drive at rush hours. The Catholic school is very busy at school start and close times. This is likely to result in traffic queuing back onto the new A259 roundabout at these times. It would ease the problem if at the eastern end of Cornwall Road (southern end of Highdown Drive) a new road junction was included to join with the new Link Road.
- ~ alternatively the simplest and cheapest way would have been to make the Highdown Drive junction with the A259 a left turn exit only. Unfortunately, the present designed position of the roundabout

makes this impossible.

Two representations neither supporting nor objecting made the following comments:

- ~ query over the whether the land between the proposed Link Road and Oak Croft Gardens would be retained for public use or developed for housing.
- ~ request that conditions are imposed to prevent housing on the open land.
- ~ the Council should satisfy itself that noise mitigation is adequate. Specifically the eastern boundary of the relief road abuts the boundary of Rosemead Park.
- ~ the boundary vegetation of Rosemead Park is progressively being removed on safety grounds. In addition there is a retirement home in the locality.

COMMENTS ON REPRESENTATIONS RECEIVED:

The issues raised are dealt with in the 'Conclusions' section of the report.

CONSULTATIONS

WSCC Strategic Planning
 Engineers (Drainage)
 Engineering Services Manager
 Parks and Landscapes
 Arboriculturist
 Ecology Advisor
 Archaeology Advisor
 Environmental Health
 Environment Agency
 Highways England
 Southern Water Planning
 Surface Water Drainage Team

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND:

No objection raised.

ENVIRONMENTAL HEALTH (Noise):

The noise report submitted by the applicant shows that the noise mitigation will bring the noise to acceptable levels. Some outdoor living areas will be exposed to high levels of ambient noise in excess of guidelines and the noise level at some sensitive receptors will have significant adverse affect(s). Request that the system for noise mitigation be reviewed to determine whether it can be further improved. The applicant has confirmed with Environmental Health that the acoustic barrier will be 3.5 metres high at all locations. Noise modelling has been undertaken by the applicant's noise consultant for the whole of the length of the Link Road. In terms of the speed limit, everything south of the proposed speed limit change is proposed to be 30mph, i.e. the signal crossing and roundabout.

ARCHAEOLOGY:

No objection raised. The archaeology evaluation has demonstrated that the site is unlikely to contain significant structures or deposits and that no further investigation is warranted.

SOUTHERN WATER:

No objection raised to the reserved matters application. Southern Water's previous correspondence of 4th April 2011 still applies to this application. The application is located over a critical distribution water main, so there is a potential loss of supply should it be damaged in the construction works. It is therefore essential that the contractor contacts Southern Water before development commences on site.

ADC GREENSPACE:

No objections raised following the submission of revised landscaping plans A088461 FL1 and FL2 REV H. It is confirmed that the amendments now include a scheme which adequately addresses the lack of native planting and screening to the eastern boundary and school boundary aspect of these proposals. The species choice and mix is suitable for location and purpose. Details of the maintenance regime and long term maintenance management have also now been provided.

ECOLOGY:

No objection raised. In response to WYG report submitted with the reserved matters application, Reptiles and bat surveys have already taken place. The removal of suitable bird nesting habitat will be seasonal. Should it be necessary to remove material during the period March to August, then a pre-works check should be undertaken by a suitably qualified ecologist. Planting should contain native species, and mature trees should be retained in accordance with the amended landscaping plans. Lighting needs to be kept to a minimum.

ADC DRAINAGE:

No objection raised to the application for reserved matters. It is advised that drainage be agreed with the Highway Authority (WSCC). Any crossings of ditches or watercourses will require land drainage consent from the land drainage authority.

WSCC DRAINAGE - (Surface Water Drainage and Flood Risk):

No objection raised to the application, in line with the Environment Agency comments on the outline application, in relation to flood risk and surface water drainage. The majority of the site is at low risk from flooding, and there is no history of surface water flooding on this site (this may be due to lack of reporting to the authorities). The proposed drainage strategy meets the requirements of the NPPF, Planning Practice Guidance and associated documents in principle. Full approval of the drainage design will be carried out by WSCC Highways through the Section 38 process.

WSCC HIGHWAYS:

First response (21 September 2016)

The applicant needs to:

1. account for how the design compares with the outline
2. account for how agreed design principles have been applied
3. confirm the design standards used
4. submit copies of the Stage 1 Road Safety Audit and Designers Response from outline stage
5. submit copies of any Departure from Standards (DfS) and conclusions reached at outline stage
6. confirmation that all PRow have been considered in line with County advice
7. submit landscaping plans and planting types adjacent to crossing

Second response (21 October 2016)

1. design comparison provided. Document shows some changes have been made from outline, including close to Academy roundabout. Bus stop provision adjacent to northern carriageway should be considered.
2. see 1 above.
3. now provided in the latest technical report.
4. information provided. Evidence required as to whether the recommendations made for the Fitzalan

Link have been accepted and agreed by the Highway Authority.

5. information provided. Further confirmation required on latest drawings for review and latest position with regard to DfS.

6. information provided showing that PRow have been considered. Advice provided on procedure for diversion of the PRow and need to ensure that routes are reviewed again following any changes to the Safety Audit.

7. landscaping information submitted and being checked separately. Comments as follows:

~ a shared footway/cycleway is required on the SE side of the academy roundabout to provide continuity with the existing infrastructure running along both sides of the already constructed Fitzalan Road.

~ Tactile paving also needs to be shown at all relevant crossing points.

~ The extent of what is to be adopted needs to be made clear.

~ A bus stop and layby needs to be provided northbound, and this will need to be approved by the Road safety audit team

~ The applicant is to explain how the design interacts with the proposed residential development, and how the PRow crossing relates to the new shared footway /cycleway.

~ The application also needs to show how future serving and maintenance arrangements (parking and working areas clear of the highway) for this section of the Fitzalan Link Road.

Third response (21 November 2016)

1. further details relating to speed limit criteria and the highway design - design not suitable for 30mph.

2. confirmation of design standards used. Crossing should be changed to a Toucan crossing for safety reasons. Needs a safety audit.

3. one of the crossing points to be removed, amendments required.

4. confirmation of legal requirements in relation to PRow and agreement to physical changes to physical changes to paths and crossings.

Other matters include requirement for further information in relation to the PRow and red line boundary, the bus layby south of the Academy, a road safety audit for the shared footway and cycleways, further information in relation to the refuge at Highdown Drive, the shared footway on the south east side of the Academy, surface water drainage, the adoption limit, street lighting considerations, and maintenance of access routes.

Fourth response (9 December 2016)

1. Detailed design still does not meet criteria for 30mph speed limit to be applied to the northern section.

2. Request for controlled crossing was rejected therefore WSCC continued to request that one is provided.

3. Scheme amended to remove the uncontrolled crossing point - WSCC noted.

4. confirmation of legal requirements in relation to PRow and agreement to physical changes to physical changes to paths and crossings - addressed by applicant in their response to WSCC. WSCC noted.

5. Clarification provided on trees and landscaping points - WSCC response now satisfactory.

Fifth response (7th September 2017)

The text below should also be read alongside the WSCC highways responses above dated 21st September 2016, 21st October 2016, 21st November 2016 and 9th December 2016. The following comments are made following the submission of additional information by the applicant on 9th August 2017. WSCC had requested and has received plans of the PRow link / cycleway connection on Highdown Drive showing the applicant's connection to the point shown on their boundary to ensure appropriate connection to Highdown Drive is achieved with the correct alignment. The applicant has also provided details of appropriate signage, lining, and tactile surfaces. The applicant has also undertaken a Stage 1 Safety Audit (RSA) that demonstrates consideration of all the changes shown on the drawings, from an independent road safety point of view. The Stage 1 RSA and the process was concluded and signed-off by WSCC in September 2017. The applicant has also submitted amended landscaping and

drainage plans to accompany the Stage 1 RSA, which are acceptable.

Consequently, WSCC HIGHWAYS is raising no objection to the reserved matters application, which now includes the PROW link / cycleway connection on Highdown Drive, subject to the imposition of conditions.

ADC ARBORICULTURAL OFFICER:

Advised that mature trees along the eastern boundary with Littlehampton Academy should be retained and protected. The tree survey and proposed tree protection plans are satisfactory. The protective fencing would require to be specified and be the subject of a condition.

WSCC TREE AND WOODLANDS OFFICER:

No objection raised following the submission of amended landscape and drainage plans. Trees to be felled are now reflected on the amended landscape drawings. Cable ducting for lighting needs to avoid new tree positions to avoid future damage. Details of the acoustic barrier and access for maintenance purposes need to be covered by condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in the 'Conclusions' section of this report.

POLICY CONTEXT

Within Built-Up Area Boundary (BUAB)

DEVELOPMENT PLAN POLICES

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

GEN32	Noise Pollution
GEN33	Light Pollution
GEN34	Air Pollution
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
SITE7	Land at Toddington, Littlehampton

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

D DM1	Aspects of Form and Design Quality
D SP1	Design
ENV DM4	Protection of Trees
QE DM1	Noise Pollution
QE DM2	Light Pollution
QE DM3	Air Pollution
QE SP1	Quality of the Environment
T DM1	Sustainable Travel and Public Rights of Way
T SP1	Transport and Development
T SP2	Safeguarding the Main Road Network

[Littlehampton Neighbourhood Plan 2014 Policy 18](#) Fitzalan Link Road

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

A new Local Plan is in preparation which is a material consideration when determining planning applications. 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 was suspended whilst Arun District Council addressed matters raised by the Inspector. The Examination in Public resumed in September 2017.

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 took place from 10 April 2017 to 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 a material consideration to take into account.

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, 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 (Regulation 14).

Made Plans in Arun District Council's Local Planning Authority are: Aldingbourne; Angmering, Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham, Ferring; Kingston; Littlehampton; Rustington; Walberton; and Yapton. The written Ministerial Statement on 13th 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 two 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.

Policy 18 from the Littlehampton Neighbourhood Plan (NP) says:

"The Neighbourhood Plan requires the proposed Fitzalan Link Road between East Street and the North Littlehampton development to:

- enable access to the housing allocations at Land South of Littlehampton Academy and at Land North of Littlehampton Academy under Policy 4;
- be of a design that can satisfactorily provide for the development of those sites; and
- be completed prior to the occupation of dwellings on either of those sites unless a Transport Assessment demonstrates that the cumulative residual impacts on the existing Highways Network are not severe."

Policy 19 of the NP says:

"The neighbourhood plan requires the completion of the A284 Lyminster Bypass scheme (northern and southern sections) before the implementation of:

- any of the housing allocations made in Policy 4 that are phased for the period 2020-2029 and:
- the housing and commercial developments of West Bank, in the event of a strategic housing allocation by the Arun Local Plan."

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

"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

THE PRINCIPLE OF DEVELOPMENT

The application site forms the southern section of the bypass, and the principle of the development is therefore fully supported. The principle of the development was approved at the outline planning permission stage (LU/63/11) which was granted on 6th June 2012. Appraisal of this application (LU/234/16/RES) therefore relates to the detailed proposals for reserved matters of appearance, access, landscaping, layout and scale of the previously approved under LU/63/11/.

Arun District Council and West Sussex County Council have a long term ambition to create a bypass route to Littlehampton from the north in order to remove the congestion caused by the Lyminster level crossing. A corridor of land has been reserved in order to facilitate this route. This is part of the wider protected route under Policy DEV15 (ix) Safeguarding the Main Road Network of the Arun District Local Plan 2003.

ACCESS (INCLUDING DIVERSION OF PROW)

The route of the proposed Link Road was approved in principal at outline planning stage. It connects into a proposed new roundabout on the A259 (Worthing Road) in the north, just to the east of Highdown Road, and follows a route almost due south, connecting to a further roundabout which provides access to the Littlehampton Academy. A southern section of the Link Road has already been built by WSCC between the access to Littlehampton Academy and East Street.

The applicant proposes the diversion of two existing public rights of way (PROWs). The existing route of PROW 3103 has a crossing from Highdown Road to the east side of the application site, then runs approximately along the eastern application site boundary, connecting onto the A259 Worthing Road to

the north. The applicant proposes a diversion of the crossing point from Highdown Drive in the south, then the further diversion of the footpath slightly to the west of the existing position.

PROW 3654 is a crossing SE/NW from Highdown Drive connecting to the PROW route 3103. The application proposes a slight amendment to the crossing to enable a safe crossing point of the proposed new Link Road. Three crossing points have been shown on the plans where the footpaths come to the kerbside of the proposed access road in the north to the east of 168 Highdown Drive, enabling the re-routing of PROW 3654, in the central section to the east of 136 Highdown Drive, and to the east of 46 Highdown Road, enabling the re-routing of PROW 3103. The proposed diversions have been agreed with the WSCC PROW officer.

APPEARANCE

The application proposal is for a single lane carriageway on each side of the road, running for a length of 800 metres. A footpath / cycleway is also shown on the east and west sides of the proposed route.

LANDSCAPING (and location thereof in-relation to highway infrastructure)

An arboricultural report was submitted, dated August 2016, together with a tree constraints plan and a tree protection plan; all of which are considered acceptable. Following the review and sign-off of the road safety audit (the RSA), the applicant submitted amended landscape drawings in mid August 2017. The amended landscape scheme includes the planting of landscaping belts, comprising native tree and shrub planting, the planting of trees along both sides of the carriageway, wherever possible, together with the retention of existing vegetation and the laying of amenity grassland and species rich grassland on the verges. The landscape elements to the proposals are considered to be acceptable by ADC Greenspace. The Landscaping plans will be checked again by WSCC at the detailed highway design stage: Section 38 / Section 278. A condition is required to be imposed to ensure that tree protection fencing to BS 5837: 2012 is erected and retained during the construction of the Link Road.

LAYOUT

The detailed road layout submitted by the applicant has been amended and it has been agreed with WSCC Highways, which includes the position of bus stops on both sides of the carriageway, as required at the outline planning stage (LU/63/11).

Following discussions between WSCC and the applicant, the scheme includes a previous road surface to be laid with a reduced carriageway width from 7.3m to 6.75 metres so as to facilitate to 40 mph, over the northern section of the Link Road between the northern limit of the scheme and a point 120 metres north of the new signalised Toucan Crossing, as requested by the County Council. The applicant's noise consultants have confirmed that a 3.5 metre noise barrier, imposed by means of a condition, would provide sufficient noise mitigation relating to a speed limit of 40 mph.

The scheme includes a new PROW which will link in with the existing PROW in the south western corner of the site. The scheme includes aligning the existing path in the vicinity of the toucan crossing and balancing pond and connecting this path with the path leading to Highdown Drive. The scheme includes an upgrade to the path leading to Highdown Drive into a shared footpath / cycleway. The scheme includes the provision of a toucan crossing.

The scheme includes the provision of a re-aligned shared footpath / cycleway alongside both sides of the access road. The scheme includes the provision of a pedestrian refuge island adjacent to Highdown Drive, with a minimum kerb to kerb width of 3.5 metres each side of the refuge, or similar kerbed up-stand or feature. There is a short section of grasscrete at a suitable location for maintenance vehicle purposes, which is shown on amended plans. WSCC, as the landowner, will maintain the site and areas of land that fall outside adoption limits will remain with the landowner (e.g. WSCC).

TRANSPORT

The proposed Toucan Crossing, added north of Academy Roundabout, is acceptable to WSCC with minor amendments required at the detailed design stage (S38/S278 stage).

The provision of the additional bus lay-by is included, and both northbound and southbound bus stops and laybys are shown on the amended plans. Wherever possible, at the detailed design stage, additional path width should be provided at both bus stops to allow passengers to wait clear of the cycle path. The detailed design stage (S38/S278 stage) will include the positioning of bus shelters and what form these would take given the space available.

WSCC Highways recommended that the applicant needed to show the Highdown Drive PROW connection correctly; and provide a satisfactory Road Safety Audit. A Road Safety Audit (RSA) has been submitted by the developer and has been signed-off by WSCC (Highways) prior to the determination of this reserved matters application. Following the sign-off of the Safety Audit by WSCC, a package of amended drawings showing the correct line of the PROW, together with landscaping details have been submitted.

WSCC Highways have requested conditions be imposed on the approval of reserved matters regarding pedestrian and cycle access to the development; the re-instatement of disused crossovers and / or accesses; a road signing strategy; the timing of opening of the Link Road; the prevention of surface water draining onto the public highway; the provision and implementation of a street lighting scheme; the submission and implementation of a landscaping scheme; and the provision of a construction management plan. Many of these are attached to the outline planning permission (LU/63/11) and are therefore required to be discharged through that permission.

NOISE

A noise assessment report was submitted by the applicant, which concludes that the beneficial effects of erecting 3.5 metre high acoustic barriers along the west of Fitzalan Link Road, would reduce traffic noise levels by up to 7.3dB. The report has been agreed with the Environmental Health Officer. It is considered necessary to impose a condition regarding the size, location and appearance of the acoustic fencing. Revised noise modelling has been carried out for the whole length of the Link Road including properties TR39-TR42. to reflect the change from 30 mph to 40 mph; everything south of the signal crossing and roundabout is proposed to be 30mph. These receptors (TR39-TR42) are outside the redline boundary of the planning application, therefore without the protection of the barrier the noise levels at these properties are higher than the ones opposite the Link Road, with the barrier in place. However they are below the 68dB guidance for the requirement for provision of noise insulation.

The EHO is satisfied with the results of the noise modelling. The proposed development complies with Policy QE DM1 of the eALP.

AIR QUALITY

It is noted that air quality was reviewed at the outline planning application stage.

VISUAL IMPACT OF ACOUSTIC BARRIER

The erection and retention of a 3.5 metre high acoustic barrier alongside the Link Road, backing onto the rear gardens of residential properties will have a visual impact upon the amenity of local residents, but this needs to be measured against the noise emissions from the vehicles travelling along the Link Road. It is considered that the higher the acoustic barrier is, the lower the noise emissions and the lower the acoustic barrier is, the higher the noise emissions will be. On balance, it is considered that the visual impact of a 3.5 metre high acoustic barrier is acceptable when measured against the noise levels emitted by vehicles on the Link Road.

ECOLOGY

An updated ecological survey has been submitted. The report concludes that the proposed development is unlikely to impact on reptiles; native species to be used in on-site planting to enhance habitat; a mowing regime should be implemented once a year in October to provide suitable habitat for reptiles; there was no evidence of roosting bats on site; tall mature tree stands should be maintained to create a vegetated hop-over and maintain connectivity; bat friendly species to be used in landscaping; and consideration should be given to the position of lights to minimise impact on bats. A badger survey was undertaken in June 2016 which concluded that the species is unlikely to be resident within the development zone. The Ecologist has requested a pre-works check must be undertaken by a CIEEM ecologist within 24 hours of the works. If any active nests are found, then an appropriate buffer zone is to be established and left intact until the nest is no longer in use. In addition if animal burrows are identified during site clearance, then these should be inspected by an ecologist prior to removal. These comments and requirements have been incorporated into the amended landscape plans for the site, which were submitted in August 2017.

CONCLUSION

It is considered that the application for reserved matters (relating to access, appearance, landscaping, layout and scale) addresses all of the conditions imposed on the outline planning permission (LU/63/11) for the construction of the Fitzalan Link Road. Furthermore, the detailed highway scheme is acceptable and it complies with the policies in the Development Plan and accords with the National Planning Policy Framework (the NPPF).

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act, 2010:

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

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

SECTION 106 DETAILS

The Section 106 agreement attached to the outline planning permission LU/47/11 is the legal agreement that relates to the whole development of land north of Toddington Lane, Littlehampton, dated 23rd

January 2013, which all reserved matters need to adhere to.

The Section 106 Agreement requires certain highway works including: "the construction of the Fitzalan Link Road works stage 2 from the A259 to the Academy and the re-alignment of Highdown Drive".

The owners covenant with Arun District Council and West Sussex County Council to complete the Fitzalan Link Road stage 2 works in accordance with details approved as part of reserved matters approval pursuant to the planning permission immediately following the opening of the Southern bypass and bridgeworks, and in any event before the first occupation of more than 400 dwellings.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby approved shall be carried out as substantively shown in accordance with the following approved plans:

- PHF-MB-S278-GF-DR-D-208-02 Rev P2 Topographical Survey Drawing (1 of 2)
- PHF-MB-S278-GF-DR-D-208-02 Rev P2 Topographical Survey Drawing (2 of 2)
- PHF-MB-S278-GF-DR-D-209-01 Rev P3 Site Clearance Drawing (1 of 2)
- PHF-MB-S278-GF-DR-D-209-02 Rev P3 Site Clearance Drawing (2 of 2)
- PHF-MB-S278-GF-DR-D-210-01 Rev P8 General Arrangement Drawing (1 of 2)
- PHF-MB-S278-GF-DR-D-210-02 Rev P9 General Arrangement Drawing (2 of 2)
- PHF-MB-S278-GF-DR-D-211-01 Rev P4 Construction Treatments Drawing (1 of 2)
- PHF-MB-S278-GF-DR-D-211-02 Rev P4 Construction Treatments Drawing (2 of 2)
- PHF-MB-S278-GF-DR-D-212-01 Rev P4 Drainage Drawing (1 of 2)
- PHF-MB-S278-GF-DR-D-212-02 Rev P4 Drainage Drawing (2 of 2)
- A088461 FL1 (rev H) Landscape Drawing
- A088461 FL2 (rev H) Landscape Drawing

including recommendations of any Safety Audits, Design Checks, and any Traffic Regulation Order requirements (and any other alterations as may be reasonably required by the Highway Authority) to be provided to and agreed with the Local Planning Authority after consultation with the Highway Authority.

Reason: For the avoidance of doubt and in the interests of amenity and the environment and to ensure fit-for-purpose road constructed to appropriate design and safety standards in accordance with Policy GEN7 of the Arun District Local Plan.

2 The development, hereby permitted, shall not be constructed until the pedestrian and cycle accesses to the site have been constructed substantively in accordance with the approved plans, Design Checks, formal Public Rights of Way (PRoW) requirements and any Road Safety Audit recommendations.

Reason: To ensure fit-for-purpose access on foot and by cycle roads constructed to appropriate design and safety standards and to encourage access by non-car modes, in accordance with Policy GEN7 of the Arun District Local Plan.

3 The Link Road shall not be brought into use until any disused crossovers and/or accesses no longer required as part of the development, have been permanently removed and reinstated in accordance with Highway Authority specifications to be submitted to and approved by the Local Planning Authority after consultation with the Highway Authority.

Reason: To ensure that any access points not required to serve the development are

permanently removed to avoid risk of inappropriate re-opening in the future and also in the interests of road safety, in accordance with Policy GEN7 of the Arun District Local Plan.

- 4 The development, hereby approved, shall only be brought into use once a suitable signing strategy has been provided to and agreed by the LPA after consultation with the Local Highway Authority to provide adequate information to road users (e.g. directional signage, warning signage etc.).

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

- 5 The Link Road shall only be brought into use as per the terms of any S38/278 Agreement, the S106 Agreement and when appropriate connections have been made with the A259 Littlehampton Road works, also proposed by the applicant (referred to as 'Southern By-Pass' works in the S106 Agreement) and with the southern section of Fitzalan Road, already constructed.

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

- 6 Protective fencing shall be retained intact - for the protection of the retained trees - until completion of the Link Road hereby approved and shall not be removed or re-positioned without the prior written approval of the Local Planning Authority.

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

- 7 Prior to the commencement of development, details of the 3.5 metre high acoustic barrier shall be submitted and be approved by the Local Planning Authority. The Link Road shall not be brought into use until such acoustic barriers have been completed.

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

- 8 INFORMATIVE: Applications for S38 and/or S278 Agreements should be made to WSCC as Highway Authority. Full details are available on the WSCC website.

- 9 INFORMATIVE: To enter into a Section 59 Agreement under the 1980 Highways Act to cover an increase in extraordinary traffic that might result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic, the Applicant should contact the Highway Officer (01243 642105) in order to commence this process.

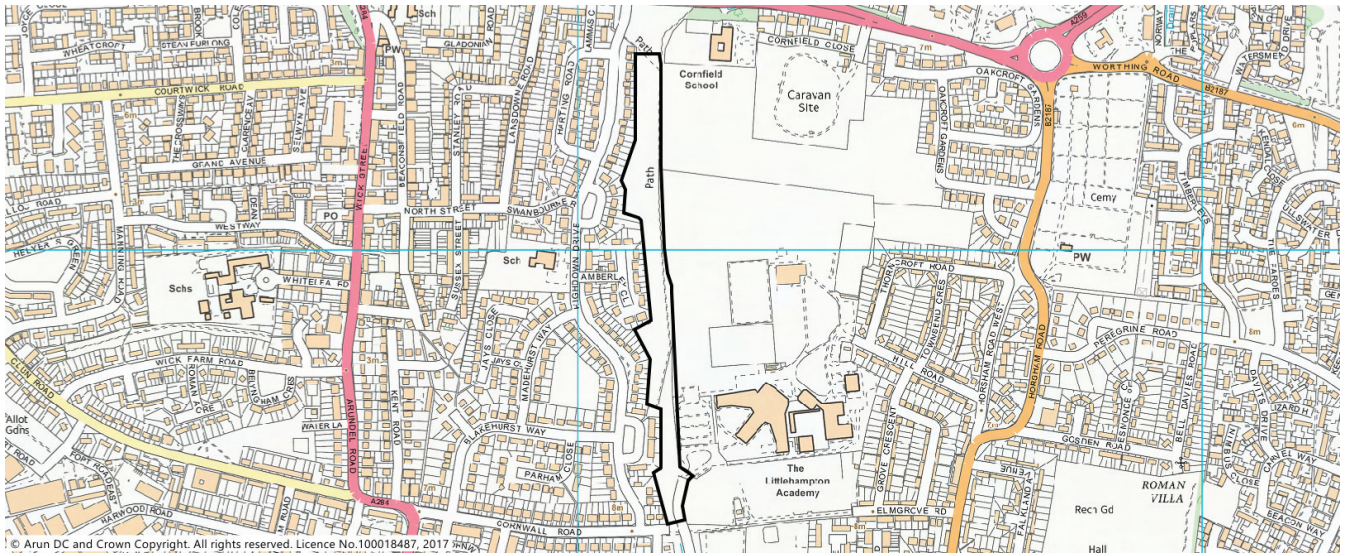
- 10 INFORMATIVE: Public Rights of Way (PRoW) requirements must be obtained from WSCC PRoW Team via WSCC website. No alterations should be made to any PRoW unless and until all necessary permissions have been granted by the PRoW Team and/or Legal Department. This planning permission is subject to the approval of the diversion of the two PROW affected by the proposed development. The diversion application is subject to public consultation which must be completed before commencement on-site.

- 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 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.

- 12 INFORMATIVE: Any crossings of ditches or watercourses will require land drainage consent from the land drainage authority.
- 13 INFORMATIVE: It is essential that the contractor contact Southern Water before they commence development on site as the site is located over a critical distribution water main.
- 14 INFORMATIVE: The Ecologist has requested a pre-works check must be undertaken by a CIEEM ecologist within 24 hours of the works. If any active nests are found, then an appropriate buffer zone is to be established and left intact until the nest is no longer in use. In addition if animal burrows are identified during site clearance, then these should be inspected by an ecologist prior to removal.

LU/234/16/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: EP/69/17/PL

LOCATION: 60 Vermont Drive
East Preston
BN16 1LG

PROPOSAL: Construction of 1 No. dwelling (C3) to rear of existing property.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks planning permission for the construction of 1 no. detached bungalow to the rear of 60 Vermont Drive.
SITE AREA	0.09 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approximately 22 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site is open with the side boundary forward of the primary elevation consisting of a 0.2m high brick wall. The rear and side boundaries of the site consist of mature planting and close boarded fencing to a height of approximately 1.8m.
SITE CHARACTERISTICS	The application site is currently occupied by a detached bungalow and garage. The property is constructed from brick, render and uPVC cladding with a tiled roof. The existing garage is situated to the north of the property with an access drive and block paving forward of the primary elevation.
CHARACTER OF LOCALITY	The area is part of a residential cul-de-sac comprising a uniform character with detached properties of single storey set in medium plots set back from the highway with gardens to front, side and rear within an urban environment.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council
East Preston Parish Council

Consultation Response 15th June 2017;

- Proposal is contrary to Policy 1 of the East Preston Neighbourhood Plan.
- Proposal is contrary to Policy 2 of the East Preston Neighbourhood Plan.
- Proposal is contrary to Paragraph 17 of the NPPF.
- Proposal is contrary to Policy GEN7 of the Arun District Local Plan.
- Proposal is out-of-keeping with the surrounding residential properties.
- Vehicles will emit exhaust fumes over the fence into the back garden of 58 Vermont Drive.
- Increase vehicular movements will be dangerous to local residents.
- Proposal will result in destruction of wildlife habitat.

Consultation response 15th August 2017;

- The proposal is wholly out-of-keeping with the character of the area and an inappropriate development on garden land.

49 No. letters of objection:

- Proposed development will contravene Policy 1 of the East Preston Neighbourhood Plan.
- Proposed development will conflict with Policy GEN7 of the Arun District Local Plan.
- Proposal will adversely impact upon the residential amenity of neighbours in conflict with paragraph 17 of the National Planning Policy Framework.
- Proposal will result in overdevelopment of the site.
- Reduction in size of the proposal will not detract from the impact of the development upon the visual amenity of the area.
- Proposed development will give rise to overshadowing.
- The proposal conflicts with policy GEN7(vii) of the Arun District Local Plan.
- Proposed development gives rise to detrimental impacts through the impact of air pollution, noise pollution, exhaust fumes, flood risk, traffic nuisance, overbearing impact and loss of privacy to neighbours.
- Width of driveway is 2.5m not 3.5m as stated in revised plan.
- The proposed access would be situated within 1m of kitchen, bedroom and bathroom windows of 60 Vermont Drive.
- Proposal does not integrate or compliment the established character of the area.

Non-material objections:

- If approved construction vehicles may block the road and emergency vehicles may not be able to access the site.
- The existing road surface would suffer significant damage due to heavy vehicle movements.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are noted and will be considered in the conclusion to the report.

CONSULTATIONS

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

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER

Full comments available on the Arun District Council website - standard informative requested.

WSSC

Comments received 06/06/2017

- The existing hardstanding fronting the existing property is sufficient in depth and width to accommodate one car off street. Furthermore, three additional off street spaces are proposed to the rear. The site plan indicates approximately 6 metre space rear of these to allow for a turn on site. The LHA would advise that the spaces remain unallocated between the two dwellings in order to provide sufficient parking provision.
- The LHA do not anticipate that a 'severe' residual impact on the nearby publically maintained highway will result from the proposals and there are no highway safety grounds to resist the proposal.
- If the LPA are minded to approve the application we would advise that conditions securing parking/ turning and bicycle storage are included.

Comments received 31/07/2017

- The Local Highway Authority (LHA) advised previously that this section of Vermont Drive is not maintained at the public expense and therefore comments are for advice only.

ENGINEERS (DRAINAGE)

- Please apply standard conditions ENGD4A and ENGD6A.
- The applicant may have a riparian responsibility for the ditch adjacent the property, which may also be piped in part. The applicant is advised to discuss the proposal and maintenance responsibilities with the Councils Engineers. The landscaping scheme and potential boundary fencing should not be detrimental to the landowners future access to undertake maintenance to the ditch/pipe.

ENVIRONMENTAL HEALTH

- Whilst I can see that the access is narrow and close to the existing bungalow as it only serves a single two bedroom bungalow I would not anticipate that it would cause an adverse impact on the existing bungalow and therefore EH have no objection to this application.
- Should the application be approved I would request that the restriction are placed on the construction hours so that no construction shall take place except between the hours of 08.00 - 18.00 Monday to Friday, 08.00 - 12.00 Saturdays and none on Sundays or Bank Holidays.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

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 DM2 Internal Space Standards
- D DM3 External Space Standards

D DM4 Extensions & Alterations to Existing Buildings

D SP1 Design

SD SP2 Built -Up Area Boundary

East Preston Neighbourhood Plan 2014 Policy 1	Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 2	Design in Character Area One
East Preston Neighbourhood Plan 2014 Policy 3	Design in Character Area Two

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 has taking place. 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 examination is due to re-commence in Autumn 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 East Preston Neighbourhood Plan has been made and policies 1, 2 and 3 are considered relevant to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to 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 proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policies in the determination of this application are considered to be GEN7 of the Arun District Local Plan; Policy 1, 2 and 3 of the East Preston Neighbourhood Plan (EPNP); and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

It is considered that the proposed dwelling by virtue of its design will appear in keeping with the established character of Vermont Drive. The proposed bungalow will be of a similar design and style to those surrounding it - as such, it is considered that the proposed bungalow subject to the materials used in its construction will be in accordance with policies 1 and 2 of the EPNP.

The proposed dwelling will be situated to the rear of 60 Vermont Drive and will be accessed via a driveway located to the north of the existing dwellinghouse. The locality is characterised by detached bungalows set in medium plots which address the highway. The proposed dwelling by virtue of its location is not considered to conform with the established character of the locality. However, it must be considered that the proposed development will be situated to the rear of 60 Vermont Drive and by virtue of its location, design and height it is considered that the proposed dwelling will not have a significant or

unacceptably adverse impact upon the street scene.

Vermont Drive is situated within Character Area Two as identified within the EPNP which seeks to maintain a low building height (not exceeding 1.5 storey) and to ensure that the basic form of the roof is not altered. The proposed development by virtue of its single storey construction and design is considered to accord with policy 3(i) and (ii) of EPNP. It has also been identified in letters of representation that the application site abuts dwellings falling within Character Area One - Policy 2 of the EPNP. Policy 2 seeks to preserve the street scene and avoid increases in density which would alter the character of the area; avoid apartment block development; and protect the views from the beach. It is considered that the proposed development by virtue of its single storey design will not conflict with Policy 2 (ii) and (iii) of the EPNP.

In terms of the design of the proposal whilst it is considered to be out of character in terms of its location when assessing the plan view of the site, the impact of the development on the character of the street scene is considered to be acceptable. The rear garden of 60 Vermont Drive measures approximately 50m in depth which is larger than those of neighbouring properties within Vermont Drive. By virtue of the sites size the site currently occupied by 60 Vermont Drive will be at a density of approximately 22 dwellings per hectare (dph). Vermont Drive (excluding the application site) is constructed at a density of 20.5dph - therefore, it is considered that the density of the proposed development will not have an unacceptably adverse impact upon the established character of the locality and as such is deemed to accord with Policy 2 (i) of the EPNP and policy GEN7(ii) of the Arun District Local Plan.

The garden of the proposed dwelling as well as that retained by 60 Vermont Drive will accord with the external space standards as specified within Policy D DM3 of the emerging Arun District Local Plan. Whilst, the garden for 60 Vermont Drive will be significantly smaller it will not have an unacceptably adverse impact upon the character of the street scene and will only be evident through plan view of the site.

The proposed dwelling will have a gross internal floor area (GIA) of approximately 82.82m² which will exceed those specified within the Nationally Described Space Standards (NDSS) by approximately 12.82m². Therefore, it is considered that the size of the proposed dwelling is in accordance with the NDSS.

The proposal will include alterations to the host dwelling (60 Vermont Drive) through the relocation of the front door from the northern elevation to the western elevation. This alteration is not considered to have an adverse impact upon the established character of the host dwelling or the character of the locality.

RESIDENTIAL AMENITY

The proposed bungalow by virtue of its height and location is not considered to give rise to any unacceptably adverse overlooking of neighbours. In order to ensure that future alterations do not give rise to any unacceptable harm a condition has been included in the recommendation report removing permitted development rights for first floor windows/dormers.

It is acknowledged that the roof of the proposed dwelling will be visible from the north and south of the site with the ridge height measuring approximately 4.8m and the eaves measuring 2.6m. However, it must be considered that existing mature planting is present to both the north and south which will provide some screening reducing the visibility of the proposed development.

The proposed dwelling will be situated 2.5m from the southern boundary of the site and 4.7m from the northern boundary. The nearest residential property to the south (19 South View) being situated approximately 25.5m from the proposed dwelling and the nearest residential property to the north (68 Vermont Drive) being situated approximately 20.7m from the proposal. The nearest property to the east

(70 Golden Avenue) will be situated approximately 50m from the proposed dwelling. The proposed development and 60 Vermont Drive will be situated approximately 18m apart. These separation distances in conjunction with the single storey height of the proposed dwelling are considered sufficient to prevent any unacceptably adverse overbearing or overshadowing impacts on neighbouring properties.

It is acknowledged that the proposed development will result in vehicular movements alongside and to the rear of 60 Vermont Drive which have the potential to give rise to harm to the residential amenity of the host dwelling or neighbouring properties.

However, it must be considered that the proposed access will serve 1 no. 2 bedroom bungalow and provide 1 no. parking space in association with the existing bungalow. Therefore, the proposal will not generate significant vehicular movements and as such the proposal is not considered to give rise to unacceptable harm to the residential amenity of neighbours. It should also be considered that Vermont Drive is already characterised by detached garages situated to the side and rear of the dwellings.

It is proposed that the existing dwellinghouse (60 Vermont Drive) will be amended with the doorway being relocated to the western elevation of the property as opposed to its current location to the north. The alterations to the host dwelling will reduce conflict between the proposed access and the host dwelling and will be secured via plans condition.

However, 2 no. windows will be retained on the northern elevation of the property (immediately adjacent to the proposed access). The windows on the northern elevation currently serve the bathroom and kitchen, it is intended for the internal layout of 60 Vermont Drive to be amended to provide an open plan kitchen, living and dining area. Therefore, whilst the kitchen window will open onto the proposed access the living areas will be directly linked to the rear elevation. The bedrooms will be situated on the southern elevation of the property away from the proposed access. Therefore, it is considered that the proposed access will not have an unacceptably adverse impact upon the residential amenities of existing or future occupiers.

By virtue of the above it is considered that the proposed development will accord with policy GEN7(iv) of the Arun District Local Plan.

PARKING PROVISION AND HIGHWAY

The proposed development will retain 1 no. parking space forward of 60 Vermont Drive and provide 3 no. parking spaces to the rear of 60 Vermont Drive - forward of the proposed dwelling. This will provide 1 additional parking space for 60 Vermont Drive and 2 for the proposed dwelling. It is considered that adequate parking is provided in accordance with the WSCC parking demand calculator. The parking arrangements and access to the site have been considered by WSCC who have raised no objection to the proposal.

Objections have been raised in relation to where vehicles will park during construction and how deliveries will take place. Whilst, the development is for 1 dwelling it is considered reasonable in this case given the width of Vermont Drive and the access into the site to require the submission of a construction management plan. This will ensure that the construction of this dwelling will not give rise to unacceptable harm to the residential amenity of neighbours.

SUMMARY

On balance, the proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the below conditions.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect 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 plan;

- Proposed Floor, Elevation, Roof, Location and Block plan - Dwg No. 1060.102.b

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

- 3 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 dwelling hereby approved 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.

- 4 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.

- 5 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.

- 6 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. 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.

- 7 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 :

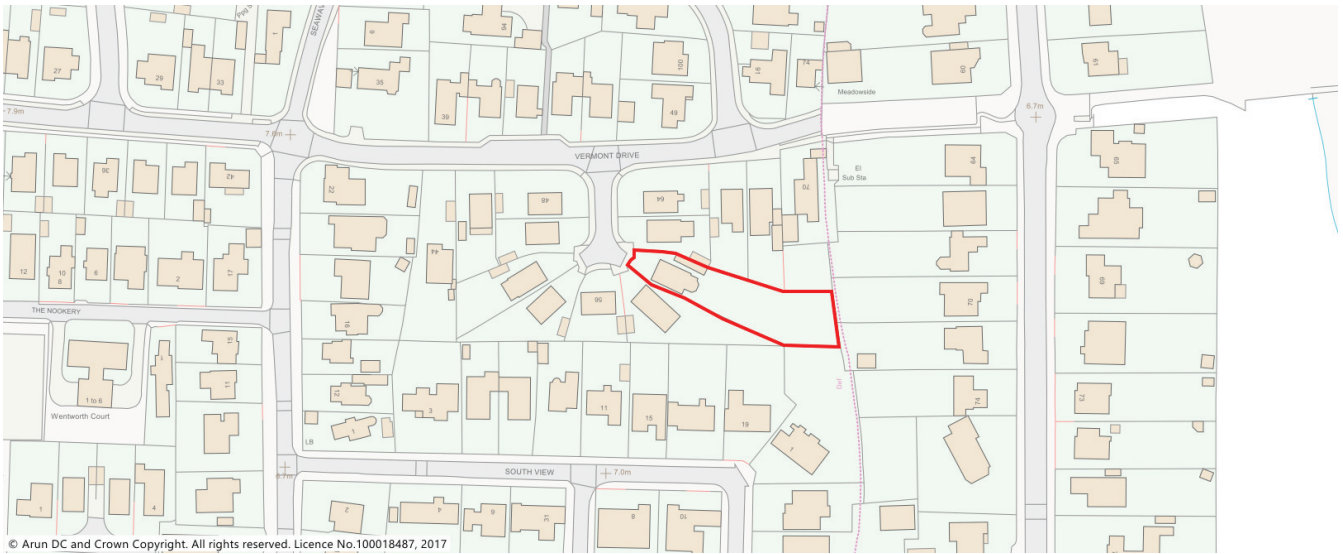
- a. An indicative programme for carrying out the works
- b. The arrangements for public consultation and liaison during the construction works.
- c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method should foundation 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 08:00 - 18:00hours Monday to Friday; 08:00 to 12:00 hours on Saturdays and not at all on Public or Bank Holidays unless otherwise agreed with the local Authority.

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.

- 8 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 9 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, Otterbourn, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

EP/69/17/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: A/114/17/PL

LOCATION: Highway Outside Hangleton Nursery
Hangleton Lane
Ferring
BN12 6PP

PROPOSAL: To widen a section of Hangleton Lane adjacent to the vehicle storage compound to ease access onto the site for transporter vehicles. This application is also within the parish of Ferring.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The application as originally submitted related to 1 - 1.2m widening of a 24m length of Hangleton Lane on the western side, south of the access to the compound. The edge of the carriageway would be kerbed and the ditch beyond would be culverted. The length of the section of road widening has now been reduced to 5.6m and the width to 0.6m - 0.8m.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Undefined and overgrown edge of carriageway. Hedging to approx. 3m to western side of highway.
SITE CHARACTERISTICS	Area comprises highway verge.
CHARACTER OF LOCALITY	Predominantly rural. Hangleton Lane runs North from the A259 to Highdown Hill and is a bridleway.

RELEVANT SITE HISTORY

FG/45/15/PL	Change of use of land from agricultural/compost production to B8 Storage. This application is a Departure from the Development Plan	Refused 10-06-15
		Appeal: Allowed+Conditions 31-12-15

FG/45/15/PL granted permission for the vehicle storage that has generated the requirement for this proposal. The application was conditioned (condition no 4) that the site would be accessed from Hangleton Lane and the cars would be delivered to the site by an 11 car transporter

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

None

Ferring Parish Council - Objection

This application has been brought to the attention of Ferring Parish Council. Although it comes within the Angmering Parish the site location is Hangleton Lane.

Ferring Parish Council strongly objects to this application to widen a section of Hangleton Lane to ease the access for transporter vehicles.

It is key to note that WSCC Highways did not foresee any issues or difficulties regarding the ease of access and the width of the road for a transporter in the original approved applications FG/45/15/ & /FG/9/16.

The widening of the road would have an impact on the infrastructure of the A259 and the work involved will cause severe disruption to road users.

It is clearly stated this area as countryside and agricultural land, a planning application from this site once again clearly falls foul to this. This proposal is completely unacceptable and we urge Arun District Council to decline this application.

Two Objections -

- Why should the grass verge be destroyed in the lane to allow vehicle access to the Peugeot storage area?
- Pull in will be used for car parking.
- Even with this pull in transporters will still have to use part of Cobbins Nursery roadway.
- Transporters will be very near residential gardens.
- Flooding will be an issue with run off. Transporters are far too large.
- The rear storage area should be accessed through the wall behind the garage This has already been breached and is used by traffic including dust carts. parts lorries and oil tankers.
- The countryside should be protected.
- Transporters will damage the lane which is not suited to this type of traffic.
- It is possible for the unloading to be done on the Peugeot premises. It has been done.

COMMENTS ON REPRESENTATIONS RECEIVED:

Whether problems were foreseen by County or not is not relevant to consideration of this application. The permitted use is resulting in transporter vehicles parking on the A259 while deliveries are undertaken which is considered to be a disruption and a hazard to highway users. The short term work and disruption involved in providing the proposed turning space needs to be off set against the long term benefit which would accrue from easing disruption to drivers on the A259.

Following negotiations the length and breadth of the proposal has been reduced to take into account the small area of the mud bank that some transporter drivers scrape. it will now visually appear as an extension of the Cobbins entrance apron. Its visual impact on the rural area has therefore been reduced. The proposal would not appear as a lay by, but as part of the apron to the access to Cobbins Nursery.

Breaching the flint wall to the rear of the garage so as to allow unloading from within the Peugeot premises was previously refused under FG/46/15/PL for the following reason:

'The opening up of a sizeable section of existing flint walling along the southern boundary of the site would unacceptably provide direct views into the site and show a line of development beyond the existing linear form alongside the northern carriageway of the A259 and therefore have an unacceptable suburbanising effect on the area '

The appeal Inspector stated 'the additional proposal to breach the flint wall would represent poor design, removing an attractive vernacular feature, and would risk opening-up the site to greater view, changing the balance of harm and benefits to the point that the proposal was unacceptable in its effects.'

A breach was subsequently allowed under permission FG/103/16/PL on the basis that the opening was relocated behind the building reducing the opportunity to see through the gap created. The retention of the remaining walling was also assured by the imposition of conditions. It is not therefore considered to be appropriate to allow the remaining wall to be removed to allow transporter access.

The impact of car transporters on the residential properties in Hangleton Lane was considered and approved as part of FG/45/15/PL.

CONSULTATIONS

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

CONSULTATION RESPONSES RECEIVED:

County Highways -
It is WSCC policy to ensure no flooding occurs at ground level on an A road. It is evident that the majority of Hangleton Lane appears to drain 'over the edge' either side and there are a few loosely define grips allowing run-off to the watercourse.

The loss of watercourse storage and increase in catchment area will need to be considered. Subject to determining the available development land, we consider it preferable to retain the ditch and install a new vertical wall and/or upstand kerb feature.

Second Highway Response - No Objection assuming no issues regarding land ownership with the new proposals. Some of the coloured 'S278' works seem to extend beyond the existing highway boundary, and therefore it seems likely that these works would need to take place under a S38 agreement with the consent of the landowner.

Drainage Engineer- Awaited and will be reported to Members as a report update.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The requested informatives have been included in the officer recommendation.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN3	Protection of the Countryside
GEN7	The Form of New Development
DEV8	Cirumstances in which Additional Development may be Permit'd
GEN12	Parking in New Development

Publication Version of the Local Plan (October 2014):

D SP1	Design
C SP1	Countryside
D DM1	Aspects of Form and Design Quality
SD SP3	Gaps Between Settlements
T SP1	Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

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

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. 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 examination is due to re-commence in Autumn 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 no policies in Angmering Neighbourhood Plan which are considered to relate specifically to this type of development.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

BACKGROUND

The Peugeot vehicle storage compound is located on the eastern side of Hangleton Lane and has been conditioned to be accessed from Hangleton Lane. The western side of Hangleton Lane opposite the vehicle storage compound access is ill defined as spoil from ditch clearing and has been deposited on the road edge from the adjacent drainage ditch. This causes transporters difficulty entering and leaving

the site and potentially represents a highway hazard as they could easily slip into the drainage ditch whilst attempting the manoeuvre. This application has been submitted to alleviate the access problems and therefore prevent the parking of transporter vehicles on the highway which is the subject of a current enforcement complaint. The clear definition of the edge of the carriageway would benefit all drivers.

VISUAL AMENITY

The application as originally submitted related to 1 - 1.2m widening of a 24m length of Hangleton Lane on the western side, south of the access to the compound. The edge of the carriageway would be kerbed and the ditch beyond would be culverted. The length of the section of road widening has now been reduced to 5.6m and the width to 0.6m - 0.8m. It is considered that whilst these works would have an urbanising effect on what is essentially a narrow rural lane the improvements would be limited in length and width and would be visually associated with an existing access. The visual harm resulting is therefore considered to be acceptable when viewed against the backdrop of other accesses. It is not considered that material harm would result to the rural character of the area.

RESIDENTIAL AMENITY

The impact of car transporters on the residential properties in Hangleton Lane was considered and approved as part of FG/45/15/PL. The principle of transporters using Hangleton Lane to access the parking and car storage area has been agreed on appeal and the permission has been implemented. Refusal of the application on residential amenity grounds would not be justified.

HIGHWAY SAFETY

There are no objections to the proposal from County Highways officer in terms of highway safety. The increased width and the improved manoeuvrability at the entrance to the access needs to be considered in relation to the alternative frequent parking and unloading of transporters on the A259 which currently takes place and which creates congestion and is a highway hazard, One lane of the dual carriageway lanes is obstructed.

CONCLUSION

The application is therefore 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: Location, Section 278 Layout, Construction Details and Vehicle Tracking 6841/100 revA and Longitudinal and Cross Sections 6841/101 revA.

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

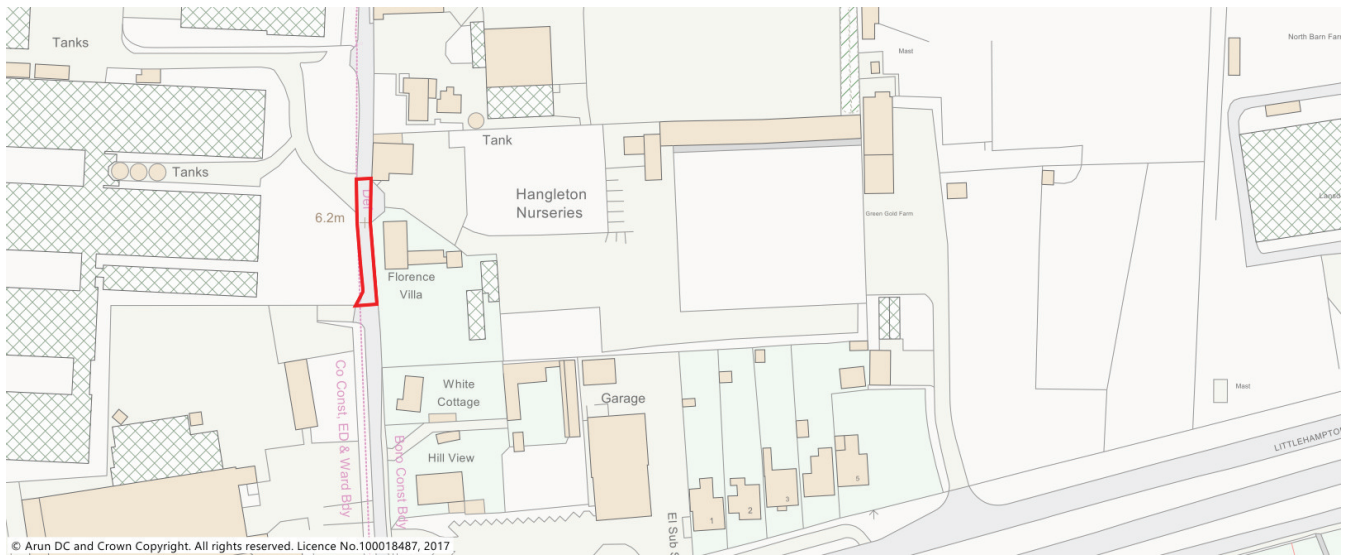
- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as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

- 4 **INFORMATIVE:** Section 38 Agreement of the 1980 Highways Act - Provision of Adoptable Highway.

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

- 5 **INFORMATIVE:** Any works to the ditch or use of the airspace above the ditch would need landowner consent and the piping of the ditch will still require consent from the district council. The applicant does not appear to have considered/answered the drainage related concerns raised previously

A/114/17/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO:	AW/138/17/PL
LOCATION:	90 Rose Green Road Aldwick PO21 3EQ
PROPOSAL:	Demolition of existing dwelling & outbuildings & erection of 5 No. dwellings. This application affects the setting of listed buildings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Three of the five dwellings will be detached and two, semi-detached. All of the dwellings will be predominantly two storeys but with the accommodation above the garages of plots 1, 2, 3 & 5, set within the roof space. Roof ridge heights vary but the highest will be 9.3m. The site utilises the existing access situated between 92 and 88a. A bin collection point is proposed within the site. Parking takes the form of integral garage and driveway space for plots 1, 2, 3 & 5 with a separate garage and double driveway for plot 4. There are then 4 additional parking spaces within the development. 1.8m high close boarded fencing is proposed to separate the proposed dwellings.
SITE AREA	0.23 Hectares.
RESIDENTIAL DEVELOPMENT DENSITY	21.9 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There are a number of trees both within the site and on land adjacent to it. There are two TPO'd Oak trees (T3 & T4) within the gardens of 92 and 94 Rose Green Road and these partially overhang the southern boundary of the site. These are retained. An Elder/Sycamore/Other hedgerow along the Northern boundary is also to be retained. The other on-site trees are to be removed. None of the trees to be removed were considered to be worthy of TPO protection at the time of AW/363/15/OUT. Fourteen new trees are proposed.
BOUNDARY TREATMENT	The site boundaries are mixed and broadly as follows: <ul style="list-style-type: none"> * 2.4m close boarded fencing to no. 88a's garden; * 1m high hedge to no. 88a's flank wall; * Approx. 1m high close boarded fencing/wall to side & rear of no.92; * Approx. 1m high close boarded fencing/hedging to the rear boundaries of 94-96 Rose Green Road; * Hedgerow to the northern boundary; and

SITE CHARACTERISTICS

* Mix of 1.8-2m high hedging & fencing to the rears of the Osborne Way dwellings.

The site was previously a ramshackle collection of timber/brick/flint/corrugated metal buildings in various states of disrepair with a caravan, a more solidly constructed rendered pitched roof bungalow and several areas of open storage. There were also areas of grass, overgrown vegetation and hardstanding. However, the site was recently cleared and currently is bare earth.

Access is taken along a narrow driveway located between 88/88a and 92 Rose Green Road. This driveway is approximately 25m long and also provide vehicular access to the adjacent properties. There is on-street parking available and it was noted that the properties which border the driveway have their own off-street parking spaces.

CHARACTER OF LOCALITY

The site lies within a residential area with a recent 2000's development to the west and older dwellings to the east and south. The surrounding properties are mixed with the rears of 77-93 Osborne Way to the west, all two storeys (some with additional roof level accommodation); 92 & 96/98 being two storeys in height; and nos. 88/88a/94 all being pitched roof bungalows. It is also noted that Osborne Way contains a mix of brick colours (reds, oranges and browns) and that 88a Rose Green Road has a lime green rendered finish.

It should also be noted that nos. 92, 96 and 98 Rose Green Road are all Grade II Listed Buildings. No. 92 has white painted stone elevations with red brick rear dormers and a tiled roof. Nos. 96/98 are two halves of a semi-detached building also in white render but with a thatched roof.

The following was observed in respect of windows in neighbouring properties:

- * No. 92 has 2 small flank windows facing the access road & rear principal windows at both ground and first floor levels. Those in the first floor are dormers.
- * The side of no. 88a's front conservatory looks out on to the access road as do a couple of principle windows on the flank elevation.
- * There are rear principle windows in the Osborne Way dwellings which overlook the site but those at ground floor level are part obscured by boundary treatments.

To the north lies open fields.

RELEVANT SITE HISTORY

AW/363/15/OUT Outline Application with some matters reserved for the App Cond with S106

demolition of 1 No. dwelling & outbuildings & erection of 21-04-16
4 No. dwellings.

Application AW/363/15/OUT concerned the siting of 4 detached dwellings and was approved with access and layout details.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

"Members objected to this application on the following grounds; That it does not demonstrate that it responds positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and nor does it respect or enhance local distinctiveness; It will have an unacceptable adverse impact on adjoining occupiers, land uses of property; It does not take account of any unacceptable adverse impacts that may arise from adjoining land uses or property; It will not allow for the safe movement of pedestrians and vehicles and does not give priority to pedestrians; Therefore, members agreed that this application is in direct conflict with the Arun District Local Plan 2003, Policy GEN 7, (ii), (iv), (v) and (vii). Members request that this application is refused on the above grounds."

No representations received from local residents.

COMMENTS ON REPRESENTATIONS RECEIVED:

It is noted that Aldwick Parish Council did not object to the previous Outline application. Their comments on this application are essentially a copy of parts (ii), (iv), (v) & (vii) of Arun Local Plan policy GEN7.

CONSULTATIONS

Conservation Officer
Listed Building Officer
WSCC Strategic Planning
Engineering Services Manager
Engineers (Drainage)
Natural England
Archaeology Advisor
Parks and Landscapes
Environmental Health
Ecology Advisor
Arboriculturist

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - No objection subject to a mechanism being secured for the provision of mitigation in respect of the Pagham Harbour SPA.

WSSC HIGHWAYS - No objections are raised in respect of access, parking or sustainability. Are satisfied that a fire vehicle can enter and turn within the site but recommend that the waste collection proposals be clarified with the appropriate Authority. Also commented on the submitted Construction Management Plan and requested a small amendment to ensure that any reversing movements out of the site during construction are conducted with the use of a competent banksman. Conditions recommended regarding parking spaces, access, turning spaces, cycle storage and retention of garages.

ECOLOGIST - No objections. Recommend conditions in respect of hand demolition of all buildings, any lighting scheme to be designed to minimise impacts on bats, a reptile mitigation scheme to be provided and in respect of works to trees during the bird breeding season.

ARCHAEOLOGY - Consider it unlikely that works associated with the proposal would impinge on archaeological deposits to the extent that refusal or the requirement of other mitigation measures would be justified.

CONSERVATION/DESIGN OFFICER - Originally raised objection to the design of the dwellings but has now withdrawn these concerns following the receipt of amended drawings. Considered that the impact of the new development on the significance of the designated heritage assets is limited such that no objection was raised.

LANDSCAPE OFFICER - Comment that the plant mix specified on the Proposed Landscape Drawing is suitable but request that a condition be imposed to agree the full details of proposed planting.

DRAINAGE ENGINEERS - Request the imposition of appropriate surface water drainage conditions. It is noted that some ground investigations/percolation tests have been carried out but that further details are required to inform the soakage options/scheme design.

ENVIRONMENTAL HEALTH - No objections. Request conditions in respect of contaminated land and a condition to ensure that electric car charge points are provided for each dwelling. Also asked that building working hours be specified in the Construction Management Plan document.

CLEANSING - Request that a purpose built bin store is provided adjacent to Rose Green Road but also commented that bin men can wheel bins along the access road as long as the surface is not compacted gravel.

ARBORICULTURIST - Comments awaited.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. As the on-site buildings have all been demolished, the condition requiring hand demolition as requested by the Councils Ecologist is no longer relevant. In respect of the Cleansing comments, there is no space adjacent to Rose Green Road to provide a bin store area and the applicants have instead proposed a collection point at the end of the access. They have also amended the surfacing of the access to be rolled grit. Amendments have been made to the submitted Construction Management Plan/Document in respect of the Environmental Health & WSSC comments.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;

Flood Zone 1;
Tree Preservation Orders TPO/AW/2/07 & TPO/AW/5/06; and
Pagham Harbour Management Zone B.

In addition, nos. 92, 96 & 98 Rose Green Road to the south are all Grade II Listed Buildings.

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

AREA13	Sites of International Importance for Nature Conservation
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development
GEN28	Trees and Woodlands
GEN29	Nature and Conservation Across the District
GEN32	Noise Pollution

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
D SP1	Design
ECC SP2	Energy and climate change mitigation
ENV DM2	Pagham Harbour
ENV DM4	Protection of Trees
ENV DM5	Development and Biodiversity
H DM1	Housing Mix
HER DM1	Listed Buildings
HER SP1	The Historic Environment
QE DM1	Noise Pollution
QE DM4	Contaminated Land
SD SP1	Sustainable Development
SD SP2	Built -Up Area Boundary
T SP1	Transport and Development
W DM3	Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD10	Aldwick Parish Design Statement
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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 has taking place. 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 examination into the proposed Plan modifications took place in September 2017.

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

The Neighbourhood Development Plan

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

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

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

The above does not apply as there is no Aldwick Neighbourhood Plan (and Alwdick have no intention of providing one). Furthermore, Arun District Council cannot currently demonstrate a 3 year supply of deliverable housing sites.

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PROPOSAL & PLANNING HISTORY:

This application seeks planning permission for the residential development of the site to provide 5 two storey dwellings with access as existing from Rose Green Road. The proposed footprint is very similar to that of the previous outline approval in that although one extra dwelling is now proposed, the previous scheme had dwellings of a greater width. This is an important material consideration in the determination of this application.

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. Indeed, paragraph 49 of the National Planning Policy Framework (NPPF) states with regard to housing that: "Housing applications should be considered in the context of the presumption in favour of sustainable development".

DESIGN, CHARACTER & HERITAGE IMPACT:

The Parish Council consider that the scheme does not demonstrate that it responds positively to the identified characteristics and resources of the site and the area to create an attractive place/space with the needs of people in mind and nor does it respect or enhance local distinctiveness;

Arun 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.

Paragraph 132 of the NPPF states that the significance of a heritage asset can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Furthermore, that substantial harm to a grade II listed building should be exceptional. Paragraph 133 states that where a proposed development will lead to either 'substantial harm' or 'less than substantial harm' then this should be weighed against the public benefits of the proposal (with a more stringent test for substantial harm). Paragraph 137 is also relevant and states that new development within the setting of Listed Buildings should enhance or better reveal their significance.

Emerging Arun Local Plan policy HER DM1 states that proposals affecting Listed Buildings will be required to "protect, and where possible enhance the setting of the building".

The Councils Conservation & Design Officer had initially raised concern with some of the proposed design elements but these have now been resolved following the submission of amended elevation drawings. The Conservation Officer also commented that the impact of the new development on the significance of the designated heritage assets is limited such that no objection was made. As such, it is considered that the proposal is in accordance with policies designed to protect the setting of Listed Buildings. A condition is recommended to remove permitted development rights for alterations & extensions in order to preserve the agreed design.

The site layout was previously subject to amendment during the course of application AW/363/15/OUT to resolve concerns from the Councils Historic Buildings Advisor. The proposed scheme largely follows the previously approved layout. The proposed layout is considered to be spacious with front and rear gardens, space for amenity planting, visitor parking spaces, sufficient circulation space to allow a fire engine to access the site and good separation between proposed dwellings and those on neighbouring land. It is also noted that the density of the proposed development is low and it is considered that the scheme does not seek to overdevelop the site.

Given the length and narrow nature of the access track plus the existing/proposed planting, it is not considered that the new dwellings will be particularly visible in the streetscene and although they will be glimpsed from the road through the curtilages of the buildings to the south (including the listed buildings), their impact will be low and that this can be mitigated through effective landscaping. Views from Osborne Way will also be very limited.

It is therefore considered that the proposal is in accordance with the relevant adopted and emerging Local Plan policies and the guidance within the National Planning Policy Framework.

RESIDENTIAL AMENITY:

The Parish Council consider that the scheme will have an unacceptable adverse impact on adjoining occupiers, land uses of property and that it does not take account of any unacceptable adverse impacts that may arise from adjoining land uses or property;

Arun District Local Plan policy GEN7 indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property and that it takes account of any unacceptable adverse impacts that may arise from adjoining land uses or property.

It is not considered that there are adverse impacts arising from existing surrounding land uses. The site is bordered on three sides by residential development and on the fourth by open fields.

The adopted Local Plan does not provide any precise guidance as to what distance would be appropriate to protect the privacy of neighbouring dwellings. However, policy D DM3 of the Arun Local Plan 2011-2031 Publication Version showing Modifications suggests a minimum of 20m for back to back relationships. It is considered that a side to rear distance can be lower.

The two dwellings on the western side of the site will be in a very similar position to those approved on the layout for AW/363/15/OUT (in actual fact they are to be slightly further from the western boundary than before). Interface distances are not 20m (actually between 14 and 16m) but this was previously considered acceptable given that there used to be buildings along this boundary. It is also noted that plot 4 has a flank elevation facing this boundary (with a first floor bathroom window that will be obscure glazed). Although it is plot 5's rear elevation that faces this boundary, the orientation of the dwelling

means that the angle of view to the nearest Osborne Way residents will be oblique thus mitigating any harm. Any windows at ground floor level will be screened out by the existing boundary fencing.

In terms of overshadowing, the proposed dwellings are east of Osborne Way and will only restrict sunlight during the morning hours when the sun is low in the sky but any shading should occur to the very rear of the Osborne Way gardens.

It is considered that the proposed dwellings are sufficiently far enough away from the other surrounding dwellings such that there will be no harmful loss of privacy or sunlight. Although 88a Rose Green Road has windows looking onto the site, these are at ground floor level only and therefore could, if the occupier agreed, be screened out by way of a higher boundary fence or wall.

The proposal will intensify the use of the access track but it is an existing right of way and is also already used by the neighbouring dwellings. There is not considered to be sufficient space to add landscaping to either side to minimise noise disturbance but the surface of the track is solid (i.e. not gravel) and this will reduce the noise of traffic.

Conditions are recommended to ensure that no further flank windows are proposed and that all bathroom windows are obscure glazed.

ALDWICK PARISH DESIGN STATEMENT:

The site is defined within the Aldwick Parish Design Statement as being part of character area 9 (Rose Green). The following development criteria are therefore relevant:

- * New or replacement buildings or extensions should be visually subservient and relate to the existing building and not vary significantly in height or bulk from those nearby;
- * Where planning permission is required, existing separation of dwellings should be preserved, and prevent unneighbourly cramped or visually intrusive closure of gaps or establishment of ill-conceived linkages between buildings;
- * Materials matching the existing building should be used where appropriate;
- * Strict control should be exercised over any roof development likely to be particularly intrusive by virtue of proximity to neighbouring dwellings. Any roof re-design should be sympathetic and in keeping with the character of existing properties;
- * Existing boundary walls, trees and hedges should be preserved;
- * Over development of the area by infilling and converting large properties into flats should be avoided;
- * The amenity trees, spaces and access ways should be retained and enhanced and trees lost to damage or disease be replanted/replaced;
- * It would be desirable to retain the present shops in Rose Green, unless it is shown that retail use is no longer viable; and
- * The character of the area should be preserved.

Subject to receipt of comments from the Councils Tree Officer to confirm no impact on the two TPO'd trees, it is not considered that the proposal conflicts with any of the above criteria.

INTERNAL & EXTERNAL SPACE STANDARDS:

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

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

1	4	7	115m2	153m2
2	4	7	115m2	153m2
3	3	6	102m2	99m2
4	3	6	102m2	104m2
5	4	7	115m2	153m2

Four out of five dwellings comply with the requirements and the fifth is only short by 3m2. This is considered to be acceptable.

Policy D DM3 of the Arun Local Plan 2011-2031 Publication Version showing Modifications 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 for plots 1-2 & 5 and 85m2 for plots 3 & 4.

The following is noted in respect of the proposal:

Plot 1 - At least 124m2 in area and 9.4-10.5m deep;

Plot 2 - At least 122m2 in area and 9-10m deep;

Plot 3 - At least 100m2 in area and 9-10m deep;

Plot 4 - At least 105m2 in area and 11m deep; and

Plot 5 - At least 323m2 in area and with a varied depth of 7-15m to the immediate rear of the house and 23m for the strip of garden south of the dwelling.

Therefore, the proposal complies with the external space standards.

PARKING PROVISION & ACCESS:

The Parish Council consider that the scheme will not allow for the safe movement of pedestrians and vehicles and does not give priority to pedestrians.

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. However, 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 a total demand for the development of 13 spaces. The proposal provides 15 spaces and this includes at least two each per dwelling plus 4 unallocated spaces suitable for visitors. A planning condition will be imposed to ensure that the garages are not converted into habitable accommodation and to ensure that the cycle storage is provided and retained permanently for its intended use.

There are no adopted development policies which cover highway safety. Instead regard should be had to paragraph 32 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". WSCC Highways have been consulted but raise no objection on either highway safety or highway convenience grounds.

It is noted that pedestrians will have to share the access with cars. However this is an existing situation and there is no land available to add a separate pathway. The plans show a rumble strip at the junction of the access with Rose Green Road which will slow cars down.

On this basis, it is considered that the proposal complies with the NPPF and the policies of the development plan.

IMPACT ON TREES:

There are two Oak trees covered by Tree Preservation Orders within adjacent land to the south of the site and which overhang the boundary with root protection areas extending into the application site. At the time of the previous application, the Council's tree Officer considered that the relationship between the proposed dwellings and the trees was acceptable subject to adequate tree protection being put in place. There has been a slight change to the position of the dwelling closest to the two TPO trees and therefore, the impact on the root protection area is now different. The Council's Tree Officer has been consulted and his comments will be reported at the meeting.

SUMMARY:

It is considered that this proposed redevelopment of a vacant site will provide 5 new dwellings (with a net gain of 4) without compromising the character of the area, the amenities of neighbouring properties or the safety/convenience of Rose Green Road. It is considered that the proposal complies with all relevant development plan policies.

In addition, the proposal will bring about economic and social benefits such as the much-needed increase in housing stock and input to the economy from construction of the dwellings and from new occupiers. Aldwick/Rose Green is considered to have good sustainability credentials and the site is well-located being within the settlement. In the absence of any unacceptable harm, and given that the proposal represents sustainable development, it is considered that permission should be granted subject to the following conditions and the agreed S.106 legal agreement covering a financial contribution to mitigate the impacts on the Pagham Harbour Special Protection Area.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

The application is accompanied by a Section 106 legal agreement relating to a payment of £3,484 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area. This has been calculated on the basis of a net gain of 4 dwellings due to there already being a dwelling on the site.

RECOMMENDATION

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 full accordance with the following approved plans:

- Location Plan" dwg. 105;
- Proposed Site Layout Plan" dwg. 100 Rev H;
- Bin Collection Area Detail" dwg. 502;
- Proposed Plans Elevations - Plots 1, 2 & 5" dwg. 06 Rev A;
- Proposed Plans & Elevations - Plots 3 & 4" dwg. 07 Rev B;
- Courtyard Elevation" dwg. 08 Rev A;
- External Lighting Plan" dwg. 108 Rev A;
- Tree Protection Plan" dwg. PE-RH14/TPP 01 Rev B; and
- Proposed Landscape Plan" dwg. 101.

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

3 The development hereby approved shall be carried out in full accordance with the agreed Construction Management Plan drawing 107 and the accompanying written statement dated September 2017. Thereafter the approved plans shall be implemented and adhered to throughout the entire construction period.

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

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

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

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

any Infiltration drainage.

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

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

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

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32 and 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 agree a drainage management plan prior to commencing any building works.

- 6 Construction of the development shall not commence unless and until details of the proposed means of foul sewerage disposal has been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The scheme as approved shall be implemented prior to the first occupation of the dwellings and maintained in good working order.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul & surface water sewerage in accordance with policy GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to agree the foul drainage system prior to commencing any building works.

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

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

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

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Local Plan policy GEN7. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 8 No development including construction activities shall take place unless and until the existing trees & hedges within/adjoining the site which are to be retained (T3, T4 & H7) have been protected by both a fence and suitable ground protection in accordance with BS5837 (2012) & Section 9 for erection around each tree, group of trees and vegetation to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012).

With the exception of the infringement into the root protection areas as set out in the submitted ADAS Arboricultural Planning Statement (section 9), 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 the prior written approval of the Local Planning Authority.

The use of a 3D cellular system must be employed for protrusion into the Root Protection Area (RPA) of T3/T4 in order to avoid compaction of the soil below the new hard surfaces.

The fencing and ground protection must then be retained for the duration of the development works. Following the erection of the ground protection measures, the Councils Arboriculturist must be contacted in order that a site visit can be made to check the position of the protective fencing/ground protection measures.

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. This is required to be a pre-commencement condition because it is necessary to ensure that trees are protected prior to the commencement of any building works.

- 9 No development shall commence unless and until a detailed Reptile Mitigation Scheme which updates the existing report with details of timings, translocation information etc. has been submitted to the Local Planning Authority for approval and the agreed mitigation measures shall thereafter be implemented and adhered to throughout the construction process.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework. This is required to be a pre-commencement condition due to the high level of protection that reptiles hold within the planning system.

- 10 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests

immediately before the vegetation is cleared and confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policies GEN7 and GEN29 of the Arun District Local Plan.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and setting of the adjacent Listed Buildings by endeavouring to achieve a development of visual quality in accordance with policy GEN7 of the Arun District Local Plan 2003 and the National Planning Policy Framework.

- 12 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme 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.

- 13 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 and in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 14 Prior to the occupation of any part of the approved development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the

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

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

- 15 Prior to occupation of any of the dwellings, an electric vehicle charge point shall be installed to serve each dwelling and this shall then be permanently retained and maintained in working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with Policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

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

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

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

- 18 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. The areas of land so provided shall not thereafter be used for any purpose other than the parking/turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies GEN7 and GEN12 of the Arun District Local Plan and the National Planning Policy Framework.

- 19 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

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

- 20 The garages serving all plots shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

- Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety in accordance with policies GEN7 and GEN12 of the Arun District Local Plan
- 21 No external lighting shall be installed on the site unless and until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.
- Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.
- 22 If any root structures with a diameter over 25 mm are exposed during the excavation of the foundations for any of new buildings then these should be retained unless otherwise agreed in writing with the Local Planning Authority. Any removal of roots over 25mm in diameter that has been agreed with the Local Planning Authority shall then be carried out under the supervision of the Council's Arboricultural Officer.
- Reason: To ensure the retention and maintenance of trees and vegetation; which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.
- 23 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order), none of the buildings hereby approved shall 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 amenity of the area and the setting of the historic buildings along Rose Green Road to the south in accordance with policy GEN7 of the Arun District Local Plan 2003 and the National Planning Policy Framework.
- 24 All of the first floor bathroom windows within the development shall be permanently glazed with obscured glass.
- Reason: To protect the amenities and privacy of the adjoining/adjacent properties in accordance with policy GEN7 of the Arun District Local Plan.
- 25 No windows (other than those shown on the plans hereby approved) shall be constructed in the first floor flank elevations of the dwellings hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.
- Reason: To protect the amenities and privacy of the adjoining properties in accordance with policy GEN7 of the Arun District Local Plan.
- 26 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.
- 27 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal

agreement relating to a contribution of £3,484 to mitigate the impact of the development on the Pagham Harbour Special Protection Area.

- 28 INFORMATIVE: The applicant is advised to contact WSCC Highways (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway and to organise the relocation of a street lighting column and road sign.
- 29 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.

AW/138/17/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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AGENDA ITEM 8

DEVELOPMENT CONTROL COMMITTEE

PLANNING APPEALS

APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

AB/115/14/OUT Received: 24-02-15	12 & 14 Canada Road Arundel Outline application with some matters reserved for 2 No. 3 bed semi detached houses Written Representations PINS Ref: APP/C3810/W/15/3003824
BE/180/16/PL Received: 31-08-17	Land adj to 2 North Bersted Street Bognor Regis 1 No. dwelling. This application affects the setting of a Listed Building. Written Representations PINS Ref: APP/C3810/W/17/3178726
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
BN/13/17/PL Received: 08-08-17	Land to the north of Sunnyside Barn Yapton Road Barnham 3 No. dwellings & retention of small B8 storage area. This application is a Departure from the Development Plan. Written Representations PINS Ref: APP/C3810/W/17/3178447
FG/42/17/HH Received: 01-09-17	162 Littlehampton Road Ferring Garage to front elevation with bedroom above (resubmission following FG/183/16/HH). Written Representations PINS Ref: APP/C3810/D/17/3179406
K/5/17/HH Received: 17-08-17	Kingston Manor Kingston Lane Kingston Construction of a Detached 6 Bay Barn with Log Store Written Representations PINS Ref: APP/C3810/W/17/3175616
K/6/17/L Received: 17-08-17	Kingston Manor Kingston Lane Kingston Application for Listed Building Consent for construction of a Detached 6 Bay Barn with Log Store Written Representations PINS Ref: APP/C3810/Y/17/3175623

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

Public Inquiry **25-04-17**

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

Y/80/16/OUT

Received: 28-06-17

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

Outline application with some matters reserved for 4.5 hectares of residential development comprising 3.4 hectares of land for up to 100 dwellings (up to 30 (30%) affordable housing) together with 1.1 hectares of land set aside for public open space & strategic landscaping & 2.2 hectares of public open space and green corridors with vehicular access from Ford Lane & pedestrian/cycle access only from North End Road. Resubmission of Y/60/14/OUT. This application is a departure from the development plan, affects the character & appearance of the Church Lane Yapton Conservation Area & affects the setting of a listed building.

Public Inquiry **12-12-17**

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

ARUN DISTRICT COUNCIL

REPORT TO DEVELOPMENT CONTROL COMMITTEE 18 OCTOBER 2017

SUBJECT:	Review of the Terms of Reference for Development Control Committee
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REPORT AUTHOR:	Neil Crowther – Group Head of Planning
DATE:	1 October 2017
EXTN:	01903 737839

EXECUTIVE SUMMARY:

The Council's Constitution is undergoing a major review led by the Constitution Working Party. The section currently under review is Part 3, Responsibility for Functions, which sets out the terms of reference for Committees, Sub-Committees and Panels. This report seeks Members' views on re-drafted terms of reference for this Committee.

RECOMMENDATIONS:

The Committee is asked to recommend to Full Council that:

1. The revised terms of reference for the Development Control Committee, as set out in Appendix 1 to the report, be approved and updated in Part 3, Responsibility for Functions in the Constitution; and
2. The Group Head of Council Advice & Monitoring Officer be authorised to make any further consequential changes to the Constitution.

1.0 BACKGROUND

- 1.1 The Council has been receiving regular reports over the last eight months on the review of the Constitution being led by the Constitution Working Party. The current section under review is Part 3, Responsibility for Functions, which set outs the terms of reference of Committees, Sub-Committees and Panels. The aim has been for any revisions to create simplicity and ease of reading based on best practice used elsewhere.
- 1.2 The Chairman and Vice-Chairman of the Committee were consulted in the early stages of this review as requested by the Constitution Working Party.

2.0 PROPOSALS

- 2.1 This review has provided the opportunity to reflect on the current practices of the Committee. Appendix 1 sets out a revised Terms of Reference for the Development Control Committee based on the template agreed by the Constitution Working Party. As requested by this Working Party, it aims to simplify the existing arrangements yet still highlight the full functions of the Committee.
- 2.2 Appendix 2 is an extract of the existing wording in the Constitution.
- 2.3 The Committee's views are welcomed.

3.0 OPTIONS:

1. To support the revised terms of reference.
2. To not support the revisions and propose alternative arrangements.

4.0 CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify) <ul style="list-style-type: none">• Chairman and Vice-Chairman of the Committee	✓	

5.0 ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail below)

	YES	NO
Financial		✓
Legal	✓	
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓

6.0 IMPLICATIONS:

None

7.0 REASON FOR THE DECISION:

The Council needs to ensure it has adequate and transparent governance arrangements in place for its Committees, Sub-Committees and Panels.

8.0 BACKGROUND PAPERS:

Council's Constitution <https://www.arun.gov.uk/constitution>

Appendix 1

Proposed Changes to Part 3 – Responsibility for Functions

Replace existing section 4.2 with the table below

Committee/Panel and Membership	Functions	Delegations of Functions
<p>Development Control Committee</p> <p>15 Members of the Council (no more than two of who may also be Cabinet Members)</p> <p>No Member can serve on this Committee in any capacity unless all of the required training determined to be necessary by the Director of Place in consultation with the Cabinet Member for Planning has been undertaken.</p>	<ol style="list-style-type: none"> 1. Functions relating to Town and Country Planning and Development Control as specified in Schedule 1 of the Town & Country Planning Act 1990 (as amended) and the Planning (Listed Building & Buildings in Conservation Areas) Act 1990 (as amended). 2. To determine all applications/notifications and related planning enforcement matters. 3. To determine matters relating to the control of advertisements, the preservation of trees, buildings and important hedgerows, the creation extinguishment or diversion of public highways affected by development and decisions on high hedges. 4. To make amendments to the Officer Scheme of Delegation insofar as they relate to the Director of Place as confirmed in Article 15 in this Constitution. 5. To receive reports from the Site Inspection Panel. 6. To appoint Briefing Panels and Site Inspection Panels and determine their membership, Terms of Reference and procedures. 	<p>See Part 4 – Officer Scheme of Delegation</p>

Appendix 2

Extract from Constitution with existing terms of reference

4.2 Development Control Committee

The Committee has 15 Members (no more than two of whom may also be Cabinet Members) and has the following functions, save where the Officer Scheme of Delegation provides for them to be exercised by an officer:

4.2.1. To:

- Determine all applications/notifications and related planning enforcement matters and
- ~~Undertake site specific Development Control procedures pursuant to the legislation governing Town and Country Planning and related regulations, orders and directions within the District.~~

4.2.2. To receive reports from the Site Inspection Panel.

4.2.3. ~~All other Functions relating to Town and Country Planning and Development Control as specified in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended and the Planning (Listed Building & Buildings in Conservation Areas) Act 1990 (as amended). from time to time including enforcement, and all powers under the legislation governing Town and Country Planning to obtain information as to interests and particulars of persons interested in land.~~

4.2.4. ~~To determine generally applicable procedures pursuant to the legislation governing Town and Country Planning and related Regulations, Orders and Directions within the District after consultation with the Cabinet Member for Planning and Infrastructure.~~

4.2.5. To appoint Briefing Panels and Site Inspection Panels and determine their membership, Terms of Reference and procedures.

4.2.6. To determine matters relating to the control of advertisements, the preservation of trees, buildings and important hedgerows, the creation extinguishment or diversion of public highways affected by development and decisions on high hedges.

4.2.6. ~~Power to create, stop up and divert footpaths and bridleways pursuant to the Highways Act 1980 provided that unopposed Footpath Orders may be confirmed by the Director Planning and Economic Regeneration under delegated powers.~~

4.2.7. ~~Powers in relation to the preservation of trees pursuant to Sections 197 to 214D of the Town and Country Planning Act 1990 and associated Regulations.~~

4.2.8. ~~Powers in relation to the protection of important hedgerows pursuant to the Hedgerows Regulations 1997.~~

4.2.9. The following miscellaneous powers:

- ~~to create by agreement, stop up and divert, footpaths and bridleways,~~
- ~~to determine applications for Public Path Extinguishment Orders,~~
- ~~to make railway crossing, special extinguishment, public path diversion, special diversion and SSSI Diversion Orders,~~
- ~~to require an applicant for an Order to enter into an agreement and~~
- ~~duty to keep a register in respect of certain of the above applications, under the Highways Act 1980. provided that unopposed Footpath Orders may be confirmed by the Director Planning and Economic Regeneration under delegated powers.~~

- 4.2.10. To make amendments to the Officer Scheme of Delegation insofar as they relate to the Director Planning and Economic Regeneration.
- 4.2.11. ~~The powers contained above can be exercised in the name of Arun District Council.~~
- 4.2.12. No Member can serve on this Committee in any capacity unless all of the required training determined to be necessary by the Director of Planning and Economic Regeneration in consultation with the Cabinet Member for Planning and Infrastructure has been undertaken.

ARUN DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 18 OCTOBER 2017

Recommendation

Subject : Development Control Committee - Scheme of Delegation

Report by : Neil Crowther

Report date: September 2017

EXECUTIVE SUMMARY

The current Scheme of Delegation for Development Control Committee was agreed on 16 June 2016. This agreed that a reduced number of applications would be presented to Committee in order to allow more minor applications to be determined by officers and for the Committee to concentrate on the more significant applications in the District.

It is considered that the current Scheme of Delegation is working well with 37% fewer application being considered by Committee. It is not considered that changes are required. However, in order to address some concerns raised by a very small number of members and some Parish Councils, a Ward Member 'referral' could be introduced if it were to be a clear formal criteria based call-in in order for it not to be excessively and unnecessarily used.

RECOMMENDATIONS

That Development Control Committee recommend to Full Council that Part 4 of the Constitution be amended as follows.

3.1.2 Where the following exceptions apply, the application or matter will be determined by the Development Control Committee:

- i Any Major or Minor application for planning permission which prior to its determination is subject to a written representation from a Parish Council, Town Council or formal Parish Meeting, which has been received within the consultation period and which is in conflict with the recommendation of Officers
- ii. Any planning application for Full or Outline planning permission submitted by or on behalf of the Council
- iii Any Major or Minor application as defined by the Department of Communities and Local Government which would create a new access or egress via the A27, A29, A284 and A259 roads

- iv. Any Householder application where the Ward Member has submitted a written request to the Chairman and/or Vice Chairman for a 'referral', and that has been agreed by the Chairman or Vice Chairman. Any written request must be submitted prior to the expiration of the statutory consultation period and must set out the reason for the 'call-in' against the criteria that the application has attracted a disproportionate amount of representations relative to the scale of the proposals or the application raises significant planning issues for the District.

1.0 INTRODUCTION

- 1.1 The current Scheme of Delegation for the determination of planning applications was agreed at DC Committee in June 2016. This essentially agreed that a significantly reduced number of applications needed to be considered by DC Committee as a result of committee only considering minor and major planning applications where there was an objection from the Parish Council and the recommendation was to approve (or vice versa).
- 1.2 This decision meant that 100% of householder and other applications would be delegated to officers. This was on the basis that such applications constituted a very large proportion of Committee agendas with Members agreeing with the officer recommendation 97% of the time.
- 1.3 The current Scheme of Delegation has worked well with a reduced number of applications being presented to Committee in the period July 2016 – June 2017 (down from 150 to 77).
- 1.4 Had the Scheme of Delegation not changed, an additional 46 planning applications for householder development would have also been considered by Committee. Therefore, DC Committee considered 37% less applications last year and were able to focus time and consideration to the larger more significant applications in the District.
- 1.5 These 46 applications represent about 10% of all householder applications determined in this period. In the period April 2015 – March 2016 (when the Scheme of Delegation meant that some householder applications were determined by Committee), 63 householder applications were determined at Committee with the Committee agreeing with the officer recommendation 97% of the time. Therefore, whilst householder applications that would have previously been determined by Committee are only a relatively small number of the total number of householder applications, they would make up a very significant proportion of agendas and 97% of the time the recommendation of officers is supported.
- 1.6 Whilst officers have not carried out a consultation exercise with Town/Parish Councils prior to the preparation of this report in order to ask them their views on the current scheme of delegation, Middleton on Sea, Littlehampton, Aldwick and Ferring

Council's have written and made comments. These have been submitted following the determination of a householder application in Middleton and a residents association contacting all Town's/Parishes in District with their views. However, this report was circulated to all Town/Parish Council's on 2 October 2017 for them to have ample time to consider before the meeting of the Development Control Committee.

1.7 Middleton on Sea Parish Council have requested that the following be included within an amended scheme of delegation;

- Any householder planning application that the Parish Council object to will go to Arun DC Development Control Committee for a decision. Limited to six applications per year per Parish.
- If more than 20 residents raise objections on proper planning grounds with Arun District Council and the Parish Council also object then this will automatically go to Development Control Committee.

Ferring Parish Council and Littlehampton Town Council have written duplicate letters to support the suggestion made by Middleton Parish Council and suggested that householder applications should be determined by Committee if the Town/Parish Council object **and** this is supported by at least one District Councillor.

Aldwick Parish Council have stated that they wish to see a Parish objection triggering an application being determined by DC Committee and also suggest that a system of controls and criteria is developed between us to assist with the original notion to lessen DCC application workload. However, no further explanation is provided on this point.

1.8 Officers have considered the practicalities of the above suggestion by Middleton and it should be remembered that the changes brought about in June 2016 were to simplify the scheme of delegation. The first criteria above would make the scheme of delegation significantly more complex as officers would be required to monitor the representations from 21 Parish/Town Council's in order to determine if there have been more than six objections over a year. Further, the suggestion above would result in householder applications that are recommended for refusal with a Town/Parish objection being considered by Committee when it is very likely that 97% of these recommendations would be agreed with.

1.9 In response to the second suggestion, the current scheme of delegation removed the number of individual objections trigger because it resulted in a large number of applications needing to go to Committee when the decision was nearly always the same as the recommendation. It is also considered that the criteria suggested below for a Ward Member 'referral' would address the issue in respect of a large number of individual objections.

1.10 The suggestions by Ferring, Littlehampton and Aldwick are adequately addressed by the proposal in paragraph 1.17 of this report.

Proposed DCC Scheme of Delegation

- 1.11 It is considered that a further change to the Scheme of Delegation should be included under point ii. Of 3.1.2 in the recommendation. Currently, all applications submitted on behalf of the Council appear at Committee. Whilst it is considered essential that planning applications on behalf of the Council are considered by Committee, considering a large number of discharge of condition or non-material amendment applications can potentially be very time consuming, especially on large schemes such as Littlehampton Leisure Centre.
- 1.12 In spite of the fact that the current scheme of delegation is helping to reduce work loads and issue decisions quicker, there has recently been a couple of concerns raised about the current Scheme of Delegation from a small number of Ward Councillors and Town/Parish Councils. These concerns are borne out of a misunderstanding over what was agreed as a Scheme of Delegation in June 2016. The concerns related to:
- i. The absence of a 'referral' for Ward Members to request that an item be considered by DC Committee
 - ii. The assumption that if a Town/Parish Council objects to a householder application it would then be considered by DC Committee.
- 1.13 In response to i. it should be noted that that there has not been an automatic 'referral' available for Ward Members within the Scheme of Delegation. An informal arrangement has been operated where an application would be presented to committee if the application satisfied one of the following criteria;
- i. The application had attracted a disproportionate amount of representations received from households (rather than individuals) relative to the scale of the proposals
 - ii. The application raises significant planning issues for the District.
- 1.14 In response to ii. (para 1.12) the report to Committee in June 2016 made it very clear that all householder applications would be determined by officers under delegated authority. Committee agreed this and all Town/Parish Councils were notified of this change following the decision.
- 1.15 I consider that the current Scheme of Delegation is working well; there are less applications going to Committee which has resulted in officers being able to deal with the more minor applications quicker for a small number of applications. For these reasons I do not consider that the Scheme needs to be amended.
- 1.16 However, I am aware of the concerns raised above and consider that some kind of Ward Member 'referral' could be introduced and work effectively if it is applied sensibly to ensure that those applications that genuinely need to be considered by Committee. This would mean that Parish/Town Council's would have to approach their Ward Member if they desired that an application should be considered by DCC.

If applications begin to appear at Committee that simply agree with the officer recommendations in the vast majority of instances then this will not be effective and we will return to agendas that are overly long and filled with unnecessary applications.

1.17 Therefore, I would suggest that any Ward Member 'referral' has to be made in writing prior to the expiry of the consultation period on that application to the Chairman and/or Vice Chairman of the Committee setting out how the criteria in para 1.13 above are satisfied (copying the case officer and team leader in to this email/letter). The Chairman and/or Vice Chairman would then need to formally agree to this request or not. Written agreement of the Chairman will be sent to the Ward Member and case officer.

1.18 If this change is agreed, it can be reviewed in 12 months to analyse how many referrals have been requested, how many have been agreed and what the outcome was in determining these applications at Committee.

1.19 Finally, a further training session for Town/Parish Council's on planning matters will be arranged for early 2018.

Background Papers: Development Control Committee Agenda 16 June 2016

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