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Committee Manager : Carrie O'Connor (Ext: 37614)

21 December 2017

DEVELOPMENT CONTROL COMMITTEE

A meeting of this Committee will be held in the **Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton** on **Wednesday 17 January 2018 at 2.30 p.m.** and you are requested to attend.

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

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

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

A G E N D A

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officer should make their declaration by stating :

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

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 13 December 2017 (will be circulated under separate cover).

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

6. *PREVIOUSLY DEFERRED APPLICATIONS

UPDATED REPORT ON APPLICATION DEFERRED FROM A MEETING HELD ON 13 DECEMBER 2017 FOR A COMMITTEE SITE VISIT. BE/63/17/OUT- OUTLINE PLANNING APPLICATION WITH SOME MATTERS RESERVED (ACCESS ONLY) FOR 20NO. HOUSES AND FLATS, 1NO REPLACEMENT DWELLING (21NO. UNITS IN TOTAL) WITH CAR PARKING, LANDSCAPING & ASSOCIATED INFRASTRUCTURE & ACCESS OFF SHRIPNEY ROAD (A29), FOLLOWING THE DEMOLITION OF THE EXISTING DWELLING & OUTBUILDINGS. THIS APPLICATION IS A DEPARTURE FROM THE DEVELOPMENT PLAN.THE COTTAGE, SHRIPNEY ROAD, BOGNOR REGIS.

UPDATED REPORT ON APPLICATION DEFERRED FROM A MEETING HELD ON 20 SEPTEMBER 2017 FOR FURTHER NEGOTIATIONS. BR/194/17/PL- DEMOLITION OF EXISTING FORESHORE OFFICE AND 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 AND FIRST AID FACILITIES. ALL LOCATED ON THE EXISTING SEA FRONT PROMENADE- PROMENADE OPPOSITE WALTON AVENUE, THE ESPLANADE BOGNOR REGIS.

7. TREE APPLICATIONS

There are no applications to consider.

8. *PLANNING APPLICATIONS

To consider the attached reports.

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

9. *PLANNING APPEALS

To consider the attached report.

Background Papers

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

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

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

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

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.

AGENDA ITEM 6

DEVELOPMENT CONTROL COMMITTEE

17th January 2018

**REPORTS ON APPLICATIONS DEFERRED FROM
PREVIOUS MEETING**

REPORTS ON APPLICATIONS DEFERRED FROM PREVIOUS MEETING

BE/63/17/OUT	Outline planning application with some matters reserved (Access only) for 20No. houses & flats, 1No. replacement dwelling (21No. units in total) with car parking, landscaping & associated infrastructure & access off Shripney Road (A29), following the demolition of the existing dwelling & outbuildings. This application is a Departure from the Development Plan (Deferred For Committee Site Visit)	The Cottage Shripney Road Bognor Regis
BR/194/17/PL	Demolition of the 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. (Deferred For Further Negotiations)	Promenade Opposite Walton Avenue The Esplanade Bognor Regis

**Report of the meeting of the Development Control Post-Committee Site
Inspection Panel held on 11-01-2018**

REF NO: BE/63/17/OUT

LOCATION: The Cottage
Shripney Road
Bognor Regis

PROPOSAL: Outline planning application with some matters reserved (Access only) for 20No. houses & flats, 1No. replacement dwelling (21No. units in total) with car parking, landscaping & associated infrastructure & access off Shripney Road (A29), following the demolition of the existing dwelling & outbuildings. This application is a Departure from the Development Plan

This application was deferred at the meeting on 13 December in order for a site visit to be carried out with officers from WSCC Highways.

REPORT UPDATE

Application No: BE/63/17/OUT

Reason for the Update / Changes

Reason for Update/Changes:

This application was deferred at the meeting on 13 December in order for a site visit to be carried out with officers from WSCC Highways. This is due to take place on 11 January 2018 prior to the committee meeting on 17 January 2018. Any update following the site visit will be captured in an update report prior to the meeting.

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

PLANNING APPLICATION REPORT

REF NO: BE/63/17/OUT

LOCATION: The Cottage
Shripney Road
Bognor Regis
PO22 9PA

PROPOSAL: Outline planning application with some matters reserved (Access only) for 20No. houses & flats, 1No. replacement dwelling (21No. units in total) with car parking, landscaping & associated infrastructure & access off Shripney Road (A29), following the demolition of the existing dwelling & outbuildings. This application is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The scheme is in outline with all matters reserved except for access. It is proposed to demolish the existing dwelling & associated outbuildings and then redevelop the northern part of the site with 20 dwellings and site a replacement dwelling for the applicant on the southern part (south of the footpath).

There is already access to the southern part and this will be modified to improve visibility/radii. The existing access to the northern part will be stopped up and a replacement 4.8m wide access constructed approximately 30m to the south of the existing. This will have visibility splays of 71m to the north and 120m to the south. The scheme also proposes a new section of footway between the new access and the existing improved access for the replacement dwelling. Furthermore, new footway access is to be provided within the central reservation between Shripney Road and the service road to assist people

crossing the road.

The supplied illustrative layout for the northern part suggests a scheme of:

- * 2 x 2 bed houses;
- * 9 x 3 bed houses;
- * 4 x 4 bed houses; and
- * A building comprising of 2 x 1 bed flats & 4 x 2 bed flats.

The scheme also includes 41 parking spaces (30 allocated spaces for residents & 11 unallocated spaces for residents/visitors), a landscaped buffer zone along the eastern boundary (6-8m wide) and a communal green (public open space) in the south western corner.

The scheme proposes to fell 32 trees as well as two tree groups and part of a third group. Landscaping is a reserved matter and the Council would seek replacement tree planting as part of that process. However, the illustrative layout suggests a number of new trees shown as dark green circles.

The footpath is outside of the application site area and no works are proposed to it.

The replacement dwelling in the southern part will have 3 bedrooms, space for turning and two separate parking spaces.

Members should note that following the advice of WSCC Highways and the Councils Tree Officer, the drawings have been amended to: (a) relocate part of the access road to better respect two Cedar trees; (b) adjust the siting of buildings to respect those trees to be retained; and (c) to increase the northern visibility splay from 53m to 71m.

SITE AREA

0.89 hectares.

RESIDENTIAL DEVELOPMENT DENSITY

23.6 dwellings per hectare.

TOPOGRAPHY

Predominantly flat.

TREES

There are 71 surveyed trees or groups of trees on or near the site. It is proposed to remove 32 trees as well as two groups and part of a third group.

Two Tree Preservation Orders (TPO) have been made in respect of the site.

The first, TPO/BE/1/17 refers to T1 -a Common Ash Tree located west of the existing dwelling/close to the existing site access; T2 - a Pedunculate Oak Tree located on the eastern boundary; and G1 - a group of two Lebanon Cedars to the south of the existing dwelling. This TPO was confirmed on the 20th September 2017.

The second, TPO/BE/2/17 refers to T1-T3 - three Sycamore Trees located on or immediately adjacent to the footpath which crosses the site; and T4 - a Beech Tree located in the rear garden Royce Cottage to the immediate south of the site. This TPO will be confirmed on or after the 8th of November and may therefore be confirmed by the date of the Committee meeting.

BOUNDARY TREATMENT

Mixed. Part wall, part close boarded fencing to the Hotel. Close boarded fencing to the road. Post & wire fencing on either side of the footpath. Hedging to Royce Cottage. Hedge or otherwise open to the eastern boundary.

SITE CHARACTERISTICS

The site is split into two parts. The larger half borders the hotel site to the north and comprises of the existing one and a half storey dwelling surrounded by land formerly used for horticulture and currently grazed by some sheep. There is a touring caravan and several existing single storey buildings on the land including three disused greenhouses, a detached garage and sheds. There is also a half built two storey building in the south east corner. There is a dry ditch and bund to the eastern boundary and the remains of a dry pond within the site. There is gated access from Shripney Road.

The smaller half is separated from the former by a public footpath which connects Shripney Road on its western side to a further footpath crossing the field on the eastern side and enabling access to Sack Lane to the north east. This footpath crosses a small footbridge over the ditch on the eastern side. To the south of this lies the second part of the site which is a rectangular grassed site devoid of structures and with its own access from Shripney Road.

CHARACTER OF LOCALITY

The area is considered to be semi rural in character but with detached dwellings on both sides of Shripney Road. To the north lies the Robin Hood Pub & Hotel. There is car parking situated between the hotel and the shared boundary. To the south lies Royce Cottage, a two storey detached dwelling with a large bedroom window on the side facing the site. However, this is partially screened by existing planting. To the east, lies open arable fields. On the western side is Shripney Road with houses beyond.

RELEVANT SITE HISTORY

BE/145/07/	Outline planning application for 2no. 2 storey new dwellings within the garden of 'The Cottage' This application affects a Public Right of Way and is a Departure from the Development plan.	Refused 11-01-08
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BE/51/94	Retention of Log Cabin for Agricultural Worker.	Refused 11-01-95
BE/67/92	Proposed site for agricultural caravan to replace existing caravan	ApproveConditionally 07-10-92
BE/61/90	Outline application for erection of agricultural dwelling	Refused 04-07-90 Appeal: Dismissed 29-04-91
BE/13/90	Outline Application for erection of agricultural dwelling	Refused 19-03-90

Pre-application advice was given in July 2013 for a scheme of 9 detached dwellings and the response was that the site lies outside the built up area boundary and as such was contrary to the adopted plan and harmful to the countryside.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

"Bersted Parish Council wishes to object to the proposed development at The Cottage, Shripney Road, on the following grounds:

- 1 The site is outside the designated built up area boundary both in your current and emerging Local Plans.
- 2 The access is directly onto the A29 and, even with the proposed entrance change, it will still be dangerous for traffic entering and emerging, and would be exacerbated due to the proximity of the exit from the Robin Hood Public House restaurant and hotel.
- 3 Residents of Shripney village are already finding it difficult to get onto the A29 and a significant number of properties must access it from the service road which emerges at a difficult angle not far from the proposed site entrance. In order to get onto the A29 at this point, it is necessary to accelerate and this is likely to cause collisions.
- 4 The volume of traffic along the road is expected to increase by a significant amount due to the housing proposed just to the north in the Local Plan and this will make matters even more hazardous for both local residents and all road users.
- 5 The location of the site is not in any way a sustainable location and presumably this is why it is outside of the built up area boundary. There is no walkway on this side of the road (and only a narrow one from the village south towards Bognor Regis which is unsuitable for prams or mobility scooters). There is no safe cycleway in the vicinity of Shripney at all. The bus service runs hourly (first bus to Bognor Regis leaves at 8.08am and the last bus back leaves Bognor Regis at 5.40pm) and there is no service

whatsoever on a Sunday.

6 The section of Shripney Road (A29) where the entrance to the proposed development will be has historically been the point of the deepest flooding. When the A29 has remained even partially open, the main carriageway at this point is completely impassable and traffic has always been diverted along the service road. Therefore, the exit/entrance to this proposed estate would be unusable.

7 Whilst the inclusion of a play area for resident children is a definite asset, because of the danger of the road, it may well encourage other children in the locality to attempt the crossing.

8 There is a character house on the site which epitomises the rural nature of the village and this will be lost."

In addition, 27 letters of objection raising the following concerns:

- (1) Site lies in the countryside;
- (2) Not allocated in the emerging Local Plan or Neighbourhood Plan;
- (3) Listed as not being developable within the HELAA report;
- (4) Shripney is not a sustainable location;
- (5) Shripney Lane is not suitable for safe cycling to Bognor due to dangerous crossing over the Bersted bypass, blind bends, local fly tipping and drug dealers cars being driven fast;
- (6) Lack of local pavements and road crossings;
- (7) There is a bus only once every 2 hours not once every hour;
- (8) Increased road safety danger particularly with the increase in traffic as a result of the BEW development & people not observing the 40mph speed limit;
- (9) History of road accidents on this road;
- (10) Richmond Lodge development to the south is already adding danger to the road with refuse vehicles trying to reverse in;
- (11) Increase in parking along the Shripney Road service road causing conflict with residents;
- (12) Sussex police do not enforce the speed limit;
- (13) The A29 should be re-routed to the east of the Robin Hood Pub;
- (14) Too dangerous to have a children's play area within the new development;
- (15) Proposed fencing will not prevent balls from leaving the public open space and landing on the A29;
- (16) Affects the public footpath;
- (17) Increase in local noise;
- (18) If the road floods then residents will not be able to exit the site;
- (19) Loss of green soakaway will increase flooding elsewhere;
- (20) Loss of frontage ditch to accommodate the footway;
- (21) Loss of birdlife if hedgerow/brambles are removed from the eastern buffer zone;
- (22) Loss of mature trees & bat roosts;
- (23) Loss of characterful building;
- (24) Impact on local rural character;
- (25) Lack of local infrastructure & service connections;
- (26) Impact on local power supplies;
- (27) Lack of mains drainage;
- (28) This will create a precedent for further development of Shripney Road; and
- (29) Draft legal agreement on the file appears to pre-determine the application.

COMMENTS ON REPRESENTATIONS RECEIVED:

The following comments are offered in response to the points made by the Parish Council:

1 - This will be discussed in the report conclusions section;

2-4 - Highways issues will be discussed in the report conclusions section and regard will be had to the observations of WSCC Highways who do not raise any objections;

5 - Sustainability will be discussed in the report conclusions section;

6 - It is noted that this point is echoed by many of the local residents. Drainage matters will be discussed within the report conclusions section but Members should be aware that it would be difficult to justify a refusal reason based on the inability of people to enter/depart the site by motor vehicle particularly as the site itself lies in a safe area and as such there would be no threat to property;

7 - Although an area of public open space is shown, there is no suggestion that this will be a children's play area or that it will be suitable for ball games particularly as two trees are shown in the centre of the space. The developer will also be required to pay a contribution towards the development of an existing play area elsewhere in Bersted; and

8 - Noted but the house is neither locally nor nationally listed.

The following comments are offered in response to the local resident objections:

(1) This will be discussed in the report conclusions section;

(2) This will be discussed in the report conclusions section;

(3) The HELAA report states that the site is not considered suitable for further development as it is located outside of the built up area boundary and is judged as having a low landscape capacity for development;

(4) This will be discussed in the report conclusions section;

(5) Noted. Sustainability issues will be discussed in the report conclusions section;

(6) Noted. Sustainability issues will be discussed in the report conclusions section;

(7) This is contradicted by Parish Council comments and by other letters which state that there is an hourly bus service Mon to Sat between 8.08am and 5.40pm;

(8) Highways issues will be discussed in the report conclusions section and regard will be had to the observations of WSCC Highways who do not raise any objections;

(9) Highways issues will be discussed in the report conclusions section and regard will be had to the observations of WSCC Highways who do not raise any objections;

(10) The Richmond Lodge application (BE/100/15/PL) was approved with a layout that enables a refuse vehicle to turn within the site in order to enter and depart the site in a forward gear. However, the Council cannot force vehicles to observe this arrangement;

(11) Highways issues will be discussed in the report conclusions section and regard will be had to the observations of WSCC Highways who do not raise any objections;

(12) Noted;

(13) Noted but this is not relevant to this specific planning application;

(14) Although an area of public open space is shown, there is no suggestion that this will be a children's play area or that it will be suitable for ball games particularly as two trees are shown in the centre of the space;

(15) Noted but see point (14);

(16) The footpath is outside of the application site area and no works are proposed to it;

(17) Noted;

(18) Drainage matters will be discussed within the report conclusions section but members should be aware that it would be difficult to justify a refusal reason based on the inability of people to enter/depart their homes by motor vehicle particular as the site itself lies in a safe area;

(19) Drainage matters will be discussed within the report conclusions section;

- (20) Part of the ditch will be lost to accommodate the footway. Council Drainage Engineers have not raised any objection on this matter and have said that any works to alter any watercourses (such as by a culvert under the footpath) will be subject to separate Land Drainage Consent;
- (21) Landscape is a reserved matter and therefore the mix of planting within the buffer area (and therefore whether existing vegetation is retained or not) should be discussed within a future reserved matters application;
- (22) The application has been subject to extensive negotiation in respect of the impact on trees and this has resulted in amendments to the illustrative layout. The Councils ecologist have also been involved and they raise no objection in respect of the impact to local bat populations. Trees and ecology will be discussed within the report conclusions section;
- (23) Noted but the house is neither locally nor nationally listed. Character issues will be discussed within the report conclusions section;
- (24) Character issues will be discussed within the report conclusions section;
- (25) Should the development be approved, the developer would be required to provide financial contributions towards local education, play space, libraries and fire safety. The NHS was consulted but have not responded with any requests;
- (26) There is no evidence to support this and it is not considered to be a material planning consideration.
- (27) Southern Water raise no objection and this will be discussed in the report conclusions section;
- (28) Although precedent is capable of being a material planning consideration, in practice, all applications are determined having regard to their own merits. Furthermore, although other houses on the road have large gardens, these vary in size and not all would be suitable for backland development or be acceptable in other respects; and
- (29) Applicants proposing major developments are required to provide a draft agreement in order for the application to be validated but this does not pre-determine the application.

CONSULTATIONS

Highways England
WSCC Strategic Planning
Environment Agency
Surface Water Drainage Team
Environmental Health
Parks and Landscapes
Southern Water Planning
Planning and Housing Strategy
Sussex Police-Community Safety
Engineering Services Manager
Engineers (Drainage)
NHS Coastal West Sussex CCG
Arboriculturist
Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - Raise no objection on the basis that the trip generation will not adversely affect the safe and efficient operation of the A27.

SOUTHERN WATER - Note that there is insufficient local infrastructure in place to serve the

development and therefore require the development to provide its own infrastructure. No objection is raised subject to a foul drainage scheme condition and also a condition to protect any sewer that might be found on the site.

NHS COASTAL WEST SUSSEX COMMISSIONING GROUP - No response received (two reminders sent).

SUSSEX POLICE - Have no concerns with the site layout/design other than with the public footpath running through the site. Requests that the footpath be improved with lighting, widening and devoid of potential hiding places. Also request that the cycle store be relocated to a position with better natural surveillance. Lighting across the site should conform to BS5489:1-2013.

WEST SUSSEX HIGHWAYS - Initially responded with an objection on the grounds of the safety of the proposed pedestrian access works and the visibility splays for the vehicular access. There has followed a series of negotiations with the applicant's transport consultants which have resulted in three further responses culminating in a letter dated 25/08/17 withdrawing the initial objections. WSCC has stated that the Design Manual for Roads and Bridges (DMRB) standards have been met and that the visibility splays are appropriate. Further, that the pedestrian crossing point can be dealt with through a planning condition. Conditions are required in respect of pedestrian access works, implementation of the access, implementation of visibility splays and implementation of the Stage 1 Road Safety Audit recommendations.

WEST SUSSEX FLOOD RISK MANAGEMENT - Note that there is a low risk of surface water flooding within the site but that there is high risk shown in the adjacent carriageway at the site's access. State that any existing surface water flow paths across the site must be maintained and that there should be no wholesale site level raising via the spreading of excavated material.

WEST SUSSEX LOCAL DEVELOPMENT DIVISION - Require that financial contributions be secured for education (primary/secondary/6th form), library and fire & rescue infrastructure.

COUNCIL ECOLOGIST - Raise no objections. Is satisfied with the proposed measures to mitigate the impacts on bats, reptiles, mammals and require conditions to enforce these mitigation measures and also implement additional measures specified by the officer. This includes the retention of on-site hedgerows. Conditions are also requested to ensure proposed lighting is sensitive to the requirements of bats and to restrict tree works during the bird breeding season.

ADC ENVIRONMENTAL HEALTH - No response received.

ADC LANDSCAPE OFFICER - Require a contribution of £1,600 per dwelling (index linked) towards off-site local play.

ADC DRAINAGE ENGINEER - Request that infiltration needs to be investigated for surface water disposal and that land drainage consent will be required for any culverting or alteration to watercourses. Raise no objection subject to six drainage conditions.

ADC HOUSING STRATEGY & ENABLING OFFICER - Raise no objection as the applicant is proposing to deliver 6 affordable dwellings on-site to meet the requirements of the Council's Affordable Housing policy.

ADC ARBORICULTURIST - The application has been subject to 5 separate arboricultural responses which have detailed various slight concerns with the site layout. The applicant has amended the scheme to resolve these concerns and the final response dated 21/09/17 raises no objection subject to two

conditions. The changes to the layout have been such that the Arboriculturist now considers that the Tree Preservation Order trees 34, 35, 36, 37 & 45 are all now fully respected.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted and all conditions and informatives are included in the recommendation.

In respect of the Sussex Police comments, the public footpath is an existing feature and is not within the applicants ownership such that they could not make any alterations to it. The cycle store would need to be relocated at a future time as layout is a reserved matter.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Class A Road;
Special Control of Adverts;
Tree Preservation Orders (TPO/BE/2/17 & TPO/BE/2/17); and
No Public Sewer.

DEVELOPMENT PLAN POLICES

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

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development
GEN18	Crime Prevention
GEN20	Provision of Public Open Space within New Development
GEN29	Nature and Conservation Across the District
GEN32	Noise Pollution
GEN33	Light Pollution
DEV17	Affordable Housing

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

C SP1	Countryside
D DM1	Aspects of Form and Design Quality
D SP1	Design
ECC SP2	Energy and climate change mitigation
ENV DM4	Protection of Trees
ENV DM5	Development and Biodiversity
H DM1	Housing Mix
INF SP1	Infrastructure provision and implementation
LAN DM1	Protection of Landscape Character

OSR DM1 Open Space, Sport & Recreation
 QE DM1 Noise Pollution
 SD SP1 Sustainable Development
 SD SP2 Built -Up Area Boundary
 T DM1 Sustainable Travel and Public Rights of Way
 T SP1 Transport and Development
 W DM3 Sustainable Urban Drainage Systems

Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES6	Protection of trees
Bersted Neighbourhood Plan 2014 Policy ES7	Development outside of the Built Up Area Boundary
Bersted Neighbourhood Plan 2014 Policy GA1	Pedestrian and Cycle Connections
Bersted Neighbourhood Plan 2014 Policy HDQ1	Housing Site Allocations
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ3	Windfall sites
Bersted Neighbourhood Plan 2014 Policy HDQ4	Housing mix
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking

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

Housing Allocations
 SD SP1a Strategic Approach

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD1 Open Space & Recreation Standards

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 is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

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. The examination was completed 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. 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 relevant policies of the Bersted Neighbourhood Plan have been taken into account in this determination.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with adopted Local Plan (GEN2, GEN3), Neighbourhood Development Plan (ES7) and emerging Local Plan policies (SD SP2, C SP1) in that the site lies outside the built up area boundary where development is generally not allowed. However, the proposal is considered to comply with all other development plan policies relating to design, residential amenity, parking, drainage, trees, ecology, affordable housing, local infrastructure, public open space/play and landscape.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the Conclusion section. These include the National Planning Policy Framework (NPPF) and associated Guidance, the lack of a 5 year housing land supply provision for Arun, the Secretary of State's two recent decisions concerning the Call-in Inquiries for the Fontwell and Burndell Road applications; the CIL Regulations

2010 (as amended) and an appeal decision concerning three live/work units at Sack Lane, Aldingbourne (ref APP/C3810/W/16/3148035).

CONCLUSIONS

PRINCIPLE:

The development plan for Arun District currently comprises the Arun District Local Plan (2003) (saved policies) and the Bersted Neighbourhood Development Plan (November 2014).

Arun District Local Plan 2003

The policies of most relevance are saved policies GEN2 and GEN3 of the Arun District Local Plan (ADLP). Policy GEN2 states that outside of the built up area boundary (BUAB), development will not be permitted unless it is consistent with other ADLP policies.

ADLP Policy GEN3 "Protection of the Countryside" states that except for various categories of development (of which none apply to the application proposal), development within the countryside will not be permitted. As this site lies outside the nearest BUAB, it is categorised as being within the countryside and the scheme would therefore conflict with ADLP Policies GEN 2 and GEN 3.

Bersted Neighbourhood Development Plan

The Bersted Neighbourhood Plan (BNDP) was made (adopted) in November 2014 on the basis of the saved policies in the ADLP and the draft policies in the 2014 publication version of the emerging Arun Local Plan (eALP).

Appendix F of the BNDP includes a BUAB drawn around the edge of the larger settlement of Bognor Regis (of which North & South Bersted are a part) which broadly compares with that provided by the ADLP. There is no separate BUAB drawn around the settlement of Shripney. The site lies some distance outside of this BUAB and the application site is therefore classified as countryside. Policy ES7 states that development outside of the BUAB will not be supported. It is noted that policy HDQ3 "Windfall Sites" states that permission will be granted for small residential developments on infill and redevelopment sites within the Parish but this is to be subject of the other policies in the Plan (including ES7). Furthermore, this is not considered to be a small site and therefore, policy HDQ3 would not apply.

As set out above, the scheme conflicts with the ADLP policies GEN2 and GEN3 and therefore conflicts with policy ES7 of the BNDP as it fails to protect countryside in accordance with those policies.

Emerging Development Plans

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

The eALP was submitted for examination in January 2015. However, following a material increase in the Objectively Assessed Need (OAN) for housing, the eALP examination was suspended to allow ADC to review potential additional locations for housing development. The proposed Modifications were approved by Full Council and consultation took place on the new document ("Arun Local Plan 2011-2031 Publication Version showing Modifications") between 10 April and 30 May 2017.

The hearing sessions into the examination of the Arun Local Plan ended on Thursday 28 September 2017 and the Inspector has since written to the Council to set out his 'Interim Views following the

Hearings'. The Council is currently preparing a composite Schedule of Proposed Main Modifications (MMs) to be provided to the Inspector.

Policy H SP1 "Housing Allocation" of the modified eALP sets out the overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional allocations for small sites being made across the District through emerging Neighbourhood Plans or reviews of made Neighbourhood Plans.

Policy H SP2 "Strategic Site Allocations" is split into 3 sections covering different areas of the District. An allocation is proposed by Policy H SP2a on land west of Bersted for 2,500 dwellings but the application is actually closer to the allocation concerning the settlements of Barnham, Eastergate and Westergate under policy HP2c for 2,300 dwellings. The application does not form part of either of these two allocations.

Policy SD SP2 "Built up Area Boundary" states that outside the BUAB, apart from Strategic, Site Specific and Broad Allocations, development will not be permitted unless consistent with other plan policies. In addition, Policy C SP1 "Countryside" states that residential development in the countryside outside of the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. As the proposed site does not form part of a proposed allocation and is not in accordance with another policy within the eALP, the exception would not apply and the proposal would be contrary to eALP policies SD SP2 and C SP1.

The proposed development is not located in a strategic, site specific or broad allocation in the eALP, so the application will need to be considered alongside other plan policies.

Planning Balance

For reasons given above, the application is not in accordance with ADLP Policies GEN2 & GEN3 or policy ES7 of the BNDP. As set out below, these policies are all out-of-date and carry limited weight.

The following sets out whether there are any material consideration which indicate that the proposal should be determined other than in accordance with the development plan.

There has been an almost doubling of the objectively assessed need (OAN) for the Arun District to 919 dwellings per annum (dpa) and the current reported housing land supply figure for Arun District is only around 2.07 years (as at 31/03/17). This demonstrates that there is a pressing need to identify and bring forward deliverable sites for housing and that ADC cannot demonstrate a 3 or 5 year supply of deliverable housing sites.

In recognition of this, the Local Plan Sub-Committee resolved in December 2016 to invite planning applications for the first phases of sites being investigated at potential strategic allocations. It was also resolved to invite planning applications on sites identified as being 'deliverable' within the Housing and Employment Land and Availability Assessment (HELAA) where they are considered sustainable and will not prejudice the emerging local plan and/or infrastructure delivery.

The 2017 HELAA report assesses the application site (Ref 143) as not currently being developable due to its low landscape capacity for development and its location outside of the settlement boundary.

Given the absence of a 5 year housing land supply, paragraph 14 of the NPPF is engaged and planning permission should be granted unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted. As the Council cannot

demonstrate a 3 year supply of deliverable housing sites, the Written Ministerial Statement on Neighbourhood Planning (12 December 2016) does not apply. Paragraph 49 of the NPPF is also engaged, which states that the relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a 5-year housing land supply.

Given the significant shortfall in housing supply, only limited weight can be given to the conflict with out-of-date ADLP Policies GEN2 & GEN3 and policy ES7 of the BNDP. Policy GEN2 is clear that the boundaries of the built-up area were defined 'for the purposes of the West Sussex Structure Plan and this District Local Plan'. The built-up areas were drawn for the purposes of defining the extent of the built-up areas and countryside. This was done with the background of the required number of dwellings for the plan making period being provided within the built-up areas or on allocated sites (up to 2011).

The Inspectors decision for the called-in Inquiry concerning 108 residential dwellings at Burndell Road (Ref APP/C3810/V/16/3158261) stated that policies GEN2 & GEN3 are out of date in that the aLP does not plan for housing beyond 2011, that they pre-date the NPPF and do not seek to establish an Objectively Assessed Need (OAN). Both policies also do not accord with the NPPF in that they protects the countryside for its own sake. The Inspector considered this to be a material consideration weighing against the policy to which was attributed significant weight.

Furthermore, in allowing the Burndell Road call-in, the Secretary of State confirmed that policies GEN2 & GEN3 are out of date and given that the housing land supply is only 1.9 years, that these policies carry limited weight.

The BNDP was produced based on both the Local Plan (Summer 2013) and the Publication Version of the Local Plan (excluding the spatial portrait, employment and enterprise, housing allocations, transport, monitoring and implementation sections) dated 14 February 2014. Both of these documents predate the version of the eLP which was tested at Examination and subsequently revised into the modified version. Therefore only limited weight can be given to the conflict with the BNDP to protect the countryside, as the context within which the BNDP was prepared has significantly changed.

Presumption in favour of Sustainable Development

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

Paragraph 7 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

(1) Environmental Role

The site is within the small settlement of Shripney but some distance from the nearest built up area boundaries (BUAB) of either Bognor Regis or Westergate.

The Institute of Highway and Transportation (IHT) publication 'Guidelines for Providing Journeys on Foot (2000)' sets out recommended guidelines for walking distances and provide desirable, acceptable & preferred maximum distances. For town centres these range between 200 to 800 metres, for commuting/school 500 to 2000 metres and elsewhere 400 to 1200 metres. As this is not a town centre location the relevant distances would be 400m-1200m for day to day journeys and in respect of school/work commuting, 500m-2000m.

The nearest schools are:

- * Aldingbourne Primary School - 2.43km;
- * Ormiston Six Villages Academy - 3.7km;
- * Bersted Green Primary School - 2.48km;
- * Bartons Primary School - 3.28km;
- * Downview Primary School, Felpham - 3.7km;

None of these are within the maximum walking distance of 2000m but they could also be reached by bus. There are however, several potential workplaces within only 2km of the site.

The following facilities are available in the local area are within a walking distance (using footways alongside local roads) of less than 400m from the proposed site entrance:

- * The Robin Hood Public House approximately 100m north of the site access; and
- * North- & South-bound bus stops adjacent to the Premier Inn. These bus stops are served by service 66, which operates a circular route between Bognor Regis, Barnham, Yapton and Bognor Regis every 1-2 hours on Mondays to Saturdays.

The following facilities are available in the local area are within a walking distance (using footways alongside local roads) of between 400m and 1200m from the proposed site entrance:

- * Additional bus stops are located 1.2km south of the site and these are served by buses 61 and 62 providing connections to central Bognor Regis;
- * The nearest Supermarket is Lidl some 1.2km to the south of the site;
- * In close proximity to the Lidl, also within the 1.2km distance, there is a McDonalds, KFC, Halfords, Home Bargains store and a B&M Home Stores.

The following facilities are located further afield:

- * Westergate Post Office/shop is 2.2km north of the site;
- * There are various additional shops & services located along Shripney Road in the northern part of Bognor Regis including Sainsburys and Tesco's superstores;
- * Bersted Green Surgery is 2.6km south west of the site;
- * Barnham railway station can either be reached by bus or on foot/by bicycle at a distance of 5.89km;
- * It is considered that the use of local footpaths would reduce the distance to Barnham railway station but would not be suitable in hours of darkness or inclement weather; and
- * Bognor Regis railway station can either be reached by bus or on foot/by bicycle at a distance of 3.33km;

There is a footway along the west side of the Shripney Road service road in the vicinity of the site which benefits from street lighting. It is proposed to provide a crossing point across the A29 between the site and this service road. This footway allows safe walking to the northern edge of Bognor Regis. There is also a public footpath 151 crossing the site which provides access to Sack Lane and on to Barnham and Yapton;

The applicant has provided a Technical Note on Site Sustainability which asserts that the site is sustainably located and therefore in accordance with the NPPF. These assertions are based on the standards given in "Planning for Walking" (2015), "Planning for Cycling" (2015), "Manual for Streets", "Design Manual for Roads and Bridges" and the DfT "Local Transport Note 2/08 - Cycle Infrastructure Design". It is stated that employment and food shopping areas are all within the 1.6km distance

recommended by Planning for Walking while employment, education, health and food shopping are all within the 8km distance recommended by Planning for Cycling.

Paragraph 29 of the NPPF states that: "The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas."

It is also considered that regard should be had to an appeal decision concerning three live/work units at Sack Lane, Aldingbourne (ref APP/C3810/W/16/3148035). This site lies 645m due east of the site (as the crow flies) and is significantly further away by road from local shops, services and facilities.

The Inspector noted that Sack Lane intersects with the A29 thoroughfare and that there are bus stops on the A29 (1km from the site) plus a holiday park, understood to have a convenience shop on site (1.1km from the site). He considered that it would not necessarily be an insurmountable task for the future occupiers of the proposed properties to walk the distance to access the bus stop or the shop (assuming that it is open to the general public). However, in view of the lack of lighting & footways along Sack Lane, the Inspector considered that it would be highly unlikely that the future occupiers would make use of these services, particularly at time of inclement weather or dark conditions. The Inspector also noted that there was public footpath access to the retail park to the south but that this journey would be somewhat circuitous.

The Inspector therefore ruled that the appeal site is not particularly well located to promote methods of travel other than by private motor car. However, he then had regard to paragraph 6 of the NPPF which states that the policies in the NPPF must be taken as a whole in order to ascertain what sustainable development means in practice - and he had regard therefore to paragraphs 28 and 34 which seek to promote a strong rural economy.

Paragraph 34 of the NPPF states that "Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.". Furthermore, paragraph 29 states that "... different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas".

The other environmental aspects of sustainable development (impact on trees, ecology) are considered in detail in the report below but it is concluded that there are no adverse environmental impacts associated with these.

(2) Social Role

It is considered that the proposal could support the local community by providing up to 20 new homes including 6 affordable dwellings to help meet future needs. These factors weigh in the scheme's favour.

(3) Economic Role

It is considered the proposal would likely result in economic benefits to the local area in the form of the following:

- * An increase in Council Tax receipts;
- * Potential 'New Homes Bonus' payments from the Government;
- * Financial contributions towards local libraries, education establishments and play areas;

- * Creating/Maintaining Construction Jobs; and
- * Additional spending by new residents on local goods & services.

Assessment of Sustainable Development

It is considered that the proposal is clearly socially and economically sustainable. It is not considered that the proposal would adversely affect the ecology of the site or the existing high value (and now protected) trees. The site is not considered to be sustainably located. However, regard should be had to the advice in paragraphs 29 and 34 of the NPPF that different circumstances and criteria should be applied to sites in the rural area.

The definition of sustainable development does not simply relate to accessibility of services and facilities and it is considered, on balance, that the proposal would be environmentally, socially and economically sustainable and would therefore benefit from the NPPF presumption in favour of sustainable development.

Conclusion on Matters of Principle:

Overall, the principle of development on this site is contrary to the development plan, however, as Arun District Local Plan policies GEN2 and GEN3 and the intention of the BNDP to protect countryside (policy ES7) are out of date, in accordance with paragraph 49 of the NPPF they carry reduced weight. The material considerations set out above are considered to weigh in favour of granting permission.

The proposed development would provide an additional 20 houses which are needed in Arun District. The proposed development should be considered in the context of the presumption in favour of sustainable development. It is considered that the development would have a positive effect upon the supply and location of housing and therefore, the principle of residential development on this site would, in current policy circumstances and as set out in the NPPF, be acceptable. The assessment will now consider other policy considerations and whether this gives rise to any adverse impacts.

Some policies of the Framework are cast in terms which indicate that in certain circumstances planning permission should be restricted. These, in this case, relate principally to landscape, flooding, access/highway safety and the natural environment. Having regard to the tests set out in the NPPF in relation to these issues, and in the context of the content of this report, it is considered that the circumstances are such that none of these issues amount to a reason for withholding planning permission either because the matter can be controlled by suitable conditions, content of the Section 106 agreement or because the public benefit outweighs the harm in respect of any such issues.

It is therefore considered that the objections on the grounds of principle raised by both the Parish Council and by local residents have been resolved by the above analysis..

HOUSING MIX:

Policy HDQ4 of the BNDP requires that proposals deliver a range of house types & tenures and that applications demonstrate how the development addresses the needs of current and future households.

The illustrative layout sets out the following mix of house types:

- 2 x 1 bed flats @ approx. 58 sq. metres each (Affordable);
- 4 x 2 bed flats @ approx. 73 sq. metres each (Affordable);
- 2 x 2 bed terraced houses @ approx. 87 sq. metres each (Market);
- 4 x 3 bed terraced houses @ approx. 100 sq. metres each (Market);

4 x 3 bed semi-detached houses @ approx. 105 sq. metres each (Market);
2 x 4 bed detached houses @ approx. 120 sq. metres each (Market);
2 x 4 bed detached houses @ approx. 145 sq. metres each (Market); and
1 x 3 bed detached house @ approx. 162 sq. metres (Market).

It is considered that the proposed mix is varied and does reflect the varying needs of the District such that policy HDQ4 of the Neighbourhood Development Plan is complied with. There are no adopted Local Plan policies relating to housing mix.

LANDSCAPE:

Although the site is neither within a protected landscape nor likely to impact on the setting of the South Downs National Park, the protection of landscape character is still an important consideration.

Policy GEN7 of the ADLP requires that (vi) new development retain significant open or wooded areas which, in their own right, make a material contribution to the local environment. There are no landscape based policies within the BNDP however regard should be had to Policy LAN DM1 of the modified eALP which states that:

"Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas."

It is noted that 2017 HELAA report stated that the site had a low landscape capacity and that any development would have an effect upon the local landscape.

A Landscape Statement has been submitted which seeks to assess the impact of the proposal on the landscape and to determine what mitigation measures are appropriate. This states that:

- * The scheme proposal has been developed to address in landscape and visual terms, how the site could be developed in a way that retains significant vegetation on the site whilst minimising the visual implications of development on the limited views from the A27 road corridor and the wider countryside to the east;
- * The site is considered to offer a good opportunity to deliver a modest and attractive redevelopment embedded within the established framework of Shripney; and
- * The development proposals would not be widely visible from the open countryside to the east and the range of landscape measures identified would contribute positively to landscape integration and the perception of a well vegetated settlement edge.

The illustrative layout plan shows that the planting along the eastern boundary will be strengthened in order to screen the development from the open fields to the east. This planted area would then be left as a buffer zone. The layout also retains a number of trees within the site and suggests that these would be supplemented with new tree planting across the site and to the site frontage.

Arun DC Landscape Officers have not raised any objections to the scheme on landscape or visual grounds.

The proposal is therefore considered to accord with policy GEN7 of the ADLP and policy LAN DM1 of the modified eLP.

DESIGN & CHARACTER:

Both the Parish Council and local residents object to the loss of a characterful building and to the impact of the development on rural character.

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.

Bersted Neighbourhood Plan policies ES1, HDQ2, HDQ5 and HDQ7 are all relevant. Policy ES1 states that: "New development which would have an effect on the appearance or character of the surrounding area should be of a high quality design and should contribute to local character by creating a sense of place appropriate to its location".

Policy HDQ2 states that "Proposals for new housing must ensure that the new homes are well connected to the surrounding area and visually integrated with their surroundings." Furthermore, HDQ5 requires that new housing is of a high quality and is designed to reflect the local character.

Policy HDQ7 requires that certain features are integrated into the design at an early stage but this would not apply to this outline scheme as such matters would only be applicable to the reserved matters of scale, appearance and layout.

It is also necessary to consider the guidance within the National Planning Policy Framework. Section 7 states that good design is a key aspect of sustainable development (paragraph 56), and that developments should respond to local character & history, reflect the identity of local surroundings & materials, establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 58). Paragraph 60 advises that local planning authorities should promote or reinforce local distinctiveness. Paragraph 64 then confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

A Design and Access Statement (DAS) has been submitted with the application. This states that the illustrative layout has been inspired by the unique features of the site and in particular, those mature trees which are to be retained. The need to improve visibility and protect trees has also influenced the position of the access and the route of the new roadway. The layout has also been designed with smaller units situated to the front of the site, with main aspects facing the communal open space, and the larger, detached dwellings situated to the rear, with generous spacing providing views through the proposed buffer zone to the countryside.

Scale is a reserved matter but it is envisaged that the buildings will be two storeys although some will have dormers within the roof space to facilitate additional attic level accommodation.

It is considered that the layout design is functional having regard to the size and shape of the site and in respect of the need to retain trees. The dwellings are also set well back from the road frontage as per the existing site and this, alongside the existing/proposed planting will minimize any impact to the streetscene. The proposed density is around 24 dwellings per hectare and this is considered to be appropriate in this semi-rural area.

The proposed replacement dwelling within the southern part of the site will have a similar site position to both the current dwelling and to the neighbouring property to the south with deep front and rear gardens and off-street parking to the front.

It is therefore considered that the proposal would be in accordance with policy GEN7 of the ADLP, policies ES1, HDQ2 & HDQ5 of the BNDF and the guidance on design in the National Planning Policy Framework.

HIGHWAY SAFETY & PARKING:

Both the Parish Council and local residents object to the application on the grounds that the A29 in Shripney is already dangerous, that access from the site will increase that danger and that traffic along the A29 will increase in the future due to other developments thus worsening the situation further. Concerns are also raised in respect of pedestrian safety and parking conflicts with existing residents.

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 41 spaces and the proposed illustrative layout satisfies this requirement with 30 allocated spaces for residents & 11 unallocated spaces for residents/visitors. This is also in accordance with the requirement for 2 off-street spaces per dwelling set out within policy HDQ8 of the BNDP. The illustrative layout also shows a secure, covered cycle store for the flatted building.

Policy GEN7 (vii) requires that new development allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians. Regard should also 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".

West Sussex Highways originally raised an objection to the application on the grounds of insufficient visibility based on the use of Manual for Streets parameters as opposed to the standards of the Design Manual for Roads & Bridges. However, over the course of several weeks, negotiation took place between the applicant and WSCC Highways which resulted in the objection being withdrawn. The final comments stated that:

"The LHA have now reviewed this information and after discussions with our Principal Engineer we are satisfied with the proposed visibility as shown in drawing no:160818-07. As detailed below once a wet weather reduction is deducted from the recorded 85th percentile speed, the LHA are in agreement that DMRB Desirable Minimum standards are met. The LHA are satisfied with the splays proposed of 120m to the south and 71m to the north from a 2.4m set back."

The application has also been subject to a Stage 1 Road Safety Audit and one of the outcomes of this is a proposal for a new crossing point on the A29 adjacent to the site. In addition, it is proposed to provide a footway between the new site access and the existing access to the site of the replacement dwelling.

It is noted that BNDP policy GA1 states that support will be given to proposals which increase or improve the network of footpaths/footways. The proposed new footway linking the two accesses will provide safe access by the new residents to the public footpath which crosses the site. The new crossing point will assist persons crossing the A29 to access the footpath on the western side which links to Bognor Regis to the south. It is considered that these initiatives would be supported by the BNDP. WSCC Highways consider that the new crossing point can be detailed and implemented by way of a planning condition.

It is therefore considered that the proposal is in accordance with the relevant development plan policies and in respect with the guidance with the NPPF.

TREES:

Local residents have raised concerns as to the potential loss of mature trees within the site.

Policy ES6 of the BNDP states that:

"Development that damages or results in the loss of ancient trees/trees of arboricultural and amenity value or loss of significant ground cover and habitat will be resisted. Development proposals must be designed to retain wherever possible ancient trees or trees of good arboricultural and amenity value. Proposals should be accompanied by a tree survey that establishes the health and longevity of any affected trees and a management plan to demonstrate how they will be so maintained."

Following an initial objection from the Councils Tree Officer and the imposition of two separate Tree Preservation Orders, the applicant has amended the layout drawing in order to now gain support from the Tree Officer. The changes to the layout were primarily to better respect existing trees of high value.

The application is also accompanied by a Planning Integration Report which includes a Tree Survey, a Tree Protection Plan and guidance on protective fencing & no dig construction methods. The decision will be conditioned in order that demolition & construction works are carried out in strict accordance with these documents.

On this basis, it is considered that the proposed development complies with policy ES6 of the BNDP.

ECOLOGY:

Local residents have raised concerns as to the loss of birdlife from the eastern buffer zone and the loss of any existing bat roosts.

Arun Local Plan policy GEN29 states that development will only be permitted on sites which contain semi-natural habitats, features of nature conservation interest, or within wildlife corridors, where these can be largely retained and sympathetically incorporated into the scheme. There are no policies in the BNDP relevant to ecology. Consideration should also be given to policy ENV DM5 of the modified eALP which requires that existing habitats are protected, that detailed surveys of protected species will be required and that mitigation measures will be incorporated into the development scheme.

The application was accompanied by a Preliminary Ecological Appraisal and subsequently by the addition of a Bat Activity Survey. These documents have been carefully appraised by the Councils ecologist and no objection is raised to the proposals. A number of the proposed mitigation measures will be secured by condition and the developer will also require a Natural England species licence to carry out works on the site.

It is noted that existing hedgerows will be retained (this is the subject of a planning condition) and the mix of any new planting/management of existing within the eastern buffer zone will be considered within a reserved matters application.

Overall, subject to the mitigation measures secured by planning condition, it is considered that the proposed development accords with policy GEN29 of the ADLP and policy ENV DM5 of the modified Local Plan in relation to the impact on protected species and the potential for the scheme to protect existing habitats where possible and provide enhancements.

FLOODING & DRAINAGE:

Both the Parish Council and local residents have raised a number of concerns in respect of the flooding of the local highway, the impact of development on the site on existing flood levels and the loss of part of the ditch to the frontage.

Bersted Neighbourhood Plan policy ES2 requires surface water management measures for development proposals to ensure that the risk of flooding both on-site and downstream is not significantly increased.

Arun Local Plan policy GEN9 states that:

"Planning permission for development which will materially increase foul and/or surface water discharges will be refused unless the Local Planning Authority is satisfied that either adequate drainage capacity exists or appropriate drainage capacity can be provided as part of the development. Consideration should also be given to the use of Sustainable Urban Drainage Systems (SUDS) as alternatives to conventional drainage where appropriate."

Both WSCC and ADC Drainage Engineers have commented on the application. However, neither raise any objection to the principle of development and instead require details to be provided at a later stage in respect of surface water drainage, the culverting of the ditch. WSCC comment specifically on the flooding situation and note that the site itself is not subject to flooding. They require that existing surface water flows across the site are maintained and that there is no site level increases. These issues would be subject to discussion at the reserved matters stage.

Members should be aware that it would be difficult to justify a refusal reason on flooding based on the inability of people to enter/depart the site by motor vehicle particularly as the site itself lies in a safe area and as such there would be no threat from flooding to property.

It is therefore considered that the proposal is in accordance with the relevant development plan policies.

FOUL DRAINAGE:

A local resident has stated that there is a lack of mains drainage capacity within the local area.

Arun Local Plan policy GEN9 also requires that either adequate foul drainage capacity exists or appropriate foul drainage capacity can be provided to serve the development. Southern Water have commented on the application. They consider that there is inadequate local infrastructure in place to serve the development and that therefore, the development would be required to provide additional on-site infrastructure. A condition is recommended to require that a drainage strategy is submitted and agreed to detail the proposed means of foul disposal or prove a discharge no greater than the existing.

Subject to the satisfactory resolution of this condition, the proposal would be considered to comply with the relevant development plan policies.

RESIDENTIAL AMENITY:

Arun District Local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the Bersted NDP policies refer to residential amenity issues. However, one of the 'core planning principles' of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

It is not considered possible to make a detailed assessment of residential amenity at this stage given that layout, scale and appearance are all reserved matters. However, in principle it is not considered that any of the proposed dwellings shown on the illustrative layout would be sited in such a way as to result in any harm to the privacy, outlook or amount of light to existing neighbouring properties (including temporary residents of the hotel).

SPACE STANDARDS:

Residential development proposals must be assessed against the internal space standards as set out in

the Governments new Technical Housing Standards (Nationally Described Space Standard). It is not possible to make an assessment at this time as there are no floorplans. However, the submitted Design and Access Statement does state that the indicative gross internal areas are fully compliant with the national internal space standards.

Policy D DM3 of the modified eALP 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 50m² for 2 bedroom terraced houses, 65m² for 3 bedroom terraced houses, 85m² for semi/detached properties of no more than 3 bedrooms and 100m² for larger semi/detached properties. Flats are dealt with differently and would require a small private space such as patio, roof garden or balcony.

The illustrative layout has been assessed and 10 of the 15 houses are considered to accord with the standards. None of the 5 flats comply but only because there is no detail as to whether they have ground level patios or balconies. As layout, appearance and scale are reserved matters, it would not be possible to raise this as an objection.

AFFORDABLE HOUSING:

For all developments over 15 residential units, the Council requires the minimum provision of 30% affordable housing on site, as set out in Policy AH SP2 of the modified Local Plan and in the Interim Affordable Housing Policy (2010).

The proposal includes 30% affordable housing - equating to 6 units - and indicates that the detailed mix of affordable house types & tenures will be confirmed at the reserved matters stage.

The proposed provision of affordable housing is supported by the Council's Housing Strategy and Enabling Manager. Therefore the proposal accords with Policy DEV17 of the ADLP, as updated by the Interim Affordable Housing Policy and Policy AH SP2 of the modified Local Plan.

SUPPORTING INFRASTRUCTURE:

Local residents have stated that there is a lack of local infrastructure within the area.

Policy INF SP1 of the modified eLP includes the following statements:

"The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers and users of the development and the existing community"

And

"Off-site measures will require planning obligations or financial contributions, to secure the necessary provision. Where a contribution towards other, district wide, infrastructure improvements or provision is

needed and viable this will be achieved through planning obligations (where they meet the statutory test for planning obligations)"

WSCC have requested financial contributions in respect of primary education, secondary education, 6th form education, libraries and fire & rescue. The level of these contributions will be based on a formula to allow the contribution amounts to be based on the housing mix at the reserved matters stage. The contributions will be spent on additional Equipment at Aldingbourne Primary School, Westergate, additional Equipment at Ormiston Six Villages Academy, additional Equipment at St Phillip Howard Catholic School 6th Form, a Proposed Tier 7 Library within a Community Space for Bersted and the supply & installation of additional fire safety equipment/smoke alarms to vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Bersted.

Having regard to the recent Burndell Road, Yapton Call in appeal decision (ref APP/C3810/V/16/3158261), it is not considered that the requested fire safety contribution is compliant with the CIL Regulations. However, the S.106 has already been signed and completed with this contribution included. Members should note however that this recommendation is not supported by the inclusion of this fire safety contribution within the agreed legal agreement.

An off-site play contribution is also required in respect of improvements to the Berghestede Play area on the Trees Estate in North Bersted. This contribution is based on a sum per net new dwelling and will therefore be £32,000.

Sussex Police were consulted on the application and did indicate in June 2017 that a request for funding might be forthcoming but no communication has since been received. It was not considered appropriate to delay the application due to this non-response so the Section 106 was drawn up without any Police contribution.

A Section 106 agreement has been completed, dated and sealed (10/11/17).

The NHS were originally consulted on the application in May 2017 and eventually responded in late November just after the completion of the S.106 Agreement with a request for a contribution of £24,308 to "The Croft Practice - treatment rooms project" for the infrastructure needs of providing "Treatment Rooms" either at the practice site or the LCN main site. This contribution is subject to a deed of variation to the S.106 Agreement as completed on the 10th November.

CONCLUSION:

The application site is outside the defined built-up area boundaries of both Westergate and Bognor Regis is therefore contrary to policies GEN2 & GEN3 of the ADLP and policy ES7 of the BNDP which intends to protect the countryside from non-related development. As set out above, these policies are out-of-date and carry limited weight. Very much on balance, the proposals are considered to be in a sustainable development. It is therefore considered that the principle of development on this site is acceptable.

The development will make a contribution towards market housing & affordable housing in the local area, provide new pedestrian improvements and contributions towards local infrastructure.

Some policies of the Framework are cast in terms which indicate that in certain circumstances planning permission should be restricted. These, in this case, relate principally to landscape, flooding, access/highway safety and the natural environment. Having regard to the tests set out in the NPPF in relation to these issues, and in the context of the content of this report, it is considered that the circumstances are such that none of these issues amount to a reason for withholding planning permission either because the matter can be controlled by suitable conditions, content of the Section 106

agreement or because the public benefit outweighs the harm in respect of any such issues.

It is recommended that the application is approved subject to the following conditions and the Section 106 Agreement as dated 10 November 2017 but as amended by the deed of variation relating to the NHS contribution.

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

This recommendation is subject to a signed/complete s.106 legal agreement which concerns the following provisions:

AFFORDABLE HOUSING

6 units with the final mix to be determined at the reserved matters stage - to be provided not later than 50% occupation of the development.

PRIMARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on Additional Equipment @ Aldingbourne Primary School, Westergate. On commencement of development.

SECONDARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on Additional Equipment @ Ormiston Six Villages Academy, Westergate. On commencement of development.

6TH FORM EDUCATION

Formula for calculation at the reserved matters stage to be spent on additional Equipment @ St Phillip Howard, Catholic School 6th Form, Barnham. On commencement of development.

LIBRARIES

Formula for calculation at the reserved matters stage to be spent on a Proposed Tier 7 Library within a Community Space for Bersted. On commencement of development.

FIRE & RESCUE

Formula for calculation at the reserved matters stage to be spent on the supply and installation of additional fire safety equipment/smoke alarms to vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Bersted. On commencement of development.

It should be noted however that this is not considered to be compliant with the CIL Regulations and any decision on this application will not be supported by its inclusion within the signed S.106 agreement.

OFF SITE LOCAL PLAY

A contribution of £20,000 (index linked - £32,000 at current prices) to be spent on the Berghestede Play area - The Trees Estate, North Bersted, for improvements/additions to children's play equipment. On commencement of development.

NHS

A contribution of £24,308 to "The Croft Practice - treatment rooms project" for the infrastructure needs of providing "Treatment Rooms" either at the practice site or the LCN main site. On commencement of development.

OTHER

It should be noted that the s.106 contains a viability review mechanism which allows for the contributions to be varied depending the outcome of a future viability exercise.

CIL POOLING CHECK

Members should note that there are no other existing signed S.106's contributing to (a) additional Equipment for Aldingbourne Primary School, Ormiston Six Villages Academy or St Phillip Howard Catholic School 6th Form, (b) a Tier 7 Library within a Community Space for Bersted or (c) the supply & installation of additional fire safety equipment/smoke alarms to vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Bersted. There is only one contribution so far (ref AL/61/13) towards the Croft Practice Surgery.

Therefore, all of these provisions comply with the CIL Regulations in respect of pooling as there are no more than 5 contributions aligned to a specific project.

There are two existing signed S.106's which allocate contributions to public open space and child play area equipment at Berghestede Play Area. However, the addition of this new permission would not result in more than 5 contributions and so this is also in accordance with the CIL regulations.

RECOMMENDATION

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

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

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

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

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

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

- Dwg. 334/P/01 Rev A "Site Location Plan";
- Dwg. 334/F/03 Rev C "Proposed Site Plan",
- Dwg. 160818-07 Rev A "Site Visibility";
- Dwg. 160818-06 "Proposed Footway Arrangement"; and
- Dwg. 160818-TK02 Rev A "Swept Path Analysis.

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

4 All demolition & construction works are to be carried out in strict accordance with:- Arboricultural Method Statement Report Ref: Arbortrack Systems Ltd. jwmb/rpt5/thecottage/PI and Tree Protection Plan ref: Rev D Sept 2017.

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

5 The development must be carried out in accordance with the recommendations and mitigation measures as set out within the 'Mitigation', 'Licence Application', 'Badgers', 'Reptiles', 'Other Species' and 'General Site Enhancements' sections (pages 33 to 41) of the Preliminary Ecological Appraisal (September 2016) - as amended/updated by the relevant sections of the Bat Activity Surveys Report (June 2017). The enhancements and mitigation measures shall be retained and thereafter maintained as fit for purpose.

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

6 Prior to any demolition or construction works or changes in site levels taking place or the

introduction of machinery and plant to the site the following issues must be resolved to the complete satisfaction of Arun District Council :-

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

A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Arun DC Tree Officer.

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

Reason: To comply with BS5837 and the National Planning Policy Framework to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area. This is required to be a pre-commencement condition as it is necessary to protect the trees prior to any operations starting on site.

- 7 No development excluding the access shall commence until the vehicular access serving the proposed site has been constructed in accordance with the approved planning drawings 334/F/03 Rev C "Proposed Site Plan", 160818-07 Rev A "Site Visibility" & 160818-TK02 Rev A "Swept Path Analysis".

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. This is required to be a pre-commencement condition because the access should be in place before the commencement of works to the site and because road safety is at the heart of a planning permission.

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

Reason: In the interests of road safety and in accordance with Arun District Local Plan policy GEN7 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because road safety is at the heart of a planning permission.

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

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

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

any Infiltration drainage.

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

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

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

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

- 11 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. It is considered necessary for this to be a pre-commencement condition because surface water drainage goes to the heart of the planning permission.

- 12 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. It is considered necessary for this to be a pre-commencement condition because surface water drainage goes to the heart of the planning permission.

- 13 Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

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

considered necessary for this to be a pre-commencement condition because it would not be possible to implement a foul drainage scheme once development had been completed.

- 14 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.

- 15 No part of the development shall be first occupied until such time as the pedestrian access footways/crossing points on Shripney Road serving the development have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

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.

- 16 No part of the development shall be first occupied until visibility splays of 2.4 metres by 120 metres to the south and 2.4 metres by 71 metres to the north have been provided at the proposed site vehicular access onto Shripney Road, in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

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 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, policy QE DM3 (c) of the Arun Local Plan 2011-2031 Publication Version showing Modifications and the National Planning Policy Framework.

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

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

- 19 Should any sewer be found during construction works then all development activities shall cease and not recommence until full details of the proposed measures to be undertaken to protect the existing public sewer have been submitted and approved in writing by the local planning authority (in conjunction with Southern Water) and then implemented in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policy GEN9 of the Arun District Council Local Plan.

- 20 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 but 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), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

- 21 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.

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

- 23 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement and a separate unilateral undertaking relating to:

AFFORDABLE HOUSING

6 units with the final mix to be determined at the reserved matters stage - to be provided not later than 50% occupation of the development.

PRIMARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on Additional Equipment @ Aldingbourne Primary School, Westergate. On commencement of development.

SECONDARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on Additional Equipment @ Ormiston Six Villages Academy, Westergate. On commencement of development.

6TH FORM EDUCATION

Formula for calculation at the reserved matters stage to be spent on additional Equipment @ St Phillip Howard, Catholic School 6th Form, Barnham. On commencement of development.

LIBRARIES

Formula for calculation at the reserved matters stage to be spent on a Proposed Tier 7 Library within a Community Space for Bersted. On commencement of development.

FIRE & RESCUE

Formula for calculation at the reserved matters stage to be spent on the supply and installation of additional fire safety equipment/smoke alarms to vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Bersted. On commencement of development.

It should be noted however that this is not considered to be compliant with the CIL Regulations and therefore this decision has not been made on the basis of support from the inclusion of this contribution within the signed S.106 agreement.

NHS

A contribution of £24,308 to "The Croft Practice - treatment rooms project" for the infrastructure needs of providing "Treatment Rooms" either at the practice site or the LCN main site. On commencement of development.

OFF-SITE LOCAL PLAY

A contribution of £20,000 (index linked - £32,000 at current prices) to be spent on the Berghestede Play area - The Trees Estate, North Bersted, for improvements/additions to children's play equipment. On commencement of development.

- 24 **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.

25 INFORMATIVE: The emerging landscape design aims should be:

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

The provision of landscaping for the development must be conditioned with any permission. Some indicative landscaping particularly trees detailed have been illustrated with the masterplan. Forming part of any decision consideration or as a minimum reserved matters a full landscape scheme should be submitted for approval, detailing species choice, position, densities and size at time of planting.

This should be plotted in plan and list form and in relation to the trees and vegetation to be retained in the locale, so that a clear picture of the proposals can be seen. These details are required to assure the adjacent land setting is maintained, the setting is uncompromised and the proposals are appropriate to its setting. The landscape scheme should maximise the biodiversity of the site with the inclusion of native species and the retention of a variety of habitats. The long term management of the developing landscape would need to be considered.

26 INFORMATIVE: Please note the comments of Sussex Police:

The existing public footpath provides access to the rear of 6 houses. As this path is unavoidable, it should be as wide as possible, adequately lit, as straight as possible, devoid of potential hiding places and overlooked by surrounding dwellings.

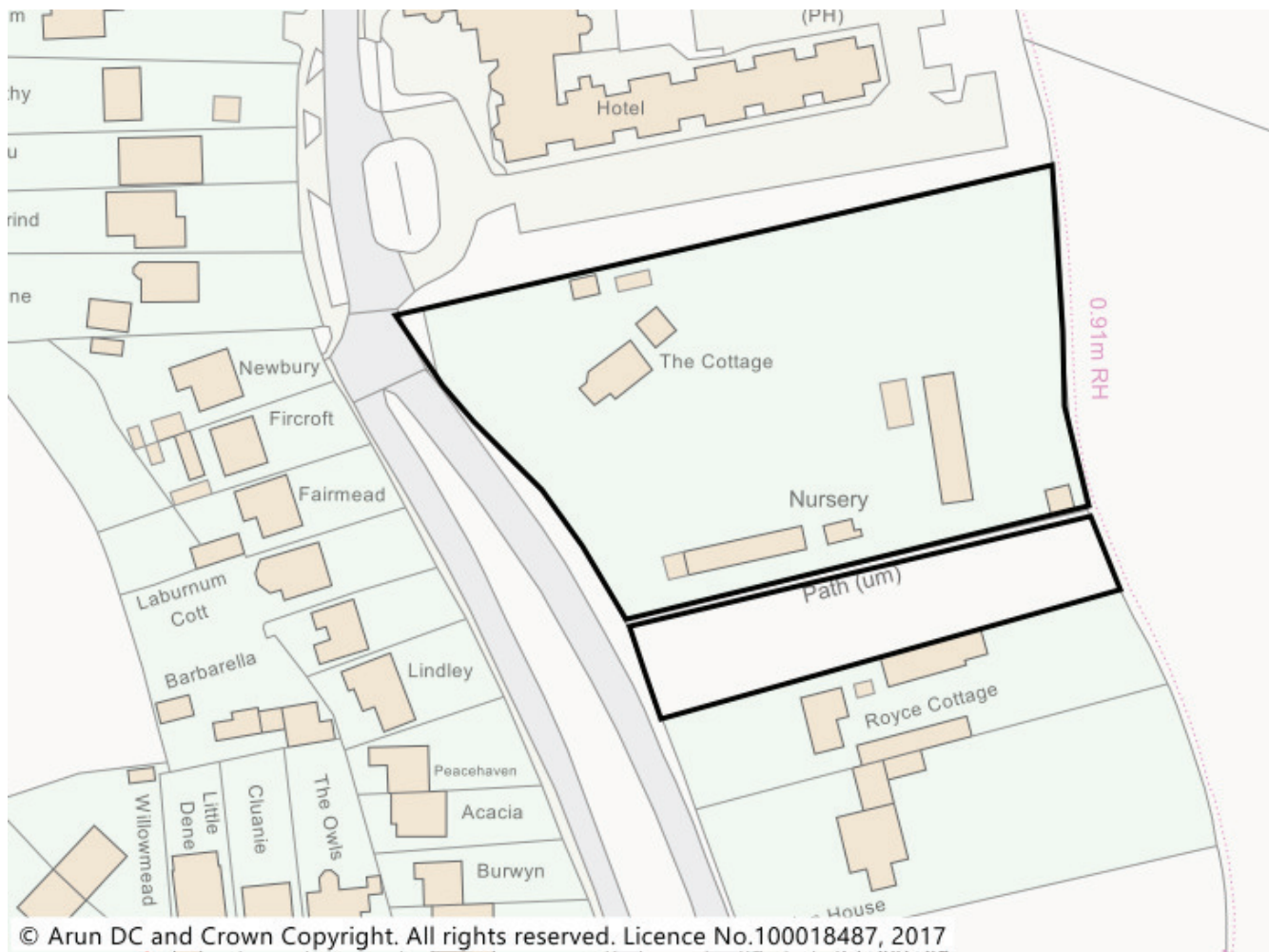
The flatted building should be provided with lockable gates and fencing to the sides to remove easy access to the vulnerable ground floor windows and the cycle store. Consideration could be given to the relocation of the cycle store from its present location to the front of the block adjacent to the refuse store. This would enable the store to have natural surveillance over it as well as observation from active rooms from within the flats. It will make accessing the cycles easier for the residents by being at the front of the block.

27 INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or Chichester District Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.

28 INFORMATIVE: Existing surface water flow paths across the site must be maintained. A wholesale site level rise via the spreading of excavated material should be avoided and therefore any excavated material kept on site should be located in areas designed and designated for that purpose. This is in accordance with the National Planning Policy Framework paragraph 103.

- 29 **INFORMATIVE:** This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) or building(s) for which work is planned, you should take further advice and apply for a licence from Natural England before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

BE/63/17/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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Instruction for Planning S106 Agreement/Deed of Variation/Supplemental Agreement

This instruction also gives authority and acts as a heads of terms & a completion statement

Planning Application Ref: BE/63/17/OUT	Today's date: 14/08/17
Date of Agreement (or original deed/agreement if variation/supplemental):	
Completed Deed relating to:	Seal Register Number:
Legal Ref:	Statement completed by:
Delegated authority: <i>N. Cawthra</i> (please sign)	Please refer to instructions on SharePoint regarding authority. If the signing authority is from a committee decision, please attach the relevant committee minutes to this form as evidence.
Full name of Freeholders/Leaseholders: (ideally the developer will have completed a recent land registry search which can be attached as well)	Mr Maurice Phillip Baillie, The Cottage, Shripney Road, Bognor Regis, PO22 7PA (Freeholder) Agent has said they will draft the Agreement - tim@rodwayplanning.co.uk , 01273 465240, 07818 061220.
Please attach a plan with the site outlined in red and complete a brief description of the development: Instructing Planning Officer to complete this box.	
The Cottage, Shripney Road, Bognor Regis, PO22 9PA	

PL10 – S106 Instruction Form and Completion Statement

Please distribute completed statement to: Sue Loveday (Deed Store), Ros Bentley (s106 Monitoring Officer), Nicola Spencer (TSU), Claire Rowlands (Finance) and landcharges@arun.gov.uk

Instruction for Planning S106 Agreement/Deed of Variation/Supplemental Agreement

This instruction also gives authority and acts as a heads of terms & a completion statement

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

In the case of complex strategic developments this table may initially be only partially completed upon instruction to legal. A fully completed version will be sent before completion of deed.

FINANCIAL Obligation or Change to existing obligation	Due to (ADC, WSCC, NHS, other)	Amount Due (or formula)	Trigger Point	Project	Spending restriction
Primary Education Contribution	WSCC	DfE Figure x Additional Child Product = See attached WSCC Response for full text	Commencement of Development	Additional Equipment @ Aldingbourne Primary School, Westergate	
Secondary Education Contribution	WSCC	DfE Figure x Additional Child Product = See attached WSCC Response for full text	Commencement of Development	Additional Equipment @ Ormiston Six Villages Academy, Westergate	
6 th Form Education Contribution	WSCC	DfE Figure x Additional Child Product = See attached WSCC Response for full text	Commencement of Development	Additional Equipment @ St Phillip Howard, Catholic School 6 th Form, Barnham	
Libraries	WSCC	L/1000 x AP = See attached WSCC Response for full text	Commencement of Development	Proposed Tier 7 Library within a Community Space for Bersted	
Fire & Rescue Services	WSCC	Y x (Z / M) = See attached	Commencement of Development	The supply and installation of additional fire safety	

PL10 – S106 Instruction Form and Completion Statement

Please distribute completed statement to: Sue Loveday (Deed Store), Ros Bentley (s106 Monitoring Officer), Nicola Spencer (TSU), Claire Rowlands (Finance) and landcharges@arun.gov.uk

Instruction for Planning S106 Agreement/Deed of Variation/Supplemental Agreement
 This instruction also gives authority and acts as a heads of terms & a completion statement

		WSSC Response for full text		equipment/smoke alarms to vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Bersted	
Off-site Local Play Contribution	ADC	£20,000 Index Linked	Commencement of Development	TBC	
NHS Health Contribution	NHS	TBC	TBC	TBC	
NON-FINANCIAL Obligation Summary		Due To (ADC, WSCC, Other)	Trigger Point	Department/Officer to Confirm Compliance	
Affordable Housing (final mix to be determined at reserved matters stage) - 6 UNITS		ADC	Not to occupy or cause to allow to occupy more than 50% of the market housing units in the development until the affordable housing is provided on the land		
NOI					
n/a					
n/a					

PL10 -- S106 Instruction Form and Completion Statement
 Please distribute completed statement to: Sue Loveday (Deed Store), Ros Bentley (s106 Monitoring Officer), Nicola Spencer (TSU), Claire Rowlands (Finance) and landcharges@arun.gov.uk

REPORT UPDATE

Application No: BR/194/17/PL

Reason for the Update / Changes

Reason for Update/Changes:

This application was present to Committee in September 2017. Members resolved to defer the application though no clear or specific reasons for a deferral were provided. Officers have sought to address some of the individual comments made by members in order for the application to be re-considered by Committee.

Following the deferral at the last Committee the plans have been amended to show:-

- i) The toilet doors facing south (towards the beach)
- ii) A screen in front of the urinal entrance
- iii) The buildings have been moved further north
- iv) Two guard rails have been sited to the south elevation either side of the entrances.

A further period of public consultation is being carried out until 11 January 2018 - responses to this will be reported at Committee.

It is considered that the changes to the plans are sufficient to overcome the concerns previously identified by Committee and it is therefore recommended that planning permission be granted subject to conditions on the original agenda apart from condition 2 which was amended to read:-

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

- (08) 101 Revision A.
- (08) 102 Revision C.
- (08) 103 Revision D.
- (08) 104 Revision B.
- (08) 106 Revision C.
- (08) 107 Revision D.
- (08) 108 Revision B.
- (08) 109 Revision 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.

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

PLANNING APPLICATION REPORT

REF NO: BR/194/17/PL

LOCATION: Promenade Opposite Walton Avenue
The Esplanade
Bognor Regis
PO21 1LX

PROPOSAL: Demolition of the 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Two single storey detached buildings to replace existing foreshore office. One building will house public toilets and the smaller of the two would be a foreshore office.
	The public toilet building would contain four cubicles and urinal section, a disabled toilet and service area not open to the public.
	The foreshore office would house a staff toilet, area for staff with window to promenade and public area with room containing sink and kitchenette.
	The existing underground toilets are to be de-commissioned as part of this application.
SITE AREA	161m2.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Railings and wall to north of site. No side boundary and open to south for access to beach.
SITE CHARACTERISTICS	Seafront promenade the site is currently occupied by the existing foreshore office building and entrance to underground toilets (closed to public). The temporary toilets are located to the east of the foreshore office.
CHARACTER OF LOCALITY	Seafront promenade with various local amenities. Wider area characterised by residential blocks of flats and the beach.

RELEVANT SITE HISTORY

BR/103/92	Application under Regulation 4 of the Town & Country Planning General Regulations 1976 to convert existing	Deemed Perm Cnd 17-06-92
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seating shelter into new foreshore office for Arun District Council. Work involves new pitched roof, walling and castings to a 'Victorian' theme.

Existing foreshore office granted permission in 1992.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Object, on the grounds of loss of privacy to both residents opposite and users of the toilets. In addition, the Committee felt that the inconsistencies within the plans, in particular the unclear address and the footprint extending over the current one, was another reason to object.

The address on the application reads Promenade opposite Clarence Road, The Esplanade which is due to be amended to read Promenade adjacent to The Esplanade between Clarence Road and Walton Avenue. That is still incorrect and should be Promenade adjacent to The Esplanade between Albert Road and Walton Avenue.

56 letters of public representation received. 55 objecting on the grounds of:-

- loss of privacy and outlook for the residents of Esplanade Grande,
- detrimental impact on visual amenity of the promenade,
- generation of anti-social behaviour,
- noise and disturbance to residences of Esplanade Grande from the use of the toilets,
- safety concerns- the buildings will block the promenade,
- unsustainable design with no grey water harvesting or solar panels,
- the existing toilets should be upgraded, not new ones proposed.

1 letter supporting on the grounds of:-

- good visual appearance of the new modern architecture on the seafront
- the design blends with the surrounding area such as buildings of Esplanade Grande
- a much needed updated facility for visitors

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

It is noted that the two buildings when considered together will be smaller than the existing foreshore office in terms of footprint and overall mass; and have a space between them. As such it is not considered that the new buildings will have a detrimental impact on outlook to the flats of Esplanade Grande.

The toilets and foreshore office will be more than 20m away from the windows of Esplanade Grande and the toilets have automatically closing doors. It is not considered that members of the public exiting or entering the toilets will cause loss of privacy through overlooking to a level higher than what already occurs from the use of the promenade as a public right of way.

The generation of anti-social behaviour is not considered likely to be any higher than when the temporary toilets are used which are currently in place but will be less than when the closed underground toilets were previously used. Owing to the hidden nature of the underground toilets they were especially prone to misuse. Measures to ensure a reduction in the likelihood of anti-social behaviour will be outlined in the Conclusions section reflecting on comments from Sussex Police.

The use of the toilets by the public is not considered to pose a noise and disturbance risk to the residents of Esplanade Grande. The toilets and foreshore are located more than 20m away. The noise generation from the use of toilets (located inside a building) are not considered to be so loud that they would create a constant and audible noise. As such, it could not be reasonably argued that the development would detrimentally impact on the residential amenities of the occupiers of Esplanade Grande in terms of noise and disturbance. The public usage would not create a significant level of disturbance over and above that of the use of the previous underground toilets and current above ground temporary toilets or general activity associated with a public promenade use.

The proposed buildings occupy less space than the existing foreshore office and do not project as far into the promenade from the road. As such, it is not considered they will block the promenade and create a safety risk.

It is noted that the building would not make use of renewable energy of grey water harvesting. However, there is no planning policy requirement for these technologies to be insisted upon. This technology could be added at a later date but overall, the application is not considered to be unsustainable and could not be refused on these grounds.

The suggestion that the existing toilets should be upgraded is not considered to be an issue that can be considered at planning stage.

The officer agrees that the design of the new buildings is acceptable in this location and will provide a permanent amenity facility for the public.

CONSULTATIONS

Estates Manager
Southern Water Planning
Economic Regeneration
Sussex Police-Community Safety
Engineers (Coastal Protection)
Engineering Services Manager
Environmental Health
Engineers (Drainage)
Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

Environmental Health

No objections or comments to make.

Economic Development

Economic Development are fully aware of the future proposals and current restraints of the Bognor Regis promenade area and would support this application which helps towards the provision of good quality facilities for both visitors and residents.

Second Comment:

Economic Development support this application because it improves facilities for both residents and tourists visiting the seafront which will hopefully encourage them to stay longer, spend more and come back more often. Improved accessible and modern toilets was the top priority in two public surveys about the seafront, so this is clearly in line with public demand.

Sussex Police: Design Out Crime Officer

Public Toilets

- I have concerns about the positioning of the facility, which as result causes the toilets doors to open onto the promenade's balustrade area. With the doors open, this creates a barrier blocking users in, unable to make their way back to the promenade until the adjacent door is closed. This is more apparent for the middle cubicle users
- This orientation increases the vulnerability of the users, the opportunity for robbery, assault and anti-social behaviour as well as the fear of crime.
- Despite the design's orientation being suggested to alleviate bad weather conditions impacting upon the users, I recommend that the orientation be changed so that the doors open onto the promenade. This will remove the possibility of creating a blocked off area and reduce the opportunity for robbery and assault as well as reducing the fear of crime by utilising natural surveillance and the presence of capable guardians who are using the public promenade.
- Should the orientation remain the same with all doors opening in, this will remove my above concerns but will impact upon the available space inside.
- I recommend the fitting of vandal resistant dusk till dawn lighting above each door.
- I support the recommendation of the fitting of a one way viewer in the doors to ensure safe exit for the user.
- I question why one cubicle door opens in, when the others open out. This reduces considerably the space within, given it is a baby cubicle, this may impede upon the size of pram / pushchair used and create problems shutting the door.
- I recommend that vandal resistant door and windows are installed that conform to LPS 1175 SR2 with any glazing being laminated that conforms to BS EN 356 P1A.
- The mentioned accessible toilet will need to have an adequate and fit for purpose automated door system that allows access for all types of wheelchairs and mobility, and as such have appropriated door timers and door closers installed. Access to this facility will need to be managed to ensure misappropriation of the facility is removed.

Beach Office

- Vandal resistant door and windows to conform to LPS 1175 SR2 with laminated glazing that conforms to BS EN 356 P1A to be fitted.
- Vandal resistant dusk till dawn lighting fitted above entry doors
- I recommend the fitting of a monitored intruder alarm within the premises to alert any out of hour's unauthorised entry.

Southern Water

Please apply standard informatives.

Engineers (Coastal Protection)

No objection on coastal defence grounds; there are obviously risks in being this close to the coastline but the building is indeed of a 'less vulnerable' type and the applicant is aware of the issue.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

The Design Out Crime officer comments are noted and are discussed in the Conclusions section of the report.

Southern Water informative will be included.

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN18	Crime Prevention
GEN2	Built-up Area Boundary
GEN32	Noise Pollution
GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D SP1	Design
QE SP1	Quality of the Environment
SD SP2	Built -Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 relevant Bognor Regis NDP.

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

It should be noted that the Local Authority has chosen to submit the scheme as a planning application, even though buildings could be constructed under permitted development (Part 12 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) without the need for formal planning consent. As such, the fall back position for the application is that the toilet and foreshore office could be constructed without consent and is a material consideration to the application.

The promenade is considered a suitable location for the public toilets and foreshore office near to the existing foreshore office, temporary toilets and closed underground toilets.

DESIGN AND VISUAL AMENITY

Saved policy GEN 7 requires that development:-

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

It is considered that the new buildings, whilst modern in design respond to the character of the promenade and surrounding environment. The buildings are a reduction in visual mass from the existing foreshore office and would be of appropriate materials for a seafront environment. The single storey height is considered suitable for the location to reduce visual mass whilst the two building design provides visual separation and a more modest impact on the promenade visually.

The GRP roof, wall, window and door materials are considered to be suitable in terms of colour and texture for the location and their use will be required via condition.

RESIDENTIAL AMENITY

Policy GEN7 requires development:-

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

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

The buildings would be more than 20m away from the nearest residential properties of Esplanade Grande and separated by the road. They would also be single storey in height and are not considered to be of an excessive overall scale. As such in terms of impact on residential properties the buildings will not have a significant detrimental impact in terms of visual intrusion or loss of light.

As the development will be more than 20m away from the windows of Esplanade Grande and the toilets have automatically closing doors. It is not considered that members of the public exiting or entering the toilets will cause loss of privacy through overlooking. The doors are auto closing and it is considered unlikely that a person exiting the toilet will then take the opportunity to look directly into the windows of

Esplanade Grande for a unreasonable amount of time.

The intensity of disturbance is not considered be to a level higher than current levels generated from the use of the promenade as a public right of way various public amenities including a toilet and foreshore office. Environmental Health have no objected on the ground of potential noise and disturbance from the use of the building.

The development is considered to comply with saved polices GEN7 and GEN32 of the Arun District Local Plan in terms of impact on residential amenity and noise pollution.

CRIME AND ANTI-SOCIAL BHAHAVIOUR

Saved policy GEN18 states:-

"Planning permission for new residential, commercial, recreation or community developments will not be permitted unless the Local Planning Authority is satisfied that the development includes crime prevention measures, as far as this is practicable and compatible with achieving a high quality design and layout."

One of the main reasons for the application is to replace the underground toilet facility which generated problems of misuse and anti-social behaviour. Some concerns from the Designing Out Crime Officer have been raised. However, it is not considered that the proposed scheme will increase the risk of crime as compared with the underground toilet facility it is replacing. An above ground toilet will have natural surveillance from the street, neighbouring residential properties and the promenade.

Furthermore, in this instance the foreshore office which will be staffed during the day will also provide surveillance to an extent. The outward opening of the doors toward the north is not considered to create a significant barrier which could lead to an opportunity for crime. With the toilet doors open, there will still be more than a metre of space on the promenade between the open door and the balustrade. Therefore, it is not considered the open doors will create a significant 'closed space' that has the potential to generate crime. It is considered that the development has been designed to reduce the potential for crime.

Arun District Council is the applicant for this application and it is considered that they will take responsibility for ensuring the correct measures are used to reduce the likelihood of vandalism and other crime. As such it is not considered to be necessary or reasonable to require the use of one way viewer doors, dusk 'til dawn lighting or vandal resistant doors by condition. These can also be installed post construction if required.

The development is not considered to create undue opportunity for crime and anti-social behaviour in compliance with saved policy GEN18 of the Arun District Local Plan 2003.

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

HUMAN RIGHTS ACT

Human Rights Act:

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

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

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:-

(08) 101
(08) 102
(08) 103
(08) 106
(08) 107
(08) 108
(08) 109

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.

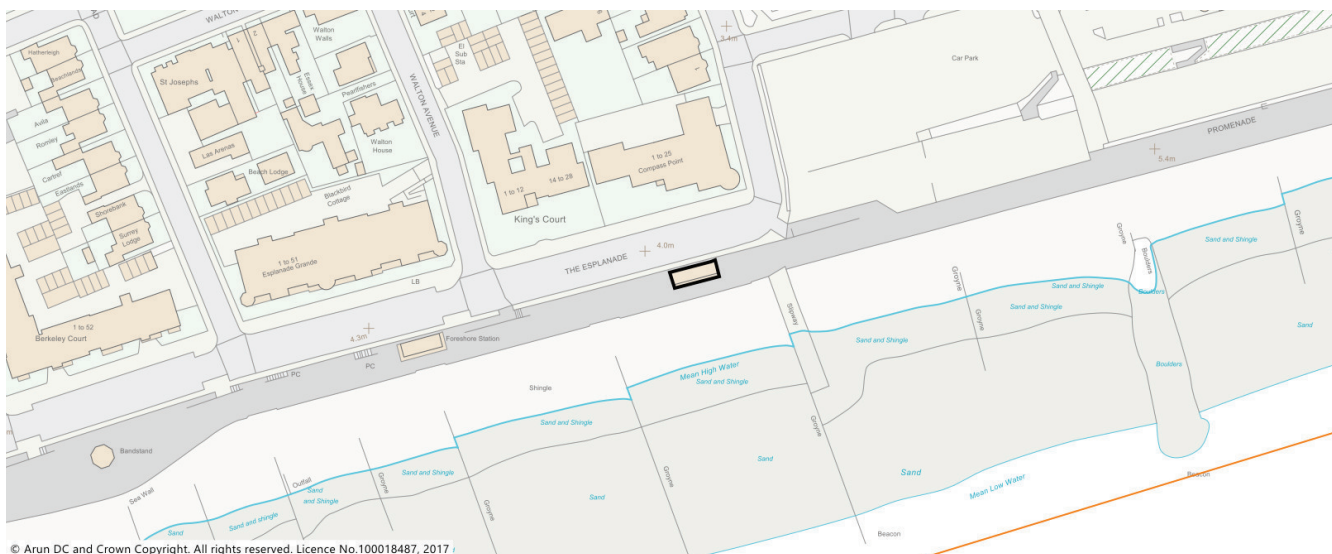
- 3 The external walls, roofs, windows and doors of the buildings shall be externally constructed of the materials below:-

- Roof- smooth GRP
- Painted steel doors and frames
- Walls- Mineral rock cladding panels in a metal frame. Smooth semi-matt through pigmented colour.
- Windows- Painted aluminium framed glass windows with frameless multi-wall polycarbonate clerestorey glazing.
- Roller shutters-

Reason: In the interests of amenity to achieve a reasonable visual quality in the buildings in accordance with policy GEN7 of the Arun District Local Plan.

- 4 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by 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.

BR/194/17/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 7

DEVELOPMENT CONTROL COMMITTEE

17th January 2018

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

ALDINGBOURNE

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
AL/102/17/RES	Application for approval of Reserved Matters for the demolition of existing glasshouses, bungalow, stables & outbuildings & residential development of 268 dwellings incl 30% affordable housing (incorporating 60 senior living units) with associated access, public open space & landscaping	Nyton Nursery Nyton Road Westergate ALDINGBOURNE PO20 3UQ
Case Officer:	Claire Potts	
Recommendation:	Approve Conditonally	

ANGMERING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
A/178/17/OUT	Outline application with some matters reserved for the demolition of existing outbuildings, retention of 1 No. dwelling & the erection of 6 No. dwellings. This application is a Departure from the Development Plan.	Crete Nursery Dappers Lane Angmering BN16 4EN
Case Officer:	Mrs A Gardner	
Recommendation:	Approve Conditonally	

FELPHAM

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
FP/246/17/PL	Alterations to layout of existing public conveniences & new shutter door on south elevation.	Public Conveniences Adjacent to Felpham Yacht Club Blakes Road Felpham PO22 7EE
Case Officer:	Mr R Temple	
Recommendation:	Approve Conditonally	

LITTLEHAMPTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
LU/318/17/PL	Changes to internal layout & access doors.	Public Conveniences St Martins Car Park St Martins Lane

Case Officer: Mrs A Gardner
Recommendation: Approve Conditonally

WALBERTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
WA/54/17/PL	Single storey side extension to form new entrance lobby & disabled WC facilities. This application affects the character & appearance of the Walberton Village Conservation Area.	Walberton Baptist Church The Street Walberton BN18 0PG

Case Officer: Mr M Jones
Recommendation: Approve Conditonally

YAPTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
Y/44/17/OUT	Outline Planning Application for 70 No. residential dwellings including 30% affordable, public open space & associated landscaping. All matters to be reserved apart from Access (access to be achieved via permitted road (reference Y/93/14/OUT)). This application is a Departure from the Development plan. This application affects the character & appearance of Main Road/Church Road Yapton Conservation Area & the setting of Listed Buildings	Land at Stakers Farm North End Road Yapton

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

PLANNING APPLICATION REPORT

REF NO: AL/102/17/RES

LOCATION: Nyton Nursery
Nyton Road
Westergate
ALDINGBOURNE

PROPOSAL: Application for approval of Reserved Matters for the demolition of existing glasshouses, bungalow, stables & outbuildings & residential development of 268 dwellings incl 30% affordable housing (incorporating 60 senior living units) with associated access, public open space & landscaping

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	11.64 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	18dph
TOPOGRAPHY	Site slopes down gradually from north to south.
TREES	<p>Many within the site and forming the boundary to the western edge. Significant line of trees running north-south from the southern part of the site.</p> <p>A Tree Preservation Order (TPO/AL/13) covers an ash tree and evergreen oak located in the south western corner of the site.</p>
BOUNDARY TREATMENT	The eastern boundary of the site is kept by a hedgerow which supplements low level post and wire fencing. Northern boundary kept by various fencing, intermittent hedging and a row of trees to the north-west corner. Southern boundary kept by mature hedging, low level wire fencing in part and fencing. Part of the western boundary is kept by domestic boundary hedging/fencing to the larger residential curtilages within Northfields Lane and the north part by a country lane with open farmland beyond.
SITE CHARACTERISTICS	<p>The site was predominantly in agricultural use with a large part of the land previously in use as grazing land with a barn and storage area for farm machinery/equipment centrally located within the site.</p> <p>Existing horticultural use was located to the south-west corner of the site. The use included greenhouses with growing areas and a residential property which is associated with the nursery. The greenhouses have been demolished.</p>

The north-west corner of the site is in use for the keeping of horses with stables and associated hard-standing.

Accesses are currently available to the site from Fontwell Avenue, Nyton Road and Northfields Lane

CHARACTER OF LOCALITY

Site is located on the edge of the settlement of Westergate. Residential properties line the southern boundary of the sites, these are a mix of 1 and 2 storey properties of varied designs.

Pig sheds, farmland and scrap yard to the north/north-east of the site with residential properties and Fontwell Racecourse beyond. To the east is the A29 with residential properties beyond.

Northfields Lane runs along the western boundary which provides a significant landscape buffer between the application site and the open arable farmland to the west.

RELEVANT SITE HISTORY

AL/119/17/DOC Application for approval of details reserved by condition imposed under AL/61/13/ (APP/C3810/A/14/22173850) relating to conditions 5-Arbicultural Method Statement, 8- Archaeological Investigation, 14-schedule for removal or long term management of Japanese |Knotweek, 15- Construction Environmental Management Plan, 17- Ecological Enhancement Scheme & 18-Construction Method Statement.

AL/61/13/ Outline application with some matters reserved for the demolition of existing glasshouses, residential bungalow, stables and various outbuildings and residential development of up to 268 dwellings including 30% affordable housing (incorporating 60 Senior Living units), with associated access, public open space and landscaping. This is a Departure from the Development Plan.

Refused
14-02-14
Appeal: Allowed+Conditions
23-02-15

The outline application (AL/61/13) was refused in February 2014 for the following reasons: outside the built up area boundary, lack of S106 undertaking in relation to affordable housing and other infrastructure requirements. Permission was granted on the 23 February 2015 following an appeal with a S106 agreement including on site affordable housing and open space and contributions towards swimming pool, sports hall, artificial pitches, NHS, public art, MUGA, Highway works, library, education, fire service, footways and cycleways, bus service funding and a Travel Plan.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

Aldingbourne Parish Council

Object:

- Application incomplete, request to withdraw until complete information on - landscape proposals, drainage and foul water, requirements of appeal met, local infrastructure requirements met (e.g. GP practice)
- Object to drainage scheme and lack of information on drainage
- Confirmation required from SW that Lidsey has sufficient capacity as when tested 18 months ago ground water levels very high and recent Operation Watershed works in Northfields Lane should not be compromised
- Strong objection to temporary sewerage solution
- Lack of adequate healthcare provision
- Requirement for native british stock for trees to preserve native species genus
- Request for a financial sum to long term management of trees and landscaping should the management company default
- Lack of information on bat habitat
- Lack of communication from developers
- Specific concerns by Mr Walters re access; Mr Setter re screening and Mr Olliff re loss of tree and vegetation to provide cycle access
- Alternative cycle access to the east not progressed
- Insufficient information on lighting in relation to 'Unlit Village Status' policy EH10 of ANP
- Request deferral of decision until matters above resolved

6 representations have been received objecting to the application and raising the following matters:

Procedure:

- Lack of neighbour notification
- Notices not placed on Northfields Lane or at proposed emergency access off Northfield Lane
- Lack of information/ communication from Taylor Wimpey

Drainage and flooding:

- Ditch with boundary to rear of Northfields Lane to be relocated - property owners have a right to be consulted on this as they have riparian rights
- Environment Agency flood zone maps have been updated since 2015 decision now show parts of site in Flood Zone 2, how has this been addressed and who will be liable if existing houses flood?

Trees and ecology:

- No further arbour report attached, plans show different trees not all the same trees
- Proposal includes removal of trees protected by TPO, in particular a Holm Oak
- Oak and Ash trees acknowledged to be fine specimens
- Removal of trees is justified by cycle route provision - object to route in this location - footpath could be accommodated without loss of trees
- Other trees to be removed also provide habitat for bats and wildlife
- Barn owls, kestrels, buzzards and bats fly over and hunt across the site - negative impact on protected species
- Lighting needs to be kept to a minimum to avoid impacts on wildlife habitat (Fontwell Farm)
- Construction impacts need to respect wildlife on Fontwell Farm (noise, dust, light, vibration)

Amenity:

'Jaracanda' property adjacent to site boundary:

- Windows face children's play area and cycle path (within 2m of fence)
- Removal of trees and shrubs will expose property and reduce quality of life
- Noise, traffic pollution, and overlooking concerns from play area, cyclists and pedestrians
- Anti-social behaviour due to lack of passive surveillance
- Suggestions for re-aligned play area and cycle way provided to developer
- Lighting proposals need to avoid lights shining into habitable rooms

'The Haven' property on Northfield Lane

- Semi-detached houses of Plots 21 and 22 are set at angle that would enable potential residents to see into existing property
- Plots 20, 19, 18 and 17 also appear to have uninterrupted views into property - screening with trees 20 feet high suggested and fencing to demarcate the boundary.
- Application does not address concerns over limiting the impacts of lighting on neighbouring residents (linked to biodiversity mitigation proposals at outline)

'Fontwell Farm'

- Concern there are no plans for fence between new development and Fontwell Farm
- Wooden fence and hedge proposed would cause safety concerns for public as it will not prevent children and dogs entering farmland
- Drawings need to be corrected to reflect correct boundary line
- Borehole needs to be decommissioned correctly

'Luakela House'

- Plans don't show access to property driveway
- Plans unclear about what drive to west of property will be used for - concerns about safety
- What will happen to fence to north and east of property
- No detail of pumping station
- Concern about tree clearance

Traffic:

- Proposed exit/ entrance insufficient for additional traffic as already high traffic area and close to corner
- traffic builds up at key times and due to railway crossing

Infrastructure:

- Additional pressure on doctors surgery

Other:

- Japanese knotweed present on the far side of the ditch

COMMENTS ON REPRESENTATIONS RECEIVED:

All comments above are duly noted, the issues raised are discussed in detail below.

Neighbours were notified by means of site notices placed around the site in accordance with the statutory requirements.

CONSULTATIONS

Highways England

Network Rail

WSCC Strategic Planning
Environment Agency
Natural England
Surface Water Drainage Team
Environmental Health
Parks and Landscapes
Southern Water Planning
Economic Regeneration
Planning and Housing Strategy
Sussex Police-Community Safety
Engineering Services Manager
Engineers (Drainage)
NHS Coastal West Sussex CCG
Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Greenspace: No objection

- Comments raised under AL/61/13 - some superseded but fundamentals still valid
- Application provides comprehensive detail regarding public open space, play provision, general landscaping and landscape buffer areas
- Public open space areas appear suitable in size and location with central open space for play equipment easy to access and overlooked
- Play offer good and varied mix providing range of play experiences
- Landscaping detailed and provided good species diversity, suitable for location
- Buffer to the north well thought out providing open space, native screening, specimen trees and pathways, will form sufficient barrier over time to prevent access to private land to north
- Consideration should be given to stock fencing as additional deterrent along boundary
- Details of planting density required
- Shelterbelts on boundaries to east, south and west less valuable as open space but all allow habitat formation and will increase biodiversity and provide screening
- Comprehensive management plan needed for these areas
- Amended drawing required to include tree as mitigation/ screening for siting play area to southern boundary

Following submission of additional information:

- Information addresses concerns raised above - detail provided on maintenance and management, planting densities and mix and detail regarding the LEAP.

Sussex Police: No major concerns but following additional measures should be considered:

- Issues raised at the appeal remain extant
- Street lighting throughout should conform to BS5489:2013 and for car parking lighting at Extra Car Senior Living Home
- Parking bays outside flats, plots 92 - 99 and flats 208- 207 should be illuminated as they are vulnerable in recessed areas
- Suitable boundary fence to northern perimeter to deter access by farm animals and access from site to fields
- Areas of play should be overlooked and surrounded with self-closing gates to provide dog free environment

- LAPs and LEAPs located with good surveillance
- Recommendations on access arrangements for extra care apartments, CCTV, fire doors, internal doors, lighting of covered walkway and stairwells, cycle stand specifications.
- Perimeter fencing to back of communal gardens must be adequate with side and rear gardens fencing min of 1.8m height with robust gates of same height.

Network Rail: No objection

- A29 already congested.
- None of crossing on the map will have an impact on the development as too far to be of any consequence.
- Woodgate crossing manually controlled - risk is safely controlled

NHS CCG:

- Requested funding contribution of £294,000 towards managing GP consultant care at the Croft Practice.

Housing Strategy: No objection

- Policy compliant scheme of 30% affordable housing on-site incorporating 60 senior living units and 20 other affordable homes.
- Tenure split of 50% affordable rent and 50% shared ownership acceptable
- 333 residents identified as potentially needing extra care in Westergate area, a proportion of whom may prefer to buy rather than rent so blended scheme providing affordable rent and shared ownership desirable.
- Advice provided on engaging with preferred housing partners
- Inclusion of extra care housing scheme for affordable housing fully supported.

Environment Agency: No objection

- No objection in principle to the proposed development as submitted

Engineers:

- Insufficient information on winter groundwater levels and percolation testing
- Groundwater springs known to frequent the area
- Shallow soakage should be utilised if possible and/or restricted discharge to watercourses (not exceeding greenfield runoff rates)
- Peak groundwater levels are considered critical to the design
- Due to known flooding problems in the area, betterment should be considered where possible

Highways England: No objection

- Submitted Travel Plan specifies what measures would be taken should the monitoring process indicate that targets are not being met.

Local Highway Authority (WSCC): No objection

- Parking and cycle space provision in line with WSCC parking standards
- Internal roads to remain private
- Vehicle tracking provided and detail refuse vehicle and fire engine can access and exit site in forward gear
- Offsite highway works - details of works to widen existing footway along Nyton Road to be agreed with WSCC
- S106 requirements - contributions to Eastergate- Barnham footway/ cycleway, signalised pedestrian crossing and public transport infrastructure required
- Travel plan - target should be expressed as vehicle trips and TPC contact details to be included if possible and second round of £150 vouchers if target not achieved.

Natural England: No Objection/ refer to standing advice

- Unlikely to affect any statutorily protected sites
- Apply duty of regard in relation to South Downs National Park and local landscape policies
- Apply standing advice for protected species
- Explore opportunities for biodiversity and landscape enhancement

Southern Water:

- Currently cannot accommodate the needs of this application without the development providing additional local infrastructure.
- Development would result in increase flows into wastewater sewerage system and as a result increase risk of flooding
- Alternatively developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows to the foul system - to be backed up by survey information
- Lidsey catchment under hydraulic issue preventing connection of any additional foul flow into the network
- Development flow may be permitted into the network if the developer can prove the removal of surface water flows into the system - must be approved by Southern Water
- Conditions requested requiring drainage strategy
- Advice re not positioning pumping station closer than 15m to habitable rooms
- Advice on adopting 'practical measures to reduce potential impact of development'.

Further advice:

- SW currently in consultation with developer regarding design of required off site network improvements (under S98 of Water Industry Act)
- The matter of allowing connection to public sewer of some residential dwellings in interim period (before completion of off site infrastructure works) is a subject of detailed hydraulic assessment carried out during above process.

Further advice:

- Foul sewage can be discharged to the public foul network on completion of the proposed works following implementation of design solution
- Pending implementation of the S98 scheme works SW assessing temporary proposals for temporary flow inhibit pumped discharge to public sewer combined with tankering of excess from the site.
- If feasible, temporary solution for time period not exceeding 5 years
- Temporary tankering needs to be assessed by planning authority due to increased vehicle movements

Tree officer:

A response is awaited and an update will be provided.

Environmental Health: No objection

- Noise report submitted with the outline is satisfactory, no concerns in relation to noise.

COMMENTS ON CONSULTATION RESPONSES:

The level of the NHS contribution has been queried by the Parish Council, following submission of a response from the NHS to the application. The NHS have verbally clarified that their response didn't take into account that this was a reserved matters application with an already agreed S106 agreement. Written confirmation of this has been requested and an update will be provided. Under the agreed S106 the development would provide a contribution of £116,727 (index linked) to be used for provision of healthcare facilities and services in the District of Arun including an extension to Croft GP Surgery in Eastergate. The contribution was considered by the Inspector to mitigate the direct impact of the

proposal upon health services that were operating at capacity. There is no evidence that would support a change in this position and the S106 cannot be amended as part of this application.

The S106 requirements requested by WSCC are already included in the agreed S106 Agreement.

POLICY CONTEXT

Designation applicable to site:

Class A Road

Outside the Built-up area boundary

Area of special control on adverts

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

DEV17	Affordable Housing
GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN20	Provision of Public Open Space within New Development
GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
D SP1	Design
ECC DM1	Renewable Energy
ECC SP1	Adapting to Climate Change
ENV DM1	Designated Sites of Biodiversity or Geological Imp
H DM1	Housing Mix
H DM2	Independent Living & Care Homes
H SP2	Affordable Housing
HWB SP1	Health & Wellbeing
OSR DM1	Open Space, Sport & Recreation
T DM1	Sustainable Travel and Public Rights of Way
T SP1	Transport and Development

<u>Aldingbourne Neighbourhood Plan 2016 POLICY EH6</u>	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2016 POLICY EH9	Conservation Area
Aldingbourne Neighbourhood Plan 2016 POLICY GA3	Parking and new development
Aldingbourne Neighbourhood Plan 2016 POLICY	New housing or altering dwellings

H1	Quality of Design
Aldingbourne Neighbourhood Plan 2016 POLICY H2	Range of house types
	Housing Mix
Aldingbourne Neighbourhood Plan 2016 POLICY H4	10 or more to include 40% unless unviable
	Affordable Housing
Aldingbourne Neighbourhood Plan 2016 POLICY H8	Dwellings must have adequate private or shared amenity.
	Outdoor space
Aldingbourne Neighbourhood Plan 2016 POLICY H9	Items to consider e.g. - bin stores
	Attention to detail

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

H SP1 Housing Allocations

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

XXX6 Interim Affordable Housing Policy

POLICY COMMENTARY

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

A new local plan is in preparation 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).

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:

This application is for:

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

The proposals relate to reserved matters development following the grant of outline planning permission under appeal decision ref. APP/C3810/A/14/2217385, dated 23 February 2015. The appeal Inspector

concluded that the proposal would be socially, economically and environmentally sustainable. It was recognised that the site is within a countryside location and therefore contrary to Policies GEN2 and GEN3 of the Local Plan, but the Inspector only accorded them minimal weight. The Inspector also concluded that policies GEN2 and GEN3 were relevant to the supply of housing and therefore could not be considered up-to-date. Therefore, the presumption in favour of sustainable development was applied and the contribution that the site would make towards much needed housing, including affordable housing was a strong material consideration.

The principle of the development and site access has therefore been established.

AFFORDABLE HOUSING and HOUSING MIX:

For all developments over 15 units, the Council requires a minimum provision of 30% affordable housing on site, as set out in Policy AH SP2 of the modified emerging Local Plan (eALP) and in the Interim Housing Policy 2010. The ANP Policy H4 requires 40% affordable housing and Policy H2 that the housing mix should deliver a range of house types, sizes and tenures, including supporting proposals where at least 25% of dwellings meet Lifetime Home standards.

The level of affordable housing provision was agreed with the outline permission (AL/61/13) and is set out in the accompanying S106 Agreement. This provides for a total of 80 affordable units (60 units for senior living and 20 for affordable rent and intermediate). The proposed tenure split is 50% social rented 50% intermediate. The overall amount of affordable housing remains compliant with the policy at 30% and the mixture of shared ownership and affordable rented units within the extra care scheme would meet an identified need in the Westergate area. The scheme is not required to comply with the ANP requirement for 40% affordable housing as the percentage of affordable housing was established before the ANP was 'made'. The purpose of ANP Policy H2 supporting proposals with at least 25% Lifetime homes standards is to assist with the needs of an ageing population. It is considered that the extra care element of the scheme would provide for the needs of older residents in the local area. As the wording is 'will support' rather than 'will require', it is considered that the scheme complies with the policy.

The scheme provides the following mix of dwelling sizes and types (excluding the extra care) :

188 Market units:

- 11 no 2 bed flats (6%)
- 7 no 2 bed houses (4%)
- 73 no 3 bed houses (39%)
- 107 no. 4 bed houses (57%)
- 8 no. 5 bed houses (4%)

20 Affordable units:

- 8 no. 2 bed flats
- 12 no. 3 bed houses

The extra care scheme includes:

60 units:

- 42 no 1 bed flats
- 18 no 2 bed flats

Policy H DM1 seeks a mix of dwelling types and sizes and for developments over 11 units a balanced mix based on the most up to date SHMA. The latest housing need evidence (GL Hearn 2016)

recommends that between 40- 45% of new market homes should be 2 bed houses; 35-40% should be 3 bed houses; 10 - 15% should be 4 bed houses. This site would provide a significantly higher proportion of 4 bed houses and significantly lower proportion of 2 bed dwellings than the recommended mix. No justification for the difference has been provided. Therefore the site does not provide a balanced mix of dwellings in accordance with the latest evidence as required by Policy H DM1. However, as the eALP policy has not been adopted, it has limited weight. The ALP makes no reference to a mix of sizes and the ANP Policy H2 states that 'proposals for new housing must deliver a range of house types, sizes and tenures'. As the neighbourhood plan policy has full weight, the proposal is considered to accord with Policy H2 as it delivers a range of 2, 3, 4 and 5 bed houses and some flats. The extra care element is also smaller 1 and 2 bed units which balances the mix overall.

LAYOUT, SCALE AND APPEARANCE

Saved policy GEN7 considers the form of new development and requires that new development responds positively to the identified characteristics of a particular site and creates a development which respects those characteristics. Policy H1 of the Aldingbourne Neighbourhood Development Plan requires that proposals for new housing should be of a high quality design that reflects the local character and reinforces local distinctiveness. Policy H3 of the same plan considers housing density and seeks that new development is appropriate to its location by virtue of size, siting and relationship to existing properties. Policy H9 considers attention to detail to be considered early.

Emerging policies D SP1, D DM1, D DM2 and D DM3 consider design, aspects of form and design quality, internal space standards and external space standards respectively. New housing development should consider a wide range of elements including character, appearance/attractiveness, impact, layout movement, layout legibility, density and scale, designed in a way that reduces/prevents crime.

H DM2 sets out criteria for independent living and care homes, including that the design of the scheme can be easily adapted to the varying needs of the users of the scheme, of a scale and design appropriate to the local context and providing amenity space.

The site as proposed would be laid out around a principle street which loops around the development. The proposed carriageway would be 6.5m along the access road which reduces to 4.5m width within the development. There would be a 3m dedicated footway/cycleway on one side, which starts opposite the proposed care home, and a 2m footway on the other side around the majority of the site. The secondary roads are proposed to be shared surfaces with a total width of between 4.6m and 7.5m.

The site has proposed shelterbelt landscape planting around the boundaries of the site with the northern shelterbelt incorporating an informal path. The layout includes a large central area of open space and a LEAP to the southern edge of the site. The care home is located at the entrance to the site with car parking to the rear of the building and a private amenity space in the centre of the 'U' shaped buildings. The dwellings are well oriented to provide a consistent frontage appearance across the site, with feature properties on key locations and corners within the site to provide further active frontages maximise the corner locations.

The dwellings are primarily 2 storey with a small proportion at 2.5 storeys and one apartment building with a 3 storey section (to the eastern boundary). The extra care scheme would be a series of blocks from 2 to 3 storeys in height. There is a mixture of detached and semi-detached properties proposed with a few terraces of 3 properties and some apartments.

Policy H8 of the Aldingbourne Neighbourhood Development Plan requires that all new dwellings must include an outdoor amenity space of adequate size and quality, either as a private garden or shared amenity area. The external amenity space proposed is 50sq m for a 2 bed house, 65 sqm for a 3 bed

house, 85/100 sqm for a 4+ bed house and 5 sqm for a 2 bed flat. These standards accord with the external space standards set out in Policy D DM3 of the modified eALP and Policy H8 of the ANP.

The affordable housing on the main site is situated on the eastern boundary in 3 clusters. This would ensure that the affordable housing is integrated with the market housing on the site. There are different character areas on site. The 'gateway' is located at the access to the site, with the extra care facility to the north and the main dwellings at the access to the rest of the site. The proposed character of this area is to have a 'green route' into the site, with a landscaped street and landscaped gardens of the extra care facility. The 'central green' character area is dominated by 2 retained oak trees and retained hedgerows, as well as the informal open space and equipped play area. The open space would be overlooked on the western side by a semi-formal arrangement of detached and semi-detached properties. The 'greensward' character area is adjacent to the northern shelter belt and properties here would have a looser building line behind a shared surface street and overlooking the shelterbelt area. The majority of the site is within the 'neighbourhood' area where the proposal is that the configuration of houses is more formal along the primary and secondary streets and adjacent to shared surface areas.

It is considered that the proposed character areas across the site provide a legible layout with focal points provided by key buildings, differing styles and materials, strong landscape and open space features and through the different treatment of the roads within the site. The layout provides a clear street hierarchy and has considered cycling and walking as well as vehicular movements (covered further below).

The materials and finishes proposed for the housing include: 3 colours of brickwork, small format plain roof tiles, timber style weatherboarding, tile hanging to upper storey on key buildings and flint facing to key buildings. Decorative chimney stacks are proposed on prominent plots and windows are proposed to be PVCU. The dwellings proposed would be traditional in style with pitched roofs to reflect the local vernacular. The extra care facility would use a similar pallet of materials but with a more contemporary style of architecture. Boundary treatments proposed include brick walls on more prominent locations and 1.8m fencing.

The design of the traditional style dwellings described above, is considered to be appropriate for the location and in keeping with the surrounding area, with architectural details (e.g. differing brick courses around windows, chimney stacks) which add to the interest features. The design of the extra care facility, whilst being more contemporary in style, would tie in with the housing scheme through the use of a complementary palette of materials. Overall, the design of the buildings accord with GEN7 of the ALP, Policies H1 and H9 of the ANP and Policy D DM1 of the modified eALP.

Consideration has been given to crime prevention through the design and layout of the site. The number of properties with side and back garden fencing adjacent to the roads has been minimised and rear access to plots would have lockable gates enclosed by 1.8 - 2m high fences or walls. The play areas and open spaces have good natural surveillance and overall the proposals comply with Policy D DM1 of the modified eALP through providing security measures to make the place feel safer.

The density of the main site is 18dph (excluding the extra care facility). It is considered that the proposal makes efficient use of the land while providing a mix of dwelling types and taking into account the character of the surrounding area (which has a broad mix of dwelling types, sizes and densities).

LANDSCAPING AND OPEN SPACE PROVISION:

Policy EH6 of the ANP considers the protection of trees and hedgerows and encourages development to enhance biodiversity and the inclusion of trees of good arboricultural and amenity value in schemes. Policy GEN28 of the ALP protects trees with a TPO unless the removal of the tree would be in the

interests of good arboricultural practice or the benefits of the proposal outweigh the amenity value of the protected trees. The policy also seeks equivalent replacement trees.

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

Arun District Council's Open Space and Recreation Standards Supplementary Planning Guidance (SPG) advises on the amount of public open space to be provided by new development. It advises that a well designed scheme could incorporate areas of open space, existing landscape features such as mature trees and hedgerows, appropriate new planting, provision of children's play areas and car parking and a mechanism for long-term management of the developing landscape. The general criteria stipulates that large usable blocks of open space should be provided and land allocated for public open space should be done so in addition to that required for the purposes of the Highway Authority. For developments exceeding 50 dwellings, it is expected that a Local Equipped Area for play (LEAP) of 400m² in size should be incorporated into the layout of the development.

The proposed landscape structure for the main site can be divided into a number of areas. The 'green route' into the site would include a community orchard set either side of the entrance road. The 'triangle' would be a landscaped area with grassed areas and soft landscaping forming a green entrance feature for the main site. The 'central green' would be the main open space area which includes 2 retained oaks and retained hedging. This area would include 2 LEAPs and a NEAP. The 'greensward' is the area around the northern and north western boundary which would vary between 15m and 20m in depth and would be a mixture of native trees and grassed areas. The 'southwest corner open space' would provide cycle/ footway connections into Westergate and also a 'pocket park'. Further 'buffer planting' (between 5-10m) is proposed along the other boundaries of the site to augment existing boundary hedging and screen existing development to the south and the adjacent scrap yard to the east.

The proposal accords with the principles established for the site following the appeal decision. The proposed orchard would provide a focal point for views and screen the car breakers yard to the north of the access road, enhancing the character of the wider area over time. The buffer strip ('greensward') to the west of the site is designed to provide screening where the site adjoins Northfields Lane in order to limit the impact on the character of this part of the Lane as well provide a buffer for adjoining residents, and it is considered to do this. The buffer strip to the north is considered to provide a suitably designed landscaping buffer to mitigate the impact of the proposal on the character of the countryside.

The LEAP, NEAP and pocket parks are well located to be accessed by residents, with the central green providing a large green focal space for the development.

The extra care apartments include a communal amenity area for the residents. The soft landscaping proposals include tree planting, hedges, ornamental shrubs, groundcover and perennials in addition to areas of lawn. Trees are proposed to the south of the extra care buildings along the access road to echo the planting on the southern side of the access road.

Issues have been raised by local residents in relation to the boundary to the north of the site as well as in relation to the pocket park to the south western corner of the site. Amendments have been made to the pocket park to address concerns in relation to proximity to the property 'Jacaranda'. Play equipment has been moved to the western side of the area and additional buffer planting included. It is considered that this addresses the concerns around noise disturbance from the play area and increases privacy for existing residents. In relation to the northern boundary, the concern was that the boundary treatment of hedging and woodland planting would not be sufficient to prevent two way movements (people and animals) between the site and adjacent land. This has been addressed with the provision of stock fencing along this boundary.

A further amendment to the plans has been made to allow access rights to be exercised by an adjacent resident along the boundary with Northfields Lane. The 10m buffer strip has been moved into the site by 4.5m to allow an access track. Whilst this has resulted in a slight narrowing of the buffer strip, this is not significant and is outweighed by the benefit of allowing continued access for the neighbouring landowner to the field to the north of the site.

In relation to existing trees and hedgerows on site, the submitted Tree Protection and Removal Plans show hedges and trees being retained adjacent to the access, along boundary adjacent to Barnett Close, adjacent to Northfields Lane and in the centre of the site (where the line of trees would form part of the open space area). The TPO evergreen oak in the south western corner would require removal in order for the cycle route to connect with the A29/ Nyton Road to the south. Whilst the loss of this tree is not desirable, a cycle and pedestrian access would allow improved connectivity with the surrounding area for pedestrians and cyclists which is considered bring wider benefits which would override the loss of the tree in accordance with Policy GEN28 of the ALP.

PARKING & HIGHWAY SAFETY:

Paragraphs 32, 34 and 36 of the NPPF consider sustainable modes of travel and advise that planning decisions should ensure that development that generates significant movements is located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. They also advise that sustainable modes of transport are accessible to all and supports the use of Travel Plans. It is also recognised by Section 4 of the NPPF that sustainable modes of travel are closely linked with health benefits. GEN15 of the ALP requires that new development provides safe and attractive facilities for cyclists and pedestrians, both within the site and in the form of links to the surrounding area.

Policy GA1 of the Neighbourhood Plan considers the promotion of sustainable movement and states that development proposals that increase travel demand will be supported where it is demonstrated that walking and cycling routes are improved (through financial contribution); that they are located in places accessible to public and community transport or improves the accessibility of the site to public and community transport by contributing towards the provision of services and that they do not result in the loss of existing public rights of way. GA2 of the ANP supports proposals that improve and extend the existing footpath and cycle path network.

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

The development proposes a total of 604 parking spaces, comprising 547 allocate spaces and 57 unallocated/ visitor spaces. 2 and 3 bedroom properties would have 2 allocated spaces and 4 and 5 bed properties would have between 3 and 4 allocated spaces. This would exceed the WSCC Parking Calculator parking provision by 16 extra spaces. The parking strategy includes a mixture of single and double garages, driveways, on street parking and laybys. Garages would meet the recommended size of 6m x 3m (or 6m x 6m if double). The parking provision for the extra care facility would include 24 spaces overall, which accords with the standards for such facilities.

Cycle parking would be provided either in garages, gardens or communal storage area, meeting the required provision of 381 spaces for the houses and flats. The extra care facility would provide an internal cycle/mobility scooter store to meet the needs of residents, staff and visitors.

The internal road layout includes a main spine road 5.5m width with residential cul-de-sacs with shared surfacing at 4.6-4.8m width leading of the spine road. Home Zones would be 7.5m wide to ensure safe

access for vehicles and pedestrians. A 3m wide footway/ cycleway is proposed along the southern side of the spine road, which would connect to the south of the site. A 2m footway would be provided to the northern side of the spine road. As set out above, a footway/cycleway connection is proposed onto Nyton Road which would facilitate movements to local schools and facilities by foot and bike from the site. A pedestrian/cycle access is also proposed onto the site in the north from Northfields Lane and from the existing access road. These accesses are in accordance with the plans approved under the outline permission.

Concerns have been raised about the ability of residents of 'Luakela House' to the south west of the site to access their property as the plans show a pedestrian/cycleway that would block access. A plan attached to the outline shows vehicular access as far as the property, however, this plan was not approved and the Inspector raised concerns about the safety of this access point and imposed a condition restricting any access at the southwest corner of the site. The applicants have been informed of the issue and the proposed solution is to remove the pedestrian and cycle access point adjacent to Luakela House. Revised plans to show this are anticipated and an update will be provided.

The road layout, parking provision and footways/ cycleways therefore accord with Policies GEN15, GEN12 and GEN7 of the ALP and PoliciesGA1, GA2 and GA3 of the ANP.

OTHER MATTERS:

FOUL DRAINAGE

Policy GEN9 of the ALP and Policy EH5 of the ANP requires that the LPA is satisfied that foul drainage capacity exists or can be provided as part of the development. Condition 22 of the outline permission (AL/61/13) ensures that details of the proposed foul drainage system are submitted and approved by the LPA and that no dwelling shall be occupied until the works have been implemented. The outline application included a proposal for an on-site treatment plant to demonstrate that a solution would be possible in the event that connection to the mains drainage was not possible (as Southern Water indicated that there were sewer problems related to ground water and surface water ingress). The current application proposes connecting to the mains drainage.

Local concerns over foul drainage have been raised, citing that the Lidsey Treatment Works are at capacity. Southern Water's initial response states that they are not able to accommodate the needs of the development without the development providing additional local infrastructure and that 'at present the Lidsey catchment is under hydraulic issue, preventing the connection of any additional foul flow into the network'. The applicants have been in negotiation with Southern Water over the detailed design of improvements to the foul network and investigations have been carried out to check capacity. Southern Water have now confirmed that the foul sewerage from the proposed development can be discharged to the public foul network on completion of the proposed sewerage network works (proposed under S98). Before the works are implemented in full a temporary system is proposed which would limit the discharge pumped to the public sewer, combined with tinkering the excess from the site (from the pumping station close to the access).

An additional foul water statement has been provided by the applicant setting out the likely impacts of the temporary tankering solution. It is anticipated that the tankering would be for a period of 18 months from commencement of construction works, with 1 tanker a week initially and a maximum of approximately 1 a day. As the pumping station is located at the site access and allows for an HGV to park off the road, it is not considered that this would result in any adverse amenity impacts for existing or future residents.

Therefore, based on the information supplied by the applicant and by Southern Water, it is considered that appropriate drainage capacity can be provided as part of the development in accordance with Policy

GEN9 of the ALP subject to the full details of the drainage system being submitted and approved through the discharge of condition process and this will be done in consultation with Southern Water to ensure that the details meet their requirements.

SURFACE WATER DRAINAGE:

Policy GEN9 of the ALP requires that adequate surface water drainage capacity can be provided as part of new development and requires SuDs to be considered. EH5 of the ANP also requires that there is appropriate provision for accommodating surface water from the development. Local concerns have been raised about the lack of information provided with the application on drainage. The outline permission was accompanied by a Flood Risk Assessment and the Inspector was satisfied that the proposed development would not be at risk of flooding and imposed drainage conditions which prevent development commencing until full details of the surface water drainage scheme have been submitted and approved. The ADC drainage engineers have confirmed that the principle of the drainage design is acceptable subject to further winter groundwater monitoring being undertaken and that a solution can be engineered but that the final form is not detailed at this stage. The issue is whether approving the layout would prejudice the drainage scheme from being successful. It is considered that there is sufficient space within the site to accommodate additional drainage structures either within the open space areas or within the estate roads, without resulting in amendments to the overall layout. Therefore, it is considered that the site can provide adequate surface water drainage capacity in accordance with Policy GEN9 of the ALP and EH5 of the ANP, subject to detailed design being submitted and approved through the discharge of condition process.

BIODIVERSITY:

Policy GEN20 of the ALP features of nature conservation interest to be incorporated into schemes and Policy EH6 of the ANP includes requirements to incorporate biodiversity within and around developments and enhancing ecological networks. Policy ENV DM5 of the modified eALP requires details of measures to avoid loss of the species.

An updated Phase 1 Habitat Survey was submitted with the application. The documents include a Dormouse Mitigation Strategy as the presence of Dormice on adjacent land was established and Dormice are a protected species. As the development of the site is likely to result in adverse impact on Dormice a full mitigation strategy is proposed. This includes removal of vegetation works to be supervised by a suitably licenced ecologist (SLE) and at the appropriate times of year. Short term disturbance would be mitigated with fencing retained trees and planting compensatory hedgerow areas with Bramble to lessen cat predation and disturbance from residents. External lighting should be low level bollard lighting where used along the hedgerow. New hedgerow planting along the site boundaries would provide compensatory habitat.

A Bat Survey and Mitigation Strategy is also included with the proposals and this identified the presence of a bat roost within the bungalow to the north of Nyton Lane. Measures to mitigate the impacts are set out, including supervision of works by an SLE and timing of works to avoid impacts. The strategy includes compensation through provision of 2 bat boxes to be located on retained trees within the site.

Condition 15 of the outline permission requires a Construction Environmental Management Plan to set out how construction of the scheme will mitigate the impacts on local ecology. Condition 17 also requires an Ecological Enhancement Scheme to be submitted. These documents have been submitted under a separate discharge of condition application (ref: AL/119/17/DOC) and comments on the documents have been provided by the Ecology Officer stating that the documents are satisfactory.

Local residents and the Parish Council have raised concerns about the lost of habitat and stated that

there is a lack of information on bat habitat. It is considered that the mitigation measures combined with the proposed ecological enhancements are likely to result in a beneficial effect on biodiversity overall. Concerns have also been raised about the presence of Japanese Knotweed on the site. A Japanese Knotweed Survey and Management Plan has been submitted as part of the discharge of condition application referred to above, in order to meet the requirements of condition 14 of the outline permission and this will be considered separately.

Overall, the proposal would mitigate and enhance the biodiversity of the site in accordance with Policy GEN20 of the ALP, EH6 of the ANP and Policy ENV DM5 of the modified eALP.

AMENITY:

Policy GEN7 of the ALP seeks to ensure that there are no unacceptable adverse impacts on adjoining occupiers, land, uses or property.

The amenity concerns raised in relation to 'Jacaranda' are addressed above through the re-aligned play area and increased landscape buffer for the property.

In relation to overlooking of 'The Haven' on Northfields Lane, the rear wall of the nearest new property would be over 55m from the rear of The Haven, with 25m from the wall of the new property to the boundary with The Haven (including the woodland buffer mix planting). The properties proposed on the boundary adjacent to Barnett Close all have 10m gardens combined with the 4m landscape buffer. The closest property in Barnett Close would be side on to the new properties with 18m wall to wall. It's considered that the layout would not result in any undue harm upon adjoining occupiers in accordance with Policy GEN7.

LIGHT AND NOISE POLLUTION:

Policy GEN33 of the ALP aims to minimise impacts from lighting and Policy EH10 of the ANP seeks to restrict new lighting to the highest standards of light pollution restrictions in force at the time to support the 'Unlit village status'.

Concerns have been raised by the Parish about the lack of information on lighting in relation to how it would meet the 'unlit village status' policy. The outline permission included a condition (16) which requires the submission of a lighting scheme which takes into account the ecological mitigation. When this is submitted the details will be considered in accordance with the relevant policies in the development plan, as well as considering any impact on the resident on Northfields Lane who has raised concerns about light levels.

Concerns were also raised about the proximity of the cycle and pedestrian access to the 'Jacaranda' property boundary leading to noise disturbance. As the access is only proposed for pedestrians and cyclists the possibility for continuous and unacceptable noise nuisance would be unlikely.

INFRASTRUCTURE and S106

The outline application was accompanied by a S106 agreement which provided on site affordable housing and public open space and contributions (index linked) to the following:

Swimming pools £93,283

Sports halls £122,260

Artificial sports pitches £16,946

NHS to be used for provision of healthcare facilities and services in the District of Arun including an

extension to Croft GP Surgery in Eastergate £116,727
 Public art £15,000
 MUGA at Aldingbourne Community Sports centre £60,000
 MUGA maintenance £8,000 for 16 years upkeep
 Library services in Arun £51,216
 Education £554,654
 Controlled crossing on A29 £100,000
 Fire service £5,647
 Barnham to Eastergate Cycleway / pedestrian link £250,000
 Community bus service (between development and Barnham station) funding for 3 years £50,000
 Public transport £50,000
 Highway works (new site access and associated works to widen the footpath southwards to Memorial junction, widening of footway on northern side of A29 road and conversion to a shared surface pedestrian and cycle route from the pedestrian/cycle access adjacent to Appogee House to the proposed controlled crossing point adjacent to Limes Avenue)

The applicants are have indicated that they wish to amend the S106 as follows:

Amend the definition of affordable housing to delete reference to affordable rent from the 20 dwelling units for affordable housing on the main site (so they would just be for intermediate housing, rather than a mix).

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:

100 Site Location plan
 101 Site Layout plan Rev B
 102 External materials and boundary treatments plan
 103 Surface materials plan
 104 Refuse management plan
 105 Affordable tenure plan
 106 Garden areas plan
 Design and Access Statement (August 2017)

115 PT22 (EDALE) (Plans and elevations)
 116 PA30 (DADFORD) pair (Plans and elevations)
 117 PA30 (DADFORD) triple (Plans)
 118 PA30 (DADFORD) triple (Elevations)
 119 PT36 (EASEDALE) (Plans and elevations)
 120 PT36 (EASEDALE) (Plans and elevations)
 121 PT37 (YEWDAL) (Plans and elevations)
 122PT37 (YEWDAL) (Plans and elevations)
 123 NA31 (BIRCHFORD) (Plans and elevations)
 124 NA31 (BIRCHFORD) pair (Plans and elevations)
 125 NA31 (BIRCHFORD) triple (Plans)
 126 NA31 (BIRCHFORD) triple (Elevations)
 127 PB33-G (CROFTON-G) pair (Plans)
 128 PB33-G (CROFTON-G) pair (Elevations)
 129 PB33-G (CROFTON-G) triple (Plans)
 130 PB33-G (CROFTON-G) triple (Elevations)
 131 PA44 (MIDFORD) (Plans and elevations)
 132 PA44 (MIDFORD) (Plans)
 133 PA44 (MIDFORD) (Elevations)
 134 PT41 (ESKDALE) (Plans and elevations)
 135 PT41 (ESKDALE) (Plans and elevations)
 136 PT41 (ESKDALE) (Plans and elevations)
 137 PT41 (ESKDALE) (Plans and elevations)
 138 PT42 (KENTDALE) (Plans and elevations)
 139 PT42 (KENTDALE) (Plans and elevations)
 140 PT42 (KENTDALE) (Plans and elevations)
 141 PA48 (SHELFORD) (Plans and elevations)
 142 PA48 (SHELFORD) (Plans and elevations)
 143 PT43 (LANGDALE) (Plans)
 144 PT43 (LANGDALE) (Elevations)
 145 PT43 (LANGDALE) (Elevations)
 146 PT43 (LANGDALE) (Elevations)
 147 PA49 (THORNFORD) (Plans and elevations)
 148 PA49 (THORNFORD) (Plans and elevations)
 149 PA49 (THORNFORD) (Plans and elevations)
 150 NA47 (STANDFORD) (Plans)
 151 NA47 (STANDFORD) (Elevations)
 152 NA47 (STANDFORD) (Elevations)
 153 NB50 (FELTON) (Plans)
 154 NB50 (FELTON) (Elevations)

155 NB50 (FELTON) (Elevations)
 156 PB33-G (CROFTON-G) pair (Plans)
 157 PB33-G (CROFTON-G) pair (Elevations)
 Road and Plot levels plan 5655:PO2 Rev A
 Longitudinal sections 5655:P10 RevA

Affordable housing
 170 NA30 (Benford) Plans and Elevations
 171 AF2 Flats (Plans)
 172 AF2 Flats (Plans and elevations)
 173 AF2 Flats (elevations)
 Garages
 200 Single garage
 201 Double garage (double property)
 202 Double garage (sole ownership)
 203 Substation
 204 Bins and bikes

Extra care
 SE, NE and Courtyard Elevations 1139 PD 301
 Ground floor plan 1139 PD200
 Roof plan 1139 PD 102
 Second floor plan 1139 PD202
 N, W and S Elevations 1139 PD320
 Extra care materials schedule
 Ancillary details 1139 PD303

Soft Landscaping Plans 1-4 (501 - 504) JSL2869 Rev D
 Hard Landscaping Plan (201) JSL2869 Rev C
 Landscape Management Plan JSL289_570 Rev C
 Tree and Shrub Palette JSL2869 Rev D
 Play strategy southern LEAP JSL2869 102 Rev B
 Play strategy central public open space JSL2869 101 Rev B

Dormouse Mitigation Strategy (Sept 2017)
 Bat Surveys Statement (Aug 2017)

Full Travel Plan (August 2017)

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

- 2 Prior to commencement of development a Bin Collection Strategy Plan shall be submitted to and approved by the Local Planning Authority. The dwellings to which the Bin Collection Points relate shall not be occupied until the bin collection points for these dwellings have been provided in accordance with the details so approved.

Reason: To ensure that adequate and satisfactory provision is made for the storage and collection of bins in accordance with GEN7 of the Arun District Local Plan.

- 3 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House,

Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

- 4 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 5 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

AL/102/17/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:	A/178/17/OUT
LOCATION:	Crete Nursery Dappers Lane Angmering BN16 4EN
PROPOSAL:	Outline application with some matters reserved for the demolition of existing outbuildings, retention of 1 No. dwelling & the erection of 6 No. dwellings. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Outline application for the demolition of outbuildings on site and the retention of the existing dwelling and erection of 6 detached dwellings. The application only relates to access and reserves appearance, landscaping, scale and layout to be considered as part of a further application.
SITE AREA	0.61 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	11 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There is an oak tree on the southern side of the entrance to the site and a belt of hornbeam trees along the northern boundary. The indicated layout has been identified by the Council's Tree Officer as having a limited impact upon the tree stock with a number of trees shown as being retained. It has been identified that a Tree Preservation Order would be required and a provisional order has been made.
BOUNDARY TREATMENT	1m high ranch style fencing to road frontage to north. Hedging to south to approx. 1.5m. Hedging to approx. 4m to southern access road. Hedging to rear to approx. 2m height
SITE CHARACTERISTICS	The site is situated outside of the built up area of Angmering and is occupied by a detached two storey brick dwelling with a tiled roof. To the east of the dwelling are stables with the northern part of the site given over to mowed grass.
CHARACTER OF LOCALITY	Rural with sporadic residential development to the east of Dappers Lane. To the north and south of the site are former nurseries used largely for commercial purposes with open fields to the east of the site. To the west of Dappers Lane is residential development within the built up area boundary.

RELEVANT SITE HISTORY

A/17/48	Agricultural Buildings	Approve 02-11-48
A/39/48	House	Approve 21-12-48
A/55/49	Lean-To Propogating House	Approve 08-11-49

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Angmering Parish Council

Objection

- Disappointed no discussion with parish prior to submission.
- The site lies outside the built up area boundary and is therefore not in accordance with the Neighbourhood Plan (policy HD1).
- The housing mix does not take account of local needs as required by policy HD3.

The proposed mix is:

- 3no. 3 bed (43%)
- 4no. 4 bed (57%)

This differs from the Coastal West Sussex Strategic Market Housing Assessment recommendations, which are:

- 1 bed 5-10%
- 2 bed 25-35%
- 3 bed 45-55%
- 4 bed 10-15%

and from the GL Hearn Updated Housing Needs Evidence Report prepared in September 2016 and forming part of the Primary Evidence Base for the emerging Local Plan

- 1 bed 5-10%
- 2 bed 40-45%
- 3 bed 35-40%
- 4 bed 10-15%

- The proposal will generate more surface water which would enter the existing system at the top of Water Lane causing additional flood risk to already vulnerable properties in Water Lane and the village centre.
- Additional traffic generation will have an adverse impact on highway safety, particularly for pedestrians, as there are no paved footpaths in Dappers Lane.
- Neighbourhood Plan policy ER2 contains a general presumption against the loss of locations in which employment can be provided, unless it can be demonstrated that :
the premises are no longer required for employment use in terms of need or demand, by the premises or

site having been marketed for a period of not less than one year for employment use and no occupier has been found. Full marketing details must accompany any proposal; that the alternative use proposed will be a positive contribution to the sustainability of Angmering.

- On the information provided, it is not apparent that the proposed development complies with this policy. Policy EMP SP3 in the emerging Local Plan identifies the locality around the site as strategic employment land. Allowing residential development on this site would be inconsistent with this policy.

4 Objections

Site lies in a countryside location. This is a precursor to a an application for a larger development.

Provision of local services is not increasing with the demand generated from new developments. The additional vehicles using Dappers Lane in conjunction with the absence of street lights or footpaths will endanger people and animals.

The traffic report is misleading. The speed limit of 30 mph does not relate to the whole length of Dappers Lane, it increases to 60mph to the north, but this is only referred to in the appendices.

The site is not brownfield land. It was previously in agriculture and is now used as a residential dwelling with paddock and stabling for horses. The land is not vacant and is well maintained. It is not derelict.

There has been an accident on Dappers Lane to the north of the site.

The traffic speeds recorded in the highway report were not representative of vehicle speeds as a whole in the lane. The carriageway width of 5m is not consistent along Dappers Lane and is much narrower in other locations. Cars do illegally use the lane as a 2 way road at its northern end. The site is not effectively a cul de sac. The provision of verges along Dappers Lane is inconsistent and is misleading in the report. Most trips by residents would be by car, not on foot. Estimated trip generation is therefore incorrect and too low. The traffic capacity has been determined on the basis of an urban road. Dappers Lane is a narrow country lane.

This is allocated as an employment site in the Neighbourhood Plan. The site has not been marketed for employment.

Would create a precedent

Density is too high and out of keeping. It amounts to a small housing estate.

Concern regarding increase in traffic. Lane is used by pedestrians, horse riders and cyclists.

Increased risk of flooding. Lack of a viable plan to deal with flood risk.

COMMENTS ON REPRESENTATIONS RECEIVED:

The response to the comments from the Parish Council regarding conflict with policy HD1 is outlined in the Conclusions section.

It is acknowledged the application fails to accord with Neighbourhood Plan Policy HD3 due to the suggested housing mix comprising only 3 and 4 bed properties. It is considered that a shortfall of 2 bed and 1 bed dwellings is offset by the benefits of providing a contribution towards the Council's considerable HLS shortfall, but this will require further consideration at the reserved matters stage when the type of housing proposed will come under examination.

The Council's Engineers have been consulted and conditions have been included with the recommendation to secure sufficient drainage provision to avoid any detrimental drainage impact upon the wider locality. Furthermore, WSCC drainage division have been consulted and the suggested conditions have been included in the recommendation.

The site is not in existing employment use and as such the proposal is not considered to conflict with policy ER2 of the Angmering Neighbourhood Plan concerning loss of employment land. The land has not been identified as strategic employment land in the Neighbourhood Plan or the Emerging Local Plan.

WSCC highways have been consulted in relation to this application and their advice will be followed. They have verified that there are no reported accidents in Dappers Lane.

CONSULTATIONS

WSCC Strategic Planning

Arboriculturist

Engineering Services Manager

Engineers (Drainage)

Parks and Landscapes

Environmental Health

Economic Regeneration

Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

ECOLOGY OFFICER

No objection on the basis that bat roosts will not be disturbed.

COUNTY HIGHWAYS

No objection

The Transport Statement demonstrates that the proposal would not have a 'severe' residual impact on the highway when compared to Paragraph 32 of the NPPF. Any approval of planning permission would be subject to suggested conditions.

DRAINAGE ENGINEER

Engineers comments in respect to surface water drainage:

Please apply standard conditions ENGD2A, ENGD4A, ENGD5A, ENGD5B and ENGD6A.

Soakaways must be investigated for surface water disposal.

TREE OFFICER

No objection in principle. Further information will be required when reserved matters application on landscaping is submitted.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Requested conditions have been recommended and a provisional tree preservation order relating to one pedunculate oak tree and 45 hornbeams has been made.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

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

Publication Version of the Local Plan (October 2014):

C SP1	Countryside
D DM1	Aspects of Form and Design Quality
D 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
W DM3	Sustainable Urban Drainage Systems

<u>Angmering Neighbourhood Plan 2014 POLICY HD1</u>	Built-up Area Boundary
Angmering Neighbourhood Plan 2014 POLICY HD2	Parish Housing Allocation
Angmering Neighbourhood Plan 2014 POLICY HD3	Housing Mix
Angmering Neighbourhood Plan 2014 POLICY HD5	Built Form
Angmering Neighbourhood Plan 2014 POLICY HD6	Housing Layout & Design
Angmering Neighbourhood Plan 2014 POLICY HD7	Housing Density
Angmering Neighbourhood Plan 2014 POLICY HD8	Parking for New Developments
Angmering Neighbourhood Plan 2014 POLICY TM1	Local Highways
Angmering Neighbourhood Plan 2014 POLICY TM2	Cycling Walking & Equestrian
Angmering Neighbourhood Plan 2014 POLICY ER2	Local Employment

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 is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

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

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

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

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

The Angmering Neighbourhood Plan has been made and policies HD1, HD2, HD3, HD5, HD6, HD7, HD8, TM1, TM2 and ER2 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 does not comply with the Development Plan in that it proposes residential development outside the village development boundary, however there are other material considerations that justify the officer recommendation to approve the application.

OTHER MATERIAL CONSIDERATIONS

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the Framework states that the presumption in favour of sustainable development requires the granting of planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning.

This includes paragraphs 183-185 of the Framework; and paragraph 198 which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

Taking the above into consideration other material considerations are such that planning permission is justified in this case.

CONCLUSIONS

PRINCIPLE

The site is outside of the built up area boundary of Angmering as specified by Policy GEN2 of the Local Plan; HD1 of the Angmering Neighbourhood Plan; and Policy SD SP2 of the Emerging Local Plan. Furthermore, it is in a location that is not allocated for housing in the Publication Version of the Local Plan (2014) where policy H SP1 establishes strategic housing, parish and town allocations.

The Local Planning Authority are unable to demonstrate an adequate 5 year supply of housing land as required by paragraph 49 of the NPPF.

The NPPG has provided clear guidance on the issue of the weight that can be given to both adopted and emerging Plans where the District Council cannot demonstrate a 5 year supply of deliverable housing sites. Currently the Council are only able to demonstrate approximately a 2 year HLS and as such the adopted Local Plan policies relating to housing supply are considered to be out of date and the emerging Local Plan policies can only carry limited weight at this time.

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

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

A written Ministerial Statement on the 13th December 2016 confirmed 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

However, at this time as the Council cannot demonstrate a 3 year supply of deliverable housing sites, policies in the Neighbourhood Plan relating to the supply of housing must be considered 'out-of-date' under paragraph 49 of the NPPF in accordance with the written ministerial statement.

NPPF TEST OF SUSTAINABILITY

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

Environmental Role -

The site is on the edge of Angmering's built up area boundary with the village centre situated approximately 900m away. The Institute of Highway and Transportation (IHT) publication 'Guidelines for Providing Journeys on Foot (2000)' sets out recommended guidelines for walking distances. These guidelines identify a maximum walking distance of 800m for Town Centres, 2,000m for commuting and 1,200m for school and elsewhere. The development fails to meet the 800m for 'town centres' criteria with the high street located approximately 900m away. Despite the failure to meet this standard a large number of other services are within the maximum walking distances specifically in relation to St Margaret's Church of England Primary School, William Older Playgroup, Doctors Surgery, Pharmacy and Dental Practice and Library.

The development includes a footpath providing a safe pedestrian link between the development and the existing footpath to the south of the site - making access to the High Street and other facilities possible by non motorised means. Therefore, the proposed site is considered to form a sustainable form of development which accords with Paragraph 29 of the NPPF as well as policy TM2 of the Angmering Neighbourhood Plan.

Further environmental safeguards are proposed by the development. Existing boundary planting and the mature tree on the site frontage will be retained and provision will be made to enhance provision for bats. In addition the site will be capable of providing a sustainable form of development which provides the option to walk into the village and to bus stops

Economic Role -

It is considered the proposal will result in a localised economic benefits through the need to employ people to build the houses. The proposal will also result in an increase in Council tax receipts and new homes bonus payments. These economic factors weigh in the scheme's favour.

Some objections were received in relation to the proposed residential development resulting in the loss of employment land. However, the existing use of the site does not generate any jobs or employment and as such it is considered that the development of this site will not conflict with policy ER2 of the Angmering Neighbourhood Plan. Nor is the site identified in the Arun District Local Plan 2003 or the emerging Local Plan for economic development.

Social Role -

It is considered that the proposal will have social benefits by providing new housing to meet local needs. These factors are deemed to weigh in the scheme's favour.

Assessment of Sustainable Development

It is considered the proposal is environmentally acceptable and offers economic & social benefits. It would therefore represent sustainable development in accordance with the NPPF paragraph 7.

Conclusion on Matters of Principle:

Overall, the principle of development on this site is contrary to the development plan, however, as Arun District Local Plan policies GEN2 and GEN3 and policies that relate to the supply of housing in the ANDP are out of date, in accordance with paragraph 49 of the NPPF they carry reduced weight.

The material considerations set out above are considered to weigh in favour of granting permission. The proposed development would provide an additional 6 houses which are needed in Arun District. The proposed development should be considered in the context of the presumption in favour of sustainable development. It is considered that the development would have a positive effect upon the supply and location of housing and therefore, the principle of residential development on this site would, in current policy circumstances and as set out in the NPPF, be acceptable.

The assessment will now consider other policy considerations and whether this gives rise to any adverse impacts.

CHARACTER & VISUAL AMENITY

The development would introduce dwellings, roads and car parking in place of the paddock and out buildings. The proposal results in a significant increase in the level of development on the site. Whilst the site is situated outside of the built area boundary an established residential estate is situated to the west of Dappers Lane adjacent to the site which falls within the built up area boundary. There are also 5 detached two storey dwellings with access from and facing onto Dappers Lane located opposite the site to the north.

The east of Dappers Lane features sporadic residential development of various designs and styles with some commercial development to the north and south of the site. This commercial development is less developed than the established residential development to the west of the site but is nevertheless considered relevant when considering the character of the area. A recent planning approval has been granted (A/27/16/PL) for the construction of 53 care apartments approximately 200m to the south of the proposed site (to the east of Dappers Lane) and A/142/16/OUT for 18 dwellings to the north abutting the site.

The application has been amended since originally submitted to reduce the number of units by one to make the suggested plot sizes more in keeping with the surroundings. The approved development to the north (A/142/16/OUT) has a density of approximately 15.9 dph with the existing residential development to the west of the site having a density of approximately 25dph. The proposed density of this site is 11.5dph. However, if the existing dwelling is included the density equates to 20.5dph. It is considered the development density is acceptable given the established character of the locality. Therefore, it is considered that the proposal accords with policy HD7 of the Angmering Neighbourhood Plan.

The detailed design, layout, scale, external appearance and landscaping of the 6 new dwellings will be a reserved matter when the choice of materials used together with the design, scale and orientation of the proposed dwellings will be carefully assessed.

The construction of a footway along the site frontage on the eastern side of Dappers Lane, to the adjacent footway leading onto Merryfield Crescent is proposed to be conditioned. The provision of a footpath along the site frontage of the adjacent site was also conditioned as part of planning permission A/142/16/OUT.

The section of Dappers Lane along which the proposed footpath will be situated is reasonably well developed with 14 vehicular crossovers (including that of Merry England Nursery) present on the verge. It is considered that the proposal will not have a significantly adverse impact upon the semi-rural character of this section of Dappers Lane given the substantial residential development clearly visible along the west side of the road. It is considered that the character of the southern portion of Dappers Lane is fundamentally different to that further north where development is much more sporadic and ribbon like and where a footpath could potentially appear incongruous and out of keeping with an area that has a strong rural outlook.

The extension to the footpath approved under A/142/116/OUT is not considered to adversely impact upon the established character of the locality and is deemed to accord with policy GEN7(ii) of the Local Plan.

RESIDENTIAL AMENITY

Layout is not included as part of this application. At a later stage when it comes up for consideration the impact that the proposed dwellings have on each other and their residential amenity will be carefully examined. However, the submitted indicative plans indicate that in terms of the impact of the development upon the residential amenity of existing neighbouring properties there will be no unacceptable adverse impacts on properties to the north, south and east of the site. The suggested distances to the rear boundaries of the properties exceed 10m which is considered acceptable to prevent adverse overlooking. Residential development to the south of the site is situated on the opposite side of the access way to the commercial site to the east approximately.

To the east of the site is Old Barn Nursery which was the subject of a planning approval A/142/14/PL for the redevelopment of the site for uses within use class B1 (Business & Light Industrial) and B8 (Storage and Distribution). It is considered this approved use will not give rise to unacceptably adverse impacts upon residential amenity of the dwellings. The B1 uses by their nature are deemed appropriate within a residential area whilst the B8 uses are the subject of condition restricting hours of operation to between 8.00 a.m. and 6.00 p.m. on Mondays to Fridays inclusive; 9.00 a.m. and 1.00 p.m. on Saturday; and not at any time on Sundays or Public Holidays.

The proposed development will not give rise to any unacceptably adverse impacts to residential amenity and as such will accord with policy GEN7(iv).

The indicative layout plan demonstrates that acceptable rear garden sizes and depths greater than 10m can be achieved to each plot in accordance with policy D DM3 of the emerging Arun District Local Plan.

HIGHWAY CONSIDERATIONS

The Local Highways Authority has assessed the Road Safety Audit submitted by the applicants and are satisfied that the development proposed will not give rise to severe impacts to the operation of the highways network subject to inclusion of relevant conditions.

The indicated proposed parking provision has been considered by the LHA who have acknowledged that it meets the requirements of the WSCC Parking Demand Calculator. Therefore, it has been satisfactorily demonstrated that adequate parking provision is achievable in accordance with policy GEN12 of the Arun District Local Plan and policy HD8 of the Angmering Neighbourhood Plan.

DRAINAGE/FLOODING

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

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

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

ECOLOGY/BIODIVERSITY

A bat survey and reptile survey accompanied the application. No objection from the Council's ecology consultant has been raised in relation to ecological or biodiversity impact with relevant conditions having been proposed and included in this recommendation report. The lighting scheme for the site will also need to take into consideration the presence of bats.

SUMMARY

The undersupply of housing within the area means that there is a compelling need to find sustainable housing sites that can be delivered in the short/medium term to assist Arun DC meet its housing target.

The proposed development based upon the details submitted is not considered to result in any adverse impacts which significantly or demonstrably outweigh the benefits of the proposed scheme. Therefore, the proposal is considered to accord with relevant development plan policy and Government planning policy and is recommended for approval.

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

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

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

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

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

3 The development hereby approved shall be carried out in accordance with the following approved plans :
Location 0229-P105 revC and 0229-P118 revB
Master Plan 0229-p100 revF

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

4 Prior to occupation of the dwellings details of any external lighting for the site shall be submitted to and approved by the Local Planning Authority and should take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The development shall proceed in accordance with the approved details and any further external lighting shall be subject to the prior permission of the Local Planning Authority.

Reason:

In the interests of protected species in the locality in accordance with policy GEN29 of Arun District Local Plan.

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the

impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

· details of public engagement both prior to and during construction works.

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

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

Reason: In the interests of road safety in accordance with the NPPF. It is considered necessary for this to be a pre-commencement condition because without the details being agreed construction traffic and works could compromise highway safety .

- 7 No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Dappers Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety in accordance with the NPPF.

- 8 No part of the development shall be first occupied until a footway serving the development has been constructed in accordance with details to be submitted to and approved by the Local Planning Authority in consultation with West Sussex County Council.

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

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

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

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

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

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

- 10 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to

watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

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

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

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

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

- 12 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.

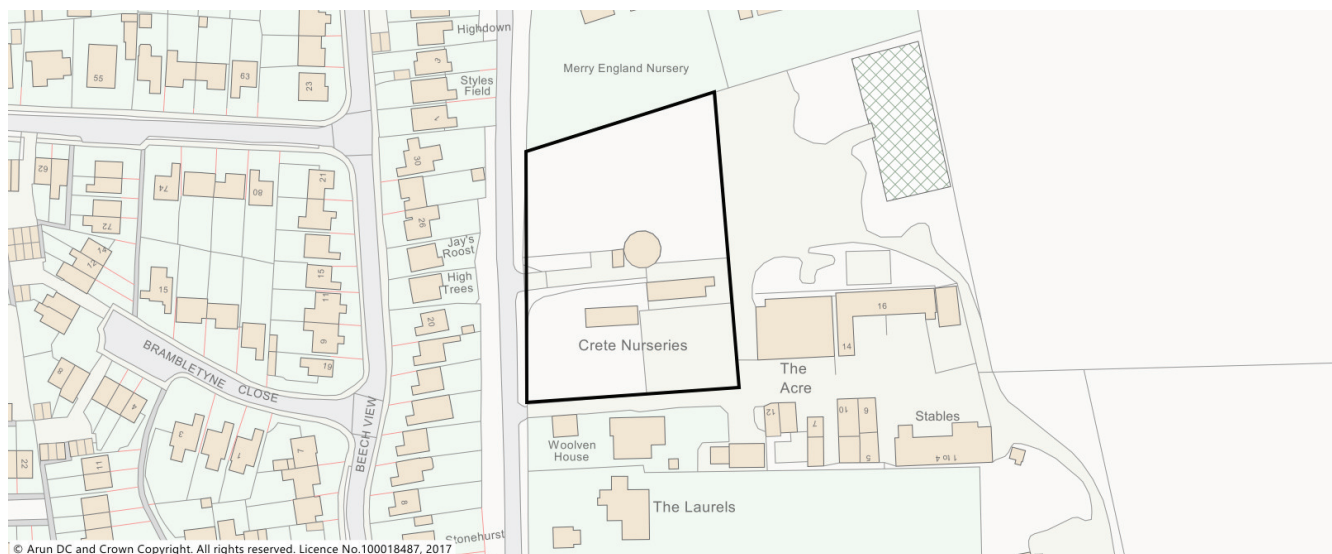
- 13 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

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.

- 14 INFORMATIVE: There is a confirmed bat roost within the main building onsite, in the current proposals the main building is being retained and untouched. However if this changes a mitigation strategy will required along with a Natural Protected Species Licence.
- 15 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 16 INFORMATIVE: Section 278 Agreement of the 1980 Highways Act - Works within the Highway.The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 17 INFORMATIVE: The use of a sewage treatment plant/septic tank for the disposal of foul sewerage will need to be agreed with the Environment Agency.

A/178/17/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO:	FP/246/17/PL
LOCATION:	Public Conveniences Adjacent to Felpham Yacht Club Blakes Road Felpham
PROPOSAL:	Alterations to layout of existing public conveniences & new shutter door on south elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>Conversion and refurbishment of existing public toilets to ensure facilities are less susceptible to vandalism and enable easier servicing of facilities and better access (includes upgraded disabled WC & baby changing facilities).</p> <p>The toilets would be reconfigured to provide six WCs, all accessed from the East/Car Park side. One of these cubicles will contain a baby change unit. A service corridor and cleaners' store will be created internally to enable servicing of the new WCs from the rear. The remainder of the building (west side, currently female WC) will be used as storage space and a roller shutter door will replace an existing pedestrian door on the South Elevation to increase the access width. This space may be leased by the Council as storage in the future, it may also be used for storage of Council Property.</p> <p>External physical changes will include:-</p> <ul style="list-style-type: none"> - 6 metal powder coated metal WC toilet doors. Cubicle 1's (baby change cubicle) door will be outward opening to allow more internal space. 6 other doors (including service entrance door will be inward opening), - hand rail to north of cubicle 1's door material, - hand rail to west of accessible WS material, - vehicular access with metal slat, powder coated roller shutter door to south elevation, - new powder coated metal inward opening door to west elevation for access to service facility.
SITE AREA	105.7m
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.5m wooden fence to sailing club at west boundary joining to a 2m fence north of the site bounding the vehicle access to the public car park. The other elevations of the site are open to the

SITE CHARACTERISTICS	public open space car park and foot path. Single storey flat roof, public WC building with high level, obscure glazed windows to all sides and public entry doors to south elevation and maintenance door to east elevation. The walls are of brick construction with cream painted flat roof and white window frames.
CHARACTER OF LOCALITY	Seafront public open space. The area consists of a public car park, beach huts, grassed open space area and a sailing club with boat yard. The wider area includes dwelling with rear gardens bounding the public car park and beach with promenade to the south.

RELEVANT SITE HISTORY

BR/21/64	Extension To Public Conveniences	Approve 14-04-64
BR/469/70	Demolition Of Existing Conveniences And Erection Of New Public Conveniences	Approve 05-10-70

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council
No objection.

One letter of no objection stating the need to maintain the public toilets for disabled people and stating how well used the promenade is.

Nine letters of support on the grounds of:-

- Development is a welcome refurbishment and will improve the environmental around the Greensward,
- Support for creation of the storage area,
- The toilets should not be 'pay for'
- Anti-social behaviour should be addressed and reduced by the development
- Support for potential use by Felpham Sailing club
- Support from Felpham Beach Hut Owner's association on grounds of potential reduction of anti-social behaviour

Three letters of objection to the development on the grounds of:-

- Objection to the creation of unisex toilets. No reasons why given.
- Loss of view from neighbouring dwellings
- Number of toilets should not be reduced for the other half of the building to be used by the sailing club,

this will not benefit the public

- Ladies toilet should not be lost to be replaced by storage for Yacht club
- Toilets should be open all year round
- Cubicles aren't big enough
- What happens if children lock themselves in?
- No space for people to wait inside the toilets if it is raining

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

The toilets are not proposed to be 'charge for use'.

The nearest windows of neighbouring dwellings with a view of the toilet doors is more than 30m away and it is not considered that people existing the toilets will detrimentally affect their outlook significantly which could warrant refusal. The nearest door (Cubicle 1) has an outward opening door which when open would face the dwellings, offering no view into the toilet. The other toilets (which have inward opening doors) when open will not provide a direct view to or from the nearest dwellings.

The reduction in the number of toilets is not a planning consideration and is a decision which has been made by the applicant to reduce vandalism, improve the maintenance of the toilets and increase the usability of the building.

The opening hours of the toilets is not limited and this is a choice of the applicant as to the yearly opening hours. The Planning department will not seek to restrict the opening hours nor can it reasonably require the toilets to be open all year round. This would not be reasonable or necessary when there are no opening hours imposed by planning condition on the current toilets.

No agreement has been made for the new storage space to be let to the sailing club or any other tenant.

Cubicle 1 has space for baby changing and the disabled cubicle would have space for parent and carer if needs be, each cubicle will be 1.45m wide and 2.95m deep with the doors closed. This is considered to be large enough for a parent with children to be able to assist using the toilet if required.

Noted that the public will have to wait outside for cubicles to become free if all occupied. It is not considered likely that all 7 cubicles will often be occupied meaning people will have to wait for a significant amount of time outside.

CONSULTATIONS

Estates Manager

CONSULTATION RESPONSES RECEIVED:

No consultations received.

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:

Within of the built up area boundary
 Adjacent to public open space
 Flood zone 2 and 3 (parts of building in both)
 Adjacent and Asset of Community Value.

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

AREA5	Protection of Open Space
GEN32	Noise Pollution
GEN9	Foul and Surface Water Drainage
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 DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
HWB SP1	Health & Wellbeing
OSR DM1	Open Space, Sport & Recreation
QE SP1	Quality of the Environment
SD SP2	Built -Up Area Boundary
W DM2	Flood Risk
QE DM1	Noise Pollution

Felpham Neighbourhood Plan 2014 POLICY CLW6 Local Green Spaces

Felpham Neighbourhood Plan 2014 POLICY CLW5	Assets of community value
Felpham Neighbourhood Plan 2014 POLICY ESD1	Design of new development
Felpham Neighbourhood Plan 2014 POLICY ESD2	Development in flood sensitive areas
Felpham Neighbourhood Plan 2014 POLICY ESD5	Surface water management

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 is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

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

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

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

The development is considered to comply with Felpham NDP policies ESD1, ESD2, ESD5, CLW5 and CLW6. Reasons for this will be discussed in the Conclusions section.

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 adjacent Asset of Community Value, 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

It should be noted that the Local Authority has chosen to submit the scheme as a planning application, even though alterations to existing buildings could be made under permitted development (Part 12 of the

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) without the need for formal planning consent. As such, the fall-back position for the alterations is that the development could be carried out without formal planning consent and is a material consideration to the application. However, the storage area, if proposed for a different use by a lessee in the future may require an additional change of use application.

The site is within the built up area boundary where the principle of development is acceptable if other relevant policies are complied with. Thus the development is considered to comply with saved policy GEN2 of the Arun Local Plan.

IMPACT ON PUBLIC OPEN SPACE & ASSET OF COMMUNITY VALUE (ACV) (FELPHAM SAILING CLUB)

The alterations to the toilet building will not increase the footprint of the building or create a use that will impinge on the adjacent public open space or harm the ACV, Felpham Sailing Club. The development will see modest external changes to the building and the operation of the storage area with roller shutter door is unlikely to have a significant impact on the operation or function of the ACV.

The refurbishment of the toilets, which are considered an important facility that serves the public open space is considered to enhance the usability of the public open space by improving access to the toilets which includes a baby changing facility and enhanced disabled WC. As such the development is considered to comply with saved policy AREA5 and Felpham NDP policies CLW5 and CLW6.

VISUAL AMENITY

The form of the building would remain the same but for additional doors to the east and south elevation. The alterations to the building will have a modest impact on the external appearance of the building. The new doors and rails are considered to be of materials in character with the functional appearance of the building that would blend with the surrounding area. As such the development is not considered to have a detrimental impact on the appearance of the host building or the surrounding area in compliance with saved policy GEN7 (iv) and Felpham NDP policy ESD1 as it would respect local character and retain a sense of place in this area.

RESIDENTIAL AMENITY

No neighbouring dwellings are considered to be significantly affected by the proposal. The rear elevations of the dwellings would be more than 35m from the nearest alteration to the toilets and number 17 Blakes Road would not have a view of the alterations as the sailing club outbuilding would block any impact. Given the scale and form of the building will not change it is not considered that the development would have a significant impact on neighbouring residential amenity in terms of visual intrusion, loss of light or overlooking.

The use of the toilet block will be different as users will now access the toilets from doors on the south and east elevations. The storage area will be accessed from the door to the west and south. However, given the distance away of the neighbouring dwellings, the existing use of the open space and car park, that's creates a level of noise and disturbance, it is not considered the new operation of the toilets could cause noise and disturbance that would cause significant harm to neighbouring residential amenity; over and above that of existing.

In terms of impact on residential amenity the development is considered to comply with saved policy GEN7 (iv) & (v) and GEN32.

FLOODING

The development would see no increase in hard surfacing or roof area as no extension or significant alterations are proposed that could lead to an increase in surface water run off or flood risk from fluvial sources. A sufficient flood risk assessment has been submitted with the application to demonstrate how the development will have an impact in terms of flooding and the impact is considered to be minimal. Therefore, the development complies with saved policy GEN9.

The flood risk assessment outlines measures that will decrease the risk from flooding such as water resistant tiles, high level sockets and wiring which complies with the requirements of Felpham NDP policy ESD2.

The development is considered to comply with development plan policies and is recommended for conditional approval.

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).

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

RECOMMENDATION**APPROVE CONDITIONALLY**

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

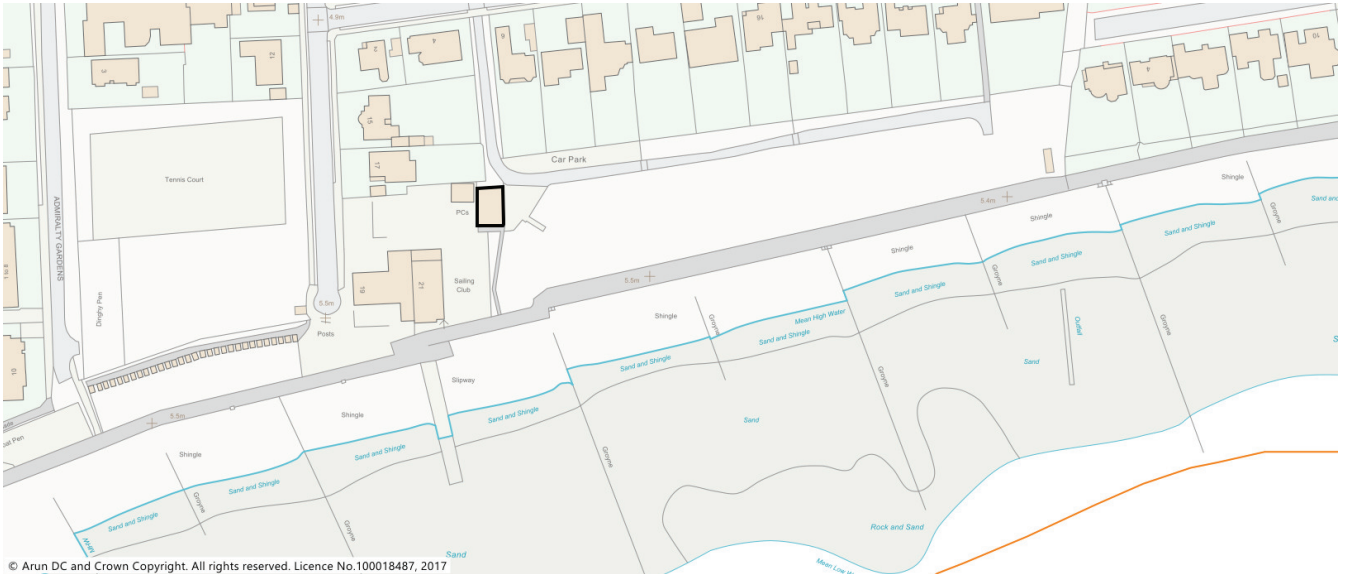
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:-

704/305
704/304 Rev B
704/306 Rev A
704/307 Rev A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan and ESD1 of the Felpham Neighbourhood Development 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.
- 4 INFORMATIVE: The development hereby approved does not grant permission for the use of the storage area for any other use than that of storage of goods and equipment in line with District Council services. Should the owner of the storage area seek to lease the storage area out, it or the prospective lessee may need to apply for change of use of the storage area to said use to be carried out by the lessee.

FP/246/17/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/318/17/PL

LOCATION: Public Conveniences
St Martins Car Park
St Martins Lane
Littlehampton

PROPOSAL: Changes to internal layout & access doors.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The existing accessible WC remains unaltered and the remaining floor area comprising 5 individual cubicles is proposed to be amended to provide 6 toilet cubicles and a car parks storage area. Externally one entrance will be deleted, the window and door on the north elevation will be relocated and the windows on the west elevation are altered.
SITE AREA	50 sq m
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Open.
SITE CHARACTERISTICS	Detached single storey, flat roofed, brick toilet block building located within the car park. Surrounded by a pavement.
CHARACTER OF LOCALITY	Town centre location. The surrounding car park is the main car park in Littlehampton town centre. There is a tyre repair centre to the North.

RELEVANT SITE HISTORY

LU/502/77	Construction Of Public Car Park & Association Landscaping	ApproveConditionally 01-02-78
LU/453/78	Extension Of Existing Public Conveniences To Provide Facilities For Disabled Persons	ApproveConditionally 25-10-78
LU/274/62	Public Car Park	ApproveConditionally 04-02-63

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objection - members welcomed investment and refurbishment of the existing facilities. However, it was questioned where the evidence was to support the statement that the proposals would reduce vandalism and anti-social behaviour. It was considered that the use of individual unisex toilets made access and visibility more problematic. For example, in the event of an accident in a cubicle it would be unlikely they would be discovered until lock up time. Additionally, it was felt it would be more difficult to provide sufficient facilities for baby changing. It was also questioned how the proposals fitted into the ambition to redevelop St. Martins as a mixed-use scheme. It was considered there had been no consultation at all before the application had been submitted, especially with Ward members. Members decided that an objection be registered simply to request more information and consultation to support the assertions in the design and access statement and would be more than happy to reconsider the matter when that was forthcoming.

COMMENTS ON REPRESENTATIONS RECEIVED:

The proposal has resulted from a desire to make the facilities less susceptible to vandalism and misuse and enable easier servicing by cleaning and maintenance staff.

If someone collapses in the existing toilet cubicles they may not be discovered until lock up time. By combining the toilets together it is more likely that in an emergency casualties would be discovered sooner since the number of people using the combined facilities would increase from their use by both men and women.

The baby changing facilities are being improved. The facility will now be incorporated in a cubicle and can now be accessed by both men and women.

Refurbishment of existing facilities is not linked with any possible redevelopment of the area which has yet to be submitted, considered or approved.

Whilst pre application discussions are desirable and helpful they are not a pre requisite to submitting an application.

CONSULTATIONS

Estates Manager

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN32	Noise Pollution
GEN9	Foul and Surface Water Drainage
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 DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
HWB SP1	Health & Wellbeing
QE SP1	Quality of the Environment
SD SP2	Built -Up Area Boundary

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

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

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 is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

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. The examination was completed 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. Whilst an NDP is under preparation it will afford little

weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14). Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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

Policies 1 'Presumption in Favour of Sustainable Development' of Littlehampton Neighbourhood Plan and 2 A Spatial Plan for the Town 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 within the built up area boundary where the principle of development is acceptable provided other relevant development plan policies are complied with.

The application site is owned by the Council and the application is therefore being referred to Committee for a decision. The proposal is a Regulation 3 application under the Town and Country Planning General Regulations 1992.

It should be noted that the Local Authority has chosen to submit the scheme as a planning application, even though alterations to existing buildings could be constructed under permitted development (Part 12 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) without the need for formal planning consent. As such, the fall-back position for the application is that the development could be carried out without formal planning consent and this is a material consideration to the determination of this application.

VISUAL AMENITY

The building is not being extended and the external fenestration changes are minimal and will have limited impact on the external appearance of the building. The new doors and rails are considered to be of materials in character with the functional appearance of the building that would blend with the surrounding area. Colours of materials are to be agreed by condition prior to the toilets being open to the public. As such the development is not considered to have a detrimental impact on the appearance of the building or the surrounding area. The proposal is therefore in compliance with saved policy GEN7 (iv) of the Arun District Local Plan as it would respect local character and retains a sense of place in this area.

RESIDENTIAL AMENITY

Given the distances involved, no neighbouring dwellings are considered to be affected by the proposal. The use and footprint of the building remain unaltered and the building is located 30m from the nearest residential property. Given that the scale and form of the building will not change it is considered that the development would have a neutral impact on neighbouring residential amenity in terms of visual intrusion, loss of light or overlooking.

Access to the toilets will be restricted to and retained on the east elevation and will be 40m from the nearest residential dwelling. Given the distance from neighbouring dwellings and the existing use of the car park, which creates noise and disturbance, it is not considered the new layout of the toilets could cause noise and disturbance that would cause significant harm to neighbouring residential amenity.

In terms of impact on residential amenity the development is considered to comply with saved policy GEN7 (iv) & (v) and GEN32.

SAFETY

This proposal is intended to improve safety within the toilet building by reducing vandalism and misuse and improving servicing and maintenance through greater surveillance.

CONCLUSION

The application is recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the positive impacts have been identified upon those people with the following protected characteristics age, disability and gender reassignment.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Location and Block 704/104
Existing & Proposed Floor Plans 704/101 Rev A
Proposed Elevations 704/103

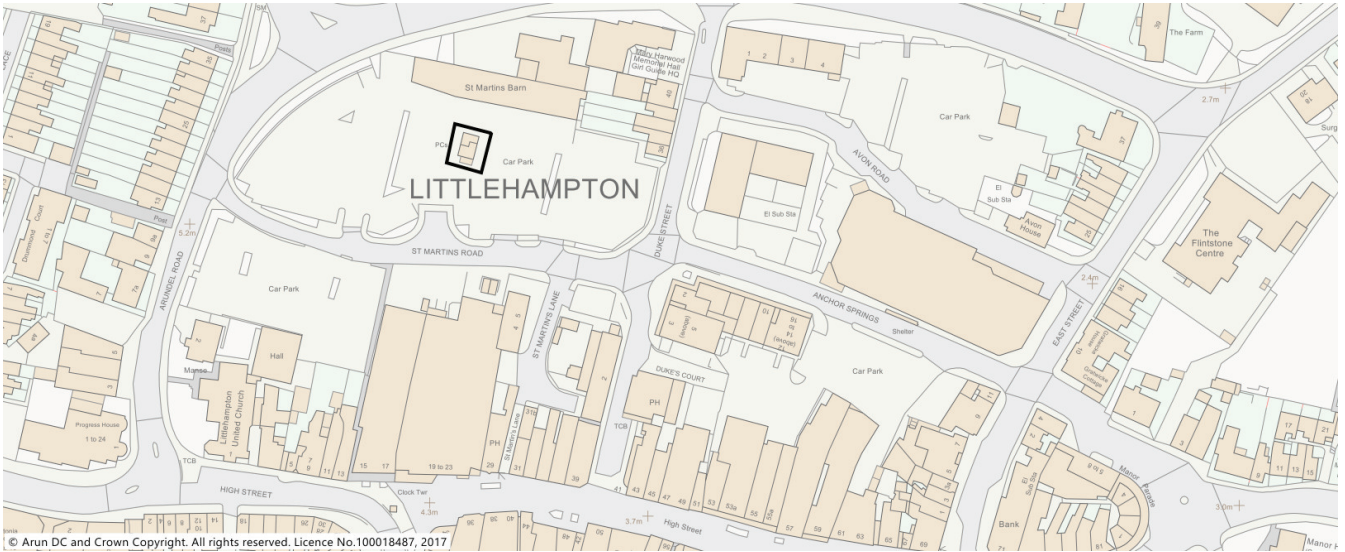
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 The toilets (excluding the accessible WC) shall not be used unless and until a schedule of materials and finishes to be used for external doors, windows and guard rails of the proposed development have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the development.

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

4 **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/318/17/PL - Indicative Location Plan (Do not Scale or Copy)
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PLANNING APPLICATION REPORT

REF NO: WA/54/17/PL

LOCATION: Walberton Baptist Church
The Street
Walberton
BN18 0PG

PROPOSAL: Single storey side extension to form new entrance lobby & disabled WC facilities. This application affects the character & appearance of the Walberton Village Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
	The proposed side extension measures approximately 2.6m high. A flat roof light is proposed on top which is proposed to be 2.m wide at the front, tapering to 1.6m wide at the rear and 7.1m long.
	The proposed materials would be brick, glass fibre felt roof, wooden windows and door (with glazed panel).
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The application property is open to the front. To the side there is a wall and gate approximately 2.4m high. The application property is constructed of brick/ flint beneath a slate roof.
SITE CHARACTERISTICS	The property is a detached chapel building set on a modest plot. There is a small open area to the rear of the front wall at the side of the chapel.
CHARACTER OF LOCALITY	The area is mixed albeit primarily residential comprising various building sizes and designs. A new residential scheme is being built to the rear of the site.

RELEVANT SITE HISTORY

There is no relevant planning history

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

Walberton Parish Council object for the following reason: Paragraphs 12 & 13 of the Design and Access Statement are still suggesting unacceptable painted walls and interlocking concrete tiles. Previously the Parish Council also suggested that foundations and party walls may be an issue.

No response to public consultation.

COMMENTS ON REPRESENTATIONS RECEIVED:

The applicant's agent has confirmed in an e mail dated 19 October 2017, that paragraph 13 was a typographical error and as such an amended Design and Access Statement has been provided.

Materials will be face brick and a condition can be imposed to require them to match the existing property or be submitted for approval.

The errors of the original Design and Access statement were noted and corrected, however it is considered the application plans and other information were clear as to the nature and design of the development to allow a proper judgement to be made.

With regard to party walls and foundations these matters are not material planning considerations and controlled by other regulations.

CONSULTATIONS

Conservation Officer
Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

The Councils Drainage Engineer recommends a condition to any permission.

The CAAC object on design grounds and the proposal's impact when viewed from the street scene. Suggest that the front elevation could be improved by the use of a parapet wall and coping.

Arun District Council Engineers have no objection subject to standard drainage condition.

The applicant's agent has provided additional comments amplifying the design credentials of the proposed scheme.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in the conclusion below.

POLICY CONTEXT

Designation applicable to site:
Walberton Conservation Area
Built up area

DEVELOPMENT PLAN POLICES

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

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
AREA2	Conservation Areas

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
HER DM3	Conservation Areas
SD SP2	Built -Up Area Boundary

<u>Walberton Neighbourhood Plan Policy 2017 VE4</u>	Conservation Areas and Areas of Special Character
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance

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 is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

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

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

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

The relevant policies in the Walberton Neighbourhood Plan have been taken into account in assessing 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.

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the character of the Conservation 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 application site is situated within the built up area boundary where the principle of development is acceptable subject to compliance with relevant development plan policy which includes the relevant policies in the Walberton Neighbourhood Plan.

The application site is within the Walberton Conservation Area where policy AREA 2 of the Arun District Local Plan and policy VE4 of the Walberton Neighbourhood Plan state that proposals will not be supported which neither preserve or enhance the character or appearance of a Conservation Area or its setting. Therefore, this is a key consideration in the determination of the current application.

DESIGN

The proposed extension in itself is relatively modest in size and height. It is not prominently sited being located behind an existing 2.4m high side wall, to the side of the existing chapel and approximately 6m behind its front elevation. It is also located behind the existing 2.4m high side wall.

It is noted that due to the gentle rising slope behind the side wall, the proposed extension appears higher than the side wall by approximately 0.7m and as such is visible from the street. However, given its position behind the side wall and also its remote relationship to the existing neighbouring buildings the proposed extension is not considered to form an unduly dominant building in the streetscene. The comments of the CAAC are noted but it is considered that the use of a parapet wall and coping would increase the height of the extension thereby making it appear more dominant.

Views from either side are screened by the existing building and to the rear the proposed extension will not appear higher than the existing boundary wall. It is noted that to the rear of this wall a new residential development is under construction. Whilst the proposed brick material of the walls is considered acceptable in principle, it would be appropriate to impose a condition requiring samples to be submitted and approved by the Council's Conservation officer.

Therefore it is not considered that the proposed development is harmful to the character and appearance of the host property or the wider area and will preserve the character and appearance of the conservation area. It is considered to be comply to policies AREA 2 and GEN7 of the adopted Arun Local Plan 2003, HP13 and VE4 of the Walberton Neighbourhood Plan.

RESIDENTIAL AMENITY

Due to its distant siting from nearest buildings there is negligible impact to residential amenity to the north overlooking the road and the south, to the east which is the side elevation of the chapel. To the west is Lansdown House and this appears to have a building up to the boundary with the proposed development. Whilst this building has a small side window this does not appear to be to a habitable room and as such it is not considered that the proposal will be harmful to the amenity of the occupiers of this property.

CONCLUSION

It is considered that the proposed development would comply with adopted planning policies in the Arun Local Plan 2003 and the Walberton Neighbourhood Plan. As such it is recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the

following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Location plan
- Site plan
- Existing ground floor plan
- Existing elevations
- Proposed ground floor plan
- Proposed elevations
- Proposed cross section & roof plan.

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

- 3 No development above damp proof course (DPC) level shall take place unless and until materials and finishes to be used for external walls of the proposed extension and the velux flat roof light 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/setting 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 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

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

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

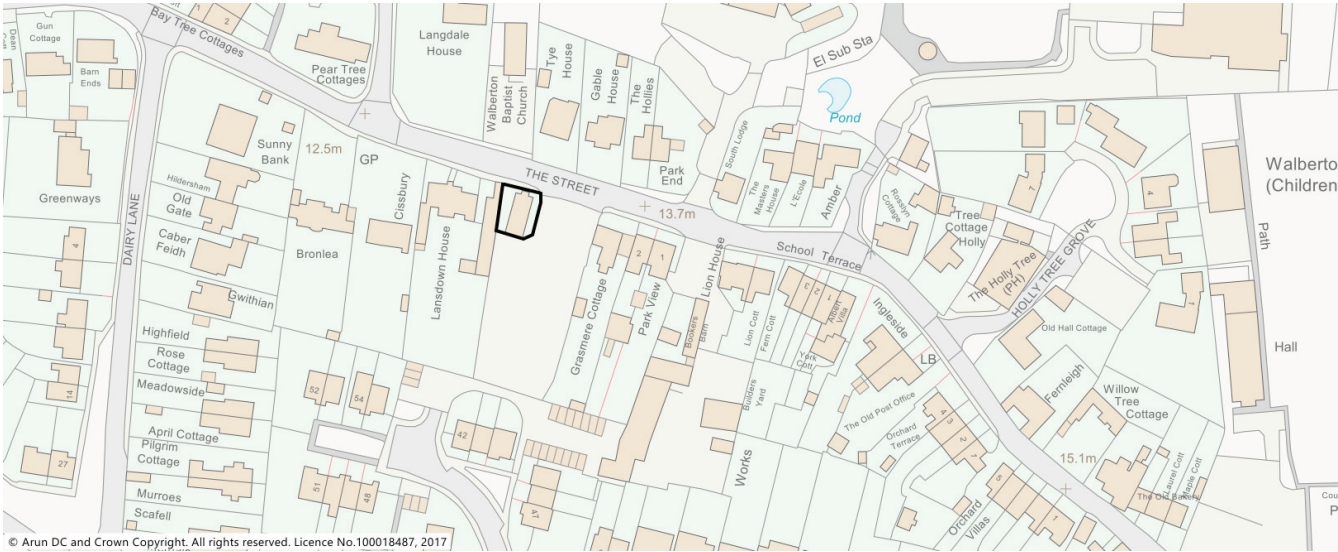
No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance

with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 5 **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/54/17/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO:	Y/44/17/OUT
LOCATION:	Land at Stakers Farm North End Road Yapton
PROPOSAL:	Outline Planning Application for 70 No. residential dwellings including 30% affordable, public open space & associated landscaping. All matters to be reserved apart from Access (access to be achieved via permitted road (reference Y/93/14/OUT)). This application is a Departure from the Development plan. This application affects the character & appearance of Main Road/Church Road Yapton Conservation Area & the setting of Listed Buildings

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks outline planning permission for 70 dwellings, 5450m² of open space of which 1450m² could be gifted to WSCC for expansion of the adjacent school site and associated landscaping. All matters are reserved except for access which is proposed to be taken from North End Road but via the land to the north which benefits from an outline consent with access for 38 dwellings (Y/93/14/OUT).

Of the 70 dwellings proposed, 21 would comprise affordable homes. The proposed mix of homes would be:

- * 4 x 1 bedroom apartments (6%);
- * 15 x 2 bedroom houses (21%);
- * 43 x 3 bedroom houses (61%); and
- * 8 x 4 bedroom houses (11%).

Detailed issues such as housing layout & design, parking, appearance, scale and landscaping are all reserved for a later detailed planning application. However, the illustrative layout plan suggests that:

- * Open space will be provided on the eastern side of the layout providing a green buffer between Stakers Farm/The Croft and the new houses;
- * The north western boundary will include a 4.5m wide strip of buffer planting;
- * The part northern & part eastern boundaries to the School site will have 2m wide buffer planting to supplement the existing hedgerows;
- * Internal site roads will be 4.8m wide with 2.0m wide footpaths either side;
- * Car parking will be provided in the following ratios - 1 space

	<p>per 1-bedroom flat, 2 spaces per 2- & 3-bedroom house and 4 spaces per 4-bedroom house; and * 2 cycle spaces will be provided per dwelling either in rear garden sheds or garages.</p>
SITE AREA	3 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	23.3 dwellings per hectare.
TOPOGRAPHY	Predominantly flat but undulating.
TREES	<p>The following trees are considered to be potentially affected:</p> <p>T1 - a 10m high Monterey Cypress - just outside of the site adjacent to the south western corner; G2 - a group of up to 7m high English Oak, Hawthorn & Ash - on the north western boundary; G3 - a group of up to 5m high Ash & Hornbeam - just outside of the site adjacent to the north western corner; H4 - 2m high Field Maple & Ash hedge - on part of the eastern boundary with the School site; G5 - a group of up to 9m high Weeping Willow, Alder & Silver Birch on part of the northern boundary with the school site; T6 - 8m high Ash - within the eastern half of the site/due west of the school; T7 - a 4m high Lime - within the site roughly east of centre; T8 - a 3m high Horse Chestnut - within the site roughly east of centre; T9 - a 2m high Horse Chestnut - within the site roughly east of centre; and T10 - a 6m high Beech tree - within the eastern half of the site/due west of Stakers Farm.</p> <p>It is proposed to fell T7, T8 & T9 but retain all of the other trees/hedges.</p>
BOUNDARY TREATMENT	2-3m high hedge to the school boundaries. Otherwise 2 bar ranch style fencing to boundaries.
SITE CHARACTERISTICS	<p>The site comprises of 6 separate agricultural fields currently utilised for the grazing of sheep & horses and an existing pitched roof single storey agricultural barn building. The site is grassed with few trees. In addition to the barn building, there are a few timber field shelters or stables.</p> <p>The site is located in open countryside, but immediately abuts the western edge of the settlement boundary of Yapton and the Main Road Conservation Area. The site is not located in an area at risk from fluvial flooding, nor is it designated in an area of high landscape sensitivity or ecological importance.</p>
CHARACTER OF LOCALITY	<p>The site is located within the Parish of Yapton but just outside the Settlement Boundary of Yapton village. The site includes an existing agricultural barn building but excludes two further buildings just south east of the first. These buildings, the large arable field to the west and also the track running between the</p>

southern boundary of the site and the adjacent Bonhams Field site are owned by a third party.

Stakers Farmhouse and associated buildings lies to the east and consists of a two storey Grade II Listed dwelling with a mix of single and two storey outbuildings (these outbuildings are currently the subject of a barn conversion application (Y/58/17/PL). These outbuildings provide screening to the windows of the farmhouse itself.

The site is overlooked to the east by the ground & first floor windows of the residential properties of The Croft. To the east/north/east lies the Yapton Primary School with surrounding playing fields. To the north lies a further field ("Land North of Yapton C of E Primary School") which has the benefit of an extant outline consent for 38 dwellings with access from North End Road.

The wider village is rural in character, but benefits from GP surgeries and pharmacy, two churches, a village hall and playing fields, the primary school, and a small selection of shops (including post office and a Co-Op convenience store). Barnham railway station is located 2 miles to the west (as the crow flies). Yapton is served by a regular bus service.

RELEVANT SITE HISTORY

Y/58/17/PL	Conversion of barn to form to 2 No. dwellings; detached garage & conversion of part link single storey building to garaging. This application may affect the setting of a listed building & affects the character & appearance of the Main Road/Church Road Conservation Area.	
Y/1/17/OUT	Outline Application with some matters reserved for the erection of 56 No. dwellings with associated open space and creation of new access. This application is a Departure from the Development plan & affects the character & appearance of the Yapton (Main Road) Conservation Area.	App Cond with S106 07-12-17
Y/33/17/PL	2No. detached dwellings. This application affects the setting of a Listed Building & the Character & Appearance of the Yapton (Main Road) Conservation Area.	Refused 13-09-17
Y/108/14/PD	Prior notification under Class MB for change of use of	Objection

	agricultural building to 2 No. dwellings (Use Class C3)	12-02-15 Appeal: Dismissed 10-12-15
Y/93/14/OUT	Outline application for the erection of 38 dwellings to comprise 6 No. 4-bed houses, 20 No. 3-bed houses, 10 no. 2-bed houses and 2 no. 1-bed houses each with a garage and parking space, together with the means of access off North End Road	App Cond with S106 05-08-15
Y/69/14/PL	Construction of outdoor riding arena. This application affects the setting of a Listed Building.	Approve Conditionally 10-11-14
Y/77/14/PD	Prior notification under Class MB for change of use from agricultural to 2 No. dwelling houses (Use Class C3)	Objection 03-11-14
Y/77/13/PD	Prior Notification for change of use of agricultural building to Use Class B1 (Business)	No Objection 23-12-13

The site itself has a relatively limited planning history and the recent 2014 permission for an outdoor riding arena was never implemented. Furthermore, although there are some horses still grazing the land, it is understood that the former equestrian use is no longer operating.

Prior Approval type applications have been lodged concerning the use of the two third party owned agricultural barns. An application for business re-use was considered to be acceptable but has never been implemented. Two schemes for residential conversion were turned down with the second subject to an appeal dismissal on the grounds that the change of use would result in unsafe conflict between residential occupiers and both users of the equestrian business and vehicles requiring access to the adjacent third party owned grain store. However, this decision has no bearing on the current application as access is to be taken from elsewhere.

More recently, there was an application to site two detached dwellings within the gardens to the north side of Stakers Farmhouse. This was refused on the grounds of harm to the Listed farmhouse building.

Members should note that this current application proposes to take access from North End Road but via the site to the north which has outline planning permission for 38 dwellings (Y/93/14/OUT). In addition, regard should be had to the recent approval concerning the Bonhams Field site to the southwest (Y/1/17/OUT).

An application concerning the residential conversion of the existing Stakers Farm outbuildings is currently being determined.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

PARISH COUNCIL:

Objection. Yapton Parish Council have provided both a one page online comment and a separate 8 page letter. Their comments are summarised below:

- (1) This proposal should be considered by way of proper consultation and cooperation between the Council, landowners and the Community such as through a Small Sites Document as part of the emerging Local Plan or a review of the Yapton Neighbourhood Plan. The application is therefore premature;
- (2) The site lies outside of Yapton's Built-Up Area Boundary and a proposal of this size would represent an inappropriate incursion into the countryside;
- (3) Proposal does not comply with adopted or emerging development plan policies and does not accord with the National Planning Policy Framework (NPPF);
- (4) As per the Secretary of State Ford Lane decision, the made Yapton Neighbourhood Plan carries significant weight and even in the absence of a 5 year housing land supply, very substantial negative weight should be placed on the conflict between the proposal and the built up area boundary policy;
- (5) Yapton has already met its current and future housing land allocations;
- (6) Any housing sites additional to the Tack Lee Road allocation within the emerging Local Plan should be first considered at the strategic level so as to ensure that only one expanded school is provided in the village;
- (7) The access is dependent on third party land & agreement;
- (8) Impact of the traffic increase on the safe operation of the Yapton Level Crossing;
- (9) The proposal should contribute towards an improved cycleway linking Yapton safely to Barnham;
- (10) Impact on the Primary School which is already at full capacity;
- (11) The proposed site would be visually isolated from and would fail to relate to the built up area boundary;
- (12) Harm to the character and beauty of this historic rural setting and the setting of the listed and locally listed buildings within the adjoining Conservation Area;
- (13) Permanent harm to the Conservation Area;
- (14) Loss of agricultural land;
- (15) Layout is too dense and will not be in character with its surroundings;
- (16) The proposal does not relate well to the Bonhams Field site; and
- (17) The open space provision is inadequate for this rural site.

LOCAL RESIDENTS:

16 letters of objection have been received and these raise the following concerns:

- (1) Loss of open countryside;
- (2) Site is not allocated within the Yapton Neighbourhood Plan;
- (3) National policy is to build on brownfield not greenfield land;
- (4) This site was not proposed for allocation in the Neighbourhood Plan;
- (5) Loss of Agricultural land;
- (6) Harm to the setting of Stakers Farmhouse;
- (7) Inadequate water supplies for future generations;
- (8) Inadequate local foul sewer capacity;
- (9) Existing school and doctors are already at capacity;
- (10) Yapton only has two shops;
- (11) Yapton needs more cycle paths, a railway station, cafe's/restaurants & pubs to cope with extra housing;

- (12) Impact on safe operation of Yapton Level Crossing;
- (13) Increased congestion on North End Road around the School;
- (14) Greater use of the approved access for Y/93/14/OUT would be unsafe;
- (15) Density is excessive and greater than the two sites either side;
- (16) Impact on wildlife species inc foxes, birds of prey, woodpeckers, crows, magpies, tits, finches, bats, owls, butterflies and bees;
- (17) Flooding and drainage; and
- (18) Harm to enjoyment of The Croft retirement complex (occupied by retired police officers & their families).

COMMENTS ON REPRESENTATIONS RECEIVED:

The following comments are offered in response to the points made by the Parish Council:

- (1) Prematurity will be discussed within the report's conclusions section;
- (2) The location of the site in the countryside will be discussed within the report's conclusions section under "Principle";
- (3) Compliance with the policies of the development plan including those of the emerging Local Plan will be discussed within the report's conclusions section;
- (4) - (5) These will be discussed within the report's conclusions section under "Principle";
- (6) It is acknowledged that there is a village preference for expansion of the existing school site rather than the creation of a second school elsewhere. Clearly the Stakers Farm site being adjacent to the School means that it could provide assistance in terms of land for expansion of the school. However, this application must be considered on its own merits and it would not be possible to justify a refusal based on a preference for expansion of the school onto the land - particularly as there is no development plan policy in support of this. However, members should note that the application will result in contributions being made for the expansion of primary school provision, most likely at Yapton primary school. In addition, it is possible that an area of land within the site (1450m²) can be gifted to WSCC for the purposes of expanding the school site. This may alone not be suitable to enable expansion of the school but it may free up land elsewhere on the school site for expansion.
- (7) The access to the proposal is via the land to the north subject of application Y/93/14/OUT. The applicant has control of both the Stakers Farm site and also the land to the north. Therefore, there is no requirement for third party agreement;
- (8) The applicants consulted with Network Rail prior to submitting the application. A copy of their response is provided within the Transport Statement and states that:

"The crossing is due to have RLSE (Red Light Safety Equipment) cameras installed in the next couple of weeks. Essentially this means that when a vehicle goes over the white stop line when the red lights are flashing, the incident is captured on film and a prosecution of at least 3 points and a fine (or worse) will take place. In addition, NR is proposing to install full barriers at the crossing in June of next year. Therefore the addition of these movements shouldn't make too much difference at the crossing."
- (9) WSCC Highways have requested a contribution towards cycling improvements between Barnham and Littlehampton and this will benefit Yapton which lies between these two locations;
- (10) It is accepted that the primary school is at capacity. This application will make provision for the

future expansion of the school through (a) a gift of land, and (b) a financial contribution;

(11) It is accepted that the development of this site will extend the settlement of Yapton into relatively open countryside. However, the site does share a border on its eastern side with the settlement of Yapton. Furthermore, the site shares a border to the south west with the Bonhams Field site recently approved for 56 dwellings - and to the north with the land north of the school which has approval for 38 dwellings. The Stakers Farm site will not extend any further to the west than the Bonhams site;

(12) Character issues will be discussed within the report's conclusions section;

(13) Heritage Impacts will be discussed within the report's conclusions section and regard will be had to the advice of the Councils Conservation Officer;

(14) Agricultural land will be discussed within the report's conclusions section;

(15) The proposed density of the whole site is 23.3 dwellings per hectare and this compares favourably with the site approved to the north for 38 dwellings at 23.1 dwellings per hectare. Character issues will be discussed within the report's conclusions section;

(16) The applicant is understanding of the need to link this site with the Bonhams Field site. A track access runs between the two sites and this is owned by a third party who, it is understood, will not grant access without significant financial benefit. However, it should be noted that layout is a reserved matter and the applicant has stated a willingness to agree to explore how the two sites could be linked within a reserved matters submission should the outline permission be granted. It is also clear from a comparison of the two illustrative layouts that there is scope to at least connect a footpath between the two sites; and

(17) Noted. However, it has not been made clear why or how the open space is inadequate and it has been declared to be acceptable by the Councils Landscape Officer.

The following comments are offered in response to the local resident objections:

(1) The location of the site in the countryside will be discussed within the report's conclusions section under "Principle";

(2) This will be discussed within the report's conclusions section under "Principle";

(3) The National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. The NPPF does not state that no development is permitted on greenfield sites;

(4) This will be discussed within the report's conclusions section under "Principle";

(5) Agricultural land will be discussed within the report's conclusions section;

(6) Heritage Impacts will be discussed within the report's conclusions section and regard will be had to the advice of the Councils Conservation Officer;

(7) The comments of Southern Water are set out in the next section of this report. They do not raise any objection on grounds of inadequate water supplies

(8) The comments of Southern Water support this objection. This will therefore be discussed within the

Conclusions section;

(9) It is accepted that the primary school is at capacity. This application will make provision for the future expansion of the school through (a) a potential gift of land, and (b) a financial contribution. In respect of local doctors, the Council has sought a response from the NHS and their comments on whether a financial contribution is required are awaited;

(10) It is accepted that Yapton only has two convenience style shops but there are other retail premises. Additional dwellings may generate greater economic activity within the settlement;

(11) WSCC Highways have requested a contribution towards cycling improvements between Barnham and Littlehampton and this will benefit Yapton which lies between these two locations. It is unlikely that a railway station would be built in Yapton. Furthermore, the addition of cafes and pubs would depend on whether there is a commercial reason to locate these in Yapton. However, it is fair to say that if more people live in a settlement then there is likely to be a greater case for businesses to want to move into the area to cater for the increased population;

(12) The applicants consulted with Network Rail prior to submitting the application. A copy of their response is provided within the Transport Statement and states that:

"The crossing is due to have RLSE (Red Light Safety Equipment) cameras installed in the next couple of weeks. Essentially this means that when a vehicle goes over the white stop line when the red lights are flashing, the incident is captured on film and a prosecution of at least 3 points and a fine (or worse) will take place. In addition, NR is proposing to install full barriers at the crossing in June of next year. Therefore the addition of these movements shouldn't make too much difference at the crossing."

(13) & (14) Highway related issues are discussed within the report's conclusions section;

(15) The proposed density of the whole site is 23.3 dwellings per hectare and this compares favourably with the site approved to the north for 38 dwellings at 23.1 dwellings per hectare. Character issues will be discussed within the report's conclusions section;

(16) The application was accompanied by a Preliminary Ecological Appraisal which was checked by a MCIEM ecologist. This shows that the site has a low biodiversity value and that there was no evidence of bats or Great Crested Newts. It is proposed that the development site be enhanced with bats and bird boxes and also that any trees to be removed are carefully checked for bird nests. It is also noted that aside from bats, none of the species referred to in the letters are protected by law;

(17) The site is within Flood Zone 1. In respect of surface water drainage, the Council's Drainage Engineers have not raised any objections; and

(18) Residential amenity issues are discussed within the report's conclusions section.

CONSULTATIONS

Highways England

WSCC Strategic Planning

Environment Agency

Surface Water Drainage Team

Environmental Health

Parks and Landscapes
 Arboriculturist
 Southern Water Planning
 Head of Planning Policy & Cons
 Planning and Housing Strategy
 Sussex Police-Community Safety
 Engineering Services Manager
 Engineers (Drainage)
 NHS Coastal West Sussex CCG
 Listed Building Officer
 Conservation Officer

CONSULTATION RESPONSES RECEIVED:

NHS - To be reported at the Meeting.

ENVIRONMENT AGENCY - No response received.

HIGHWAYS ENGLAND - Object. Comment that there is insufficient information provided to assess the impact of the proposal on the strategic road network particularly in respect of the A27/Yapton Lane junction & the right turn lane from the A27. Requested that the applicant demonstrate that the proposed development would have no detrimental impact on the A27/Yapton Lane junction or if this is not the case, propose mitigation. Also requested that the applicant consider the impacts in conjunction with other allocated developments within the emerging Local Plan. Recommend that until such time as sufficient information has been provided to Highways England to allow a clear view to be taken then this application should not be approved because of its potential for severe harm to the strategic road network.

SOUTHERN WATER - Object. State that Southern Water's Lidsey Wastewater Treatment Works does not have the capacity to accommodate flows from the proposed development nor will have the plant on completion of currently planned improvement works. Southern Water will attempt to ensure capacity in respect of sites allocated in the emerging Local Plan but not in other cases. Therefore, Southern Water has not had reasonable time to make provision for the additional treatment capacity and it is considered that this development is premature.

SUSSEX POLICE - Have no concerns with the site layout/design as shown on the illustrative drawing other than an unobserved parking area behind plot 52 that is vulnerable and which provides unobserved access to a number of rear gardens. Recommend that this as well as details of boundary treatments & lighting are addressed at the detail stage.

WSCC HIGHWAYS - Originally raised no objections subject to conditions relating to car parking, cycle parking, construction management plan and a travel plan. The access to the adjacent site was the subject of a safety audit and its intensification is considered to be acceptable. The impact on the Oyster Catcher and Comet Corner junction has been assessed and is considered acceptable. Parking provision as shown on the illustrative layout is in accordance with WSCC standards. Do raise a concern about the lack of pedestrian footpath access either to the adjacent site (Bonhams Field - ref Y/1/17/OUT) or through Stakers Farm to North End Road. Consider that land should be safeguarded to provide for this purpose. Also advise that a contribution should be sought towards cycleway improvements between Barnham and Littlehampton. The contribution would be £110,530 and is considered to comply with the CIL tests. This would provide a valuable link from the development site via Yapton Road to Barnham

station and Main Road, Burndell Road and Yapton Road towards Littlehampton and facilitate sustainable transport

Subsequent correspondence received on 18/12/17 sets out a HOLDING OBJECTION on the grounds that should it be possible to increase the capacity of the primary school from 1.5 Form Entry (FE) to 2.5FE using funding from the proposed strategic site on the south western side of Yapton then there would be an increase in traffic/activity around the school and it would therefore be necessary to reconsider the highway implications of the Stakers Farm proposal. It is requested that determination of this application be delayed until such time as WSCC know whether a school expansion has merit and can therefore reassess this proposal.

WSCC INFRASTRUCTURE - No objections. Contributions required towards the provision of additional County Council service infrastructure, namely education (primary, secondary & 6th form), libraries and fire & rescue infrastructure. In addition, WSCC have in principle accepted the potential gift of land for the expansion of the school site. This will require either a unilateral undertaking to require a future land transfer agreement or simply a land transfer agreement and either option would be separate to a Section 106 agreement.

WSCC DRAINAGE - Note that the site is at low risk of surface water flooding and a moderate to high risk of groundwater flooding. There are no records of historic flood events relating to the site. There is a watercourse 170m from the south western boundary and field boundary ditches may exist on or around the site. These should be maintained and no development should take place within 5m of an watercourse or drainage ditch. Existing surface water flows across the site should be maintained and no site level raising should take place.

ADC CONSERVATION OFFICER - No objections.

Note that the site adjoins the Conservation Area and also will affect two Grade II listed Buildings to the east of the site. States that the National Planning Policy Framework (NPPF) requires great weight to be given to the conservation of designated heritage assets and notes that significance can be harmed or lost through inappropriate development within their settings. Considers that the development will have an adverse effect on the setting and therefore significance of Stakers Farmhouse. The development will also cause some degree of harm to the significance of the second listed building, the Homestead. Furthermore, the proposal will result in some degree of harm to the significance of the conservation area mainly as a result of increased traffic and increased activity & noise.

These impacts are somewhat mitigated by the green buffer and well planted boundaries to the east of the development site. The harm would therefore be less than substantial. Para 134 of the NPPF therefore advises that 'the harm should be weighed against the public benefits of the proposal'. It is recommended that an on-balance planning decision be made as to whether the wider benefits of the proposal outweigh the resultant harm to the significance of the affected designated heritage assets.

Also comment on design matters relating to the illustrative aspects of the scheme. Welcome the proposed scaling down of the development towards its edges but consider that buildings greater than two storeys in the central may not be appropriate in the rural context. Also raise concern with the lack of pedestrian connectivity between the new development and the existing settlement. Lastly, provides guidance on design for the reserved matters stage.

ADC ARBORICULTURAL CONSULTANT - No objection subject to conditions. Consider that there are very few trees of any real significance on the site and none are deemed to require additional TPO protection. Furthermore, the majority of tree cover is to be retained and those to be lost are acceptable.

ADC ENVIRONMENTAL HEALTH - No objections in principle. Raise a concern with any future layout if a sewage treatment plant or related pumping station is required on site. This would then require a distance of 15m between a pumping station/treatment plant and any residential dwelling. Ask for conditions to protect against contamination, a condition requiring a construction management plan and a condition to require each dwelling to have an electric car charge point.

ADC HOUSING STRATEGY - States that there is no objection in principle to the affordable housing provision but that the applicant needs to give consideration to the viability of providing all the affordable homes for rent as registered partners may not be able to offer a suitable bid based on the proposal.

ADC DRAINAGE ENGINEERS - No objection subject to the imposition of standard conditions ENGD2B, ENGD3A, ENGD5A, & ENGD5B. Engineers note that a perched water table may be present on this site and that therefore, a proposed deep drainage system suggested in the Flood Risk Assessment may not be viable, and that a shallow system will need to be designed. Also, infiltration to the Chalk layer may not be feasible for the same reason. Engineers also note that if the perched water table exists, it may be necessary to have open areas (POS) on the northern & western parts of the site in order to locate shallow infiltration ponds.

ADC GREENSPACE - Consider that the 4000m² public open space provision (POS) is insufficient for a development of this size and that 5376m² should be a minimum recommendation. Advise that a Locally Equipped Area for Play (LEAP) should be provided on site and that maintenance contributions will be required for the POS if it is to be transferred to the Council. Do not consider that a multi use games area (MUGA) contribution would be CIL compliant due to other committed improvements to the existing Yapton provision at the community centre. Provides advice on the form of future landscaping and open space.

COMMENTS ON CONSULTATION RESPONSES:

HIGHWAYS ENGLAND - In response to the stated comments, the applicants have been in communication with Highways England (HE) to try and resolve the objection and have provided the assessment as requested. They have also proposed a planning condition to provide mitigation to the junction.

HE note that recommendation in respect of Tye Lane, Walberton (WA/44/17/OUT) proposes to provide improvements prior to the occupation of the 90th dwelling. They therefore consider that in the case of Stakers Farm, the trigger should be before occupation of the 50th dwelling. However, HE stated on 25/10/17 that before they provide a conditional response to ADC, the applicant should provide their view on this solution and whether any alternatives have been considered to maintain safe operation of the A27 Yapton Lane junction.

The applicants then wrote to the Council to ask that a pragmatic view is taken and that a planning condition is imposed. The applicants are concerned about the latest HE position as Stakers Farm would be required to fund the whole junction improvement should it come forward before the Tye Lane permission does. The applicant requests that the junction improvements be undertaken on a proportional basis and that all sites would be required to pay a proportional amount based on their likely impact. This proposal was put to Highways England on the 24th November and their final comments are awaited and it is understood that these will be provided after the outcome of the Ford Lane, Yapton Inquiry.

However, it is also noted that the Tye Lane application is not subject to a planning condition in respect of A27 junction improvements but instead that provisions for contributions will be included within the S106

legal agreement and that the S106 will require the owner to implement to A27 improvements prior to occupation of the 90th dwelling. Should HE withdraw their holding objection, then mitigation should similarly be secured through a legal agreement rather than through a planning condition.

SOUTHERN WATER - In response to the stated objection, it is noted that Southern Water did not raise any objection to the proposed development on the adjacent land at Bonhams Field even though that site was also not an allocated site in the emerging Local Plan. Similarly, Southern Water raised no objection to the subsequent proposed outline residential development of land at Street Buildings (Y/49/17/OUT) and instead recommended a condition to ensure that details of foul sewerage disposal are agreed. On this basis and in the interests of consistency, it would not be reasonable to maintain the Southern Water objection. This argument was put to Southern Water in August 2017 but no response was received.

WSCC INFRASTRUCTURE - Having regard to the recent Burndell Road, Yapton Call in appeal decision (ref APP/C3810/V/16/3158261), it is not currently considered that the requested fire safety contribution is compliant with the CIL Regulations.

WSCC HIGHWAYS/ADC CONSERVATION - The applicants note the concerns from both the Councils Conservation Officer and County Highways in respect of a lack of pedestrian connectivity. It is noted that a track access runs between the Stakers Farm and Bonhams Field sites and this is owned by a third party who, it is understood, will not grant access without significant financial benefit. However, it should be noted that layout is a reserved matter and the applicant has stated a willingness to agree to explore how the two sites could be linked within a reserved matters submission should the outline permission be granted. It is also clear from a comparison of the two illustrative layouts that there is scope to at least connect a footpath between the two sites.

ADC CONSERVATION - It is also noted that the applicants have some objections to the Conservation Officer response and are strongly of the view that there remains only a minor impact on heritage assets and that this impact is significantly less than substantial. They also consider that the significant benefit of providing new, sustainably located homes with a large area of public open space alongside the potential gifting of land to Yapton C of E Primary School and ecological enhancements are considerable benefits of the scheme which would clearly outweigh the negligible (and considerably less than substantial) harm.

ADC GREENSPACE - Although it is true that the proposed public open space (POS) is only 4,000m² and is therefore 1,376m² short of the required total (which should be 5,376m²), it should be noted that an additional area of POS totalling 1450m² is proposed as a land gift to the primary school. The gifting of this land would therefore benefit children playing at the school and could potentially assist with the expansion of the school itself. If however, the land gift does not take place, then the site would retain this additional parcel of land and therefore have a total of 5,450m² of POS and this would therefore more than satisfy the requirements.

OTHER - All requested planning conditions are considered to meet the necessary tests and would be included within any planning permission.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Grade 1 Agricultural Land;
Flood Zone 1 (low risk);
Lidsey Treatment Catchment Area;
Special Control of Adverts;

Setting of two Grade II Listed Buildings; and
Setting of a Conservation Area (Main Road/Church Road).

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

AREA2	Conservation Areas
DEV17	Affordable Housing
GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN5	Provision of New Residential Development
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development
GEN18	Crime Prevention
GEN20	Provision of Public Open Space within New Development
GEN25	Water Resources
GEN26	Water Quality
GEN28	Trees and Woodlands
GEN29	Nature and Conservation Across the District
GEN33	Light Pollution

Publication Version of the Local Plan (October 2014):

C SP1	Countryside
D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
D SP1	Design
ECC SP2	Energy and climate change mitigation
ENV DM4	Protection of Trees
ENV DM5	Development and Biodiversity
ENV SP1	Natural Environment
H DM1	Housing Mix
HER DM3	Conservation Areas
HER SP1	The Historic Environment
H SP2	Affordable Housing
INF SP1	Infrastructure provision and implementation
LAN DM1	Protection of Landscape Character
OSR DM1	Open Space, Sport & Recreation
QE DM2	Light Pollution
QE SP1	Quality of the Environment
SD SP1	Sustainable Development

SD SP2 Built -Up Area Boundary
 SO DM1 Soils
 T DM1 Sustainable Travel and Public Rights of Way
 T SP1 Transport and Development
 W DM1 Water Supply & Quality
 W DM3 Sustainable Urban Drainage Systems
 W SP1 Water

Yapton neighbourhood plan 2014 Policy BB1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E1	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E3	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E4	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E5	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy E8	Conservation Areas
Yapton neighbourhood plan 2014 Policy E9	Listed Buildings and Buildings or Structures of Character
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development
Yapton neighbourhood plan 2014 Policy H1	Housing requirement
Yapton neighbourhood plan 2014 Policy H2	Dwelling size
Yapton neighbourhood plan 2014 Policy H3	Dwellings appropriate for the needs of older people
Yapton neighbourhood plan 2014 Policy SA1	Land north of Yapton CE Primary School
Yapton neighbourhood plan 2014 Policy BE2	High speed broadband

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD1 Open Space & Recreation Standards
 SPD2 Conservation Areas

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 is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

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. The examination was

completed 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. 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 relevant policies within the Yapton Neighbourhood Development Plan have been considered in the preparation of this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is not considered to comply with the relevant development plan policies in that it is located outside of the defined built up area boundaries within the development plan. However, there are significant material considerations that would weigh in favour of the proposals and the policies within the development plan that relate to the supply of housing are out of date.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the Conclusion section. These are as follows:

- * The fact that the Council cannot currently demonstrate a 5-year housing land supply;

- * The National Planning Policy Framework (NPPF) and associated guidance particularly in respect of Sustainable Development;
- * The Written Ministerial Statement of December 2016;
- * The Secretary of State's three recent decisions concerning the Call-in Inquiries for the Fontwell (WA/22/15/OUT), Burndell Road (Y/19/16/OUT) and Ford Lane (Y/80/16/OUT) applications;
- * The Supreme Court Ruling dated 10th May 2017 on the application of Paragraphs 14 & 49 of the NPPF in respect of how they relate to the lack of a 5-year housing land supply (Suffolk Coastal District Council v Hopkins Homes Ltd and another Richborough Estates Partnership LLP and another v Cheshire East Borough Council);
- * The Local Plan Sub-Committee decision in December 2016, followed by the Full Council decision that the Council would invite planning applications on sites identified as being 'deliverable' by the HELAA where they are considered sustainable and will not prejudice the emerging local plan and/or infrastructure delivery; and
- * The emerging Local Plan - "Arun Local Plan 2011-2031 Publication Version showing Modifications".

CONCLUSIONS

PRINCIPLE:

Objections have been raised by both the Parish Council and local residents on the matter of the principle of the development in this countryside location.

The development plan for Arun District currently comprises the Arun District Local Plan (2003) (saved policies) and the Yapton Neighbourhood Development Plan (November 2014).

Arun District Local Plan 2003

The policies of most relevance are saved policies GEN2 and GEN3 of the Arun District Local Plan (ADLP). Policy GEN2 states that outside of the built up area boundary (BUAB), development will not be permitted unless it is consistent with other ADLP policies.

ADLP Policy GEN3 "Protection of the Countryside" states that except for various categories of development (of which none apply to the application proposal), development within the countryside will not be permitted. As this site lies outside the nearest BUAB, it is categorised as being within the countryside and the scheme would therefore conflict with ADLP Policies GEN2 and GEN3.

Yapton Neighbourhood Development Plan

The Yapton Neighbourhood Plan (YNDP) was made (adopted) in November 2014 on the basis of the saved policies in the ADLP and the draft policies in the 2014 publication version of the emerging Arun Local Plan (eALP).

Figure 4.1 on page 13 of the YNDP includes a BUAB drawn around the edge of the settlement of Yapton which, save for the proposed allocations within the YNDP, broadly compares with that provided by the ADLP. The application site is adjacent to the western boundary of the BUAB and the application site is therefore classified as countryside.

Policy BB1 states that development outside of the BUAB will not be permitted unless in accordance with 4 listed criteria. The third of these is where the development relates to additional allocations for housing land in accordance with policy H1.

Policy H1 states that:

"The minimum housing requirement for Yapton over the period 2014 to 2029 will be established by the emerging Arun Local Plan. An additional buffer of 20% over and above the minimum housing requirement will be permitted to allow for flexibility and consumer choice. The neighbourhood plan identifies allocations to accommodate growth (policies SA1 and SA2). In addition to these allocations, infill development will be considered acceptable within the built up area, subject to the provisions of policy BB1 and other material planning considerations. Additional allocations will be made if the emerging Arun Local Plan requires such action or if the identified housing sites do not proceed. New housing development will be required to ensure that local infrastructure is provided and/or improved in relation to the size and scale of the development proposed. This requirement will apply to all infrastructure, and with particular attention to education provision and flood prevention (fluvial, sea and surface water). Any development that would result in the additional 20% buffer being exceeded will only be permitted if it can be demonstrated that either the expected child yield would not result in the Yapton CE Primary School exceeding the maximum number of children permitted on its role or that appropriate modifications and/or extensions to the School can be delivered at the developer's expense.

The application if approved would include a S106 contribution towards small scale improvements at the Yapton Primary School. In addition, the application includes the potential for a gift of land to the School for the purposes of enlarging the existing 'playing fields' and potentially facilitating expansion of the school itself. It is considered therefore that the proposal would provide support to the school to enable it to grow to meet future demand. Therefore, although the exact terms of Policy H1 are not met, it is considered that the proposal would gain some support from the policy.

Emerging Development Plans

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

The eALP was submitted for examination in January 2015. However, following a material increase in the Objectively Assessed Need (OAN) for housing, the eALP examination was suspended to allow ADC to review potential additional locations for housing development. The proposed Modifications were approved by Full Council and consultation took place on the new document ("Arun Local Plan 2011-2031 Publication Version showing Modifications") between 10 April and 30 May 2017.

The hearing sessions into the examination of the Arun Local Plan ended on Thursday 28 September 2017 and the Inspector has since written to the Council to set out his 'Interim Views following the Hearings'. The Council responded to this document on 22/11/17.

Policy H SP1 "Housing Allocation" of the modified eALP sets out the overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional allocations for small sites being made across the District through emerging Neighbourhood Plans or reviews of made Neighbourhood Plans.

Policy H SP2 "Strategic Site Allocations" is split into 3 sections covering different areas of the District. An allocation is proposed by Policy H SP2c on land to the southwest of Yapton for at least 400 dwellings to include a new school, library, improvements to the A259 (between Climping & Littlehampton) and contributions to healthcare in Ford. The application site does not form part of this allocation.

Policy SD SP2 "Built up Area Boundary" states that outside the BUAB, apart from Strategic, Site Specific and Broad Allocations, development will not be permitted unless consistent with other plan policies. In addition, Policy C SP1 "Countryside" states that residential development in the countryside outside of the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or

type of development. As the proposed site does not form part of a proposed allocation and is not in accordance with another policy within the eALP, the exception would not apply and the proposal would be contrary to eALP policies SD SP2 and C SP1.

The proposed development is not located in a strategic, site specific or broad allocation in the eALP, so the application will need to be considered alongside other plan policies.

Planning Balance

For reasons given above, the application is not in accordance with ADLP Policies GEN2 & GEN3 or policies BB1 & H1 of the YNDP. As set out below, these policies are all out-of-date and carry limited weight. The following sets out whether there are any material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

There has been an almost doubling of the objectively assessed need (OAN) for the Arun District to 919 dwellings per annum (dpa) and the current reported housing land supply figure for Arun District is only around 2.07 years (as at 31/03/17). This demonstrates that there is a pressing need to identify and bring forward deliverable sites for housing and that ADC cannot currently demonstrate a 3 or 5 year supply of deliverable housing sites.

In recognition of this, the Local Plan Sub-Committee resolved in December 2016 to invite planning applications for the first phases of sites being investigated at potential strategic allocations. It was also resolved to invite planning applications on sites identified as being 'deliverable' within the Housing and Employment Land and Availability Assessment (HELAA) where they are considered sustainable and will not prejudice the emerging local plan and/or infrastructure delivery.

The 2017 HELAA report assesses the application site (Ref Y8) as being suitable in principle for future housing development based on its sustainable location and lack of insurmountable constraints. The Report also considered that the site is currently deliverable but might need to be delayed in order to allow time for a joint development scheme to be agreed with adjoining landowners. The total yield was suggested to be 72 dwellings.

The scheme has been prepared with access and connectivity into/through the adjacent land to the north (Land North of Yapton C of E Primary School - ref Y/93/14/OUT). Furthermore, the applicants have stated that a connection into the land to the south (Bonham's Field - Y/1/17/OUT) would be investigated if outline permission is granted for the application. It may also be possible to provide a footpath through Stakers Farm to the east to link to North End Road.

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

As the Council cannot demonstrate a 3 year supply of deliverable housing sites, the Written Ministerial Statement on Neighbourhood Planning (12 December 2016) does not apply. Paragraph 49 of the NPPF is also engaged, which states that the relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a 5-year housing land supply.

Given the significant shortfall in housing supply, only limited weight can be given to the conflict with out-of-date ADLP Policies GEN2 & GEN3 and policies BB1 & H1 of the YNDP. Policy GEN2 is clear that the boundaries of the built-up area were defined 'for the purposes of the West Sussex Structure Plan and this District Local Plan'. The built-up areas were drawn for the purposes of defining the extent of the

built-up areas and countryside. This was done with the background of the required number of dwellings for the plan making period being provided within the built-up areas or on allocated sites (up to 2011).

The Inspectors decision for the called-in Inquiry concerning 108 residential dwellings at Burndell Road (Ref APP/C3810/V/16/3158261) stated that policies GEN2 & GEN3 are out of date in that the aLP does not plan for housing beyond 2011, that they pre-date the NPPF and do not seek to establish an Objectively Assessed Need (OAN). Both policies also do not accord with the NPPF in that they protect the countryside for its own sake. The Inspector considered this to be a material consideration weighing against the policy to which was attributed significant weight. In allowing the Burndell Road call-in, the Secretary of State confirmed the Inspectors position that policies GEN2 & GEN3 are out of date and, given that the housing land supply is approximately 2 years, that these policies carry only limited weight.

The YNDP was produced based on both the Local Plan (Summer 2013) and the Publication Version of the Local Plan (excluding the spatial portrait, employment and enterprise, housing allocations, transport, monitoring and implementation sections) dated 14 February 2014. Both of these documents predate the version of the eLP which was tested at Examination and subsequently revised into the modified version. Therefore only limited weight can be given to the conflict with the YNDP to protect the countryside, as the context within which the YNDP was prepared has significantly changed.

Presumption in favour of Sustainable Development

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

Paragraph 7 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

(1) Environmental Role

The Institute of Highway and Transportation (IHT) publication 'Guidelines for Providing Journeys on Foot (2000)' sets out recommended guidelines for walking distances and provide desirable, acceptable & preferred maximum distances. For town centres these range between 200 to 800 metres, for commuting/school 500 to 2000 metres and elsewhere 400 to 1200 metres. As this is not a town centre location the relevant distances would be 400m-1200m for day to day journeys and in respect of school/work commuting, 500m-2000m.

All of the following distances are measured from the position of the proposed access onto North End Road and then using existing local roads. The actual distance may therefore be greater as the walk from North End Road into the site is not factored in. All roads within Yapton are considered to have footways and adequate lighting.

The nearest schools would be:

- * Yapton Cof E Primary School - 100m
- * Ormiston Six Villages Academy, Westergate - 5.14km
- * St Phillip Howard, Catholic School (6th Form), Barnham - 3.34km

Although the primary school is literally next door, older pupils would need to travel to either Barnham or Westergate. However, the site is also served by service 66A/66C, which operates a circular route

between Bognor Regis, Barnham, Yapton and Bognor Regis every 1-2 hours on Mondays to Saturdays. Furthermore, paragraph 34 of the NPPF states that "Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas". Paragraph 29 states that "... different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas".

In terms of employment, it is considered that the following areas are all within around 2km of the site:

- * The eastern edge of Barnham;
- * Lake Lane/Yapton Lane Horticultural sites;
- * The whole of Yapton; and
- * Ford Airfield.

The following facilities are available in the local area within a walking distance of less than 400m from the access onto North End Road:

- * The Yew Tree Medical Surgery; and
- * North & South-bound bus stops adjacent to the Primary School.

The following facilities are available in the local area within a walking distance of between 400m and 1200m from the access onto North End Road:

- * The Maypole Inn is 590m to the north;
- * St Marys C of E Church is 390m to the east;
- * Yapton Free Church is 500m to the south;
- * Yapton & Ford Village Hall is 830m to the southeast; and
- * The Yapton Village Centre (Co-Op, butchers, hair salon & chip shop) is 890m to the south east.

The following facilities are located further afield:

- * Bilsham Road Stores is 1.3km to the southeast;
- * Meadowcroft Surgery is only a few metres past the Stores;
- * Windmill Shopping Village is 1.7km to the west; and
- * Barnham Railway Station is 2.7km to the west.

It should also be noted that as a result of this development, a contribution would be provided to support the Barnham to Littlehampton Cycle Improvements Scheme.

The other environmental aspects of sustainable development such as impacts on trees, ecology and in respect of flooding/drainage are considered in detail in the report below but it is concluded that there are no adverse environmental impacts associated with these.

(2) Social Role

It is considered that the proposal could help to support the local community by providing up to 70 new homes including 21 affordable dwellings to help meet future needs. In addition, the potential for land to be gifted to the school could benefit the community by increasing the amount of external play space associated with the school and potentially facilitating the expansion of the school. These factors weigh in the scheme's favour.

(3) Economic Role

It is considered the proposal would likely result in economic benefits to the local area in the form of the following:

- * An increase in Council Tax receipts;
- * Potential 'New Homes Bonus' payments from the Government;
- * Financial contributions towards local libraries, education establishments and (potentially) doctors surgeries;
- * The creation/maintenance of construction jobs; and
- * Additional spending by new residents on local goods & services.

However, there would be a potential cost to the local agricultural economy due to the loss of existing grazing land and the loss of the land itself which, as discussed elsewhere in the report, is Grade 1 (highest quality) and could therefore support the growing of crops.

Assessment of Sustainable Development

It is considered that the proposal is clearly environmentally and socially sustainable. There would be a cost to the local economy from the loss of high quality agricultural land but this is weighed against the previous and current uses of the land (grazing by horses or sheep) and the economic benefits of the scheme which are considered to override the costs. Therefore, it is considered, on balance, that the proposal would be environmentally, socially and economically sustainable and would therefore benefit from the NPPF presumption in favour of sustainable development.

Conclusion on Matters of Principle:

Overall, the principle of development on this site is contrary to the development plan, however, as Arun District Local Plan policies GEN2 and GEN3 and the intention of the YNDP to protect countryside (policies BB1 & H1) are out of date, in accordance with paragraph 49 of the NPPF, they carry reduced weight. The material considerations set out above are considered to weigh in favour of granting permission.

The proposed development would provide an additional 70 houses which are needed in the Arun District. The proposed development should be considered in the context of the presumption in favour of sustainable development. It is considered that the development would have a positive effect upon the supply and location of housing and therefore, the principle of residential development on this site would, in current policy circumstances and as set out in the NPPF, be acceptable. The assessment will now consider other policy considerations and whether this gives rise to any adverse impacts.

Some policies of the Framework are cast in terms which indicate that in certain circumstances planning permission should be restricted. These, in this case, relate principally to landscape, flooding, access/highway safety and the natural environment. Having regard to the tests set out in the NPPF in relation to these issues, and in the context of the content of this report, it is considered that the circumstances are such that none of these issues amount to a reason for withholding planning permission either because the matter can be controlled by suitable conditions, content of the Section 106 agreement or because the public benefit outweighs the harm in respect of any such issues.

It is therefore considered that the objections on the grounds of principle raised by both the Parish Council and by local residents have been resolved by the above analysis.

PREMATURITY:

The Parish Council consider that this proposal is premature as it should have been considered by way of proper consultation and cooperation between the Council, landowners and the Community such as through a Small Sites Document as part of the emerging Local Plan or a review of the Yapton Neighbourhood Plan.

Paragraph 014 (Reference ID: 21b-014-20140306) of the Governments online Planning Policy Guidance states with regard to prematurity that:

"arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and

(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period.

Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process."

Although the eLP is at an advanced stage and therefore (b) applies, the proposal is not considered to be so substantial or have a cumulatively significant effect on the settlement. Furthermore, this application was submitted following the Local Plan Sub-Committee resolution in December 2016 to invite planning applications for sites identified as being 'deliverable' and sustainable within the HELAA. It is therefore considered that a refusal on grounds of prematurity could not be supported.

HOUSING MIX:

YNDP Policy H2 requires that proposals of 15 or more dwellings provide a mix of dwelling sizes (market and affordable) that fall within the following ranges: (a) 1-bed dwellings: 10-15% of all dwellings; (b) 2-bed dwellings: 25-35% of all dwellings; (c) 3-bed dwellings: 45-55% of all dwellings; and (d) 4+-bed dwellings: 5-10% of all dwellings.

The application submissions sets out the following mix of dwellings:

- * 4 x 1 bedroom apartments (6%);
- * 15 x 2 bedroom houses (21%);
- * 43 x 3 bedroom houses (61%); and
- * 8 x 4 bedroom houses (11%).

This would not comply with the stated criteria within the YNDP. However, the layout and mix are

illustrative at this time and a condition imposed on the planning permission could ensure that this policy is complied with at the reserved matters stage.

It is also necessary to consider YNDP Policy H3 which requires that developments of five or more dwellings ensure that a minimum of 25% of the 1-, 2- and 3-bed dwellings provided are delivered to Lifetime Homes standards. A condition will be imposed to ensure that the reserved matters application fulfils this requirement.

Therefore, the proposal is considered to be in accordance with the relevant YNDP policies H2 and H3.

AGRICULTURAL LAND:

Objections have been raised by both the Parish Council and local residents regarding the loss of agricultural land.

Policy E1 of the YNDP states that:

"Planning permission will be refused for development on grade 1 and grade 2 agricultural land unless: (1) it involves the granting of planning permission for the development of the housing allocations identified in this Plan (Policy SA1 and Policy SA2); or (2) it involves the granting of planning permission for any additional housing sites required by Policy H1 to meet objectively assessed housing needs in the Plan area."

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

Emerging Local Plan policy SO DM1 considers soils and states that:

"Unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term."

The site is shown to be Grade 1 Agricultural Land as per the Figure 2 plan within Appendix 4 of the YNDP. It could therefore support the growing of crops in a similar way to that of the large agricultural field to the west. However, the site was previously used for equestrian purposes (grazing & exercise of horses). This use has ceased but the land is currently only being used for the grazing of third party owned sheep under an agreement with the landowner. In short, the land has not been used within recent years for the growing of crops and there is no realistic possibility that crops would be grown on the land in the future.

It is also considered that agricultural technology has changed and arable farming has grown to become larger in scale with an emphasis on large tracts of land as opposed to collections of individual fields. Despite the grade of soil on the land, it is considered that the site is limited for future agricultural use due to its size/workable area and accessibility.

Overall, it is considered that the proposed development would lead to the loss of Grade 1 agricultural land, however there are other material considerations that would outweigh this loss. Therefore, the proposal is considered to be in accordance with the YNDP.

IMPACT ON HERITAGE ASSETS:

Objections have been raised by both the Parish Council and local residents on the grounds of harm to the setting of Stakers Farmhouse; harm to the Conservation Area and harm to the character & beauty of this historic rural setting.

Arun District Local Plan (ADLP) Policy AREA2 states that: "Planning permission will be granted for development which preserves or enhances the character or appearance of a Conservation Area or its setting."

Yapton Neighbourhood Development Plan (YNDP) policy E8 requires that developments either preserve or enhance the character of Conservation Areas. In addition, development proposals will be expected to be suitably designed taking account of the local character/context and use traditional/vernacular building materials.

YNDP Policy E9 refers to Listed Buildings but only concerns the loss of such buildings and does not refer to impacts on setting. Therefore, in respect of harm to the setting of listed buildings, it is necessary to refer to the National Planning Policy Framework (NPPF) and to policy HER DM1 of the eLP (Arun Local Plan 2011-2031 Publication Version showing Modifications).

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. 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. Paragraph 134 therefore advises that 'the harm should be weighed against the public benefits of the proposal'. Paragraph 137 is also relevant and states that new development within the setting of Listed Buildings or Conservation Areas 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 Officer has assessed the proposals including with reference to the illustrative layout drawing. It is considered the development will have an adverse effect on the setting and therefore the significance of Grade II Listed Stakers Farmhouse. Furthermore, that the development will cause some degree of harm to the significance of the second listed building, the Homestead and to the significance of the conservation area mainly as a result of increased traffic and increased activity & noise.

However, the Conservation Officer considers that these impacts are somewhat mitigated by the proposed green buffer and well planted boundaries to the east of the development site. This being the case, it is considered that the harm to the heritage assets would be less than substantial. As noted above, paragraph 134 of the NPPF advises that less than substantial harm should be weighed against the public benefits of the proposal. It is therefore necessary to make an on balance judgement as to whether the wider benefits of the proposal outweigh the resultant harm to the significance of the affected designated heritage assets.

It is considered that the development would result in the following benefits:

- * The sustainable development of 70 new homes including 21 affordable homes to help meet local and district wide needs;
- * A potential gift of land (1450m²) to the primary school;

- * An increase in Council Tax receipts associated with the 70 new homes;
- * New Homes Bonus payments from the Government paid to the Council;
- * Financial contributions towards local libraries, education establishments and (potentially) doctors surgeries;
- * The creation/maintenance of construction jobs;
- * Additional spending by new residents on local goods & services; and
- * A boost to the vitality & viability of the settlement of Yapton as a whole.

It is considered that on balance, these benefits as a whole outweigh the less than substantial harm to the significance of the affected designated heritage assets. Therefore, the proposal is considered to be in accordance with the relevant development plan policies and the NPPF.

DESIGN, CHARACTER & LANDSCAPE:

Although the site is neither within a protected landscape nor likely to impact on the setting of the South Downs National Park, the protection of landscape character is still an important consideration.

Policy GEN7 (vi) of the ADLP requires that new development retain significant open or wooded areas which, in their own right, make a material contribution to the local environment. In addition, criteria (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

There are no landscape based policies within the YNDP however regard should be had to Policy LAN DM1 of the modified eALP which states that:

"Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas."

A Landscape Statement has been submitted which seeks to assess the impact of the proposal on the landscape and to determine what mitigation measures are appropriate. This states that:

- * In the short-term, there are likely to be minor adverse effects on landscape character across a limited area;
- * In the short-term there are likely to be minor adverse effects on visual receptors across a limited area;
- * In the mid-long term, subject to the recommended mitigation, there are likely to be minor beneficial effects on landscape character;
- * In the mid-long term, subject to the recommended mitigation, there are likely to be negligible to minor beneficial effects;
- * Built form and mass would be softened as planted trees and vegetation matures, and this would aid integration into the wider enclosed rural setting within the Barnham-Yapton Coastal Plain Local Landscape Character Area (LLCA 22);
- * Planting belts including native hedgerows and tree standards along the western edge of the site would filter and screen the built form from public footpaths to the west;
- * When considering the cumulative impacts with the consented adjacent schemes at Yapton C of E Primary School North End Road (Y/93/14/OUT) to the north of the Site, and Bonhams Field to the south of the site (Y/1/17/OUT), the Stakers Farm proposal is identified as comprising mid-long term negligible cumulative effects on landscape & views; and
- * Should all of these schemes progress the the urban edge of Yapton will effectively be moved to alongside the western edge of the site, with a redefined vegetated rural boundary to its western edge.

The illustrative layout plan shows that open space will be provided on the eastern side of the site to

provide a green buffer between Stakers Farm/The Croft and the new houses. It also includes 4.5m wide buffer planting to the north western boundary and 2m wide additional planting to the school site to supplement the existing hedgerows.

In particular, it is noted that the 4.5m wide buffer planting to the north western boundary is as per the illustrative layout for the outline approval of the land to the north. Therefore, the Stakers Farm proposal will provide the same level of buffer planting as the existing approved site to the north. This will ensure a seamless landscaped buffer along the western/north western edge of both sites.

Arun DC Landscape Officers have not raised any objections to the scheme on landscape or visual grounds. The proposal is therefore considered to accord with policy GEN7 of the ADLP and policy LAN DM1 of the modified eLP.

HIGHWAY SAFETY & PARKING:

Objections have been raised by local residents on the grounds of increased congestion on North End Road around the School and that greater use of the approved access for Y/93/14/OUT would be unsafe.

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 166 spaces and the proposed illustrative layout satisfies this requirement with 152 allocated spaces and 14 unallocated spaces for additional residents or visitors. It is also noted that the illustrative layout suggests that 2 cycle spaces will be provided per dwelling either in rear garden sheds or garages. The car parking provision is also in accordance with YNDP Policy PK1 "Parking standards for new residential development" which would require a minimum parking provision of only 144 spaces.

Policy GEN7 (vii) requires that new development allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians. Regard should also 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".

West Sussex Highways originally assessed the application back in August 2017 and their comments were based on a site visit. They stated that they had no objections subject to conditions. In particular, that the access to the adjacent site was the subject of a safety audit and its intensification is considered to be acceptable. Also stated that the impact on the A259 had been assessed as acceptable and that the proposed parking provision is acceptable.

However, a concern was raised in respect of the lack of footpath connectivity between the site and adjoining land to the south and east. In response, the applicants have stated that there is a track situated between the Stakers and Bonhams sites which is owned by a third party who, it is understood, will not grant access without significant financial benefit. However, they would be willing to investigate whether this would be possible after outline permission has been granted. As layout is not currently applied for, the approval of permission would not be binding on the drawing that has been provided and therefore, the layout could be varied at the reserved matters stage to provide better connectivity with adjacent land. It is also clear from a comparison of the illustrative layouts for Stakers Farm & Bonhams that there is scope to at least connect a footpath between the two sites. It may also be possible to provide a footpath through Stakers Farm to the east to link to North End Road.

West Sussex Highways then wrote in December to advise that they now wish to reassess the impact of the proposal alongside potentially proposed improvements to the Yapton primary school and that until such time as this assessment is carried out, a holding objection must be imposed. However, it is

considered that this should have been assessed much earlier in the process and it is not considered reasonable to delay this determination with no set timescale whilst WSCC Highways finalise their revised position.

In addition to the comments of West Sussex Highways, it is also necessary to consider those of Highways England (HE) who have responsibility for the impact of development on the Strategic Road Network. As set out above, there was initially an objection from HE on the grounds of impact on the A27/Yapton Lane junction but they have since informally accepted the additional assessment undertaken by the applicants. However, a formal response has not been provided and so it is not possible to include any mitigation measures (i.e. contributions to the junction improvement) within the heads of terms for the S106 agreement.

Therefore, although HE have identified the need for mitigation at this junction, without the further response of Highways England, there are insufficient grounds to raise an objection. It should also be noted that although this development will have an impact on the junction, it is the cumulative impact of all planned and proposed developments within the Yapton/Walberton area that is the issue and not just the Stakers Farm proposal. It is also noted that the planning permission for Bonhams Field (Y/1/17/OUT) next door which was approved in early December 2017 was not subject to any contribution to this junction.

It is therefore considered that the proposal is in accordance with the relevant development plan policies and in respect with the guidance with the NPPF.

FLOODING & DRAINAGE:

Objections have been raised by local residents on the grounds of increased flooding due to drainage.

YNDP Policy E11 requires that developments be designed and constructed to minimise the overall level of flood risk within the parish; and provide appropriate surface water drainage. In addition, Arun Local Plan policy GEN9 states that:

"Planning permission for development which will materially increase foul and/or surface water discharges will be refused unless the Local Planning Authority is satisfied that either adequate drainage capacity exists or appropriate drainage capacity can be provided as part of the development. Consideration should also be given to the use of Sustainable Urban Drainage Systems (SUDS) as alternatives to conventional drainage where appropriate."

Both WSCC and ADC Drainage Engineers have commented on the application. However, neither raise any objection to the principle of development and instead require details to be provided at a later stage in respect of surface water drainage. ADC Engineers do identify the potential presence of a perched water table on the site and consider that, if present, this could present problems for the proposed siting of the POS on the eastern side of the site. However, the approval of permission would not be binding on the layout drawing that has been provided and therefore, the layout could be varied at the reserved matters stage if a perched water table was present and if deemed to be a constraint.

It is therefore considered that the proposal is in accordance with the relevant development plan policies.

FOUL DRAINAGE:

As noted above, Southern Water has raised an objection on the grounds that there is inadequate existing wastewater treatment infrastructure to serve the development and that this application is therefore premature. In addition, local residents raise concern about there being inadequate local foul sewer

capacity.

Arun Local Plan policy GEN9 also sets out that there must be adequate foul drainage capacity for developments or that appropriate additional foul drainage capacity can be provided to serve the development.

It is noted that Southern Water did not raise any objection to the proposed development on the adjacent land at Bonhams Field even though that site was also not an allocated site in the emerging Local Plan. Similarly, Southern Water raised no objection to the subsequent proposed outline residential development of land at Street Buildings (Y/49/17/OUT) and instead recommended a condition to ensure that details of foul sewerage disposal are agreed.

On this basis and in the interests of consistency, it would not be reasonable or fair to maintain the Southern Water objection and it is considered that subject to the full details of wastewater treatment being provided at reserved matters stage (enforced by a planning condition), that the scheme is in accordance with development plan policy.

TREES & ECOLOGY:

Objections have been raised by local residents as to the impact of the proposed development on wildlife species using the fields. It is noted that none of the specific wildlife species mentioned are protected species.

YNDP Policy E3 seeks to prevent the loss of natural habitat. However, it lists two possible exceptions - where mitigation measures ensure the integrity of the habitat or where the habitat is relocated to a site within 500m of the existing.

In addition, Policy E4 states that development sites should retain well-established features of the landscape, including mature trees and species-rich hedgerows. New tree planting will be required to mitigate any significant loss.

There are hedgerows surrounding the site and these will be retained and, in respect of the boundaries to the west & around the school, will also be enhanced. The application has been accompanied by a Preliminary Ecological Appraisal prepared by a chartered ecologist. This found there to be no protected species using the site or the buildings and that with the exception of bats using the field margins, the existing habitat was not suitable to support any protected species.

The site does not contain many trees and the Council Tree Officer does not consider that any of these warrant any additional protection. It is proposed to fell three of the on-site trees and no objection is raised to this. In addition to the enhancement of the existing hedgerows, it is also proposed to enhance the site with bird & bat boxes.

Overall, subject to the mitigation measures secured by planning condition, it is considered that the proposed development accords with policy GEN29 of the ADLP and policies E3 & E4 of the YNDP in relation to the impact on protected species and the potential for the scheme to protect existing habitats where possible and provide enhancements.

RESIDENTIAL AMENITY:

Objections have been raised by local residents as to the potential for harm to enjoyment of The Croft residential retirement complex to the east.

Arun District Local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the YNDP policies refer to residential amenity issues. However, one of the 'core planning principles' of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

It is not considered possible to make a detailed assessment of residential amenity at this stage given that layout, scale and appearance are all reserved matters. However, in principle it is not considered that any of the proposed dwellings shown on the illustrative layout would be sited in such a way as to result in any harm to the privacy, outlook or amount of light to existing neighbouring properties. In particular the illustrative layout shows that there would be at least 50m between The Croft and any proposed dwelling. It should also be noted that there is no right in planning law to a view.

SPACE STANDARDS:

Residential development proposals must be assessed against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). It is not possible to make an assessment at this time as there are no floorplans.

Policy D DM3 of the modified eALP 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 50m² for 2 bedroom terraced houses, 65m² for 3 bedroom terraced houses, 85m² for semi/detached properties of no more than 3 bedrooms and 100m² for larger semi/detached properties. Flats are dealt with differently and would require a small private space such as patio, roof garden or balcony.

The applicants have proved a schedule of garden sizes to accompany the illustrative layout drawing. This shows that all gardens will exceed the 10m depth requirement and that garden areas will all comply with the area requirements. Indeed, with the exception of plot 21 which is only 6.4m² over the requirement, all other gardens are generously sized and far exceed the required area. There is no current detail as to whether the four flats (plots 18-19 & 69-70) will have balconies or ground level patios. However, as layout, appearance and scale are reserved matters, it would not be possible to raise this as an objection.

AFFORDABLE HOUSING:

For all developments over 15 residential units, the Council requires the minimum provision of 30% affordable housing on site, as set out in Policy AH SP2 of the modified Local Plan and in the Interim Affordable Housing Policy (2010).

The proposal includes 30% affordable housing, equating to 21 units and this therefore complies with the policy requirement. The applicant has stated that all of the affordable homes will be provided for rent and this has been queried by the Councils Housing Strategy and Enabling Manager on the grounds that it may not be a viable offer for a registered partner to take forward. However, this can be resolved at a

later time and the S106 agreement will specify that a detailed mix of affordable house types & tenures will be confirmed at the reserved matters stage.

Therefore the proposal accords with Policy DEV17 of the ADLP and Policy AH SP2 of the modified Local Plan.

SUPPORTING INFRASTRUCTURE:

Policy INF SP1 of the modified eLP includes the following statements:

"The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers and users of the development and the existing community"

And

"Off-site measures will require planning obligations or financial contributions, to secure the necessary provision. Where a contribution towards other, district wide, infrastructure improvements or provision is needed and viable this will be achieved through planning obligations (where they meet the statutory test for planning obligations)"

WSCC have requested financial contributions in respect of primary education, secondary education, 6th form education, libraries and fire & rescue. The level of these contributions will be based on a formula to allow the contribution amounts to be based on the housing mix at the reserved matters stage.

The contributions will be spent on the following projects:

- * Additional small scale improvements at Yapton CE Primary School (or on alternative primary school provision elsewhere in the District subject to meeting the CIL tests);
- * Expansion of the Ormiston Six Villages Academy in Westergate;
- * Restructuring of the St Phillip Howard, Catholic School (6th Form) in Barnham;
- * Expansion of facilities at Littlehampton Library;
- * The Barnham to Littlehampton Cycle Improvements Scheme (ID 82); and
- * On the future maintenance of the on-site public open space and local equipped area of play facility.

In addition, there is currently an offer to gift 1,450m² of land to WSCC for the purposes of enlarging the school site and potentially enabling its expansion. The land gift has been accepted in principle by WSCC but whether it can be secured depends of whether a land transfer agreement can be drawn up that is acceptable to all parties. It is not considered necessary for this land gift to be included to make the proposal acceptable in planning terms. Furthermore, members should note that if the land gift is included, then although it would allow support for the proposal to be gained from YNDP policy H1, it would also mean that the amount of public open space did not meet the policy requirements.

The Councils Landscape department has advised that a contribution towards the existing multi use games area on the playing fields within the centre of Yapton cannot be sought as more than 5 contributions have already been allocated to this facility.

Sussex Police were consulted on the application and did indicate in August 2017 that a request for funding contributions might be forthcoming but no communication has since been received. It is not considered appropriate to delay the application due to this non-response so the Section 106 is being prepared without any Police contribution.

The NHS were originally consulted on the application in July 2017 and have been chased for a response several times. They then wrote to the Council on the 6th of December to say that a response would be provided by the 15th of December. The response has not yet been received.

Officers will update members on the day of the Committee in respect to whether the land gift can be secured, the general progress of the Section 106 and whether the NHS have responded.

SUMMARY:

This outline planning application considers the development of 70 residential dwellings together with access through the adjoining site which has the benefit of an existing outline permission and is within the same ownership. All other matters regarding design, layout, appearance, scale and landscaping are to be the subject of a reserved matters application.

The proposed development is contrary to the Development Plan, but as the policies that relate to the built up area boundary and protection of the countryside are out of date and little weight can be given to them, namely ALP GEN2 & GEN3 and BB1 of YNDP. The housing supply policies GEN5 and H1 of the YNDP are also out of date which means that they can only be afforded limited weight.

The site is considered to be sustainable development and when applying the 'tilted balance' in paragraph 14 of the NPPF, there are no adverse impacts which would significantly or demonstrably outweigh the benefits. Significant weight must therefore be given to the provision of housing and affordable housing in the district where the application can overcome adverse impacts, including the level of harm that would result by developing a site adjoining a conservation area and in proximity to listed buildings. The proposed development is on balance acceptable in terms of the development plan when taken as a whole and is therefore recommended for approval.

The lack of a 3 or 5 year housing land supply and the requirement to make provision to meet the OAN, buffer and shortfall is a major consideration. The site is located in one of the most sustainable settlements in the district as stated in the Ford Lane Inquiry decision. The NPPF sets out a presumption in favour of sustainable development and for decision-taking this means:

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

There is potential for the development to have an impact upon the setting of heritage assets and to result in the loss of a parcel of Grade 1 Agricultural Land. However, these issues have been assessed in the report conclusions above and it is considered that the resultant harm is mitigated by the benefits of the development. Furthermore, the scheme is considered to be sustainable in terms of its location in proximity to local services and amenities, which can all be accessed without the need for private vehicle use. The proposed development is acceptable, subject to conditions in terms of highway impact and would not result in any adverse impacts upon biodiversity, landscape, trees, or surface water drainage. Despite concerns over the impact upon local infrastructure including schools and health care facilities, the proposed S106 Agreement would provide financial contributions towards local infrastructure improvements.

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

the proposal, including securing the development's optimal use (paragraph 134 of the NPPF).

It is therefore recommended that the application be approved subject to conditions and a S106 Agreement.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This recommendation is made subject to the completion of a S106 legal agreement which will concern the following provisions and triggers:

AFFORDABLE HOUSING

30% (21) affordable homes on-site with a tenure split and dwelling type to be agreed at a later date with the Council and set out in an Affordable Housing Statement. To be provided before 50% of the scheme is occupied.

HIGHWAY IMPROVEMENTS

A contribution of £110,530 towards the Barnham to Littlehampton Cycle Improvements Scheme (ID 82). On commencement of development.

PRIMARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on small scale improvements @ Yapton CE Primary School, Yapton or on alternative primary school provision elsewhere in the District

subject to meeting the CIL tests. On commencement of development.

SECONDARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on the expansion of Ormiston Six Villages Academy, Westergate. On commencement of development.

6TH FORM EDUCATION

Formula for calculation at the reserved matters stage to be spent on the restructuring of the St Phillip Howard, Catholic School (6th Form) in Barnham to cater for the additional student population. On commencement of development.

LIBRARIES

Formula for calculation at the reserved matters stage to be spent on the expansion of facilities at Littlehampton Library. On commencement of development.

NHS

A potential contribution towards local healthcare provision (on commencement of development).

This will be confirmed before the date of the Meeting.

OFF-SITE LOCAL PLAY

An area of Public Open Space (POS) of 4000m² in size and including an on-site Local Equipped Area of Play (LEAP). The on-site POS will be subject to one of the following:

- (a) a management plan for the forward maintenance of the POS & LEAP which details the management regime and responsibility; or
- (b) where the POS & LEAP is to be handed over to the Council post practical completion, a commuted sum payment of £54,040 for future maintenance.

If the 1450m² area of land cannot be gifted to WSCC for the expansion of the School site then it will revert back to being proposed POS and the above maintenance payment will need to be adjusted by an additional £19,589.50, so a total of £73,629.50.

OTHER

Members should note that the applicant has proposed to gift 1450m² of land within the application red edge to WSCC for the purposes of future expansion of Yapton C of E Primary School. This has been accepted by WSCC and a land transfer agreement is currently being drawn up. This does not form part of the Section 106 Agreement and will instead be subject to a separate Unilateral Undertaking unless the Transfer takes place before the date of the meeting (in which case a Unilateral Undertaking would not be necessary). However, notwithstanding the above, it may not be possible to secure this land gift at all and it would therefore revert back to being part of the proposed public open space.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

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

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

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

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

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

Drawing 6468-04 "Location Plan"

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

4 All demolition & construction works are to be carried out in strict accordance with:- Arboricultural Method Statement Report Ref: PJC 4372/17-02 -23rd June 2017 and Tree Protection Plan ref: PJC 4372/17/A Rev 01 - 16th May 2017.

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

5 The development must be carried out in accordance with the recommendations and mitigation measures as set out within section 5.10 "Ecological Enhancements" of the Preliminary Ecological Appraisal (June 2017) by PJC Consultancy and drawing LLD1136/01 Rev 01 "Ecological and Landscape Masterplan Strategy". The enhancements and mitigation measures shall be implemented as per the document and then permanently retained and thereafter maintained as fit for purpose.

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

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

(1) A Pre-Commencement Site Meeting is to take place between the Arun DC Tree Officer and the Arboricultural Consultant representing the site owners - at this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have

been erected and positioned exactly as shown on the Tree Protection Plan PJC 4372/17/A Rev 01 - 16th May 2017.

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

Reason: To comply with BS5837 and the National Planning Policy Framework to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area. This is required to be a pre-commencement condition as it is necessary to protect the trees prior to any operations starting on site.

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

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policy GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a foul drainage scheme once development had been completed.

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

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

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

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

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

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32. It is considered necessary for this to be a pre-commencement condition because surface water drainage goes to the heart of the planning permission.

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

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policy GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a foul drainage scheme once development had been completed.

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

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

Reason: In the interests of highway safety and the amenities of the area in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction traffic.

- 12 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.

- 13 Prior to the commencement of development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Reason: To safeguard the amenities of residents in accordance with Arun District Local Plan policy GEN7 and Yapton Neighbourhood Plan policy BE1. It is considered necessary for this to be a pre-commencement condition because the provision of broadband needs to be incorporated into the design for the site.

- 14 Prior to occupation of any part of the permitted 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 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking spaces for the use in accordance with Policies GEN7 and GEN12 of the Arun District Local Plan and the National Planning Policy Framework.

- 16 No part of the development shall be first occupied until covered and secure cycle parking

spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with 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 a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

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

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

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

- 19 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.

- 20 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, policy QE DM3 (c) of the Arun Local Plan 2011-2031 Publication Version showing Modifications and the National Planning Policy Framework.

- 21 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.

- 22 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 but 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), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

- 23 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.

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

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

- 25 There is a requirement that the proposed reserved matters submission conform to the following range of dwellings: 1-bed dwellings: 10-15% of all dwellings; 2-bed dwellings: 25-35% of all dwellings; 3-bed dwellings: 45-55% of all dwellings ; and 4+-bed dwellings: 5-10% of all dwellings.

Reason: In accordance with Policy H2 of the Yapton Neighbourhood Plan in the interests of ensuring homes are provided to meet local demand.

- 26 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework, March 2012). Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in

accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, in accordance with Policy GEN7 of the Arun District Local Plan.

- 27 As part of the approval of the reserved matters application, the applicant shall include details of how the scheme will link with surrounding land. The links shown shall then be provided prior to completion of the development and retained in perpetuity.

Reason: To promote sustainable development by encouraging walking and cycling in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 28 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.

- 29 INFORMATIVE: Please note the following comments of Landscape Officers:

"The indicative layout shows a large open space area which creates a usable space and is good to see. Open space in this form will also allow for the establishment of good sized habitat corridor buffers and for the bolstering of existing boundaries.

A clear indication of the proposed future management of the open space must be set out. A clear directive of responsibility should be set out with this statement explaining how the differing typologies will be maintained i.e. responsibility of any formal/informal public realm areas. Open space must be designed to include dog bins, litter bins, fencing and be gated and to prevent vehicular access except for maintenance. There must be no small unusable pockets of open space. Provision for interpretation ecological and historical features and management must be included.

The emerging landscape design aims should be:

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

Whilst indicative information contained within the Landscape Strategy and Outline Plant Specification has been provided this will need to be provided in plan form detailing species choice, position, densities and size at time of planting. This should be plotted in plan and list form and in relation to the trees and vegetation to be retained so that a clear picture of the proposals can be seen. These details are required to ensure that appropriate screening is

provided, maintaining and uncompromising the setting and ensuring that the proposals fit within the area of neighbouring properties, providing screening as required, whilst benefiting the potential of the proposed developments usage.

The use of any part of the POS for SUDS across the development needs to be integrated and detail provided regarding the future management and maintenance of these areas. The recommendation that these are subject to RoSPA or similar organisation inspection should be noted. Indication must be provided as to whether these are likely to be wet or dry areas; this has implications where situated near to residents and play areas. Where they are to remain wet for long periods their safety must be assessed where these are in close proximity to large residential areas. Any such SUDS features including swales, wet balancing ponds, reed beds and wetland areas should be designed as beneficial wildlife, amenity and landscape features as incorporated as part of an open space or landscaping scheme for the development."

30 INFORMATIVE: Please note the comments of Sussex Police:

"The development in the main has outward facing dwellings with back to back gardens which has created good active frontage with the streets and the public areas being overlooked, this design has all bar one, eliminated the need for vulnerable rear garden pathways. Parking has been provided for with in-curtilage, garage and on-street parking bays, this should leave the street layout free and unobstructed.

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

As the first line of defence, perimeter fencing must be adequate with vulnerable areas such as side and rear gardens needing more robust defensive barriers by using walls or fencing to a minimum height of 1.8 metres. In circumstances that require a more open feature such as a garden overlooking a rear parking court or a rear garden pathway, 1.5 metre high close board fencing topped with 300mm of trellis can achieve both security and surveillance requirements. This solution provides surveillance into an otherwise unobserved area and a security height of 1.8 metres. Gates that provide access to the side of the dwelling or rear access to the gardens must be robustly constructed of timber, be the same height as the adjoining fence and be lockable from both sides. Such gates must be located on or as near to the front of the building line as possible.

The design and layout whilst very positive has created an unobserved parking area behind plot 52 that is vulnerable, additionally this area provides unobserved access to a number of rear gardens.

Areas of play should be situated in an environment that is stimulating and safe for all children, be overlooked with good natural surveillance to ensure the safety of users and the protection of equipment, which can be vulnerable to misuse.

Planting must be managed to ensure natural surveillance is maintained at all times. I would recommend that the eventual location is surrounded with railings with self-closing gates to provide a dog free environment.

Lighting throughout the development would be very important and where implemented is to conform to the recommendations within BS 5489:2013. SBD promotes that external dwelling lighting is switched using a dusk till dawn sensor, not PIR operated lighting."

- 31 INFORMATIVE: If a sewage treatment plant or related pumping station is required on the site then there should be a distance of at least 15m between the pumping station/treatment plant and any residential dwelling.
- 32 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.
- 33 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 34 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to:

AFFORDABLE HOUSING

30% (21) affordable homes on-site with a tenure split and dwelling type to be agreed at a later date with the Council and set out in an Affordable Housing Statement. To be provided before 50% of the scheme is occupied.

HIGHWAY IMPROVEMENTS

A contribution of £110,530 towards the Barnham to Littlehampton Cycle Improvements Scheme (ID 82). On commencement of development.

PRIMARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on Small scale improvements @ Yapton CE Primary School, Yapton or on alternative primary school provision elsewhere in the District subject to meeting the CIL tests. On commencement of development.

SECONDARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on the expansion of Ormiston Six Villages Academy, Westergate. On commencement of development.

6TH FORM EDUCATION

Formula for calculation at the reserved matters stage to be spent on the restructuring of the St Phillip Howard, Catholic School (6th Form) in Barnham to cater for the additional student population. On commencement of development.

LIBRARIES

Formula for calculation at the reserved matters stage to be spent on the expansion of facilities at Littlehampton Library. On commencement of development.

NHS

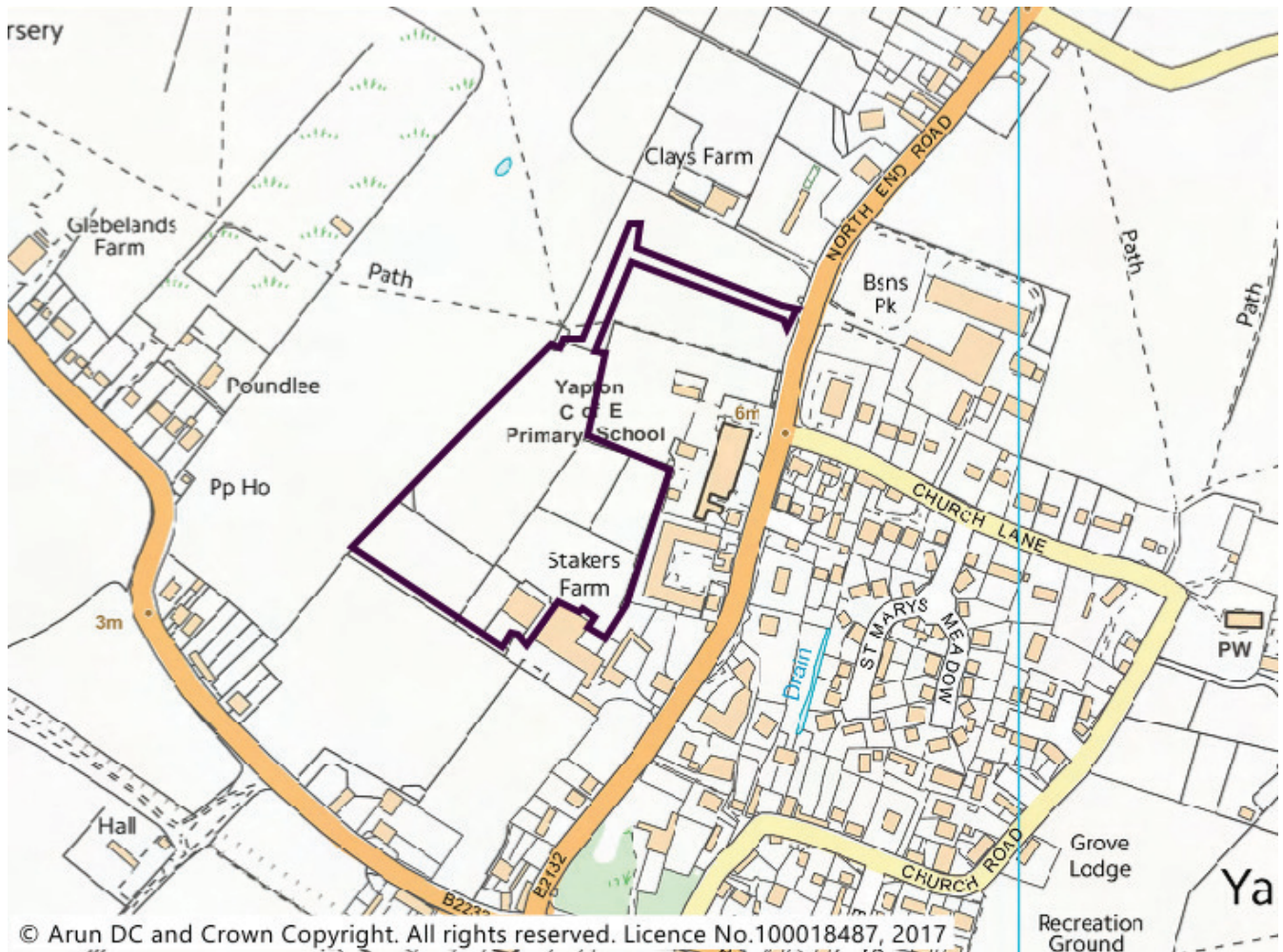
A contribution of (TBC) to be spent on (TBC) On commencement of development.

OFF-SITE LOCAL PLAY

An area of Public Open Space (POS) of 4000m² in size and including an on-site Local Equipped Area of Play (LEAP). The on-site POS will be subject to one of the following:

- (a) a management plan for the forward maintenance of the POS & LEAP which details the management regime and responsibility; or
- (b) where the POS & LEAP is to be handed over to the Council post practical completion, a commuted sum payment of £13.51 per m² of POS for future maintenance.

Y/44/17/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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Instruction for Planning S106 Agreement/Deed of Variation/Supplemental Agreement

This instruction also gives authority and acts as a heads of terms & a completion statement

Planning Application Ref: Y/44/17/OUT	Today's date: 09/10/17
Date of Agreement (or original deed/agreement if variation/supplemental):	
Completed Deed relating to:	Seal Register Number:
Legal Ref:	Statement completed by:
Delegated authority: (please sign)	This will be a Development Control Committee Item
<p style="text-align: center;">Full name of Freeholders/Leaseholders: (ideally the developer will have completed a recent land registry search which can be attached as well)</p>	<p>Agent is Chris Barker - cbarker@eceplanning.com, 01903248777</p> <p>Applicant is: Granite Gate Ltd c/o agent</p> <p>Certificate B served on:</p> <p>Mr Chris White, Nash's Cottage, Maypole Lane, Yapton, BN18 0DP</p> <p>Miss Kirsty White, Flat 3, 155 Old Brompton Road, London, SW5 0LJ</p> <p>Mrs Lisa Millard, Southview, Littleworth Lane, Littleworth, Partridge Green, RH13 8JX</p> <p>Zoe and Piers Bucknell, Holywell Farmhouse, Pibworth Holdings Ltd, Hodsoll Street, Sevenoaks, TN15 7LE</p>

PL10 – S106 Instruction Form and Completion Statement

Please distribute completed statement to: Sue Loveday (Deed Store), Ros Bentley (s106 Monitoring Officer), Nicola Spencer (TSU), Claire Rowlands (Finance) and landcharges@arun.gov.uk

Instruction for Planning S106 Agreement/Deed of Variation/Supplemental Agreement

This instruction also gives authority and acts as a heads of terms & a completion statement

Please attach a plan with the site outlined in red and complete a brief description of the development:

Instructing Planning Officer to complete this box.

Land at Stakers Farm, North End Road, Yapton, BN18 0DU

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

In the case of complex strategic developments this table may initially be only partially completed upon instruction to legal. A fully completed version will be sent before completion of deed.

FINANCIAL Obligation or Change to existing obligation	Due to (ADC, WSCC, NHS, other)	Amount Due (or formula)	Trigger Point	Project	Spending restriction
Primary Education Contribution	WSCC	DfE Figure x Additional Child Product = See attached WSCC Response for full text	Commencement of Development	Small scale improvements @ Yapton CE Primary School, Yapton or or on alternative primary school provision elsewhere in the District subject to meeting the CIL tests	
Secondary Education Contribution	WSCC	DfE Figure x Additional Child	Commencement of Development	Expansion at Ormiston Six Villages Academy,	

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This instruction also gives authority and acts as a heads of terms & a completion statement

		Product = See attached WSCC Response for full text		Westergate	
6 th Form Education Contribution	WSCC	DfE Figure x Additional Child Product = See attached WSCC Response for full text	Commencement of Development	Restructure of the St Phillip Howard, Catholic School (6 th Form), Barnham to cater for the additional student population	
Libraries	WSCC	L/1000 x AP = See attached WSCC Response for full text	Commencement of Development	Expansion of facilities at Littlehampton Library	
POS/PLAY. Either: (1) Management plan for the forward maintenance of the POS & LAP which details the management regime and responsibility; or (2) where the POS & LEAP are to be handed over to the Council post practical completion, a commuted sum payment of £13.51 per m2 for future maintenance.	ADC	See 1 st Column	Post practical completion	Onsite POS/LEAP	
Local Cycling Improvements	WSCC	£110,530	Commencement of Development	Barnham to Littlehampton Cycle Improvements scheme ID 82	
NHS Health Contribution	NHS	TBC	Commencement of Development	TBC	

PL10 – S106 Instruction Form and Completion Statement

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Instruction for Planning S106 Agreement/Deed of Variation/Supplemental Agreement

This instruction also gives authority and acts as a heads of terms & a completion statement

NON-FINANCIAL Obligation Summary	Due To (ADC, WSCC, Other)	Trigger Point	Department/Officer to Confirm Compliance
Affordable Housing - 30% (21) affordable homes on-site with a tenure split and dwelling type to be agreed with the Council and set out in an Affordable Housing Statement. The Council would have a preference for a blend of affordable rented and affordable intermediate housing.	ADC	Not to occupy or cause to allow to occupy more than 50% of the market housing units in the development until the affordable housing is provided on the land	

PL10 – S106 Instruction Form and Completion Statement

Please distribute completed statement to: Sue Loveday (Deed Store), Ros Bentley (s106 Monitoring Officer), Nicola Spencer (TSU), Claire Rowlands (Finance) and landcharges@arun.gov.uk

AGENDA ITEM 9

DEVELOPMENT CONTROL COMMITTEE

PLANNING APPEALS

APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

A/44/17/OUT

Received: 05-12-17

Land west of Brook Lane and South of A259 Angmering

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

Written Representations

PINS Ref: APP/C3810/W/17/3185128

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/8/17/PL

Received: 01-12-17

Meadow View Highground Lane BARNHAM

Change of use of outbuilding to 1 No. dwelling. This application is a Departure from the Development Plan.

Written Representations

PINS Ref: APP/C3810/W/17/3184243

BR/156/16/PL

Received: 30-11-17

Regis Centre, Car park & Place St Maur des Fosse, Belmont Road Car Park at Queensway, 3 Kiosks, Area of land West of Pier, Land East of Rock Gardens Bognor Regis

Redevelopment of the Bognor Regis Centre to provide 6358 sqm of commercial space (including leisure facilities) for mixed development, 64 room hotel, 192 apartments with the provision of 30% Affordable housing units compliant with policy Car parking, creation of a new board walk & conversion of Place St Maur des Fosse into a Plaza, soft & hard landscaping. Redevelopment of the Hothampton car park to provide a 1100 seat theatre, with a 48 bed hotel & conference facilities, the provision of 2 retail units facing onto the Queensway, relocation of childrens play area & upgrading of the facility, plus hard & soft landscaping. Redevelopment of the Esplanade Theatre site to provide a 200 cover Destination Restaurant and relocation & upgrade of the existing skate park to adjacent to the Pier. Provision of 3 new kiosks along the Promenade to provide retail, toilets & showers. This application is a resubmission of BR/26/15/PL. This application affects the setting of a Listed Building & may affect the character & appearance of The Steyne Conservaton Area

Informal Hearing ***20-02-18***

PINS Ref: APP/C3810/W/17/3178817

CM/1/17/OUT

Land West of Church Lane & South of Horsemere Green Lane Climping

Received: 27-11-17

Outline application for the erection of up to 300 dwellings & ancillary development comprising open space, a building within use class D1 (Non-Residential Institutions) of up to 875 square metres net, a building for A1 (Shops) use having a floor area of up to 530 sq. metres net, together with open space & ancillary works, including car parking & drainage arrangements, with appearance, landscaping, layout & scale wholly reserved for subsequent approval. The access detail, showing the points of access to the development, & indicated on Bellamy Roberts drawings numbered 4724/004 & 4724/005 are access proposals to be determined at this stage of the application. For the avoidance of doubt all other access detail within the site is to be determined as a reserved matter at a later stage. This application is a Departure from the Development Plan & affects the setting of Listed Buildings.

Public Inquiry

PINS Ref: APP/C3810/W/17/3187601

EP/59/17/PL

Received: 28-11-17

Tudor Lodge 125A Sea Road East Preston

Demolition of existing dwelling & erection of 7 No. dwellings with associated parking & landscaping (resubmission following EP/180/16/PL).

Written Representations

PINS Ref: APP/C3810/W/17/318/3667

FG/8/17/PL

Received: 30-11-17

Land North of Littlehampton Road Ferring

Camping facilities comprising 23 'eco' yurts with ancillary building to contain reception & wash amenities with access & parking (resubmission of FG/13/16/PL). This application is a Departure from the Development Plan.

Written Representations

PINS Ref: APP/C3810/W/17/3181352

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

R/64/17/PL

Received: 19-10-17

St. Marys Close Hurst Road Rustington

Demolition of 1 No. dwelling & erection of 4 No. dwellings. This application affects the character & appearance of the Station Road, East Preston Conservation Area.

Written Representations

PINS Ref: APP/C3810/W/17/3182585

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