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1 February 2018

DEVELOPMENT CONTROL COMMITTEE

A meeting of this Committee will be held in the **Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton on Wednesday 14 February 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, Mrs Oakley, Miss Rhodes, Mrs Stainton and Wells (+ 1 Conservative vacancy)

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

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

A G E N D A

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF INTEREST

Members and Officers are invited 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 officers should make their declaration by stating :

- a) the item/application they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial interest
- c) the nature of the interest

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 17 January 2018 (attached).

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

6. TREE APPLICATIONS

There are no applications to consider.

7. *PLANNING APPLICATIONS

To consider the attached reports.

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

8. *PLANNING APPEALS

To consider the attached report.

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.

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DEVELOPMENT CONTROL COMMITTEE

17 January 2018 at 2.30 p.m.

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

Councillors Ambler and Edwards were also in attendance at the meeting.

379. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Dillon and Miss Rhodes.

380. DECLARATIONS OF INTEREST

Declarations of interest were made by:-

- Planning Application BR/194/17/PL – Councillors Bower, Charles, Hitchins and Wells declared a personal interest as members of the Bognor Regis Regeneration Subcommittee which had discussed the matter but they had reserved their position.
- Planning Applications BR/194/17/PL, FP/246/17/PL and LU/318/17/PL – Councillor Haymes declared a personal interest as these were Council applications and he was the Cabinet Member dealing with Property & Estates.
- Planning Application Y/44/17/OUT – Councillor Haymes declared a personal interest as Chairman of Yapton Parish Council. He stated that he had taken no part in any discussion on the matter.

381. MINUTES

The Minutes of the meeting held on 13 December 2017 were approved by the Committee and signed by the Chairman as a correct record.

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382. PREVIOUSLY DEFERRED APPLICATIONS

BE/63/17/OUT – Outline planning application with some matters reserved (Access only) for 20 No. houses and flats, 1 No. replacement dwelling (21 No. 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

This application had been deferred from the meeting on 13 December 2017 to enable a site visit to be undertaken to enable Members to discuss their concerns with officers from West Sussex County Council Highways Department. A written officer report update was circulated at the meeting which detailed the site visit, together with an amended recommendation sheet to take account of a change to Condition 3 in respect of Revision A version of the footway arrangements plan.

The Committee participated in some discussion on the matter. Disappointment was expressed that County Highways did not support the concerns put forward and some Members were not persuaded that the safety issues had been adequately addressed, particularly with regard to the proposed pedestrian crossing and footpath. However, the Chairman advised that County Highways had to adhere to strict national regulations and these had been met.

The Group Head of Planning advised the Committee that the standards and guidelines that WSCC Highways used in providing written advice were those that an Inspector would use if there was to be an appeal and there was no evidence to suggest that a different conclusion would be reached. Further, it was required to demonstrate that any adverse highways impacts were 'severe' in order for a reason for refusal to be robust.

The Committee

RESOLVED

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

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

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, Promenade Opposite Walton Avenue, The Esplanade, Bognor Regis

This application had been deferred from the meeting in September 2017 and, although no clear or specific reasons for a deferral had been provided, officers had sought to address some of the individual comments made by Members in order to resubmit the application for consideration. This amended application now detailed:-

- The toilet doors facing south (towards the beach)
- A screen in front of the urinal entrance
- The building had been moved further north
- Two guard rails had been sited to the south elevation either side of the entrance

The application was therefore being resubmitted as it was felt that the changes to the plan were sufficient to overcome the concerns previously identified by the Committee. A recommendation for approval had been put forward as originally tabled, subject to amendment of Condition 2 to take account of the amended plans.

Whilst there was support for the proposal, concerns were expressed along the following lines:-

- (i) where and when had a policy change been decided to move from single sex public toilets to unisex?
- (ii) potential for criminal activity between men and women using the cubicles
- (iii) baby changing facilities inadequate
- (iv) facility not environmentally friendly as no grey water treatment or solar panels
- (v) design out of keeping with the seafront

However, comment was made that the revised application addressed the concerns raised previously and should now be supported. A request was made for the vote to be recorded.

Those Councillors voting for the recommendation to approve were Councillors Mrs Bence, Mrs Bower, Bower, Cates, Charles, Gammon, Mrs Hall, Haymes, and Hitchins (9). Those voting against were Councillors Brooks, Mrs Stainton and Wells (3). Councillor Mrs Oakley abstained from voting (1).

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The Committee therefore

RESOLVED

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

383. PLANNING APPLICATIONS

AL/102/17/RES – Application for approval of Reserved Matters for the demolition of existing glasshouses, bungalow, stables & outbuildings & residential development of 268 dwellings including 30% affordable housing (incorporating 60 senior living units) with associated access, public open space & landscaping, Nyton Nursery, Nyton Road, Westergate, Aldingbourne Having received a report on the matter, the Committee was also circulated with the officer's written report update which detailed the following:-

- Clarification that the application was to deal only with outstanding details of the outline permission relating to appearance, landscaping, layout and scale
- A discharge of conditions application (AL/119/17/DOC) had been submitted for conditions 5 (Arboricultural Method Statement), 8 (Archaeology), 14 (Japanese Knotweed), 15 (Construction Management Plan, 17 (Ecological Enhancement Scheme) and 18 (Construction Method Statement). A further discharge of conditions application would be required for the drainage related conditions once the winter groundwater monitoring was complete.
- Additional representations received from a resident and the Tree Officer and resultant revised layout for the central open space to safeguard the root protection zones of the two retained oak trees.
- Amended layout to address concerns in relation to access to Luakela House and subsequent removal of the pedestrian/cycle access adjacent to the property.
- Amendment of Condition 1 to take account of revised plans, as detailed in the update report.
- Authority be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman, to approve the application following submission of the amended plans.

The Committee received a presentation from the Strategic Development Team Leader on the detail of the application, which was followed by comment from the Housing Strategy & Delivery Manager, who was pleased to confirm that this was a policy compliant scheme delivering 30% affordable housing of 80 units for rent and shared ownership. He was also pleased to advise that extra care housing had been incorporated in the scheme for the over 55 age range as the District had a high level of need. In addition, the Council would have nomination rights to the rented homes to ensure local people would have priority. It was felt that this much

needed affordable housing and extra care dwellings would make a valuable contribution to the housing needs of the District. An application had been made to Homes England for funding towards the actual build costs.

In opening up of the debate, the Chairman referred to the appeal decision and stated that the overall benefit of the scheme could now be considered to outweigh other concerns that Members had expressed on the original outline application.

A Member request was made that the following condition of the outline permission (AL/61/13) should be included in these Minutes to highlight its importance in the scheme going forward:-

Condition 23: Before the development hereby permitted is commenced, details of a proposed foul drainage system (including details of its siting, design and subsequent management plan/maintenance, if appropriate) shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Some discussion took place with regard to the layout for parking within the site; the possibility of a barrier to protect the two central oak trees; provision of semi-mature trees to the rear of The Haven; and foul and surface water drainage. The Group Head of Planning reminded Members that sewerage and drainage matters were not within the scope of this reserved matters application. As there would be a discharge of conditions application coming forward on this, it was agreed that the matter would be considered by the Committee in due course.

The Committee

RESOLVED

That authority be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman, to approve the application as detailed in the report and officer report update following submission of the amended plans.

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 Having received a report on the matter, the Committee

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RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of the following application, Councillor Haymes redeclared his personal interest and remained in the meeting and took part in the debate and vote.)

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 Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of the following application, Councillor Haymes redeclared his personal interest and remained in the meeting and took part in the debate and vote.)

LU/318/17/PL – Changes to internal layout and access doors, Public Conveniences, St Martins Car Park, St Martins Lane, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

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 Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of the following application, Councillor Haymes redeclared his personal interest and remained in the meeting and took part in the debate and vote.)

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 Having received a report on the matter, the Committee also considered the officer's written report update detailing :-

- Highways England consultation response
- NHS consultation response
- Confirmation that the gift of land would be able to proceed
- Additional comments from West Sussex County Council relating to the possible expansion of Yapton Primary School and a request that the application be deferred to allow that Council to assess the merits of such a proposal.
- Additional comments from Yapton Parish Council relating to the possible expansion of Yapton Primary School and a request that the application be deferred in order to allow necessary time to ensure that the right solution for the whole Parish was found for the school and future residents.
- Additional representation received and response from applicant, together with officer's comment.
- Proposed change to condition 11 to make it clear that both West Sussex Highways and Highways England would be consulted in respect of the discharge of the Construction Management Plan condition,
- It was recommended that the application be delegated to the Director of Place, in consultation with the Chairman and Vice-Chairman, in order that the Section 106 Heads of Terms can be finalised (i.e. so that the level of the Highways England contribution could be agreed).

The Principal Planning Officer presented the detail of the application and the Group Head of Planning gave advice that, whilst he had sympathy with the comments of the Parish Council, it would be unreasonable to defer the application in order to allow WSCC to carry out work that should have commenced a long time ago (when asked to do so by Arun District Council). This would be for an unspecified period and would preserve a position for the promoters of the strategic allocation – a different application site. He reminded the Committee that it was the responsibility of the promoters of the strategic land allocation (as set out in the emerging Local Plan) – not this applicant – to find the most appropriate solution to provide for primary education provision for the needs arising from their site and that determining this application in no way prevented those private discussions between

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third parties from continuing. Regardless of any planning decision on this site, if land was required for a school expansion, formal agreements needed to be reached. This applicant was more than making appropriate provision for primary education through this application.

At the commencement of the debate, Member comment was made that, in the last month, 208 additional houses had been approved for Yapton by appeal. It was felt that it was imperative that the problem of the primary school be sorted out prior to this application being approved and it was proposed and duly seconded that it be deferred.

The Group Head of Planning stated that he wished to be clear about (1) what Members felt that granting this outline would preclude and (2) what would be the specific reasons for any deferral because the applicant was not being asked to do any further work. He was of the view that there was no guarantee that additional land would be able to be secured as agreement would be required from that landowner, which would have to be secured by the promoter of the strategic allocation.

Whilst serious concerns were expressed that the matter of the future of the primary school needed to be addressed, concerns were also expressed with regard to the response from Southern Water that it objected to the proposal. Although officers had gone back to Southern Water with comment that a consistent approach to development needed to be taken in light of other proposed developments in the area where they had raised no objection, Southern Water had not responded. Officers were therefore of the view that it would not be reasonable to maintain the Southern Water objection.

However, Members felt that clarification should be sought from both Southern Water and the County Council as to their positions on this matter. It was therefore suggested that the application be deferred for three months for resolution of the issues raised.

The Group Head of Planning accepted that clarification could be sought from Southern Water but felt that the issue around primary education was much more problematic and that the County Council was very unlikely to be able to provide a solution within three months. The matter had been broached by officers 18 months ago as they could foresee what was going to happen. There was an urgent need for the promoters of the strategic allocation to obtain the agreement of the landowner to deliver their primary education provision.

Members were adamant that adequate educational provision had to be provided and it was suggested that, with the potential for 1,000 houses in Yapton, the County Council should be able to provide information as to the amount of land that would be required to expand the current school and meet the future need.

However, Member comment was made that it was difficult for the County Council due to the call-ins that there had been in the Yapton area, which had had an effect on housing numbers as it had been unclear what the results of the call-ins would be. Consequently, WSCC were unable to undertake any calculations until the call-ins had been dealt with.

The Committee was advised that the gift of land being proposed by the developer for the expansion of the school was over and above what could be reasonably expected from this application. In addition, it was felt that it would be unreasonable to expect this development to deliver land for the school on behalf of all the other proposed developments. A suggestion was then made that perhaps the open space could be reduced to secure additional land.

The Committee

RESOLVED

That the application be deferred for further negotiation and clarification with (i) Southern Water; (ii) West Sussex County Council Education Department; and (iii) the applicant (with reference to land issues for the potential expansion of the primary school).

(The meeting concluded at 5.15 p.m.)

AGENDA ITEM 6

DEVELOPMENT CONTROL COMMITTEE

14th February 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

YAPTON

Reference

[Y/49/17/OUT](#)

Development Description

Outline application with some matters reserved for the demolition of all existing structures & redevelopment of the site with up to 45 dwellings (30% affordable (up to 14)) & 0.3 hectares of landscaped open space with vehicular access from Maypole Lane & pedestrian/cycle access only from North End Road. This application is a Departure from the Development Plan & may affect the setting of a listed building.

Location

Land at Street Buildings
North End Road
Yapton
BN18 0DT

Case Officer:

Michael Eastham

Recommendation:

App Cond sub to S106

LITTLEHAMPTON

Reference

[LU/267/17/PL](#)

Development Description

Change of use of ground floor from community centre (D2 Assembly & Leisure) to 2 No. flats (C3 Dwelling Houses), single storey rear extension with renewal of existing windows to match existing, remodelling of existing entrance of East elevation including new front & rear doors & new canopy.

Location

Chilgrove House
Kimberly
Littlehampton
BN17 7JD

Case Officer:

Mrs A Gardner

Recommendation:

Approve Conditionally

LITTLEHAMPTON

Reference

[LU/272/17/OUT](#)

Development Description

Outline application with some matters reserved for the erection of up to 9 No. dwellings.

Location

Inglecroft
Barn Close
Littlehampton
BN17 6JU

Case Officer:

Mr D Easton

Recommendation:

App Cond sub to S106

FELPHAM

Reference

Development Description

Location

[FP/161/17/PL](#)

Variation of condition 15 imposed under FP/133/08/ relating to hours of servicing/deliveries.

Tesco Express
126 Felpham Way
Felpham
PO22 8QW

Case Officer: Mr S Davis

Recommendation: Approve Conditonally

ALDINGBOURNE

Reference

Development Description

Location

[AL/122/17/PL](#)

2 No. dwellings (resubmission following AL/72/17/PL). This application is a Departure from the Development Plan.

Land West Of
Fontwell Avenue
Eastergate
PO20 3RU

Case Officer: Mr S Davis

Recommendation: Approve Conditonally

PLANNING APPLICATION REPORT

REF NO:	Y/49/17/OUT
LOCATION:	Land at Street Buildings North End Road Yapton BN18 0DT
PROPOSAL:	Outline application with some matters reserved for the demolition of all existing structures & redevelopment of the site with up to 45 dwellings (30% affordable (up to 14)) & 0.3 hectares of landscaped open space with vehicular access from Maypole Lane & pedestrian/cycle access only from North End Road. This application is a Departure from the Development Plan & may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>This outline planning application (Y/49/17/OUT) is for the erection of up to 45 dwellings following the demolition of all existing structures on the site. Appearance, layout, scale and landscaping are reserved for future approval.</p> <p>The applicant has submitted an indicative proposed Block Plan and a Layout Plan which demonstrating how the site could accommodate up to 45 dwellings (30% of which would be affordable i.e. 14 dwellings); and 0.3 hectares of open space including a Local Area for Play (LAP) located to the rear of Park Cottages.</p> <p>The access detail is not to be reserved. The existing access to the site from Maypole Lane would be developed to form the shared access for vehicles pedestrians and cyclists; and North End Road which is the existing vehicular access and stable yard would be closed-off to vehicles and be used by pedestrians and cyclists only.</p>
SITE AREA	1.87 hectares including existing access on to Maypole Lane
RESIDENTIAL DEVELOPMENT DENSITY	32 dwellings per hectare (net density)
TOPOGRAPHY	Predominantly flat.
TREES	All boundary trees to be retained/enhanced except where recommended for removal as set out in the Arboricultural Report.
BOUNDARY TREATMENT	The application site has hedgerows and hedgerow trees along the boundaries.
SITE CHARACTERISTICS	The site comprises a horse paddock, which was formerly used

as agricultural land before the equestrian uses. There are 4 single storey buildings on the site which are used as stables and ancillary buildings - identified as Buildings A, B, C and D on the submitted Topographical Site Survey and the Existing Block Plan.

CHARACTER OF LOCALITY

The area is rural in character located north of Yapton Village. The site is bounded to the north by an open field and beyond by Maypole Lane, residential properties at 'Longacre', 'The Paddocks' and the Maypole Inn. The site is bounded to the south and west by open farmland. To the east the site is bounded by housing including Baytree Cottage, Park Cottages, Yapton Lodge and The Old Cottage and by North End Road.

RELEVANT SITE HISTORY

N/A

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Object.

- The planning application is premature and contrary to the Arun District Council Local Plan preparation process and must be deferred.
- The proposed development is contrary to the Yapton Neighbourhood Plan (YNP).
- The application site is a departure from the YNP and fails to reflect Policy H1 as it is not an allocated site for residential development.
- The site is located outside the Built Up Area Boundary (BUAB).
- The houses are proposed to be located in the wrong place.
- The introduction of built form beyond the existing BUAB for such a large and dense housing development would represent an inappropriate incursion into the countryside, which would be visually isolated from and fail to relate to the existing BUAB.
- The site is currently used as stables and grazing land providing a much needed leisure use for the village. To develop this land for housing would be contrary to YNP Policy E1.
- Yapton has met its current and future local parish allocation in addressing the Arun District Council shortfall in a 5 year housing land supply.
- The proposed development appears only to meet a spurious housing need beyond that of Yapton.
- The Parish Council has grave concerns regarding the access to the site.
- The proposed development will place an unprecedented strain on Yapton Primary School and the GP surgery.
- At no time has the applicant tried to engage with the village as a whole or via the Parish Council.
- All future small HELAA sites must be considered at a more appropriate time with the full engagement of the community and in the spirit of Localism and Neighbourhood Planning.

34 letters of representation have been received from local residents objecting to the proposed development on the following grounds:

- The application site is contrary to the 'made' Yapton Neighbourhood Plan (YNP) as it is not allocated for

residential development in the YNP.

- The application site is outside the built up area boundary (the BUAB).
- Yapton should not be joined up with Barnham.
- All future small HELAA sites must be considered at a more appropriate time with the full engagement of the community and in the spirit of Localism and Neighbourhood Planning.
- At no time has the applicant tried to engage with the village as a whole or via the Parish Council. The lack of engagement is disappointing, especially when the applicant has already failed to communicate with the community on a separate application within the parish. This simply demonstrates a total disregard for the community and Localism.
- The proposed development is contrary to policies H SP1 and LAN DM1 of the emerging Arun Local Plan and will have a significant and adverse impact on both the environmental and social fabric of Yapton.
- There should certainly be a public consultation on this planning application.
- Then land is currently used as paddocks and for grazing livestock, and such land should not be designated for housing.
- The site should be retained for agricultural use to feed the population, in view of Brexit and external trade tariffs.
- The current stables on the site are very old flint walled and slate roofed, which should be preserved.
- The area is not served by mains gas and so it would involve serious disruption for residents if planning permission was granted.
- The location of the site would detract from the character of the village, and of the historic St Mary's Church.
- Any new development should include affordable houses for rent and not only for sale.
- The only access to the application site is a single track which includes a couple of passing places.
- The single track lane was purchased by the applicant recently. There has been limited use of the single track lane for the last 15 years. There would need to be a defined T junction onto Maypole Lane , with traffic from the application site giving way to traffic on Maypole Lane. The lane is not wide enough for two vehicles to pass ; there would need to be considerable improvements to Maypole Lane to enable two way traffic movements. With the implementation of the planning permission (Y/36/15/PL) for the glasshouses on Long Acre Field, there would be approximately 20 tractor movements each day along the track and Maypole Lane. Access and egress onto Maypole Lane which is a single track lane, is challenging now; with more traffic in the lane it would be even more challenging.
- The development of 45 house has the potential to generate an additional 100-200 vehicle movements a day on to a single track lane.
- Traffic congestion outside the Primary School on North End Road is severe and is expected to deteriorate when the housing development on Bonham's Field (which is allocated for residential development in the YNP) gets under way. Another development in the area, and the traffic it will generate, will only add to the problem.
- Let us hope that a Transport Statement will result in a refusal for this dangerous plan.
- The roads through the village are used as a cut through between the coast and the heavily congested A27. The application site is on North End Road, a few hundred metres north from Yapton Primary School, where the road is regularly blocked with parents dropping off or picking up children, and traffic is heavy. Accidents have occurred at the junction of North End Road and Ford Lane / Maypole Lane where the development is proposed. Additional traffic and pedestrians would exacerbate this, affect the character of the village, and increase pollution and the danger of accidents. The pavement is only narrow and on one side of the road at the area where the site is proposing a pedestrian exit.
- North End Road is now a designated route for heavy goods vehicles and there is traffic congestion.
- The proposed development of 45 houses on the site would add to risk of an accident at the Oyster Catcher junction on the A259.
- Neither Arundel or Chichester have been able to agree on bypasses meaning that any more housing in Yapton village will lead to further congestion on the A27 and the A259 with slow moving and stationary traffic adding to air pollution.

- The level crossing at Yapton is very close to the application site, and a number of accidents have occurred there. More traffic would simply exacerbate this and would increase pollution.
- The level crossings at Yapton and Ford already cause long queues and waiting times, without extra vehicles from new homes.
- There are very few employment opportunities in the village, and therefore most people have to commute for work, as well as taking children to school.
- The road infrastructure will not support further traffic, and there are only 2 bus routes in Yapton, with a bus service every 2 hours.
- There is only one school in the village, Yapton Primary; one GP surgery; one pub; and two shops. The infrastructure is therefore not able to support all of these additional households. There are already over 100 houses being built behind Goodhew Close in the village, and plans for other houses both within and outside the neighbourhood plan. Therefore, concerns about traffic, pollution, accidents and infrastructure need to be taken seriously.
- There is a need for more cycle paths, possibly a railway station, restaurant / pub before more houses are built.
- If the development is granted planning permission, developer contributions should be sought for an extra school building and perhaps an extension to the GP surgery.
- The sewers are already too small for the amount of waste.
- Many of the new housing developments in and around Yapton village are not occupied, and houses remain empty (for example at Taylor's Close - formerly the Lamb pub). Due to the lack of employment opportunities, the traffic problems and the lack of infrastructure, it is certainly not clear that people want to live in these houses.
- The proposed residential development would back onto Park Cottages and overlook the existing gardens.
- The noise and disruption during the construction works and once completed would significantly affect the neighbouring residents at Park Cottages.
- The light pollution from the residential development would impact significantly on the neighbouring residents at the Park Cottages.
- The increase in housing development is detracting from the character of Yapton Village and devaluing neighbouring properties.
- The biodiversity report is very worrying; to say there is no suitable habitat for breeding birds, bats, reptiles and great crested newts near or on the site is completely wrong and further surveys must be completed, The application site is home to hedgehogs, nesting sparrows, blackbirds, robins and swallows and occasionally bats.
- This is an opportunistic and speculative planning proposal which pays no heed to the needs and wishes of the local population.

COMMENTS ON REPRESENTATIONS RECEIVED:

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

CONSULTATIONS

- Listed Building Officer
- Highways England
- WSCC Strategic Planning
- Surface Water Drainage Team
- Conservation Officer
- Environmental Health
- Parks and Landscapes

Arboriculturist
 Southern Water Planning
 Planning and Housing Strategy
 Sussex Police-Community Safety
 Engineering Services Manager
 Engineers (Drainage)
 Archaeology Advisor
 Ecology Advisor
 NHS Coastal West Sussex CCG
 NHS Coastal West Sussex CCG
 Mr Clavell-Bate

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND:

Highways England's initial response was that the outline planning application should not be determined (other than a refusal) until such time as the required Transport Assessment is provided and Highways England given the opportunity to consider and make its final substantive response. Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case the A27. A supporting Transport Statement or Transport Assessment has not been provided to demonstrate that the development would not result in a severe impact on the A27 / Yapton Lane junction (which should consider safety as well as capacity). This application proposes an additional 45 dwellings on top of nearby development (108 at the neighbouring Stakers Farm site with 38 approved with a further 70 proposed) that is a departure from the Development Plan. As such, Highways England is concerned about the potential cumulative impact of these developments as the proposed agreed improvements on the A27 as part of Arun's emerging Local Plan do not take account of these developments. Accordingly, Highways England consider that there is currently insufficient information provided by the applicant on which to base an informed decision in relation to the potential impacts of the development on the Strategic Road Network. In particular: as the proposal falls outside of the current Development Plan, it was not considered as part of the Transport Assessment which supports the Strategic Sites being promoted in the emerging Local Plan.

The Local Plan is now sufficiently progressed within the public domain such that the applicant needs to consider this proposed site in relation to the cumulative impacts of the emerging Local Plan proposals at the end of the emerging Local Plan period. In addition, as there are other applications currently within the planning system which have yet to be determined or are already committed, these also need to be accounted for as they too fall outside of the Strategic Allocations in the emerging Local Plan. This accords with the policy set out in Department for Transport Circular 02/2013. Highways England requires the provision of a supporting Transport Statement/Transport Assessment in support of the planning application to be able to assess the development's impact on the Strategic Road Network (SRN). In particular, the A27 / Yapton Lane junction and associated right turn lane is already stressed and therefore there is a need to demonstrate that the proposed development will have no detrimental impact on junction operation, or where this is not the case, provide appropriate mitigation. This advice is given in accordance with Planning Practice Guidance to the NPPF paragraphs 013 and 014 (Reference ID: 42-013-20140306).

The cumulative impacts will require assessment at the end of the Local Plan period 2031 with a view to a 'no worsening' of the impacted junction (no worse in terms of delay, queue length, RFC's and safety) compared with the development proposals and mitigation proposed as part of the emerging Local Plan -

it should be noted that TEMPRO is not considered representative for local traffic growth arising from residential development in this regard. Until such time as sufficient information has been provided to enable Highways England to obtain a clear view of the cumulative traffic impacts of this proposed development on the SRN, informal advice from HE is that this application should not be approved because of the potential for severe harm to the Strategic Road Network. HE will provide formal recommendation later when the application is in its final form.

In response to Highways England's (HE) objection, the applicant has requested a meeting with HE representatives to discuss further if required and whilst their response is awaited the applicant does not see any reason why the Council's decision on the planning application should be delayed pending that response.

HIGHWAYS ENGLAND (HE) second comment considered that the Inspector's decision at the Ford Lane Appeal (APP/C3810/W/17/3170059) did not have a bearing on HE's position with regard to outline planning application Y/49/17/OUT - Land at Street Buildings as attached. The situation at Y/80/16/OUT - Land to the south of Ford Lane/east of North End Road, Yapton, which was the subject of the appeal was that the applicant had not updated the Transport Assessment from a previous application, and the inspector's view was that the development situation had not changed significantly enough since the report was prepared to render the report invalid. The situation with Land at Street Buildings (Y/49/17/OUT) is that the applicant has still not provided any Transport Statement or Transport Assessment to demonstrate that the development will not result in a severe impact on the A27 / Yapton Lane junction (which should consider safety as well as capacity in accordance with the tests set out in DfT C2/13 para 10 and DCLG NPPF paragraph 32). Highways England would advise that the Transport Statement / Assessment should include the development at Land to the South of Ford Lane as part of the cumulative impact assessment now that the appeal has been allowed. Therefore, until such an assessment is provided, Highways England's advice is still to recommend that the application should not be determined (other than a refusal) until such time as the required information is provided and Highways England given opportunity to consider and make its final substantive response.

In response to the objection from HIGHWAYS ENGLAND, the applicant claimed that the outline planning application was not supported by a Transport Statement or Assessment because there is no national or local policy requiring same for this small scale development which will not generate significant amounts of movement. Paragraph 32 of the NPPF says that "All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment" and that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". Arun District Council's local validation list (as updated on 11 May 2017) says that a Transport Assessment is only required for a residential scheme involving over 80 dwellings where there would be more than 30 2-way vehicle movements per hour or more than 100 2-way vehicle movements per day or more than 100 parking spaces and that a Transport Statement is only required for a residential scheme involving 50-80 dwellings. The applicant concludes that "we consider that Highways England now has more than sufficient information to reach a clear view as to whether or not the cumulative traffic impacts of this development would give rise to any impact on the A27 strategic road network requiring mitigation and if so what that should be. We consider that there would be no material impact arising and that no mitigation is required because the proposal will not give rise to the severe residual harm necessary to support a refusal in terms of NPPF paragraph 32.

HIGHWAYS ENGLAND final substantive response submitted on 25th January 2018 withdrew their objection subject to a condition regarding the submission of a detailed scheme of highway works for improvement to the A27/Yapton Lane junction.

LOCAL HIGHWAY AUTHORITY:

A holding objection was raised initially by the Local Highway Authority.

The current application seeks outline approval with access to be approved at this stage. The scheme proposes 45 units along with a vehicular access onto North End Road. The proposals are not supported by way of a Transport Statement, therefore there are no trip rate estimations, detail on sustainable transport measures or assessments of the sites access proposals. As such, it is current WSCC policy to request that a Stage One Safety Audit and Designers Response are provided in support of the proposal. These documents must be signed and dated by the respective authors. Given that this information and formal Transport Statement are missing, a holding objection would be raised pending the receipt of these documents. Notwithstanding this and whilst it is accepted that this scheme may be subject to alteration following the Safety Audit, the scheme does include an existing vehicular access onto North End Road, the access does appear to be designed to meet current standards with kerb radii of 6 metres provided and visibility splays of 2.4 by 43 metres do appear achievable. The application form indicates that the internal road will not be offered for adoption. Detail of the proposed internal arrangements will be considered at the 'Detailed Design' stage. Parking provision is stated as meeting the requirements of the WSCC Parking Demand Calculator, although the outputs from this are not provided. In principle, no significant concerns would be raised with this proposal. However, prior to the Local Highway Authority making a formal recommendation, a Stage 1 RSA and Designers Response is required. For that reason, a holding objection would be raised.

On 14th August 2017 the LOCAL HIGHWAY AUTHORITY submitted a second series of comments:

- The submitted TRICS survey is accepted although would like to see a print out of the survey data and selection parameters to ensure this complies with best practice.
- Whilst it is appreciated the site's access is existing and has been in place for some time, WSCC's Road Safety Audit (RSA) Policy dictates that a safety audit is required for 'all major' applications when there is an intensification in use of the existing access, 'Major' applications are defined as residential development of 10 units or more.
- WSCC will not be withdrawing its objection until an RSA has been completed.

On 17th August 2017 the LOCAL HIGHWAY AUTHORITY submitted a third representation:

- In the absence of a Stage 1 Road Safety Audit being submitted alongside the application, the LHA raises an objection to the proposed development on the following grounds - "The applicant has failed to demonstrate that safe and suitable access can be achieved, contrary to paragraph 32 of the National Planning Policy Framework". A Stage One RSA must be submitted as part of the current planning application for consideration alongside relevant supporting documentation.
- At this stage the applicant has not demonstrated sufficiently that the access provides safe and suitable access for all users.

On 12th January 2018 the LOCAL HIGHWAY AUTHORITY submitted a fourth representation:

- The applicant has provided an addendum which provides the Stage 1 Road Safety Audit (RSA) and the TRICS Output data to support the capacity aspects of the application, requested by the Local Highway Authority (LHA). Having considered the applicant's latest submissions, the LHA does not consider that the proposed would have 'severe' residual impact on the operation of the highway network, therefore it is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.
- Consequently, no objection is raised subject to the imposition of conditions regarding the construction of the vehicular access; the provision of a construction management plan; and the submission of revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response. The Local Highway Authority is also requesting a Section 106 Agreement for the construction of the passing places alongside Maypole Lane in accordance with the recommendations set out in the Road Safety Audit.

On 22nd January 2018 the LOCAL HIGHWAY AUTHORITY confirmed that, as the proposed passing places on Maypole Lane are outside the application site, a condition is fine for this rather than a Legal

Agreement as the mechanism in which the passing places would be constructed is via the S278 process.

ADC HOUSING:

No objection in principle.

The Council aims to ensure that 30% affordable housing is achieved on all new residential developments in the district where more than 15 units are proposed such as on this application site. The applicant is proposing to provide up to 14 (30%) affordable housing on-site which meets the policy requirement. The proposed tenure mix is 75% Affordable Rent and 25% intermediate housing, which is acceptable to the Council. There is a high demand for affordable housing throughout Arun District for both rent and low cost home ownership. As at March 2017, there were around 1,200 households in housing need on the Council's housing register. The intermediate housing (shared ownership) dwellings should comprise of a mix of 1, 2 and 3 bed dwellings. Four bed dwellings are not recommended. The affordable housing should be integrated into the overall development to form clusters. The Council would not support capped percentage transfer values to a provider of affordable housing being applied to the affordable housing. The Council would request that the applicant engages with one of the preferred registered partners for the acquisition of the affordable housing, or a non-registered affordable housing provider acceptable to the Council.

ADC ENVIRONMENTAL HEALTH:

No objection subject to a condition..

The site appears to be low risk in terms of contaminated land. Environmental Health now has a requirement that each home should have an Electric Vehicle charge point; as petrol and diesel cars and vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality. Should the development not be connected to the mains sewerage, Environmental Health would need further details to ensure that any Package Sewage Treatment Plan does not have the potential to cause odour or nuisance issues to current or future residents.

SOUTHERN WATER:

No objection subject to the imposition of conditions.

The results of an initial desktop study indicate that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the foul sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the NPPF. Alternatively, the applicant could 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 into the foul system. A topographical survey and/or a CCTV survey would be required with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul flow will be no greater than the existing contributing flows. Under current legislation and guidance SuDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Consequently, where a SuDS scheme is to be implemented, the drainage details submitted to the LPA should: specify the responsibilities of each party for the implementation of the SuDS scheme; specify a timetable for implementation; provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

WSCC (LEAD LOCAL FLOOD AUTHORITY)

No objection.

The majority of the application site is at low risk from surface water flooding. Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed. A wholesale

site level rise via the spreading of excavated material should be avoided. The application site is shown to be at moderate/high risk from ground water flooding based on the current mapping. Where the intention is to dispose of surface water via infiltration / soakaway, these should be shown to be suitable through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent. No development should take place within 5 metres of any ordinary watercourse. If works are undertaken within, under, over or up to an Ordinary Watercourse., even if this is temporary, an Ordinary Watercourse Consent (OWC) may need to be applied for from the District Council. Development should not commence until finalised detailed surface water drainage designs and calculations for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water run-off generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

ADC DRAINAGE:

No objection subject to the imposition of conditions.

Infiltration must be investigated for surface water disposal. 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 .

ADC ARCHAEOLOGY:

No objection subject to the imposition of a condition.

Whilst it is true that the site is not within or close to any identified area of archaeological interest, it lies on a part of the coastal plain that has been demonstrated to have been relatively densely settled since the neolithic period and where the potential of a site to contain archaeological interest is proportionate to its size. In the circumstances it would be prudent to carry out an investigation of the site prior to it being developed in order to identify any archaeological deposits that might be present and to implement appropriate measures for their preservation. This would be best secured by means of a condition whereby no development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

ADC ECOLOGY:

No objection subject to the imposition of conditions. The applicant has had a bat survey undertaken on the buildings on the site; but no surveys have been carried out of the rest of the site with regards to other protected species. An extended phase one habitat survey was requested and carried out by the applicant. Any mitigation measures required will need to be submitted as part of the planning application prior to determination. The lighting scheme for the site will need to take into consideration the presence of bats 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. Any works to the trees, vegetation clearance, demolition on the site should only be undertaken outside the bird breeding season which takes place between 1st March and 1st October. Due to the presence of swallow nests within the buildings due for demolition, suitable bird boxes should be installed

onsite prior to determination. Nesting opportunities should also be incorporated into the houses.

ADC GREENSPACE:

No objection.

Developments of 7 dwellings or more are expected to provide open space on site. The Council's SPG guidelines which apply to development of houses and are based broadly upon the National Playing Fields Association's (NPFA) "Six Acre Standard". The superseded Fields in Trust guidelines (FIT) 'Beyond the Six Acre Standard' recommends that 3.2 hectares of open space are provided for every 1,000 people i.e. 32 square metres of open space per person. This would recommend that .34Ha are provided as a minimum within this development. Confirmation is required of the areas of public open space being proposed with this development and how this integrate within the site. With the number of houses on this proposed site being up to 45 this would trigger the need for on-site local area play (LAP), LEAP and MUGA contribution and landscaped open space areas. Section 106 monies would be sought if provision for play is not met on site at a rate of £1600.00/dwelling to be allocated to local off-site play enhancement. The existing established vegetation around the site must be protected and retained. A tree retention and protection plan detailing the tree protection measures to be taken would need to be submitted and approved, this relates to the established tree cover to the periphery of the site and north / eastern access point. The tree protection measures should be in place prior to the commencement of construction. A detailed landscape scheme will need to be presented at the reserved matters stage that will maximise the biodiversity of the site in its semi-rural setting with the inclusion of mixed ornamental and native species for the retention of a variety of habitats. The landscape proposals will need to be shown in plan from detailing species choice, planting densities and size at time of planting; and will need to include mitigation planting for removed vegetation and additional planting would be required to provide screening and to soften what is presently a green area. If planning permission is granted, it is requested that an early implementation of any new planted areas are undertaken.

WSSC INFRASTRUCTURE:

* Education: No spare primary / secondary / further secondary schools in catchment areas have spare capacity to accommodate the children generated. Formula based contribution into legal agreement so that the education contribution may be calculated at a later date. The contributions generated by this proposal shall be spent on additional facilities at Yapton C of E Primary School; additional facilities at St Philip Howard Catholic High School; and on additional equipment at St Philip Howard Catholic High School's Sixth Form.

* Library: Formula based contribution into S106 Agreement so that the library contribution may be calculated at a later date. The contributions generated by this proposal shall be spent providing additional stock at Arundel Library.

* Fire and Rescue: Formula based contribution into S106 Agreement so that the fire service contribution may be calculated at a later date. The Fire and Rescue Service Contribution should be used towards the supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Yapton.

SUSSEX POLICE:

No objection.

The development should demonstrate that it has outward facing dwellings with back to back gardens which will create a good active frontage with the street and public areas being overlooked, avoiding the need for vulnerable rear garden pathways. Parking should be provided with either in-curtilage, garage and car barn parking or on street parking bays, leaving the street layout free and unobstructed. Where any communal parking occurs it is important that it must be within view of an active room within the house(s). The provision of garden fencing and gates is also recommended.

COMMENTS ON CONSULTATION RESPONSES:

The comments and any issues are addressed in the Conclusions section of this report.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Flood Zone 1 (low risk);
Lidsey Treatment Catchment Area;
Special Control of Adverts;

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

DEV17	Affordable Housing
GEN11	Inland Flooding
GEN12	Parking in New Development
GEN18	Crime Prevention
GEN2	Built-up Area Boundary
GEN20	Provision of Public Open Space within New Development
GEN25	Water Resources
GEN29	Nature and Conservation Across the District
GEN3	Protection of the Countryside
GEN32	Noise Pollution
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage
GEN26	Water Quality
GEN28	Trees and Woodlands
GEN33	Light Pollution
GEN5	Provision of New Residential Development

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
H DM1	Housing Mix
H SP2	Affordable Housing
INF SP1	Infrastructure provision and implementation
OSR DM1	Open Space, Sport & Recreation
SD SP1	Sustainable Development
C SP1	Countryside
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
 HER SP1 The Historic Environment
 LAN DM1 Protection of Landscape Character
 QE DM2 Light Pollution
 QE SP1 Quality of the Environment
 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 BE2](#)

Yapton neighbourhood plan 2014 Policy E3

Yapton neighbourhood plan 2014 Policy E4

Yapton neighbourhood plan 2014 Policy E5

Yapton neighbourhood plan 2014 Policy E8

Yapton neighbourhood plan 2014 Policy E9

Yapton neighbourhood plan 2014 Policy H3

Yapton neighbourhood plan 2014 Policy SA1

Yapton neighbourhood plan 2014 Policy BB1

Yapton neighbourhood plan 2014 Policy E1

Yapton neighbourhood plan 2014 Policy E11

Yapton neighbourhood plan 2014 Policy H1

Yapton neighbourhood plan 2014 Policy H2

Yapton neighbourhood plan 2014 Policy PK1

High speed broadband

Protection of natural habitats

Minimising the environmental impact of development

Enhancement of biodiversity

Conservation Areas

Listed Buildings and Buildings or Structures of Character

Dwellings appropriate for the needs of older people

Land north of Yapton CE Primary School

Built-up Area Boundary

Protection of high value agricultural land

Minimising the impact of flooding from development

Housing requirement

Dwelling size

Parking standards for new residential development

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 constitutes 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 suspended whilst Arun District Council addressed matters raised by the Inspector but it resumed on 17th September 2017 and has now concluded. The District Council is awaiting the Inspector's report which is due out in Spring 2018. The Main Modifications to the Arun Local Plan and evidence base are being made available for public consultation. Representations can be submitted to the council over a six week period starting on Friday 12 January until 5pm on Friday 23 February. This follows on from the Arun Local Plan examination hearings held in September 2017.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taken 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 ended 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 (Regulation 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 (Regulation 14).

Yapton Neighbourhood Plan was made on 5th November 2014.

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 proposed development is located outside the built up area boundary (BUAB) of Yapton and is therefore considered to be contrary to the relevant Development Plan policies. 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.

- * 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.

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), the Yapton Neighbourhood Development Plan (November 2014) and the West Sussex Waste and Minerals Plan.

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 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 outside 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 developer contribution towards additional facilities at Yapton C of E Primary School in compliance with Policy H1.

The application site is classified as countryside and the YNP anticipates that the countryside restrictions in the adopted Local Plan (2003) would apply to any applications. As set out above, the scheme conflicts with the ALP policies GEN 2 and GEN 3 and therefore conflicts with the YNP 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'); and the main modifications published in January 2018

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 south west 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, as it constitutes a windfall site.

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.

HELAA

According to the Arun Local Plan Viability Study 2016, and the HELAA Achievability Summary the site is considered to be viable and achievable. The site is considered to be deliverable in the HELAA 2017. The suitability summary in the HELAA says that "the site is outside but adjoining the settlement boundary. Currently, development on this site would contravene policy and therefore the site would not be considered to be suitable. However, from the information available, the site is considered suitable in principle for future housing potential, because of its accessibility to facilities, job opportunities and public transport, and because there are no insurmountable constraints. The site could contribute to the creation of a sustainable, mixed community", The Availability summary goes on to say that "The site is available and being promoted as of June 2016 - Whilst it is believed that this site can be developed in isolation and in its own right, it is believed that it can be most effectively developed jointly with two additional

landholdings to the south which lie between this site and that north of Yapton C of E Primary School". The HELAA is not planning policy and the resolution of LPSC was only to 'invite' applications. It does not imply that an approval would follow.

FIVE YEAR HOUSING LAND SUPPLY

Currently the Council is unable to demonstrate a 5-year housing land supply as required by paragraph 49 of the NPPF. The primary purpose of paragraph 49 is to act as a trigger to the operation of the tilted balance in favour of approving sustainable development. The Council are currently only able to demonstrate 2.09 years supply of deliverable housing and by virtue of this significant shortfall that the tilted balance in favour of the grant of permission is triggered unless the benefits are significantly and demonstrably outweighed by the adverse effects of the development as stated in paragraph 14 of the NPPF.

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.

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.

The nearest schools would be:

- * Yapton Cof E Primary School;
- * Ormiston Six Villages Academy, Westergate; and
- * St Phillip Howard, Catholic School (6th Form), Barnham

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 400 metres from North End Road:

- * The Yew Tree Medical Surgery; and
- * North & South-bound bus stops (including one adjacent to the site on North End Road).

The following facilities are available in the local area within a walking distance of between 400 metres and 1200 metres from the access onto North End Road:

- * The Maypole Inn;
- * St Marys C of E Church;
- * Yapton Free Church;
- * Yapton & Ford Village Hall;
- Yapton Play Area; and
- * The Yapton Village Centre (Co-Op, butchers, hair salon & chip shop).

The following facilities are located further afield:

- * Bilsham Road Stores;
- * Meadowcroft Surgery;
- * Windmill Shopping Village; and
- * Barnham Railway Station.

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 45 new homes including 14 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 (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 equestrian economy due to the loss of a horse paddock.

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 up to an additional 45 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 co-operation 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 Government's 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.

OTHER MATTERS

MASTERPLAN

A letter was sent out from Arun District Council on 31st October 2017 requesting that the applicant coordinates with fellow landowners / developers in order to prepare a Masterplan to cover proposed residential development on land between Bonhams Field and Land at Street Buildings. No response has been received from the applicant. Bonhams Field has subsequently been granted planning permission.

Design and Access Statement:

A Design and Access Statement (DAS) has been submitted with the outline planning application. The DAS includes principles of development and it demonstrates how the design for the site evolved. The DAS addresses the following issues, which would be a matter for the detailed Reserved Matters stage, but provides an indication of the ability to deliver an acceptable scheme and whether or not there are objections sufficiently significant to override the factors that weigh in favour of granting planning permission.

DENSITY

The site could accommodate some 56 houses at a gross site density of 30 dph, however, the applicant has had regard to the site characteristics, surrounding properties, the desire to safeguard existing tree screens and provide appropriate open space and access, it is proposed to limit the developable area to accommodate up to 45 houses in the area identified on the submitted Indicative proposed Block Plan.

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 does not include a specific housing mix; but this would be provided at the reserved matters stage.

It is 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 would need to be imposed to ensure that the reserved matters application fulfils this requirement.

Therefore, the proposal in principle is considered to be in accordance with the relevant YNDP policies H2 and H3.

APPEARANCE AND SCALE

Policy GEN7(i) requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

The applicant claims in the Design and Access Statement that the proposed housing would be of traditional, vernacular, two storey design. The open space and landscaping would enhance the appearance of the site when viewed from North End Road. Scale and appearance will be covered at the reserved matters stage.

LAYOUT

Policy GEN7 of the ALP says that "Planning permission will only be granted for schemes displaying high quality design and layout".

The proposed layout will be covered in detail at the Reserved Matters stage, however, the Indicative Proposed Block Plan demonstrates that the site could accommodate 45 houses, together with gardens, landscaping, open space, access roads, together with off-street and on-street parking provision.

LANDSCAPING AND OPEN SPACE

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."

The proposed amount of open space measuring 0.3 hectares including a Local Area for Play (LAP) comprises an area of land that exceeds that required by ADC to accompany residential development.

Landscape details would be provided as part of the reserved matters application.

Arun DC Landscape Officers have not raised any objections to the scheme on landscape or visual grounds or open space grounds and have requested the submission of detailed landscaping proposals at reserved matters stage. The proposal is therefore considered to accord with policy GEN7 of the ADLP and policy LAN DM1 of the modified eALP.

HIGHWAYS AND ACCESS

West Sussex County Council - the Local Highway Authority - originally objected to the proposed development as the application lacked a Road Safety Audit and the TRICS trip information had not been submitted. The Local Highway Authority withdrew its objection on 12th January 2018 following the submission of the requisite information. Highways England (HE) which has responsibility for the impact of development on the Strategic Road Network withdrew its objection on 18th January 2018 even though no transport statement had been submitted with the outline planning application. It is the cumulative impact of all planned and proposed developments within the Yapton/Walberton area that is the issue and not just the Land at Street Buildings proposal.

TRICS Data

The TRICS data, submitted by the applicant in the Addendum to the Design and Access Statement, suggests that there will be 23 two-way movements in the morning and evening peak hours. 191 two way total movements over a 12 hour day equates to approximately 16 two way movements an hour. Of these, approximately 70% are likely to relate to vehicle trips meaning around 134 two way vehicle trips per day and 11 two way trips per hour. The TRICS outputs are based upon developments of a larger scale compared with the proposed development (Y/49/17/OUT), however the sites used are still considered to be comparable in terms of planning use class and location to that proposed, in accordance with TRICS Best Practice Guidance. As such the trip rate generated provides a realistic indication of likely trip generation from the new dwellings. It is recognised that this proposal would give rise to a more intensive use of Maypole Lane. However, this proposal is not anticipated to result in a severe cumulative impact on the operation of the local network in accordance with paragraph 32 of the National Planning Policy Framework.

ACCESS

The existing vehicular access from Maypole Lane would be retained for use by vehicle, pedestrians and cyclists; and the visibility splays would be retained. The access onto Maypole Lane would require upgrading and the access would be subject to a Section 278 Agreement. The applicant is proposing to close the existing access from the site onto North End Road to vehicles and to convert the access into a shared landscaped access for use by pedestrians, cyclists, motorised scooters and wheelchairs. The Indicative Proposed Bock Plan illustrates how the site could be laid out around a central spine road.

Layout of Access Road

There are no concerns from the Local Highway Authority with the indicative road layout. The access road would take the form of a 5.5 metre wide shared surface arrangement with 8 metre kerb radii. Passing places would be required on Maypole Lane. The Local Highway Authority has agreed that the construction of passing places on Maypole Lane should be included as part of a planning condition.

Parking

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.

Parking provision is stated as meeting the requirements of the WSCC Parking Demand Calculator; the parking allocation is in accordance with the demand from the Calculator. From checking and based on the proposed mix and tenure of the dwellings, the car parking provision is anticipated to satisfy the likely demands.

Road Accidents

According to data supplied by Sussex Police over the last 3 years, there have been no recorded injury accidents in the vicinity of the site access onto Maypole Lane. The same data indicates that no accidents have been recorded that involve pedestrians or cyclists within the vicinity of the site and North End Road.

Pedestrians

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".

There is an existing footpath leading to Barnham and Yapton fronting the application site; although this is not street lit through its entirety to the east and the walk is also through a more rural area that may be undesirable for some to walk. To the West the footway is lit. Tactile paving is present at the mini roundabout leading to North End Road- encouraging pedestrians to cross at a safe location.

Within the application site, improvements are proposed to provide a length of internal footway connecting to the eastern side of North End Road. This would then provide a workable route for pedestrians towards the village centre and the nearest bus stops. Details have been provided of this improvement with a footway shown measuring 2.0 metres.

Sustainability

Yapton is considered a sustainable area, with local shops and amenities within walking distance of the site. There is a nearby school (Yapton Primary) which is located in North End Road; linked via street lit pedestrian footpaths. Within Yapton there is a shop/post office, hairdresser and takeaway, as well as community and recreation areas within walking distance, making this a sustainable location. The residents of the proposed development would inevitably still be reliant upon the use of the private car for the significant majority of daily trips, however it is recognised that this is a small scale development intended to be provide for local housing needs. 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".

Public Transport

Bus stops are located to the east of the site, one in North End Road immediately adjacent tot he proposed pedestrian/cycle access; and the second further along the B2233 which is served with a shelter. Two buses operate solely on school days (Compass bus 228 from Ormiston Six Villages Academy to Tangmere and the 665 Stagecoach from Littlehampton to Chichester High School). For all other bus travel there is the 66 compass travel bus. There are 8 services per day, this service links Bognor Regis, Barnham, Yapton and Walberton. There are also bus services from Yapton village hall further to the east.

The nearest Rail service is located 1.3 miles away in Barnham, this is reachable via bus which is a 16 minute journey and on foot approximately 24 minutes. Barnham station operates with regular services to Bognor, Brighton, Portsmouth and London Victoria, which offers an alternative to the use of a car for commuting.

It is therefore considered that the proposed development is in accordance with the relevant development plan policies including GEN12 and GEN15 of the ALP and policies T DM1 and T SP1 of the modified eALP; and in respect with the guidance with the NPPF.

HERITAGE

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 applicant has submitted a supplementary Heritage Statement with the planning application. The Old Cottage, on North End Road is a Grade II Listed Building, situated within its own original garden plot, where it has remained self-contained and unaltered since 1876. The north eastern corner of the application site abuts the rear garden boundary of the Listed Building, but neither the house nor its garden are visible from the application site due to intervening trees, hedges and buildings. The Heritage Statement concludes that the proposed development would not adversely affect the setting of the Listed Building and would cause no harm to its significance as a heritage asset.

The listed building is well screened from the application 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 45 new homes including 14 affordable homes to help meet local and district wide needs;
- * An increase in Council Tax receipts associated with the 45 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.

FLOODING

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."

The applicant has submitted a Flood Risk Assessment (FRA) as the site exceeds 1.0 hectare. The application site is located within Flood Zone 1 where the Environment Agency considers that the site has a Low Probability (having a less than 1 in 1,000 annual probability of river or sea flooding). The FRA concludes that the modelled surface water flood risk is low; modelled groundwater flood risk susceptibility is low; there are no records of historic flooding on the site and no records that surface water run-off from the site has given rise to flooding events elsewhere; and there are no ordinary watercourses on the site or nearby. Consequently, there is no reason why the proposed development could not be satisfactorily drained using standard SuDS with a design agreed at reserved matters stage.

Both WSCC and ADC Drainage Engineers have commented on the application. However, neither raised an objection to the principle of development and instead required details to be provided at a later stage in respect of surface water drainage.

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

DRAINAGE

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.

Southern Water raised no objection to the application (Y/49/17/OUT). Foul drainage would be via a connection to the existing foul sewer network serving this part of Yapton. There is a statutory right to connect to the network and Southern Water Ltd are legally required to ensure that the sewer system has the capacity to accept that connection, by means of a condition.

Given the low risks of surface water flooding, the proposed development could be drained through discharge into the ground (infiltration) through the use of infiltration structures such as soakaways and permeable paving.

TREES & ECOLOGY:

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.

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.

The applicant submitted an Extended Phase 1 Habitat Study which concluded there were no habitats on site suitable for any protected species and no reasonable likelihood that any are present so no protected species surveys are to be recommended. Recommendations were made in the Extended Phase 1 Habitat Study regarding opportunities to enhance the ecology and biodiversity of the site and achieve net gains in biodiversity as a result of the development.

The applicant is proposing to retain all existing trees where practicable. The existing tree belts on the northern, western and southern boundaries of the site would be enhanced by further planting as part of any detailed landscaping proposals submitted at the reserved matters stage.

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.

SPACE STANDARDS:

Residential development proposals must be assessed against the internal space standards as set out in the Government's 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 space standards will be considered at the reserved matters stage.

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 14 units and this therefore complies with the policy requirement. A planning condition will specify that a detailed mix of affordable house types and tenures will be confirmed at the reserved matters stage.

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 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 applicant is proposing on the Indicative Proposed Block Plan to locate the open space on the application site to the rear of Park Cottages, consequently there would be no overlooking from the new houses into the gardens of Park Cottages or Yapton Lodge or The Old Cottage, or any undue loss of privacy.

Consequently, the proposed development complies with policy GEN7 of the ADLP.

NOISE POLLUTION

The NPPF, Policy GEN32 of the ALP and Policy QE DM1 of the modified eALP emphasise that noise sensitive development will not be permitted if its users would be affected by noise by proposed noise generating uses.

The siting of the proposed housing in the indicative proposed block plan on the western part of the application site away from the properties at Park Cottages, which are located along the eastern boundary, would ensure there was no noise pollution from the new houses affecting the existing residents.

Environmental Health has not raised an objection in terms of noise emissions from the proposed residential development on the existing residents at Park Cottages.

Consequently, it is considered that the proposed development complies with Policy GEN32 of the ALP and Policy QE DM1 of the modified eALP.

LIGHT POLLUTION

Policy GEN33 of the ALP and Policy QE DM2 of the modified eALP emphasise the need to consider the impact of light on neighbouring uses and wider landscape, particularly with regard the South Downs International Dark Sky Reserve designation, light levels should be the minimum required for security and working purposes, and minimise potential glare and spillage.

It is considered that the application site is in a rural area of the district, on the boundary of Yapton. As the proposed houses would be sited according to the indicative proposed block plan on the western part of the application site away from the properties at Park Cottages, which are located along the eastern boundary, this would ensure there would be no light pollution emitted from the new houses affecting the existing residents along North End Road.

Environmental Health has not raised an objection in terms of light emissions from the proposed residential development on the existing residents at Park Cottages.

Consequently, it is considered that the proposed development complies with Policy GEN33 of the ALP and Policy QE DM2(a) to (d) of the modified eALP.

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)"

Development is only acceptable with the provision of, or contributions to, the necessary infrastructure and facilities to mitigate the impacts of the development. Representations received raised concerns about the lack of capacity of healthcare facilities in the area, as the doctors surgery is nearing capacity.

The Heads of Terms in a legal agreement should include the following:

WSSC has confirmed that the present primary and secondary schools within the catchment areas of the proposal would not have spare capacity and would be unable to accommodate the children from the development. Contributions are requested (based on a formula to allow the contribution amounts to be based on the housing mix at the reserved matters stage). The contributions generated by this proposal are requested to be spent on additional facilities at Yapton C of E Primary School; additional facilities at St Philip Howard Catholic High School; and on additional equipment at St Philip Howard Catholic High School's Sixth Form. However, the schools contributions requested are not considered to be specific to a project at this time. Consequently, officers have requested further clarification and this will be reported to committee by way of an update. Notwithstanding this, it is considered that approving this outline planning application would not affect the overall provision of additional primary places in Yapton.

The Library Service has sought a formula based contribution into a legal agreement so that the library contribution may be calculated at a later date. The contributions generated by this proposal shall be spent providing additional stock at Arundel Library.

Fire and Rescue contributions have been sought by WSSC (formula based) towards the supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Yapton. However, the Inspector at the Yapton appeal concluded that the provision of smoke alarms for vulnerable persons was not CIL compliant with the three tests in Regulation 122 of the CIL Regulations. Consequently, this requirement will not be progressed as a Heads of Terms in the legal agreement.

In terms of healthcare provision, the NHS were originally consulted on the application in July 2017 and have been chased for a response several times, but no reply has been forthcoming.

Subject to the satisfactory conclusion of the legal agreement negotiations it is considered that there are no barriers to achieving compliance with Policy GEN8 of the Arun Local Plan and Policies INF SP1 and INF 2 of the modified Local Plan by ensuring provision of the required infrastructure. An update on the legal agreement will be provided at the Development Control Committee meeting.

SUMMARY:

This outline planning application considers the development of up to 45 residential dwellings together with vehicular access from Maypole Lane and pedestrian/cycle access only from North End Road. 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 the 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. 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.

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 layout, scale, appearance and landscaping of the site would be determined at reserved matters stage, however an indicative proposed block plan has been considered as part of this outline planning application.

It is therefore recommended that the application be approved.

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

There is a draft legal Agreement and it requires developer contributions (to be calculated by way of formula based on the eventual mix of houses) which will be required for:

Libraries

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 Details of appearance, landscaping, layout, and scale, (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority (LPA) before any development begins and the development shall be carried out as approved.

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

- 2 Application for approval of the reserved matters shall be made to the LPA before the expiration of three years from the date of this permission. The development hereby permitted shall begin before the expiration of one year from the date of approval of the last of the reserved matters to be approved.

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

- 3 This permission relates to the following submitted plans:
 - Location Plan
 - Indicative Proposed Block Plan Drg: PPC 2
 - Access arrangement Plan Drg: 160602 - 05

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

- 4 The layout details submitted pursuant to Condition 1 shall accord with the Indicative Proposed Block Plan Drg: PPC 2 and shall include:
 - i) 1.4 hectares (ha) of residential development comprising up to 45 dwellings on Area A and
 - ii) 0.31 hectares (ha) of landscaped open space on Area B which shall include a minimum 100 sq m area designated as a Local Area of Play (LAP).

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.

- 5 The landscaping details submitted pursuant to Condition 1 shall include:

- i) a plan showing the existing trees to be retained, together with details of measures for their protection during the course of development;
- ii) the species, number, sizes and position of new trees, shrubs and hedging to be planted and details of any grassed or other planted areas (other than private gardens), including seeding with an appropriate native British wildflower flora mix;
- iii) Details of defined boundaries, means of enclosure, proposed use and items of equipment, proposed lighting and other structures to be installed on the landscaped open space, amenity areas (other than private gardens) and the LAP
- iv) a landscape management plan detailing a programme for the implementation, long term management and maintenance of all landscaped amenity areas (other than private gardens), the 0.31 hectares of landscaped open space and the LAP.

No dwellings shall be occupied unless and until the landscaping has been implemented in accordance with the approved details and any trees, shrubs or hedging plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless otherwise approved in writing by the LPA.

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

- 6 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the LPA. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of the total number of dwellings approved at reserved matters stage of which 75% shall be social rented and 25% intermediate housing;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no Registered Social Landlord is involved);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained in accordance with the approved scheme.

Reason: To enable the LPA to control the provision of affordable housing on the site in accordance with Policy GEN7 of the Arun District Local Plan.

- 7 No development shall commence until detailed design and construction drawings for the means of access/egress onto Maypole Lane as shown on Access arrangement Plan Drg: 160602 - 05 including passing places in Maypole Lane between the access/egress and its junction with North End Road have been submitted to and approved by the LPA and no dwelling shall be occupied until this access/egress has been constructed in accordance with the approved detailed design and construction drawings.

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

- 8 No development shall commence until detailed design and construction drawings for the

means of access/egress onto North End Road as shown on Access arrangement Plan Drg: 160602 - 05 have been submitted to and approved by the LPA and no dwelling shall be occupied until this access/egress has been constructed in accordance with the approved detailed design and construction drawings.

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

- 9 No development hereby permitted shall take place until a detailed scheme of highway works for improvement to the A27/Yapton Lane junction has been submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. No more than 23 dwellings of the development hereby permitted shall be occupied until the completion of the approved improvements to the A27 junction with Yapton Lane.

Reason: To ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety, in accordance with Policy GEN7 of the Arun District Local Plan.

- 10 No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the LPA. The Statement shall provide for (but not necessarily be limited to):
- i) Vehicle parking for site operatives and visitors, and on-site turning space;
 - ii) Loading and unloading of plant and materials;
 - iii) Storage of construction plant and materials;
 - iv) Erection and maintenance of security hoarding, including decorative displays and facilities for public viewing as appropriate;
 - v) Wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) The location of any site huts/cabins/offices;
 - viii) Routeing of construction vehicles to and from the development site;
 - ix) Details of any temporary traffic management works required to construct any of the works;
 - x) Details of signage on the approaches to the site warning of the presence of construction vehicles and associated activities on or close to the public highway;
 - xi) Details of the Construction Design Management Co-ordinator and site foreman, including contact details (and out-of-hours contact details);
 - xii) Evidence of community involvement and/or public consultation prior to any works being carried out; and
 - xiii) Details of the hours of operation of all operational and construction vehicles on the site.
- Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed to deal with complaints and shall be available on site and their availability made known to all relevant parties. The Statement as approved shall be adhered to at all times throughout the construction period.

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

- 11 No development shall take place until a programme of archaeological work has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved by the LPA.

Reason: The site is of archaeological significance in accordance with Policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because archaeology can only be investigated before construction commences.

- 12 No development shall take place until details of the implementation, maintenance and management of a sustainable drainage scheme have been submitted to and approved in writing by the LPA. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- i) a timetable for the scheme's implementation; and
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for the adoption by any public body or statutory undertaker, or any other Arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

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

- 13 Construction of the development shall not commence until details of the proposed means of foul water sewerage have been submitted to and approved in writing by the LPA. No dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure foul and surface water sewerage disposal is in place before construction commences.

- 14 No development shall commence until details the measures to avoid or mitigate ecological impacts and provide ecological enhancements as recommended in the Extended Phase 1 Habitat Survey prepared by Corylus Ecology and submitted with the planning application have been submitted to and approved by the LPA and no dwelling shall be occupied until the approved measures have been undertaken.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy GEN23 and GEN29 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to protect wildlife and habitats on site prior to any disturbance.

- 15 The details referred to in condition 1 shall include details of the materials and external finishes of the buildings, surfaces for roads/footpaths, means of enclosure and the parking of vehicles, and the provision of samples of such materials and finishes as required. Development shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

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

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

Authority.

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy GEN7 of the Arun District Local Plan.

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

Reason: In the interests of the amenity of occupiers of nearby properties in accordance with Arun District Local Plan Policy GEN7 and DEV26.

- 18 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.

- 19 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.

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

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

- 21 No development hereby permitted shall be commenced until a scheme for the location and installation of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition the scheme shall be in accordance with the Guidance Note: The Provision of Fire Hydrants and an Adequate Water Supply for Fire Fighting as published by West Sussex Fire and Rescue Services (as amended from time to time). No building hereby permitted shall be occupied until the fire hydrant(s) required to serve that building have been installed in accordance with the approved scheme.

Reason: In order to provide adequate infrastructure for emergency services, in accordance with Policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure the safety of residents on the site.

- 22 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.

- 23 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 Policy 7 of the Arun District Local Plan. 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.

- 24 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.

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

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

- 26 External lighting in association with the development should comply with Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2.

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

- 27 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

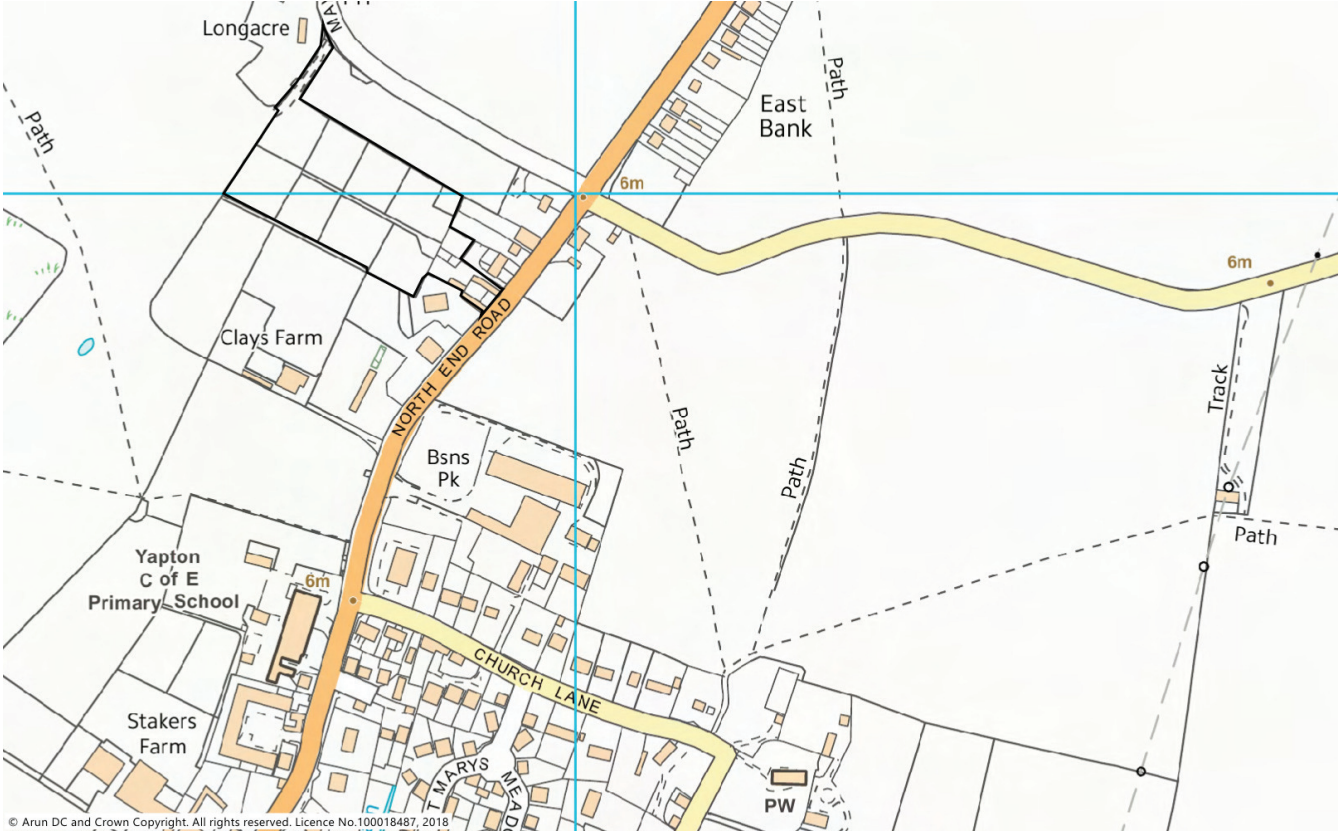
Publication Version showing Modifications and the National Planning Policy Framework.

- 28 INFORMATIVE: Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
- 29 INFORMATIVE: Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol / oil interceptors.
- 30 INFORMATIVE: Due to surface water inundation issues in the Lidsey Catchment the applicant is advised to adopt, where appropriate, the measures in the table "Practical measures to reduce the potential impact of development". The applicant should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.
- 31 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 32 INFORMATIVE: The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.
- 33 INFORMATIVE: This development involves work to the public highway (strategic road network) that can only be undertaken within the scope of a legal Agreement or Agreements between the applicant and Highways England (as the strategic highway company appointed by the Secretary of State for Transport). Planning permission in itself does not permit these works.

It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained (and at no cost to Highways England). Works to the highway will normally require an agreement or agreements, under Section 278 of the Highways Act, with Highways England.

Advice on this matter with regards the strategic road network can be obtained from the Spatial Planning Team, Highways England, Bridge House, Walnut Tree Close, Guildford, Surrey, GU1 4LZ. Email: planningse@highwaysengland.co.uk Tel. 0300 123 5000.

Y/49/17/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/49/17/OUT	Today's date: 16/01/2018
Date of Agreement (or original deed/agreement if variation/supplemental): Section 106 Agreement to be drafted for 14/02/2018 (i.e. the date of the Development Control Committee)	
Completed Deed relating to:	Seal Register Number: (to be inserted by Legal)
Legal Ref:	Statement completed by:
Delegated authority: (please sign)	Please refer to instructions on SharePoint regarding authority. If the signing authority is from a committee decision, please attach the relevant committee minutes to this form as evidence.
Full name of Freeholders/Leaseholders: (ideally the developer will have completed a recent land registry search which can be attached as well)	
<p>Please attach a plan with the site outlined in red and complete a brief description of the development:</p> <p>Outline planning application (Y/49/17/OUT) with some matters reserved for the demolition of all existing structures and redevelopment of the site with up to 45 dwellings (30% affordable: up to 14) and 0.3 hectares of landscaped open space with vehicular access from Maypole Lane and pedestrian / cycle access only from North End Road. This application is a Departure from the Development Plan and may affect the setting of a listed building. – Land at Street Buildings, North End Road, Yapton.</p>	

PL10 – S106 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)

Financial obligation(s) summary or change	Trigger Point	Amount Due (or formula)	Due to (ADC, WSCC, NHS, other)	Destination/ project	Spending Restriction	Notes
Education:	Commencement of Development	DfE figure x Additional Child Product = See WSCC response for full text	West Sussex County Council: Education, Children and Families	Contributions generated by this proposal shall be spent on additional facilities at Yapton C of E Primary School.		
	Commencement of Development	DfE figure x Additional Child Product =	West Sussex County Council: Education,	Contributions generated by this proposal		

PL10 – S106 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

		See WSCC response for full text	Children and Families	shall be spent on additional facilities at St Philip Howard Catholic High School.		
	Commencement of Development	DfE figure x Additional Child Product = See WSCC response for full text	West Sussex County Council: Education, Children and Families	Contributions generated by this proposal shall be spent on classroom infrastructure at St Philip Howard Catholic High School Sixth Form.		
Library provision	Commencement of Development	L/1000 x AP = See WSCC response for full text	West Sussex County Council: Library Service	The contributions generated by this proposal shall be spent on providing additional stock at Arundel Library.		
Fire & Rescue Services	TBC	TBC	West Sussex County Council: Fire & Rescue Services	TBC		
Health Care	TBC	TBC	NHS – Sussex	TBC		

PL10 – S106 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

			Coastal Clinical Commissioning Group (CCG)			

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Other Comments:

PLANNING APPLICATION REPORT

REF NO: LU/267/17/PL

LOCATION: Chilgrove House
Kimberry
Littlehampton
BN17 7JD

PROPOSAL: Change of use of ground floor from community centre (D2 Assembly & Leisure) to 2 No. flats (C3 Dwelling Houses), single storey rear extension with renewal of existing windows to match existing, remodelling of existing entrance of East elevation including new front & rear doors & new canopy.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The applicant in this case is the housing department of Arun District Council. The proposal relates to a change of use and single storey rear extension measuring 6.9m wide by 3m deep and has a height of 2.8m and a canopy extension at the front measuring 2.4m high, 3m wide and 2.3m deep to create 2 flats comprising one no 1 bed and one no 2 bed flat.
SITE AREA	0.12 hectares
RESIDENTIAL DEVELOPMENT DENSITY	16 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Varied. Some walling, hedging/fencing/verges.
SITE CHARACTERISTICS	Detached block of flats 3 storeys high with painted rendered elevations in a communal landscaped/grassed area with car parking area to west. Garage compound to north.
CHARACTER OF LOCALITY	Predominantly residential. Mix of houses and flats. Varying in height and design. Funtington House opposite is similar in appearance.

RELEVANT SITE HISTORY

LU/51/12/	Fitting of external wall insulation to flats.	Approve Conditionally 30-05-12
LU/47/98	Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for enclosing of existing external staircase (Re-submission of LU/123/97).	Deemed Perm Cnd 21-04-98

LU/123/97

Enclosing of existing external staircase

Deemed Perm Cnd
31-07-97**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**

Littlehampton Town Council

No Objection - Whilst satisfied that the current use of the premises was exhausted, Members would like to see the accommodation adapted for occupation by people with disabilities. It is also requested that steps are taken to minimise the impact of the construction phase on neighbouring residents. No planning notice was observed at the site.

2 Objections

Health will suffer as a result of the building works.

The associated noise will be a disturbance.

Soundproofing to ceiling should be carried out before works start.

A crack has appeared in the wall since cladding took place.

Severe sleep deprivation means I often need to sleep at 8am. Consideration of the start time of work should be given.

Parking is limited and parking facilities should not be eroded.

The building has a design fault since noise travels easily through it.

COMMENTS ON REPRESENTATIONS RECEIVED:

The application was advertised in accordance with procedure and 2 notices were displayed at the site.

A condition is recommended limiting the hours of construction work which will have the effect of restricting noise and disruption to reasonable hours for residents from building works.

One of the flats has disabled access.

Damage to property is a private matter and not a material planning consideration.

No additional car parking is proposed. The car parking demand for 2 spaces resulting from the 2 flats needs to be offset against the existing use as a community centre and is not considered to be significantly greater than that or to generate a demand that cannot be met on adjoining roads without causing harm to residential amenity.

Sound insulation between flats is covered by Building Regulations.

CONSULTATIONS

Environmental Health

Estates Manager

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection. Suggested conditions relating to submission of a Construction Management Plan and hours of operation.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Requested condition regarding hours of operation has been imposed, but a construction management plan is considered to be too onerous and unreasonable for a development of this limited scale.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Class C road

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

GEN7	The Form of New Development
GEN12	Parking in New Development
GEN32	Noise Pollution

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

D SP1	Design
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
QE DM1	Noise Pollution

<u>Littlehampton Neighbourhood Plan 2014 Policy 1</u>	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town
Littlehampton Neighbourhood Plan 2014 Policy 6	Residential development involving the loss of community facilities

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 Main Modifications to the Arun Local Plan (2011-2031) are presently out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

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).

Policy 1 'The Presumption in Favour of Sustainable Development' Policy 2 ' A Spatial Plan for the Town 'and Policy 6 'Residential Development involving the loss of Community Facilities' of Littlehampton Neighbourhood Plan are considered relevant to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the

adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site is located within the built up area boundary where development is acceptable in principle subject to development plans policy being met.

BACKGROUND

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.

The application was originally on the agenda for the Development Control meeting on 13-12-2017. It was withdrawn from the agenda prior to Committee to allow for receipt of additional information clarifying the position of the extensions on the full elevations of the building. This information has now been received.

The agent has advised that when Chilgrove House was first built it provided an element of temporary accommodation. The lounge was a communal area for the residents of Chilgrove House and included the wardens offices. The warden held coffee mornings and mother and toddler groups. The use later changed from temporary accommodation to general needs and a local group received charitable funding to run various community based activities from the lounge. The funding paid for a full time employee who ran different groups. After a year the group did not secure any further funding so the lounge was closed.

Later a local volunteer offered to run different groups from Chilgrove House. This included art groups, sewing classes, mother and toddler groups and a drug counselling service. During this time there were a number of noise complaints about the groups and regular intervention from Housing was necessary. In March 2016 a new volunteer agreed to take over responsibility for the Lounge. By this time most of the activities had ceased and the Lounge was being used on a very sporadic basis and was restricted to a mother and toddler group only. At the beginning of 2017, Age UK started to use Chilgrove House as the Tamarisk Centre was closing. They used the lounge twice a week. In June they decided the venue was not appropriate for their needs. A drug rehabilitation service, Smart Recovery used the Lounge for one afternoon per week.

This is all evidence of the redundancy of the site for community use.

LOSS OF COMMUNITY FACILITIES

The loss of a community facility needs to be considered in relation to policy 6 of Littlehampton Neighbourhood Plan which states "There will be a presumption against residential development that involves the loss of existing community facilities unless satisfactory proposals for the relocation of those community facilities have been implemented".

In this particular case The Keystone Centre and the Wickborne Centre are in close proximity to the site.

The Wickborne Centre is professionally run and holds a variety of sessions for all sections of the community. Alternative provision is therefore available and from the information submitted by the agent in support of the application there is no unmet demand for the former facility and the proposal is not therefore considered to conflict with this policy. The application site has been under-utilised for a number of years and even professional organisations were unable to generate sufficient interest.

The Housing Management Team have concluded that additional housing is of far greater benefit to the local community than a lounge facility that risks duplicating the work of Wickbourne House. They have identified that there is a well-documented shortage of social housing in the Arun District. There are 1300 applicants with an identified housing need on the housing register. 31 households are currently in bed and breakfast accommodation. 750 homeless households applied to the Council for assistance in the last financial year. This proposal would help to meet some of this demand and comply with policy 6 of the Littlehampton Neighbourhood Plan.

VISUAL AMENITY AND CHARACTER OF THE AREA

The design, scale and size of the single storey rear extension and front canopy are considered to be sympathetic to and in keeping with the existing building and would appear visually integrated. The elevation materials of the single storey extension are conditioned to match the existing to further help in this regard. The extensions would be at ground floor level only and the resultant built form building would not appear overly dominant in relation to the surrounding development. The proposal would make efficient use of land and would respond positively to the characteristics of the area. The application is therefore considered to comply with policy GEN7 of Arun District Local Plan.

RESIDENTIAL AMENITY

The proposal would provide 2 additional units of accommodation. The one bedroom flat would have a gross internal floor area of 51m² and the 2 bedroom flat would have an area of 70m². The Nationally described Space standards require 50m² for a 2person 1 bedroom flat and 70m² for a 2 bedroom 4 person unit. Accordingly both units meet the standards.

With regard to external space standards a one bedroom apartment requires 4 sqm of external space and a 2 bedroom flat 5 sqm. No outdoor space is being provided, but the properties would replicate the existing flat provision and would have access to the communal space surrounding Chilgrove House.

The rear extension would project 3m from the rear elevation, but would have a limited height of 2.8m. Given that it is generally accepted that boundary fencing up to 2m in height can be erected on a shared boundary and that the adjoining openings in the neighbouring flat to the south serve a bathroom approximately 0.5m from the boundary and, to the north a ground floor window and door more than 1m from the side elevation of the extension, it is not considered that any materially adverse overbearing impacts would result to the adjoining flats. In addition given that the extension is single storey and there are no windows in either of the side elevations no materially adverse overlooking would result to neighbouring dwellings.

HIGHWAYS

Chilgrove House is located adjacent to a communal parking area. The proposal makes no provision for additional car parking. However, the parking demand generated by the previous use as a wardens flat and community use needs to be considered. The car parking demand for 2 spaces resulting from the 2 flats needs to be offset against the previous use and is not considered to be significantly greater than that or to generate a demand that cannot be met on adjoining roads without causing harm to residential amenity.

CONCLUSION

The application is therefore recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Location 269009001
 OS Site Plan 269 009 002A
 Existing Layout and Elevations 269 009 003B
 Proposed Layout and Elevations 269009004B.

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 operations authorised or required under this permission shall take place except between the hours of 8:00 to 18:00 hours Monday to Fridays inclusive and 8:00 to 13:00 hours on

Saturdays. No working, including maintenance of vehicles, plant or machinery, shall take place on Sundays or any Public or Bank Holiday.

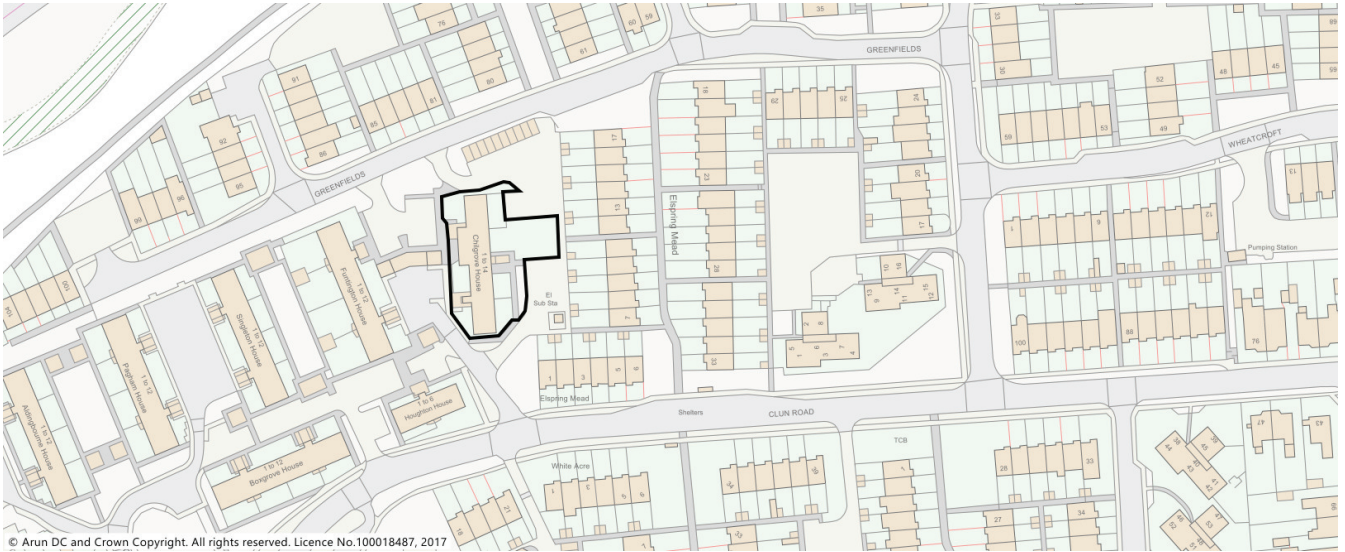
Reason: In the interest of the residential amenities of adjoining properties in accordance with policy GEN7 of Arun District Local Plan.

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

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

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

LU/267/17/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/272/17/OUT

LOCATION: Inglecroft
Barn Close
Littlehampton
BN17 6JU

PROPOSAL: Outline application with some matters reserved for the erection of up to 9 No. dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks outline planning permission for the construction of 9 no. dwellings. All matters are reserved with the exception of access.
SITE AREA	Approximately 0.43 hectares
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 21 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The boundary of the site consists of close boarded fencing measuring 1.8m in height.
SITE CHARACTERISTICS	The site is part of a former nursery and is currently occupied by a detached two storey dwelling with brick elevations and a tiled roof. In the north-eastern corner of the site is a detached single storey building measuring approximately 15m x 7.5m. The remainder of the site is laid to grass.
CHARACTER OF LOCALITY	The character of the locality is predominantly residential and features properties of various designs and styles. To the north, east and south of the application site is allocation SITE7 from the Arun District Local Plan. To the west of the application site is Barn Close featuring single storey bungalows of various designs and styles.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Comments received 20/09/2017:

The Town Council's Planning and Transportation Committee considered this matter at its meeting held on Monday 18th September 2017 and had no objection to the application.

Comments received 16/10/2017;

Littlehampton Town Council having reconsidered this matter in the light of additional evidence at Full Council on the 12.10.2017 resolved to register an OBJECTION to the application on the following grounds (1) the lack of a footpath in Toddington Lane at this point and beyond and the lack of visibility at the junction of Barn Close and Toddington Lane, as well as the narrowness of Barn Close immediately adjacent to the junction make the proposal dangerous for pedestrians and vehicles and contrary to policies TDM1 and TSP1 in the emerging Arun Local Plan. (2) the removal of trees from the application site would appear to be contrary to policy ENVDM4 as the trees contributed to local amenity and therefore should any form of development be permitted on the application site replacements should be required.

44 letters of objection received:

Highways & Parking:

- Lack of footpath on Toddington Lane and the narrowness and visibility of the junction of Barn Close and Toddington Lane.
- These homes should not be built until the infrastructure to support them is in place (A259 & Lyminster Bypass).
- This development is concerning for Eden Park Residents. We are already struggling with heavy traffic and lack of parking facilities.
- Eden Park is a private estate and pedestrian access should not be allowed for non residents.
- Access onto Toddington Lane from Barn Close is already restricted due to poor visibility. More traffic would make this dangerous for pedestrians and cyclists.
- Proposal will exacerbate the highways issues already present.
- Road in Eden Park area congested due to insufficient parking provision.
- Access to this site has been provided via Eden Park Estate when it was built. Access should not be via Barn Close.
- Toddington Lane is a country lane and it would be negligent of ADC to allow an increase in pedestrian and vehicular movements onto a road which is already a health and safety issue to current local pedestrians and road users.
- Additional vehicles will increase noise and air pollution.
- Construction vehicles entering and exiting Barn Close would be dangerous.

Residential amenity:

- Proposed development will give rise to overlooking.
- Nearby residents will be disturbed during development.
- Additional vehicles would adversely impact upon residential amenity in conflict with the Local Plan.

Design and visual amenity:

- The area is already overdeveloped.
- Proposal would conflict with D DM1 of the emerging Local Plan.
- Removal of the gap between Eden Park and Toddington would harm character of the locality.
- Toddington Lane is over developed.
- Toddington Lane is a rural country lane and its character is being destroyed.

Drainage:

- No connection should be allowed to Eden Park which already has drainage issues.

Flooding

- Flooding is common.

Infrastructure

- Proposal will increase burden on schools, doctors and local hospitals.

Trees:

- 18 Trees were felled prior to submission in breach of the Local Plan.

Other

- Eden Park is a private estate and as such no access should be provided from the proposed development to enable the use of the children's play equipment and dog walking facilities.
- Water pressure is poor in Barn Close.
- Notices were displayed at short notice and in sporadic locations.

1 No. letter of support:

- Barn close has always been used by heavy commercial vehicles serving the nurseries.
- Most of the land has already been developed in this area and this would be a rounding off of the development.
- Proposal will enhance the visual amenity of the area.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are noted and will be considered in the conclusion to this report. The site notices were put up in accordance with Council procedures.

CONSULTATIONS

WSCC Strategic Planning

Parks and Landscapes

Engineering Services Manager

Engineers (Drainage)

Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

ENGINEERS (DRAINAGE)

- Please apply standard conditions ENGD2A, ENGD5A and ENGD5B.

WSCC STRATEGIC PLANNING

Consultation response dated 28th September 2017.

Further information required to demonstrate that suitable visibility and safe walking routes are available for pedestrians.

Consultation response dated 3rd November 2017.

The development would not give rise to such an impact that could be considered severe. However, the Local Highway Authority feel that not all options to offer safe and suitable access to the site for all have

been fully considered

GREENSPACE

- Developments of 7 dwellings or more are expected to provide open space on site. The Council's SPG guidelines which apply to developments of houses and are broadly based upon the National Planning Fields Association's "Six Acre Standard". Whilst open space should be provided, on site play provision would not be sought, however a contribution towards offsite play at £1,600 per dwelling (£1,000 dwelling October 2000 index linked) should be provided.
- Forming part of a full application a full landscape scheme should be submitted for approval, detailing species choice, position, densities and size at time of planting.

ECOLOGY

Consultation response dated 15th November 2017:

No objection subject to imposing conditions to safeguard protected species.

COMMENTS ON CONSULTATION RESPONSES:

Comments are noted and relevant conditions have been incorporated with the recommendation.

Despite the original concerns having been raised by WSCC in relation to the highways impact of the development a subsequent consultation response was provided. This identified that additional information should be provided in relation to the existing Barn Close and Toddington Lane junction to confirm vehicle speeds and the necessary visibility splays. However, the consultation response identifies that the LHA could not object to the application and that it "would not give rise to such an impact that could be considered severe".

Following the comments from Greenspace a s106 legal agreement will be sought to provide a contribution towards off site play space in an area to be identified by Greenspace.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

SITE7

DEVELOPMENT PLAN POLICES

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

GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
SITE7	Land at Toddington, Littlehampton

[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
SD SP1	Sustainable Development

SD SP2 Built -Up Area Boundary
 W DM1 Water Supply & Quality
 W DM3 Sustainable Urban Drainage Systems
 WM DM1 Waste Management

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:

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. The Examination into the submitted plan was suspended whilst Arun District Council addressed matters raised by the Inspector but it resumed on 17th September 2017 and has now concluded. The District Council is awaiting the Inspector's report which is due in Spring 2018. The Main Modifications to the Arun Local Plan and evidence base are being made available for public consultation.

Representations can be submitted to the council over a six week period starting on Friday 12 January until 5pm on Friday 23 February. This follows on from the Arun Local Plan examination hearings held in September 2017.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taken 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 ended 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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

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

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

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

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

The Littlehampton Neighbourhood Plan has been made and policies 1 and 2 are relevant to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that the application site is largely allocated for residential development as per policy Site 7 of the Arun District Local Plan and Policy 2 of the Littlehampton Town Council Neighbourhood Plan.

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 seeks outline permission with all matters reserved (save for access) for the construction of 9 no. dwellings. The site is situated within the built up area boundary (as defined by policy GEN2 of the Arun District Local Plan 2003 and Policy 2 of the Littlehampton Neighbourhood Plan) where the principle of development is acceptable subject to accordance with relevant development plan policies.

The majority of the site, with the exception of the northern most portion, falls within the SITE7 strategic allocation of the Arun District Local Plan 2003. The SITE7 allocation includes land to the east of the application site which has already been developed as well as Windroos Nursery which has been the subject of a previous outline approval (LU/229/10/) and a subsequent approval of reserved matters application under reference LU/201/16/RES.

The SITE7 allocation seeks development at a minimum density of 30dph; 30% affordable housing; improvements to the A259; public open space in accordance with the Council's adopted standards; infrastructure or contributions as required by the statutory authorities; and that effective attenuation measures to protect dwellings from noise from the road and neighbouring businesses.

Policy SITE7 (i), (ii), (iv) and (v) all relate to planning obligations which in this case are not relevant by virtue of the number of dwellings proposed.

It is acknowledged that the proposed development would constitute a residential density of approximately 21dph which is below the requirements of Policy SITE7 of the Arun District Local Plan 2003. However, the proposed development site sits outside of the primary SITE7 development and is more closely related to Barn Close in terms of its character. Given that Barn Close is characterised by detached and semi-detached properties it is considered that the proposed density is acceptable.

Therefore, it is considered that the principle of the proposed development is acceptable subject to accordance with relevant development plan policies. In this case the proposal will be assessed against the Arun District Local Plan 2003; the Littlehampton Neighbourhood Plan; the NPPF; and the emerging Arun District Local Plan.

DESIGN AND VISUAL AMENITY

Design is a reserved matter and as such the layout provided in support of this application is purely indicative and will be the subject of a reserved matters application prior to development coming forward.

Therefore, the key consideration in the determination of this application will be the density of the proposed development and its relationship with adjoining development. The proposed development site measures approximately 0.43 hectares and with 9 dwellings being proposed this equates to a residential density of approximately 21 dwellings per hectare (dph).

Land to the west of the application site is characterised by predominantly detached properties where the density of development around Barn Close equates to approximately 14dph. Policy SITE7 which surrounds the application site to the north and east requires development at a minimum density of 30dph. Therefore, at 21dph the proposed development will appear well integrated with Policy SITE7 and existing development within Barn Close.

RESIDENTIAL AMENITY

With layout, appearance, scale and landscaping being reserved matters issues concerning design, overbearing, overshadowing or overlooking of the proposed development can be addressed at a later stage when detailed plans will be submitted covering those reserved matters.

In terms of the impact of the development upon the residential amenity of neighbouring properties during construction it is considered that this could be adequately controlled through the use of a suitably worded construction management condition.

HIGHWAYS AND PARKING

The application proposes access to the site via Barn Close which is an established residential close leading onto Toddington Lane.

An objection was originally raised by WSCC in relation to the absence of detail concerning visibility and the lack of pedestrian walking routes along Toddington Lane. However, a further consultation response was provided dated the 3rd November 2017 which stated;

"It is agreed that in line with the National Planning policy Framework (NPPF) paragraph 32 safe and suitable access to the site for all needs to be achieved and given the size of the development and the low level of increased pedestrian footfall the LHA could not object to the application on this basis. The development would not give rise to such an impact that could be considered severe; however the LHA feel that not all options to offer safe and suitable access to the site for all have been fully considered by the developer."

Therefore, as identified by WSCC the proposed access would not give rise to severe impacts to highway safety and as such the proposal is deemed to accord with paragraph 32 of the NPPF.

The current layout and parking arrangements for the site are indicative and as such this will be a consideration at reserved matters stage.

TREES

It has been identified by a number of objectors that trees on the site had been felled prior to the submission of the planning application. Examination of the Council's records has not revealed any Tree Preservation Order (TPO) present on the site. Therefore, the removal of these trees would not have required consent as the felling was outside the control of the Local planning Authority.

ECOLOGY AND BIODIVERSITY

The application was accompanied by a Phase 1 Habitat Survey and supplementary documents were submitted (bat survey, reptile survey and reptile mitigation strategy). These documents have been the subject of consultation with the Council's ecology advisor who has raised no objection subject to the use of suitably worded conditions.

SUMMARY

The proposed outline application with all matters reserved, except access, is considered to be acceptable in principle. WSCC have confirmed in the conclusion to their consultation response that the proposed development would not give rise to severe impacts upon the highways network. Therefore, it is recommended that planning permission is granted subject to the below conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY 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 plans;

- Site Location Plan - 17808/1000A
- Site Access - 17814-BARN-5-102

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 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 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.

- 6 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.

- 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 is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the drainage systems for the site prior to commencing development.

- 8 No development shall commence until the vehicular access serving the development has been constructed in accordance with the Site Access - 17814-BARN-5-102.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework. To ensure adequate access arrangements are in place whilst development is ongoing.

- 9 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 at 'reserved matters' stage. These spaces shall thereafter be retained at all times for their designated use.

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

- 10 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 at 'reserved matters' stage.

Reason: To provide alternative travel options to the use of the car in accordance with the NPPF.

- 11 No development of any phase or sub phase shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved by, the Local Planning Authority. All relevant precautions shall be taken to minimise potential disturbance to neighbouring residents, particularly those to the south of the railway line in respect to noise, vibration and dust. The approved Plan shall be adhered to throughout the construction period.

The Plan shall provide for :

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

Hours of operation of all plant and machinery and deliveries to/from the site to be limited to 07:00 - 18:00hours Monday to Friday; 08:00 to 13:00 hours on Saturdays and not at all on Public or Bank Holidays unless otherwise agreed with the local Authority.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan. It is considered that this condition must be pre-commencement to minimise disturbance to neighbours during construction.

- 12 No development shall be carried out on site until the reptile translocation has taken place in accordance with the details specified within the Reptile Mitigation Strategy (December 2017).

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework. It is considered necessary for this condition to be pre-commencement as any development would adversely impact upon reptiles on site.

- 13 No lighting shall be installed on any phase or sub phase until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The external lighting in association with this development shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for External Lighting Installations, Zone 3.

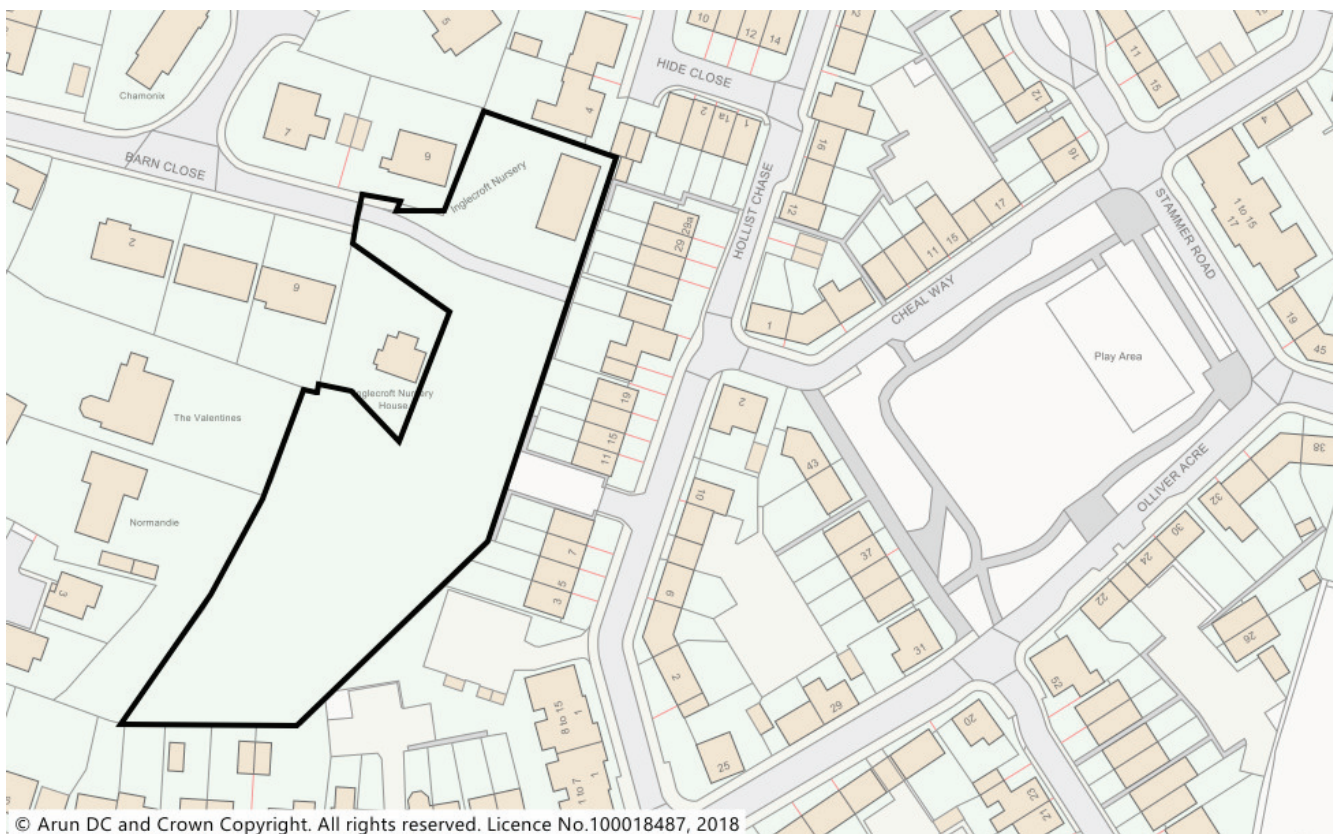
The scheme should also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in

accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

- 14 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 15 INFORMATIVE: Clearance of any trees or vegetation on site should only take place outside of the bird breeding season, bird breeding season is between 1st March and 1st October. Should any works be carried out during bird breeding season then a qualified ecologist will need to check the site within 24 hours prior to any works taking place.

LU/272/17/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/161/17/PL

LOCATION: Tesco Express
126 Felpham Way
Felpham
PO22 8QW

PROPOSAL: Variation of condition 15 imposed under FP/133/08/ relating to hours of servicing/deliveries.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The application seeks to vary condition 15 which states that: "Servicing/deliveries to the retail unit hereby approved shall only take place between the hours of 0900 and 1600 of the same day." The applicant requests that it be amended to state:</p> <p>"No servicing or deliveries (with the exception of newspapers) to the retail unit hereby approved shall take place between the hours of 2300 and 0600 on any day."</p> <p>This is to align the delivery hours with the present trading hours in order to enable Tesco to address a number of operational issues, primarily, to provide fresh produce (milk, bread, sandwiches and fruit) upon opening, thus reducing storage requirements.</p>
SITE AREA	0.18 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Part open and part 0.5m high hedge/knee rail fencing.
SITE CHARACTERISTICS	Existing Tesco Express Store with car parking to the front and (east) side. Provision for delivery parking directly in front of the store.
CHARACTER OF LOCALITY	The immediate surroundings are considered to be predominantly non residential with a public house opposite and churches/playground space flanking and to the rear of the site.

RELEVANT SITE HISTORY

FP/83/14/A	Various illuminated and non illuminated signs on various elevations.	ApproveConditionally 18-06-14
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FP/128/10/NMA	Application for a non-material amendment following a grant of planning permission FP/133/08/ for the addition of a staff room window, re-positioning of ATM and addition of security door, Alteration of shop front, addition of a trolley bay & re-positioning of bollards	Approve 12-07-10
FP/119/10/DOC	Discharge of conditions 2,7,8,10 and 16, relating to planning application FP/133/08	DOC Approved 19-07-10
FP/133/08/	Redevelopment of site to provide A1 retail use with associated car parking.	App Cond with S106 06-10-09

Application FP/133/08/ was approved by the Development Control Committee following the receipt of advice from an independent transport consultant. It is noted that the Transport Consultant recommended a planning condition that would prevent deliveries in peak periods between 0700 & 0900 and 1600 & 1800. However, members decided that the delivery condition should allow servicing only between the hours of 0900 and 1600.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

"No objection"

Middleton Parish Council - "Objection. The existing conditions are there to reduce the risk to schoolchildren, local residents and traffic congestion. To change the hours of delivery will not remove those conditions for the better and in terms of traffic congestion make it more difficult during the peak rush hours and the times that schoolchildren go and leave school. Therefore in the opinion of the Parish Council we object to the existing conditions being changed."

Two letters of objection for the following reasons:

- * Before 9am and after 4pm are the busiest times for customers in the store;
- * It is a lie that there is existing capacity in the car park and cars are frequently parked elsewhere around the store site;
- * The entrance to the store is already extremely dangerous for pedestrians to cross;
- * Deliveries already occur at unauthorised times; and
- * Traffic build up at this junction is always bad at school starting and finishing times so any deliveries before 09.00 would just add to the congestion.

COMMENTS ON REPRESENTATIONS RECEIVED:

It should be noted that this is not a dual parish application and the boundary of Middleton Parish is some 615m away to the east. However, the two residents live close to the site. The issues raised will be

considered within the Conclusions section. It should also be noted that the representations received were in response to the originally proposed replacement condition and not in respect of the two conditions now proposed.

CONSULTATIONS

Environmental Health
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - There has been extensive negotiation between the applicant and WSCC Highways spread over the course of several months (between August and December). Agreement has been reached in respect of the varying of the condition albeit with an amended wording to that proposed and with the inclusion of a second condition to require details of how the servicing of the site will be managed so as to prevent future problems such as customers parking within the delivery vehicle space. Therefore, WSCC raise no objection.

ADC ENVIRONMENTAL HEALTH - "Environmental Health would request that the hours referred to in their proposed condition would be 7am - 11pm daily. This is in line with the World Health Organisation Guidelines on Night-time noise. I note that the applicant has asked for 6am onwards but this would not be in line with WHO guidelines."

COMMENTS ON CONSULTATION RESPONSES:

The comments of Environmental Health have been adhered to in the wording of condition 01.

POLICY CONTEXT

Designations applicable to site:

Within Built-up Area Boundary;
On-site Public Sewer;
Class A Road; and
Class B Road.

DEVELOPMENT PLAN POLICES

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

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

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

SD SP2	Built -Up Area Boundary
QE DM1	Noise Pollution
T SP1	Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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POLICY COMMENTARY

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

A new Local Plan is in preparation and constitutes 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 suspended whilst Arun District Council addressed matters raised by the Inspector but it resumed on 17th September 2017 and has now concluded. The District Council is awaiting the Inspector's report which is due out in Spring 2018. The Main Modifications to the Arun Local Plan and evidence base are being made available for public consultation. Representations can be submitted to the council over a six week period starting on Friday 12 January until 5pm on Friday 23 February. This follows on from the Arun Local Plan examination hearings held in September 2017.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these 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 ended 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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

There are no relevant Felpham Neighbourhood Plan policies.

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, the safety of the local highway, the residential amenities of nearby properties and it would not have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PROPOSAL:

The application seeks permission to replace the existing deliveries condition; "Servicing/deliveries to the retail unit hereby approved shall only take place between the hours of 0900 and 1600 of the same day" with the following:

"No servicing or deliveries (with the exception of newspapers) to the retail unit hereby approved shall take place between the hours of 2300 and 0600 on any day"

PRINCIPLE:

The principle of the retail Tesco Express store is not in doubt as it already benefits from a permanent permission as a result of FP/133/08/ which places no restrictions on opening hours (albeit that the sale of alcohol is restricted to certain times by licensing rules) and restricts servicing/deliveries to between the hours of 0900 and 1600.

This application is to be determined as to whether the change to the delivery hours will adversely affect the safety & convenience of the local highway and the amenities of the local area.

HIGHWAY SAFETY & CONVENIENCE:

It is noted that Middleton Parish Council and local residents are concerned that the change to the condition will have an adverse effect on highway safety and on local traffic congestion.

There are no relevant Felpham Neighbourhood Plan policies. The only relevant development plan policies are considered to be GEN7 of the adopted Local Plan (aLP) and T SP1 of the emerging Local Plan (eLP). In addition, it is necessary to consider the National Planning Policy Framework (NPPF).

Policy GEN7 of the aLP states that: "Development will be permitted provided it:

(iii) promotes sustainable development, including the effective use and conservation of energy and reducing the need to travel, particularly by private car; and

(vii) allows for the safe movement of pedestrians and vehicles, giving priority to pedestrians"

Policy T SP1 of the eLP (Modified Arun Local Plan - January 2018 Consultation) states that:

"The Council will support transport and development which: (f) Explains how the development has been designed to: (1) accommodate the efficient delivery of goods and supplies;"

Paragraph 32, bullet 4 of the NPPF states that: "..... Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

Paragraph 35 is also relevant and states that: "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to (1) accommodate the efficient delivery of goods and supplies".

This application has been carefully assessed by WSCC Highways. It is understood that there is an existing problem in respect of deliveries to the site in that customers vehicles often park in the delivery space to the front of the store meaning that delivery vehicles cannot then enter the site. This results in standing vehicles in the highway (either delivery vehicles or customers trying to access the site).

West Sussex Highways could not support the proposed change to the condition but have agreed an alternative wording whereby there is a restriction on deliveries between 1500 and 1800 hours on weekdays which corresponds with School peak movements. The applicant has agreed to this.

Proposed condition 01 is considered to assist the current situation by allowing deliveries between the hours of 0700 and 0900 and also after 1800 on weekdays or after 1600 on weekends. This will spread out deliveries throughout the day and this may then result in less deliveries at peak times.

The applicant has also agreed to a second condition, which has been worded specifically to combat the issue of unauthorised parking within the delivery parking area. Proposed condition 02 will require that the applicant submit a Servicing Management Plan for approval by the Local Planning Authority in consultation with County Highways. It is expected that this will set out measures for how the delivery parking area will remain open and unobstructed . For example, no parking markings adjacent to the store (enforced by staff), the coning off of the area when deliveries are due and a system to ensure that the store is notified of both Tesco and non Tesco deliveries.

It is considered that the deletion of the existing condition and replacement with the two new conditions will be of benefit to the local highway in terms of safety and convenience in that deliveries will be spread out throughout the day, deliveries will avoid the end of school day rush and measures will be put in place to prevent the obstruction of the on-site delivery parking area by customers. These changes are considered to improve the efficiency of the delivery of goods to the store. In addition, the resolution of the current issues in respect of the highway being blocked should also make it easier for pedestrians to walk along the site frontage.

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

AMENITY:

Arun District Local Plan Policy GEN7 (iv) indicates that development will only be permitted if it takes into account the impact on adjoining occupiers, land, use or property. Furthermore, Local Plan policy GEN32 (Noise Pollution) states that "Development which is a potential source of significant noise pollution will not be permitted unless the Council is satisfied that appropriate measures have been included in the proposal to reduce noise pollution to acceptable levels".

It is not considered that the amendment to the delivery hours will affect the amenity of persons living close to the store. This is because the proposed delivery hours will match the existing opening hours and therefore, there will be no new periods of activity at the site. In addition, the B2259 Felpham Way is

a main road route through the area and one which would be expected to carry vehicles at all times of the day and also at night.

Council Environmental Health Officers stated that they would only be concerned if deliveries were to be made between 0600 and 0700 but as the new condition only allows deliveries from 0700 onwards (except newspapers), there is no objection to the changes.

It is therefore considered that the proposal complies with policies GEN7(iv) and GEN32 of the Arun Local Plan.

CONCLUSION:

It is considered that there is an existing problem with respect to the delivery arrangements at this store in that customers often park in the delivery parking space with the result that delivery vehicles cannot enter the site and either block the highway or cars entering the site behind them block the highway. The proposed changes to the condition will improve this situation by spreading out deliveries throughout the day, avoiding deliveries during the post school rush and by ensuring that a delivery management plan is submitted and agreed. It is therefore recommended that permission be granted subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 No servicing or deliveries (with the exception of newspapers) to the retail unit hereby approved shall take place between the hours of 2300 and 0700 on any day. Additionally, there

shall be no deliveries to the retail unit between 1500 and 1800 on weekdays only.

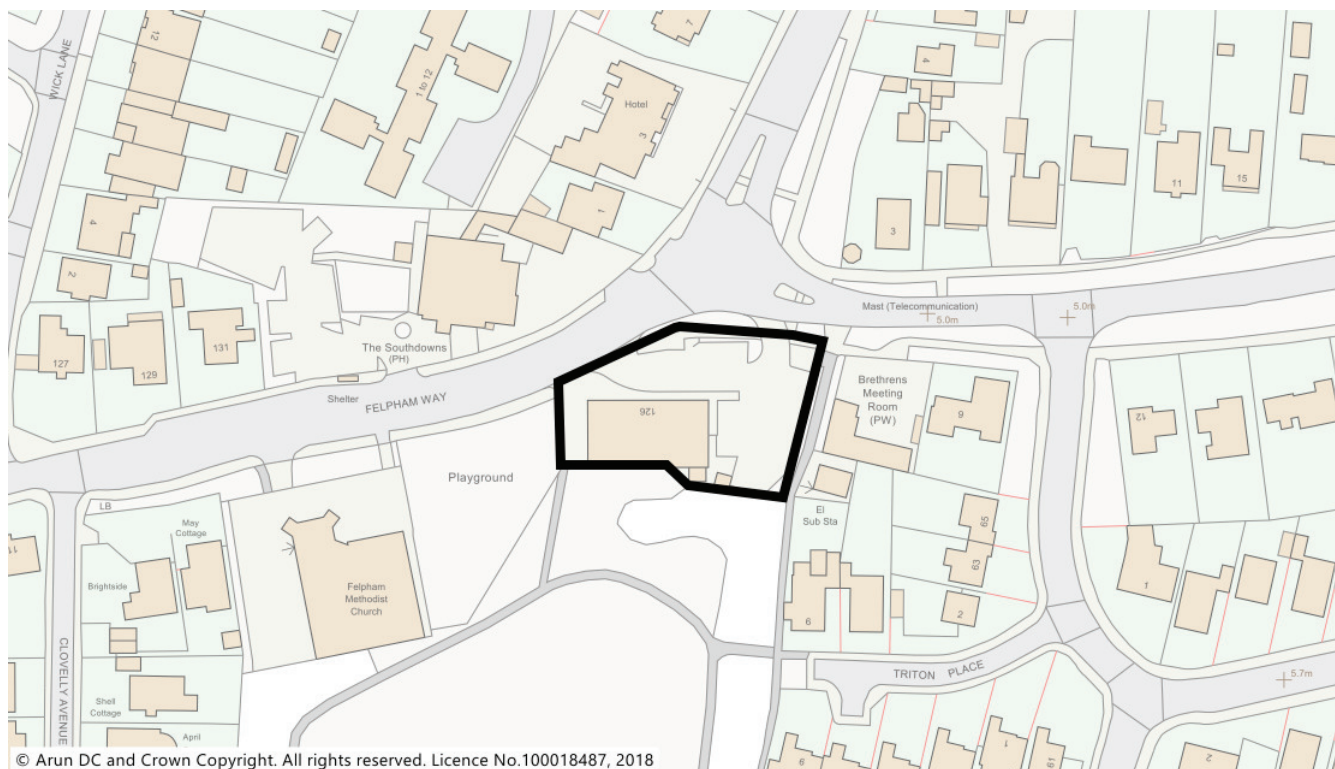
Reason: In the interests of highway safety and residential amenity in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework

- 2 Within two months of the date of this permission, a Delivery Management Plan (including details of delivery procedures and measures to prevent customer vehicles parking in the delivery area) shall be submitted to the local planning authority. Once approved, the Delivery Management Plan shall be implemented and shall remain in force unless otherwise agreed by the local planning authority.

Reason: To safeguard the operation of the public highway in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 3 INFORMATIVE: All of the conditions imposed on FP/133/08/ shall remain in force except for condition 15 which is amended by this permission as set out in the new conditions 01 and 02 above.
- 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 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.

FP/161/17/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: AL/122/17/PL

LOCATION: Land West Of
Fontwell Avenue
Eastergate
PO20 3RU

PROPOSAL: 2 No. dwellings (resubmission following AL/72/17/PL). This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The 2 semi-detached houses will be located on the central third of a large site which previously benefitted from outline permission for three detached dwellings under planning ref AL/95/13/. Each dwelling will have 4 double bedrooms, two with en-suite bathrooms. The dwellings will be two storeys only with no rooms in the roof. Off-street parking is provided to the front with access from the A29 as per the previously agreed access layout.
SITE AREA	0.1799 hectares
RESIDENTIAL DEVELOPMENT DENSITY	11.2 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	A row of tall conifer trees along the rear boundary to the scrapyard. One medium sized deciduous tree at the northern of the site frontage and another similar tree at the southern end. A number of trees along the frontage have been felled.
BOUNDARY TREATMENT	<ul style="list-style-type: none"> * Low up to 1m high railing style fence to the site frontage; * Part 1.8m close boarded fence/part ranch style fencing to the boundary with Oaktrees; * Row of conifer trees behind a part wire fence/part hedge to the rear of the site; and * Currently open to the adjacent plot to the North.
SITE CHARACTERISTICS	Part of a vacant field which is overgrown in places. There is a field gate onto the A29 Fontwell Avenue and the whole site shares a dropped crossing with the neighbouring property, Westfield House. The northern third of the AL/95/13/ site is in the process of being developed for two semi-detached houses under planning permission ref AL/121/16/PL.
CHARACTER OF LOCALITY	The site is outside the settlement boundary but predominantly residential as there are dwellings on both sides of the site and on the opposite side of the A29. The site frontage falls within a 40mph zone and the start of the 30mph zone is adjacent to the southern end of the site.

Westfield House is a two storey detached dwelling of a traditional style in brick and clay tile. It has no flank facing windows and has a conservatory on the rear adjacent to the shared boundary. Oaktrees on the other side is a 1.5 storey dwelling with its first floor accommodation within a Dutch hipped barn style roof. It has render to the lower floor, brick to the first floor flanks and a tile roof. It has flank facing windows at both ground and first floor (with the first floor window appearing to be a bedroom) and a row of roof lights on the rear. To the rear of the site, beyond the line of trees, there is a vehicle scrapyard.

RELEVANT SITE HISTORY

AL/136/17/PL	Erection of pair of semi detached houses & new access onto A29 - This is a Departure from the Development Plan	
AL/72/17/PL	2 No. dwellings. This application is a Departure of the Development Plan.	Withdrawn 05-09-17
AL/121/16/PL	2No. semi detached houses. This application is a Departure from the development plan	ApproveConditionally 01-02-17
AL/106/15/OUT	Outline application with some matters reserved for 5 No. detached houses with garaging. This application is a Departure from the Development Plan.	Refused 19-01-16 Appeal: Dismissed 03-08-16
AL/95/13/	Outline planning application for 3 no. detached houses with garaging - This is a Departure from the Development Plan	ApproveConditionally 25-04-14
AL/122/87	Outline Application for six residential units	Refused 21-01-88 Appeal: Dismissed 10-10-88
AL/67/86	Outline application for erection of vehicle crusher, machine store, tractor store, offices, workshop, dwelling and garage	Withdrawn 23-09-87

AL/95/13 was granted permission in April 2014. It sought outline permission for 3 dwellings and included access and layout details. The time period for the submission of reserved matters expired in April 2017 but the permission is valid until April 2019.

AL/106/15/OUT sought outline permission for 5 detached dwellings. It was refused on the grounds of character/overdevelopment, loss of light to Westfield House and no affordable housing contribution. An appeal was dismissed on the 3rd August 2016. The Inspector made the following analysis of the character issue:

"The proposed layout of the site is to be determined at this stage, including gaps between dwellings and to the site boundaries. This linear layout behind substantial front gardens largely reflects that of surrounding development, but the gaps between the proposed dwellings on plots 1-4 and to Westfield House would be considerably smaller than most gaps between the surrounding houses on the approach to Eastergate, particularly on this side of Fontwell Avenue.

Notwithstanding that the site already has planning permission for 3 houses and the changes to the land they would bring, the narrow gaps between the dwellings on the layout now proposed, particularly on plots 1-4, would result in a cramped and overdeveloped appearance that would adversely affect the rhythm of development on Fontwell Avenue and would be out of keeping with the semi-rural appearance of the area."

Application AL/121/16/PL was granted planning permission at the Development Control Committee on the 1st of February 2017 and allowed for the development of two semi-detached dwellings on the northern third of the AL/95/13/ site. This permission is in the process of being implemented.

Application AL/72/17/PL also concerned the central third of the AL/95/13/ site and is a direct precursor to the current application. Permission was sought for two detached dwellings but the applicants were advised that this could not be supported and that they would be better placed applying for similar semi-detached dwellings as approved by AL/121/16/PL. This application was therefore withdrawn.

Application AL/136/17/PL was submitted in late December 2017. It seeks permission for two semi-detached dwellings on the southern third of the AL/95/13/ site. This application will still be within its initial consultation period by the time of the February Committee.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

"The Councils previous objection stands. The application site is outside the built up area and contrary to the policies of the ANP".

Two letters of objection from local residents raising the following issues:

- (1) Increase in cars entering/exiting the A29 at the same location as the shared access for Westfield House, Fairways, Lulworth & Rowley;
- (2) Increased potential for illegal parking of construction vehicles along the verge on the A29 to the detriment of highway safety;
- (3) Departure from the Development Plan;
- (4) The site no longer benefits from a previous residential approval;
- (5) AL/121/16/PL cannot be used as a precedent for this application;

- (6) The Council should only consider a new proposal which reinstates the planning for two dwellings which had lapsed (AL/93/13/);
- (7) The lack of garages has adverse implications for parking & road safety;
- (8) The WSCC Highways response is based on a development size of up to 5 units but if permission is granted for this application and then also for two dwellings on the southern third of the site then there will have been 6 units;
- (9) The gaps between dwellings are not similar to others in the Avenue;
- (10) The change from detached to semi-detached has not increased the width of the gaps between surrounding houses;
- (11) The applicant previously stated that a semi-detached scheme here would result in an increase in bulk & mass and a reduction in spaces between dwellings when compared to the previous scheme of two detached dwellings; and
- (12) The Flood Risk Assessment is out of date.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council concerns will be discussed in the report's conclusions section under "Principle".

The following comments are made in respect of the neighbour concerns:

- (1) & (2) These will be discussed in the Conclusions section under "Highways & Parking".
- (3) This will be discussed in the report's conclusions section under "Principle".
- (4) This is correct. Please refer to Principle" section of the report Conclusions.
- (5) Planning law dictates that each application should be treated regarding its own merits. However, precedent is capable of being a material consideration and should be considered in determining an application.
- (6) The Council is required to determine any & all applications which are submitted to it.
- (7) This will be discussed in the Conclusions section under "Highways & Parking".
- (8) Noted but the current application is for two dwellings (so a total of 4). The application that has been submitted for the southern third of the AL/95/13/ site proposes an additional access point onto the A29 which may, if approved, result in less traffic using the existing approved access point.
- (9) & (10) These will be discussed in the report's conclusions section under "Density, Design & Character".
- (11) This comment was made in order to try to persuade the Council to accept the two detached dwelling scheme.
- (12) The applicant has revised the Flood Risk Assessment (December 2017).

CONSULTATIONS

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

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - No objections. Request an informative regarding connection to the public sewer network and a condition to protect an existing public sewer.

WSCC HIGHWAYS - No Objections subject to conditions. Consider that the access arrangements approved by AL/95/13/ are appropriate and that no amendment is required. It is considered that 3

spaces should be provided per dwelling. However, although only 2 are shown, there is sufficient space to allow for further off-street parking whilst still allowing vehicles to turn in order to enter the A29 in a forward gear. Conditions requested in respect of a Construction Management Plan, access, visibility splay, parking, turning and cycle parking.

ADC DRAINAGE ENGINEERS - No objections subject to a drainage condition. State that the Flood Risk Assessment is out of date and refers to a superseded Strategic Flood Risk Assessment document.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. As reported elsewhere, the Flood Risk Assessment has been revised/updated.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Special Control of Adverts;
Grade 3a Agricultural land;
Flood Zone 1; and
Class A Road.

DEVELOPMENT PLAN POLICES

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

GEN3	Protection of the Countryside
GEN2	Built-up Area Boundary
GEN5	Provision of New Residential Development
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN11	Inland Flooding
GEN12	Parking in New Development
GEN32	Noise Pollution

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

D DM2	Internal Space Standards
D DM3	External Space Standards
D SP1	Design
ECC SP2	Energy and climate change mitigation
ENV DM5	Development and Biodiversity
H DM1	Housing Mix
H SP1	Strategic housing, parish and town council allocations
QE DM1	Noise Pollution
SO DM1	Soils
QE DM2	Light Pollution
QE DM3	Air Pollution
QE DM4	Contaminated Land
QE SP1	Quality of the Environment

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 DM2 Flood Risk
 W DM3 Sustainable Urban Drainage Systems

Aldingbourne Neighbourhood Plan 2016 POLICY EH1	Resist development outside
Aldingbourne Neighbourhood Plan 2016 POLICY EH3	Best and most versatile resisted unless... Development on Agricultural Land
Aldingbourne Neighbourhood Plan 2016 POLICY EH5	Development in Flood risk areas will not be supported unless... Surface Water Management
Aldingbourne Neighbourhood Plan 2016 POLICY EH6	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2016 POLICY GA1	Promoting Sustainable movement
Aldingbourne Neighbourhood Plan 2016 POLICY GA3	Parking and new development
Aldingbourne Neighbourhood Plan 2016 POLICY H1	New housing or altering dwellings Quality of Design
Aldingbourne Neighbourhood Plan 2016 POLICY H2	Range of house types Housing Mix
Aldingbourne Neighbourhood Plan 2016 POLICY H3	Housing density
Aldingbourne Neighbourhood Plan 2016 POLICY H6	Within built up area boundary Windfall sites
Aldingbourne Neighbourhood Plan 2016 POLICY H7	No support development near noisy business Development in the vicinity of business
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
 H SP2 Strategic Site Allocations

H SP2c Inland Arun
SD SP1a Strategic Approach

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 constitutes 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 suspended whilst Arun District Council addressed matters raised by the Inspector but it resumed on 17th September 2017 and has now concluded. The District Council is awaiting the Inspector's report which is due out in Spring 2018. The Main Modifications to the Arun Local Plan and evidence base are being made available for public consultation. Representations can be submitted to the council over a six week period starting on Friday 12 January until 5pm on Friday 23 February. This follows on from the Arun Local Plan examination hearings held in September 2017.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these 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 ended 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. 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 Aldingbourne Neighbourhood Plan are discussed in 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 proposed development is located outside the built up area boundary (BUAB) of Aldingbourne and is therefore considered to be contrary to the relevant Development Plan policies. 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.

- * The planning history of the site namely that there was until recently an extant outline planning permission (AL/95/13/) for three dwellings across the whole site and that there is planning permission for two semi-detached dwellings on the northern third of the site;
- * 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; and
- * 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).

CONCLUSIONS

PRINCIPLE:

It is noted that the Parish Council state that the application site is outside the built up area and is therefore contrary to the policies of the Aldingbourne Neighbourhood Plan (ANP). In addition local residents state that the application is a departure from the Development Plan and that the site no longer benefits from a previous residential approval.

The Development Plan

The development plan for the Arun District currently comprises the Arun District Local Plan (2003) (saved policies), the Aldingbourne Neighbourhood Plan or ANP (October 2016) and the West Sussex Waste and Minerals Plan.

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.

Aldingbourne Neighbourhood Development Plan

The Aldingbourne Neighbourhood Development Plan (ANP) was made (adopted) in October 2016 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).

Map E of the ANP includes a BUAB drawn around the settlement of Westergate. The site is around 245m northeast of the edge of the defined Westergate built up area boundary. The opposite side of Fontwell Avenue is within the parish of Eastergate and this BUAB is closer to the site. However, the site is clearly outside of both BUABs and the application site is therefore classified as countryside.

Notwithstanding the proximity of the Eastergate BUAB, the site falls within the Parish of Aldingbourne and so must be determined with regard to the Aldingbourne Neighbourhood Plan (NP). ANP policy EH1 states that development will not be allowed on sites outside of the built up area boundary except where it is in accordance with development plan policies in respect of the countryside. Policy H6 (residential windfall sites) only applies to sites within the built up area boundary. It is also noted that policy GA1 states that proposals that increase travel demand are to be located in places accessible to public and community transport. However, due to the sustainable location of the site, it is not considered that the proposal is in conflict with this policy.

As set out above, the proposal would conflict with ADLP policies GEN2 and GEN3 and therefore also conflicts with policies EH1 & H6 of the ANP as the proposal would fail 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'); and the main modifications published in January 2018.

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 for 2300-3000 dwellings between the settlements of Barnham, Eastergate and Westergate. 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 residential side of the proposal is not in accordance with ADLP Policies GEN2 & GEN3 or policies EH1 & H6 of the ANP. 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. This site was not proposed as part of the HELAA study.

The development plan is neither silent or absent of relevant policies in the determination of the application. However, 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 EH1 & H6 of the ANP. 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).

It should also be noted that 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 eALP 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 ANP 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. This version of the eALP was tested at Examination and subsequently revised into the modified version. Both of these documents predate the version of the eALP which was tested at Examination and subsequently revised into the modified version. Therefore only limited weight can be given to the conflict with the ANP to protect the countryside, as the context within which the ANP was prepared has significantly changed.

As a result of out of date development plan policies and the absence of a 5 year housing land supply, paragraph 14 of the NPPF is engaged and this states that:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. It is considered that the relevant development plan policies (GEN2, GEN3, EH1 & H6) are out-of-date because of:

- (a) the state of the Councils Housing Land Supply (HLS) at 2.07 years;
- (b) the fact that the Written Ministerial Statement (WMS) on Neighbourhood Planning (12 December 2016) does not apply;
- (c) Paragraph 49 of the NPPF which states that "Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites"; and
- (d) the recent Burndell Road decision as discussed above.

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: (i) 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 or (ii) specific policies in this Framework indicate development should be restricted"

Therefore it is necessary to apply the tilted balance argument (granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole).

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.

As set out above, the policies for the protection of the countryside within the development plan are out of date and can be afforded limited weight and this means that the presumption in favour of sustainable development set out in paragraph 14 of the National Planning Policy Framework (NPPF) applies. The following considers the proposals against the presumption in favour of sustainable development. It should be noted that 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 the A29 Fontwell Avenue and then using existing local roads. The actual distance may therefore be slightly greater as the walk from the actual site to the access point is not factored in.

Although part of Fontwell Avenue only has pavement on one side and does not have streetlights, there are residential properties along both sides of the road and it is not considered to be an unsafe or unattractive walking route. The site is also served by two bus stops located only 220m to the south of the site. These are served by Compass Service 85/85A which run between Arundel and Chichester taking in Barnham Railway Station.

The nearest schools would be:

- * Aldingbourne Primary School - 1.7km;
- * Ormiston Six Villages Academy, Westergate - 0.7km; and
- * St Phillip Howard, Catholic School (6th Form), Barnham - 1.8km.

These are all within the 2km distance set out in the IHT guidance.

In terms of employment, it is considered that the following areas are all within around 2km of the site:

- * Barnham Road horticultural enterprises;
- * Barnham;
- * Eastergate;
- * Westergate;
- * Woodgate;
- * Fontwell Racecourse;
- * Fontwell Travelodge; and
- * Eastergate Lane horticultural enterprises.

Eastergate Post Office lies within a walking distance of less than 400m (actually 324m) from the access onto Fontwell Avenue. The following facilities are available in the local area within a walking distance of

between 400m and 1200m from the access onto Fontwell Avenue:

- * Esso Petrol Station (600m);
- * Fontwell Race Course and Pub (1.2km);
- * The Croft Surgery (530m);
- * The Wilkes Head Pub (657m);
- * Basmati Indian Restaurant (752m)

There is a further shop located on Westergate Street almost opposite Ivy Lane but this is 1.3km from the site.

Any other environmental aspects of sustainable development such as trees, ecology, 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 the proposal will support the local community by providing two new houses to help meet future needs. This factor weighs 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:

- * A small increase in Council Tax receipts;
- * Potential 'New Homes Bonus' payments from the Government;
- * The creation/maintenance of construction jobs; and
- * Additional spending by new residents on local goods & services.

However, the proposal would also result in the loss of 0.1799 hectares of agricultural land graded as 3a ("Very good").

Assessment of Sustainable Development

It is considered that the proposal is clearly environmentally & socially sustainable. The associated economic benefits would also override the loss of the small area of agricultural land (this is discussed elsewhere in this report). The proposal would therefore benefit from the NPPF presumption in favour of sustainable development.

Conclusion on Matters of Principle:

Overall, the principle of residential 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 ANP to protect countryside (policies EH1 & GA1) are out of date, in accordance with paragraph 49 of the NPPF they carry reduced weight.

The proposed development would provide up an additional two houses which are needed in the Arun District. The proposed development should therefore 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 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.

DENSITY, DESIGN & CHARACTER:

It is noted that local residents raise objection with regard to the proposed gaps between dwellings and whether they reflect the existing gaps elsewhere on Fontwell Avenue.

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.

Aldingbourne Neighbourhood Plan (ANP) policies H1 and H3 are both relevant. H1 requires that new housing should be of a high quality design that reflects the local character and reinforces local distinctiveness. Meanwhile, H3 states that the density of new development should be appropriate to its location by virtue of size, siting and relationship to existing properties.

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.

As discussed elsewhere within this report, the site has an extensive planning history which includes the dismissal of an appeal for 5 detached dwellings (AL/106/15/OUT). This was considered to represent an overdevelopment of the site and this argument was made principally on the basis of the narrow gaps between the dwellings. However, regard should also be had to the recent permission for a pair of semi-detached dwellings on the northern third of the site approved by AL/95/13/ (ref AL/121/16/PL) which was granted by the Development Control Committee in February 2017.

It is considered that whilst a 5 detached dwelling scheme across the whole site was considered to be unacceptable, semi-detached dwellings are materially different in form and allow for a new judgement to be made, free of the implications of the previous appeal decision. It may therefore be possible to achieve at least 5 dwellings across the whole site in spite of the previous appeal judgement.

Notwithstanding the precedent for semi-detached houses established by AL/121/16/PL, it should also be noted that there are four semi-detached properties immediately opposite the site on the other side of Fontwell Avenue (Episkopi/Hillcross & Trees/Highlands).

The current proposal provides for good sized gaps between the flanks of the semi-detached building and the boundaries. The gap to the northern boundary will be 4.5m and taking account of the gap between

the permitted dwelling and the shared boundary, the space between the two pairs of semi's will be a total of 6m. To the southern boundary, the gap will be staggered from 3.4m at the rear, rising to 4.4m at the front. There would then be a further distance between the boundary and the nearest dwelling proposed on the site to the south.

These gaps will be in excess of that between the approved dwelling and Westfield House to the north (between 3.5m & 4.5m) and are considered to be appropriate also having regard to properties on the opposite side of Fontwell Avenue (which vary but are in the range of approximately 3m to 6m).

The proposal also retains the same sense of spaciousness to front and rear as per the approved two semi-detached dwelling scheme to the north and also as per the expired three dwelling outline scheme. It is noted that the front building line of the two dwellings is approximately 3m closer to the road than the approved scheme. However, a staggered building line would be appropriate having regard to the position of Oaktrees to the south which has a front building line approximately 4.5m further forward than the fronts of the two dwellings approved by AL/121/16/PL.

The design of the proposed dwellings will be different to the approved dwellings and the semi-detached building will also be narrower (by approximately 1m) and lower (by approximately 0.4m). These subtle differences will add visual interest to the streetscene and are not considered to adversely affect the character or appearance of the immediate area. Proposed materials include tiles and brick and these would be in character with existing dwellings. However, a conditions will be imposed to control the materials used in the build.

It is therefore considered that the proposal would be in accordance with policy GEN7 of the ADLP, policies H1 and H3 of the ANP and the guidance on design in the National Planning Policy Framework.

HIGHWAYS & PARKING:

It is noted that local residents raise objection with regard to the potential for an increase in cars entering/exiting the A29 at the same location as a shared access for four existing dwellings, the increased potential for illegal parking of construction vehicles and the insufficiency of off-street residential parking.

Policy GA3 of the ANP states that: "Proposals must provide adequate parking in accordance with the standards adopted at the time."

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 3 spaces per dwelling. The layout only shows 2 cars parked in each plot. However, there is clearly a large amount of hardstanding to the front of each dwelling such that an additional vehicle could be parked whilst still allowing room for a vehicle to turn within the site.

There are no adopted development plan policies which cover highway safety. Instead regard should be had to paragraph 32 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

The new access onto the A29 was previously agreed by application AL/95/13/ and West Sussex Highways have not raised any objections to the same access layout on any of the subsequent applications. It is not considered that the slight intensification of the approved access from 3 dwellings on AL/95/13/ to 4 dwellings (AL/121/16 & AL/122/17 combined) is such that there would be a severe

impact on highway safety. It is also recognised that the new application concerning the southern third of the AL/95/13/ site proposes an additional access point onto the A29.

It is not therefore considered that there is any conflict with the adopted development plan policies or with the NPPF.

NOISE:

Arun Local Plan policy GEN32 states that: "Noise sensitive development will not be permitted if its users would be affected adversely by noise from existing or proposed noise-generating uses." It is also necessary to have regard to policy H7 of the ANP which states that: "Proposals for development in the vicinity of businesses which are inherently noisy will not be supported."

Concerns were raised by Environmental Health Officers in respect of application AL/95/13/ regarding the potential for the new houses to be affected by noise from the A29 to the east and/or the scrapyards to the west. This was considered to be an important issue but not one that would prevent development. Instead, a planning condition was attached to the previous permission to ensure that the new houses were built with measures that will minimise noise impacts and protect future residents. Environmental Health have not been consulted on this application but it is not considered that anything has changed with respect to potential noise pollution and as such, it is recommended that the same condition be applied to this application. As a result there would not be any conflict with policy GEN32 and there would be sufficient mitigation in place to overcome the conflict with policy H7.

AGRICULTURAL LAND:

Map B of the ANP indicates that the site is classified as Grade 3a agricultural land and is therefore "very good". The land could therefore support the growing of crops. ANP Policy EH3 states that:

"Proposals for development on the 'best and most versatile' agricultural land shown on Map B, the latest available Defra Agricultural Land Classification Map, will be resisted unless it can be demonstrated that it would meet the following criteria: (1) It supports the diversification of an agricultural enterprise or other land-based rural business; or (2) The need for the development clearly outweighs the harm"

Policy SO DM1 of the eALP 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."

Although the agricultural land grade is noted, it is considered that this is a very small area of land (less than 2 hectares) and would not therefore be suitable for the growing of crops. It is 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. Furthermore, the site is flanked by houses and shares an access with a site being developed with houses. Access by farm vehicles could create a conflict with residential vehicles. Finally, it is considered that the land may be contaminated as a result of the scrapyards to the rear. Indeed, Environmental Health comments on application AL/95/13/ considered this and recommended planning conditions to require the investigation and remediation of any contamination.

It is considered that although the benefits of the proposal are only small (2 dwellings), that given the above factors, there is no realistic possibility of the land being used for agricultural crops in the future and

therefore it would not be possible to sustain a refusal based on policies EH3 and SO DM1.

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 ANP policies specifically 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).

Given the position of the dwellings in the centre of the previous outline approved site, the only residential amenity issues that could occur would be in respect of new dwellings to either side. The rear building line is to be the same as the approved dwellings to the north and therefore there will be no loss of light impacts to the rear windows of the proposed dwelling to the north. Bathroom windows proposed in the flank elevations will be obscure glazed and as the same obscure glazing restrictions were imposed on application AL/121/16/PL, there will be no overlooking between neighbouring flank bathroom windows.

It is therefore considered that the proposal would be in accordance with policy GEN7 of the ADLP and the guidance on residential amenity within the National Planning Policy Framework.

INTERNAL & EXTERNAL SPACE STANDARDS:

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

The proposal is for 2, four bedroom, 8 person dwellings and the required internal floor area for each is therefore 124m². However, each dwelling has an internal floor area of 169m² and therefore complies with the standard.

In respect of external standards, it is necessary to have regard to Policy D DM3 of the emerging Local Plan (January Consultation Version) which has been approved by the Council for development management purposes. It should also be noted that policy H8 of the ANP states that "all new dwellings must include an outdoor amenity space of adequate size and quality, either as a private garden or shared amenity area."

Policy D DM3 sets out a requirement that gardens should be at least 10m deep. This is in part to achieve a back-to-back interface distance of 20m but also to provide a usable space. This part of the standard could be relaxed if a garden was say 10m wide and/or if there was no/were no potential for there to be a dwelling to the rear. The policy also sets out a garden area requirement of 100m². The proposed plots have rear gardens at least 39m deep and with areas in excess of 400m². These therefore comply with policies D DM3 and H8.

TREES:

ANP policy EH6 seeks to protect trees and hedgerows. It states that:"Development that damages or results in the loss of trees of arboricultural and amenity value or loss of hedgerows and/or priority habitat, or which significantly damages ecological networks will be resisted, unless the need for, and benefits of, development in that location clearly outweigh the loss."

In order to create the necessary visibility splays agreed with WSCC Highways, the developers may need to prune back some of the remaining trees located along the site frontage. This action is necessary in the interests of highway safety. The remaining trees are not considered to be worthy of protection and

no objections were made to the need to prune on any of the previous applications. The current application will be required to provide replacement tree planting and landscaping and this would be dealt with by planning condition.

FLOODING & DRAINAGE:

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."

In addition, policy EH5 of the ANP states that:

"New development, within areas at risk from flooding, will not be permitted unless it is supported by a site-specific Flood Risk Assessment which provides clear evidence to demonstrate that the proposal:

- a). Would not give rise to additional risk of flooding, either to the development site or to other land, arising from the carrying out or use of the development; and
- b). Would make appropriate provision for accommodating the surface water and foul water arising from the development."

The site was previously (on earlier applications) shown to be part located within Flood Zone 2 and part Flood Zone 1. However, the flood mapping has been revised such that the whole site is now shown to be within Flood Zone 1. As this is the low risk zone, it is not considered that there is a need to impose any remediation/flood safety measures on the permission.

The Council's Drainage Engineer does not consider the size of the dwellings to be detrimental to surface water management and a condition is proposed to require details of the surface water management scheme to be agreed. The application is therefore considered to comply with the relevant development plan policies.

SUMMARY:

The application site is outside the defined built-up area boundaries of Westergate and is therefore contrary to policies GEN2 & GEN3 of the ADLP and policies EH1 & H6 of the ANP which seek to protect the countryside from non-related development. However, as set out above, these policies are out-of-date and are considered to carry 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 additional houses in the district and the lack of harm associated with this proposal. It is acknowledged that there will be a loss of high quality agricultural land but for the reasons set out above, this is not considered harmful enough to warrant taking a different decision.

The proposed development is therefore on balance acceptable in terms of the development plan when taken as a whole and is recommended for approval together with 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, Block Plan" Drawing No. BP/LP Rev C;
"Block Plan" Drawing No. BP/LP Rev C;
"Proposed Dwelling Layouts" Drawing No. X01A Rev A;
"Proposed Dwelling Elevations" Drawing No. X02A Rev A; and
"Street Scene & Boundary Fences" Drawing No. SS01 Rev B.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.
- 3 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 (who shall consult with both Highways England and West Sussex County Council). 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 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),

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.

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

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

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

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

- 6 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing Ref SP01 Rev A. The access shall be permanently retained thereafter as per the approved details.

Reason: To secure satisfactory standards of access for the proposed development in accordance with Policy GEN7 of the Arun District Local Plan and paragraphs 32 & 35 of the NPPF.

- 7 No part of the development shall be first occupied until visibility splays of 2.4m x 70m to the north and 2.4m x 59m to the south have been provided at the proposed site vehicular access onto the A29 Fontwell Avenue in accordance with the approved planning drawing BP/LP Rev C. Once provided, the splays shall thereafter be maintained in perpetuity and kept free of all obstructions over a height of 0.6m above the adjoining carriageway level or as otherwise agreed.

Reason: To secure satisfactory standards of highway safety in accordance with Policy GEN7 of the Arun District Local Plan and paragraphs 32 & 35 of the National Planning Policy Framework.

- 8 No part of the development shall be first occupied until vehicle parking and turning spaces have been constructed in accordance with approved drawing BP/LP Rev C. The parking spaces and turning areas shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with Policies GEN7 & GEN12 of the Arun District Local Plan and paragraphs 32 & 35 of the NPPF.

- 9 Details for the secure storage of bicycles within each new residential plot shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling. The secure cycle storage so approved shall be implemented in accordance with the approved details and retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with policies GEN7 and GEN12 of the Arun District Local Plan and paragraphs 32 & 35 of the National Planning Policy Framework.

- 10 Details for the storage of domestic rubbish and recycling within each new residential plot shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of either of the two dwellings of development. The provision shall then be implemented in accordance with the approved details and retained in perpetuity unless otherwise agreed in writing with the local planning authority.

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

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

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun District Local Plan policies GEN7 and GEN31.

- 12 No development or new tree planting should be located within 3 metres of either side of the centreline of the public sewer which crosses the eastern (front) part of the site and all existing sewer infrastructure shall be protected during the course of construction works.

Reason: In the interests of protecting the existing public sewer and in accordance with Arun District Local Plan policies GEN7 and GEN9.

- 13 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.

- 14 The two first floor bathroom windows shall at all times be glazed with obscured glass.

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

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the flank walls of the new dwellings without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policy GEN7 of the Arun District Local Plan.

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

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

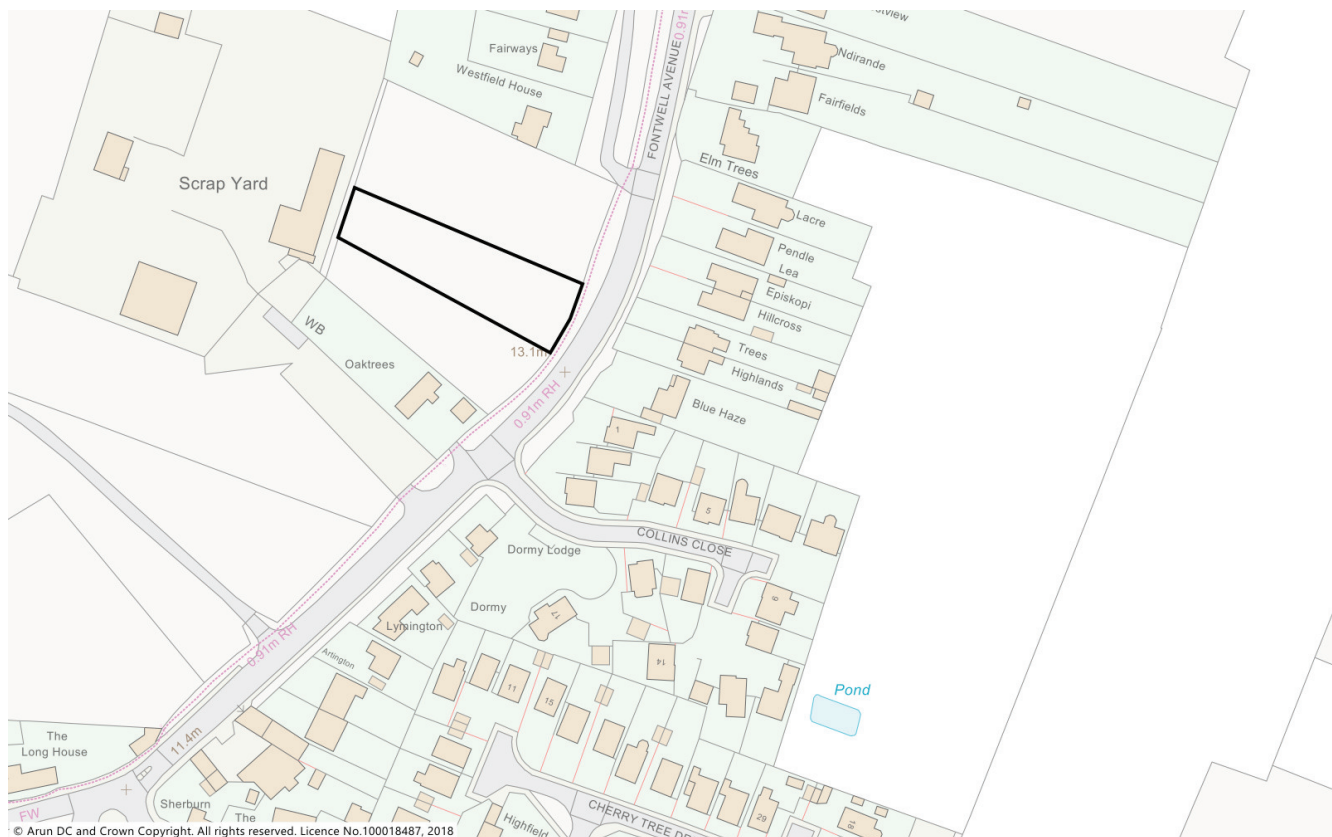
- 18 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or 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.

- 19 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader, West Sussex County Council, County Hall, Chichester, West Sussex, PO19 1RQ. (Tel no. 01243 642105).

- 20 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.

AL/122/17/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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AGENDA ITEM 8

DEVELOPMENT CONTROL COMMITTEE

PLANNING APPEALS

APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

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 90 No. 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

Y/48/17/HH

Received: 29-01-18

8 Canal Road Yapton

Replace existing fence with closeboard wooden panel fence.

Written Representations

PINS Ref: APP/C3810/D/17/3189510