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

1 March 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 March 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](http://www.arun.gov.uk/planning)**

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

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF INTEREST

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

Members and officer should make their declaration by stating :

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

3. VOTING PROCEDURES

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

4. MINUTES

To approve as a correct record the Minutes of the meeting held on 14 February 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 **ALPHABETICAL** order.

8. \*PLANNING APPEALS

To consider the attached report.

## **Background Papers**

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

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

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

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

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



DEVELOPMENT CONTROL COMMITTEE

14 February 2018 at 2.30 p.m.

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

417. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Haymes.

418. DECLARATIONS OF INTEREST

There were no declarations of interest made.

419. MINUTES

The Minutes of the meeting held on 17 January 2018 were approved by the Committee and signed by the Chairman as a correct record.

420. PLANNING APPLICATION BE/114/17/PL, VARIATION TO CONDITIONS, OLDLANDS FARM, BERSTED

With the agreement of the Chairman, this matter was presented as an urgent item due to the length of time it had been in the system and an agreed extension of time allowing determination by 16 February 2018. An appraisal of the submitted sequential assessment and retail impact assessment had not been completed by the Local Planning Authority's consultants until 7 February 2018 and so had not met the agenda deadline.

The report setting out the detail of the application had been circulated to Members prior to the meeting. In addition, the officer's written report update was circulated at the meeting which detailed a response from County Highways that the variation of condition would not give rise to any increase in vehicular movement or give rise to any additional harm to highway safety.

This application was requesting variation to conditions 4 - Quantum of floorspace; 43 - Number of non-food bulky goods units; and 47 - Sale of goods imposed under BE/61/13 (Outline).

The Principal Planning Officer presented the report and advised the Committee that the variation being requested would not result in any additional

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Committee – 14.02.18.

retail floor space but would vary the existing non-food bulky goods retail permitted by BE/61/13/ to allow for the sale of discount convenience goods at the site. The Council had appointed an independent retail expert to assess the submitted retail impact assessment. This independent assessment confirmed that the proposed variation of condition would not result in a significant retail impact upon Bognor Regis town centre and would not give rise to any detrimental impact upon existing, committed or planned public and private investment in centres located within the catchment area of the proposal.

Following a concern raised that the highways infrastructure was not adequate to take the resultant constant flow of traffic from the increased retail offer of the proposal, the Committee

#### RESOLVED

That the application be approved as detailed the report.

#### 421. PLANNING APPLICATIONS

Y/49/17/OUT – 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, Land at Street Buildings, North End Road, Yapton  
Having received a report on the matter, the Committee was also circulated with the officer's written report update which detailed the following:-

- A further letter of representation received from a resident objecting to the proposal on traffic grounds, which had already been addressed in the report.
- Amendments to the report and conditions following receipt of an executed Section 106 Unilateral Undertaking from the applicant.
- An updated Head of Terms document.

The Committee received a comprehensive presentation from the Principal Planning Officer on the detail of the proposal.

In discussing the matter, concerns were raised with regard to the fact that Southern Water had raised no objection subject to the imposition of conditions; that appeared to be contradictory in light of the objection that had been raised by Southern Water at a nearby site at a previous meeting when they had stated there was insufficient capacity in the area. It was therefore felt that clarification should be sought. Further comment was made with regard to transport and highway issues.

However, the Principal Planning Officer reiterated that the statutory consultees had raised no objection to the proposal.

The Committee

RESOLVED

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

LU/267/17/PL – 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, Chilgrove House, Kimberry, Littlehampton Having received a report on the matter, together with officer advice that this was a Council application, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/272/17/OUT – Outline application with some matters reserved for the erection of up to 9 No. dwellings, Inglecroft, Barn Close, Littlehampton Having received a report on the matter, together with the officer's written report update detailing :-

- Additional representations received regarding the access off Toddington Lane towards the application site being dangerous. County Highways had provided additional comments to clarify that its original objection had been withdrawn as, in light of the accident history, it was not considered that there would be an increase in the potential for accidents and therefore the proposal would not have a severe impact, as per the NPPF.
- A change to the recommendation to approve subject to conditions and not subject to a S106 Agreement as the Council's Landscapes Team did not require a contribution towards offsite play facilities.

Following a brief discussion, the Committee

RESOLVED

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

402

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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  
Having received a report on the matter, The Committee also considered the officer's written report update detailing comments submitted by the applicant in respect of the proposal.

Following a presentation from the Planning Team Leader, Members participated in some discussion on the matter and expressed their concerns that the variation could result in deliveries taking place during peak travel times and so cause major disruption to the local road network. Views were expressed that delivery vehicles should have a specified parking space round the side of the premises and that Tesco should manage its parking and deliveries more efficiently as there were serious problems already due to the proximity of the mini roundabout to the site. It was felt that the internal parking layout was contributing to the problem but officer advice was given that the layout had been agreed in 2008 and the problem was one of how deliveries were managed rather than the layout that was already there.

A suggestion was made and agreed that a time limited approval would be the best way forward to monitor Tesco's Delivery Management Plan and the Committee therefore

RESOLVED

That the application be approved for one year as detailed in the report.

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  
Having received a report on the matter, the Committee expressed reservations with regard to access from the site onto Fontwell Avenue during the construction phase. It was felt imperative that a service road must be in place to enable construction vehicles to access and egress the site safely and it was therefore agreed that Condition 6 be amended to read :-

"No part of the development shall be first occupied **commenced** 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."

The Committee then

RESOLVED

That the application be approved as detailed in the report and subject to amendment of Condition 6 to read:-



Subject to approval at the next Committee meeting

403

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“No part of the development shall be first commenced 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.”

422. PLANNING APPEALS

The Committee noted the planning appeal that had been received.

(The meeting concluded at 4.35 p.m.)



**AGENDA ITEM 6**

**DEVELOPMENT CONTROL COMMITTEE**

**14th March 2018**

**PLANNING APPLICATIONS**

**LIST OF TREE APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION**

**AT THE DEVELOPMENT CONTROL COMMITTEE**

**NONE FOR THIS COMMITTEE**

**LIST OF APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION AT THE**

**AT THE DEVELOPMENT CONTROL COMMITTEE**

**ALDINGBOURNE**

<b><u>Reference</u></b>	<b><u>Development Description</u></b>	<b><u>Location</u></b>
<a href="#"><u>AL/83/16/OUT</u></a>	Outline application with all matters reserved for residential development of up to 8No. dwellings & associated works including access, landscaping & open space. This application is a Departure from the development plan. Resubmission of AL/8/16/OUT	Land south & west of Barnside & east of pond Hook Lane Aldingbourne
<b>Case Officer:</b>	Mr S Davis	
<b>Recommendation:</b>	App Cond with S106	

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**ALDINGBOURNE**

<b><u>Reference</u></b>	<b><u>Development Description</u></b>	<b><u>Location</u></b>
<a href="#"><u>AL/130/17/PL</u></a>	Removal of Condition following a grant of planning permission AL/92/08 relating to Conditions 10 - use of individual holiday lets for up to and no more than 28 consecutive nights. This application may affect the character & appearance of the Norton Lane Conservation Area and is a Departure from the Development Plan.	Easter Cottage Old Dairy Lane Norton Aldingbourne PO20 3AF
<b>Case Officer:</b>	Mr S Davis	
<b>Recommendation:</b>	Approve Conditionally	

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**ALDWICK**

<b><u>Reference</u></b>	<b><u>Development Description</u></b>	<b><u>Location</u></b>
<a href="#"><u>AW/328/17/OUT</u></a>	Outline application with some matters reserved for the conversion of existing dwelling into 5 self contained flats with front, rear, side & dormer extensions (resubmission following AW/71/17/OUT).	14 Princess Avenue Aldwick PO21 2QT
<b>Case Officer:</b>	Mr S Davis	
<b>Recommendation:</b>	App Cond with S106	

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**FERRING**

<b><u>Reference</u></b>	<b><u>Development Description</u></b>	<b><u>Location</u></b>
<a href="#"><u>FG/115/17/PL</u></a>	4 No. bungalows	44 Ferringham Lane Ferring BN12 5LU

**Case Officer:** Mrs A Gardner  
**Recommendation:** Approve Conditonally

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**LITTLEHAMPTON**

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
<a href="#">LU/280/17/PL</a>	Conversion of existing building to form 5 No. dwellings with associated cycle & refuse stores, parking & landscaping with dormers to north & south elevations.	General Henrys 31 Horsham Road Littlehampton BN17 6BZ

**Case Officer:** Mr J Baeza  
**Recommendation:** Approve Conditonally

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**LITTLEHAMPTON**

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
<a href="#">LU/320/17/PL</a>	Alterations to golf practice ground & surrounding land, including tees (incorporating importation of material).	Littlehampton Golf Club Rope Walk Littlehampton BN17 5DL

**Case Officer:** Mrs A Gardner  
**Recommendation:** Approve Conditonally

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**LITTLEHAMPTON**

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
<a href="#">LU/323/17/PL</a>	Change of use of former United Services Club (Sui Generis) to 10 No. flats (C3 Dwelling House) with associated landscaping, parking, bins & recycling storage.	United Services Maltravers Road Littlehampton BN17 5NA

**Case Officer:** Mr R Temple  
**Recommendation:** App Cond sub to S106

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**LITTLEHAMPTON**

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
<a href="#">LU/367/17/PL</a>	Change of use of first floor flat (C3 Dwelling House) to restaurant (A3 Food & Drink) & ground floor rear extension and alterations to front elevation.	51 Pier Road Littlehampton BN17 5LP

**Case Officer:** Mrs A Gardner  
**Recommendation:** Approve Conditonally

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- REF NO:** AL/83/16/OUT
- LOCATION:** Land south & west of Barnside & east of pond, Hook Lane, Aldingbourne
- PROPOSAL:** Outline application with all matters reserved for residential development of up to 8No. dwellings & associated works including access, landscaping & open space. This application is a Departure from the development plan. Resubmission of AL/8/16/OUT

Application AL/83/16/OUT was previously decided by the Development Control Committee on the 2nd of November 2016. Following completion of the Section 106 legal agreement, a planning permission was issued on the 9th of January 2017.

However, subsequently, Aldingbourne Parish Council lodged a judicial review of the decision. This was heard at the Planning Court on the 7th of December under ref CO/901/17 where it was decided that the claim be allowed solely on Ground 1.

This Ground was that "the officers' report to committee failed to take into account policies dealing with the loss of best and most versatile agricultural land". The officer report stated in this regard that:

"In respect of agricultural land, although according to DEFRA's Mapping ... the site is located in an area designated as Grade 2, the land itself is not being used for farming and there is no reasonable prospect that it will in the future be farmed. It is not therefore considered that a refusal could be sustained on these grounds."

The High Court Judge held that the bare assertion contained in the report (that there is no reasonable prospect that the site will be farmed) required some evidence behind it and that the judicial review process with its opportunity for the Council to point to evidence had not been taken.

On this basis, the planning permission ref AL/83/16/OUT was quashed.

The officers' report to committee has therefore been amended in order to (a) properly take account of the agricultural policy and (b) update the other sections of the report to reflect the current policy position.

The recommendation remains to approve subject to conditions and the signed Section 106 Agreement.

PLANNING APPLICATION REPORT

<b>REF NO:</b>	AL/83/16/OUT
<b>LOCATION:</b>	Land south & west of Barnside & east of pond Hook Lane Aldingbourne
<b>PROPOSAL:</b>	Outline application with all matters reserved for residential development of up to 8No. dwellings & associated works including access, landscaping & open space. This application is a Departure from the development plan. Resubmission of AL/8/16/OUT

## SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	All matters are reserved. The application is accompanied by an illustrative layout/landscaping drawing.
SITE AREA	0.97 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	8.2 dwellings per hectare.
TOPOGRAPHY	The site is generally flat.
TREES	Trees T4 & T5 are to be felled but neither are considered to possess the attributes to be worthy of a TPO.
BOUNDARY TREATMENT	<ul style="list-style-type: none"> <li>- A line of 4-5m high Fir Trees to the southern boundary;</li> <li>- Low hedge interspersed with trees to the western and eastern boundaries;</li> <li>- 1.9m high brick wall to Barnside's rear garden (no current side boundary to the dwelling itself)</li> <li>- 1.9m high close boarded fence to the northern boundary with "Banff".</li> </ul> <p>There is a ditch just beyond the hedge at the edge of the field (western boundary).</p>
SITE CHARACTERISTICS	The site has an access from Hook Lane. The site comprises a mix of open mown grassed areas and 6 no. single storey timber/block work barns. There is a pond in the south west corner.
CHARACTER OF LOCALITY	<p>The site lies to the west of Hook Lane which has some residential development fronting on to it. There is a horticultural nursery with reservoir to the south, the land to the west is agricultural.</p> <p>Barnside has rear first floor windows which face west and south. It has a 1.5 storey sun room to the rear and a side facing first floor narrow window. The next property to the North is "Banff" and has a first floor rear window but views of it are</p>

obscured by trees along the boundary.

<b>RELEVANT SITE HISTORY</b>
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AL/107/16/RES	Application for Reserved Matters application following Outline Planning Permission AL/39/13 for the demolition of Oakdene and all other structures within the site and the erection of 79 dwellings, public open space, children's play areas, landscaping, drainage measures, sub-station, pumping station and all other associated works.	ApproveConditionally 24-05-17
AL/8/16/OUT	Outline application with all matters reserved for a residential development of up to 14 No. dwellings & associated works including access, landscaping & open space. This application is a Departure from the Development Plan.	Refused 16-05-16
AL/39/13/	Outline application for the proposed demolition of Oakdene and all other structures within this site and the erection of a residential development of up to 79 dwellings, public open space, childrens play areas, landscaping, drainage measures and all other associated works (means of access into the site to be considered, appearance landscaping, layout, scale and access within the site to be reserved) - This is a Departure from the Development Plan	Refused 14-02-14
AL/32/13/	Construct vehicle access from Hook Lane previously permitted under AL/24/02	ApproveConditionally 04-07-13

Planning permission was granted in July 2013 for a new access into the site following a lapsed permission from 2002. The 2013 permission expired on the 5th of July 2016.

AL/8/16/OUT sought outline permission for a development of 14 dwellings on this site. It was refused in May 2016 for four reasons, three of which related to the lack of a signed Section 106 legal agreement and the other was as follows:

"The proposal would constitute an unsatisfactory form of development and an over-intensive use of the site which would adversely affect the existing low density & semi-rural character of Hook Lane contrary to policy GEN7 of the Arun District Local Plan (2003), policy D DM1 of the Arun Local Plan 2011 - 2031 (Publication Version), policies H1 & H3 of the Emerging Aldingbourne Neighbourhood Plan and the good design principles in the National Planning Policy Framework.



This decision was subsequently appealed and allowed by the Inspector on the 24th May 2017 (ref APP/C3810/W/16/3155330). However, a judicial review of the Inspectors decision was then lodged by Aldingbourne Parish Council (ref CO/2105/2017) and this claim succeeded with the effect that the appeal decision was quashed on the 14th November 2017. This appeal is now being re-determined by the Planning Inspectorate.

Application AL/83/16/OUT was previously decided by the Development Control Committee on the 2nd of November 2016. Following completion of the Section 106 legal agreement, a decision notice was issued on the 9th of January 2017.

However, subsequently, Aldingbourne Parish Council lodged a judicial review of the decision. This was heard at the Planning Court on the 7th of December under ref CO/901/17 where it was decided that the claim be allowed solely on Ground 1.

This Ground was that "the officers' report to committee failed to take into account policies dealing with the loss of best and most versatile agricultural land". The officer report stated in this regard that:

"In respect of agricultural land, although according to DEFRA's Mapping ... the site is located in an area designated as Grade 2, the land itself is not being used for farming and there is no reasonable prospect that it will in the future be farmed. It is not therefore considered that a refusal could be sustained on these grounds."

The High Court Judge held that the bare assertion contained in the report (that there is no reasonable prospect that the site will be farmed) required some evidence behind it and that the judicial review process with its opportunity for the Council to point to evidence had not been taken.

On this basis, the planning permission ref AL/83/16/OUT was quashed.

The officers report to committee has therefore been amended in order to (a) properly take account of the agricultural policy and (b) update the other sections of the report o reflect the current policy position. The recommendation remains to approve subject to conditions and the signed Section 106 Agreement.

It is also considered that regard should be had to applications AL/39/13 and AL/107/16/RES which concern a 79 dwelling planning permission on land between Hook Lane and Westergate Street. The entrance to that site is almost opposite to the site access to the application site.

### REPRESENTATIONS

#### REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

"Objection:

1. Outside the settlement boundary;
2. Contrary to policies in the emerging Aldingbourne NDP (referendum date 18/10/16);
3. Not sustainable - over reliance on car for mode of travel;
4. Additional traffic movements generated will be detrimental to quite nature of existing Lane and contrary to the community desire for this areas to be designated as a quiet Lane;
5. Contrary to the NDP dark skies policy;
6. Contrary to the NDP policy on protecting agricultural land; and
7. Contrary to policy EH7.3 safeguarding the countryside and protected species in this designated

biodiversity corridor."

In addition, 20 letters of objection were received raising the following concerns:

- (1) High density urban style development out of keeping with the scattered rural nature of the area;
- (2) Conflicts with NPPF Sustainability test;
- (3) Outside the settlement boundary and a departure from the Local Plan;
- (4) Hook Lane is unsuitable in highway safety/convenience terms for any more houses - in terms of its narrowness, no footpaths, damaged road edges, traffic speeds, traffic build up back from the A29 junction/level crossing;
- (5) Unsustainable location - no footpaths, cycle paths, limited bus services, no bus stops in walking distance;
- (6) Increased surface water flooding particularly as the land already floods;
- (7) Local Doctors & Schools are struggling to cope with all the new houses;
- (8) Relationship of this site to the proposed site opposite - highway impact;
- (9) Loss of wildlife/wildlife habitat including Great Crested Newts, Bats;
- (10) Contravenes the Neighbourhood Plan; and
- (11) Aldingbourne NP originally promoted 30 dwellings and 79 have since been approved on land east of Hook Lane - is there a need for a further 8.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Regarding point 7 of the Parish Council comments, the policy reference has changed and is now EH2.

In respect of comments about local infrastructure, there is no provision within the development plan to seek contributions on schemes of this size for improving hospitals or doctors. As the number of dwellings falls below 10, it is not possible to seek education contributions. A contribution will be sought in respect of public open space/play facilities.

The report's conclusions section will deal with the other issues raised including agricultural land.

**CONSULTATIONS**

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

**CONSULTATION RESPONSES RECEIVED:**

HIGHWAYS ENGLAND - raised no objection.

SOUTHERN WATER - raised no objection subject to an informative regarding connections to the local sewer system and a condition requiring approval of the foul & surface water drainage scheme.

WSCC HIGHWAYS - did not consider that the proposal would have a 'severe' impact on the operation of the highway network and therefore would not be contrary to the NPPF (para 32). Stated that there were no transport grounds to resist the proposal. Recommended conditions in respect of the site access, visibility, a Construction Management Plan and an updated Safety Audit.

CHICHESTER DC ENVIRONMENTAL MANAGEMENT - no response received. However, in respect of application AL/8/16/OUT, they raised no objections subject to mitigation measures in respect of bats, Great Crested Newts and nesting birds being secured by planning condition.

ADC DRAINAGE - raised no objection and requested drainage conditions ENGD2A, ENGD4A, ENGD5A and ENGD6A.

ADC GREENSPACE - raised no objection subject to conditions on tree protection and landscaping.

ADC ENVIRONMENTAL HEALTH - raised no objection subject to contamination conditions and a restriction on construction working hours.

ADC ARBORICULTURALIST - objected on the grounds that the applicant had not provided an Arboricultural Method Statement & Tree Protection Plan.

#### COMMENTS ON CONSULTATION RESPONSES:

Given the size of the site and the number of people potentially affected, it is not considered reasonable to control the working hours of the construction period.

The applicant had provided the documents required by the Councils Tree Officer but no response to these had been received. It is considered that a suitable condition would protect the remaining trees.

All other consultee comments noted.

#### POLICY CONTEXT

Designations applicable to site:

Outside of the Built Up Area Boundary;  
Lidsey Treatment Catchment Area;  
Area of Special Control of Adverts;  
Archaeological Notification Area;  
Grade 2 Agricultural Land; and  
Class C Road.

#### DEVELOPMENT PLAN POLICES

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

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
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
GEN20	Provision of Public Open Space within New Development
GEN28	Trees and Woodlands
GEN29	Nature and Conservation Across the District
GEN32	Noise Pollution
GEN33	Light Pollution

Publication Version of the Local Plan (October 2014):

C SP1	Countryside
D DM2	Internal Space Standards
QE SP1	Quality of the Environment
SD SP1	Sustainable Development
SD SP2	Built -Up Area Boundary
SO DM1	Soils
T DM1	Sustainable Travel and Public Rights of Way
D DM1	Aspects of Form and Design Quality
D SP1	Design
ECC SP2	Energy and climate change mitigation
ENV DM4	Protection of Trees
ENV DM5	Development and Biodiversity
H DM1	Housing Mix
LAN DM1	Protection of Landscape Character
OSR DM1	Open Space, Sport & Recreation
QE DM1	Noise Pollution
QE DM2	Light Pollution
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  
EH2

Support adjacent to biodiversity corridors only if demonstrate no harm.

Aldingbourne Neighbourhood Plan 2016 POLICY  
EH3

Green infrastructure and Ecosystem services  
Best and most versatile resisted unless...

Aldingbourne Neighbourhood Plan 2016 POLICY  
EH5

Development on Agricultural Land  
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 EH10	Unlit village status
Aldingbourne Neighbourhood Plan 2016 POLICY EH11	Flint walls
Aldingbourne Neighbourhood Plan 2016 POLICY GA1	Promoting Sustainable movement
Aldingbourne Neighbourhood Plan 2016 POLICY GA2	Footpath and cycle network
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 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

**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 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.

<b>DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND</b>
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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 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 recent decisions concerning the Call-in Inquiries for the Fontwell (WA/22/15/OUT), Burndell Road (Y/19/16/OUT), Ford Lane (Y/80/16/OUT) and New Barn Lane (BE/77/16/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 planning permission which has been granted for 79 dwellings on the land to the other side of Hook Lane (planning refs AL/39/13 and AL/107/16/RES); and
- The planning history of the site namely that planning permission for AL/83/16/OUT was previously granted by the Council and that the judicial review against this decision only succeeded on the basis that no evidence had been provided to support the lack of weight given to the agricultural land policies.

#### **CONCLUSIONS**

##### **PRINCIPLE:**

It is noted that the Parish Council object on the grounds that the application site is outside the built up area, is therefore contrary to the policies of the Aldingbourne Neighbourhood Plan (ANP) and is an unsustainable site location. In addition local residents object on the basis that the proposal conflicts with the NPPF Sustainability test, is outside the settlement boundary and is a departure from the Local Plan, and contravenes the Neighbourhood Plan. Residents also state that there is a not a need for 8 dwellings given the number of dwelling approved elsewhere in the parish.

##### **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 closest part of the application site lies approximately 90m northwest of the edge of the defined Westergate built up area boundary. However, despite its proximity, the is clearly outside classified as countryside.

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.

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

The application site was assessed as part of the HELAA (ref WE2) as being:

"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, the site could be considered as part of a comprehensive development including adjacent land. If planned comprehensively this could contribute to the creation of a sustainable, mixed community. The site is has landscape, access and flooding constraints which, although not insurmountable, will require further investigation."

However, the HELAA is not planning policy and the resolution of the LPSC was only to 'invite' applications. This does not imply that an approval would follow.

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 reduced weight to 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.

Regard should also be had to the Inspectors decision for the called-in Inquiry concerning 50 residential dwellings on Land West of New Barn Lane (Ref APP/C3810/V/17/3166900). In that decision, the Inspector stated that on the basis that the Council cannot currently demonstrate a 5 year housing land supply and that the Written Ministerial Statement on Neighbourhood Planning is not applicable, paragraphs 49 & 14 of the NPPF are engaged. As a result, it was necessary to apply the paragraph 14 'tilted balance' argument to the application. The Secretary of State agreed with these statements and concluded that the weight attributed to the benefits of the development outweighed that given to the costs. Therefore, the planning permission was granted.

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 call-in appeal decisions concerning Burndell, Ford Lane (both Yapton) and New Barn Lane (Bersted).

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

The National Planning Policy Framework (NPPF) is 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 Hook Lane and then using existing local roads. All of these routes necessitate walking along Hook Lane which has no pavement beyond the nursery access to the south of the application site. However, the proposed development will partially improve this aspect by providing a footpath along its frontage. It is also noted that there is a wide verge to the frontage of the nursery which would then, in dry conditions, allow pedestrians to walk off the road between the site access and the start of the pavement to the south.

It should also be noted that as a result of the 79 dwelling development by David Wilson Homes on the eastern side of Hook Lane (planning refs AL/39/13 and AL/107/16/RES), improvements will be made to an existing footpath link between Hook Lane and Meadow Way (which in turn leads onto Westergate Street). The start of this footpath is only 130m to the north of the proposed site access. As such, future residents will benefit from this improved footpath. However, the following distances do not take account of this footpath.

The nearest schools would be:

- Aldingbourne Primary School - 0.7km;
- Ormiston Six Villages Academy, Westergate - 2.2km; and
- St Phillip Howard, Catholic School (6th Form), Barnham - 3.8km.

Although there is a primary school within close proximity, older pupils would need to travel to either Barnham or Westergate. However, it would possible to access these places by bus. Service 66A/66C, operate a circular route between Bognor Regis, Westergate, Barnham, Yapton and Bognor Regis every 1-2 hours on Mondays to Saturdays. This is considered to be acceptable having regard to paragraphs 29 & 34 of the NPPF:

29 - "... different policies and measures will be required in different communities and opportunities to

maximise sustainable transport solutions will vary from urban to rural areas".

34 - "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".

In terms of employment, it is considered that Westergate, Eastergate, Lidsey Caravan Park, Park Lane Farm and Greenwood Nursery are all within around 2km of the site:

There are no facilities within 400m of the site. However, the following facilities are available in the local area within a walking distance of between 400m and 1200m from the access onto Hook Lane:

- Aldingbourne Post Office & Shop (500m);
- Prince of Wales Public House (590m);
- A northbound bus stop on Westergate Street (550m); and
- A southbound bus stop on Westergate Street (520m).

Although the site is only within walking distance of a local shop, bus stops, a pub and a primary school and is not within a 2km distance of a secondary school or doctors surgery (the nearest doctors is the Croft Surgery (2.5km), regard should be had to the 79 dwelling development concerning the land to the east of Hook Lane (ADC ref AL/39/13). This was approved on appeal in February 2015.

In that decision, the Inspector agreed that the local bus service is not good enough and the opportunities for using public transport would be limited. However, she went on to conclude that "... whilst some of the occupants of the new development would be likely to use the private car for journeys to the main employment and retail locations, these journeys would be relatively short and, whilst not ideal, the location of the site would not be so unsustainable as to warrant refusal of planning permission for this reason alone".

The other environmental aspects of sustainable development such as trees, ecology and flooding/drainage are considered in detail in the report below but the report concludes that there are no adverse environmental impacts associated with these matters. It is also noted in particular that the development will retain the on-site pond.

## (2) Social Role

It is considered the proposal will support the local community by providing eight new houses to help meet future needs and by improving pedestrian facilities on Hook Lane. 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:

- 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, on balance environmentally sustainable. It is also socially sustainable. Furthermore, the associated economic and social benefits would override the loss of the small area of agricultural land (as 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 an additional eight 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.

#### AGRICULTURAL LAND:

One of the Parish Council objections is that the development is contrary to the ANP policy on protecting agricultural land.

#### 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"

The ANP includes an Agricultural Land Classification Map (Map B). However, this is based on the "Post 1988 Agricultural Land Classification (England)" dataset and is incomplete for large parts of the district. As such, the map does not provide any grading for the application site. Therefore, based on the plan within the ANP, it is not clear that policy EH3 should apply. However, the policy also makes reference to the latest available classification map which, whilst not shown on Map B in the ANP, has clearly different designations to the ANP. This data suggests that the site is either Grade 1, 2 or 3 and is therefore likely

to be considered as 'best and most versatile agricultural land.

Regard should also be taken in respect of the advice in the NPPF and in respect of emerging Local Plan Policy (eALP).

Paragraph 112 of the NPPF states that: "Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."

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."

The applicant has submitted an Agricultural Land Classification report which states that the site is classified as in part Grade 2 (very good quality agricultural land), in part non-agricultural land (such as buildings, covered mounds of artificial materials) and in part a pond. This assessment was made using both desktop research (the Defra mapping) and on-site fieldwork.

Although the agricultural land grade is noted, it is considered that this is a very small area of land (less than 1 hectare) and it is noted that according to the application submissions, the site was last used for agricultural purposes over 20 years ago. It is also currently used in association with Barnside and the site is maintained by regular mowing undertaken by the owner.

It is not considered that there would be a conflict with ANP policy EH3 as it is considered that the benefits of 8 dwellings would outweigh the harm to agriculture.

#### CHARACTER & DESIGN:

It is noted that local residents raise objection with regard to the character of the development not being appropriate to this rural location.

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.

It is noted that although the application is in outline and does not seek approval of layout, given the size

of the site and the number of dwellings proposed, it is highly likely that any future scheme seeking to accommodate 8 dwellings as well as open space, parking, roads, access, a retained pond and landscaping is likely to adopt a very similar form.

The existing character of this section of Hook Lane (this section being defined as the straight section between the northern and southern bends and being the extent of views taken from the front of the appeal site) is of residential dwellings fronting onto Hook Lane with deep rear gardens together with the more open land currently associated with the application site and the horticultural nursery site to the south of it. This low density form of development is appropriate given that this is an edge of settlement semi-rural area. It is considered there are no current instances of backland development within this section of Hook Lane.

It was considered that the previous scheme of 14 dwellings was unacceptable by reason of (a) it being backland development, (b) the loss of an open area of land which contributes to the semi-rural character of the Lane; (c) the urbanising effect on the street; and (d) the amount of dwellings proposed compared to the existing low density nature of the area.

Given the dwellings located on the eastern side of Hook Lane, it would not be possible, to argue that the row of dwellings fronting the road are out of character with the area. The illustrative scheme presents dwellings which are set back from the road, have deep rear gardens and which are relatively spaciouly sited with respect to boundaries. Although the loss of this area will affect the semi-rural character of Hook Lane, the scheme has been designed to match with the character of the existing houses opposite.

Although the three houses in the rear part of the site do represent backland development and are therefore out of character with Hook Lane, it is considered that these are acceptable having regard to the existing location of outbuildings within the rear part of the site. Furthermore, these three houses will be well set back from Hook Lane and with the addition of a good landscaping scheme, will not be particularly visible to pedestrian views from Hook Lane. It is not considered that the backland nature of these three dwellings is harmful to the character and appearance of the area.

The scheme preserves part of the existing open space and together with the pond (which is also retained) will form an attractive public amenity space/wildlife habitat.

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.

#### 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).

It is not possible to properly assess the residential amenity implications of the proposed layout due to the lack of elevation or floor plan drawings. Such an assessment would take place at the reserved matters application stage. It would appear that the dwellings on the illustrative layout are far enough away from existing dwellings (Barnside & Banff) to preserve their privacy and not result in any adverse loss of light issues. It is noted that Banff is currently protected by boundary planting such that only glimpsed views are possible from within the application site. The only exception might be the treatment of the northern flank elevation of Plot H01 but this could be mitigated though appropriate fenestration conditions.

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.

#### **HIGHWAY SAFETY, CONVENIENCE & PARKING**

It is noted that local residents and the Parish Council raise objection with regard to the suitability of Hook Lane to take more traffic. In addition, local residents are concerned with the relationship of this site to the approved 79 dwelling site on the eastern side of Hook Lane.

Policy GA1 of the ANP requires that where new development increases traffic demand, this is directed to places accessible by public transport and that walking routes are improved. Policy GA2 gives support to proposals which improve or extend existing footpaths.

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 or in this case the advice of West Sussex County Highways.

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 applicants provided a Road Safety Audit (RSA) & Designers Response and this was assessed by WSCC Highways. As a result, Highways do not have any objections to the use of the access and do not consider that the impact of the proposals on the operation of the highway network will be extreme. The application is therefore considered to comply with paragraph 32 of the NPPF.

With regard to the objections of local residents, it is noted that WSCC Highways do not raise any specific objections to the suitability of Hook Lane, its width, lack of footpaths, road edges, traffic speeds or existing levels of congestion. In addition, WSCC do not consider that the trip generation associated with the proposal will result in a severe impact to existing highway capacity levels. The application proposes a new length of pedestrian footpath along the site frontage and this will be a benefit to pedestrians using this section of Hook Lane. Furthermore, as is shown elsewhere in this report, the site is only around 500m from local bus stops, a shop and a public house.

In terms of car parking, WSCC comment that the layout as presented is likely to provide an acceptable level of car parking. In respect of those houses that will have access directly from Hook Lane, it is noted that they all have driveways capable of allowing for the parking of 1 car. It is expected then that these houses would also have integrated garages. It is likely that 2 spaces each would be sufficient to meet the anticipated demand.

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

#### **FLOODING & SURFACE WATER DRAINAGE:**

It is noted that a number of residents consider that the proposals will increase surface water flooding at or adjacent to the site.

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 lies within a low risk zone (Flood Zone 1) and given that the site area is less than a hectare, there was no statutory requirement for the submission of a Flood Risk Assessment - and therefore, no Environment Agency involvement in the application.

Furthermore, Arun District Council Drainage Engineers do not raise any objection to the scheme and instead recommend that conditions will be appropriate and will ensure that the site is satisfactorily drained.

On this basis, the application is considered to comply with the relevant development plan policies.

#### ECOLOGY:

Objections have been raised by local residents and the Parish Council on the grounds of loss of wildlife (bats, Great Crested Newts) and wildlife habitat; and that the proposal is contrary to policy EH2 of the ANP as it will adversely affect a designated biodiversity corridor.

This site borders open countryside and contains an existing pond. The western boundary to the field is formed by part hedgerow, part trees and with a ditch on the other side. The ANP designates this field boundary as part of a biodiversity corridor. It is considered therefore that there is potential for wildlife species to either be residing within the site or using the western boundary as a route through the area.

ANP policy Policy EH2 states that: "New development within, or immediately adjacent to the Biodiversity Corridors identified on Maps A1 and A2 will only be supported where it can be clearly demonstrated that development proposals will not give rise to any significant harm to the integrity or function of the Biodiversity Corridors."

The application acknowledges these issues and includes an Ecological Appraisal which provides an extensive mitigation strategy for Great Crested Newts. The Councils ecologist has assessed these documents and finds no reason to object. Conditions would be required to enforce the mitigation measures and to protect bats and nesting birds. There is no evidence for use of the site by Water voles, dormice or other protected species. It should be noted that the biodiversity corridor will not be affected by the development in that existing landscaping along the affected boundary and also the pond will all be retained.

#### LIGHT POLLUTION:

The Parish Council consider the development to be contrary to the dark skies policy.

ANP Policy EH10 states that:

"Development proposals which detract from the unlit environments of the Parish will not be supported. New lighting will be required to conform to the highest standard of light pollution restrictions in force at the time. Security and other outside lighting on private and public premises will be restricted or regulated to be neighbourly in its use including floodlighting at equine establishments and on sports fields or sports grounds."

It is not considered that the proposed development will adversely harm the existing environment at night (or after 4pm in winter). This is because, the site is located between residential development to the north, glasshouse development to the south and further residential development, forming part of a settlement to the east. Therefore, the site cannot be said to be located within an existing unlit isolated rural location. A planning condition has been proposed to require approval of future lighting. This is principally required to protect local bat populations and will also ensure that lighting is kept to a minimum.

It is therefore considered that the application complies with the ANP in this respect.

#### INTERNAL & EXTERNAL SPACE STANDARDS:

It is not considered possible to assess the internal space standards with this outline application. This is because the application is not accompanied by any floor plans. In respect of external standards, although at the time of the previous determination, policy D DM3 of the eALP was being used for development management purposes, the current version of the eALP proposes to delete the policy in favour of inclusion within a future design guide). It is not therefore considered appropriate to now refer to this policy.

#### PLAY SPACE CONTRIBUTION:

The Council's Supplementary Planning Guidance "Open Space and Recreational Standards" (October 2000) sets out advice on the provision of open space and play equipment within new residential developments. In respect of small development, it is not always appropriate or possible to include on-site play provision and instead contributions towards existing facilities elsewhere are required.

This decision is to be subject to a Section 106 legal agreement relating to a contribution of £12,800 towards off-site play facilities. The Section 106 Agreement was finalised and signed shortly after the first determination of this application. It states that the contribution will be spent on new play equipment for the open space at Olivers Meadow, Aldingbourne.

Planning obligations can only be secured where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly & reasonably related in scale and kind. In addition, it is not possible to pool more than 5 contributions towards a specific project. It is considered that this obligation meets these test and it is noted that there is only one other signed S.106 which allocates contributions to play area equipment at Olivers Meadow - and in any case, this concerns application AL/8/16/OUT for 14 dwellings, also on the Barnside site.

#### 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. It is therefore necessary to consider whether there are

material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

The site is considered to be sustainable development and in the absence of a 5-year supply of housing land, paragraph 14 of the NPPF indicates that planning permission should be granted unless (a) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted.

It is considered that the harm in respect of the land suitable for agriculture or horticulture carries limited weight. It is considered that the proposal would make a decent contribution to housing in a district where there is a severe housing shortage and this attracts significant weight. The proposal would also bring economic benefits by creating jobs during construction, by increasing Council Tax receipt, new Homes bonus payments and through spending on local facilities by new residents. These factors attract moderate weight.

It is not considered that there are any specific policies within the NPPF which indicate that this development should be restricted. It is not considered that the adverse impacts of the proposal will significantly and demonstrably outweigh the benefits. Therefore, it is considered that there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

The proposed development is therefore recommended for approval together with the following conditions and agreed Section 106 legal agreement.

#### **HUMAN RIGHTS ACT**

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

Consideration has been specifically given to Article 8 (right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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**

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

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

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

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

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

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

Site Location Plan as Existing ref 1265-X01 Rev C;  
Topographical Survey as Existing & Demolition ref 1265-X02 Rev C;  
Illustrative Site Layout as Proposed ref 1265-P11 Rev F;  
Drainage Strategy ref 15074-01 Rev B;  
Tree Protection Plan Phase 1 ref B/1030/16; and  
Tree Protection Plan Phase 2 ref B/1030/16.

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the 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),
- measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security.

Reason: In the interests of highway safety and the amenities of the area in accordance with Arun District Local Plan policy GEN7 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because the purpose of the condition is to mitigate the impact of construction.

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

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

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

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

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

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

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

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

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

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because surface water drainage goes to the heart of the planning permission.

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

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32. It is considered necessary for this to be a pre-commencement condition because surface water drainage goes to the heart of the planning

permission.

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

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

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition because surface water drainage goes to the heart of the planning permission.

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

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policy GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a foul drainage scheme once development had commenced.

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

1. A preliminary risk assessment which has identified:

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

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

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

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Local Plan policy GEN7. It is considered necessary for this to be a pre-commencement condition because contamination goes to the heart of the planning permission.

- 12 No development including site access, demolition or associated construction activities, shall take place on the site unless and until the tree retention & protection scheme as contained within the submitted Arboricultural Method Statement by Beechdown (Ref B/0130/16) (September 2016) has been implemented for all retained trees including trees whose root protection areas fall within the construction zone from neighbouring land. All tree protection works shall be in accordance with BS 5837:20012 "Trees in relation to construction"

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because otherwise trees might be harmed during the construction process.

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

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

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

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

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

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

- 15 No part of the development shall be first occupied until visibility splays of 2.4 metres by 47 to the north and 2.4 by 49 metres to the south have been provided at the proposed site vehicular access onto Hook Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

- 16 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.

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

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

- 18 The development must be carried out in accordance with the recommendations and mitigation measures as set out within sections 4.0 and 5.0 of the FPCR Ecological Appraisal dated July 2016 and also in accordance with the following additional measures as set out in the comments of the Council's Ecologist:

(1) Any works to the trees or clearance of vegetation on the site shall only be undertaken outside of the bird breeding season which takes place between 01 March and 01 October. If works are required within this time then an ecologist shall be instructed to check the site at least 24 hours prior to any works taking place.

(2) Demolition of the outbuildings shall be undertaken by hand with careful stripping of the internal and external roof space in the presence of a suitably qualified ecologist. If any bats are found then all works must stop and Natural England should be consulted. This demolition work should only take place between October and March.

The enhancements and mitigation measures shall be retained and thereafter maintained as fit for purpose.

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

- 19 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

- 20 If any root structures with a diameter over 25mm are exposed during the excavation of the

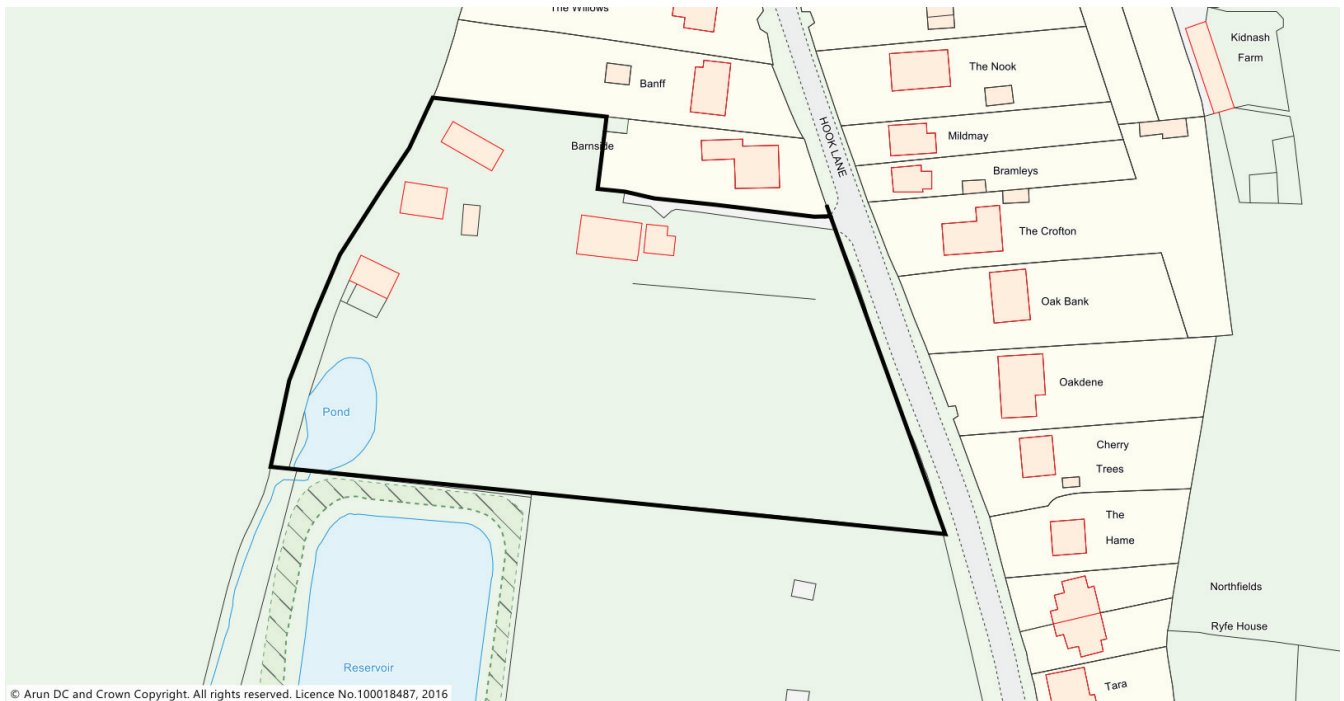


foundations for the new dwelling then these should be retained unless otherwise agreed in writing with the Local Planning Authority. Any removal of roots over 25mm in diameter that has been agreed with the Local Planning Authority shall then be carried out under the supervision of the Council's Arboricultural Officer.

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

- 21 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.
- 22 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.
- 23 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.
- 24 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
- 25 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc ) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 26 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 27 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £8,000 to be spent on new play equipment for the open space at Olivers Meadow, Aldingbourne.

**AL/83/16/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:** AL/130/17/PL

**LOCATION:** Easter Cottage  
Old Dairy Lane  
Norton  
Aldingbourne

**PROPOSAL:** Removal of Condition following a grant of planning permission AL/92/08 relating to Conditions 10 - use of individual holiday lets for up to and no more than 28 consecutive nights. This application may affect the character & appearance of the Norton Lane Conservation Area and is a Departure from the Development Plan.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	As above. No external or internal changes are proposed.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Low picket fence to the front. To the rear there is a mixed boundary consisting of a hedge and informal timber lattice fence. 2m high fence/wall to the business site at the side/rear.
SITE CHARACTERISTICS	Semi-detached single storey pitched roof holiday conversion. Timber clad with a slate roof. The site also consists of the very end of the neighbouring Old Stables building (itself with rendered walls & a slate roof). The property benefits from off-street curtilage hard surfaced parking to the front and to the side between the flank wall and the Old Stables building. Parking for up to 2 cars. Rear garden.
CHARACTER OF LOCALITY	The site is located on the western edge of the small settlement of Norton and is, together with 4 other properties, part of a small holiday property development. There is then a B1 light industrial/office building to the west ("West Barn") and residential properties to the east, south and north. There is farmland further to the west. With the exception of the rear garden, the application site lies within the Norton Lane Conservation Area.

<b>RELEVANT SITE HISTORY</b>
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AL/26/14/PL	Change of use from 5 no. tourist units to 5 No. residential units (C3 Dwelling). This application affects the character and appearance of Aldingbourne (Church Road) Conservation Area	Refused 30-07-14
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**Appeal: Dismissed**  
04-08-15

AL/92/08/	Re-use of redundant farm buildings for mixed use development - B1 offices, residential dwellings & tourist accommodation units	ApproveConditionally 21-01-09
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The following is a broad summary of the planning history relating to the Old Dairy Lane site and is not entirely specific to the Easter Cottage property.

Application AL/92/08/ granted planning permission for the conversion of several existing redundant farm buildings to a mix of B1 offices, residential dwellings and tourist accommodation units. This permission enabled the holiday use of Norton Dairy, Easter Cottage and the Cart Barn. It is noted that whilst West Barn was stated to be converted for B1 office use, its use was not restricted solely to office use and so can also be used for research & development or light industry. A subsequent application to convert the B1 office building (West Barn) to provide holiday accommodation was refused by virtue of conflict with Policy DEV1 (Ref AL/114/09). Planning permission, AL/28/12/ later allowed for changes to the fenestration of the approved business units.

Permission was granted in January 2011 to allow the holiday conversion of the implement & equipment store now known as East Barn (Ref AL/106/10). In October 2012, permission was also granted to allow the holiday conversion of the stables building (now known as The Old Stables) under ref AL/72/12.

Planning Application AL/56/13 then allowed for amongst other things, additional car parking for the B1 office use. This included parking along the boundary with the rear gardens of Easter Cottage & Norton Dairy.

There have also been three enforcement appeals concerning the occupancy conditions. Those relating to Easter Cottage & Norton Dairy were either dismissed or part dismissed and so had no effect on the occupancy condition as applied by AL/92/08. The enforcement appeal concerning The Cart Barn was allowed and an enforcement notice quashed, however this also had no impact on the occupancy condition imposed by AL/92/08.

Therefore, the current situation in respect of the holiday occupancy of the 5 existing properties is that the Cart Barn, Easter Cottage, Norton Dairy and East Barn are all subject to the following condition: "The tourist accommodation hereby approved shall be used for individual lets for up to and no more than 28 consecutive nights".

The Old Stables was subject to a differently worded condition imposed by AL/72/12 but this condition was removed by virtue of application AL/8/17/PL as granted in May 2017.

Application AL/26/14 sought permission to change the use of all 5 holiday properties to residential. This was resisted at the planning application stage and subsequently dismissed on appeal on the grounds that there had been no recent marketing of all five properties for their lawful use for any reasonable length of time (6-9 months including the summer period). The Inspector therefore could not conclude that the approved tourist/holiday accommodation use was unviable.

The Inspector also stated that unrestricted residential development in this isolated rural location would fail to meet the objectives of 'saved' Policy GEN3 & paragraph 55 of the NPPF and that the proposal would not accord with NPPF paragraph 51, as claimed by the appellant, because none of the 5 properties were in Class B use. The Inspector also considered that the location was not sustainable having regard to the need to travel by car to access local shops & services.

A planning application, ref AL/93/15/PL, was lodged in late 2015 and sought permission to remove condition 06 of AL/72/12/ relating to the Old Stables. This was refused by the Development Control Committee on 27 January 2016 on the grounds that the applicant had failed to demonstrate evidence of marketing for holiday use, that the site was in an unsustainable location and that no affordable housing contribution was offered.

Summary of Easter Cottage History:

Easter Cottage is subject to a holiday occupancy restriction as imposed by AL/92/08 which allows the owner to let the property for holiday purposes for 365 days each year but with each different occupant/occupying group not being allowed to stay for more than 28 days each time. This allows the owner to market the property for several holiday lets throughout the calendar year.

Easter Cottage formed part of the application site for AL/26/14 which proposed a change of use from holiday to residential, albeit for a greater number of properties. That application was refused and then dismissed on appeal.

## **REPRESENTATIONS**

### **REPRESENTATIONS RECEIVED:**

Aldingbourne Parish Council

Aldingbourne Parish Council initially commented that: "The Parish Council objects to this application as there is insufficient evidence to do otherwise"

Following the submission of additional evidence, the Parish Council were asked to reconsider the application and commented that: "The Parish Council has considered the additional information and resolved to object to this application. In the Councils view insufficient effort has been made to properly market the lets and the proposal is contrary to the APC NP EE.1, EE6.1, 6.2 and EE 7.1"

One letter of objection from the owner of West Barn to the rear. Grounds as follows:

- The individuals that have developed or purchased the small cottage units on the site have done so with the intention of flouting the planning restrictions imposed by ADC;
- The sole purpose has been owner occupation;
- No purposeful or consistent effort has been made to promote & develop Old Dairy Lane into a successful holiday accommodation business;
- There is demand in West Sussex for holiday accommodation as proven by other properties in the area;
- If this is granted, the other holiday properties will follow; and
- How can the Council accept that this picturesque and well-placed site is not suitable for and does not have great advantage to develop a thriving business.

Two letters of 'no objection' from the adjacent property, The Old Stables, stating

(1) "Whilst I have no objection to this application, I would like it to be noted that there is a restrictive covenant in place restricting its use as tourism only under planning application AL/92/08."

(2) "For clarity the restrictive covenants are contained in the deeds of land which would need to be satisfied."

One letter of support from the adjacent property, Norton Dairy, stating: "I support the application,

because the whole site is currently blighted by the lack of any occupancy. There has been no holiday letting take up, and no residency allowed, so the site is in terminal decline, with properties virtually abandoned and going into decline from lack of use. That this should be happening with such an acute affordable housing stock shortage in the area, seems an affront to common sense, and in no one's best interest. As has been demonstrated again, the site has no attraction as a holiday let location, and so the restriction to allow that use only for this property, is inappropriate."

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The objections of Aldingbourne Parish Council are noted but it is not considered that any of the policies referred to are relevant to this application. Policy EE1 states support for existing employment & retail uses but does not set out any protection to existing businesses. Policy EE6 is supportive of new tourism development but again does not set out any protection of existing uses. Policy EE7 concerns applications for the re-use, conversion and adaptation of rural buildings for small businesses, recreation, or tourism purposes but does not seek to prevent further changes of use. It is also noted that the Parish did not object to the 2017 application concerning the removal of the holiday restriction for the adjacent property, The Old Stables.

The objections of the nearby business owner are noted. However, the points made are opinions and are not backed up by evidence. It should also be noted that the applicant does not live in the property all year round and has another property in France - and therefore it would be difficult to argue that the applicant bought the property to live in it.

In respect of the letters from the Old Stables, covenants are not capable of being material planning considerations. Also, as it is not possible to impose a covenant by a planning permission, it is assumed that the writer refers to the planning condition - and it is this planning condition that the applications seeks to remove.

The letter of support is noted but on the proviso that the writer expresses an opinion and does not provide evidence.

**CONSULTATIONS**

- Environmental Health
- Economic Regeneration
- Conservation Officer

**CONSULTATION RESPONSES RECEIVED:**

ADC ECONOMIC DEVELOPMENT - Cannot support the application but do not raise any objection.

ADC ENVIRONMENTAL HEALTH - Responded to state "No comment".

ADC CONSERVATION OFFICER - Responded to state "No comment".

**COMMENTS ON CONSULTATION RESPONSES:**

Noted.

**POLICY CONTEXT**

Designations applicable to site:

Outside the Built Up Area Boundary;  
 Area of Special Control (Adverts);  
 Norton Lane Conservation Area;  
 Class C Road;  
 No Public Sewer;  
 PD Restriction; and  
 Lidsey Drainage Area.

### DEVELOPMENT PLAN POLICES

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

AREA2	Conservation Areas
DEV2	Conversion of Rural Buildings for Residential Use
GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development

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

C SP1	Countryside
D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
H DM3	Agricultural, Forestry & Horticultural Workers' Dwelling
TOU DM1	Tourism Related Development
HER SP1	The Historic Environment
HER DM3	Conservation Areas
SD SP2	Built -Up Area Boundary

Aldingbourne Neighbourhood Plan 2016 POLICY EE1 Supporting existing employment and retail

Aldingbourne Neighbourhood Plan 2016 POLICY EE6 Sustainable recreation and tourism activities

Aldingbourne Neighbourhood Plan 2016 POLICY EE7 Rural buildings

Aldingbourne Neighbourhood Plan 2016 POLICY EH1 Resist development outside

Aldingbourne Neighbourhood Plan 2016 POLICY EH9 Conservation Area

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 H8 Dwellings must have adequate private or shared amenity.

Outdoor space

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD2	Conservation Areas
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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.

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 have been taken into account in determining this application.

## DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is not considered to comply with adopted Local Plan policy GEN7 (iii) which promotes sustainable development and particularly the reduction in the use of the private car to travel. However, the proposal does accord with Policy DEV2 of the adopted Local Plan in that evidence has been provided to demonstrate that the approved holiday use is not viable. It is also not considered that the proposal would have a materially adverse effect on the visual amenities of the locality, the residential amenities of the adjoining properties or an adverse impact on the established character of the surrounding area.

## OTHER MATERIAL CONSIDERATIONS

The National Planning Policy Framework is an important material consideration and this is discussed below. Furthermore, policies TOU DM1 and H DM3 of the Arun Local Plan 2011-2031 Consultation on the Main Modifications (January 2018) indicate that planning permission should be granted where sufficient evidence has been presented to demonstrate that the business/tourism use is no longer viable. Regard should also be had to the decision to remove the holiday restriction on the adjacent property, The Old Stables (ref AL/8/17/PL).

## CONCLUSIONS

THE APPLICANT'S CASE:

The main points of the application supporting statements are that:

- The applicant has followed the guidance within the previous appeal decision and also the guidance given by the case officer to the applicant concerning application AL/8/17/PL (in respect of a 6 month marketing period) and has marketed Easter Cottage to assess demand for its use as a holiday letting unit;
- The proposal benefits from support re Policy DEV2 (i) of the 2003 Arun District Local Plan (aLP) and Policy TOU DM1 of the Arun Local Plan 2011-2031 (Consultation on the Main Modifications) hereafter referred to as modified eLP;

- Marketing has been undertaken which shows that there is little interest in the property, and what interest there is does not translate into bookings; and
- As such, the retention of the condition would be unjustified and not reasonable thus failing to meet the 6 condition tests as set out in paragraph 206 of the National Planning Policy Framework (NPPF).

The evidence supplied consists of:

- (1) Airbnb listings data between February 2016 & November 2017 - 387 views, 8 enquiries, no bookings;
- (2) Trip Advisor listings data between May 2017 & December 2017 - 53 views, no enquiries, no bookings;
- (3) Homeaway listings data between October 2016 & December 2017 - 322 views, 5 enquiries, no bookings;
- (4) Homeaway data suggesting that the property has a search position of 337 out of 1434 properties; and
- (5) A marketing report for the period April 2016 & August 2017 stating that:

- (a) Initial advertising was undertaken with Airbnb & Facebook page;
- (b) An old business colleague booked the property in June 2016 as a result of the Facebook advert. This has been the only booking;
- (c) In May 2017, the property was additionally advertised with Homeaway.co.uk and with TripAdvisor;
- (d) Homeaway is the UK's largest Holiday rental web site and has in excess of 350 properties to rent in the Chichester area;
- (e) None of these sites have resulted in any enquiries or any bookings; and
- (f) Typically, enquirers are looking for long term lets for non-holiday purposes or for significantly cheaper accommodation (prices vary from £70 to £85 per night).

#### PRINCIPLE:

The application site lies outside of the built up area boundary for which Local Plan Policy GEN3 states that development is generally unacceptable unless it falls into a certain category or is otherwise in accordance with a Local Plan policy which refers to a specific use or type of development. Policy DEV2 is one such policy and this allows for the principle of the conversion of buildings located within the defined countryside into residential use. As such, subject to meeting the criteria within Policy DEV2 (as discussed in a separate section below), the proposal would be acceptable in principle in respect of the aLP.

Aldingbourne Neighbourhood Development Plan (ANP) Policy EH1 states that proposals for development outside of the built-up area boundary, that do not accord with development plan policies in respect of the countryside, will be resisted unless for essential utility infrastructure, where the benefits outweigh any harm, and where it can be demonstrated that no reasonable alternative sites are available.

However, as set out within a separate section below, it is considered that the proposal complies with development plan policies in respect of the countryside in that aLP Policy DEV2 allows for the principle of rural conversions. Therefore, subject to meeting the criteria within Policy DEV2, the proposal would be acceptable in principle in respect of the ANP.

It is also considered that regard should be had to the National Planning Policy Framework (NPPF) which is a material consideration in the determination of this application. This sets out a presumption in favour of sustainable development and in respect of decision making that:

- (i) approving development proposals that accord with the development plan without delay; and
- (ii) 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; or  
- specific policies in this Framework indicate development should be restricted.

Although Policy DEV2 forms part of a 15 year old Local Plan, the plan is not absent or silent in respect of this matter. Furthermore, the policy itself is not considered be out-of-date as although the Council cannot currently demonstrate an NPPF compliant 5 year housing land supply, Policy DEV2 does not seek to restrict the location of housing but rather allows the conversion of rural buildings into dwellings. Furthermore, it is considered that policy DEV2 is broadly supported by the NPPF.

Firstly, paragraph 22 of the NPPF states that planning policies should avoid the long term protection of employment related sites and that applications for alternative uses of buildings should be treated on their merits having regard to market signals and the need for different land uses to support sustainable local communities. Secondly, paragraph 51 encourages the residential reuse of empty buildings in the countryside.

It is therefore considered that great weight should be attached to Policy DEV2 in the determination of this application.

#### CONVERSION OF RURAL BUILDINGS FOR RESIDENTIAL USE:

Policy DEV2 of the aLP states that:

"Proposals for the conversion of buildings for residential use outside the built-up area will not be permitted unless:-

(i) either, it has been demonstrated that reasonable attempts have been made to market and use the premises for business purposes, and the application must be supported by a statement of the efforts which have been made; or, residential conversion is a subordinate part of a scheme for business re-use"

The original change of use to tourist accommodation was a subordinate part of a larger scheme concerning many of the existing buildings on Dairy Lane for which the conversion of the Long Barn to residential was a subordinate part. Furthermore, the word 'scheme' implies a development involving multiple units whereas this application concerns only one unit. Therefore, it is not considered that the residential change of use can be treated as a subordinate part of a wider scheme for business re-use and it is necessary instead to satisfy the first part of DEV2 (i).

Policy H DM4 (H DM3 within the unmodified eLP) includes the same wording. Policy TOU DM1 of the modified eLP seeks to prevent the loss of tourist accommodation and sanctions this only where it has been demonstrated that the use is no longer required and the site is unlikely to be reused or redeveloped for visitor purposes.

The applicant has supplied evidence that shows that despite marketing the property on Airbnb, TripAdvisor, Homeaway and Facebook, since February 2016, there has been only 1 booking and this was from an associate of the applicant back in June 2016. This evidence has been accepted by the Council's Economic Development/Tourism Officers who have declined to raise an objection to the application.

It is accepted that the act of this change of use will result in a loss of potential tourist revenue. However, this should be balanced against (a) the fact that the property has not attracted any tourists and so is not currently contributing to the local economy, (b) the fact that a residential occupier will also generate spending on the local economy and (c) a residential use will generate Council Tax receipts.

Therefore, it is considered that the applicant has satisfied the requirements of Policy DEV2 (i) by providing evidence to demonstrate that reasonable attempts have been made to market and use the premises for business (tourism) purposes.

The following is an assessment of the other criteria within Policy DEV2:

(ii) The second criteria of policy DEV2 states that the building should be structurally sound, of permanent construction and capable of conversion without rebuilding or significant alteration or extension. However, this is not relevant as the application is a change of use and not a conversion.

(iii) The third criteria requires that the resultant building and use will not have an adverse effect on the rural character of the area and is sympathetic to its setting in terms of form, bulk and visual design. It states that particular regard will be given to the impact of any residential curtilage on the character of the countryside. No changes are proposed to the building or to its curtilage and on this basis, it is considered that this criteria is complied with.

(iv) The fourth criteria states that where the building is of historic or architectural importance, there is no adverse effect on the character and appearance or features of architectural or historic interest, internally and externally, which the building possesses, or its setting. No changes are proposed to the building or to its curtilage. The only change is in respect of the use and whilst this will result in a more intensive use of the site, it is not considered that this will have any impact on the preservation of the conservation area. Indeed it may actually enhance the conservation area by strengthening the local community and the sense of ownership of the site. It is therefore considered that the fourth criteria is complied with.

(v) The fifth criteria requires that resultant traffic should be safely accommodated by the site access and the central road system. County Highways did not raise any objections in respect of the previous application AL/26/14/PL which concerned the residential use of 5 holiday properties. It is not therefore considered that there would be any harm to highway safety arising from the change of use of 1 property.

It is therefore considered that the proposal satisfies the requirements of policy DEV2 of the adopted Arun Local Plan and also those of policies TOU DM1 and H DM4 (H DM3 within the unmodified eLP) of the emerging Local Plan.

#### SUSTAINABILITY OF LOCATION:

Policy GEN7 (iii) of the aLP states that development must promote sustainable development, including reducing the need to travel, particularly by private car.

The application site is a significant distance from the nearest settlement boundary. Norton itself does not have a defined built up area boundary and as such, the nearest defined settlement boundary within the Arun District is Westergate and this is where the closest shops & services are. The nearest shop in Westergate is the Esso petrol station and this would be a walk of around 2km from the site. There are bus stops on Nyton Road at around 600m from the site. However, there are no footpaths on Norton Lane heading southwest or on Nyton Lane heading south east from the junction with Norton Lane. Therefore, it would not be attractive or particularly safe for people to walk to access the bus stops or the nearest shop

It is therefore considered that the site is not located in a sustainable location and that there would be no scope for new residents to use means other than the private car to access local shops and services. It is noted that the inspector who considered the second application for live/work units at West Barn as located to the rear of the application site (ref AL/59/16/PL) commented that: "For the reasons given above I conclude that the location of the development would provide unacceptable access to everyday

local facilities by a range of modes of transport and that the resulting dependency on private motor vehicle usage would be harmful to the environment. As such there would be conflict with Policy GEN7 of the Local Plan".

There is an argument that there would not be a material difference between the number of car trips undertaken by tourists (assuming the property was occupied by tourists all year round) versus the number made by a residential occupier. However, the fact remains that the site is not in a sustainable location and therefore, the proposed change of use does not comply with aLP Policy GEN7(iii).

#### INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the building is suitable for residential use.

Easter Cottage is considered to be a single storey, 1 bedroom, two person property and the required standard is therefore, 50m<sup>2</sup>. The submitted floorplan demonstrates that the footprint of the building is 61.5m<sup>2</sup> and therefore complies with required standard. The property also benefits from the studio contained within the room tacked on to the end of the adjacent Old Stables building.

In respect of external standards, the current version of the eALP proposes to delete policy D DM3 in favour of inclusion within a future design guide. It is not therefore considered appropriate to now refer to this policy. However, policy H8 of the ANP does require that "all new dwellings must include an outdoor amenity space of adequate size and quality, either as a private garden or shared amenity area." The property benefits from an existing rear private garden together with additional curtilage to the side. There is therefore not considered to be any conflict with the ANP.

#### SUMMARY:

The starting point for this determination is the development plan. Adopted Arun Local Plan Policy DEV2 allows for the conversion of rural buildings to a residential use subject to compliance with a set of criteria. This report considers that these criteria have been met.

It is acknowledged that adopted Local Plan policy GEN7 part (iii) seeks to reduce car travel and that there is conflict with this policy. However, it is considered that Policy DEV2 would attract more weight in this determination particularly as the proposal concerns an existing building with a holiday use that would, if demand existed, attract movements by car. The ANP states that proposals for development outside the built up area boundary will be acceptable where they accord with other policies within the development plan (such as policy DEV2).

It is then necessary to consider whether material considerations indicate that this determination should not be made in accordance with the development plan. In this case, material considerations include policies TOU DM1 and H DM4 (H DM3 within the unmodified eLP) of the emerging Local Plan and the National Planning Policy Framework and these are considered to support the recommendation to approve.

In addition, regard should be had to the fact that the Council has already removed the holiday restriction on the property next door (the Old Stables) and it is not considered that there has been any material change in planning policy or circumstance since that decision.

It is therefore recommended that the application be determined in accordance with the adopted Local Plan and that permission be granted subject to the following conditions and informatives.

## HUMAN RIGHTS ACT

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

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

## DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

## RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following submitted Easter Cottage Land Registry based Location Plan.  
  
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.
- 2 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order), the building shall not be extended or altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.  
  
Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance and character of Old Dairy Lane in accordance with policy GEN7 of the Arun District Local Plan.
- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 4 **INFORMATIVE:** The effect of this planning permission is to remove condition 10 of AL/92/08/

in respect of Easter Cottage only. Please note that condition 03 of that permission is still relevant and is set out above for completeness.

**AL/130/17/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

**REF NO:** AW/328/17/OUT

**LOCATION:** 14 Princess Avenue  
Aldwick  
PO21 2QT

**PROPOSAL:** Outline application with some matters reserved for the conversion of existing dwelling into 5 self contained flats with front, rear, side & dormer extensions (resubmission following AW/71/17/OUT).

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

DESCRIPTION OF APPLICATION	<p>This is an Outline application accompanied by details of access, appearance, layout and scale. Landscaping would then be the sole reserved matter. The proposal seeks to convert the existing dwelling into 5 self contained flats. In order to achieve this, the following extensions are proposed:</p> <ol style="list-style-type: none"> <li>(1) Removal of the existing single storey side extension &amp; removal of chimneys;</li> <li>(2) New two storey 2.4m deep front extension;</li> <li>(3) New flat roofed two storey rear extensions - adding approximately 0.3m to the existing single storey depth and filling in empty areas between existing single storey extensions;</li> <li>(4) As part of (3), the part of the rear extensions closest to the boundary with no. 12 will be single storey with a flat roof;</li> <li>(5) Two storey flat roofed side extensions either side of the first floor roof space above the existing garage. The front (west) elevation will include a crenelated parapet wall. New skylight in the flat roof;</li> <li>(6) New gable extensions to either side of the main roof; and</li> <li>(7) Conversion of half of the existing roof space together with new full width (8.9m wide) rear dormer, one front velux window and one skylight in the roof of the dormer.</li> </ol> <p>The submitted drawings also show off-street hardstanding parking across the front of the site for 6 cars and a new bin/cycle store located in the rear garden. The rear garden will be a communal space.</p>
SITE AREA	0.0425 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	118 dwellings per hectare (up from 24 dph).
TOPOGRAPHY	Predominantly flat.
TREES	There is an existing 3-4m high tree in a neighbouring rear garden (no. 12) which provides screening but would not be

affected by the proposals. Two small (circa 2.5m) trees along the boundary with no. 16 also not affected.

**BOUNDARY TREATMENT**

- Dwarf wall to front;
- Part timber fence (1m rising to 1.8m), part 1.6m wall to no. 16. Supplemented by two small trees;
- 1.6m high timber fence to no. 12; and
- Part garage wall, part 2.2m high timber fence to rear boundary with Sandringham on Wessex Avenue.

**SITE CHARACTERISTICS**

Existing two storey detached dwelling fronted in brown brick & cream render with black painted timber detailing. Front single storey bay window projection. Cream rendered to rear and sides. Pitched lean to garage/store extension to southern side (part of the roof space of this extension is storage to a first floor bedroom). Lean to porch structure on northern side. Single storey utility room extension and conservatory on rear. Clay tiled roof. Three chimneys. Rear garden laid to lawn with a small timber domestic shed. Additional to the garage & driveway, on-street parking is available.

**CHARACTER OF LOCALITY**

Residential area predominantly characterised by detached two storey dwellings, some with rooms in the roof albeit no other obvious rear dormers in the area. Some larger 3-4 storey flatted buildings at the southern end of Princess Avenue and also at the Northern end where it joins Aldwick Road. Mix of roof forms in the street scene including gables to the side at either end of Princess Avenue and on flatted buildings on Wessex Avenue to the rear.

Neighbouring properties comprise of the following:

12 - This is a two storey detached property which comprises 5 flats for the elderly as approved by BR/177/17. It has no first floor flank windows on the affected side. The closest window on the rear is not considered to serve a principal room.

16 - This is a two storey detached property which comprises 2 flats as approved by BR/160/52. Three existing first floor flank windows. Ground floor flank windows are obscured by existing outbuildings.

La Casita, Wessex Avenue - this two storey detached dwelling backs onto the side of 14's rear garden. It has ground and first floor principal windows which overlook the site.

Seagull, Wessex Avenue - this two storey detached dwelling has ground and first floor principal windows which overlook the site albeit at an oblique 45 degree angle.

Sandringham, Wessex Avenue - two storey detached dwelling with ground and first floor principal windows that backs onto the site.

## RELEVANT SITE HISTORY

AW/71/17/OUT      Outline application with some matters reserved for the      Withdrawn  
conversion of existing dwelling into 5 No. dwellings with      12-06-17  
rear, side & dormer extensions.

Planning application AW/71/17/OUT sought permission for a similar development albeit with a pitched roof above the two storey side/rear extensions, three front facing velux windows and an external staircase & access across a flat roof on the rear to three of the flats. It was withdrawn by the applicant at the request of the Council due to the following issues:

- Impact on the character of the street;
- Overlooking of neighbouring gardens from the staircase & walkway;
- Loss of light to no. 12 from the two storey side extension built right up to the boundary; and
- Non compliance with internal space standards.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Aldwick Parish Council

"Members strongly opposed the application on the grounds that the proposed conversion would not sympathetically relate to or be visually integrated with, the existing building in siting, design, form, scale and materials, because the conversion would compromise the established spatial character and pattern of the street and because there is insufficient parking provided. Members also considered the internal layout of some of the flats to be unusual (bathroom placement). Therefore Members agreed that the proposed conversion is in direct conflict with Policy DEV 19 (i) and (v) of the Arun District Local Plan 2003 and with Policy GEN 12 (it does not ensure that appropriate parking facilities are provided within the conversion) of the Arun District Local Plan 2003 and with the Parish Design Statement page 64."

Six letters of objection including with supporting images raising the following issues:

- (1) Extensions to the rear will dominate and overlook the nearby dwellings La Casita & Seagull;
- (2) Proposed conversion/extension works are not subservient to the host dwelling;
- (3) Conflict with Policies GEN7, GEN29, GEN30, GEN32, DEV19 & DEV23 of the Arun District Local Plan;
- (4) Impact on Human Rights;
- (5) Noise disturbance to neighbouring properties as a result of taking bins from the store to the front & vice versa, opening & closing etc - this will generate a collective noise level in excess of 97 decibels;
- (6) No provision for bins when left at the front on collection day - will create a hazard for pedestrians;
- (7) Only access to ground floor flat 2 is from the back and this will result in noise & light pollution to neighbouring properties;
- (8) The access to the rear garden between the northern wall of the building and the boundary is less than 1m wide;
- (9) Inadequate access to the entrance to flat 2 for emergency fire/ambulance personnel;
- (10) Loss of trees from front and rear gardens including a well established Yew Tree & Laurel hedge in the front and four mature trees in the rear garden all of which support bird life and the resultant impact on

birds would be disastrous;

- (11) Increase in noise from building works;
- (12) Increase in parking demand on local streets;
- (13) Odour pollution from bin store to rear garden of La Casita;
- (14) Overdevelopment;
- (13) Increased surface water runoff; and
- (14) Pedestrian safety from cars traversing the pavement to access the parking spaces.

A seventh letter was received from a resident of one of the flats in 16 Princess Avenue requesting that the comments made in respect of the previous application be transferred to this application file however, it is not Council procedure to do this and to do so would create a precedent for future situations.

#### COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council comments are noted and will be discussed within the conclusions section under "Design & Character" and "Highway Safety & Parking". However, it is not considered that the placement of bathrooms within the layout is capable of being a material planning consideration whether unusual or not.

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

- (1) This will be discussed in the Conclusions section under "Overlooking/Privacy";
- (2) This will be discussed in the Conclusions section under "Design & Character";
- (3) These policies will be discussed in the Conclusions section. However, it should be noted that policy DEV32 is not a saved policy and does not form part of the adopted Local Plan. Therefore, no weight can be given to it;
- (4) Human Rights are considered within this report;
- (5) This will be discussed in the Conclusions section under "Noise & Odour Pollution";
- (6) It is normal practice for residents to put their bins out on the street on collection day;
- (7) It is not considered that the movements associated with the flat entrance would be materially different to the use of a back door by a resident;
- (8) According to the submitted site plan, the width is between 1 and 1.1m which would be sufficient. It is accepted that the width seems less when looking at the proposed ground floor plan but it is not considered that this straight line at the top of this plan is the line of the boundary;
- (9) This is not a material planning consideration;
- (10) This will be discussed in the Conclusions section under "Trees and Wildlife";
- (11) Any impacts during construction will be temporary in nature. Furthermore, there is other legislation (such as Environmental Law) in place to protect residents from undue noise;
- (12) This will be discussed in the conclusions section under "Highway Safety & Parking";
- (13) This will be discussed in the conclusions section under "Noise & Odour Pollution";
- (14) This is considered within the Conclusions section under "Design & Character" and "Space Standards";
- (13) This is not a location in which it would be appropriate to impose a condition requiring a surface water drainage scheme and instead this will be considered during the Building Regulations process. Council drainage engineers did not object to the previous application; and
- (14) This will be discussed in the conclusions section under "Highway Safety & Parking";

#### CONSULTATIONS

WSCC Strategic Planning

Engineering Services Manager

Engineers (Drainage)  
Southern Water Planning  
Environmental Health

#### CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER: No objections subject to an informative and a condition to ensure that any unrecorded sewers crossing the site are protected.

WSCC HIGHWAYS: No objection subject to cycle storage, car parking and access conditions. Also an informative regarding the works to extend the crossing. State that the comments given for AW/71/17/OUT still apply. These are summarised as:

- Using the WSCC Car Parking Demand Calculator, and on the basis that the car parking spaces remain unallocated, the proposal will result in a demand for 5 car parking spaces;
- The parking spaces should therefore be unallocated;
- Whilst a turn on site is not achievable the lightly trafficked slow speed context of this unclassified road is appreciated;
- Neighbouring accesses operate in a similar manner without evidence of highway safety concern;
- The provision of off street parking reduces the pressure for further on street parking which causes a noticeable narrowing of the available carriageway space; and
- Junction protection in this area ensures that on-street parking cannot occur in unsafe locations.

ADC ENVIRONMENTAL HEALTH: Advise "no comment".

ADC PRIVATE SECTOR HOUSING: Make general comments on fire safety, room sizes and ventilation but raise no objections.

ADC DRAINAGE ENGINEERS: No response received but did not object or require any conditions in respect of the previous application.

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted. WSCC Highways have requested a condition requiring approval of cycle storage details. However, the application is already accompanied by these details and so it would not be reasonable to impose a condition requiring approval of these details.

#### POLICY CONTEXT

Designation applicable to site: Within Built Up Area Boundary.

#### DEVELOPMENT PLAN POLICES

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

AREA13	Sites of International Importance for Nature Conservation
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development
GEN32	Noise Pollution
GEN34	Air Pollution

Publication Version of the Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality  
 D DM2 Internal Space Standards  
 D DM4 Extensions & Alterations to Existing Buildings  
 D SP1 Design  
 ECC SP2 Energy and climate change mitigation  
 ENV DM2 Pagham Harbour  
 H DM1 Housing Mix  
 SD SP2 Built -Up Area Boundary  
 T SP1 Transport and Development  
 QE DM1 Noise Pollution  
 QE DM3 Air Pollution  
 W DM3 Sustainable Urban Drainage Systems

**PLANNING POLICY GUIDANCE:**

NPPF National Planning Policy Framework  
 NPPG National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD10 Aldwick Parish Design Statement

**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 parish of Aldwick has not developed a Neighbourhood Development Plan but has published a Design Guide.

#### **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 and 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 in an urban and predominantly residential area. It is defined as being part of the built up area

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

Paragraphs 14 and 49 of the NPPF set out a presumption in favour of sustainable development. Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

The application site lies within the settlement of Bognor Regis (including Aldwick) and there are various local amenities and services within walking distance of the site along street lit footways. Bognor Regis Train Station is a walk or cycle of 1.4km and there are bus stops nearby on both Kings Parade to the south & Aldwick Road to the north. Aside from a nearby Tesco Express (350m), the nearest large supermarket is the Morrisons in Bognor Regis (1.6km). It is therefore considered that the proposal is environmentally sustainable as residents will not need to rely on the private car to access basic services & facilities. These environmental factors weigh in the scheme's favour.

It is considered the proposal will result in localised economic benefits through the need to employ people to carry out the building works. The proposal will also result in a net gain of 4 dwellings and so an increase in Council tax receipts and new homes bonus payments. In addition, the flats could bring new people into the area who could then spend money on local goods & services. These economic factors weigh in the scheme's favour. It is also considered that the proposal will have social benefits by providing new housing to meet local needs and this also weighs in the scheme's favour.

It is considered the proposal is sustainable development and would benefit from the NPPF presumption in favour of sustainable development. This report now considers the proposal against the relevant policies of the development plan.

#### DESIGN & CHARACTER:

The Parish Council consider that the proposal will not sympathetically relate to or be visually integrated with the existing building and because it would compromise the established spatial character and pattern of the street. In addition, local residents do not consider the extensions to be subservient to the host dwelling and that the scheme overdevelops the site.

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. Furthermore, Policy DEV19 requires that extensions be visually subservient to the existing building, reflect the existing streetscene, not result in a terracing effect and be visually integrated with & sympathetically relate to the existing dwelling.

The site is defined within the Aldwick Parish Design Statement as being part of Character 13 "Aldwick Road" and therefore, the following development criteria in respect of extensions are relevant:

- New extensions should be visually subservient and related to the existing building and not vary significantly in height or bulk from those nearby;
- Existing separation of dwellings should be preserved to prevent unneighbourly cramped or visually intrusive closure of gaps;
- Materials matching the existing building should be used where appropriate.
- Roof development should be sympathetic & in keeping with the character of existing properties;



- Roof development likely to be particularly intrusive should be strictly controlled;
  - Front boundaries, where present, should contribute to overall street scene;
  - The existing pattern (set back & density) should be maintained;
  - Existing boundary walls, trees and hedges should be preserved;
  - Over development of the area by infilling and converting large properties into flats should be avoided;
- and
- Amenity trees, spaces and access ways should be retained.

The proposals will add significantly to the existing building. However, taken individually, they are considered to be subservient additions and they will visually integrate with the host building. It is noted that matching materials are proposed. The bulk of the extensions are to the rear and will not be visible in the street scene.

The only changes visible from the front will be the flat roofed first floor side extension (with front crenelated parapet wall), the front extension (which does not extend beyond the existing building line) and the two gable additions to the main roof. None of these additions are considered to be harmful to the appearance of the streetscene or character of the area. It is accepted that the first floor side extension will be built up to the boundary. However, there is an existing gap of at least 2m between the boundary and the edge of no. 12. Furthermore, a 1m gap will be retained to the northern boundary. Therefore, the proposals will not result in a terracing effect within the street scene.

The drawings include a single front velux window. Although this suggests to passers-by the use of the roofspace, there are properties opposite the site which also have a roof level window. It should be noted that the previous application drawings included three front velux windows and this was considered to be out of character - hence the plans were changed to only include one at the front.

The removal of the chimneys would represent a change to the character of the streetscene as all other dwelling houses have at least 1 chimney. However, it would be possible to remove the chimneys under permitted development rights whether planning permission is given or not.

The proposed rear extensions do not significantly deepen the existing footprint and although they add a second storey above, the part closest to the boundary with no. 12 will only be single storey (with a flat roof) and as such will not overshadow any of the windows on that property. The two storey rear extensions will also be flat roofed and this further reduces the impact on adjacent properties.

The proposed rear dormer will be a large addition to the roof but will be subservient in height to the main roof and will essentially only be visible from the rear (perhaps with glimpsed views between houses from Wessex Avenue).

The criteria of the Aldwick Parish Design Statement are noted, however for the reasons set out above, it is not considered that the extensions materially conflict with the guidance. The Guidance does state that conversion into flats should be avoided but as there are other flatted properties within the street (including purpose built and converted buildings), it is considered that there is local precedent. Impacts on trees will be discussed elsewhere in this report but it is not considered that the proposals remove any trees or vegetation of amenity value.

The proposal is therefore considered to accord with policies GEN7 and DEV19 of the Arun District Local Plan and with the Aldwick Parish Design Statement.

#### OVERLOOKING/PRIVACY:

Local residents consider that the proposals will dominate and overlook nearby houses and gardens.

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. Policy DEV19 also requires that extensions do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

It is also important to note that paragraph 17 of the NPPF states that decisions should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The rear facing windows within the dormer will be at a higher level than those of a two storey property but are not any deeper into the plot than the existing rear wall of the house. As a result, there is a distance between these windows and the rear of La Casita of 14-20m, and to Seagull, of at least 18.5m. Furthermore, the views between these properties are oblique and not a typical back-to-back arrangement. Having regard to this fact, the distances are considered to be acceptable. The proposed new roof level north facing flank window will be obscure glazed and this will protect the amenity of no. 16 to the north.

The new rear facing first floor windows will be set further into the plot and therefore closer to nearby properties. However, again, any views of La Casita & Seagull will be at an oblique angle and at a reasonable distance (at least 15m) so as to prevent any direct and harmful loss of privacy. It is accepted that the private gardens of the neighbouring properties are closer than their windows, however the views will still be oblique such that the privacy of these spaces will not be compromised.

The proposal is therefore considered to accord with policies GEN7 and DEV19 of the Arun District Local Plan.

#### NOISE & ODOUR POLLUTION:

Local residents consider that there will be odour pollution from the bin store and noise pollution arising from moving wheeled rubbish bins around.

Arun District 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."

Arun District Local Plan Policy GEN34 (Air Pollution) states that: "Development that contributes to air pollution through dust, smell, fumes, smoke, heat, radiation, gases, steam or other forms of pollution will not be permitted unless the Council decides that the health, safety and amenity of users of the site or surrounding land is not put at risk and the quality of the environment would not be damaged or put at risk."

It is important to note that the submissions made in respect of noise were passed on to the Council's Environmental Health officers and that their response stated no objection to any part of the scheme. If they had considered there to be an odour or noise issue then they would have commented about it.

In addition, although it is accepted that the result of this flat conversion will be a greater number of bins on the site, the act of moving bins across a property and opening/closing them is not something untypical in a residential area. Further, there are existing flatted buildings on both sides of the site and also elsewhere on Princess Avenue which would appear to be operating without amenity impacts of this nature. In respect of the bin store, this will be a self contained structure and rubbish will be stored inside either in bags or in bins. It is not considered that this is likely to give rise to odours but should any instances of odour arise, then the Council would be able to resolve such issues through separate

environmental health powers.

The proposal is therefore considered to accord with policies GEN32 & GEN34 of the Arun District Local Plan.

#### SPACE STANDARDS:

Policy D DM2 of the modified emerging Arun Local Plan states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance"

It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the individual flats are suitable for residential use. The following is a list of the requirements versus the actual measured internal space for each of the 5 flats:

#### Unit No. - No. of beds & Persons - Required Floor Space - Actual Floor Space

1	2B3P	61m2	60m2
2	2B3P	61m2	74m2
3	2B3P	61m2	57m2
4	2B3P	61m2	62m2
5	1B1P	39m2	36m2

Although the scheme is only 40% compliant it is considered that this is acceptable having regard to: (a) the preamble to Policy D DM2 of the emerging modified Local Plan which states that "There might be occasions where development schemes cannot comply with all the space standards required (such as the conversion of an existing building" and that these will be considered on a case-by-case basis; and (b) in the case of the 3 flats that do not comply, none are significantly less than the requirement. On this basis, it is considered that the proposal is in accordance with the emerging space standards policy.

In respect of external garden standards, the current modified version of the emerging Arun Local Plan proposes to delete policy D DM3 in favour of inclusion within a future design guide. It is not therefore considered appropriate to now refer to this policy. The proposal includes a large communal rear garden of around 105m2 in size which equates to 21m2 per flat. Furthermore, the site is only a short walk from Marine Park Gardens, West Park and the beach so there are other opportunities available for recreation and for sitting outside.

#### HIGHWAY SAFETY & PARKING:

The Parish Council consider that the proposal provides insufficient parking. In addition, local residents consider that the proposal will result in increased parking demand on local streets and that cars traversing the pavement to access the parking spaces will create safety issues to 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".

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.

The application has been assessed by West Sussex County Council Highways who do not consider that it will result in any adverse impacts on highway safety. Furthermore, they advise that there is sufficient car parking to meet the likely demand.

On this basis, it must be considered that the proposal is in accordance with Arun District Local Plan policies GEN7 & GEN12. A condition will be imposed to ensure that the parking spaces are not allocated to any specific flats.

#### TREES AND WILDLIFE:

Local residents consider that the proposals will remove notable trees and that this will result in lost bird breeding & feeding habitat.

Arun Local Plan policy GEN28 provides protection to trees but only where they are already protected, in a Conservation Area or identified as ancient woodland. Paragraph 118 of the NPPF states that: "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

Arun Local Plan policy GEN29 states that development will only be permitted on sites which contain semi-natural habitats, features of nature conservation interest, or within wildlife corridors, where these can be largely retained and sympathetically incorporated into the scheme. Policy GEN30 is noted but this only applies where species protected by law are affected and this would not be relevant for an urban residential site.

It is not considered that there are any trees within the site that would qualify as having amenity value or being either aged or veteran. It is noted that the objector considers there to be a well established old Yew Tree in the front garden. However, a site visit confirmed only small shrubs to be present and certainly none over a height of 1.5m. It is not considered that the proposed extensions are likely to affect any of the trees to the boundaries of the rear garden however, in any case, none of these are considered to be significant enough or have local amenity value so as to warrant preservation.

Should any trees need to be pruned or felled then there could be an impact on local birds using the site. However, it is not considered that any such impact would have a significant and material impact on local birdlife.

It is therefore not considered that the proposals are in conflict with policies GEN28, GEN29, GEN30 of the Arun District Local plan or in respect of the guidance within the NPPF.

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

Policy ENV DM2 of the Emerging Local Plan (Publication Version) requires that all new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. An original contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015 and subsequently reduced down to £871 per new residential unit as of the 10th April 2017. The 2015 report to Cabinet stated that:

"The access management measures identified are referred to as Strategic Access Management and Monitoring (SAMMs). As these do not include the allocation of specific land, they are not classified as

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

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

This contribution is now required for all new residential developments within Zone B and this zone includes the application site. The application is accompanied by a complete signed legal agreement which secures a contribution of £3,484 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

**SUMMARY:**

The proposed extension and conversion of this property is considered to represent an efficient use of urban land and does so without compromising the visual amenities and character of the area, highway safety or the amenities of existing nearby residential occupiers. The proposal is considered to be sustainable development and notwithstanding that it complies with all development plan policies, it therefore benefits from the presumption in favour of development set out within the NPPF. The recommendation to approve is therefore made subject to the following conditions and the signed Section 106 Agreement.

**HUMAN RIGHTS ACT**

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

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

**DUTY UNDER THE EQUALITIES ACT 2010**

**Duty under the Equalities Act 2010**

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

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

## SECTION 106 DETAILS

This decision is accompanied by a Section 106 legal agreement relating to a payment of £3,484 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area. This is payable on commencement of development. The Section 106 Agreement has been signed by all parties and is considered to be complete.

## RECOMMENDATION

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

(e) Landscaping.

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

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

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

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

Location Plan ref. SBS/221;  
 Site and Block Plan dwg. SBS/221/09 Rev A;  
 Proposed Site Plan dwg. SBS/221/20 Rev A;  
 Proposed Ground Floor Plan dwg. SBS/221/03 Rev C;  
 Proposed First Floor Plan dwg SBS/221/04 Rev C;  
 Proposed Second Floor Plan dwg SBS/221/08 Rev B;  
 Proposed Roof Plan dwg. SB/221/07 Rev A;  
 Proposed Elevations dwg. SBS/2241/06 Rev D; and  
 Proposed Cycle/Bin Store Plan & Elevations dwg SB2/221/11.

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 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.

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

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

Reason: To provide car-parking space for the use in accordance with policies GEN7 & GEN12 of the Arun District Local Plan and the National Planning Policy Framework.

- 6 None of the car parking spaces serving the property shall be allocated to a specific flat and they shall be available for any and all of the approved flats within the building.

Reason: The parking provision has been assessed on the basis of unallocated spaces and in accordance with policies GEN7 & GEN12 of the Arun District Local Plan and the National Planning Policy Framework.

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

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

- 8 The first floor bathroom window on the northern elevation of the building shall at all times be glazed with obscured glass and fixed to be top vent opening only.

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

- 9 The second floor secondary lounge/kitchen window on the northern elevation of the building shall at all times be glazed with obscured glass and fixed to be top vent opening only.

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

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) the building shall not be extended or altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the amenities of adjoining residential occupiers and to ensure adequate communal garden space for future occupiers in accordance with policy GEN7 of the Arun District Local Plan.

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

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

- 12 **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.

13 INFORMATIVE: Please note the following Private Sector Housing comments:

#### Fire Safety

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

- A room where the only escape route is through another room is termed an "inner room" and poses a risk to its occupiers if a fire starts unnoticed in the outer room. The escape routes from the bedroom in flats 1, 2 and 3 is via the kitchen, this can be overcome by ensuring that the window in the bedroom is an escape window and adequate fire protection within the flat.

#### Room Sizes

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

#### Ventilation

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

#### General

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

- Must meet the requirements of the Arun District Council Houses in Multiple Occupation Standards (2016).

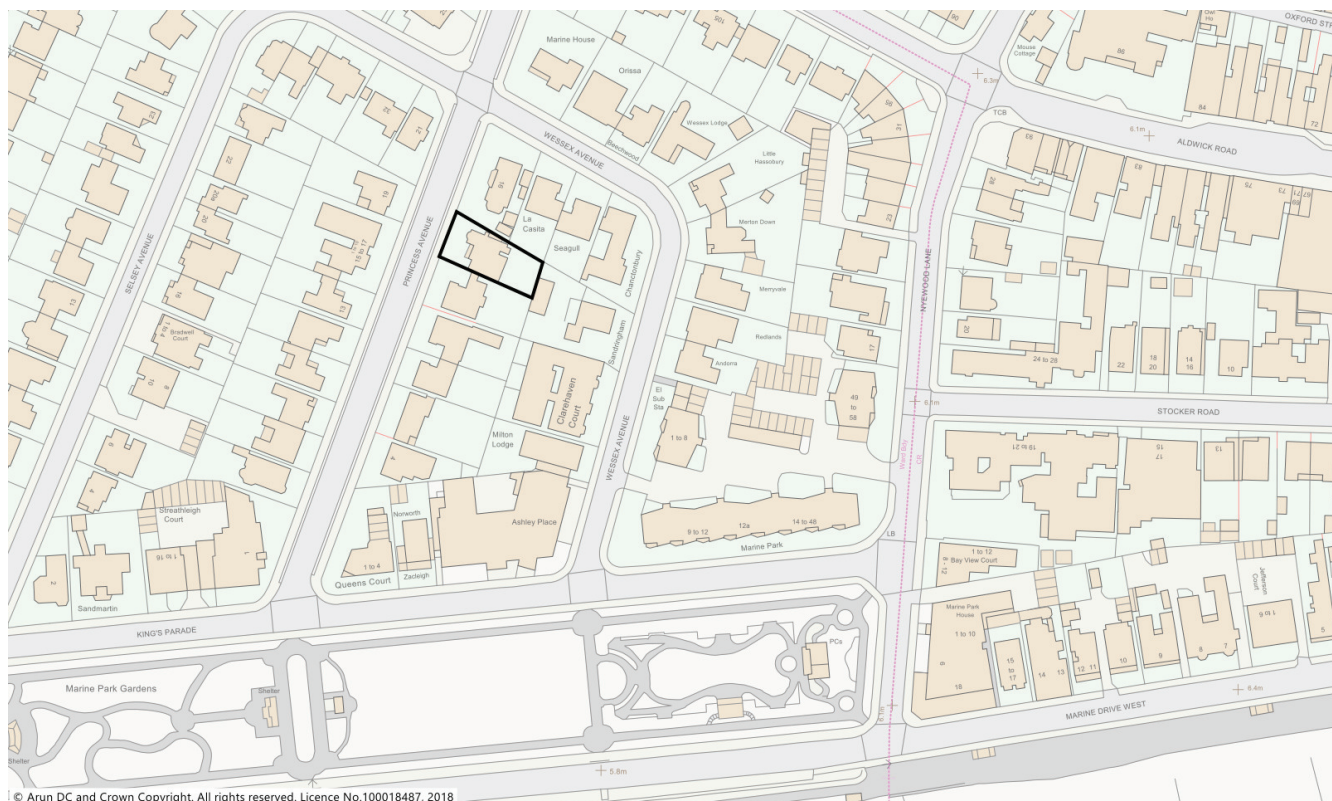
14 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne,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

15 INFORMATIVE: The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

16 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £3,484 towards the provision of accessible natural open green spaces to serve the Pagham area.



**AW/328/17/OUT - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

S106 Instruction Form, Authorisation and Completion Statement - August 2017

<p>Planning Application Ref: <b>AW/328/17/007</b></p>	<p>Today's date: <b>20/11/17</b></p>
<p>Type of Agreement: Please select one of the following: *S106 Agreement, *Unilateral Undertaking, *Deed of Variation, *Supplemental Agreement, *Other</p>	
<p><b>Who is responsible for making this decision?</b> (see notes opposite: only sign here if this is an Officer Decision)</p>	
<p><i>* [Signature]</i> (signature of officer with the power)</p> <p>Print Name: <b>D. VICK</b></p> <p>Constitution: Part 4 Section 3 Paragraph: 3.1.1</p>	<p>Is this is an Officer Decision, or Development Control Decision?</p> <ul style="list-style-type: none"> <li>• If Officer Decision: (sign and print name in box opposite )</li> <li>or</li> <li>• If Development Control Decision - already determined: <u>Type in Date and Minute number here</u></li> <li>or</li> <li>• If Development Control Decision yet to be determined: If this has not gone to Development Control yet, please complete below: <u>Development Control Committee Meeting Date</u> <u>(if date not known: insert 'to be advised')</u></li> </ul>
<p>Full name(s) of Freeholders/Leaseholders: (if the developer has completed a recent land registry search attach this to the instruction)</p>	<ul style="list-style-type: none"> <li>• Mrs Beverley Jane Woodland</li> </ul>
<p>Please attach a plan with the site outlined in red and complete a brief description of the development: ✓  <b>Planning Officer to complete this box. Outline Application with some matters reserved for the Planning Officer of existing dwelling into 5 No. self contained flats with rear, side + dormer extensions.</b>  <i>(Re-Submission following AW/71/17/007.)</i></p>	

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

FINANCIAL Obligation or Change to existing obligation	Due to (ADC, WSCC NHS, other)	Amount Due (or formula)	Trigger Point	Project	Spending restriction
Pashen Harbour Management Corporation		£871 x 4 = 3484			
Right click above to insert extra rows					

NON-FINANCIAL Obligation Summary	Due To (ADC, WSCC, Other)	Trigger Point	Department/Officer to Confirm Compliance
na			
Right click above to insert extra rows			

**To be completed by Legal Services Officer when the Agreement has been registered/finalised:**

Date of Agreement: 26/10/2017

Seal Register Number: N/A (Unsealed Under taking)

Legal Case Management System Reference: 6508

Statement completed by: Jeremy Coor

PL10 Form  
 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

PLANNING APPLICATION REPORT

REF NO: FG/115/17/PL

LOCATION: 44 Ferringham Lane  
Ferring  
BN12 5LU

PROPOSAL: 4 No. bungalows

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

DESCRIPTION OF APPLICATION	This application seeks planning permission for the construction of 4 no. 3 bedroom chalet bungalows within the southern garden area of 44 Ferringham Lane. The existing access from Ferringham Lane would be utilised. Each dwelling has a garage and parking space. Cycle parking and motor cycle parking is provided adjacent to the access to the site.
SITE AREA	Approximately 0.37 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	13.5 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site access is boarded by a brick wall at the entrance into the site with close boarded fencing and hedging further along the access. The site itself is boarded by a mixture of close boarded fencing, trees and hedges of various heights and densities.
SITE CHARACTERISTICS	The site is currently occupied by a detached two storey dwelling with rendered elevations and a tiled hip roof with a single storey projection to the north; rear dormer window on the eastern elevation; and a detached garage and small outbuilding located to the north of the original dwellinghouse.
CHARACTER OF LOCALITY	The character of the locality is predominantly residential with Ferringham Lane consisting primarily of detached and semi-detached two storey dwellings set in larger plots. Ferringham Lane features a residential density of 11 dwellings per hectare to the West of the road and 13.04 dwellings per hectare to the east. To the east of the application site is Little Paddocks a private estate consisting predominantly of detached bungalows at a density of approximately 14.35 dwelling per hectare.

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

<p>FG/69/16/OUT</p>	<p>Outline application with some matters reserved for 4 No. 3 bed bungalows (resubmission of FG/196/15/OUT).</p>	<p>Refused 13-07-16 <b>Appeal: Allowed+Conditions</b> 11-05-17</p>
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The site has a history of planning applications having been made for residential development at this site with permission having been refused previously. Planning application FG/196/15/OUT was withdrawn due to the proposal being unacceptable on design and residential amenity terms. An amended scheme was submitted under reference FG/69/16/OUT and was recommended for approval by the case officer but refused by Development Control Committee on highway grounds for the following reason:

The proposal fails to adequately demonstrate that a 4m wide access drive is achievable or that satisfactory tracking for large vehicles has been proven or that land is available for the construction of a traffic light system and it has not been satisfactorily demonstrated that such a system can operate without harm to highway safety and traffic flows in the locality contrary to policy GEN7(vii) of the Arun District Local Plan 2007 and the National Planning Policy Framework.

This scheme (FG/69/16/OUT) was later allowed on appeal.

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

**REPRESENTATIONS RECEIVED:**

Ferring Parish Council

Ferring Parish Council strongly objects to this planning application for 4 No. bungalows.

Ferring Parish Council appreciate that outline planning has already been granted on appeal, however this was for one storey properties, and this application is two storey properties.

The revised stature of the properties will have an overbearing impact on neighbouring properties at the north end of Little Paddocks who will lose their privacy and undoubtedly experience additional noise and bright lighting from vehicles.

In addition concerns are once again raised in relation to the access route. One of the conditions on the outline planning appeal was that the access route was required at the 4 metre width. There is no evidence as to how this can be achieved.

Furthermore, the application is against Arun recommendation of no back garden developments.

38 letters of objection:

- There is no information as to how the proposed traffic lights would work and how it will impact neighbours.
- The mass, height, fenestration and Juliet balconies of the proposed houses all have an unacceptable impact on the properties to the north of the site, in Little Paddocks.
- Pedestrians and vehicles attempting to use the narrow drive at the same time will be dangerous.
- The egress from the site is dangerous due to limited vision of the road.
- Proposed development is not in keeping with surrounding houses.
- The access is inadequate measuring only 3.51m in width.
- Proposed access will have an unacceptable impact on highway safety.
- Construction will result in noise and disturbance to existing residents and wildlife.
- Visibility splays cannot be maintained as land is not under the ownership of the applicant.

- Proposal will generate noise and exhaust pollution.
- Proposal will result in unacceptable overlooking.
- Construction traffic will damage the private roads.
- Proposal constitutes overdevelopment of the site.
- As resident of 9 Little Paddocks we have 20 foot gardens and our property is already overshadowed by trees.
- Insufficient parking provision.
- House to the site boundary is only 5 metres. We have previously commented about privacy and the visual impact of the proposed houses (not bungalows).

2 letters of support:

- The development is not an over-development. The gardens are generous with parking which is great in its design (unlike the area of little paddocks)
- Prefer the pitched roof dormers which keep in the look of the area, and would prefer these to be approved at this stage rather than granting permission later on for flat roof dormers which are have no character at all.
- The comments made by others regarding access have me a little puzzled. On the site is an existing dwelling (mine) which requires access at all times for all vehicle sizes including ambulances and the like. The property and its surrounding roads were designed to accommodate Paddock House and the deeds reflect this. There have been suggestive comments and threats that the visibility splay will be hindered by local neighbours. However, anybody who attempts to hinder my visibility splay or my access including ambulance and the like will have action taken upon them.
- The traffic light system is designed to minimise the traffic on Ferringham lane as they will have right of way. There is enough land to accommodate the waiting traffic within the development. This system will work with the least inconvenience
- Should consider a mirror for exit
- Can dustcarts turn or is storage near the entrance necessary?

**COMMENTS ON REPRESENTATIONS RECEIVED:**

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

**CONSULTATIONS**

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

**CONSULTATION RESPONSES RECEIVED:**

**SOUTHERN WATER**

Informative and condition proposed should development receive approval.

**ENGINEERS (DRAINAGE)**

Infiltration must be investigated for surface water disposal. Please apply condition ENDG2A.

**WSCC STRATEGIC PLANNING**

**Access** · The principle of the access has been established by the Planning Inspectorate under appeal reference APP/C3810/W/17/3166634 for FG/69/16/OUT. The LHA would not wish to raise any overriding concerns with this arrangement.

**Parking** · The proposed quantity of parking would be considered appropriate to meet the needs of the development. The proposed garages should be increased in size to 3 x 6 metres as per the WSCC Guidance for Parking in New Residential Development September 2010. It is accepted that such matters could be dealt with via planning condition. Should the garages be increased in size they would also be considered large enough to facilitate the parking of cycles as per current sustainable travel policies.

**Layout** · Full swept path tracking for fire and refuse vehicles has not been provided within the current application documents. The proposed layout does have an open area larger than that demonstrated for turning of large vehicles under FG/69/16/OUT.

**Second Response** - Upon review of these plans the garages have been increased in size to 3 x 6 metres and the dwellings have been repositioned further west within the site.

The garages are now considered to be adequately sized. The repositioning of the dwelling has resulted in the area of hardstanding parking spaces allocated to each dwelling reduced. Hardstanding parking will now take place in the form of 1 space per dwellings provided in parallel fronting the dwellings.

The repositioning of the dwellings may impact the ability for larger vehicles (Fire and Refuse) to turn on site. Swept path tracking plans should be provided to demonstrate that the ability for larger vehicles to turn on site has been retained. This turning area should not use any area allocated for resident parking.

**Third Response** - Swept path tracking plans 628-02 Rev D & 628-03 Rev D would be considered acceptable. Amendments to visitor car parking spaces on plan 628-02 Rev D are acceptable. The tracking intersects with the parking area fronting plot 1, but the tracking does not require the whole of the hardstanding area and as such turning for larger refuse / emergency vehicle is acceptable.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted. The storage of cycles does not need to take place in the proposed garages and a condition is imposed to maintain control over cycle storage.

**POLICY CONTEXT**

Designation applicable to site:  
Within built area boundary

**DEVELOPMENT PLAN POLICES**

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

- GEN12     Parking in New Development
- GEN2       Built-up Area Boundary
- GEN7       The Form of New Development
- GEN9       Foul and Surface Water Drainage

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

- D DM1 Aspects of Form and Design Quality
- D DM2 Internal Space Standards
- D DM3 External Space Standards
- D DM4 Extensions & Alterations to Existing Buildings

D SP1 Design

T SP1 Transport and Development

[Ferring Neighbourhood Plan 2014 Policy 1A](#)

A Spatial Plan for the Parish

Ferring Neighbourhood Plan 2014 Policy 10

Sustainable water management

**PLANNING POLICY GUIDANCE:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD3 Parking 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 may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

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

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

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



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

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

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

The Ferring Neighbourhood Plan has been made and policies 1A:Spatial Plan and 10 Sustainable Drainage Systems for the Parish 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."

At the time of writing this report, the proposal is not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the residential amenities of the adjoining properties.

### **OTHER MATERIAL CONSIDERATIONS**

The applicant has been requested to submit an amended plan showing amended window arrangements to plots 1 & 2. If this plan is submitted to the satisfaction of officers prior to Committee it is considered that this application can be recommended for approval as per the Conclusions section of this report.

### **CONCLUSIONS**

#### **PRINCIPLE**

The application site is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy considerations in the determination of this application are considered to be GEN7 of the Arun District Local Plan; Policy 1A of the Ferring Neighbourhood Plan, D DM1, D DM3, D SP1 of the Emerging Local Plan; and the National Planning Policy Framework.

It is a material planning consideration that, following a successful appeal, outline approval was granted under reference FG/69/16/OUT for the construction of 4 no. bungalows. Therefore, it is considered that the principle of the proposed development has already been established.

#### **DESIGN AND VISUAL AMENITY**

The application seeks planning permission for the construction of 4 no. x 3 bed chalet style bungalows on the site. The proposed dwellings will feature one bedroom, an open plan living, dining and kitchen area on the ground floor and 2 en suite bedrooms within the roof space. The proposed dwellings will have an eaves height of approximately 2.9m and a maximum ridge height of 7m.

The proposed dwellings will be set out in a linear fashion to the south of 44 Ferringham Lane and served by the existing driveway which was agreed at appeal. The proposed dwellings will have a gross internal floor area of approximately 155m<sup>2</sup> which will exceed the Nationally Described Space Standards for a dwelling of this size by approximately 53m<sup>2</sup>.

The character of the locality is mixed with two storey dwellings, chalet bungalows and bungalows surrounding the application site. The design of the proposed dwellings is considered to appear in keeping with the established character of the locality subject to the use of appropriate materials.

Development surrounding the site is predominantly linear in layout, this is most evident to the east in Little Paddocks and to the west of the site along Ferringham Lane. Therefore, the proposed layout of the development is considered to be in keeping with the established character of the wider locality.

The proposed development would result in the site having a residential density of 13.5 dwellings per hectare, with a residential density of 14.35 to the east of the site in Little Paddocks; 13.04 to the west of the site (east of Ferringham Lane); and a density of 11 dwelling per hectare to the west side of Ferringham Lane. It is considered that the proposed development in terms of its density is in keeping with the character of the locality.

By virtue of the above it is considered that the proposed layout of the site does not constitute overdevelopment and integrates well with the established character and appearance of the area in accordance with policy GEN7(ii) of the Arun District Local Plan; Paragraph 61 of the NPPF; and Policy D DM1 (1 & 13) of the emerging Local Plan.

Policy 1A (Spatial Plan for the Parish) of the Ferring Neighbourhood Plan 2014 (NP), supports proposals inside the built-up area boundary provided they are suited to an urban setting and accord with the relevant development plan policies. Given the above it is considered that the proposal would comply with this spatial policy

#### RESIDENTIAL AMENITY

The proposed dwellings will be situated a minimum distance of 15m from the eastern boundary of the site. This is considered to result in sufficient private amenity space in accordance with paragraph 17 of the NPPF. The layout which was approved for the single storey dwellings at appeal was 10m and this distance has now been increased by 5m.

8 and 9 Little Paddocks to the east of the application site are situated approximately 4-5m from the shared boundary of the site. The position of the dwellings in relation to the eastern boundary have been amended since the application was originally submitted and they are now located 15m from the shared boundary, instead of 10m as originally submitted. This will result in a separation distance of approximately 18-19m between the application dwellings and neighbouring properties to the east. This separation distance is considered to be sufficient not to cause materially adverse overlooking from plots 3 and 4 and would not be overbearing on the dwellings to the rear.

However 8 Little Paddocks features a first floor bedroom window on the rear elevation which will be situated opposite the proposed first floor Juliette balcony on the rear of Plot 1. This relationship would result in adverse overlooking. The first floor bedroom windows in the rear elevation of Plots 1 and 2 would have an unneighbourly impact on the neighbouring dwellings 8 and 9 Little Paddocks and their gardens. It has therefore been requested that the first floor bedroom window/door proposals in the rear elevation of these units are amended to prevent any materially adverse overlooking. A condition has also been included in the recommendation to ensure that the glazing to the en-suites on the rear elevation of Plots 1 and 2 remains obscured and fixed shut to 1.7m above ground floor level and that no additional

windows are added at first floor in the rear elevation without a planning application being submitted for consideration.

If the requested amended plans are not received by Committee, the application will be the subject of an update report which will recommend refusal of the application on the basis of the unacceptable adverse overlooking impact resulting from Plots 1 and 2 on the residential amenities of 8 and 9 Little Paddocks.

The impact of the increased use of the access from Ferringham Lane and additional vehicle movements to the rear of properties fronting Ferringham Lane was established in the appeal decision and could not be reasonably refused at this time.

#### **HIGHWAY MATTERS**

The proposed access to the site has been allowed at appeal and the conditions previously imposed relating to parking, access and construction are included in the officer recommendation.

#### **CONCLUSION**

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

The application has been re-advertised following receipt of the additional information requested by West Sussex Highways and the advertising period now expires on 15-03-2018. Therefore it is requested that the decision on this application is delegated to the Group Head of Planning in consultation with the Chairman and Vice Chairman of Committee.

#### **HUMAN RIGHTS ACT**

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

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

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

Duty under the Equalities Act 2010

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

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

#### **RECOMMENDATION**

APPROVE CONDITIONALLY

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

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

- 2 The development hereby approved shall be carried out in accordance with the following approved plan: Location Plan 628-01 revA,  
Site Layout Block - 628-02 revD  
Roof Plans 628-03 revC  
House Plans 628-04 rev D  
Elevations 628-05 rev A.

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

- 3 No part of the development shall be first occupied until visibility splays of 2.0 x 43 metres to the south of the site and 2.0 x 39 metres to the north of the site have been provided at the site vehicular access onto Ferringham Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

- 4 No development shall not commence until the 4 metre wide vehicular access serving the development has been constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or impede access onto Ferringham Lane which could compromise highway safety in accordance with the NPPF.

- 5 Prior to the commencement of development details of the proposed traffic light system to control access in and out of the site shall be submitted to and approved by the local planning authority. This should include the:

- design, location and operation of the traffic light system.
- continued maintenance and operation of the traffic light system.

Reason: In the interests of road safety and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or impede access onto Ferringham Lane which could compromise highway safety in accordance with the NPPF.

- 6 The buildings shall not be occupied until the parking spaces, turning facilities and garages shown on the submitted plan have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking, turning and garaging of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies GEN7 and GEN12 of the Arun

District Local Plan.

- 7 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.

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

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

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

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

- 10 No windows (other than those shown on the plans hereby approved) shall be constructed at first floor level in the rear east elevation of plots 1 and 2 which adjoins the side boundary with Little Paddocks without the prior permission of the Local Planning Authority on an application in that behalf.

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

- 11 The first floor windows on the east rear elevation of plots 1 and 2 shall at all times be glazed

with obscured glass and fixed to be permanently non-opening below 1.7m internal floor level.

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

- 12 The buildings hereby permitted shall not be occupied until provision for covered cycle parking has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority and such provision shall thereafter be used only for the parking of cycles.

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

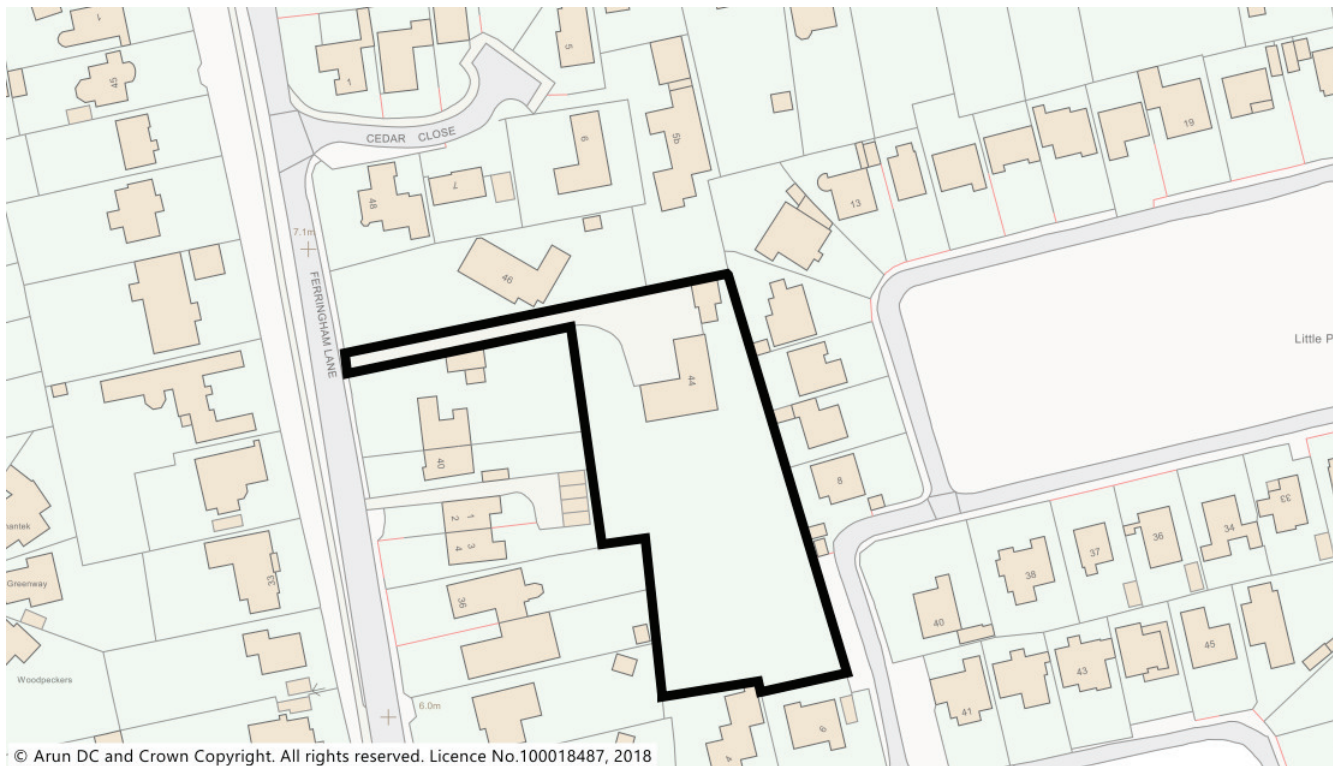
- 13 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, 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.

- 14 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.

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

- 16 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

**FG/115/17/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/280/17/PL

**LOCATION:** General Henrys  
31 Horsham Road  
Littlehampton  
BN17 6BZ

**PROPOSAL:** Conversion of existing building to form 5 No. dwellings with associated cycle & refuse stores, parking & landscaping with dormers to north & south elevations.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The application seeks permission for the conversion of the existing public house (A5) to form 5 No. dwellings. This will include the construction of dormers on the north and south elevations.
SITE AREA	Approximately 0.05 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 100 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the property abuts the highway with the rear and side boundaries of the site featuring a combination of close boarded fencing and mature planting.
SITE CHARACTERISTICS	The site is occupied by a currently vacant public house. The property is a detached two storey building with rendered elevations at ground floor level and tile hanging at first floor level and mock tudor panels on the gables. The host building abuts the highway adjacent to Horsham Road with a small car park to the south and a paved garden to the north.
CHARACTER OF LOCALITY	The character of the locality is predominantly residential consisting of properties of various designs and styles. There are a number of commercial uses in close proximity to the application site including a petrol station to the south and a small number of retail uses to the north.

**RELEVANT SITE HISTORY**

None.

**REPRESENTATIONS**

**REPRESENTATIONS RECEIVED:**



## Littlehampton Town Council

## Objection -

- Conflict with Littlehampton Neighbourhood Plan Policy 6.
- Conflict with Littlehampton Neighbourhood Plan Policy 9.
- Lack of evidence put forward to justify the proposed change of use away from a valuable community facility.
- Inadequate parking
- Access problems due to proximity of mini roundabout and busy nature of the road.

## 29 No. letters of objection received:

- Proposed dormers will give rise to overlooking resulting in a major intrusion into my privacy.
- The application site provides inadequate parking provision.
- Two flats have been empty at 43 Horsham Road for 2 years.
- There are no other public houses in this area.
- Lack of infrastructure and unless you go into town there is a lack of social activities.
- The area is already over developed with too much housing.
- Poor parking provision in the local area.
- Not wanted the building to look different to the other buildings around.
- Too many pubs have closed in Littlehampton.
- Building should be used to provide a community facility not more housing.
- This was a nice family pub and its loss would be a great shame to the town.
- During operation of the pub there was only minor anti-social disturbance.
- This pub is a much needed community facility.

## 2 No. letters of no objection:

- This pub has not been popular as it is always closed and no one wants to open it again.
- There are plenty of other pubs and restaurants close by.

## 18 No. letters of support received:

- This is an awful pub that has never worked and has been vacant for some time
- The pub in the past has had loud music and live bands, drunks shouting till the early hours and causing trouble.
- The few locals do not make it a welcome place to others.
- The pub is currently an eyesore.
- It is good they are keeping the existing building rather than demolishing it.
- Accommodation is much needed in Littlehampton and making two bedroom flats will be more affordable to first time buyers.
- The pub clearly does not work.
- There is plenty of parking nearby and future residents will benefit from close proximity to town centre, good transport links, cycle storage and on site parking.
- The area is looking run down and this new development will bring much needed life to the area.
- Proposal will provide outside space and parking.
- Much better use for the building than a pub or A1 retail use.
- The building is run down and is a bad advertisement to those entering the town.
- I am happy to see this pub go, I have often avoided going past this pub and choosing other routes home when walking in the evening, due to the crowd of people it tends to attract, very intimidating and I will feel a lot safer with it turning into housing.
- Original character features are retained with some modern tweaks and a sensible amount of units with some gardens and parking.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

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

Following a request for further information demonstrating the attempts made to market the premises for continued public house use or alternatively as Class A1 retail, an additional statement has been received from the applicants Chartered Surveyors and Commercial Property Advisors evaluating the marketing exercise submitted with the application.

<b>CONSULTATIONS</b>
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WSCC Strategic Planning

Economic Regeneration

Environmental Health

**CONSULTATION RESPONSES RECEIVED:**

Economic Development:

No objection to this application.

West Sussex County Council Strategic Planning.

No objection subject to conditions The Local Highway Authority does not consider that the proposal would have a 'severe' impact on the operation of the Highway network, therefore it is not contrary to the National Planning Policy Framework (para 32), and there are no transport grounds to resist the proposal.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

<b>POLICY CONTEXT</b>
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Designation applicable to site:

Within built up area boundary

**DEVELOPMENT PLAN POLICES**

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

GEN2 Built-up Area Boundary

GEN7 The Form of New Development

GEN12 Parking in New Development

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

D DM1 Aspects of Form and Design Quality

D DM2 Internal Space Standards

D DM3 External Space Standards

D DM4 Extensions & Alterations to Existing Buildings

D SP1 Design

SD SP2 Built -Up Area Boundary

T SP1 Transport and Development

## OSR DM1 Open Space, Sport &amp; Recreation

<a href="#">Littlehampton Neighbourhood Plan 2014 Policy 1</a>	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
Littlehampton Neighbourhood Plan 2014 Policy 9	Local Centres

**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.

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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).

The Littlehampton Neighbourhood Plan has been made and policies 1, 2, 6 and 9 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 conflict with relevant Development Plan policies in that it does not comply with policies 6 of the Littlehampton Neighbourhood Plan which seek to prevent residential development which results in the loss of community facilities and a change of use away from a public house use (A4) in designated Local Centres.

#### **OTHER MATERIAL CONSIDERATIONS**

It is considered that there are material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background namely that the property has been actively marketed, without success, for continued A4 use.

#### **CONCLUSIONS**

##### **PRINCIPLE**

The application site is situated within the built up area boundary as identified by policies GEN2 of the Arun District Local Plan and Policies 1 & 2 of the Littlehampton Neighbourhood Plan (LNP).

The key policy considerations in the determination of this application are policy GEN7 of the Arun District Local Plan; policies 6 and 9 of the LNP, the National Planning Policy Framework; and D DM1, D DM2, D DM3, D DM4 and D SP1 of the emerging Local Plan.

##### **LOSS OF A COMMUNITY FACILITY AND A PUBLIC HOUSE USE (Class A4)**

Policy 6 of the LNP seeks to restrict the loss of existing community facilities unless satisfactory proposals for the relocation of those community facilities have been implemented. In this case the proposed development would result in the loss of the existing public house and no provision has been made for the relocation of the premises elsewhere within the immediate locality.

Policy 9 of the LNP designates local centres and seeks to restrict the change of use of existing A1-A5 uses to non A1-A5 uses, unless it can be clearly demonstrated that the A1-A5 premises has been actively marketed and no demand exists for the continuation of the use.

A Marketing Statement accompanied the application showing that the public house has been vacant

since January 2017 and actively marketed since May 2017 for its continued use. The marketing carried out failed to identify a demand for the continuation of the A4 use at the site.

However, the submitted marketing statement was considered insufficient to show that the premises had been adequately and actively marketed for continued public house use.

In response the applicants submitted a further statement which scrutinised the evidence submitted by the applicants agent, a company of Chartered Surveyors and Commercial Property Advisors. This statement concluded that the marketing exercise:

- was carried out over an 8 month period. In addition and previously to this the premises had been available at auction over a 4 month period. Therefore in total the premises had been available for 12 months
- was undertaken through a variety of means including a letting brochure/agency particulars, hardcopy advertising, online advertising, mailing, telephone canvassing and site boards.

This is now considered to have been a proactive market exercise that failed to generate any interest for the premises to continue trading as a Public House or for A1 retail purposes.

Therefore, despite the proposed development conflicting with aims of policy 6 of the LNP it appears from the evidence submitted that there is currently no demand for the operation of the existing public house in this location.

Paragraph 70 of the NPPF, states that decision should;

"plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments."

The application site is situated 965m from the town centre which features 4 public houses and 'The Sportsman - Sports and Social Club' is situated approximately 482m away. It is considered that adequate provision of drinking establishments will remain available within acceptable walking distance of the existing public house. Therefore, the proposal is deemed to accord with paragraph 70 of the NPPF.

The proposed development will not conflict with policy 9 of the LNP by virtue of 12 months of marketing having taken place with the premises remaining vacant and no interest having been expressed for the approved A4 use or other commercial uses including retail. The conflict of the proposal with policy 6 of the LNP (given the evidence provided regarding the attempted marketing of the site) is considered to be offset by the provision of 5 no. residential units to help address the Council's significant housing land supply shortfall.

#### DESIGN AND VISUAL AMENITY

The proposal will see the existing building converted with the removal of the existing chimneys and the addition of 2 no. dormers to the northern elevation and 2 no. dormers to the southern elevation. The existing building is dilapidated and in need of maintenance and repair and in its currently vacant condition the public house has a detrimental impact upon the visual character of the locality.

The proposed conversion will see the character of the host building enhanced and will not give rise to unacceptably adverse harm to the spatial pattern or character of the street scene in accordance with policy GEN7(ii) of the Arun District Local Plan and policy D DM1 (1) of the emerging Arun District Local Plan.

The proposed 5 no. flats will exceed the internal space standards as specified by the Nationally Described Space Standards and as such will accord with paragraph 17 of the National Planning Policy Framework and policy D DM2 of the emerging Local Plan.

The proposal also includes cycle and bin storage provision. The proposed bin and cycle stores will measure approximately 1.8m in height. Therefore, it is considered that given the height of the existing boundary treatments that the proposed bin and cycle stores will not be visible within the street scene and as such will not adversely impact upon the established character of the locality.

#### RESIDENTIAL AMENITY

The proposed conversion of the existing property is not considered to give rise to any unacceptably adverse overbearing or overshadowing impacts upon neighbouring properties or uses.

The first floor of the public house was previously used as residential occupation. Therefore, it is considered that the existing windows on the western elevation of the building will not give rise to any unacceptably adverse overlooking of neighbouring properties.

The 2 no. dormer windows proposed on the southern elevation of the existing building will be approximately 14 m away from the boundary of the side garden to number 1 Norman Close. This section of garden space is not secluded nor private and widely overlooked. A private external area is located to the rear of this property. As such the proposed southern dormers are not considered to give rise to any unacceptably adverse overlooking of neighbouring properties.

The proposed dormer windows on the northern elevation of the building will be located approximately 10.3m from the southern boundary of the rear garden of 33 Horsham Road. This is not considered to be a sufficient distance to prevent direct and unacceptable overlooking into the rear garden of number 33 and a condition is therefore proposed to overcome this harm.

Therefore, the proposal is considered to accord with policies GEN7(iv) of the Arun District Local Plan and Policy D DM1 (3) of the emerging Local Plan.

The proposed development will provide an acceptable level of private amenity space for this residential development in compliance with planning policy. It also needs to be noted that the amenity space standards specified within policy D DM3 of the emerging Arun District Local Plan are no longer in force as they have been deleted from the proposed modifications to the emerging plan.

#### HIGHWAYS AND PARKING

The proposed development has been the subject of consultation with West Sussex County Council (Strategic Planning) who have raised no objection in relation to the proposed development. It was confirmed that the visibility at the existing access was acceptable and as such would not give rise to any safety concerns as to the safe operation of the highway.

The parking provision at the site has been assessed and it was identified that 1 of the originally proposed 5 parking spaces failed to meet the minimum size requirements and as such it has been removed from the application. The 4 parking spaces (if unallocated) are considered to meet the demands of the WSCC Parking Demands Calculator. A condition has been included with the recommendation report requiring the submission of details of parking provision and its implementation prior to occupation.

Therefore, it has been confirmed by WSCC that the proposed development would not give rise to a severe impact upon the safe operation of the highways network and is deemed to accord with paragraph 32 of the NPPF.

**SUMMARY**

The proposed development will conflict with policy 6 of the LNP by virtue of the loss of the public house. However, it is considered that given the level of evidence provided in the marketing statement that adequate attempts have been made to retain the premises for its lawful use and that there is no realistic prospect of the site being brought back into use in the immediate future.

The proposed development is not considered to give rise to any unacceptably adverse harm to the visual or residential amenities in the immediate locality and will accord with relevant development plan policies in this regard.

Therefore, the proposed development is recommended for approval subject to the below conditions.

**HUMAN RIGHTS ACT**

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

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

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

**RECOMMENDATION****APPROVE CONDITIONALLY**

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

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

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

- Site Plan
- Proposed Elevations - Drawing No. CFA/FULL/BS

- Proposed Floor Plans - Drawing No. CFA/FULL/BS
- Proposed Cycle and Refuse Storage - Drawing No. CFA/FULL/BS

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

- 3 The two dormer windows on the north elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening up to 1.7m above ground floor level.

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

- 4 No part of the development shall be first occupied until the parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: In the interests of amenity to provide car parking spaces in accordance with policy GEN7 of the Arun District Local Plan.

- 5 No development shall commence until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: In the interests of amenity and highway safety in accordance with policy GEN7 of the Arun District Local Plan and the NPPF. It is considered necessary for this to be a pre-commencement condition to ensure that during construction no adverse impacts upon amenity or the operation of the highway take place.

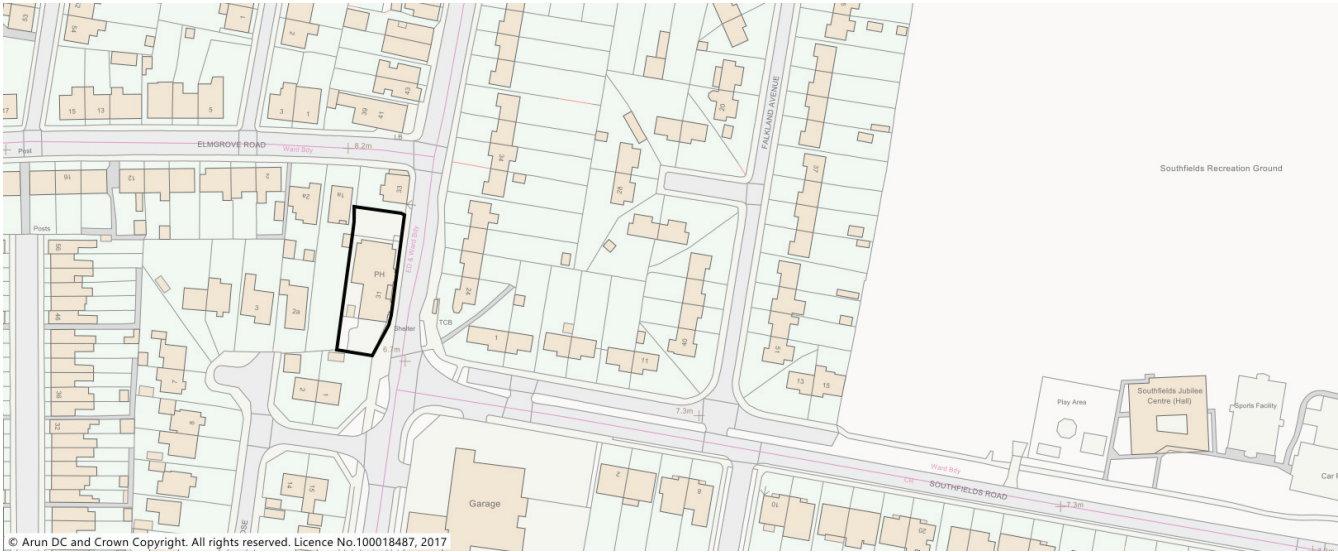
- 6 No part of the development shall be first occupied until covered and secure cycle parking spaces and bin enclosures have been provided and permanently retained in accordance with the approved plans.

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

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



**LU/280/17/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/320/17/PL

LOCATION: Littlehampton Golf Club  
Rope Walk  
Littlehampton  
BN17 5DL

PROPOSAL: Alterations to golf practice ground & surrounding land, including tees (incorporating importation of material).

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. This application involves remodelling of the practice range, utilising imported material to create a landform, akin to sand dunes to provide a more practical and useable practice ground area. It is hoped that the works would improve the attractiveness of the golf course and attract new entry level golfers.
	It is also proposed to re-profile the third fairway with a re-positioned tee and re-profile and raise the 18th fairway. The application is supported by a Flood Risk Assessment, Preliminary Ecological Appraisal, a Construction Management Plan and a Highways Technical Note.
SITE AREA	2.9 hectares
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The golf course is surrounded by wire fencing and shrub planting to approx. 2m height.
SITE CHARACTERISTICS	The golf practice area is located to the west of the first fairway and north of the second fairway and comprises a flat rectangular grassed area.
CHARACTER OF LOCALITY	The golf course is located adjacent to the river and close to West Beach. There are residential properties along the approach road to West Beach.

**RELEVANT SITE HISTORY**

LU/208/17/PL	Increase in height & length of bund & associated landscape enhancement works.	ApproveConditionally 07-09-17
LU/335/04/	New secure entrance gates.(Re-submission following	ApproveConditionally

LU/223/04/)

10-09-04

LU/29/02/	Extension to existing implement store.	ApproveConditionally 20-03-02
LU/315/92	Single storey extension to form additional store	ApproveConditionally 01-03-93
LU/221/89	Conversion of existing roof space into a snooker room and the provision of an external escape stair	ApproveConditionally 19-06-89
LU/74/88	Extension to golf professionals shop	ApproveConditionally 18-04-88

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objection - The proposed works, by virtue of the volume of heavy traffic, will have a detrimental impact on the amenity of residents in the vicinity. Request a construction traffic management plan and that the site promoters be asked to meet with residents and the Ward Councillor as part of this process.

4 Objections including Ward Member

- Concern regarding the proposed number of vehicles along Rope Walk and Ferry Road. This is too much HGV traffic for the one road in and out which is in a very bad state of disrepair. The number of vehicles up and down the road over several months is not acceptable.
- There are several businesses in Rope Walk and there is already much traffic to Golf Club, and Yacht Club. There will be absolute chaos on both Ferry Road and also Rope Walk not to mention the noise we, the residents will have to put up with during this period.
- The implementation of LU/208/17/PL together with approval in this case would result in unacceptable levels of HGV movements.
  - No consultation to inform the local residents and or the local business that this is taking place. There are no traffic management plans in place from the A259 onto Ferry Road into Rope walk and accessing the single road leading to the golf course.
  - It is imperative that there is a traffic management plan in place for safety reasons and conditions applied for the timing of the HGV movement and mitigation for any type of damage done to the highways. The small bridge within Ferry Road was repaired due to the road sinking.
  - Structural damage to the bridge could happen which could end up with the road being totally closed with no access for residents or business.
  - Is there an alternative way of bringing in the material to the golf course by using a barge and having it moored up on the training wall and then craning it onto a lorry or lorries?

**COMMENTS ON REPRESENTATIONS RECEIVED:**

A Construction Management Plan has now been included in the application. The contents of this are expanded on below. County Highways have no objection based on highway safety and repairs to the road would be secured by a section 59 Agreement. Disturbance to residential properties would take place over a limited period and would only occur over the winter months when doors and windows are more likely to be closed. At para 5.4 of the Report it states that local residents and businesses within the vicinity of the application site, particularly on Rope Walk, together with Littlehampton Town Council will be kept informed of the implementation of the works. They will be advised in writing of the timing of works, the process to be undertaken and the Site Manager contact details. Affected residents will receive monthly updates. Notices will also be displayed close to the site providing this information.

**CONSULTATIONS**

Environment Agency  
 WSCC Strategic Planning  
 Ecology Advisor  
 WSCC Strategic Planning  
 Surface Water Drainage Team

**CONSULTATION RESPONSES RECEIVED:**

Ecologist - No Objection subject to a condition.

Environment Agency - No objection in principle to the proposal in regards to flood risk from rivers and the sea.

County Highways

Second Response - No Objection. Requested additional information has now been received and adherence to the submitted Construction Management Plan can be controlled by condition.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted. The Lead Local Flood Authority has been consulted, as indicated by the Environment Agency and their comments will be provided in a report update.

**POLICY CONTEXT**

Designation applicable to site:  
 Outside Built Up Area Boundary  
 Strategic Gap  
 Site of Local Importance for Nature Conservation

**DEVELOPMENT PLAN POLICES**

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

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN10	Tidal Flooding and Coastal Defence

GEN11	Inland Flooding
AREA5	Protection of Open Space
AREA10	Strategic Gaps
AREA15	Sites of Local Importance for Nature Conservation
AREA16	Ancient Monuments + Sites of National Archaeological Import

Publication Version of the Local Plan (October 2014):

SD SP2	Built -Up Area Boundary
D SP1	Design
C SP1	Countryside
HER DM6	Sites of Archaeological Interest
HER SP1	The Historic Environment
W DM2	Flood Risk
ENV DM1	Designated Sites of Biodiversity or Geological Imp
SD SP3	Gaps Between Settlements
OSR DM1	Open Space, Sport & Recreation
HWB SP1	Health & Wellbeing
W DM4	Coastal Protection
ENV SP1	Natural Environment
D DM1	Aspects of Form and Design Quality
QE SP1	Quality of the Environment

<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 21	Proposals to increase the recreational and tourist use of the River Arun
Littlehampton Neighbourhood Plan 2014 Policy 5	West Bank

**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.

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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.

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

Policies 1, 2, 5 and 21 of Littlehampton Neighbourhood Plan are considered relevant to consideration of this application.

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

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

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

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

#### **OTHER MATERIAL CONSIDERATIONS**

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

#### **CONCLUSIONS**

##### **BACKGROUND**

The practice ground area is bordered on all sides by tees, greens and fairways. It is edged to the north,

south and west and has poor drainage at times of inclement weather. This together with the surrounding scrub renders the practice ground of limited use. The proposal would re-profile the area that gently rises in a westerly direction. It would fall more steeply to the rear (west) as well as the north and south. The change in ground levels at any given point would be a maximum of 5m. The area would appear as sand dunes in profile and character reflecting the series of sand dunes to the south of the second fairway and immediately to the rear of West Beach. The area around the practice ground would be re-landscaped with a coastal area wildflower seed mix, together with native shrub specimen species.

The works necessitate the importation of material from offsite. It is estimated that this would amount to 45,000 cubic metres and would be delivered by some 3,750 vehicle loads, with each vehicle carrying 12 cubic metres. It is estimated that the work would take 6 months (1st October - 31st March), equating to some 3-4 lorry movements per construction hour. Some alterations are required to the site entrance to allow for delivery and deposit of material.

During implementation the applicant is proposing to seek agreement to temporarily suspend some of the parallel parking bays along Rope Walk to facilitate the introduction of temporary parking bays.

#### PRINCIPLE

The application relates to land within the golf course which is located outside the built up area boundary within the Strategic Gap between Littlehampton and Middleton where development is strictly controlled. The proposal would improve and remodel the existing golf course and would facilitate retention, provision and enhancement of leisure and recreation uses in compliance with Development Plan policy.

#### VISUAL AMENITY AND CHARACTER OF THE AREA

The Golf course is a 'links' course reflecting its immediate setting adjacent to the sand dunes and shoreline to the south. In keeping with this location and character the course is generally open and exposed with a few trees. The proposal would increase the ground level of the practice ground in an east to westerly direction. This would be a gradual incline with the sides and rear of the practice ground falling away more steeply to create a convex land profile. At its highest point the land would be 7.5m AOD. The land would then fall away to the north, south and west to existing ground levels which are approximately 3m AOD to the north and west and 4.5m to the south. The increase in height of the practice area and additional improvements to the tees would be acceptable in terms of their impact on the visual amenities of the locality. They would be in keeping with the wider character of the golf course and the 5m high bund recently approved along part of the site boundary. Rope Walk is currently located in a higher position than the golf course for some of its length. The proposal would not compromise the objectives of the Gap in that it would not add to the built form or result in coalescence of buildings.

The revised land form would be in keeping with the surrounding character of the golf course and the dune system bordering it to the south. It will not either individually or cumulatively affect the objectives and fundamental integrity of this part of the Gap.

#### LEISURE CONSIDERATIONS

The proposal would improve the existing golf facilities by remodelling parts of the existing golf course which would facilitate retention, provision and enhancement of leisure and recreation uses in accordance with policies GEN3 of the Local Plan and policies SDSP1, and CSP1, and TOU DM1 of the emerging local plan.

#### IMPACT ON DESIGNATED HERITAGE ASSET

The proposal would be close to the 19th century Artillery Fort to the south which is a Scheduled Ancient Monument designated Heritage Asset. It would be separated from the application site by the first green and tee and fairway of the second hole, a distance of approximately 40m. The significance of the setting of the Fort lies mainly in its relationship with the river and sea to the south and east. The land to the north

is less significant and sensitive. The works would be visible from the Asset but due to the significant separating distance would not detract from its views or its appearance. The works would be visibly assimilated into the golf course and surrounding landscape. The scheme is considered to have no undue impact on the setting of the heritage asset in accordance with policies AREA16 of the Local Plan and HERSP1 and HERDM6 of the emerging local plan.

#### ECOLOGY

The site is part of Atherington Beach Local Wildlife site and is close to Climping Beach SSSI, the West Beach Local Nature Reserve and the Climping and dune system Local Geological Site. The Preliminary Ecology Assessment undertaken from July-September confirmed the presence of suitable habitat for breeding reptiles within the Site and records obtained from Sussex Biodiversity Records Centre (SxBRC) showed the presence of breeding Sand Lizards immediately south of the Site and Slow worms present within parts of the Golf Course. The results showed no signs of reptiles being present on Site. However since Sand Lizards are known to breed within 100m of the proposed works, a set of Reasonable Avoidance Measures (RAMs) which include an exclusion fence and checking for species before works commence were suggested within the Report. A condition has been imposed to ensure these measures are implemented. Subject to this appropriate mitigation it is considered that the scheme will have no adverse effect on biodiversity. The ecological value of the site is currently limited. The proposal is therefore considered to accord with policies AREA 15 of Arun District Local Plan and policies ENV SP1 and ENV DM1 of the emerging plan.

#### HIGHWAY ISSUES AND RESIDENTIAL AMENITY

A Construction Management Plan has been submitted as part of the application and it is proposed to recommend approval of the application subject to a condition requiring adherence to the Plan. County Highways have no objection to the proposal on this basis. The purpose of the Plan is to ensure that the impact of construction work on local residents and the highway network is kept to a minimum.

The work will be carried out simultaneously with the works to create the approved earth bund. As a result there will be approx. 40 loads per day on average, which equates to 80 movements a day.

The access point to the golf course is located approx. 950m to the south of Rope Walk/Ferry Road junction at an existing emergency/maintenance point. This is to be widened as part of application LU/208/17/PL.

Deliveries to the site are to be restricted to between 0800 and 1800 on weekdays and 0800 and 1300 on Saturdays with no work taking place on Sundays or bank holidays. Deliveries will be staggered throughout these periods to avoid more than one vehicle arriving at any one time.

Wheel cleaning of lorries will take place when necessary and regular cleaning of Rope Walk by a road sweeper will take place. Traffic flow will be controlled by signals.

On this basis the application is considered acceptable in terms of highway safety and residential amenity in accordance with policy GEN7 of Arun District Local Plan.

#### FLOOD RISK

The application is supported by a Flood Risk Assessment (FRA). The works cannot practically be located in an alternative area at lower risk of flooding since the works relate to part of the existing golf course facility. The FRA concludes that there is only a minimal increase in the flood risk within the site or along adjacent land and the Environment Agency have raised no objection. On this basis it is considered that the scheme is in accordance with policies GEN10 and GEN11 of Arun District Local Plan and policy ENV DM1 of the emerging Local Plan.



**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 :  
Site Plan 260-08-020, Cross Sections plans 820.03, Isopachyte Plan 820.04, Grading Plan 820.02 and Existing Site Survey 820.01.

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

- 3 The development shall proceed in accordance with the submitted Construction Management Plan by Motion amended on 20/12/2017 which includes the following:
  - a. An indicative programme for carrying out the works
  - b. The arrangements for public consultation and liaison during the construction works.
  - c. The parking of site operatives and visitors
  - d. Loading and unloading of plant and materials

- e. Storage of plant and materials used in construction and development
- f. Wheel washing facilities
- g. No construction work shall take place except during the hours of 8:00 to 18:00 Monday-Friday, 8:00 to -13:00 Saturdays and not at all on Sundays or Bank Holidays.

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

- 4 The development shall proceed in accordance with the submitted Reptile Survey - Population Assessment dated June - September 2017 and the Reasonable Avoidance Measures set out in the report.

Reason: To safeguard the ecology of the area, and in the interests of reptiles to ensure that a habitat remains for them during and after development in accordance with policy GEN7 of Arun District Local Plan.

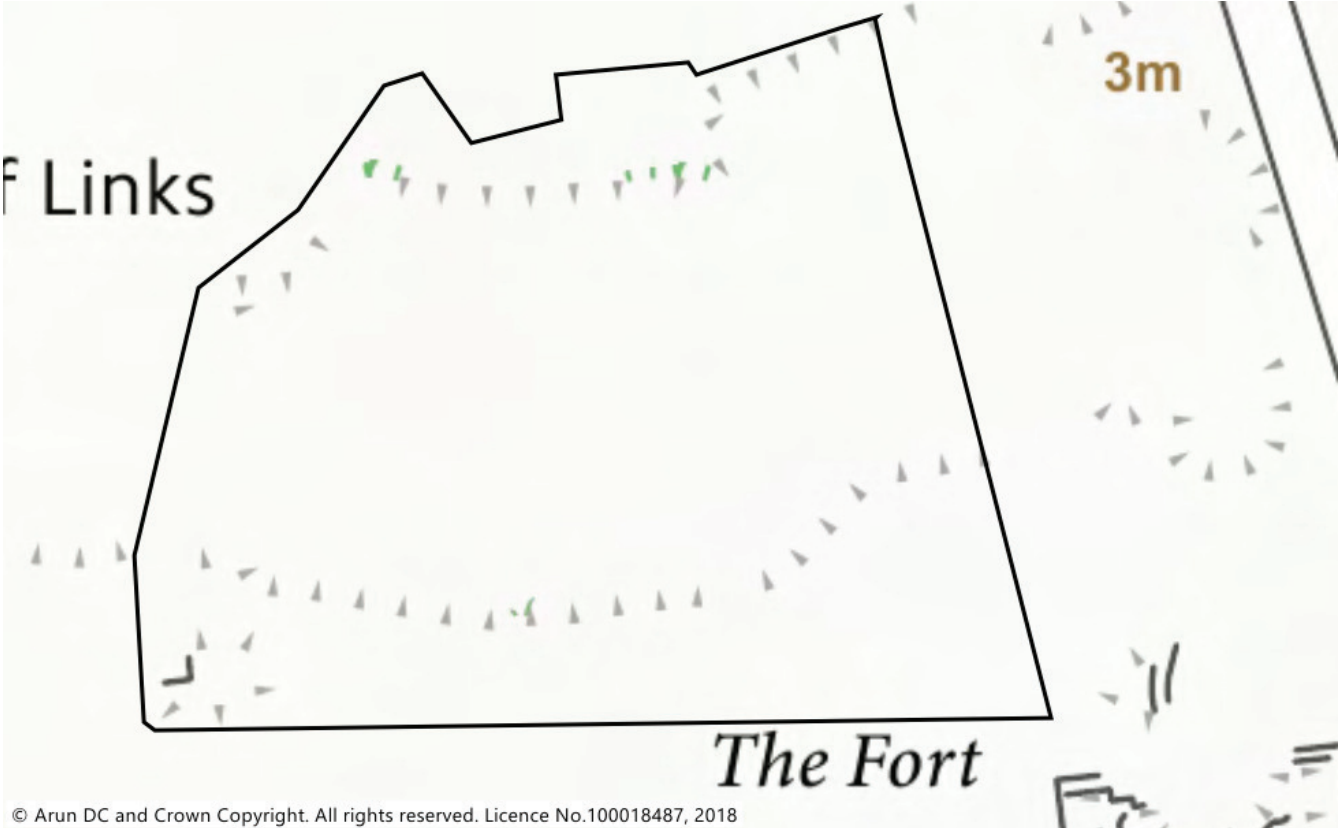
- 5 Prior to the use of the areas the subject of this application commencing details of a landscaping scheme shall be submitted to and approved by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the completion of the development, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

- 7 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

**LU/320/17/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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100018487. 2015

PLANNING APPLICATION REPORT

REF NO: LU/323/17/PL

LOCATION: United Services  
Maltravers Road  
Littlehampton  
BN17 5NA

PROPOSAL: Change of use of former United Services Club (Sui Generis) to 10 No. flats (C3 Dwelling House) with associated landscaping, parking, bins & recycling storage.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Change of use to create 8 no. 2 bedroom flats and 2 no.1 bedroom flats. This would include:-  <ul style="list-style-type: none"> <li>- Removal of west facing external side staircase,</li> <li>- Replacement of existing windows with obscure glazed and fixed shut to 1.7m above finished floor level grey plastic sash windows,</li> <li>- Juliette balconies to first floor rear windows,</li> <li>- Roof lights to west and east side roof slopes,</li> <li>- Box dormer window to rear roof slope,</li> <li>- Glass balustrade to front entrance with adapted steps,</li> <li>- Parking for 6 no. cars with bin storage to front. External patio areas to flats 1 &amp; 2 to rear.</li> </ul>
SITE AREA	0.09 hectares/ 866m2 approx.
RESIDENTIAL DEVELOPMENT DENSITY	100 dph.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.8m high wall to side and rear. Open plan to front.
SITE CHARACTERISTICS	Two storey, vacant club building with hipped roof and pillared entrance to front with small first floor balcony area atop. Parking to front and vehicle access to side leading to parking and garages at the rear of the site which are in separate ownership and privately used.
CHARACTER OF LOCALITY	Town centre location. Flatted developments to west and east. Surgery to south, library and fire station to north.

**RELEVANT SITE HISTORY**

LU/268/72	Additional Floor To Form Snooker Room To Existing Club Also Generator Room	Approve 18-08-72
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LU/278/74	New Office Adjacent To Existing Snooker Room	ApproveConditionally 12-09-74
LU/65/81	Extension Of First Floor	ApproveConditionally 18-03-81
LU/292/65	Addition Of Snooker Room And Beer Store	Approve 06-01-66

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Object on the grounds of highway safety and inadequate parking provision. In addition safety concerns were raised regarding the proposed communal entrance for pedestrians to the building which would be shared with vehicles accessing the site.

No public representations made.

### COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

WSCC have no objection to the development in terms of highway safety and parking. Whilst the WSCC parking calculator would require 6 allocated spaces and 6 unallocated with 2 visitor spaces, given the sustainable location of the development and the unrestricted parking available along Fitzalan Road and Maltravers Drive, the development could not be resisted on parking or highways safety grounds.

## CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Environment Agency

Economic Regeneration

Environmental Health

### CONSULTATION RESPONSES RECEIVED:

Engineering Services Manager - No comments made.

Engineers (Drainage) - No comments made.

WSSC Strategic Planning (Highways) - No objection subject to construction management plan condition and informative.

WSSC Infrastructure - Contribution required for £19,405 towards Primary, Secondary and Sixth Form education on commencement of development.

Environment Agency (EA) - No objection subject to condition and informative.

Economic Development - Responded with 'no comment'.

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Given the amount of parking space at the front the construction management condition proposed by highways is not considered to be reasonable or necessary.

Environmental Health comments concerning the use of the alleyway for vehicular activity are awaited.

#### POLICY CONTEXT

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

#### DEVELOPMENT PLAN POLICES

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

GEN11	Inland Flooding
GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN32	Noise Pollution
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage

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

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
ECC SP1	Adapting to Climate Change
ECC SP2	Energy and climate change mitigation
INF SP1	Infrastructure provision and implementation
OSR DM1	Open Space, Sport & Recreation
QE DM1	Noise Pollution
SD SP1	Sustainable Development
SD SP2	Built -Up Area Boundary
T SP1	Transport and Development

## W DM2 Flood Risk

<a href="#">Littlehampton Neighbourhood Plan 2014 Policy 1</a>	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
Littlehampton Neighbourhood Plan 2014 Policy 15	Provision and improvement of school 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 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 development is considered to comply with all relevant Littlehampton NDP polices other than Policy 6 "Residential development involving the loss of community facilities".

#### DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with relevant Development Plan policies (in this case Littlehampton NDP policy 6) in that the development would result in the loss of a community facility.

#### OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan.

The development is in conflict with Littlehampton NDP policy 6 "Residential development involving the loss of community facilities". However, sufficient marketing information has been submitted showing the current use as financially unviable. In light of this, conflict with Littlehampton NDP policy 6 is not a compelling reason for refusal and the development is considered to comply with emerging Arun Local Plan policy OSR DM1 and the National Planning Policy Framework. Further, Littlehampton Town Council make no objection on the grounds of conflict with their NP policy.

#### CONCLUSIONS

##### PRINCIPLE AND LOSS OF COMMUNITY FACILITY

The principle of development on this site is acceptable as it is located in a sustainable, town centre location within the built up area boundary. Conflict with LTNP policy 6 concerning the loss of the community facility must now be considered.

Marketing information has been provided by Robert Luff & Co. Their statement states that the property was in the market for over 6 months. The marketing exercise reveals the following:

- bringing the property to the attention of a number of their clients and making it available on the company's website
- a number of viewings took place
- the response was that for its current usage it would not be viable and owing to its state of disrepair nil interest had been shown for private hiring purposes
- there was no funds available for refurbishing the premises
- a builders survey revealed that significant investment was required to bring the premises to a standard able to attract a commercial tenant
- identified a number of other similar premises in the locality that had ceased trading
- a number of other alternative uses were considered such as B1 office use and C1 hotel use but were



discarded as unviable owing to the location, parking provision and building investment required.

The above leads to the conclusion that in the case of this application an exception to Littlehampton NDP policy 6 should be made. Thus the principle of the change of use to residential is accepted in this case in compliance with emerging policy OSR DM1 and Littlehampton NDP policies 1 and 2.

#### DESIGN AND VISUAL AMENITY

The alterations to the building are minor and considered acceptable, with the rear dormer not directly visible from the street. The new windows, glass balustrading to front and removal of side staircase along with the renovation of the external walls with materials to match and replacement of hardstanding are considered to be a visual enhancement to the existing vacant unit. In terms of design and visual amenity the development is considered to comply with saved policy GEN7 (ii).

#### RESIDENTIAL AMENITY

The use of the road to provide access to vehicles making use of the privately owned parking and garaging area to the rear of the application site is not considered to result in unacceptable noise and disturbance nuisance to prospective occupiers of the flats that side on to this roadway and the existing flats that neighbour the site.

The former use of the premises as an entertainment club needs to be borne in mind when considering the residential amenity harm to the neighbouring occupiers. The proposed residential use of the site will therefore be an enhancement in this regard. Comments from Environmental Health will inform any measures that need to be taken with regards to the impact on residential amenity of prospective occupiers from the use of the roadway.

It is accepted that the upstairs side windows on the east and west elevations would provide overlooking opportunities to the flats at Fitzalan Court and Maltravers Court. However, the applicant has agreed to fix shut and obscure glaze the first floor side facing windows to a height 1.7m above finished floor level. This will be secured by condition. The windows of the rear facing first floor windows and second floor dormer would look towards the Surgery to the rear and have an acceptable impact on residential amenity in terms of overlooking. They are not considered to increase communal overlooking from that which is the case now (there are existing windows at first floor) to the outside areas of Fitzalan Court and Maltravers Court to an unacceptable level. It is therefore not considered reasonable or necessary to impose an obscure glazed condition to these windows. It is considered that the flats at Maltravers Court will receive a slight enhancement in privacy level owing to the removal of the external staircase on the west side elevation.

The development is considered to be acceptable in terms of impact on residential amenity in compliance with saved policy GEN7 (iv).

#### CONTRIBUTIONS TO INFRASTRUCTURE

The applicant has agreed to submit a unilateral undertaking to agree payment of £19,405 towards Primary, Secondary and Sixth Form education on commencement of development. The contributions will be spent on additional equipment at River Beach Primary School, The Littlehampton Academy and The Littlehampton Academy Sixth Form. Thus the development would contribute to education (infrastructure) in compliance with emerging Arun Local Plan policy INF SP1 and Littlehampton NDP policy 15.

#### INTERNAL AND EXTERNAL AMENITY STANDARDS

The development would provide sufficient internal floor space to meet the requirements of the Nationally Described Space Standards.

Front balconies and small patio areas are provided for 4 of the flats but it is not considered that private

external amenity space is required for all the flats in the development owing to the close proximity of open public amenity spaces and the absence of any local plan policy requiring a quantum of external private amenity space.

**PARKING AND HIGHWAYS SAFETY**

WSCC have no objection to the development in terms of highways safety and parking. Whilst the WSCC parking calculator would require 6 allocated spaces and 6 unallocated with 2 visitor spaces, the sustainable location of the development and the unrestricted parking available along Fitzalan Road and Maltravers Drive, makes the proposal compliant with saved policy GEN12 and emerging policy T SP1.

**CONCLUSION**

The application is considered to be acceptable and there are considered to be other material consideration which override the conflict with Littlehampton NDP policy 6. Approval of the application is recommended with the following conditions and a unilateral undertaking (S106) agreement.

**HUMAN RIGHTS ACT**

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

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

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

**SECTION 106 DETAILS**

The applicant has agreed to submit a unilateral undertaking for the payment of £19,405 towards Primary, Secondary and Sixth Form education on commencement of development. The contributions will be spend on additional equipment at River Beach Primary School, The Littlehampton Academy and The Littlehampton Academy Sixth Form.

**RECOMMENDATION**

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

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

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

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

PL.001  
PL.003 Revision C  
PL.002 Revision B

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

3 The materials and finishes of the external walls and roofs of the development hereby permitted shall be similar in colour and texture with those of the existing building.

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

4 The first floor windows on the east and west elevations of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening to a height 1.7m above finished floor level.

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

5 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (December 2017) and the following mitigation measures detailed within the FRA:

· Finished floor levels are set no lower than 5.20 metres above Ordnance Datum (AOD).

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

Reason

To reduce the risk of flooding to the proposed development and future occupants in compliance with saved Arun Local Plan policy GEN11 and emerging Arun Local Plan policy W DM2 and the NPPF.

6 INFORMATIVE: The Environment Agency (EA) recommend that the owner/occupants sign up to the Environment Agency Flood Warning Service and have a flood evacuation plan.

The EA therefore recommend seeking comments from your Local Authority emergency planners.

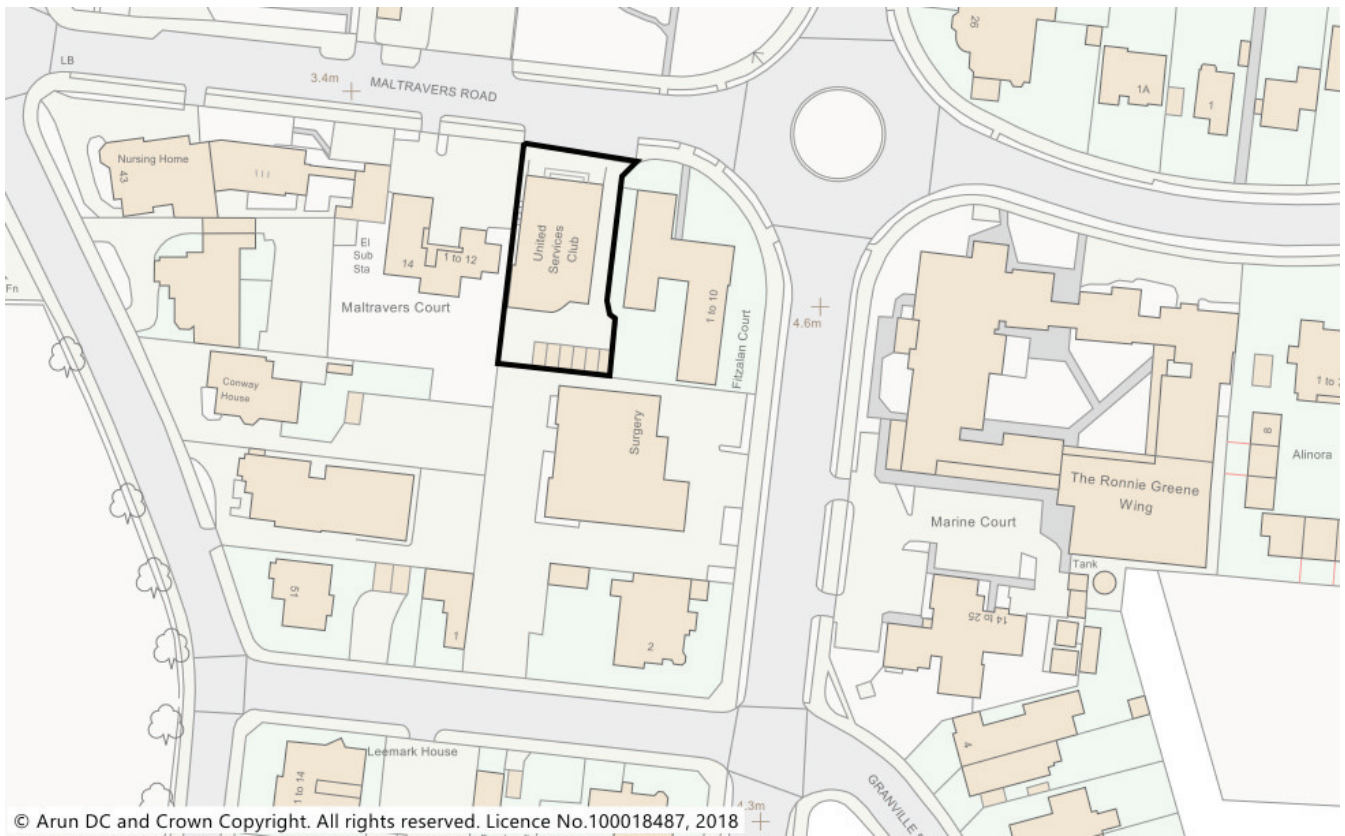
The EA recommend that consideration be given to use of flood mitigation measures to reduce the impact of flooding when it occurs. Flood mitigation measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. More information can be found in the communities and local Government publication 'Improving the flood performance of new

buildings' which can be viewed at:

<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

- 7 INFORMATIVE: The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.
- 8 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 9 INFORMATIVE: This decision has been granted subject to a Section 106 Unilateral Undertaking legal agreement relating to contributions towards education.
- 10 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](http://www.southernwater.co.uk).

**LU/323/17/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**

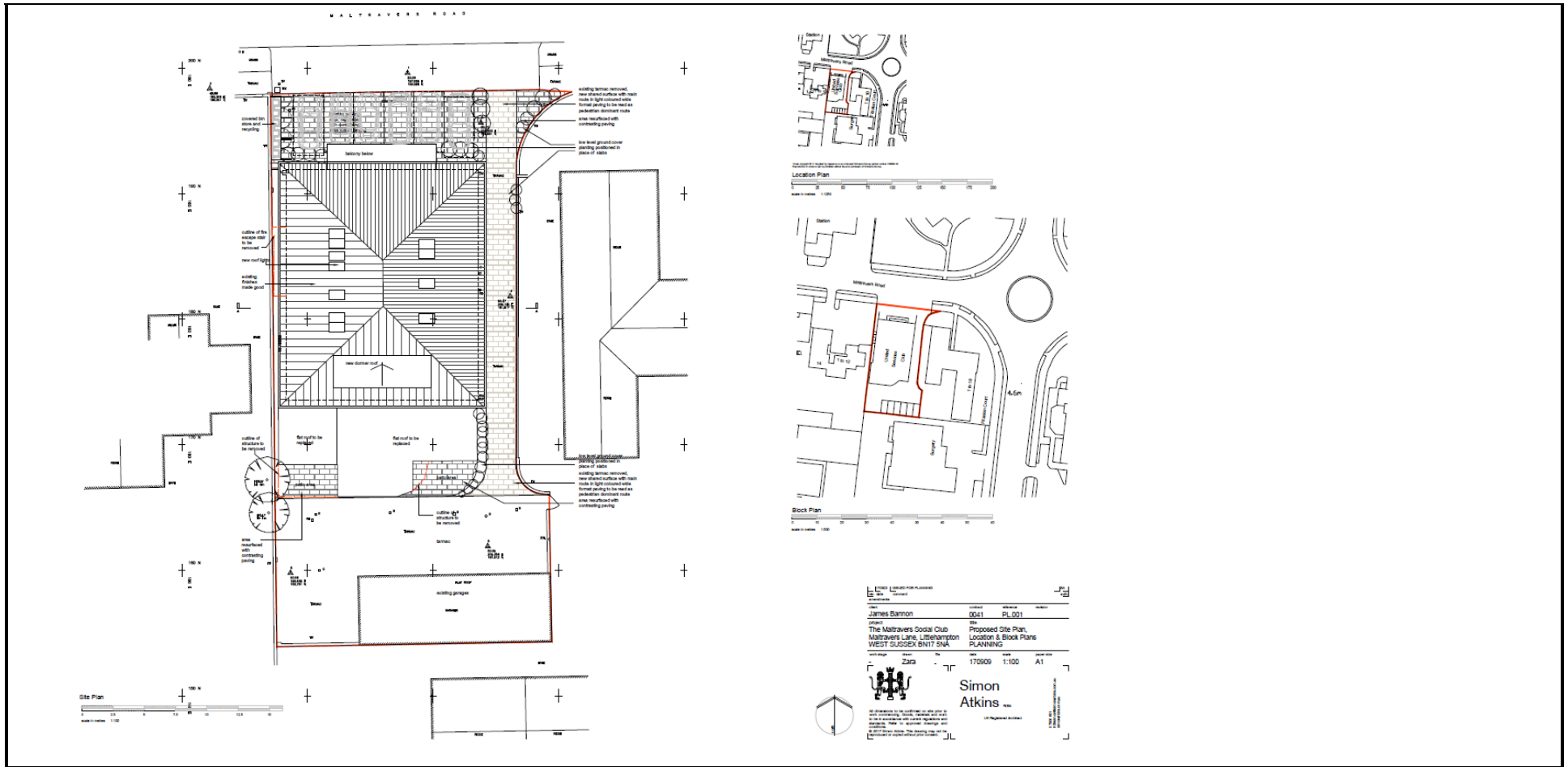


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## Instruction for S106 Agreements/Deed of Variations/Supplemental Agreements etc

This instruction also provides the necessary authority and acts as a heads of terms

Planning Application Ref: LU/323/17/PL	Today's date: 22/02/18	Planning Officer: Richard Temple
<b>Type of Agreement:</b> Unilateral Undertaking		
<b>BOX A</b> – The Decision is delegated to a Planning Officer to agree the terms and finalise the S106 on behalf of the Council:  _____ (signature of Officer with the power):  Print Name:  Constitution Issue 8: Part 4 Section 3 Paragraph 3.1.1.	N/A for unilateral undertaking	
List Full Names of all parties to the S106		
Please attach a plan with the site outlined in red and complete a brief description of the development:  Change of use of former United Services Club (Sui Generis) to 10 No. flats (C3 Dwelling House) with associated landscaping, parking, bins & recycling storage.		



## **HEADS OF TERMS – Planning Officer to complete**

<b>FINANCIAL obligation(s) summary or change</b>	<b>Trigger Point</b>	<b>Amount</b>	<b>Due to (ADC, WSCC, NHS, other)</b>	<b>Destination/ project</b>	<b>5% or £15,000 for related projects</b>	<b>Spend by restriction</b>
Primary School contribution	Commencement of development	DfE Figure x ACP = Primary Education Contribution  (£8,334)	West Sussex County Council: Education, Children and Families	Contributions towards additional equipment at River Beach Primary School	N/A	Ten (10) years of the date of receipt of the final instalment of the Primary Education Contribution
Secondary School Contribution	Commencement of development	DfE Figure x ACP = Primary Education Contribution  (£8,970)	Calculated at reserved matter stage and paid to WSCC.	Contributions towards additional equipment at The Littlehampton Academy. (ELP)	N/A	Ten (10) years of the date of receipt of the final instalment of the Secondary Education Contribution
Further Education Contribution	Commencement of development	DfE Figure x ACP = Primary Education Contribution  (£2,101)	Calculated at reserved matter stage and paid to WSCC.	Contributions towards additional equipment at The Littlehampton Academy Sixth Form. (EL2)	N/A	Ten (10) years of the date of receipt of the final instalment of the Further Education Contribution

Please distribute completed statement to: Sue Loveday (Deed Store), Ros Bentley (S106 Monitoring Officer), Nicola Spencer (Planning) and [landcharges@arun.gov.uk](mailto:landcharges@arun.gov.uk)



PLANNING APPLICATION REPORT

**REF NO:** LU/367/17/PL

**LOCATION:** 51 Pier Road  
Littlehampton  
BN17 5LP

**PROPOSAL:** Change of use of first floor flat (C3 Dwelling House) to restaurant (A3 Food & Drink) & ground floor rear extension and alterations to front elevation.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The proposal would increase the size of the existing restaurant by converting the first floor one bedroom flat and adding an extension to the kitchen at ground floor measuring 3m deep by 2.2m wide, 3m in height with a flat roof. The second floor and basement remain unaltered. Timber panelling is to be included to the first floor with rendered finish around the entrance door.
SITE AREA	164 sqm
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Premises is located on back edge of the footpath. Rear courtyard area is enclosed by 2m high fencing/walling.
SITE CHARACTERISTICS	The application site comprises a 4 storey premises with a restaurant at ground floor and residential on the upper floors. White painted ship lap walls and plain clay tile roof. There is a rear garden area and a garage to the rear. The site is generally flat and is located adjacent to the River Arun. The ground floor is already in use as a restaurant.
CHARACTER OF LOCALITY	The area is part of the established riverside parade of retail/restaurant uses comprising a uniform character of older style terraced properties of similar height abutting the highway with gardens/service areas to the rear.

**RELEVANT SITE HISTORY**

LU/171/83	Extension At Rear Forming New Kitchen	ApproveConditionally 18-05-83
LU/365/79	Double Garage At Rear Existing Garage Demolished And Erection Of Fire Escape	ApproveConditionally 22-08-79

LU/444/78 Conversion Of Roof Space Into 2 Bedrooms And Shower ApproveConditionally  
Room Including Installation Of New Stairs And Roof Light 03-10-78

LU/58/87 Erection of kitchen extract system ductwork to rear of building Approve  
23-03-87

**REPRESENTATIONS**

**REPRESENTATIONS RECEIVED:**

Littlehampton Town Council

First Response - No Objection.

Second response - Objection - Support the comments from the Environmental Health and Engineer regarding drainage, the need for further provision of toilet facilities and additional work to protect neighbours from noise and odour emanating from the site, particularly if the business was to expand into the first floor accommodation. Members also sought confirmation that the facilities would be Disability Discrimination Act (DDA) compliant.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The requested conditions from Engineers and Environmental Health are included in the recommendation. These are considered to suitably address the concerns raised by the Littlehampton Town Council. DDA compliance is not a planning consideration. It is covered by separate legislation.

**CONSULTATIONS**

Economic Regeneration

Engineering Services Manager

Engineers (Drainage)

Environmental Health

Environment Agency

**CONSULTATION RESPONSES RECEIVED:**

Environmental Health - No objection subject to conditions including Noise & Odour, Construction Management Plan, provision of a grease trap separator and Informative relating to Food Safety legislation.

The substitute plans for the ground floor only, will be acceptable provided the number of customers is limited to 20 as a maximum. This is because of the proposed provision of one WC and hand wash basin. Should extended patronage be provided by use of the first floor, then extra sanitary provision would be required. It will not be acceptable for the public to access basement WC's through the newly extended kitchen, although these would be useful for staff.

It is understood that the existing system of mechanical means of ventilation to the kitchen is to be

refurbished. This should take the possibility of increased odour from the greater number of covers, to include take away trade into account, with suitable mitigation to be provided to protect the amenity. Any alteration to the fan/flue system is to provide equal, or better noise attenuation than the existing system, also in order to protect the amenity of nearby residents. Details of any such refurbishment to be provided to the planning authority for approval before commencement of works.

Engineers - No Objection subject to conditions.

Drainage - More detail of the drainage layout is required, it is suspected that the roof drainage is currently going into the foul. If it can be shown that the roof water is going into the surface line then there would be no objection; if not then some betterment should be provided and the roof/surface water should be removed from the foul.

Flood Risk - the site is currently within FZ2 & FZ3 but there is no FRA other than a copy of the EA's guidance sheet. Whilst the site is within the flood zones, the river has recently benefitted from a multimillion pound improvement scheme. None the less, a flood risk today still exists due to a very short section of riverbank upstream that has not been improved to the necessary condition. That section is some distance away from this site but due to the interconnected nature of the flood cell, there is a risk to the site. However, by the time this development would proceed the Environment Agency would most likely have resolved this issue (works are currently underway). It may be prudent to limit the start/occupation of the works until after the EA's current works are completed and the whole (EA) scheme formally 'signed off'.

Fenestration - the front ground floor window would seem to have a folding window arrangement that provides for a serving hatch onto the public highway. There is concern that one or more of the panes would project over the public highway and thus be a risk to members of the public going past the site. The window needs to wholly open inwards.

Economic Development - Support. Keen to see investment in the properties in Pier Road, particularly when they enhance the offer to both visitors and residents.

Environment Agency - No Objection

#### **COMMENTS ON CONSULTATION RESPONSES:**

Comments noted and relevant requested conditions have been imposed.

The comment regarding customer numbers being restricted to 20 on the basis of toilet provision is noted. The agent has provided revised first floor plans including toilets at first floor level to address these concerns.

A Construction Management Plan is not considered to be necessary or reasonable given the size of the proposal.

The concerns raised by the Engineers are noted. The window on the front elevation is now annotated on the submitted plans and opens inwards with no encroachment on the pavement. The imposition of a condition relating to completion of the flood works along River Road would not be reasonable. The works are underway and due for completion within the next month. Further, the applicant has advised that the use of the first floor would not be undertaken straight away and the use would replace a more vulnerable residential use at first floor.

## POLICY CONTEXT

Designation applicable to site:  
Within Built Up Area Boundary  
Flood Zone 2 and 3a

### DEVELOPMENT PLAN POLICES

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

GEN7	The Form of New Development
GEN10	Tidal Flooding and Coastal Defence
GEN32	Noise Pollution
GEN34	Air Pollution

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

D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
TOU SP1	Sustainable Tourism & The Visitor Economy
QE DM1	Noise Pollution
QE DM3	Air Pollution
W DM2	Flood Risk

<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

### 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.

Policy 1 'The Presumption in Favour of Sustainable Development' and Policy 2 'A Spatial Plan for the Town' are relevant to the consideration of this application.

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

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

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

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

#### **OTHER MATERIAL CONSIDERATIONS**

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

#### **CONCLUSIONS**

##### **PRINCIPLE**

The site lies in an urban area where the principle of development is considered acceptable. The restaurant use on upper floors and extension to accommodate additional kitchen space at ground floor is considered acceptable subject to no adverse impact on amenity.

##### **IMPACT ON CHARACTER OF THE AREA**

The use of the first floor for restaurant purposes would be in keeping with other premises in Pier Road and the visitor/tourism use of the parade generally. The proposal alters the shop front, but retains the size of the openings. There would therefore be no adverse impact on the character of the area. The provision of timber panelling to the front elevation would replace the existing white cladding and would in keeping with the seaside location and other premises in the locality.

The extension to the rear of the premises is located adjacent to the side boundary, but is of limited proportions and replaces a partially enclosed part of the rear terrace. It would be constructed of materials to match the existing property and would not project significantly to the rear. Many buildings in this section of Pier Road comprise similar extensions/flues/outbuildings and the style and design of the extension proposed would not be out of keeping with the visual amenities of the locality.

#### RESIDENTIAL AMENITY

The impact on the residential amenities of neighbouring properties would be acceptable given the limited rearward projection of the extension of 2.9m, its flat roof design and that it replaces a partially enclosed terrace of similar proportions. It would not extend any further to the rear than the existing terrace therefore the neighbouring dwelling is not considered to be materially impacted by the extension by reason of adverse overbearing impacts. In addition there are no windows proposed in the side elevations of the extension and any future additional windows would require the submission of an application for planning permission.

The proposal would not result in any materially adverse impacts from noise or odour subject to imposition of the conditions requested by environmental health. The ground floor restaurant currently operates without any restrictions on the hours of operation and it would not therefore be reasonable to restrict the hours of opening to the upper floor of the premises at this time, particularly since a sound insulation condition has been suggested.

#### PARKING

No car parking is being provided as part of the proposal, but the site is sustainably located within the town centre close to bus routes and within walking distance of the railway station. It is also the case that the existing C3 use is subject to similar parking considerations.

#### FLOODING

The site is located in an area at high risk of flooding. The application is not accompanied by a Flood Risk Assessment (FRA) and the Environment Agency have no objection. Although a kitchen extension is proposed at ground floor, no change of use is included at ground floor and the residential use of the first floor is being removed. Habitable rooms are not acceptable at basement or ground floor level, but none are provided in this application. There would be no increase in the number of people at risk from flooding contrary to policy GEN10 of Arun District Local Plan, policy W DM2 of the emerging Local Plan and Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change. However the comments of the Council's Engineer are noted. The imposition of a condition relating to completion of the flood works along River Road would not be reasonable. The works are underway and due for completion within the next month. Further, the applicant has advised that the use of the first floor would not be undertaken straight away and the use would replace a more vulnerable residential use at first floor. .

#### CONCLUSION

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

<b>HUMAN RIGHTS ACT</b>
-------------------------

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, Floor Plans as proposed 2108/01/03, Ground Floor Temporary Works Plan 110, Ground Floor Plan 2108/01/05, First Floor as Proposed 2108/01/06 dated 22-02-2018, Shop Front Visuals revA, Elevations as Proposed 2108/01/04.

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

- 3 The materials and finishes of the external walls of the rear 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.

- 4 Prior to installation of the external cladding precise details shall be submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the details so approved.

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

- 5 The drainage serving the kitchen must be fitted with a grease trap/separator of a proportionate capacity to effectively contain grease residue arising from the estimated numbers of hot meals served and waste water flow rate. Prior to the restaurant use of the first floor commencing the applicant shall provide the Local Planning Authority with details of their proposed grease trap/separator in order to demonstrate design and installation will be in compliance with BS EN 1825-1:2004, & BS EN 1825-2:2004.

Reason: In order to safeguard the amenities of neighbouring properties, in accordance with policy GEN7 (iv) and (v) of the Arun District Local Plan.

- 6 Prior to use of the first floor restaurant commencing precise details of the noise generated by the fan/flue system together with suitable mitigation shall be submitted to and approved by the Local Planning Authority. Any alteration to the fan/flue system is to provide equal, or better noise attenuation than the existing system, so as to protect the amenity of nearby residents. The development shall proceed in accordance with the details so approved.

Reason: In order to safeguard the amenities of neighbouring properties, in accordance with policies GEN7 and GEN32 of Arun District Local Plan

- 7 Prior to restaurant use of the first floor commencing a suitable acoustic report shall be submitted to and approved by the Local Planning Authority. Noise Attenuation between the proposed seating area and neighbouring residential accommodation shall accord with guidance values provided within BS 8233: 2014, Guidance on Sound Insulation and Noise Reduction for Buildings. The development shall proceed in accordance with the details.

Reason: In order to safeguard the amenities of neighbouring properties, in accordance with policies GEN7 and GEN32 of Arun District Local Plan

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

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

- 9 **INFORMATIVE:**  
The premises will require registration under the Food Safety Act 1990 and will need to comply with the standards contained in the relevant Food Hygiene Regulations prior to becoming operational. The applicant is advised to contact Carol Reynolds for further information. Carol Reynolds, Senior Environmental Health Officer, Arun District Council | Location: Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF. External: +44 (0) 1903 737678 | E-mail: carol.reynolds@arun.gov.uk

- 10 **INFORMATIVE:** This consent does not purport or be deemed to grant consent for any advertisements which may require a separate application for advertisement consent.

- 11 **INFORMATIVE:**  
We recommend that the owner/occupants sign up to the Environment Agency Flood Warning Service and have a flood evacuation plan.

Please note that it is not our role to assess any details on flood evacuation or emergency plans, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs to formally consider the emergency planning and rescue implications of new development in making their decisions.

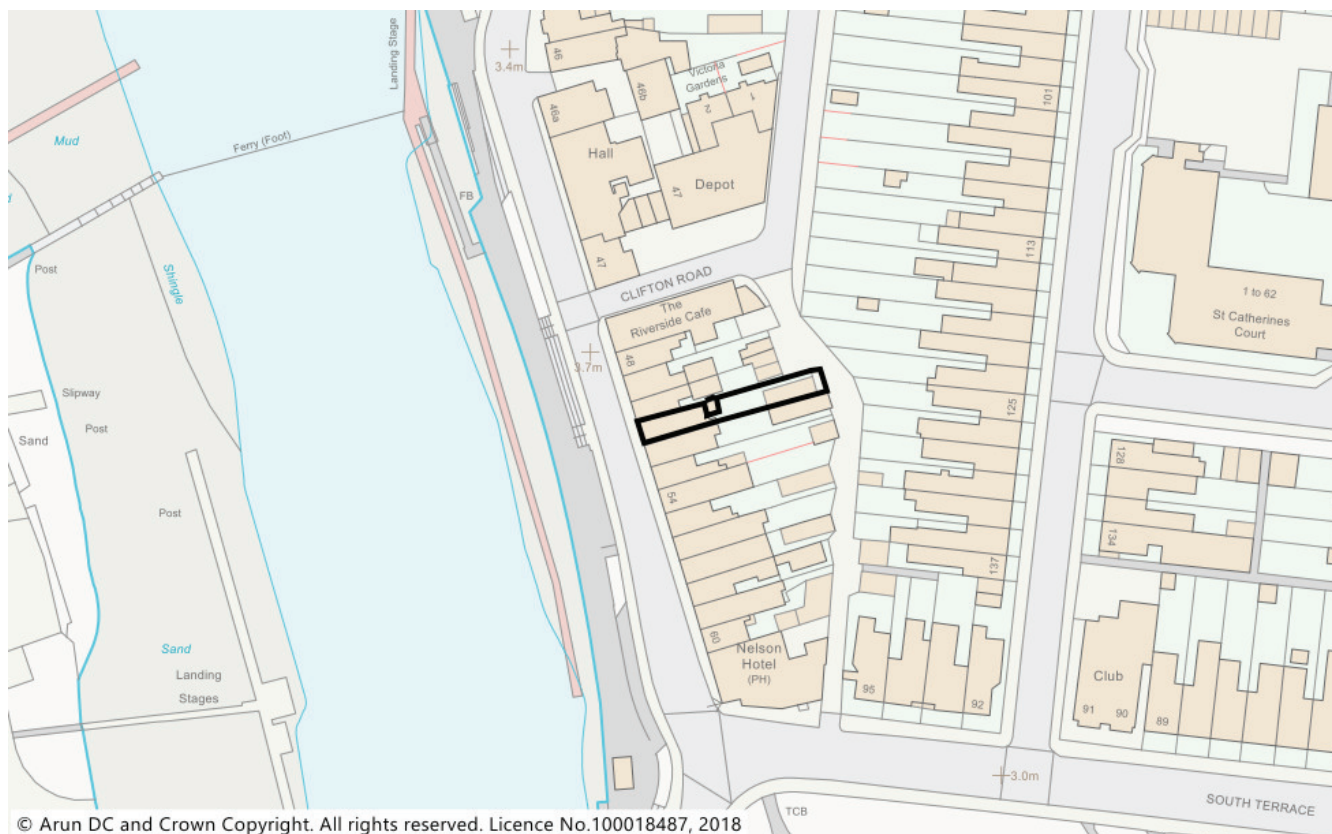
The PPG states that LPAs should consult their emergency planning staff to ensure evacuation plans are suitable through appropriate planning conditions (PPG Ref ID: 7-057-20140306).

- 12 **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.

**LU/367/17/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

**AL/8/16/OUT**

**Received:** 02-09-16

Land south & west of Barnside & east of pond Hook Lane Aldingbourne

Outline application with all matters reserved for a residential development of up to 14 No. dwellings & associated works including access, landscaping & open space. This application is a Departure from the Development Plan.

***Written Representations***

**PINS Ref:** APP/C3810/W/16/3155330

**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**

**Received:** 27-11-17

Land West of Church Lane & South of Horsemere Green Lane Climping

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

**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

**LU/283/17/HH**

***Received:*** 20-02-18

56 South Terrace Littlehampton

Removal & erection of fence.

***Written Representations***

**PINS Ref:** APP/C3810/W/18/3193721

**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