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26 April 2018

DEVELOPMENT CONTROL COMMITTEE

A meeting of this Committee will be held in the **Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton** on **Wednesday 9 May 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 Liberal Democrat vacancy)

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

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

A G E N D A

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of 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 11 April 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 PERFORMANCE 2017

This information report will be circulated under separate cover prior to the meeting.

9. *PLANNING APPEALS

To consider the attached report.

Background Papers

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

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

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

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

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

DEVELOPMENT CONTROL COMMITTEE

11 April 2018 at 2.30 p.m.

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

Councillor Ambler was also in attendance at the meeting.

534. APOLOGIES FOR ABSENCE

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

535. DECLARATIONS OF INTEREST

Declarations of interest were made by:-

Planning Applications LU/278/17/RES and LU/284/17/DOC – Councillor Bower declared a personal interest as a member of the North Littlehampton Steering Group, where the matters had been discussed and he had reserved his position.

Planning Application Y/44/17/OUT – Councillor Haymes declared a personal interest as Chairman of Yapton Parish Council. He also stated that, since the matter had been deferred, a meeting had taken place between the relevant parties to address the issues, which he had attended.

Planning Application AL/123/17/PL – Councillor Brooks declared a personal interest as his business partner lived near to the site.

536. MINUTES

The Minutes of the meeting held on 14 March 2018 were approved by the Committee and signed by the Chairman as a correct record.

Development Control
Committee – 11.04.18.

537. PREVIOUSLY DEFERRED APPLICATIONS

(Prior to consideration of the following application, Councillor Brooks had declared a personal interest and remained in the meeting and took part in the debate and vote.)

AL/123/17/PL – Demolition of existing dwelling & erection of 1 No. dwelling (resubmission following AL/83/17/PL), Mildmay, Hook Lane, Aldingbourne

This application had been deferred from the meeting held on 14 March 2018 to enable the Post Site Inspection Panel to visit the site to ascertain how the design would fit in with the street scene.

In presenting the proposal, the Planning Team Leader directed Members to the written officer report update that had been circulated at the meeting which detailed a further representation from the Parish Council and 5 additional letters of objection, together with the officer's response to the points raised.

The Chairman of the Site Inspection Panel informed the Committee that, although some Members did not like the modern design, there were no planning reasons to warrant a refusal of the application, particularly in light of the fact that there was no regularity of design in the lane.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

AW/328/17/OUT – 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

This application had been deferred from the meeting held on 14 March 2018 to enable the Post Site Inspection Panel to visit the site to ascertain whether the proposal could be considered to be an overdevelopment and whether it was out of character with the locality.

The officer's written report update had been circulated at the meeting which detailed a representation from the applicant and the officer's response to the points raised. A verbal correction was also provided that the Aldwick Parish Council representative at the site visit was Mrs Lilian Richardson and not Richardson Warden.

The Chairman of the Site Inspection Panel informed the Committee that Members were of the unanimous view that the proposal would provide an overly dominant form of development and that the crenulations in particular would be out of keeping with the character of the area.

Having taken account of the views of the Site Inspection Panel, the Committee did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reasons:-

- (1) Flats 1, 3 and 5 are considered to be unsatisfactory in size and would give rise to an unsatisfactory living environment for future occupiers in conflict with the good design principles in the National Planning Policy Framework and with reference to Policy D DM2 of the emerging Local Plan and the Nationally Described Space Standard as set out in ID: ID: 56-018-20150327 of the Planning Practice Guidance.
- (2) The proposed extensions will result in an over dominant form of development which will be out of character with the surrounding area and will harm the amenities of the adjoining properties to the North East on Wessex Avenue in conflict with Policies DEV19 & GEN7 of the Arum District Local Plan 2003, Policies D DM1 & D DM4 of the emerging Local Plan and the good design principles in the National Planning Policy Framework.
- (3) The proposed introduction of a crenulated parapet wall on the front elevation is considered to be an alien feature in the street scene and will be harmful to the appearance of the road in conflict with Policies DEV19 & GEN7 of the Arum District Local Plan 2003, Policies D DM1 & D DM4 of the emerging Local Plan and the good design principles in the National Planning Policy Framework.

Development Control
Committee – 11.04.18.

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

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

This application had been deferred from the meeting held on 17 January 2018 for further negotiation and clarification with (i) Southern Water; (ii) West Sussex County Council Education Department; and (iii) the applicant with reference to land issues for the potential expansion of the primary school.

A written officer report update was circulated at the meeting which detailed additional representations from West Sussex County Council and a letter of objection from a member of the Parish Council who was making representation as an individual, together with the officer's response.

The Principal Planning Officer advised the Committee of the additional information that had now been received to address the concerns of Members, as outlined in the agenda report. He confirmed that it was not felt that the objection of Southern Water to the proposal could be supported, as outlined in the report. In the event of Members approving the application, delegated authority was sought for the Director of Place, in consultation with the Chairman and Vice-Chairman, to take the decision in order for the S106 to be completed and signed.

In considering the revised proposal, Member comment was made that the additional land to be provided for the school, should it wish to expand in the future, was now considered to be satisfactory.

A concern was still raised with regard to the objection by Southern Water. The Group Head of Planning advised that the legislation had changed on 1 April 2018 in respect of a right to a connection to Southern Water's network. A standard charge per dwelling was now applicable and Southern Water was then obliged to provide adequate infrastructure to serve development.

The Committee

RESOLVED

That the application be approved as detailed in the report and that the decision be delegated to the Director of Place, in consultation with the Chairman and Vice-Chairman.

538. PLANNING APPLICATIONS

(Prior to consideration of the following application, Councillor Bower had declared a personal interest and remained in the meeting and took part in the debate and vote.)

LU/278/17/RES – Approval of reserved matters following outline permission LU/47/11 for construction of the southern section of the Lyminster Bypass, including northern and southern roundabouts, surface water drainage and landscaping. Departure from the Development Plan & affects a Public Right of Way, North Littlehampton Strategic Development Site, Land West of Toddington Park, Toddington Lane, Littlehampton Having received a report on the matter, together with the officer's written report update detailing:-

(i) an additional paragraph to be added under Development Plan and/or Legislative Background to ensure the report made reference to environmental information provided; and

(ii) the recommendation be amended to seek delegated authority for the Group Head of Planning, in consultation with the Chairman and Vice-Chairman to approve the application following the grant of planning permission LU/181/15/PL.

The Principal Planning Officer presented this report which would be providing a new northern route into Littlehampton, with an anticipated completion date of 2020.

In discussing the matter, a reassurance was sought that any proposed artwork for the scheme should be presented and approved prior to installation. Advice was given that the North Littlehampton Steering Group, made up of the three tiers of local government, would be considering the matter in due course.

A further concern was raised with regard to the noise mitigation barriers being erected and officer advice was given that consultation had been undertaken with the relevant parties.

Development Control
Committee – 11.04.18.

The Committee then

RESOLVED

That the application be approved and the decision be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman, following the grant of planning permission LU/181/15/PL.

(Prior to consideration of the following application, Councillor Bower had declared a personal interest and remained in the meeting and took part in the debate and vote.)

LU/284/17/DOC – Application for approval of details reserved by conditions imposed under LU/47/11 relating to conditions: 1 – Reserved Matters Application to be submitted; 5 – Details of Materials & External Finishes; 7 – Appearance, Landscaping & Layout; 8 – Design Statement; 10 – Surface Water Drainage Strategy; 14 – Landscaping; 15 Trees; 19 & 20 – Ecology; 21 – Ecological Management; 26 – Highway Specification & Construction Details; 36 – Noise Assessment; & 37 – Noise Mitigation, North Littlehampton Strategic Site West of Toddington Park, Toddington Lane, Littlehampton Having received a report on the matter, the Committee was also circulated with the officer's written report update which added a paragraph under Development Plan Policies to ensure report made reference to environmental information provided in support of outline planning application LU/47/11 so it would be taken into consideration as part of this subsequent application.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

A/75/17/PL – 4 No. dwellings. This application affects the setting of a Listed Building and is a Departure from the Development Plan, Avenal's Farm, Water Lane, Angmering Having received a report on the matter, together with the officer's written report update detailing a correction to the agenda report relating to the Listed Building paragraph and a map showing the Right of Access to Weavers Hill, the Committee

RESOLVED

That the application be approved as detailed in the report.

A/155/17/OUT – Outline application with some matters reserved for 3 No. dwellings. This application may affect the setting of a Listed building & is a Departure from the Development Plan, Avenal's Barn, Water Lane, Angmering
Having received a report on the matter, together with the officer's written report update detailing a correction to the agenda report relating to the Listed Building paragraph, the Committee

RESOLVED

That the application be approved as detailed in the report.

AW/368/17/HH – Alterations to create an elderly7 persons annexe, 44 Christchurch Crescent, Aldwick Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

539. PLANNING APPEALS

The Committee noted the planning appeals that had been received.

(The meeting concluded at 3.40 p.m.)

AGENDA ITEM 6

DEVELOPMENT CONTROL COMMITTEE

9th May 2018

PLANNING APPLICATIONS

LIST OF TREE APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION

AT THE DEVELOPMENT CONTROL COMMITTEE

NONE FOR THIS COMMITTEE

LIST OF APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION AT THE

AT THE DEVELOPMENT CONTROL COMMITTEE

ALDINGBOURNE

| <u>Reference</u> | <u>Development Description</u> | <u>Location</u> |
|----------------------------|--|--|
| AL/8/18/PL | Erection of 2 No. 2 bedroom dwellings with associated parking & landscaping. | Land between 8 & 10 Barnett Close Eastergate PO20 3UW |

Case Officer: Mr S Davis
Recommendation: Approve Conditonally

ANGMERING

| <u>Reference</u> | <u>Development Description</u> | <u>Location</u> |
|---------------------------|--|---|
| A/8/18/PL | Variation of condition 2 imposed under A/173/16/PL to read 'the development to be carried out in accordance with the following approved plans ADC 962/04 REVA, ADC962/13 & ADC962/14 relating to revised position of rooflights on east, north & south elevations. This application affects the character & appearance of the Angmering Conservation Area. | Land Rear of 1 To 6 The Cottrells Angmering BN16 4AF |

Case Officer: Mrs A Gardner
Recommendation: Approve Conditonally

ANGMERING

| <u>Reference</u> | <u>Development Description</u> | <u>Location</u> |
|-----------------------------|---|---|
| A/11/17/OUT | Hybrid Application to include Full planning permission for a retail unit (Class A1) comprising 1,487sqm with associated access, car parking, servicing, landscaping & associated works & Outline planning permission with some matters reserved (scale & appearance) for public house (Class A4) comprising 581sqm (resubmission following A/23/15/OUT). This application is a Departure from the Development Plan. | Land south of New Road (A259) & East of Brook Lane Angmering |

Case Officer: Claire Potts
Recommendation: Refuse

ANGMERING

| <u>Reference</u> | <u>Development Description</u> | <u>Location</u> |
|------------------|--------------------------------|-----------------|
|------------------|--------------------------------|-----------------|

[A/23/15/OUT](#)

Hybrid application - Full Planning Permission for a retail unit (Class A1) comprising 1,487sqm (1022sqm ground floor and 465sqm mezzanine) with associated access, car parking, servicing, landscaping & associated works.

Outline Planning Permission for a public house (Class A4) comprising 581sqm at ground floor level - This is a Departure from the Development Plan

Land south of New Road (A259) and East of Brook Lane Angmering
N/A

Case Officer: Claire Potts

Recommendation: Refuse

ANGMERING

Reference

[A/84/17/PL](#)

Development Description

New retail unit with mezzanine together with associated car parking & service road - This is a Departure from the Development Plan

Location

Rustington Golf Centre
Golfers Lane
Angmering

Case Officer: Michael Eastham

Recommendation: Approve Conditionally

EAST PRESTON

Reference

[EP/7/18/PL](#)

Development Description

Demolition of existing buildings and erection of 2 no. dwellings with associated car ports/parking, alterations to existing access and relocation of staircase to flats - Amendment to EP/138/17/PL

Location

Land rear of Beechlands Cottages
Beechlands Close
EAST PRESTON
BN16 1JT

Case Officer: Mrs A Gardner

Recommendation: Approve Conditionally

FERRING

Reference

[FG/174/17/PL](#)

Development Description

Demolition of existing dwelling (No. 32) & erection of 4 No. 4 bed dwellings, alterations to existing dwelling (No. 34A) with alterations to two existing accesses to form a single point of access. This application may affect the Character & Appearance of the Ferring Conservation Area.

Location

32 & 34A Sea Lane
Ferring
BN12 5DY

Case Officer: Mrs A Gardner

Recommendation: Approve Conditionally

FERRING

Reference

[FG/183/17/PL](#)

Development Description

Change of use of land from permitted B8 storage use & erection of new detached office building (Use Class B1) with access via Hangleton Lane & associated car parking, cycle storage & refuse storage. This is a Departure from the Development Plan.

Location

Land adj to The Barn
Hangleton Lane
Ferring

Case Officer: Mr R Leal

Recommendation: Approve Conditionally

FERRING

Reference

[FG/206/17/PL](#)

Development Description

Installation of a Six Pump (12 Filling Position) Petrol Filling station, Drive-to-Pay Kiosk & associated works including Jet Wash, Air/ Water Services & Vacuum Equipment

Location

Land at Asda Superstore
Littlehampton Road
Ferring
BN12 6PN

Case Officer:

Mrs A Gardner

Recommendation:

Approve Conditonally

LITTLEHAMPTON

Reference

[LU/408/17/PL](#)

Development Description

Variation of condition No.4 & 24 imposed under LU/355/10 relating to amended drawings & rewording condition to state "Details of the proposed bus route within the development, including footway and cycleway links, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the 550th house at Kingley Gate. The bus route, cycle and footway links shall be carried out in accordance with the approved plan prior to the occupation of the 600th residential unit at Kingley Gate".

Location

Land North of & South of
Railway
Courtwick Lane
Littlehampton
BN17 7FR

Case Officer:

Michael Eastham

Recommendation:

Approve Conditonally

WALBERTON

Reference

[WA/88/17/PL](#)

Development Description

External alterations including replacement windows & doors to create new entrance, cladding of external walls & creation of seating area to facilitate new operator (KFC) together with provision of drive-thru lane (use class A3/A5) with opening hours 7am to 10pm and single storey extension to Burger King to South

Location

Little Chef Restaurant
Arundel Road
Walberton
BN18 0SB

Case Officer:

Mrs A Gardner

Recommendation:

Approve Conditonally

PLANNING APPLICATION REPORT

REF NO: AL/8/18/PL

LOCATION: Land between 8 & 10 Barnett Close
Eastergate
PO20 3UW

PROPOSAL: Erection of 2 No. 2 bedroom dwellings with associated parking & landscaping.

| |
|------------------------------|
| SITE AND SURROUNDINGS |
|------------------------------|

DESCRIPTION OF APPLICATION

The proposed flatted building will accommodate two separate flats over two floors each with two bedrooms. Each flat will have the benefit of 1 off-street parking space with a further 3 unallocated spaces available for other road users. The ground floor flat will have its own external amenity space on the eastern side. The first floor flat will have a balcony facing onto Nyton Road.

The proposed building will have two storeys and be 5.15m to the eaves and 8.9 to the ridge with two front doors at ground level facing onto Nyton Road. Also shown are timber bin stores, secure cycle sheds, hard & soft landscaping and 1.8m high close boarded fencing. A new hardstanding area is shown on the western side and will replace the existing drying area for the adjacent flats which would otherwise be lost.

It should be noted that although this is an ADC application, it is not to be assumed the dwelling will become a 'Council House' and it may well be developed as market housing.

SITE AREA

0.04 Hectares.

RESIDENTIAL DEVELOPMENT DENSITY

50 dwellings per hectare.

TOPOGRAPHY

Predominantly flat.

TREES

Three large trees outside of the site on Nyton Road but separated from the site by a pedestrian footpath.

BOUNDARY TREATMENT

1.8m high close boarded fencing to the boundary with 10 Barnett Close. Otherwise open.

SITE CHARACTERISTICS

Existing informal parking area. Predominantly hardstanding but also grassed to the edges. The parking spaces are not marked out with white lines, however, it is considered that the hardstanding allows for a maximum of 3 cars to park end on to the road. It is accepted that the site could accommodate a greater number of vehicles if tandem parking were utilised or if vehicles parked on the grass on the eastern side but such arrangements would either cause conflict between car owners

or result in damage to the ground surface.

There is a pitched roof brick building on the western side which serves as cycle stores/sheds for the adjacent flats. A drying area sits on the eastern side of this with two rotary dryers.

CHARACTER OF LOCALITY

Residential. Predominantly two storeys. Barnett Close is a mix of semi-detached, detached and flatted dwellings. The flatted buildings on the western side and north of the site are all Council owned.

The flatted building on the western side has 1 first floor flank window and 1 ground floor flank window, the later of which is obscured by the brick store building. None of these are considered to be principal windows. The semi-detached dwelling on the eastern side has several flank windows including 3 at ground floor, 1 at first floor (obscure glazed) and 1 between the two floors. The two flatted buildings on the opposite side of Barnett Close both have principal windows overlooking the site.

There are no yellow lines on Barnett Close and so in addition to on-street, there are a mix on-street parking laybys and informal parking areas (like the site) which are all unrestricted and available to anyone.

RELEVANT SITE HISTORY

| | | |
|---------------|--|-----------------------|
| AL/129/16/OUT | Outline Application with some matters reserved for the construction of 2No. 4 person 2 bedroom flats associated external works | Withdrawn 20-03-17 |
| AL/84/69 | 4 Houses,4 Flats,4 Stores 16 Garages And Minor Ancillary Works | Approve 19-12-69 |
| AL/55/69 | Erection Of 8 Flats,8 Garages Stores Minor Ancillary Works Roads And Sewers | Approve 05-09-69 |
| AL/8/69 | Demolition Of 6 Properties And Redevelopment Of Site With 4 Houses,12 Flats,16 Garages And Ancillary Works | Approve 07-03-69 |
| AL/32/67 | Demolition Of 16 Existing Units & Erection Of 26 Units & Garages | Approve 19-05-67 |

Planning application AL/129/16/OUT was withdrawn by the applicant on in March 2017 in order to allow further consideration of the proposals by Councillors.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

"The Parish Council objects to this application. Please refer to policies H1 and H3, and 3.1 of the APC NDP. Currently the space is used for informal parking which will be lost. No additional parking has been provided which will impact on existing residents"

12 letters of objection from neighbouring residents raising the following concerns:

- (1) Loss of valued parking;
- (2) Nowhere else nearby or suitable to park (Lime Avenue is 400m away across a busy road);
- (3) Nyton Road residents park here too;
- (4) Site also used for lorries turning;
- (5) Land has been used for parking for 46 years;
- (6) Residents never previously told that the land was private and not for public parking use;
- (7) Is the land opposite also private and not available for parking also;
- (8) Parking survey carried out between 3am and 5am but not all residents work an normal 9-5 job;
- (9) Same Parking survey as before;
- (10) Barnett Close should be widened to enable better emergency access;
- (11) No. 11 Barnett Close declined a dropped kerb to access property because would result in loss of on-street space;
- (12) Impact of building works on the Close;
- (13) Impact on Barnett Close/Nyton Road junction;
- (14) Impact on sewer system;
- (15) Impact on saleability of houses;
- (16) Previous letters of objections should be taken into account;
- (17) The green part of the site is used by children for play;
- (18) Impact on local owls in the area;
- (19) Incorrect Site Notice posted; and
- (20) Loss of Washing Line Area.

COMMENTS ON REPRESENTATIONS RECEIVED:

PARISH COUNCIL

The Parish Council comments are noted and will be discussed in the Conclusions section. For information, the policies referred to are as follows:

H1 Quality of Design - "Proposals for new housing or extending or altering existing dwellings should be of a high quality design that reflects the local character and reinforces local distinctiveness. Proposals must demonstrate how they meet the policies set out in the Plan."

H3 Housing Density - "The density of new development shall be appropriate to its location by virtue of size, siting and relationship to existing properties."

H3.1 is the postamble (supporting text) to Policy H3 and states that: "To ensure that it does not harm the established character and appearance of the local area by the over development of sites giving rise to cramped and out of character developments."

LOCAL RESIDENTS

Local Resident objection nos. 1 & 2 are material to this determination and are discussed in the Conclusions section. The following comments are made in respect of the other objections:

- (1) This will be discussed in the reports' conclusions;
- (2) This will be discussed in the reports' conclusions;
- (3) Noted;
- (4) Noted;
- (5) Noted. However, it remains that the land is private and has never been formally designated for parking;
- (6) Noted;
- (7) The land opposite is also owned by the Council;
- (8) Surveys were carried out at night (between 12.30am and 5am) on two separate weekdays in order to check peak demand. Vehicles parked during the day may not be residential occupiers and could potentially include visitors or employees from nearby businesses. WSCC Highways have not raised any objection to the survey methodology;
- (9) WSCC Highways have not raised any objection to the use of the previous survey;
- (10) Noted however this would not be a consideration for this application;
- (11) This would have been a decision by WSCC and is not comparable to the subject of this planning application;
- (12) WSCC Highways recognise this issue and recommend that the applicant submit a Construction Management Plan in order to minimise the impacts of construction on the local population;
- (13) WSCC Highways do not consider that the small scale development will result in harm to the operation of this junction;
- (14) Southern Water do not object to the proposal;
- (15) This is not a material planning consideration;
- (16) It is Council policy not to refer back to previous objections;
- (17) Noted. However, this is a car park with very small grassed areas on the eastern side between the hardstanding and the highway. It is not a location where the Council would consider it safe for children to play and would not therefore wish to encourage such;
- (18) The proposal does not seek to remove any buildings or trees and therefore would not result in the loss of any potential owl roosts;
- (19) There was no conspiracy involved here. It was simply a mistake and the situation was rectified two working days later; and
- (20) The washing line area is being replaced with a new area of hardstanding on the western side of the development.

In addition to the above, the applicant has issued a response to the local resident comments as follows:

"Loss of parking - There are currently 3 parking spaces on the site which will be replaced with 3 unallocated parking spaces in addition to the 2 allocated spaces, for the new flats. Therefore the only loss of parking is for visitors to the new flats which, having checked the parking demand calculator is less than half an unallocated space. The parking survey showed low parking stress in the area but the local residents are expressing concerns over loss of parking. If you feel that these concerns are valid we could make all 5 spaces unallocated which would effectively be increasing the parking on the site. Or as a last resort we could add a space where we currently have landscaping but it would be a shame to lose a future tree.

Loss of turning space - There are several turning heads available in the close, including one directly opposite the site, as shown on a satellite image.

Additional users on an already faulty sewage system - The problem reported by the residents will need to be addressed with the statutory provider (Southern Water) and details of the new connection will need to be agreed with them but this should not prevent development.

Loss of play space - The existing area is not a play space and should not be used. Thus there is no loss of play space.

Disruption during construction - Some disruption is inevitable but it will be kept to a minimum and the need for housing should override this.

Loss of washing line area - The site plan shows a new hardstanding area which is intended to be a shared drying area on the south side of the site.

Barn owl habitat - We were not aware of any ecological issues on the site but if you think this is a valid concern we can instigate the relevant surveys and incorporate mitigation as required".

CONSULTATIONS

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - No objections. Informative to be imposed to advise of the requirement to make a formal application for connection to the sewer system.

WSCC HIGHWAYS - No objections subject to conditions on parking, cycle storage, access and a construction management plan. Do not consider that the proposal will have a 'severe' impact on the operation of the highway network and therefore there are no transport grounds to resist the proposal. Comment in respect of parking as follows:

- * The plot of land subject to this application was previously used as an off-street car parking provision.
- * Each flat will be allocated one of the created car parking spaces;
- * This quantity of car parking provision would be considered adequate to meet the needs of two flats of this size in this location;
- * The remaining three spaces will remain unallocated for flexible use;
- * It is noted that this area is private land and does not seem to have any formalised agreement for allocation of parking;
- * As such theoretically its use for amenity parking could be withdrawn at any time;
- * Therefore, it is difficult to give significant weight to the loss of this parking provision;
- * However, the area seems large enough to park 3/4 cars;
- * The proposal will result in three additional unallocated spaces being created which would mitigate for the loss of this existing provision; and
- * The applicant has also provided the results of a car parking capacity survey which indicates there is

significant on-street car parking provision available within the vicinity of the site.

ADC LANDSCAPE - No objection. No perceived landscape impact. Open space on site is not a consideration but development of any kind should consider greening to add to the proposal and to enhance the setting. Indicative landscaping has been shown but a detailed landscape scheme will need to be proposed to maximise the biodiversity of the site. Existing vegetation should be protected during construction but there are no tree protection issues associated with the site.

ADC DRAINAGE ENGINEERS - No objections subject to imposition of condition ENGD2A.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
Class A Road; and
PD Restriction.

DEVELOPMENT PLAN POLICES

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

| | |
|-------|---------------------------------|
| GEN2 | Built-up Area Boundary |
| GEN7 | The Form of New Development |
| GEN9 | Foul and Surface Water Drainage |
| GEN12 | Parking in New Development |
| GEN33 | Light Pollution |

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

| | |
|---------|--------------------------------------|
| D DM1 | Aspects of Form and Design Quality |
| D DM2 | Internal Space Standards |
| D SP1 | Design |
| ECC SP2 | Energy and climate change mitigation |
| ENV DM4 | Protection of Trees |
| H DM1 | Housing Mix |
| QE DM2 | Light Pollution |
| T SP1 | Transport and Development |
| W DM3 | Sustainable Urban Drainage Systems |

[Aldingbourne Neighbourhood Plan 2016 POLICY EH1](#) Resist development outside

Aldingbourne Neighbourhood Plan 2016 POLICY EH5 Development in Flood risk areas will not be supported unless...

Surface Water Management

Aldingbourne Neighbourhood Plan 2016 POLICY EH6 Protection of trees and hedgerows

| | |
|--|--|
| Aldingbourne Neighbourhood Plan 2016 POLICY EH10 | Unlit village status |
| Aldingbourne Neighbourhood Plan 2016 POLICY GA1 | Promoting Sustainable movement |
| Aldingbourne Neighbourhood Plan 2016 POLICY GA3 | Parking and new development |
| Aldingbourne Neighbourhood Plan 2016 POLICY H1 | New housing or altering dwellings Quality of Design |
| Aldingbourne Neighbourhood Plan 2016 POLICY H2 | Range of house types Housing Mix |
| Aldingbourne Neighbourhood Plan 2016 POLICY H3 | Housing density |
| Aldingbourne Neighbourhood Plan 2016 POLICY H6 | Within built up area boundary Windfall sites |
| Aldingbourne Neighbourhood Plan 2016 POLICY 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 |

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 then subject to public consultation. The hearing sessions into the examination of the Arun Local Plan ended on Thursday 28 September 2017 and the Inspector then wrote to the Council to set out his 'Interim Views following the Hearings'. The plan was then modified further in January 2018 (Modified - Arun Local Plan - January 2018 Consultation) and these were subject to public consultation between 12 January 2018 and 23 February 2018.

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

The Neighbourhood Development Plan

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

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

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

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

The relevant policies within the Aldingbourne Neighbourhood Development Plan have been considered in the preparation of this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The site is in an urban and predominantly residential area. It is defined as being part of the built up area boundary area in both the Arun Local Plan (ALP) and the more recent Aldingbourne Neighbourhood

Development Plan (NDP). Both ALP policy GEN2 and NDP policy E1 permit development in the built up area provided that they comply with the other policies of the respective plans. The proposal is therefore acceptable in principle subject to normal development control criteria such as residential amenity, highway safety and parking. It is also noted that the 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.

HIGHWAYS & PARKING

Both the Parish Council and local residents are concerned as to the impact of the proposal on the availability of local off-street parking spaces.

Policy GEN7 (vii) requires that new development allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians. Regard should also be had to paragraph 32 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. However, the standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator. This indicates a total demand for the development of 3 spaces as based on 1 allocated space per flat and 3 unallocated spaces. The proposal also includes cycle storage sheds.

NDP policy GA3 states that: "Proposals must provide adequate parking in accordance with the standards adopted at the time. Proposals that would result in a loss of parking spaces either on or off street will be resisted." Compliance with the Parking Demand Calculator means that the proposal accords with the first part of this policy.

In respect of the second part of GA3, the proposal will clearly result in the loss of an existing off-street parking area suitable for the parking of 3 cars. However, this is considered to be acceptable as this is private land, is not formally laid out for parking and could be closed off at any time. Furthermore, the proposal will include 3 unallocated parking spaces to compensate for the spaces to be lost and therefore, there would be no net loss of parking spaces within the street.

The applicant has submitted a Parking Demand and Capacity Report which states that only 1 car was recorded parked on the site during both of the night time surveys. It is acknowledged that local residents consider that the number parked during the day may be greater due to persons working nights. The planning officer has visited the site twice in connection with these proposals. The first time was late afternoon on the 15th December 2016 when only 1 car was parked there. The second was late afternoon on the 12th February when two cars were parked on the hardstanding and a third on the grass on the eastern side.

The submitted Parking Demand and Capacity Report also notes that within a 200m walk from the site there were found to be 214 unrestricted parking spaces of which 26 were occupied at the time of the survey (worst case) representing a 12% occupancy level. Therefore, at the time of the survey, there were 198 unrestricted parking spaces available for use by the local population. It is accepted that access to some of these spaces would require crossing Nyton Road but there is a pedestrian traffic island crossing just east of the junction.

The application has been assessed by WSCC Highways who have carefully checked the submitted documents and consider that there is a significant amount of existing on-street parking spaces in the

vicinity of the site, that the proposed 3 unallocated spaces would mitigate for the loss of the car park and that there are no highway grounds to resist the proposal.

Although residents will experience change to their parking arrangements in that they may have to walk slightly further away to park their cars, it is not considered that this change will be detrimental to their amenity or to their safety.

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

CHARACTER, DESIGN & RESIDENTIAL AMENITY:

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 noted that the density of the proposal is 50 dwellings per hectare and this would appear to be quite high however, a two storey house of similar proportions on this plot would only have a density of 25 to the hectare. It is also noted that there are other two storey flatted buildings on Barnett Close including the building immediately to the west as well as two flatted buildings opposite.

The submitted site section demonstrates that the proposed building will have a broadly similar overall height to the adjacent properties and an eaves height the same as the building to the east. Furthermore, the proposed building does not fill the whole plot leaving 4.4m to the boundary on the eastern side and 2.35m to the single storey storage building on the western side. The area to the rear of this storage building will then be turned into a replacement drying area. The proposed building also has a building line broadly the same as those either side.

The building has been designed with front doors on the southern elevation so as to front onto the verge on the northern side of Nyton Road in the same way as the houses to the east. However, the rear (northern) elevation will contain windows and thus have a presence also in the Barnett Close street scene.

Due to the siting of the building within an existing gap in an existing building line with existing buildings to each side, it is considered that there will be no adverse impacts on any neighbouring buildings. The proposal includes no first flank windows and therefore there is no potential for overlooking of existing neighbouring first floor flank windows. Any views from proposed ground floor flank windows will be screened out by either new boundary fencing or the existing building on the western side. It is noted that none of the local objectors have made reference to privacy or loss of light issues. The first floor balcony faces south across the road. It will also allow views to the side over the front garden of 10 Nyton Road but this is acceptable as this front garden is not an enclosed private space.

It is considered that the proposal would be in accordance with policy GEN7 of the ADLP and policies H1 and H8 of the NDP.

INTERNAL & EXTERNAL SPACE STANDARDS:

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

for single storey, 2 bed, 4 person dwellings is 70m². The ground floor flat will provide a general internal area of 74.3m² whilst the first floor flat has 81m². Therefore both flats comply with the requirements.

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. However, policy H8 of the NDP states that "All new dwellings must include an outdoor amenity space of adequate size and quality, either as a private garden or shared amenity area." The proposal was drawn up in order to comply with the requirements of Policy D DM3 with the ground floor flat having a 23m² garden area far exceeding the 5m² standard, and the first floor flat having a 5m² balcony. As the proposal would have complied with policy D DM2, it is considered that the external spaces are of a size and quality such that there would be no conflict with NDP policy H8.

SUMMARY:

This proposal is considered to represent an efficient use of urban brownfield land and does so without compromising the visual amenities/character of the area, highway safety or the amenities of existing nearby residential occupiers. The development of this site will result in the loss of informal unauthorised parking for 3 cars but this is compensated by the inclusion of 3 new unallocated spaces in addition to the allocated spaces for the new flats.

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.

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.

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| RECOMMENDATION |
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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

* Drawing 16/021 40 Rev H "Location Plan & Proposed Site Plan";

* Drawing 16/021 41 Rev B "Proposed Plans & Elevations"; and

* Drawing 16/021 42 Rev B "Site Section".

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

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

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

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

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

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

- 4 No development shall be commenced 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 the 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 highway safety and the amenities of the area in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because the condition relates to the site set up before and during construction.

- 5 No development above damp proof course (DPC) level shall take place until there has been

submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

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

- 7 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 Arun District Local Plan Policy GEN12 and the National Planning Policy Framework.

- 8 No part of the development shall be first occupied until such time as the vehicular access, dropped crossing, and footway works have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development in accordance with the National Planning Policy Framework.

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

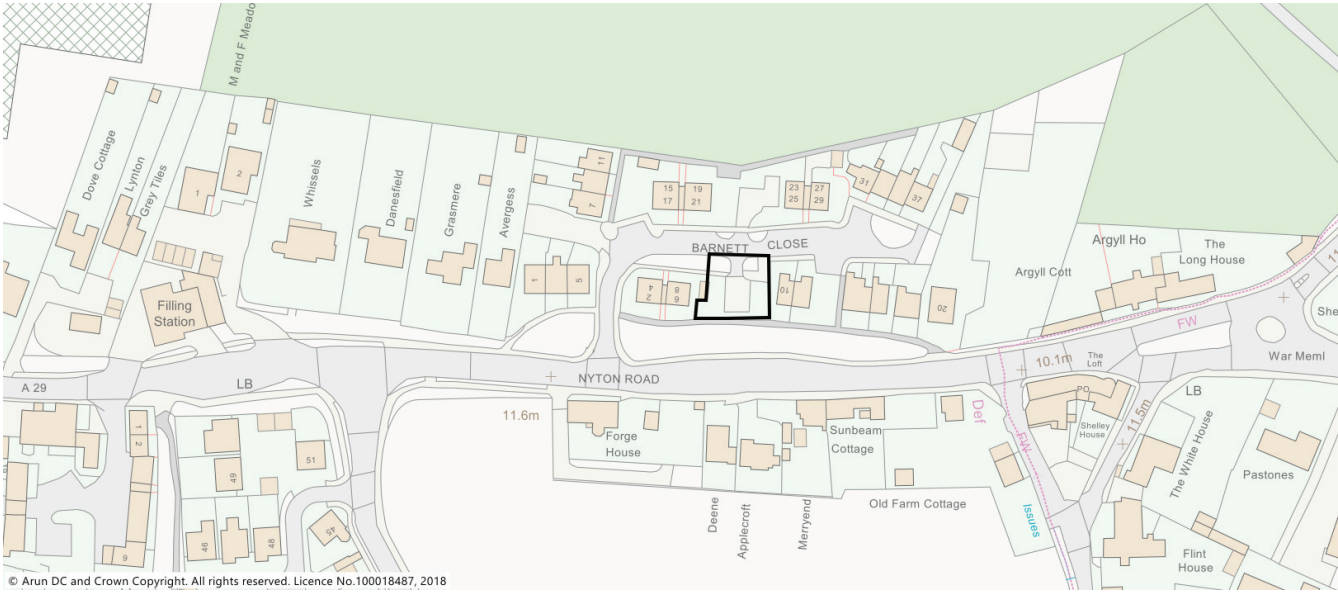
- 10 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne,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

- 11 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.

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

AL/8/18/PL - 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

PLANNING APPLICATION REPORT

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|-----------|--|
| REF NO: | A/8/18/PL |
| LOCATION: | Land Rear of 1 To 6 The Cottrells Angmering BN16 4AF |
| PROPOSAL: | Variation of condition 2 imposed under A/173/16/PL to read 'the development to be carried out in accordance with the following approved plans ADC 962/04 REVA, ADC962/13 & ADC962/14 relating to revised position of rooflights on east, north & south elevations. This application affects the character & appearance of the Angmering Conservation Area. |

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| SITE AND SURROUNDINGS |
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| DESCRIPTION OF APPLICATION | <p>As above. The proposal is for amendments to a detached 2 storey development of modern design. The property has a height of 6.7m and is L shaped with a rear length of 14.3m and a side length of 10m. 5 car ports and 2 parking spaces are provided at ground floor, together with a kitchen/dining area to serve the 2 bedroom dwelling. A rear garden area of 28 sq m is also included.</p> <p>The proposal relates to the revised position of rooflights on the east, north and south elevations. One of the rooflights on the south elevation would be lower than previously approved, but the same height as the other 2 approved on that elevation, 2 on the east elevation are the same height as approved, one is higher and on the north elevation 2 of the windows are higher than approved.</p> |
| SITE AREA | 0.03 hectares |
| TOPOGRAPHY | Predominantly flat. |
| TREES | None affected by this application. |
| BOUNDARY TREATMENT | Walling enclosing part of frontage and side boundary to approximately 1.5m in height and close boarded fencing to the rear to approximately 1.8m in height on top of flint walling to rear. Small section of flint walling to 2m in height in rear corner of site. |
| SITE CHARACTERISTICS | The building is currently under construction. |
| CHARACTER OF LOCALITY | Predominantly residential characterised by a mix of dwelling type and design. The site is located within the Conservation Area which is defined as the historic core of the village. Adjoining garage/annexe building has timber clad elevations. |

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| RELEVANT SITE HISTORY |
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|-------------|---|----------------------------------|
| A/162/17/PL | Application for Variation of Condition 2 imposed under A/173/16/PL to include 2 No. dormer windows in lieu of rooflights, a gable end to the south elevation & a juliet balcony in lieu of window to west elevation. This application affects the Character & Appearance of the Angmering Conservation Area. | Refused 15-11-17 |
| A/173/16/PL | Application for Variation of Condition 2 imposed under A/105/16/PL for removal of boundary walls to north & south & replace with planting & granite kerb stones, reconfiguration of approved bin & cycle store to provide direct garden access through separate kitchen & Ground floor WC, provision of bins & cycles within approved car port & within rear garden area, minor changes to window & door positions. This application affects the Character & Appearance of the Angmering Conservation Area. | ApproveConditionally 13-01-17 |
| A/64/17/DOC | Application for approval of matters reserved by conditions imposed under A/173/16/PL relating to Conditions 3 - Schedule of materials, 5 - Construction site set up, 7 - Covered parking & secure cycle spaces & 9 - Landscaping scheme. | DOC Approved 20-06-17 |
| A/105/16/PL | Reconfiguration of existing car parking area for 1 No. flat with 5 No. car-barns below (resubmission following A/8/16/PL). This application affects the character & appearance of the Angmering Conservation Area. | ApproveConditionally 08-09-16 |
| A/8/16/PL | New single 2-bedroom dwelling. This application affects the character and appearance of Angmering Conservation Area | Refused 24-03-16 |

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| REPRESENTATIONS |
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REPRESENTATIONS RECEIVED:

Angmering Parish Council

Objection - Adverse effect on the character and appearance of the Angmering Conservation Area.

10 Objections:

- The construction has not be carried out in accordance with the approved plans or the submitted plans.
- The building is closer to site boundaries.
- Request that measurements are taken on site to ensure building size accords with original permission.
- The metal supports should be covered in timber cladding as previously agreed.
- Would like assurance that ground level will be the same as the surrounding area.
- Roof profile should be hipped as approved originally.
- Roof light windows should be escape windows and in the correct position (1.5m from the internal floor to the lower sill). The lower height results in overlooking into rear bedroom windows of 1-6 The Cottrells and the property to the rear.
- There is a high likelihood that once the building has been agreed internal alterations to the layout will take place to create an additional bedroom. This should be restricted by condition.
- Would like confirmation regarding landscaping scheme and provision.
- Road is often blocked by builders, rubbish has piled up and the site has been left unsafe and unsecured.
- Why has building work not been stopped?
- The development appears shoe horned into the site.
- Request that requirement to demolish low block boundary wall and replacement with a fence is removed from the plans.

COMMENTS ON REPRESENTATIONS RECEIVED:

The development is the subject of a current enforcement case for non compliance with approved plans.

Whilst the building works have not been stopped this does not preclude enforcement action being taken at a later stage and applicants are aware that works which do not accord with the earlier approval are being undertaken entirely at the owners risk.

The issue of the property over sailing adjacent boundaries is essentially a private legal matter. However the agent has been asked to serve Notice on adjoining neighbours as part of this proposal and has refused to on the basis that the property has been erected only on land in the applicants ownership. Legal advice from the Council's Solicitor has been sought and confirms that the application can be determined on the basis of the submitted certificates.

The proposal is subject to a condition to ensure that landscaping is provided in accordance with the approved scheme and removing permitted development rights for alterations and extensions. The building has planning permission.

The proposal does not relate to the alterations which have taken place on site to incorporate a barn end and this change will need to be dealt with separately.

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| CONSULTATIONS |
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Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No Objection

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:
 Within Built Up Area Boundary
 Within designated Conservation Area

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

| | |
|-------|-----------------------------|
| GEN7 | The Form of New Development |
| GEN12 | Parking in New Development |
| AREA2 | Conservation Areas |

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 |
| HER DM3 | Conservation Areas |
| HER SP1 | The Historic Environment |

Angmering Neighbourhood Plan 2014 POLICY EH1 Development in the Conservation Area

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

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 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 HD4: Materials, HD5: Built Form and HD6: Housing Layout & Design, HD8: Parking for New Developments and EH1: Development in the Conservation Area of Angmering Neighbourhood Plan are considered relevant to 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.

Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:
In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with this criteria in that it is not considered to materially affect the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The proposal relates to amendments to roof light numbers and positions in the roof of the previously approved dwelling which is located above car ports on an area which was previously used as hard

standing for car parking within the Conservation Area. The site lies within the built up area boundary where the principle of residential development is acceptable. The building is under construction and the roof light changes have been submitted to accord with the positions they have been installed on site.

VISUAL AMENITY AND IMPACT ON THE CHARACTER OF THE CONSERVATION AREA

To the north of the site is an ancillary garage building. The site occupies an elevated position in relation to development to the north. The dwelling is sited in approximately the same position as the garage to the north, 9m from the road frontage. The property is L shaped with the rest of the development set back 19m from The Cottrells frontage. This footprint and layout retain the open area and sense of space which is a contributory factor to the character of the area and the appearance of the Conservation Area.

The use of roof lights produces an uncluttered appearance to the roof and reduces the visual impact of the first floor. The proposed changes to the roof light positions do not dominate the elevations of the building and do not appear overly dominant in the street scene, many slate roofs are evident within the Conservation Area.

Part 12 of the National Planning Policy Framework (NPPF) refers to Conserving and enhancing the historic environment. It is considered that the proposal complies with paragraphs 131 to 133. Para 132 of the Framework requires that 'great weight should be given to an asset's conservation' and where its significance is affected any harm or loss should require clear and convincing justification. In this case, the repositioning of roof lights are considered to have a neutral impact on the appearance of the Conservation Area in compliance with the NPPF and policy EH1 of Angmering Neighbourhood Plan.

Most of the materials used in the development have previously been approved. Policy HD6 of Angmering Neighbourhood Plan requires new development to demonstrate high quality design, reflect local distinctiveness and seek to incorporate local design features evident in the surrounding area. It is considered that the design and materials adequately reflect their surroundings and a condition is imposed to ensure that the quality of materials for the piers, which was previously approved as cladding, is acceptable.

There are policies protecting the historic environment throughout the NPPF, with a specific section covering conserving and enhancing the historic environment (paragraphs 126 to 141).

Consideration of the historic environment and its heritage assets is a principal objective of sustainable development and hence of the NPPF and all development plans that conform to it. The development as a whole is considered to make a positive contribution to the appearance of the Conservation Area and therefore represents a sustainable form of development.

RESIDENTIAL AMENITY

This proposal relates to the revised position of roof lights and therefore loss of privacy is the main consideration in respect of impact on residential amenity. The cross section A-A indicates that the height of the windows on the east and west roof slopes have not decreased and are as previously. The more centrally located bathroom window is higher than originally approved reducing the opportunity for overlooking if the window is open.

One of the lounge windows on the south elevation has been reduced in height to be level with 2 lower window positions previously approved. These windows have a cill height of 1.5 which is the same as the lower cill height previously approved. This has a lowest outside height of 1.7m which is considered adequate to prevent any materially adverse overlooking effects and loss of privacy to adjoining gardens.

Two of the windows on the north elevation have increased in height to have an internal cill height of 1.7m and the others remain in the position approved with an internal cill height of 1.5m. These heights are considered adequate to prevent materially adverse overlooking resulting to adjoining properties or their gardens.

The main living room window remains unaltered and faces over the parking area. Views would be towards to The Cottrells road frontage where there would be no loss of privacy.

SPACE STANDARDS

The proposal accords with the Nationally Prescribed Space Standards relating to internal space standards. The accommodation is now split between ground and first floor so that the property is designed as a 2 storey dwelling where it would reasonably be expected that a rear garden area would be provided. The garden size of 28sqm to serve the property has previously permitted and it is therefore considered acceptable.

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.Th

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans: Location and Block plans ADC962/LP, Elevations and Section ADC962/14, Floor Plan & Roof plan ADC962/13, Ground Floor Plan ADC962/04 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.

- 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) no extensions (including porches or dormer windows) or alterations to the dwelling house 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 and maintain adequate amenity space in accordance with policy GEN7 of the Arun District Local Plan.

- 3 Details of the finishes to be used for the supporting piers shall be submitted to and approved by the Local Planning Authority and the materials so approved shall be provided prior to occupation.

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

- 4 The development shall proceed in accordance with the details approved under A/64/17/DOC submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This includes details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access. To safeguard the amenity of adjoining occupiers in accordance with policy GEN7 of the Arun District Local Plan.

- 5 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the plans and details submitted to and approved by the Local Planning Authority under A/64/17/DOC.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.LAN

- 6 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan ADC962/04A. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

- 7 The landscaping details approved under A/64/17/ DOC shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.'

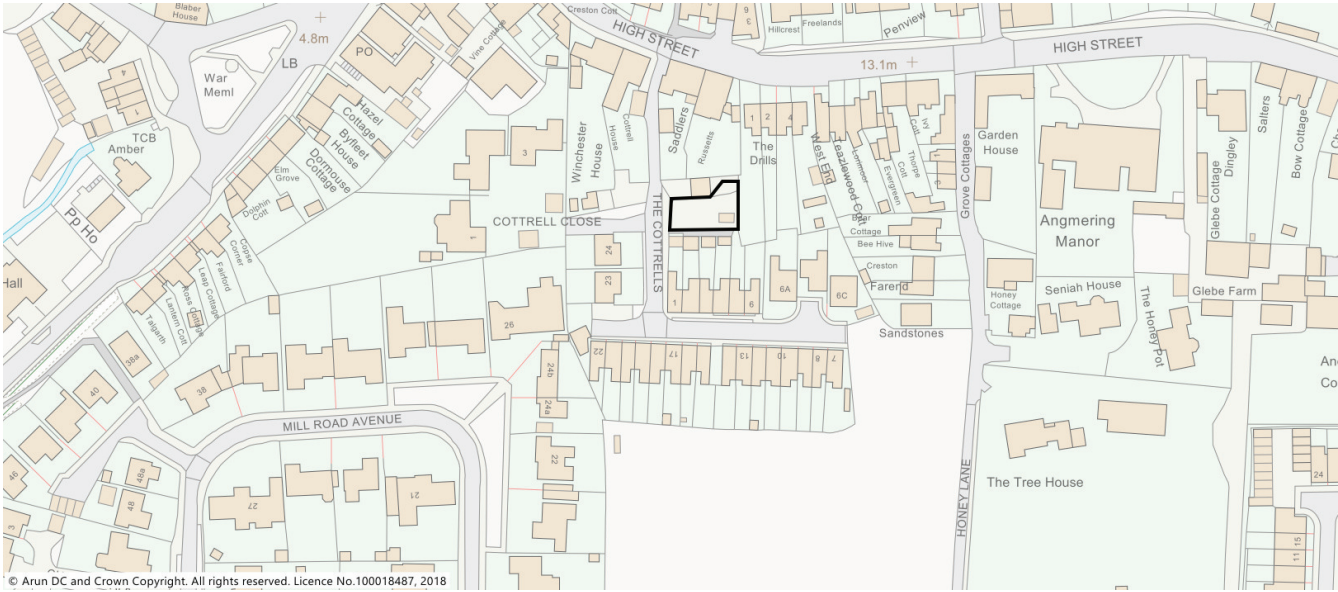
Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 8 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

A/8/18/PL

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.

A/8/18/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: A/11/17/OUT

LOCATION: Land south of New Road (A259) &
East of Brook Lane
Angmering

PROPOSAL: Hybrid Application to include Full planning permission for a retail unit (Class A1) comprising 1,487sqm with associated access, car parking, servicing, landscaping & associated works & Outline planning permission with some matters reserved (scale & appearance) for public house (Class A4) comprising 581sqm (resubmission following A/23/15/OUT). This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Hybrid application for development of the site Class A1 and Class A4 Use. The proposal includes the following:

Full planning permission for:
Class A1 1487sqm retail (1022sqm ground floor and 465sqm mezzanine), associated access, car parking (173 parking spaces including overflow spaces), servicing, landscaping and associated works and,

Outline Planning permission for:
Class A4 581sqm public house at ground floor level (with scale and appearance reserved).

The application has been submitted on behalf of SDB Investments Ltd, Commercial Development Projects Ltd and Marks and Spencer.

| | |
|---------------------------------|---|
| SITE AREA | The total site area is approximately 2.60 ha |
| RESIDENTIAL DEVELOPMENT DENSITY | N/A |
| TOPOGRAPHY | The site is predominately level, sloping slightly north to south and sits lower than the A259 |
| TREES | The site is mainly ruderal vegetation with plantation trees to the northern boundary and a group of mature trees to the south of the site. |
| BOUNDARY TREATMENT | The northern boundary is formed of an embankment to the A259. The other boundaries are demarcated by a mix of ditches, post and rail fencing and chain link fencing |
| SITE CHARACTERISTICS | The site is located south of the A259. The site is currently undeveloped greenfield land. The topography is flat, with a slight sloping north to south and is lower than the A259. |
| CHARACTER OF LOCALITY | The wider area to the north of the A259 still gives appearance of being rural in character with the neighbouring uses comprising a golf course and open fields beyond the A259, open fields to the west, however, the Mill Lane BMW and retail schemes to the east which have now been built which provide a more urban character and the rail line to the south. |

RELEVANT SITE HISTORY

A/23/15/OUT

Hybrid application - Full Planning Permission for a retail unit (Class A1) comprising 1,487sqm (1022sqm ground floor and 465sqm mezzanine) with associated access, car parking, servicing, landscaping & associated works.

Outline Planning Permission for a public house (Class A4) comprising 581sqm at ground floor level - This is a Departure from the Development Plan

A/125/13/PL

Hybrid planning application for the development of the site to provide in outline with all matters reserved apart from access and landscaping up to 3365 sqm A1 retail use (including parking) and full planning for 3947 sqm and Sui Generis vehicular floorspace (including ancillary facilities, landscaping and parking) including workshops, MOT facility, car valeting & car storage. New access from A259 - Departure from the Development Plan. Also within the parish of Rustington.

Approved Conditionally 13-06-2014

Land west of Brook Lane and South of A259 Angmering - the two applications below relate to the land to the west of the application proposal.

A/169/17/OUT

Approved conditionally with S106

Outline application with all matters reserved for demolition of existing buildings on site & erection of a mixed use development comprising up to 90 No. residential units, a care home (Use Class C2 & C3) & ancillary facilities including railway crossing, together with associated access, car parking & landscaping (resubmission following A/44/17/OUT). This application is a Departure from the Development Plan & lies within the parishes of Littlehampton & Rustington.

A/44/17/OUT

Approved following appeal

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

COMMENTS ON PLANNING HISTORY

A similar application (A/23/15/OUT) (the 'original application') was granted permission subject to conditions and S106 Agreement on 27 June 2016. That original application was subject to a claim for judicial review and was quashed by Consent Order on 9 February 2017 in relation to 'Ground 1' concerning the sequential test. The Order clarifies that the issue related to an inconsistency in the advice in relation to the sequential test and that officers should have attempted to resolve that inconsistency in their report to the Planning Committee. The original application (A/23/15/OUT) which is now being re-considered concurrently to this application, is the same as this one except for the access arrangements which have been altered.

There is also a history of previous planning application on the wider area of land that includes this site.

REPRESENTATIONS

Littlehampton Town Council: Objection

- Noted that previous S106 Agreement contained provisions to mitigate the impact on Littlehampton Town Centre
- Vacant retail unit in Littlehampton Town Centre should be used first in accordance with the sequential test as out of town centre growth eroding the Town Centre.
- Vacant Budgens unit on Wick Parade noted
- Facilities in Littlehampton make Waitrose site the most sustainable site
- Loss of recent shops/ post office highlights risk from out of town developments
- Concerns relating to multiple access points and cumulative impact of traffic, design should be sufficient to mitigate this
- Concerns about safety of pedestrians crossing railway without a bridge and alarm system not considered safe because of public house located on site.

Rustington Town Council: Objection

- Increased traffic flows when combined with Manor Retail Park and residential development on adjacent site leading to congestion and hazards
- Unacceptable increase in traffic to detriment of highway safety - excessive development off single access point
- New access will have unacceptable impacts on traffic flows on A259
- Hazard and safety concerns due to vehicles accelerating and decelerating
- Single point of access to both sites (referring to A/44/17/OUT) would be preferable
- Footbridge across railway imperative and should lie jointly with both sites (A/44/17/OUT)
- Improvements needed to Penfold Lane - public footpath in poor state of repair
- Outside built up area boundary and in Flood Zone therefore contrary to policy
- Retail Study sequential test is not accurate
- S106 monies should be reallocated on basis of revised retail impact (6.5% for Rustington)
- Retail Assessment inaccurate due to several businesses closing down or re-locating due to migration of trade to larger out-of-town stores

Angmering Parish Council: Objection

- Highway access concerns relating to original outline not been resolved
- Concerns relating to access and risk of conflicting vehicle movements from Manor Retail Park not addressed

Store Properties Ltd:

13 July 2017 in objection to email from applicant relating to access:

- Incorrect information in relation to the ownership of the footpath/cycleway on adjacent Manor Retail Park (privately owned not highway land)
- Pedestrian and cycle links to Manor Retail Park inaccurate and insufficient and need to reflect as built scheme
- Access proposed is no safer than alternatives
- No intention to access housing site via proposed new access and any proposed condition requiring this would not be lawful, enforceable or workable

Dalton Warner Davis - Agents on behalf of Store Property Ltd, local landowner with interests in the town centre: Objection raising the issues below:

15th February 2017:

- Holding objection
- Applicant did not serve notice correctly

12th April 2017:

- Sequentially preferable site available, therefore should be refused
- Concerns in relation to retail impact assessment and will await DPDS report before commenting
- Previous objections remain
- Original application does not benefit from planning permission and therefore should not be referenced in the Retail Statement or the original conclusion referred to
- There has been a material change in circumstances since previous Retail Statement including case law
- Agree that 2016 Retail Study is a material consideration but not a full update
- Proposal should have been accompanied by new retail impact assessment to take into account changes to shopping patterns
- Retail Statement fails to acknowledge implications of the Aldergate decision and Ouseley case particularly in relation to suitability and availability when applying the sequential test - reliance on the outdated board decision and therefore not retailer blind
- Highlight DPDS concerns on acceptability of retail impact assessment - should have been a full assessment of retail impact
- Disagree that trading format is a material consideration and highlight other errors in retail Assessment
- Criticism of analysis of availability, reliance on previous assessment unacceptable and a lot of information irrelevant
- Disagree with conclusions reached and statements made in relation to availability of former Waitrose site
- No indication that the site is not available to M&S
- Disagree with conclusions on suitability of former Waitrose site and evidence given in the Assessment to support that position.
- Applicant's consideration of the future use of the site has no evidence base or policy support and is not relevant to the sequential test.
- No indication that the former Waitrose site has been reconsidered by M&S more recently and insufficient evidence that it is unsuitable
- Safety concerns relating to railway crossing as use will increase significantly and must be mitigated to comply with NPPF para 32

15th August 2017:

- Consider it in the public interest that Members of the Planning Committee have sight of legal advice provided in relation to DPDS Report.
- Recommendation of the DPDS Report is endorsed and the former Waitrose Unit should be considered available for the purpose of the sequential test and that reject of the site's suitability is impermissibly retailer-specific. Advice in DPDS Report is that the applicant's retail assessment is flawed in terms of sequential approach and to approve the application would be to breach the sequential test.
- Retail impact - disagree with the conclusion reached by DPDS in relation to shopping patterns. Assessment of cumulative impact would be sensitive to changes in shopping patterns and applicant should be asked to update their assessment to provide full impact assessment.

- Retail impact - concerns raised by Waitrose and their client about impact of the proposed development should be taken into account when considering impact, along with Parish Council concerns.
- DPDS failed to highlight significant benefits the retail development could bring to the town centre of Littlehampton and the investment and opportunity that will be lost if sequential approach not properly followed. Waitrose site available and suitable for the proposed development.
- Consideration of alternative retail considerations - comment on weight given in DPDS report to material considerations. 'Mansfield case' clear that it is inappropriate to rule out the town centre as potentially more suitable location purely because of the identity of the proposed retailer.
- No recent evidence to show that the M&S Board would reject the town centre site and no attempt to seriously consider how the proposed use could occupy the town centre site. Examples given of retailers accepting town centre sites after arguing that they would not occupy them.
- DPDS report attempts to reapply the factors that they have ruled out from the sequential assessment - which diminishes the significance of, or overrides, consequences of failing the sequential test. Undermines the application of the test of reasons set out in Mansfield decision.
- Disagree with market view put forward by DPDS. Health check assessment shows number of vacant units in 2015 have been re-occupied. Shows continued and sustained retailer interest in the centre.
- Waitrose has highlighted that the location was viable for retail development, therefore difficult to understand how DPDS can sustain an argument that there is not a realistic prospect of re-occupation.
- Disagree with DPDS assessment that there is an 'absence of other retail harm' as no robust assessment that demonstrates whether this is the case.
- DPDS not advised how the planning permission will be made specific to M&S in the event that permission is granted on the basis of an individual retailer's refusal to occupy a town centre site.
- Request Retail Impact Analysis is based on up-to-date data on current shopping patterns in the catchment area and further information from the proposed occupier to demonstrate that there has been a detailed consideration of the available and suitable town centre site.

23 March:

- Re-iteration of concerns relating to
 - o to closure of Brook Lane and the sever safety issue that would result if the access for A/11/17/OUT were allowed prior to the closure of Brook Lane
 - o adoption of internal roads
 - o vehicular linkage to Manor Retail Park
 - o pedestrian linkage to the south/railway bridge
 - o cumulative impacts
 - o suggested conditions if recommended for approval

Waitrose - objection:

- Disagree strongly with the comments that Waitrose in Littlehampton 'failed to operate successfully' or that the store was not 'viable' and was 'a failure' whilst it was open there.
- Considerable investment placed into the Littlehampton store - was purpose built as a food supermarket and physically suitable and traded well during that time, being connected to the town centre and with its own adjoining level car park.
- Decision to relocate to Rustington was due to significant and commercially generous incentive package from the landlord of the Rustington Store, not due to the performance of the Littlehampton store.
- Remain concerned that proposed Simply Food store will have significant and detrimental impact on the Rustington Waitrose Store and Rustington Town Centre as a whole.

Mayer Brown on behalf of Store Property Ltd: Objection

2nd August 2017

- Proposed access reduces separation with Manor Retail Park access
- Stage 1 Road Safety Audit identifies potential for accidents due to proximity of accesses - not addressed in submission and LHA requested it was addressed
- Designer's response provided to address some concerns but proximity not addressed

- LHA requested additional information to address proximity and additional information provided which addressed LHA concerns
- Query over how conclusion reached by LHA
- Brook Lane access proposed by A/23/15/OUT would be safer as distance between existing and proposed access greater
- Brook Lane owned by Store Property who would not consent to closure
- Condition should reflect closure of Brook Lane
- Incorrect statement in relation to access proposed for residential scheme on land to west which would utilise a new access at Brook Lane
- No safe and suitable access into land to west
- Proposed layout would permanently prevent vehicular access to Manor Retail Park
- Pedestrian and cycle links to Manor Retail Park inaccurate and insufficient and need to reflect as built scheme

6th September 2017

- Diverted route of Brook Lane, through the mixed-use food store and pub development unsuitable as an access to residential and care home development
- Alignment of diverted route contorted and narrows severely where it joins Brook Lane
- Diverting Brook Lane does not provide a safe and suitable access
- Require a suggested planning condition requiring Brook Lane is stopped up in advance of commencement
- No improvements proposed to informal railway crossing for pedestrians and cyclists
- Suggested 'master plan' access scheme for land south of A259

19 January 2018

- Store Properties have secured planning consent (A/169/17/OUT) on land to the west of Brook Lane which needs to be considered as a committed development and a material consideration
- Disagree that the Highway Authority will agree to the principle of adopting the site access, mini-roundabout and public house access road in order that Brook Lane can be diverted - as contrary to WSCC advice.
- Unacceptable that future residents would have to pass through third party land to obtain access to the adopted highway
- Expected that highway authority will provide a further response now consent obtained for land to the west
- No recorded public access right from the at-grade railway crossing to the proposed development and PROW Officer advises that formal access rights should be secured as part of any planning permission

2 local residents raised the following issues in objection:

- No need for additional supermarket - eight provide food supplies or varying quality and price
- Detrimental effect on local small businesses
- Access and traffic issues causing danger to road users
- Safety concerns in relation to public house close to unmanned pedestrian rail crossing which has already seen 4 fatalities
- Empty retail premises in Littlehampton should be used first

COMMENTS ON REPRESENTATIONS RECEIVED:

The correct notices were served by the applicant.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Environmental Health
Highways England
Network Rail
Ecology Advisor
Archaeology Advisor

WSCC Strategic Planning
Sussex Police-Community Safety
Parks and Landscapes
Southern Water Planning
Environment Agency
Engineers (structural)
Worthing Borough Council
Arboriculturist
Economic Regeneration
WSCC Strategic Planning
Engineers (Drainage)

CONSULTATIONS RESPONSES RECEIVED:

Public Rights of Way Officer:

- Proposal would attract local residents from south of the railway
- Footpath 2159 runs north from Worthing Road, crosses the railway at grade, then continues north westward.
- There is no public access right along the section of Brook Lane running north-east linking to the proposed development
- Creation of future access rights should be secured through planning permission and reasonable endeavours used to secure dedication of public footpath rights along Brook Lane from the railway crossing to a point meeting with the adoptable road
- Contribution to 20% suggested towards the cost of any new bridge across the railway

Local Highway Authority:

17th February 2017:

- Designer Response should be provided, as well as a Design Audit as currently does not demonstrate that safe and suitable access can be achieved

27th April 2017:

- Comments on additional Design Audit provided, requesting revision of on-carriageway cycle lane widths and removal of tactile paving at cycle route crossing points
- Deceleration lane length accepted and previous departure acceptable
- Assumed developer will obtain necessary third party consents to close part of Brook Lane
- Further comments required in relation to 'weaving sections'

19th July 2017:

- Revised Safety Audit information provided - weaving distance of 90m accepted and advanced warning signage an acceptable solution
- Adoption - would adopt splitter island and section of roads adjacent to the junction onto A259.
- Would not adopt internal roads at this time but if intention is for later adoption then should be built to adoptable standards
- Sharp bend at western end of the site would not be suitable for adoption and would require a re-design if offered for adoption, if unadopted then no objection
- Conditions suggested in relation to access, car parking spaces, construction management plan and cycle parking

In response to Store Properties comments 6th September:

- Access arrangements reviewed on the basis that Brook Lane is closed and a condition has been suggested to require access to be implemented in accordance with approved plan
- Refer to LPA's judgement in whether to specifically refer to closure of Brook Lane in a condition, as it is outside the red line boundary
- Any diversion of Brook Lane would be subject to public consultation through Stopping Up process (Dept of Transport)
- LHA have reviewed the scheme on the basis of no consent on the adjoining land and recognise scheme may have implications for adjoining land
- LHA preference to minimise number of accesses onto A259, reduce number of conflicts

- In principle supportive of access consolidation and linkages between the sites to the south of the A259

In response to Mayer Brown letter 19 Jan:

- Take account of committed development site A/169/17/OUT to demonstrate that the proposed application does not preclude the committed development from coming forward.
- Take account of the trips associated with the committed scheme and demonstrate that their proposed access arrangements do not preclude the committed scheme from coming forward and that an access to this site can be achieved.
- Access to A/169/17/OUT could be achieved via the adjacent site and a right of access agreed between both parties. The agreement of any rights of access is a private matter not a planning matter and should be agreed between the relevant land owners.

Additional response 20th April:

- Applicant's response fails to address points raised above in relation to taking account of and demonstrating that it does not preclude a committed development (A/169/17/OUT) from coming forward.
- The proposed access arrangements from both sites (A/23/15/OUT and A/11/17/OUT) are conflicting. A revised drawing needs to be submitted that demonstrates how access can be provided to their site and the adjacent. Drawing number REDW-3167-131 (Highway Access Plan) should be updated to include an overlay of the adjacent site and demonstrate how a safe and appropriate access could be provided to the adjacent site.
- Consideration not given to additional flows from A/169/17/OUT within the submitted Transport Assessment.

Southern Water:

- Investigations conclude that SW can provide foul sewerage disposal to service the proposed development
- Formal application to connect required
- Request informative in relation to sewerage capacity check and water supply
- Advice provided on SuDs maintenance and discharge to watercourses
- Condition suggested in relation to details of foul drainage

Sussex Police:

- Advice provided on doors and windows conforming to appropriate standards of both retail and public house units
- Unit B - potential conflict between customers and delivery vehicles
- Advice on secure cycle and motor cycle ground anchoring points
- Unit B cycle store should be relocated to position closer to the entrance to provide greater surveillance

Highways England:

No objection. Advise that trips generated would not materially affect the safety and/or operation of the strategic road network (A27)

Structural Engineers:

No comments

Drainage Engineers:

- Advice on surface water to be discharged to SuDs system, using shallow attenuation with infiltration. Landraising should be avoided.
- Standard conditions recommended to ensure provision of drainage details
- Winter groundwater monitoring required to support drainage design

Network Rail:

10th February 2017

- Correction to Transport Assessment - crossing over railway line at Brook Lane is PROW used by pedestrians
- Development will increase use of crossing significantly

- Four (out of 24 safety incidents) involved people stepping out in front of trains - occurrences likely to increase in probability with more people using crossing
- Justification provided for reasonableness of requesting a contribution towards the installation of safety measures at the level crossing to mitigate increased safety risk
- Signage proposed by applicant not sufficient
- No objection subject to contribution of £25,000 to be secured via legal agreement to enable installation of COVTEC system at Brook Lane level crossing
- Previous application (A/23/15/OUT) only included contribution of £12,500 - not considered acceptable as insufficient to provide the COVTEC system

18th April 2017

- Assessed application on own merits and in relation to cumulative impacts in conjunction with A/44/17/OUT
- Contribution towards footbridge only if no other suitable method found
- Recommendation that applications share cost of footbridge (proposed by A/44/17/OUT)

Tree Officer:

- No trees of merit within the site
- Development should accord with submitted AMS Report and Tree Protection Plan
- Conditions recommended to ensure accordance with Tree Protection Plan and AMS Report and protective fencing in place

Greenspace:

Refer to comments on A/23/15/OUT as follows:

- No detailed landscaping scheme submitted
- Trees and shrubs to frontage and boundaries would soften the scheme
- Tree protection scheme needed for adjacent trees
- Long term management of landscape needs considering
- Landscape scheme should maximise biodiversity of the site

Archaeology:

- Site likely to contain structure and deposits of archaeological interest therefore staged process of evaluation required
- Standard condition recommended

WSCC Flood Risk Management:

- Low risk of surface water flooding, moderate risk of ground water flooding.
- Watercourse to southern boundary - plans should ensure maintenance
- No records of historic flooding
- Advice provided on surface water drainage design requirements

Environmental Health:

- No objection to the proposed development
- The A4 use premises will require to be registered 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
- Condition requiring Construction Management Plan to also apply to retail unit and standard condition on contaminated land.

Environment Agency:

- Development will only be acceptable if carried out in accordance with the submitted Flood Risk Assessment.
- Conditions recommended to ensure compliance with FRA

Ecology:

- Preliminary ecological assessments recommend follow up surveys are undertaken for Great Crested Newts, reptiles and water voles
- Results of surveys not submitted and should be provided with appropriate mitigation
- External Lighting Impact Assessment should be resubmitted and demonstrate how the recommendations of the ecological assessment will be implemented

- Detailed comments to follow based on species surveys

Further Ecology response:

- Following submission of detailed surveys, updated information on mitigation required.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Out of Town Centre

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

| | |
|--------|---|
| DEV26 | Criteria for Retail Development |
| DEV27 | Retail Development Outside the Principal Shopping Areas |
| AREA17 | Sites of Archaeological Interest |
| GEN3 | Protection of the Countryside |
| GEN11 | Inland Flooding |
| GEN12 | Parking in New Development |
| GEN14 | Public Transport |
| GEN15 | Cycling and Walking |
| GEN18 | Crime Prevention |
| GEN2 | Built-up Area Boundary |
| GEN29 | Nature and Conservation Across the District |
| GEN32 | Noise Pollution |
| GEN33 | Light Pollution |
| GEN34 | Air Pollution |
| GEN7 | The Form of New Development |
| GEN8 | Development and the Provision of Infrastructure |
| GEN9 | Foul and Surface Water Drainage |

Publication Version of the
Local Plan
October 2014
(as updated January 2018)

| | |
|------------|---|
| QE DM4 | Contaminated Land |
| D DM1 | Aspects of Form and Design Quality |
| D SP1 | Design |
| ECC DM1 | Renewable Energy |
| EMP DM1 | Employment land:Development Management |
| EMP SP1 | Employment land provision |
| ENV DM3 | Non Designated Sites |
| ENV SP1 | Natural Environment |
| INF SP1 | Infrastructure provision and implementation |
| QE DM2 | Light Pollution |
| QE SP1 | Quality of the Environment |
| RET DM1 | Retail Development |
| RET SP1 | Hierarchy of Centres |
| SD SP1 | Sustainable Development |
| SD SP2 | Built -Up Area Boundary |
| SKILLS SP1 | Employment and Skills |
| T SP1 | Transport and Development |

[Angmering Neighbourhood Plan 2014 POLICY TM1](#) Local Highways
[Angmering Neighbourhood Plan 2014 POLICY HD1](#) Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY EH3 Flood Prevention
Angmering Neighbourhood Plan 2014 POLICY TM2 Cycling Walking & Equestrian

PLANNING POLICY GUIDANCE: NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

POLICY COMMENTARY

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

A new Local Plan is in preparation and constitutes a material consideration when determining planning applications. 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 and published modifications to the emerging Local Plan, but it resumed on 17th September 2017 and has now concluded. The Main Modifications to the emerging Arun Local Plan and evidence base were available for public consultation over a six week period which started on Friday 12 January and ended on Friday 23 February 2018. The District Council is awaiting the Inspector's report which is due out in late Spring/ early Summer 2018.

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

The Neighbourhood Development Plan

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

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

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

The made Angmering Neighbourhood Plan 2014-2029 is relevant to 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 relevant Development Plan policies in that it is outside of the built up area boundary contrary to HD1 of the ANP and GEN2 and GEN3 of the ALP and contrary to DEV26 and DEV 27 of the ALP in that the proposal fails to demonstrate that there are no suitable site can be found either within the existing town centre or on the edge of the centre, and therefore fails to retain the existing retail hierarchy.

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 and this is discussed in the conclusions section of this report.

CONCLUSIONS

As this application is a hybrid application, the following report considers the full element (A1 retail, access, car parking, servicing, landscaping and associated works) and outline element (A4 public house) separately.

FULL ELEMENT

The following section of the report considers the full element of the proposal which is for Class A1 1487sqm retail (1022sqm ground floor and 465sqm mezzanine), associated access, car parking (173 parking spaces including overflow spaces), servicing, landscaping and associated works.

PRINCIPLES OF DEVELOPMENT

It is considered that there are two issues of principle central to the assessment of this application: development outside the built-up area boundary; and retail considerations and its impact on the vitality of the town centres.

Development outside the built up area boundary:

The Arun Local Plan (the 'ALP') shows the site as lying within an area outside the built up area boundary (as established by Local Plan Policies GEN2 and GEN3). Within this area only certain categories of development are allowed as an exception to the general policies of restraint that apply. The proposal does not fall into one of these exceptions, however, GEN2 includes clause which states that outside the built-up area boundaries development will not be permitted unless consistent with other Local Plan policies. GEN3 (iv) also refers to development not being permitted unless it accords with a policy in Sections 2 and 3 of the plan referring to a specific use or type of development. Retail development therefore needs to be considered in relation to Policies DEV26 and DEV27 before it can be determined if the proposal complies with GEN2 and GEN3.

The site lies outside the built up area boundary set out in the Angmering Neighbourhood Plan Policy HD1 ('the ANP') which seeks to limit new development to within the boundary to prevent encroachment into the open countryside. The policy also includes the wording 'development outside the Built-up area Boundary shall not normally be permitted subject to the other policies in the Neighbourhood Plan, the emerging Arun Local Plan and the South Downs National Park Local Plan'. There are no relevant retail policies in the ANP but as it cross-refers back to the emerging Arun Local Plan, the retail policies below would be applicable in determining compliance with HD1.

The modified emerging Arun Local Plan (January 2018) (the 'modified eALP') shows the site as outside the built up area boundary and partly within a Biodiversity Opportunity Area. Therefore, the application should be contrary to Policy SD SP2 of the eALP which seeks to focus development within the built up areas, rather than countryside. Policy C SP1 restricts development in the countryside unless it meets the criteria in the policy (a) to (e) or accords with other policies in the Plan which refer to a specific use or type of development (f). The proposal does not meet any of the criteria (a) to (e), but criterion (f) means that it should be considered under Policy RET DM1 which specifically covers retail development. The conclusion on compliance with C SP1 is therefore considered later in the report in conjunction with RET DM1.

The weight ascribed to these policies needs to be assessed. Policies GEN2 and GEN3 in the Arun Local Plan are considered to have minimal weight as the ALP does not plan for retail development beyond 2011, it pre-dates the NPPF and the built up area boundaries are based on development needs as they were understood in 2003. The protection of the countryside for its own sake (GEN3) is also not consistent with the NPPF. Therefore, GEN2 and GEN3 should be given minimal weight.

Policy HD1 of the ANP has an identified objective of retaining the rural character of Angmering through defining the built up area boundary. As a more recently made neighbourhood plan Policy HD1 has full weight as part of the development plan. As the ANP provides a relevant and up to date

development plan policy (HD1), paragraph 14 of the NPPF (which sets out a "Presumption in Favour of Sustainable Development" for decision taking) does not apply to this proposal.

The modified eALP has been through examination and further consultation on modifications following the examination which has now concluded and the Inspector's report awaited. Therefore, as it is close to being able to be adopted, some weight can be given to Policy SD SP2 and C SP1 as a material consideration.

The recent permissions granted for the use of the neighbouring site to the east for retail development (Manor Retail Park) and the land to the west for a residential development and care home (to the west of Brook Lane) in this location are also material considerations, to which some limited weight can be given. When considering the purpose of the built-up area boundary, part of its role is to preserve the setting of existing settlements by protecting the surrounding countryside from unnecessary development. It also provides a means of identifying the point of transition between the built form of a main settlement and the surrounding countryside. In this location, there were two potential boundaries to the north of Rustington - the railway and the A259. The recent permission referred to above have had the effect of moving the boundary from the railway line to the A259 and based on the principles set out in the eALP (paragraph 7.2.7) the built up area boundary would now extend around the two sites, leaving a gap in the centre of the built up area boundary. The Manor Retail Park has changed the character of this area from open countryside to a more urban form, and this proposal would be seen as an extension of that urban form - which would then continue to the west with the residential and care home permission (A/169/17/OUT), rather than an encroachment into open countryside.

The conclusion on whether the principle of development is acceptable in a countryside location is set out following consideration of the relevant retail policies.

Retail considerations:

The Arun Retail Study is also a material consideration, as it provides information on retail need to support the eALP. The Arun Retail Study (2013) didn't identify any requirements for specific retail allocations within the eALP or establish any need for out-of-centre retail development. The Study was updated in 2016 and concluded that there were no additional requirements following the increase in housing development proposed. However, the Study included the original application as a commitment which added to the turnover capacity for convenience goods. The Study establishes that the loss of the Waitrose unit from retail use in Littlehampton would reduce the surplus and that it is unlikely that the former Waitrose premise would be occupied by a convenience goods retailer, but this was made on the assumption of the original permission as a commitment.

The retail elements can be considered against ALP policies DEV26 and DEV27 and modified eALP policies RET SP1 (Hierarchy of town centres) and RET DM1 (retail development).

ALP Policy DEV26 sets out criteria for the assessment of retail developments. It states that retail development which does not affect the existing retail hierarchy will be permitted, provided that criteria are met.

As an out of centre development, Policy DEV27 applies. Part (i) requires that the proposal does not adversely affect the vitality and viability of the Principal Shopping Areas and local shopping areas, either as individual developments or cumulatively with similar existing or proposed developments. Part (ii) and (iii) relate to the accessibility of the site from the highway network and public transport and for the site to be accessible by cycle and on foot. Part (iv) requires appropriate provision to enable access for people with disabilities. The Policy also requires applications to be accompanied by a full assessment of impact on town and nearby centres as well as demonstrating that no suitable town centre or edge of centre sites can be found. The Policy also refers to demonstration of need for additional facilities.

Minimal weight is given to DEV27 as it does not fully conform with the NPPF - in that the NPPF doesn't require demonstration of need and the wording in relation to impact in the policy is 'adversely' rather than 'significant adverse impact' in the NPPF, so the bar is set higher than the NPPF.

Policy RET SP1 identifies the hierarchy of Town Centres with paragraph 9.2.1 identifying that impact assessments for growth of office, leisure and retail development will be required from a threshold of 1,000 sqm for Town Centres, Large Service Centres and the Six Villages and 200 sqm for village and suburban centres.

Policy RET DM1 (3) states that Town Centre uses located outside of the centres defined on the Policies Maps will only be permitted if;

- a. The scheme meets the impact tests of the NPPF;
- b. The scheme is easily accessible by the highway network and public transport;
- c. The scheme includes provision for access by cycle and foot;
- d. The scheme includes appropriate provision to enable access for people with disabilities.

As the Plan has reached an advanced stage towards adoption and there are no outstanding objections to the retail policies above they can be afforded substantial weight as a material consideration.

NPPF Paragraph 23 requires planning policies to be positive, promote competitive town centres and ensure sites are available in suitable centre and edge of centre sites for main town centre uses. Where centre and edge of centre locations are not available, accessible locations well connected to the town centre should be considered.

Paragraph 24 of the NPPF requires a sequential test to be applied on planning applications for main town centre uses that are outside an existing centre or not in accordance with an up-to-date development plan. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

Paragraph 26 of the NPPF requires an impact assessment for development located outside of a town centre or not in accordance with an up-to-date Local Plan which exceed a proportionate locally set threshold (a default threshold of 2,500sqm if there is no local policy threshold). The emerging Local Plan under paragraph 9.2.1 sets a threshold of 1,000 sqm for Town Centres, Large Service Centres and the Six Villages and 200 sqm for village and suburban centres.

Paragraph 26 goes on to note that impact assessments should consider two matters:

- i. The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- ii. The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application was made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Paragraph 27 states that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the above factors, it should be refused.

A key consideration in the determination of this application will be compliance with the sequential assessment and impact tests identified within the NPPF. The sustainability and accessibility issues will be considered in the highways and transport section of the report.

An applicants updated Retail Assessment (the 'Assessment') (January 2017) has been provided with the application in order to evidence the sequential test and retail impact assessment. Whilst the application has been submitted with M&S as joint applicants, the proposal is considered on the basis that it is an A1 retail foodstore, rather than specific to M&S. The Assessment sets out that the trading format proposed is for an M&S operated Foodhall.

The Council has sought retail specialist advice on the Retail Assessment from DPDS (Report to ADC June 2017, the 'Retail Advice') which has informed the assessment below and considered representations made on the retail assessment.

Sequential test-

The claim for Judicial Review that the original application (A/23/15/PL) was subject to, resulting in the decision being quashed, was due to an inconsistency in the advice in relation to the sequential test, which should have been resolved in the Committee Report. This is a new decision on a new application which relates to the same proposal in retail terms (but an amended access) as the original application. The previous decision on the original application can be taken into account as a material consideration but only very limited weight should be given to the sequential test element of that decision. There is also more up to date information and differing policy circumstances (e.g. progression of the emerging Local Plan) which mean that this application is considered differently from the original decision.

Dealing first with location, the applicant confirms the trading requirements of a Marks & Spencer Foodhall as:

Format - a store of gross 1487 sqm with a net trading area of 835sqm

Parking - level surface access for trolleys

Servicing - controlled dedicated servicing access

Location - commercial prominence and access via car to capture passing trade and divert expenditure from neighbouring out of centre retail.

The site is out-of-centre, which the applicant acknowledges and the Council's Retail Advice concurs, with the nearest centres being Rustington (2.4km) and Littlehampton (2.7km) and the village centre at Angmering (2km) and therefore, Policy DEV27 of the ALP and Policy RET DM1 of the modified eALP apply.

The Assessment establishes an area of search which considers sites within or on the edge of Littlehampton and Rustington town centres. The Council's Retail Advice agreed with the applicant that the area of search is considered to identify the most appropriate centres in relation to the proposal and so this element of the Assessment is acceptable. The Mill Lane site (which at the time had an un-implemented planning permission for retail development) was not considered to be sequentially preferable to the application site and the Council's Retail Advice concurred with it being excluded from the Assessment. The scope of the Assessment is therefore acceptable.

The NPPF requires that applicants and local planning authorities demonstrate flexibility on issues such as format and scale when applying the sequential test. The Assessment included flexibility in the criteria used for the sequential assessment, with a 10% tolerance in the store size and a site size of 0.3ha to accommodate a unit of the above size with surface level parking and servicing.

Case law is used by both the applicant, objectors and the Council's Retail Advice to seek to demonstrate flexibility. The Judicial Review claim on the original application focussed on the High Court ruling of *Aldersgate Properties vs Mansfield District Council* (8 July 2016), which makes it clear that the sequential test cannot be interpreted on the basis of an individual retailers corporate requirements or limitations and the proper interpretation of NPPF para 24, that the identity of the applicant or proposed occupier is irrelevant.

The Assessment refers to the *Tesco Store Limited v Dundee City Council* case and states that this established that local authorities should not expect applicants to have to adapt their proposals beyond what would be reasonable having regard to established business models and the development for which permission is sought. The Council's Retail Advice considers that the conclusion of the case was that 'sites should be suitable for the broad type of development proposed, not for an alternative scheme that might be suggested by the planning authority, but that did not obviate the need for the applicants to show flexibility'. The Council's view is consistent with the Retail Advice and that the case did not mean that the decision of the applicant to apply for a particular development on a particular site was a determining factor.

The Assessment also refers to the *Zurich v North Lincolnshire* case, arguing that the case demonstrated that viability issues facing M&S and the need to provide a store that complies with their specific requirements assists in the interpretation of the sequential test. The Council's Retail Advice considers that this case adds little to the understanding of 'suitable' as alternative retail unit was judged to be too small and the Court found that the LPA was entitled to find the site unsuitable. The

Council's view is that the sequential test should be approached on the basis of the Aldergate judgement as set out above in that the specific requirements and identity of the applicant/ occupier are not relevant when considering suitability or availability and this is considered in more detail below.

Turning to the Assessment itself, the Assessment identified two sites in Rustington - the former Co-Op unit within the town centre, now occupied by Waitrose and no longer available, and a former car showroom in Ash Lane with permission for small convenience retail which was discounted due to its size (437sqm gross). It is accepted that there are no suitable opportunities in Rustington for the reasons set out above and this is supported by the Council's Retail Advice.

Two sites were identified in Littlehampton: St Martins Road Car Park which was discounted on grounds of availability and suitability; and the former Waitrose Unit at Avon Road which was excluded due to suitability/ viability considerations. The Council's Retail Advice agreed with the applicant's Assessment that these two sites are the only potential opportunities and therefore further detail on these two sites is considered below.

In relation to the Waitrose Unit it remains vacant and is being marketed, and therefore the Assessment concludes that it is available. The Assessment then considers the suitability/viability of the unit for a foodstore use generally and specifically in relation to M&S commercial requirements.

The applicants in their Assessment have raised concerns about the genuine availability of the Waitrose Unit due to the length of the Waitrose lease which expires in 2020 and the rental income received from this lease. However, the Retail Advice concludes that these arguments do not result in the unit being considered to be unavailable as the unit is on the market and Store Property Group (who is the current leaseholder) has made submissions in respect of the Judicial Review that the unit would be made available for re-letting.

In relation to the suitability of the unit for a general foodstore, the Assessment considers that the use of the Unit as a foodstore has been tested over a number of years and that subsequent occupiers of the site have not operated successfully from the site, including Waitrose in recent years. This is disputed by Waitrose who set out that they did not move for viability related reasons and that the store traded successfully from the Avon Road Unit. From the evidence submitted, the Retail Advice advised that it is not considered that the marketing campaign demonstrates that the location is unsuitable as a foodstore, or that it is a poor trading location. Therefore, it should be considered as an available location for a general foodstore.

The Assessment then considers the specific operational viability requirements of M&S which it considers, in accordance with case law (Dundee and North Lincolnshire) are a material consideration. On this basis the Assessment concludes that evidence, including a feasibility study on how a M&S Foodhall could be provided on the site, concluded that the site size and concerns over the trading location mean that the site is not suitable or viable for the proposed Foodhall or another foodstore of a similar size. However, Council's Retail Advice considers that the interpretation of the case law is not accurate as the former Waitrose site is not a hypothetical possibility but a real world possibility which meets the requirements for a foodstore. The approach taken by M&S in discounting the suitability of the Unit is retailer specific and therefore, it should not be dismissed as unsuitable.

This conclusion differs from the original decision on A/23/15/PL which refers in the report to the applicant not considering the sites (Waitrose and Martin's Car Park) acceptable and the expert advice provided to the Council supporting that position. However, for the reasons set out above, this position has changed and the original decision is given only very limited weight.

The St Martins Road Car Park site was discounted as not being available for development within the next 12-18 months and also on the basis that the trading location of the Car Park is not suitable or viable for foodstore development, based on accessibility to the highway network, connectivity to the core shopping area of Littlehampton and the profile of the convenience shopping in the area. The Council's Retail Advice did not consider that it has been established that the site is unsuitable for a foodstore development and there are no indications in the M&S submissions that the M&S Board had concerns about Littlehampton as a food store location when it made its decision in 2011. However, it is considered that it is unlikely that the site would be accepted as available in relation to the sequential test, as little progress has been made on bringing forward the site in recent years and the Council

accepts that there is no immediate prospect of the site coming forward for development. Therefore, Council's Retail Advice concurred with the applicants conclusion the St Martins Road Car Park site is not an available site that would be sequentially preferable to the application site.

Therefore, the proposal does not meet, and is in breach of, the sequential test as set out in the NPPF paragraph 26 and is contrary to Policy DEV27 of the ALP and RET DM1 of the modified eALP as the Avon Road former Waitrose Unit is sequentially preferable to the proposed site. The NPPF states that proposals that fail to meet the sequential test should be refused.

Retail Impact Assessment-

The second part of the Assessment is to demonstrate whether or not the proposal would have a significant adverse impact on investment in or vitality and viability of town centres within the catchment area. If a proposal is likely to have a significant adverse impact or it fails the sequential test then it should be refused. The proposal is under the NPPF threshold of 2,500sqm where an impact assessment is required and over the eALP threshold of 1,000sqm (which has not yet been adopted). Nonetheless, the applicant has provided a limited retail impact assessment.

An updated Retail Impact Assessment updates the position from the original 2015 application and has regard to the 2016 update to the ADC Retail Study (which includes the original proposal as a commitment), planning permissions granted at Mill Lane and the current health of Rustington and Littlehampton town centres.

Consideration of retail impact has focussed on Rustington and Littlehampton. In determining impact, consideration has been given to the turnover of existing centres, possible trade draw and turnover of existing outlets (expressed as estimated turnover of existing stores). Cumulative impact of this proposal with existing and planned development was also assessed.

The Assessment concludes that both Rustington and Littlehampton have a good level of vitality and viability as town centres. However, the Council's Retail Advice disagrees with these statements and advises that Rustington is a well-managed centre which would be robust to trade diversion to an out-of-centre food store, but that Littlehampton is a commercially weak centre which is vulnerable to out-of-centre development. Rustington Town Council has raised concerns about the accuracy of the Assessment due to several businesses closing down or relocating due to trade loss to out of centre stores. Littlehampton has objected on the basis that the vacant unit should be used first and that the loss of recent shops highlights the risk from out of centre developments.

In terms of impact on investment, the impact on St Martin's car park scheme for Littlehampton and the Ash Lane garage site in Rustington are considered in the Assessment. The Council's Retail Advice concluded the proposed scheme would not create any significant impact on planned investment.

The Assessment considers two scenarios, one with the former Waitrose site occupied and one without re-occupation. The Assessment compares the impact levels with the original application. For Littlehampton (without Waitrose re-occupied) the impact levels have gone from 5.54% to 5.50%. For Rustington (without Waitrose re-occupied) the impact levels have gone from 7.29% to 6.50%. With Waitrose re-occupied, the figures are 7.33% down to 4.48% for Littlehampton and 7.45 down to 6.50% for Rustington. The Assessment concludes that based on these figures the level of economic retail impact in relation to the revised proposal is not significant.

The Council's Retail Advice assesses the retail impact of the proposal. The Advice concludes that the proposed food store would have an impact of about 3% on Rustington centre and about 2% on Littlehampton centre, assuming that the former Waitrose remains unoccupied. The figure for Littlehampton would be lower if it is re-let to a retailer. The Advice considers whether revised data and estimates would result in different figures, as suggested by some objectors to the proposal, but concludes that any reasonable impact assessment would come to the same broad level of impact and that on its own, the proposal would not have a significant adverse impact on the centres.

The Retail Advice also concludes that the cumulative impact figures, taking account of recent permissions are 5.7% for Rustington and 6.6% for Littlehampton and that whilst these are of more

concern, it would not be reasonable to refuse planning permission for a development on the basis of a cumulative impact to which the development would only contribute a small proportion.

The development of new food store would therefore cause further loss of trade from Littlehampton and Rustington and this will inevitably have impact on the future viability of the town centres, however, the retail impact is not considered to be significantly adverse to warrant a refusal of permission on retail impact grounds. Taking into account both of the opinions on impact, there would be impacts on both centres but the individual impact would not be significant but that the cumulative impact is at a level where there are concerns arising. Therefore, the proposal accords with the NPPF paragraph 27 in relation to retail impact and with RET DM1 3a of the eALP, however, the proposal would be contrary to DEV27 (i) as it does cumulatively have an adverse impact on the Principal Shopping Areas.

Other social and economic considerations

There are social and economic benefits from the proposal, specifically the creation of about 50-55 jobs in full and part time positions, equating to 29 full time equivalent jobs which would create opportunities for local people. There are other economic benefits from the investment and the construction stage jobs. These benefits accord with paragraph 18 of the NPPF and should be accorded substantial weight. However, these need to be weighed against the social and economic negatives associated with the failure of the sequential test. Policy EMP 1 of the eALP seeks to promote the regeneration of the main town centres as a focus for retail, office and leisure development especially in the Bognor and Littlehampton Economic Growth Area in accordance with the sequential test. Policy RET SP1 seeks to maintain the hierarchy of Town Centres through promotion of activities which include retail, in order to promote economic resilience for the vitality of the town centres. To permit a further out of centre convenience retail unit in this location would undermine the strategic objective of the eALP to 'create vibrant, attractive, safe and accessible towns and villages that build on their unique characters to provide a range of uses and which are a focus for quality shopping ...'

Conclusion on principle and retail considerations -

The proposal is contrary to retail policy as it fails to meet the sequential test requirements. This means that the proposal would also constitute unacceptable development in the countryside, contrary to Policy GEN2, GEN3 of the ALP, Policy HD1 of the ANP and SD SP2 and C SP1 of the eALP. It therefore needs to be considered whether there are any other material considerations which would outweigh the sequential test failure.

The Retail Advice suggests that the failure to satisfy the sequential test is not overwhelming in the absence of other significant retail harm (and the proposal complies with the retail impact assessment policies) and there is no way of predicting if M&S would take the former Waitrose unit if the proposal were refused. The M&S Board decision not to proceed in 2011 is an indication that it would not do so, but there is no more recent evidence to confirm this, therefore very little weight is given to this. As the cumulative harm to Littlehampton and Rustington town centres is not significantly adverse, this could be mitigated through a contribution to town centre initiatives, as agreed under the original permission.

Overall, the proposal would bring economic benefits to the area through the creation of jobs, and despite not meeting the sequential test, would not cause significant harm to the vitality and viability of the town centres. The proposal would form a logical extension to the Manor Retail Park and complete the built form in this constrained parcel of land when combined with the approved residential scheme to the west of Brook Lane. However, these material considerations are not considered to outweigh the failure to meet the sequential test and the resultant unacceptability of this type of development in a countryside location.

HIGHWAY AND TRANSPORT MATTERS:

A Transport Assessment (TA) has been produced to assess the transport and accessibility impacts of the proposal in accordance with paragraph 32 of the NPPF.

Traffic impacts-

In addition to the TA, separate Framework Travel Plans have been produced for both components of the site in accordance with paragraph 36 of the NPPF. It should be noted that paragraph 32 of the NPPF states that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe." The Transport Assessment has assessed the cumulative impacts of the development and it is concluded that the A259/A2187 roundabout would continue to operate with spare capacity after the proposals are built and trading, however this has not included consideration of the west of Brook Lane (A/169/17/OUT).

The proposed vehicle access is via a "left in, left out" site access with merge lanes and diverge lanes served from the A259 which has been varied from the original application and relocated 60m further east and the pub relocated to the west of the new access. This would also require the closing of the existing access to Brook Lane which would be replaced with the new access. The field access on the north-east corner would also be closed.

The proposal would involve the provision of deceleration and acceleration lanes into the site to ensure safe access and to minimise potential conflicts with passing users of the A259. The Local Highway Authority (LHA) has assessed the proposed access and consider it suitable for the level of traffic likely to be generated from the proposed development. The LHA identified some minor issues with the detailed design of the proposal and requested that the applicants submit some further design audit work. This information was provided to the LHA and they have agreed the details.

The applicant's TA includes evaluation of the proposed development's impact on surrounding junctions and roadways. The LHA had initially assessed this information and considered the impacts to be acceptable; however, the now permitted scheme to the west of Brook Lane needs to be taken into consideration. As this has not been done, there is insufficient information to demonstrate whether the transport effects on the local and strategic road network can be satisfactorily mitigated contrary to TM1 of the ANP, GEN8 of the ALP and Policy T SP1 of the modified eALP.

Access-

The TA demonstrates that the opportunities for sustainable transport modes have been taken up, and that safe and suitable access to the site can be provided. The access roads have been designed to accommodate buses if a service can be secured. Issues raised by the neighbouring landowner raise concerns about the revised access location prejudicing the access to the west of the Brook Lane (A/169/17/OUT). The approval for the site to the west includes a parameter plan indicating access using Brook Lane, however, the details of the access are reserved matters and not part of the outline permission. A recent reserved matters application has been submitted setting out the detail for using Brook Lane to access the outline site A/169/17/OUT, but this has not been determined. It has not been demonstrated that the access shown would not preclude another committed development coming forward as the access arrangements as shown are conflicting and a revised highway drawing is required to demonstrate how a safe and appropriate access can be provided to this site and the adjacent site.

Concerns about the standard of the road that would link into the adjacent site have been raised, particularly in relation to a tight bend over the stream. As this part of the road is not being adopted then the LHA would not object to the design in its current format, otherwise it should be built to adoptable standards.

The closure of Brook Lane would require a separate Stopping Up process and private landowner negotiations which would need to be in place prior to the use of the new access in relation to the development. A 'grampian' condition (negatively worded) would be required to ensure that the access is delivered prior to occupation. To meet the test of being a reasonable condition, there would have to be a prospect of the access being delivered within the time-limits of the permission. This would require agreement being reached between the parties involved, in addition to the Stopping Up process. As there is a clear indication from the landowner that Brook Lane would be used to access

the site to the west and a landowner objection to any stopping up of Brook Lane, it would not be reasonable to impose a condition that relied on Brook Lane being stopped up.

Therefore, it has not been demonstrated that a safe and suitable access to the site can be provided, contrary to GEN7 of the Arun Local Plan.

Accessibility-

The layout of the proposal has sought to minimise conflicts with cyclists and pedestrians, and the design and accessibility of the proposal has had regard to the needs of people with disabilities in accordance with paragraph 35 of the NPPF and in accordance with saved Policy GEN15 and DEV26 iv of the ALP

The proposals have been designed to give priority to pedestrian and cycle movement and people with disabilities. The proposal includes a 3m wide shared footpath/ cycleway which runs through the site to the south of the building and car park and then runs parallel to the A259 going east and joining up with an existing cycleway/footpath at the entrance to the neighbouring retail park. This would ensure connectivity for pedestrians and cyclists, although if visiting the existing retail park they would be required to exit first, rather than a more direct connection being provided from within the existing retail site which would have been preferable. However, the cycleway proposed can be delivered within the highway boundary, whereas a more direct route would require land outside the control of the applicant which is already in use. As the cycleway would run parallel to the A259 a safety fence is proposed. A 1.5m high pedestrian guardrail is proposed along the southern side of the route, as the land slopes downwards from the cycleway to the existing retail park car park area.

In order to ensure pedestrian and cycle access for residents to the south, there needs to be a safe means of crossing the railway, as well as links to the consented residential development to the west (A/169/17/OUT). There is a public footpath (2159) which runs north from Worthing Road, crosses the railway at grade then continues north west towards and past a property called Brookenbee. There is no recorded public access right along the section of Brook Lane running north east from the rail crossing to the A259, and therefore no access right linking to the proposed development. The Rights of Way officer is seeking to ensure that there is a creation of formal access rights to link from the public right of way to the site.

The adjacent site west of Brook Lane (A/169/17/OUT) proposes to close the unmanned rail crossing and provide a new pedestrian and cycle bridge over the railway, which is secured through condition and would have to be implemented prior to occupation. The parameter plan also includes footpath access to the boundary with this site. The S106 for the west of Brook Lane site requires a new footpath to connect with Manor Retail Park along Brook Lane and the A259 if this application does not provide that link within three years of commencement of the first residential phase. The Inspector considering the duplicate application west of Brook Lane (A/44/17/OUT) agreed with that approach, ensuring that there are pedestrian links between the west of Brook Lane site and Mill Lane regardless of the outcome in relation to this proposal.

In relation to the rail crossing, the original application agreed a contribution of £12,500 for the funding of the COVTEC early warning system for the crossing, following consideration at Planning Committee. The initial response from Network Rail on this application required a contribution of £25,000 for the COVTEC system. Network Rail's further response supports the need for a footbridge due to the cumulative impacts of both developments (referring to A/44/17/OUT - which preceded A/169/17/OUT and has been appealed following refusal) resulting in significantly increased usage of the crossing and that the cost of the footbridge should be shared between the two applicants. The applicant does not agree with the Network Rail view and states that as there is no legal right of way access from the site over Brook Lane to reach the railway crossing, that there would not be a significant increase in pedestrian or cycle traffic from that direction.

The objection raised by Network Rail in respect of the level crossing along this PRoW has been discussed with the applicant. The applicant considers that whilst they are aware of the issue of safety at the level crossing in Brook Lane, the nature of the route that runs to and from residential area south of the railway line is not a route that visitor to the development would use. This is a PRoW that provides a link from Worthing Road (B2187) to Brook Lank on the A2159 via Penfold Lane. Penfold

Lane is a grassed track that is generally very muddy with no lights. The applicant therefore consider that it should not be necessary to provide footbridge crossing at the Brook Lane level crossing.

Whilst the Council recognises the desirability of for safe crossing via footbridge as requested by Network Rail, it is considered that as result of the proposed development there will not be any significant increase in the number users along this PRoW and the level crossing given the current condition of Penfold Lane. The approved development to the west is a material consideration which needs to be taken into account. If the residential development to the west of Brook Lane is implemented, this would provide the link between the M&S site and the crossing as well as providing the bridge.

Should the railway bridge not be delivered under the adjacent permission, is not considered that the additional likely number of pedestrians to the proposed food store would be so significant as to represent a 'severe' impact where the development would be refused planning permission without a contribution towards a footbridge or to the COVTEC system.

Bus stops and bus connections-

There are bus stops located at the Manor Road Retail Park and south of Mill Road/ Worthing Road roundabout which are both approximately 800m from the site. The Manor Road Retail Park includes a bus stop within walking distance of the proposal. Therefore, the proposal accords with DEV27 ii of the ALP and RET DM1 b as it is accessible by public transport.

Parking-

Saved policy GEN12 of Arun District Local Plan 2003 states that "the Local Planning Authority will base its consideration of the need for on-site parking provision on its parking standards contained within this Plan". The maximum parking standard for superstore/supermarket is one space per 14sqm. The revised layout includes a total of 173 spaces (including those associated with the public house). This includes 15 disabled and 8 parent/child spaces proposed for the retail units and the public house which is complaint with the parking standards for the development. Whilst this fall short of the recommended maximum standard, it is considered to be acceptable on this occasion given the likelihood of linked trips and the nature of provision.

In respect of cycle parking the 30 spaces proposed across the site, which exceeds the minimum set out in the Local Plan of one cycle space per 16 car parking spaces. Eight motor cycle spaces have been provided split across two locations. Although the provision falls short, it is considered acceptable on this occasion given the likelihood of linked trips and the nature of provision.

Overall, the proposal is satisfactory in relation to highways and transport and meets the requirements of Policies GEN14 and DEV26 (ii) of the ALP through ensuring access to public transport services. The proposed pedestrian and cycle routes would ensure safe routes for pedestrians and cyclists in accordance with policies GEN15 and DEV26 (iii) of the ALP and PolicyTM2 of the ANP and provision to enable access for people with disabilities in accordance with DEV26 (iv).

DESIGN, LAYOUT AND APPEARANCE

The following assesses the design, character, layout and appearance of the proposed development.

GEN7 of the ALP seeks to ensure a high quality of design and layout for all proposals. For the retail store, the applicant is seeking full planning permission and has submitted detailed layout of the development and the design of the building, showing the detailed elevations and materials.

The proposed retail store is set back from the A259 located in the eastern part of the site. It comprises a total floor area of 1,487 square metres over two storeys (1,022 square metres footprint and 465 square metres as mezzanine for storage and staff facilities). The building comprises a single block. The building is of two storey height with an enclosed service yard to the east. The building includes a mezzanine floor of around 40% of the ground floor to provide staff and storage facilities.

The retail building is of modern design with a barrelled roof and glazed elevations facing the car park and the main road elevation with short glazed section and metallic cladding. The two storey unit has an open double height space at its western end at the customer entrance. The double height space continues outside to the main canopy which covers the external entrance and the external cafe seating area at the western end of the unit, next to the entrance. The entrance itself is announced by the four columns holding up the canopy.

The roof is a simple barrel vaulted form, this form continues in the use of a small number of good quality materials on the external elevations, namely a split face masonry which is pulled away to 'reveal' the glazed shopfront on the western ends of the North and South elevations. The masonry walls extend across both sides of the service yard. The remainder of the building is treated in contrasting dark grey and light silver metallic cladding.

The service area is to the east of the building with the enclosed service yards. The access to the service yard is from a roundabout within the site to the south of the building. The detail design meets the requirement of the County Highway Officer.

The building is set well back from the highway. The area to the west of the building provides a surface car park of 100 parking spaces, with disabled parking spaces provided close to the building. There is further small over-flow car-park on the south side of the internal road providing an additional 30no spaces on reinforced grass. With the retention of the trees and additional planting on the northern boundary the impact of the building will be slightly less, however the building will be very clearly visible from the A259, unlike the adjoining site where the buildings are set back much more into the site.

The site is capable of accommodating the proposed development with associated car parking and servicing that will enable the physical regeneration of a vacant site for retail use. The scheme has been designed for retail use and the unit size, layout, car parking, serving and orientation is of appropriate scale.

The scale and height of the proposed buildings are appropriate to the local context and will relate well to the approved development on adjoining land which is now occupied. The buildings are appropriately designed to allow the best possible inclusive access including provision for the disabled and those with other mobility problems in accordance with Policy DEV27 iv) of the ALP. The development is of high quality design and materials befitting of a modern retail scheme. This will make a positive visual contribution to the A259 which is a key transport corridor.

The Design and Access Statement sets out the objectives for the soft landscaping of the site. These include retention of the existing vegetation along the boundary with the A259 which would be reinforced with additional planting. The parking areas would include robust ornamental shrub planting and large amenity trees and a buffer zone of species rich grassland and native hedge planting is proposed between the site and the Black Ditch tributary to provide habitat for water vole and other wildlife. The full details of the soft and hard landscaping would be required through a condition which would ensure that the proposal creates an attractive place and public realm, and high standard of landscaping in accordance with GEN7 of the ALP and Policy D DM1 of the eALP.

OTHER MATTERS

Ecology-

Individual species surveys have been submitted for Water Voles, Great Crested Newts and Reptiles after the Preliminary Ecological Assessment identified the need for additional survey information. The Assessment also recommended that the woodland at the periphery of the site has potential for foraging and commuting for bats and that lighting should be kept to a minimum on the boundaries.

Overall, subject to the provision of the additional mitigation details, through a condition, it is considered that the proposed development accords with Policy GEN29 of the Local Plan and Policy ENV DM5 of the modified Local Plan in relation to the impact on protected species and the potential for the scheme to protect existing habitats where possible and provide enhancements.

Trees-

The original proposal involved the removal sixteen trees to enable the access and visibility splays to be achieved. An Arboricultural Method Statement (AMS) including a Tree Protection Plan has been submitted but showed the original not amended access, therefore updated details would be required. The Tree Officer has recommended a condition to ensure that the Statement and Plans are complied with. Subject to this condition and requiring an updated AMS and Tree Protection Plan, the proposal would comply with Policy GEN7 of the ALP as it retains the wooded area adjacent to the Black Ditch tributary and Policy ENV DM4 of the modified eALP through provision of the required documents to protect the retained trees.

Flooding and drainage (foul, surface water) -

Development should not be at risk from flooding or increase the risk of flooding elsewhere as set out in Policy GEN11 of the ALP. The Flood Risk Assessment (FRA) accompanying the application sets out that the site is generally in Flood Zone 1 with a low probability of flooding. The southern and western parts of the site are within Flood Zone 2 (medium probability). The nearest watercourse is the 'Rustington Stream' - a tributary of Black Ditch. The built development is proposed to have a floor level above a certain height (a minimum of 2.4m AOD) to ensure that the risk of flooding is mitigated, which would require an element of land raising under and adjacent to the buildings. The Environment Agency have no objection subject to conditions ensuring that the proposal accords with the submitted FRA.

In relation to surface water drainage, the system proposed would include roofwater draining to cellular storage with controlled outlets to the Stream, the service yard draining to the access road drainage system, the main access road and cycle path draining via gullies to a piped system draining to a swale on the southern side of the main access road and the main parking area would drain via permeable paving to a sub-base storage with a controlled outlet into a swale. The detailed design and maintenance of the drainage has not been provided and would need to be informed by winter groundwater monitoring. However, it is considered that these requirements could be achieved through conditions and ADC Drainage Engineers and WSCC Flood Risk Management Team support this approach.

Southern Water has confirmed that foul sewerage disposal could be provided to service the proposed development, subject to a formal application to connect and after a sewerage capacity check has been carried out. Conditions and an informative would be considered an appropriate means to secure the detail of the foul drainage and ensure compliance with Policy GEN9 of the ALP and Policy W DM1 of the modified eALP.

Overall, sufficient information has been provided to demonstrate that a SuDs scheme for the site could be developed based on the principles in the FRA in accordance with Policy GEN9 of the ALP and Policy W DM3 of the eALP and EH3 of the ANP.

Subject to conditions requiring submission of a detailed foul drainage scheme the proposal accords with Policy GEN9 of the Arun Local Plan and Policy W DM1 of the modified Local Plan as it demonstrates there is sufficient foul drainage capacity for the development.

Archaeology-

In order to assess the impact on potential heritage assets, an Archaeological Desk Based Assessment has been provided. This confirms that the site has a high potential for below ground archaeological deposits which would be negatively impacted by the proposed development. Further evaluation and investigation is required in order to ensure that there is appropriate preservation by record and publication of the results. This could be achieved through a condition requiring a Written Scheme of Investigation to be submitted and approved which would then ensure that archaeological interest of the site is not harmed.

Therefore, subject to a condition, it has been demonstrated that the development would not be harmful to the archaeological interest of the site in accordance with AREA17 of the Local Plan and Policy HER DM6 of the modified eALP.

Contamination-

A Phase 1 Contamination Assessment has been submitted which identifies a low contamination risk and ground gas production and that the site is not likely to be classed as contaminated land. The Assessment recommends a Phase 2 ground investigation is undertaken in advance of development. Environmental Health have confirmed that this is an appropriate approach which could be secured through a condition which would ensure compliance with Policy QE DM4 of the modified eALP, and this approach has been confirmed by the Environmental Health Officer.

Infrastructure

The original application was accompanied by a S106 Agreement which secured index linked contributions totalling £214,444 towards a town centre manager, environmental improvements and marketing events for Littlehampton and a contribution of £12,500 towards the COVTEC early warning system. However, as the application is recommended for refusal on retail grounds, a S106 agreement would not be required.

Overall conclusion on Full element of the proposal:

This is a complex and detailed application with a number of issues for consideration. The application falls to be determined against development plan policies and against the National Planning Policy Framework (NPPF).

The proposed retail development is intended to be occupied by Marks and Spencer Simply Food, but has been assessed in relation to the proposal rather than the proposed occupier. The NPPF places significant weight on the need to support economic growth through the planning system. The need for planning to respond positively to sustainable economic growth and prosperity that will support local economy and create employment opportunities which wishes to grow and prosper, are material considerations that count in favour of this application. However, these benefits are not considered to outweigh the social and economic dis-benefits associated with allowing an out of centre retail development to proceed in a countryside location when a suitable and available town centre site is available, contrary to the development plan, NPPF and emerging Local Plan.

The proposal is contrary to the development plan and there are no material considerations that would warrant a decision other than in accordance with the development plan.

OUTLINE ELEMENT

The Outline element of the proposal is for a Public House (Class A4) comprising 581sqm with scale and appearance reserved matters. This means that the outline includes access, landscaping and layout which are to be considered as part of the outline application. The Public House is intended as a 'family friendly' facility which would have a focus on food rather than a traditional 'local' public house.

PRINCIPLE:

The principle for a public house in this location is the same in relation to development outside the built up area boundary as set out for the full proposal above. Whilst there is no precedent for Class A4 uses in this location, the proposal would not be out of keeping with the retail uses on the Manor Retail Park or the residential uses consented on the land to the west of Brook Lane. The Public House would complement the adjacent uses and provide a community facility which would enhance the sustainability of the location in accordance with paragraph 70 of the NPPF. The proposal would also generate an estimated 50-55 permanent jobs

As a town centre use (see Glossary to the NPPF) the sequential test applies, as well as Policies RET SP1 and RET DM1 of the eALP. The Council's Retail Advice notes that the applicant has not considered more central alternative locations for this part of the development. However, to consider

the public house unit separately would be splitting the development into parts, which the NPPF does not require. The Retail Advice considers that there are no reasons why disaggregation would be relevant in this instance. The applicants have not included it in the search criteria as doing so would have made suitable sites harder to find and the Retail Advice considers that the availability of alternative sites for a single public house would be of marginal significance in the determination of the application. As the retail proposal fails the sequential test and as the public house is part of the overall proposal and has not been considered separately in relation to retail/town centre uses policy, the outline part of the proposal is also unacceptable.

OTHER MATTERS:

Design and layout:

For the public house (A4 use), the applicant is seeking outline permission and has submitted indicative drawing showing the proposed layout and includes a photograph of the potential design of the public house in support of the planning application.

The public house building is to the western part of the site (west of the proposed new access) and the indicative design shows a floor area of 581 square metres and is of single storey in height with a small garden area on both the eastern side of the building and service yard to the western side. The applicant has provided generic building design (photographs) of similar development to show the type of public house/restaurant that could be designed.

Parking, access and safety:

The Public House access is from an internal roundabout off the main access road into the site. The internal roads are within the full part of the application and considered above.

The car park is within the outline area but the highway plans show the car park layout. The car park would provide 44 parking spaces, with motorbike parking and an HGV only access. The shared footway/cycleway runs to the south of the unit, north of the internal access road. Cycle parking is provided for both staff and patrons. As set out in the parking section for the retail element of the proposal, the combined cycle parking for both elements meets the requirements of Policy GEN12 and the overall parking provision is satisfactory.

Safety issues have been raised in relation to the proximity of the public house to the pedestrian rail crossing and public safety is an important consideration. This issue is covered by the accessibility section of the full proposal, as it relates to movements of pedestrians from the site as a whole and doesn't distinguish between patrons of either of the proposed uses.

Landscaping:

The outline application area includes the garden area of the Public House. The detail of the landscaping for this area has not been included in the application, therefore it would be appropriate and reasonable to attach a condition requiring full details of soft and hard landscaping to be submitted in order to meet the requirements of GEN7 of the ALP and Policy D SP1 and D DM1 of the modified eALP and secure a high quality of landscaping.

Overall conclusion on outline element of the proposal:

Overall, the Public House element of the proposal would provide a community facility and additional employment opportunities in the area. The site can be accessed by vehicular, pedestrian and cycle modes and provides sufficient parking for the use proposed. The layout is acceptable and provides space for a garden where there would be opportunities for soft landscaping to be provided. However, the public house is part of the overall development 'package' proposed, of which the full element is recommended for refusal, and as the public house relies on the access from the main full element of the scheme being delivered, which is considered unacceptable, and there is no separate demonstration of a lack of suitable town centre locations, as this element has been considered as a less significant element of the scheme, the outline element is also recommended for refusal.

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 refusal 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

REFUSE FULL

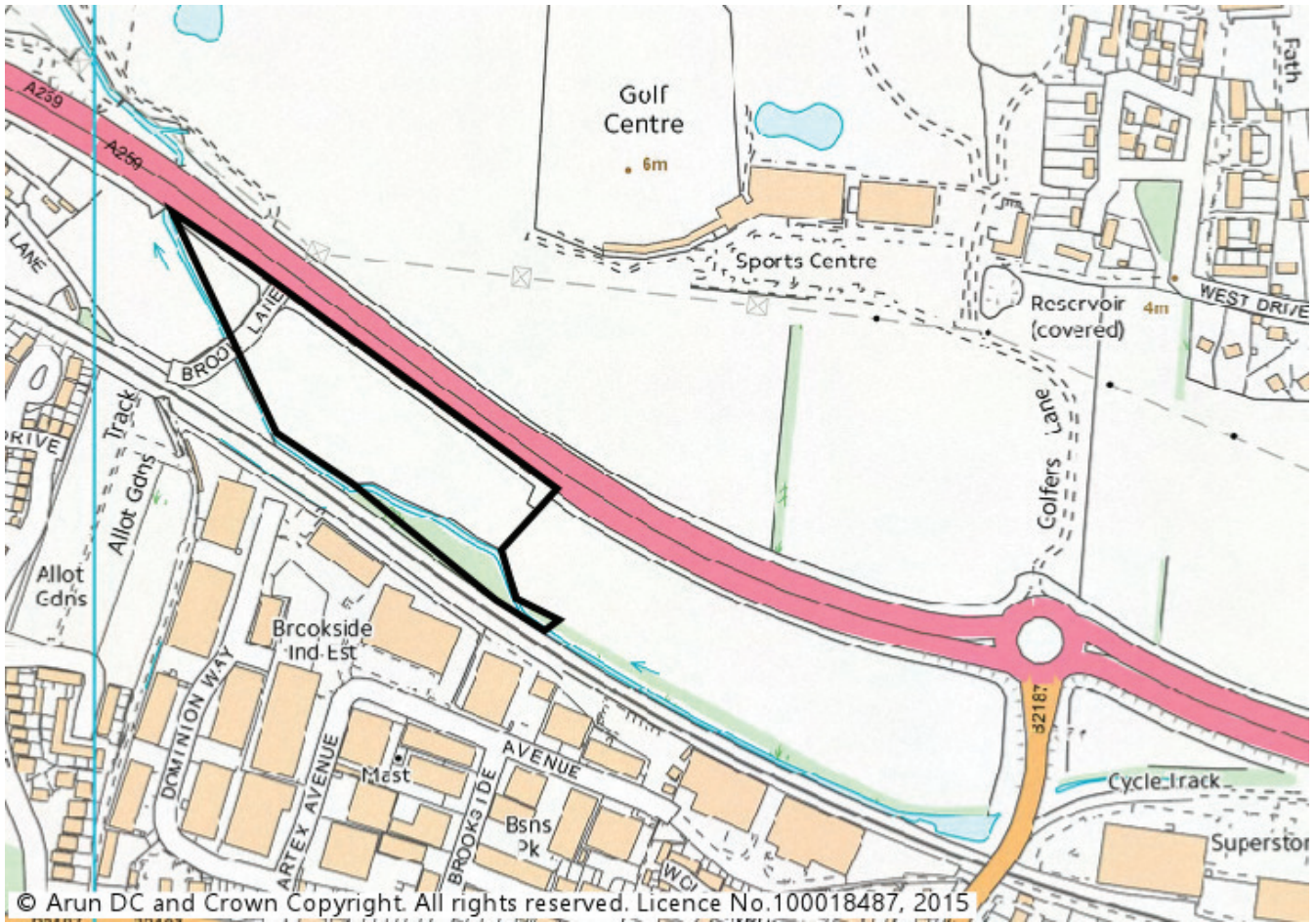
1. The proposal fails to meet the sequential test requirements for convenience retail proposals in an out of centre location according to the NPPF paragraphs 24 and 27, Policies DEV26 and DEV27 of the Arun Local Plan (2003) and Policies RET SP1 and RET DM1 of the modified emerging Arun Local Plan (January 2018). In the absence of retail justification for the proposal in this location the proposal would also constitute unacceptable development in the countryside, contrary to Policy HD1 of the Angmering Neighbourhood Plan and Policies SD SP2 and C SP1 of the modified emerging Arun Local Plan (January 2018).
2. On the basis of the information submitted to the Local Planning Authority the applicant has failed to demonstrate that the application does not have an unacceptable adverse impact on adjoining occupiers, land, uses or property and, does not preclude the development of adjoining sites. The applicant has not demonstrated that by this application coming forward it does not prevent a safe and suitable access being provided to adjacent sites in accordance with policy GEN7 of the Arun Local Plan.

REFUSE OUTLINE

1. As part of the overall Full scheme, the proposal fails to meet the sequential test requirements for convenience retail proposals in an out of centre location according to the NPPF paragraphs 24 and 27, Policies DEV26 and DEV27 of the Arun Local Plan (2003) and Policies RET SP1 and RET DM1 of the modified emerging Arun Local Plan (January 2018). In the absence of retail justification for the proposal in this location the proposal would also constitute unacceptable development in the countryside, contrary to Policy HD1 of the Angmering Neighbourhood Plan and Policies SD SP2 and C SP1 of the modified emerging Arun Local Plan (January 2018).
3. As part of the overall Full scheme, on the basis of the information submitted to the Local Planning Authority the applicant has failed to demonstrate that the application does not have an unacceptable adverse impact on adjoining occupiers, land, uses or property and, does not

preclude the development of adjoining sites. The applicant has not demonstrated that by this application coming forward it does not prevent a safe and suitable access being provided to adjacent sites in accordance with policy GEN7 of the Arun Local Plan.

A/11/17/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: A/23/15/OUT

LOCATION: Land south of New Road (A259) &
East of Brook Lane
Angmering

PROPOSAL: Hybrid application - Full Planning Permission for a retail unit (Class A1) comprising 1,487sqm (1022sqm ground floor and 465sqm mezzanine) with associated access, car parking, servicing, landscaping & associated works.
Outline Planning Permission for a public house (Class A4) comprising 581sqm at ground floor level - This is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Hybrid application for development of the site Class A1 and Class A4 Use. The proposal includes the following:

Full planning permission for:
Class A1 1487sqm retail (1022sqm ground floor and 465sqm mezzanine), associated access, car parking (173 parking spaces including overflow spaces), servicing, landscaping and associated works and,

Outline Planning permission for:
Class A4 581sqm public house at ground floor level (with scale and appearance reserved).

The application has been submitted on behalf of SDB Investments Ltd, Commercial Development Projects Ltd and Marks and Spencer.

| | |
|---------------------------------|---|
| SITE AREA | The total site area is approximately 2.60 ha |
| RESIDENTIAL DEVELOPMENT DENSITY | N/A |
| TOPOGRAPHY | The site is predominately level, sloping slightly north to south and sits lower than the A259 |
| TREES | The site is mainly ruderal vegetation with plantation trees to the northern boundary and a group of mature trees to the south of the site. |
| BOUNDARY TREATMENT | The northern boundary is formed of an embankment to the A259. The other boundaries are demarcated by a mix of ditches, post and rail fencing and chain link fencing |
| SITE CHARACTERISTICS | The site is located south of the A259. The site is currently undeveloped greenfield land. The topography is flat, with a slight sloping north to south and is lower than the A259. |
| CHARACTER OF LOCALITY | The wider area to the north of the A259 still gives appearance of being rural in character with the neighbouring uses comprising a golf course and open fields beyond the A259, open fields to the west, however, the Mill Lane BMW and retail schemes to the east which have now been built which provide a more urban character and the rail line to the south. |

RELEVANT SITE HISTORY

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|-------------|---|
| A/23/15/OUT | Hybrid application - Full Planning Permission for a retail unit (Class A1) comprising 1,487sqm (1022sqm ground floor and 465sqm mezzanine) with associated access, car parking, servicing, landscaping & associated works. Outline Planning Permission for a public house (Class A4) comprising 581sqm at ground floor level - This is a Departure from the Development Plan |
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| COMMENTS ON PLANNING HISTORY | <p>This application was granted permission subject to compliance with conditions and S106 Agreement on 27 June 2016. This application was subject to a claim for judicial review and was quashed by Consent Order on 9 February 2017 in relation to 'Ground 1' concerning the sequential test. The Order clarifies that the issue related to an inconsistency in the advice provided by the Council's retail consultants, DPDS, in relation to the sequential test and that officers should have attempted to resolve that inconsistency in their report to the Planning Committee. This application is now being re-considered concurrently to a similar application (AL/11/17/OUT) which proposes an amended access to the site.</p> <p>There is also a history of previous planning application on the wider area of land that includes this site.</p> |
|------------------------------|---|

A/125/13/PL Hybrid planning application for the development of the site to provide in outline with all matters reserved apart from access and landscaping up to 3365 sqm A1 retail use (including parking) and full planning for 3947 sqm and Sui Generis vehicular floorspace (including ancillary facilities, landscaping and parking) including workshops, MOT facility, car valeting & car storage. New access from A259 - Departure from the Development Plan. Also within the parish of Rustington.
Approved Conditionally 13-06-2014

Land west of Brook Lane and South of A259 Angmering - the two applications below relate to the land to the west of the application proposal.

A/169/17/OUT
Approved conditionally with S106

Outline application with all matters reserved for demolition of existing buildings on site & erection of a mixed use development comprising up to 90 No. residential units, a care home (Use Class C2 & C3) & ancillary facilities including railway crossing, together with associated access, car parking & landscaping (resubmission following A/44/17/OUT). This application is a Departure from the Development Plan & lies within the parishes of Littlehampton & Rustington.

A/44/17/OUT
Approved following appeal

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

REPRESENTATIONS

Representations received in 2015/16

Rustington Parish Council support the development.

Angmering Parish Council object to the development of store, on highway grounds with vehicle movement on A259 with the adjoining development, pedestrian footpath access across the railway line (safety concern need for footbridge), no consideration to archaeological matters, accept that retail development in this location has been established but question the need for a public house. The Parish Council also raise concern especially regarding the detailed highways issues and flooding.

Four letters of objection to the development have been received from the local residents relating to highway concern and the position of the roundabout in Brook Lane considered to be too close to the A259.

48 letters have been received from local residents who support the development of Marks and Spencer store in this part of the District. They welcome the increase in retail choice in the District and locally.

Agents on behalf of Waitrose Store, object to the development on two grounds:

1. Retail Assessment of a retail store in this location on the grounds that the information provided in respect of the impact of the retail development on the town centres in Rustington and Littlehampton and number inaccuracies in the sequential test that been submitted. They have also raised concern in respect of sequential test and consider that there are alternative suitable site that would be more sustainable and have less adverse impact on the town and district centres.

2. Transport Assessment - difficult to assess the potential for vehicle/pedestrian conflict within the site without knowing the precise nature of the outline part of the application. Concern about the proposed cycle/footpath as the existing splitter island within the southern mouth of the junction with Mill Lane is considered of inadequate size to serve as effective refuge for the enhanced numbers of pedestrian and cyclists likely to be using the proposed crossing facility.

Concern over vehicle turning southbound on Mill Lane and whether they have sufficient visibility to stop for crossing pedestrians. Insufficient detail within the submitted drawings to establish if westbound cyclists using the proposed cycleway will be slowed prior to attempting to cross the junction mouth to the central refuge/splitter island. Given the indicated alignment they may do so with their backs to approaching traffic seeking to enter the development and may cross into their path, leading to conflict and collision.

The location of the proposed unloading point requires a complex manoeuvre within a confined area. Will lead to HGV's reversing into the site via the roundabout which would cause conflict. Swept path analysis for vehicles leaving the site should vehicles overrunning the centre island for almost 50% of the manoeuvre.

The Agent has also raised concern on the assessment of the County Highway Officer to the design solution for the mini roundabout on Brook Lane and the Road Safety Audit.

The Agent acting for Ropemaker Properties Ltd, the owners of the former Waitrose Store on Littlehampton, state that the applicant has not considered alternative site sufficiently and that their property in Littlehampton which was purpose built as food store would be suitable for retail food store. The property can be adopted/sub-divided to meet their requirement.

The Agents acting for the owner of the adjoining site which is being developed for Sui Generis (Car Show and related uses) and A1 retail use also raise concerns on the Retail Impact Study and the Sequential Test that has been submitted with application.

Representations received 2017

Angmering Parish Council - Objection:

- Previously stated grounds of objection remains
- Retail Statement doesn't consider the effect on Angmering, store would be within the Angmering boundary and this should be recognised.

Rustington Parish Council - Objection:

- Disagree with the accuracy of the sequential test carried out by the applicant
- Previous allocation of S106 monies between Littlehampton and Rustington should be re-appraised to reflect cumulative impact of 4.48% for Littlehampton and 6.5% for Rustington
- Retail Assessment of Rustington inaccurately reflects recent closure / re-location of businesses and migration of trade to larger out of town supermarkets
- Appendix 5 inaccurate - five vacant units, not two
- Health Check inaccuracies in respect of Rustington - only one greengrocer and 'Monsoon' is an Indian Restaurant, not the retailer

- Addition to significant out-of-town provision will have cumulative adverse impact on Rustington's village centre
- Travel Plan and Travel Assessment out of date and inaccurate
- May wish to make further comments following publication of ADC's Retail Study update.

Local residents raised the following issues in objection:

- New retail assessment inaccurate, particularly the health check section
- Retail Assessment Statement does not appraise changes to local trading conditions - 3 main retail units in Rustington have become empty since January 2017
- Citing existing out of (or edge of) centre stores on the area as reasons for no identified need and resulting diminishing of market share of existing retailers
- Concern over job losses in other existing stores
- Concerns that another existing supermarket may re-locate to occupy the store
- New Retail Assessment is required
- Disagree with conclusions in relation to vitality and viability of Littlehampton Town Centre
- Travel Plan and Transport Assessment are out of date e.g. local bus information
- Parking issues already related to BMW Chandlers site and Manor Retail Park

Dalton Warner Davis - Agents on behalf of local landowner (on behalf of Store Property Investments Ltd.) with interests in the town centre - Objection raising the issues below:

26 May

- Continue to formally object on basis that there is a sequentially preferable site, previous objections remain.

- Comments provided on Lichfields 'M&S' Statement (4th April) - stating that the former Waitrose site in Littlehampton meets the objectives and criteria for site selection set out in the Statement and performs better against the criteria than the application site. Comparison of demographic profile provided to demonstrate this and reasons for why the Waitrose site is preferable. Employment and training benefits would provide further benefit if located in town centre location.

- Comments on Retail Statement March 2017 - disagree with content of the Report. Not relevant to refer to conclusion reached in relation to the original application as decision making flawed. Disagree with view that there had not been a material change in circumstances since the previous Retail Statement. Agree that the 2016 Retail Study is a further material consideration but wasn't a full update. New retail assessment should accompany both applications to take into account relevant changes to shopping patterns in the intervening period.

- Criticism of sequential assessment - considerable detail about specifics of M&S and their format provided - contrary to need for sequential test to be fascia blind. Implications of Aldgate case not fully considered in relation to suitability and availability. Disagree with conclusions on availability. Consider Waitrose site to be vacant, actively marketed and attempts have been made to contact M&S about the site. Disagree with view that there are 'significant viability issues relating to the trading location'. Cross refer to Waitrose responses to support position. Council's Retail Study did not contain any concerns about future trading performance of the then Waitrose store. Incorrect to state that matters of retail policy were fully considered as part of the Original application. Application relies on dated Board decision and therefore cannot be said to be retailer blind. No indication that the site has been re-considered. Additional evidence required to demonstrate unsuitability.

- Criticism of Retail Impact - disagree with interpretation of retail auditors response. Point out that DPDS were not able to conclude that the cumulative impacts would be acceptable, nor that the proposed development would have a significant impact on planned investment in Rustington. Updates to retail model too limited.

11 July

- Holding objection

15th August

- Consider it in the public interest that Members of the Planning Committee have sight of legal advice provided in relation to DPDS Report.
- Recommendation of the DPDS Report is endorsed and the former Waitrose Unit should be considered available for the purposes of the sequential test and that rejection of the site's suitability is impermissibly retailer-specific. Advice in DPDS Report is that the applicant's retail assessment is flawed in terms of sequential approach and to approve the application would be to breach the sequential test.
- Retail impact - disagree with the conclusion reached by DPDS in relation to shopping patterns. Assessment of cumulative impact would be sensitive to changes in shopping patterns and applicant should be asked to update their assessment to provide full impact assessment.
- Retail impact - concerns raised by Waitrose and their client about impact of the proposed development should be taken into account when considering impact, along with Parish Council concerns.
- DPDS failed to highlight significant benefits the retail development could bring to the town centre of Littlehampton and the investment and opportunity that will be lost if sequential approach not properly followed. Waitrose site available and suitable for the proposed development.
- Consideration of alternative retail considerations - comment on weight given in DPDS report to material considerations. 'Mansfield case' clear that it is inappropriate to rule out the town centre as potentially more suitable location purely because of the identity of the proposed retailer.
- No recent evidence to show that the M&S Board would reject the town centre site and no attempt to seriously consider how the proposed use could occupy the town centre site. Examples given of retailers accepting town centre sites after arguing that they would not occupy them.
- DPDS report attempts to reapply the factors that they have ruled out from the sequential assessment - which diminishes the significance of, or overrides, consequences of failing the sequential test. Undermines the application of the test of reasons set out in Mansfield decision.
- Disagree with market view put forward by DPDS. Health check assessment shows number of vacant units in 2015 have been re-occupied. Shows continued and sustained retailer interest in the centre.
- Waitrose has highlighted that the location was viable for retail development, therefore difficult to understand how DPDS can sustain an argument that there is not a realistic prospect of re-occupation.
- Disagree with DPDS assessment that there is an 'absence of other retail harm' as no robust assessment that demonstrates whether this is the case.
- DPDS not advised how the planning permission will be made specific to M&S in the event that permission is granted on the basis of an individual retailer's refusal to occupy a town centre site.
- Request Retail Impact Analysis is based on up-to-date data on current shopping patterns in the catchment area and further information from the proposed occupier to demonstrate that there has been a detailed consideration of the available and suitable town centre site.

23 March:

- Re-iteration of concerns relating to
 - o vehicular linkage to Manor Retail Park
 - o pedestrian linkage to the south/railway bridge
 - o cumulative impacts
 - o suggested conditions if recommended for approval

Waitrose - objection (June 2017) :

- Disagree strongly with the comments that Waitrose in Littlehampton 'failed to operate successfully' or that the store was not 'viable' and was 'a failure' whilst it was open there.
- Considerable investment placed into the Littlehampton store - was purpose built as a food supermarket and physically suitable and traded well during that time, being connected to the town centre and with its own adjoining level car park.
- Decision to relocate to Rustington was due to significant and commercially generous incentive package from the landlord of the Rustington Store, not due to the performance of the Littlehampton store.
- Remain concerned that proposed Simply Food store will have significant and detrimental impact on the Rustington Waitrose Store and Rustington Town Centre as a whole.

COMMENTS ON REPRESENTATIONS RECEIVED:

The correct notices were served by the applicant.

| |
|----------------------|
| CONSULTATIONS |
|----------------------|

Engineering Services Manager
Engineers (Drainage)
Environmental Health
Highways England
Network Rail
Ecology Advisor
Archaeology Advisor
WSCC Strategic Planning
Sussex Police-Community Safety
Parks and Landscapes
Southern Water Planning
Environment Agency
Engineers (structural)
Worthing Borough Council
Arboriculturist
Economic Regeneration
WSCC Strategic Planning
Engineers (Drainage)

CONSULTATIONS RESPONSES RECEIVED:

SOUTHERN WATER

- The applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. Where a SUDS scheme is to be implemented, the drainage details submitted to the local planning authority should:
 - Specify the responsibilities of each party for the implementation of the SUDS scheme
 - Specify timetable for implementation
 - Provide a management and maintenance plan for the lifetime of the development. This should include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- Should this application be approved, the following condition should be attached to the consent:
- "Construction of the development shall not commence until details of the proposed means of foul and surface water sewage disposal has been submitted to and approved in writing by the local planning authority in consultation with Southern water."

HIGHWAYS ENGLAND

- No objection

-

NETWORK RAIL

- Network Rail object to the proposed development due to its proximity to the Level Crossing on Brook Lane and the grounds of objection are:
 - An increase in use of the Level Crossing on Brook Lane which has poor sighting of trains, even with the presence of a whistle board, and poor track curvature will import additional risk to the safety of the rail network and its users.
 - Given the size and nature of the development an increase in footfall over the Level Crossing is likely to occur as pedestrians travel to the services that will be provided as part of the proposal which include retail units and a public house.
- Suitable land is available for the construction of a footbridge over the railway and Network Rail would support the construction of a footbridge at the developers expense.

WEST SUSSEX HIGHWAY

- First Response:
 - The County Highway Officer raised number of issues to the details of the highway design and related information. These included:
 - the case for a further departure from standard (TD42/95 7.54) relating to the nearside entry kerb radius
 - the tight entry corner radius, restricted visibility around the exit corner radius and restricted forward visibility to the mini roundabout
 - The motorcycle parking standards: the provision falls short of the required standard, however, it is considered acceptable given the likelihood of linked trips and the nature of provision
 - Car Parking: a total of 196 car parking spaces, including 16 disabled and 8 parent/child spaces. The requirement for 5% of the parking provision to be set aside for use by disabled persons has therefore been met.
 - Cycle parking: 22 spaces have actually been provided to serve both the food store and the pub. There are no WSCC cycle parking standards for pubs but some provision should be made. The food store standard equates to 30 cycle spaces, but the TA states that 16 have been shown across the site as a whole. It appears that the provision across the site should be increased to at least meet the food store standard as the extension to the cycle/footway will encourage cycle trips to the site.
 - Servicing: the proposed units will be serviced from two separate areas. The proposed foodstore has a service yard to the east, accessed via the main internal spine road, which is 7m wide. A tracking diagram has been provided that successfully illustrates a 16.5m articulated vehicle manoeuvring through the access, turning within the yard and leaving. The pub will be serviced from an area between the main internal road and the service yard associated with the pub. Access from this area will be restricted by rising bollards to allow HGVs through only. Vehicle tracking diagrams showing a 16.5m articulated vehicle and a 12m rigid beer lorry shows that these vehicles can safely manoeuvre through the site.
 - Waste collection from the respective service yards: given that a 16.5m articulated vehicle can safely manoeuvre, a refuse vehicle will also be able to. However, tracking for a fire appliance will be required, as although it could access the service yards, it has not been demonstrated that they would be able to manoeuvre throughout the car park if a fire occurred in these locations.
 - It is considered likely that the proposed food retail store would attract pedestrians and cyclists from the nearby residential areas via this route, even though it appears there is no legal right of way over the section between the railway and the site. Contributions may therefore be sought towards surfacing improvements of footpath 2159 by the WSCC Public Rights of Way Team.

Second Response

- Vehicular Access: the deceleration lane and entry corner radius have been considered as Departure from Standard (DfS) applications and these have been signed off on the basis that a 43m increase in the deceleration lane length is provided to allow a comfortable additional deceleration down before the 20m diverge radii and the nose ahead of the merger taper has been reduced to 35m from previous 40m. This is therefore considered to be acceptable.
- Further comments have been made on the access design which will need to be incorporated. The County Highway Engineer has also provided comments regarding detailed design.
- Comments raised in the First Response have been addressed, however County Highway Officer has requested further information in respect of the following:
 - Adjustment to deceleration lane length
 - Revision to Merge Lane width
 - Forward Visibility Splay alongside splitter island
 - Consideration of redesign of mini-roundabout & speed reduction measures
 - Ped/Cycle route extension with highway boundary overlain, and implications for earthworks/retaining structures shown
 - Agreements in relation to pedestrians along Brook Lane
- Third Response
- The County Highway Officer has agreed the additional information provided and has advised that appropriate conditions are included on the planning consent to ensure compliance.
- In response to Mayer Brown letter 19 Jan:
 - Take account of committed development site A/169/17/OUT to demonstrate that the proposed application does not preclude the committed development from coming forward.
 - Take account of the trips associated with the committed scheme and demonstrate that their proposed access arrangements do not preclude the committed scheme from coming forward and that an access to this site can be achieved.
 - Access to A/169/17/OUT could be achieved via the adjacent site and a right of access agreed between both parties. The agreement of any rights of access is a private matter not a planning matter and should be agreed between the relevant land owners.
-
- WEST SUSSEX COUNTY COUNCIL ENGINEERS
 - Standard conditions should be applied. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design.
-
- WEST SUSSEX COUNTY COUNCIL FLOOD RISK MANAGEMENT CONSULTATION
 - No objection
-
- ENVIRONMENT AGENCY
 - That the following planning conditions are imposed as without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.
-
- Condition 1
 - The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) [32447/4001] and the following mitigation measures detailed within the FRA:
 -
 - 1. Any changes in ground levels are shown to not result in any loss of fluvial flood storage
 - 2. Finished floor levels are set no lower than 0.3m above the 0.1% (1in1000) fluvial flood level already supplied by the Environment Agency.
 -
 - 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.
-

- Condition 2
- The development hereby permitted shall not be commenced until such time as a scheme to discharge surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall include:
 - 1. Calculations showing that the scheme can attenuate the 1% (1in100) annual probability event with 30% allowance for climate change on site.
-
- The scheme shall be fully implemented and subsequently maintained, 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.
-
- SUSSEX POLICE
- The Design and Access statement submitted with the application fails to mention any crime prevention measure to be incorporated into the design and layout of the development. This Statement should demonstrate how crime prevention measures have been considered in the design and layout of the development.
-
- ECOLOGY
- No Objection subject to appropriate condition being included on the planning permission for the full mitigation strategy for water voles and reptiles to be submitted for approval prior to any works commencing onsite.
-
- TREE, LANDSCAPE AND GREENSPACE
- No objection subject to submission and approval of full landscape scheme. Long term management of the developing landscape would need to be considered and the landscape scheme should maximise the biodiversity of the site with the inclusion of native species and the retention of a variety of habitats.
-
- Archaeology
- There archaeological interest recently identified on the adjacent site. It would be appropriate to investigate the site in advance of development in order to identify deposits of significance that might be affected by it and to ensure their preservation, either in-situ or by further investigation and recording or both.
-
- ECONOMIC REGENERATION
- Would prefer to see a development such as this within an existing town centre. Concerned about the impact that such a development would have on the retail centres of Littlehampton and Rustington and would require that all possible measures are taken to mitigate this impact.
-
- Should permission be granted, would wish to see the developer agree to a Skills Plan and also sign up to the Arun Developer and Partner Charter, particularly important with regard to, where possible, using local companies in the physical development of the site and employment for local people. The developer should also make a contribution towards the future management and regeneration of the District and local centres in Littlehampton and Rustington.
-
- ENVIRONMENTAL HEALTH
- No objection to the proposed development. The A4 use premises will require to be registered 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.
- Condition requiring Construction Management Plan to also apply to retail unit and standard condition on contaminated land.
-
- ENGINEERS (STRUCTURAL)
- No comments of a structural nature.
-
- Updated Consultee responses 2017/18:
-
- TREE OFFICER:
 - - No trees of merit within the site
 - - Previous comments apply

- Development should accord with AMS Report and Tree Protection Plan
-
- GREENSPACE:
 - Previous comments apply
 - No detailed landscaping scheme submitted
 - Trees and shrubs to frontage would soften the scheme
-
- SOUTHERN WATER:
 - Previous comments apply
-
- SUSSEX POLICE:
 - Further crime prevention advice not relevant
-
- WEST SUSSEX COUNTY COUNCIL:
 - No further comments to make
-
- WEST SUSSEX HIGHWAY
 - No further comments to make having reviewed the substitute Retail and Operator Statements.
-
- In response to Mayer Brown letter 19 Jan:
 - Take account of committed development site A/169/17/OUT to demonstrate that the proposed application does not preclude the committed development from coming forward.
 - Take account of the trips associated with the committed scheme and demonstrate that their proposed access arrangements do not preclude the committed scheme from coming forward and that an access to this site can be achieved.
 - Access to A/169/17/OUT could be achieved via the adjacent site and a right of access agreed between both parties. The agreement of any rights of access is a private matter not a planning matter and should be agreed between the relevant land owners.

Additional response 20th April:

- Applicant's response fails to address points raised above in relation to taking account of and demonstrating that it does not preclude a committed development (A/169/17/OUT) from coming forward.
- The proposed access arrangements from both sites (A/23/15/OUT and A/11/17/OUT) are conflicting. A revised drawing needs to be submitted that demonstrates how access can be provided to their site and the adjacent. Drawing number REDW-3167-131 (Highway Access Plan) should be updated to include an overlay of the adjacent site and demonstrate how a safe and appropriate access could be provided to the adjacent site.
- Consideration not given to additional flows from A/169/17/OUT within the submitted Transport Assessment.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Out of Town Centre

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

| | |
|--------|---|
| DEV26 | Criteria for Retail Development |
| DEV27 | Retail Development Outside the Principal Shopping Areas |
| AREA17 | Sites of Archaeological Interest |
| GEN3 | Protection of the Countryside |
| GEN11 | Inland Flooding |
| GEN12 | Parking in New Development |
| GEN14 | Public Transport |
| GEN15 | Cycling and Walking |

| | |
|-------|---|
| GEN18 | Crime Prevention |
| GEN2 | Built-up Area Boundary |
| GEN29 | Nature and Conservation Across the District |
| GEN32 | Noise Pollution |
| GEN33 | Light Pollution |
| GEN34 | Air Pollution |
| GEN7 | The Form of New Development |
| GEN8 | Development and the Provision of Infrastructure |
| GEN9 | Foul and Surface Water Drainage |

Publication Version of the
Local Plan
October 2014
(as updated January 2018)

| | |
|------------|---|
| QE DM4 | Contaminated Land |
| D DM1 | Aspects of Form and Design Quality |
| D SP1 | Design |
| ECC DM1 | Renewable Energy |
| EMP DM1 | Employment land:Development Management |
| EMP SP1 | Employment land provision |
| ENV DM3 | Non Designated Sites |
| ENV SP1 | Natural Environment |
| INF SP1 | Infrastructure provision and implementation |
| QE DM2 | Light Pollution |
| QE SP1 | Quality of the Environment |
| RET DM1 | Retail Development |
| RET SP1 | Hierarchy of Centres |
| SD SP1 | Sustainable Development |
| SD SP2 | Built -Up Area Boundary |
| SKILLS SP1 | Employment and Skills |
| T SP1 | Transport and Development |

[Angmering Neighbourhood Plan 2014 POLICY TM1](#) Local Highways
[Angmering Neighbourhood Plan 2014 POLICY HD1](#) Built-up Area Boundary
[Angmering Neighbourhood Plan 2014 POLICY EH3](#) Flood Prevention
[Angmering Neighbourhood Plan 2014 POLICY TM2](#) Cycling Walking & Equestrian

PLANNING POLICY GUIDANCE: NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

POLICY COMMENTARY

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

A new Local Plan is in preparation and constitutes a material consideration when determining planning applications. 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 and published modifications to the emerging Local Plan, but it resumed on 17th September 2017 and has now concluded. The Main Modifications to the emerging Arun Local Plan and evidence base were available for public consultation over a six week period which started on Friday 12 January and ended on Friday 23 February 2018. The District Council is awaiting the Inspector's report which is due out in late Spring/ early Summer 2018.

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

The Neighbourhood Development Plan

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

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

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

The made Angmering Neighbourhood Plan 2014-2029 is relevant to 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 relevant Development Plan policies in that it is outside of the built up area boundary contrary to HD1 of the ANP and GEN2 and GEN3 of the ALP and contrary to DEV26 and DEV 27 of the ALP in that the proposal fails to demonstrate that there are no suitable site can be found either within the existing town centre or on the edge of the centre, and therefore fails to retain the existing retail hierarchy.

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 and this is discussed in the conclusions section of this report.

CONCLUSIONS

As this application is a hybrid application, the following report considers the full element (A1 retail, access, car parking, servicing, landscaping and associated works) and outline element (A4 public house) separately.

FULL ELEMENT

The following section of the report considers the full element of the proposal which is for Class A1 1487sqm retail (1022sqm ground floor and 465sqm mezzanine), associated access, car parking (173 parking spaces including overflow spaces), servicing, landscaping and associated works.

PRINCIPLES OF DEVELOPMENT

It is considered that there are two issues of principle central to the assessment of this application: development outside the built-up area boundary; and retail considerations and its impact on the vitality of the town centres.

Development outside the built up area boundary:

The Arun Local Plan (the 'ALP') shows the site as lying within an area outside the built up area boundary (as established by Local Plan Policies GEN2 and GEN3). Within this area only certain

categories of development are allowed as an exception to the general policies of restraint that apply. The proposal does not fall into one of these exceptions, however, GEN2 includes clause which states that outside the built-up area boundaries development will not be permitted unless consistent with other Local Plan policies. GEN3 (iv) also refers to development not being permitted unless it accords with a policy in Sections 2 and 3 of the plan referring to a specific use or type of development. Retail development therefore needs to be considered in relation to Policies DEV26 and DEV27 before it can be determined if the proposal complies with GEN2 and GEN3.

The site lies outside the built up area boundary set out in the Angmering Neighbourhood Plan Policy HD1 ('the ANP') which seeks to limit new development to within the boundary to prevent encroachment into the open countryside. The policy also includes the wording 'development outside the Built-up area Boundary shall not normally be permitted subject to the other policies in the Neighbourhood Plan, the emerging Arun Local Plan and the South Downs National Park Local Plan'. There are no relevant retail policies in the ANP but as it cross-refers back to the emerging Arun Local Plan, the retail policies below would be applicable in determining compliance with HD1.

The modified emerging Arun Local Plan (January 2018) (the 'modified eALP') shows the site as outside the built up area boundary and partly within a Biodiversity Opportunity Area. Therefore, the application should be contrary to Policy SD SP2 of the eALP which seeks to focus development within the built up areas, rather than countryside. Policy C SP1 restricts development in the countryside unless it meets the criteria in the policy (a) to (e) or accords with other policies in the Plan which refer to a specific use or type of development (f). The proposal does not meet any of the criteria (a) to (e), but criterion (f) means that it should be considered under Policy RET DM1 which specifically covers retail development. The conclusion on compliance with C SP1 is therefore considered later in the report in conjunction with RET DM1.

The weight ascribed to these policies needs to be assessed. Policies GEN2 and GEN3 in the Arun Local Plan are considered to have minimal weight as the ALP does not plan for retail development beyond 2011, it pre-dates the NPPF and the built up area boundaries are based on development needs as they were understood in 2003. The protection of the countryside for its own sake (GEN3) is also not consistent with the NPPF. Therefore, GEN2 and GEN3 should be given minimal weight.

Policy HD1 of the ANP has an identified objective of retaining the rural character of Angmering through defining the built up area boundary. As a more recently made neighbourhood plan Policy HD1 has full weight as part of the development plan. As the ANP provides a relevant and up to date development plan policy (HD1), paragraph 14 of the NPPF (which sets out a "Presumption in Favour of Sustainable Development" for decision taking) does not apply to this proposal.

The modified eALP has been through examination and further consultation on modifications following the examination which has now concluded and the Inspector's report awaited. Therefore, as it is close to being able to be adopted, some weight can be given to Policy SD SP2 and C SP1 as a material consideration.

The recent permissions granted for the use of the neighbouring site to the east for retail development (Manor Retail Park) and the land to the west for a residential development and care home (to the west of Brook Lane) in this location are also material considerations, to which some limited weight can be given. When considering the purpose of the built-up area boundary, part of its role is to preserve the setting of existing settlements by protecting the surrounding countryside from unnecessary development. It also provides a means of identifying the point of transition between the built form of a main settlement and the surrounding countryside. In this location, there were two potential boundaries to the north of Rustington - the railway and the A259. The recent permission referred to above have had the effect of moving the boundary from the railway line to the A259 and based on the principles set out in the eALP (paragraph 7.2.7) the built up area boundary would now extend around the two sites, leaving a gap in the centre of the built up area boundary. The Manor Retail Park has changed the character of this area from open countryside to a more urban form, and this proposal would be seen as an extension of that urban form - which would then continue to the west with the residential and care home permission (A/169/17/OUT), rather than an encroachment into open countryside.

The conclusion on whether the principle of development is acceptable in a countryside location is set out following consideration of the relevant retail policies.

Retail considerations:

The Arun Retail Study is also a material consideration, as it provides information on retail need to support the eALP. The Arun Retail Study (2013) didn't identify any requirements for specific retail allocations within the eALP or establish any need for out-of-centre retail development. The Study was updated in 2016 and concluded that there were no additional requirements following the increase in housing development proposed. However, the Study included the original application as a commitment which added to the turnover capacity for convenience goods. The Study establishes that the loss of the Waitrose unit from retail use in Littlehampton would reduce the surplus and that it is unlikely that the former Waitrose premise would be occupied by a convenience goods retailer, but this was made on the assumption of the original permission as a commitment.

The retail elements can be considered against ALP policies DEV26 and DEV27 and modified eALP policies RET SP1 (Hierarchy of town centres) and RET DM1 (retail development).

ALP Policy DEV26 sets out criteria for the assessment of retail developments. It states that retail development which does not affect the existing retail hierarchy will be permitted, provided that criteria are met.

As an out of centre development, Policy DEV27 applies. Part (i) requires that the proposal does not adversely affect the vitality and viability of the Principal Shopping Areas and local shopping areas, either as individual developments or cumulatively with similar existing or proposed developments. Part (ii) and (iii) relate to the accessibility of the site from the highway network and public transport and for the site to be accessible by cycle and on foot. Part (iv) requires appropriate provision to enable access for people with disabilities. The Policy also requires applications to be accompanied by a full assessment of impact on town and nearby centres as well as demonstrating that no suitable town centre or edge of centre sites can be found. The Policy also refers to demonstration of need for additional facilities.

Minimal weight is given to DEV27 as it does not fully conform with the NPPF - in that the NPPF doesn't require demonstration of need and the wording in relation to impact in the policy is 'adversely' rather than 'significant adverse impact' in the NPPF, so the bar is set higher than the NPPF.

Policy RET SP1 identifies the hierarchy of Town Centres with paragraph 9.2.1 identifying that impact assessments for growth of office, leisure and retail development will be required from a threshold of 1,000 sqm for Town Centres, Large Service Centres and the Six Villages and 200 sqm for village and suburban centres.

Policy RET DM1 (3) states that Town Centre uses located outside of the centres defined on the Policies Maps will only be permitted if;

- a. The scheme meets the impact tests of the NPPF;
- b. The scheme is easily accessible by the highway network and public transport;
- c. The scheme includes provision for access by cycle and foot;
- d. The scheme includes appropriate provision to enable access for people with disabilities.

As the Plan has reached an advanced stage towards adoption and there are no outstanding objections to the retail policies above they can be afforded substantial weight as a material consideration.

NPPF Paragraph 23 requires planning policies to be positive, promote competitive town centres and ensure sites are available in suitable centre and edge of centre sites for main town centre uses. Where centre and edge of centre locations are not available, accessible locations well connected to the town centre should be considered.

Paragraph 24 of the NPPF requires a sequential test to be applied on planning applications for main town centre uses that are outside an existing centre or not in accordance with an up-to-date development plan. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

Paragraph 26 of the NPPF requires an impact assessment for development located outside of a town centre or not in accordance with an up-to-date Local Plan which exceed a proportionate locally set threshold (a default threshold of 2,500sqm if there is no local policy threshold). The emerging Local Plan under paragraph 9.2.1 sets a threshold of 1,000 sqm for Town Centres, Large Service Centres and the Six Villages and 200 sqm for village and suburban centres.

Paragraph 26 goes on to note that impact assessments should consider two matters:

- i. The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- ii. The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application was made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Paragraph 27 states that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the above factors, it should be refused.

A key consideration in the determination of this application will be compliance with the sequential assessment and impact tests identified within the NPPF. The sustainability and accessibility issues will be considered in the highways and transport section of the report.

An applicants updated Retail Assessment (the 'Assessment') (January 2017) has been provided with the application in order to evidence the sequential test and retail impact assessment. Whilst the application has been submitted with M&S as joint applicants, the proposal is considered on the basis that it is an A1 retail foodstore, rather than specific to M&S. The Assessment sets out that the trading format proposed is for an M&S operated Foodhall.

The Council has sought retail specialist advice on the Retail Assessment from DPDS (Report to ADC June 2017, the 'Retail Advice') which has informed the assessment below and considered representations made on the retail assessment.

Sequential test-

The claim for Judicial Review that the original application (A/23/15/PL) was subject to, resulting in the decision being quashed, was due to an inconsistency in the advice in relation to the sequential test, which should have been resolved in the Committee Report. This is a new decision on a new application which relates to the same proposal in retail terms (but an amended access) as the original application. The previous decision on the original application can be taken into account as a material consideration but only very limited weight should be given to the sequential test element of that decision. There is also more up to date information and differing policy circumstances (e.g. progression of the emerging Local Plan) which mean that this application is considered differently from the original decision.

Dealing first with location, the applicant confirms the trading requirements of a Marks & Spencer Foodhall as:

Format - a store of gross 1487 sqm with a net trading area of 835sqm

Parking - level surface access for trolleys

Servicing - controlled dedicated servicing access

Location - commercial prominence and access via car to capture passing trade and divert expenditure from neighbouring out of centre retail.

The site is out-of-centre, which the applicant acknowledges and the Council's Retail Advice concurs, with the nearest centres being Rustington (2.4km) and Littlehampton (2.7km) and the village centre at Angmering (2km) and therefore, Policy DEV27 of the ALP and Policy RET DM1 of the modified eALP apply.

The Assessment establishes an area of search which considers sites within or on the edge of Littlehampton and Rustington town centres. The Council's Retail Advice agreed with the applicant that the area of search is considered to identify the most appropriate centres in relation to the proposal and so this element of the Assessment is acceptable. The Mill Lane site (which at the time had an un-implemented planning permission for retail development) was not considered to be sequentially preferable to the application site and the Council's Retail Advice concurred with it being excluded from the Assessment. The scope of the Assessment is therefore acceptable.

The NPPF requires that applicants and local planning authorities demonstrate flexibility on issues such as format and scale when applying the sequential test. The Assessment included flexibility in the criteria used for the sequential assessment, with a 10% tolerance in the store size and a site size of 0.3ha to accommodate a unit of the above size with surface level parking and servicing.

Case law is used by both the applicant, objectors and the Council's Retail Advice to seek to demonstrate flexibility. The Judicial Review claim on the original application focussed on the High Court ruling of *Aldersgate Properties vs Mansfield District Council* (8 July 2016), which makes it clear that the sequential test cannot be interpreted on the basis of an individual retailers corporate requirements or limitations and the proper interpretation of NPPF para 24, that the identity of the applicant or proposed occupier is irrelevant.

The Assessment refers to the *Tesco Store Limited v Dundee City Council* case and state that this established that local authorities should not expect applicants to have to adapt their proposals beyond what would be reasonable having regard to established business models and the development for which permission is sought. The Council's Retail Advice considers that the conclusion of the case was that 'sites should be suitable for the broad type of development proposed, not for an alternative scheme that might be suggested by the planning authority, but that did not obviate the need for the applicants to show flexibility'. The Council's view is consistent with the Retail Advice and that the case did not mean that the decision of the applicant to apply for a particular development on a particular site was a determining factor.

The Assessment also refers to the *Zurich v North Lincolnshire* case, arguing that the case demonstrated that viability issues facing M&S and the need to provide a store that complies with their specific requirements assists in the interpretation of the sequential test. The Council's Retail Advice considers that this case adds little to the understanding of 'suitable' as alternative retail unit was judged to be too small and the Court found that the LPA was entitled to find the site unsuitable. The Council's view is that the sequential test should be approached on the basis of the Aldergate judgement as set out above in that the specific requirements and identity of the applicant/ occupier are not relevant when considering suitability or availability and this is considered in more detail below.

Turning to the Assessment itself, the Assessment identified two sites in Rustington - the former Co-Op unit within the town centre, now occupied by Waitrose and no longer available, and a former car showroom in Ash Lane with permission for small convenience retail which was discounted due to its size (437sqm gross). It is accepted that there are no suitable opportunities in Rustington for the reasons set out above and this is supported by the Council's Retail Advice.

Two sites were identified in Littlehampton: St Martins Road Car Park which was discounted on grounds of availability and suitability; and the former Waitrose Unit at Avon Road which was excluded due to suitability/ viability considerations. The Council's Retail Advice agreed with the applicant's Assessment that these two sites are the only potential opportunities and therefore further detail on these two sites is considered below.

In relation to the Waitrose Unit it remains vacant and is being marketed, and therefore the Assessment concludes that it is available. The Assessment then considers the suitability/viability of the unit for a foodstore use generally and specifically in relation to M&S commercial requirements.

The applicants in their Assessment have raised concerns about the genuine availability of the Waitrose Unit due to the length of the Waitrose lease which expires in 2020 and the rental income received from this lease. However, the Retail Advice concludes that these arguments do not result in the unit being considered to be unavailable as the unit is on the market and Store Property Group

(who is the current leaseholder) has made submissions in respect of the Judicial Review that the unit would be made available for re-letting.

In relation to the suitability of the unit for a general foodstore, the Assessment considers that the use of the Unit as a foodstore has been tested over a number of years and that subsequent occupiers of the site have not operated successfully from the site, including Waitrose in recent years. This is disputed by Waitrose who set out that they did not move for viability related reasons and that the store traded successfully from the Avon Road Unit. From the evidence submitted, the Retail Advice advised that it is not considered that the marketing campaign demonstrates that the location is unsuitable as a foodstore, or that it is a poor trading location. Therefore, it should be considered as an available location for a general foodstore.

The Assessment then considers the specific operational viability requirements of M&S which it considers, in accordance with case law (Dundee and North Lincolnshire) are a material consideration. On this basis the Assessment concludes that evidence, including a feasibility study on how a M&S Foodhall could be provided on the site, concluded that the site size and concerns over the trading location mean that the site is not suitable or viable for the proposed Foodhall or another foodstore of a similar size. However, Council's Retail Advice considers that the interpretation of the case law is not accurate as the former Waitrose site is not a hypothetical possibility but a real world possibility which meets the requirements for a foodstore. The approach taken by M&S in discounting the suitability of the Unit is retailer specific and therefore, it should not be dismissed as unsuitable.

This conclusion differs from the original decision on A/23/15/PL which refers in the report to the applicant not considering the sites (Waitrose and Martin's Car Park) acceptable and the expert advice provided to the Council supporting that position. However, for the reasons set out above, this position has changed and the original decision is given only very limited weight.

The St Martins Road Car Park site was discounted as not being available for development within the next 12-18 months and also on the basis that the trading location of the Car Park is not suitable or viable for foodstore development, based on accessibility to the highway network, connectivity to the core shopping area of Littlehampton and the profile of the convenience shopping in the area. The Council's Retail Advice did not consider that it has been established that the site is unsuitable for a foodstore development and there are no indications in the M&S submissions that the M&S Board had concerns about Littlehampton as a food store location when it made its decision in 2011. However, it is considered that it is unlikely that the site would be accepted as available in relation to the sequential test, as little progress has been made on bringing forward the site in recent years and the Council accepts that there is no immediate prospect of the site coming forward for development. Therefore, Council's Retail Advice concurred with the applicants conclusion the St Martins Road Car Park site is not an available site that would be sequentially preferable to the application site.

Therefore, the proposal does not meet, and is in breach of, the sequential test as set out in the NPPF paragraph 26 and is contrary to Policy DEV27 of the ALP and RET DM1 of the modified eALP as the Avon Road former Waitrose Unit is sequentially preferable to the proposed site. The NPPF states that proposals that fail to meet the sequential test should be refused.

Retail Impact Assessment-

The second part of the Assessment is to demonstrate whether or not the proposal would have a significant adverse impact on investment in or vitality and viability of town centres within the catchment area. If a proposal is likely to have a significant adverse impact or it fails the sequential test then it should be refused. The proposal is under the NPPF threshold of 2,500sqm where an impact assessment is required and over the eALP threshold of 1,000sqm (which has not yet been adopted). Nonetheless, the applicant has provided a limited retail impact assessment.

An updated Retail Impact Assessment updates the position from the original 2015 application and has regard to the 2016 update to the ADC Retail Study (which includes the original proposal as a commitment), planning permissions granted at Mill Lane and the current health of Rustington and Littlehampton town centres.

Consideration of retail impact has focussed on Rustington and Littlehampton. In determining impact, consideration has been given to the turnover of existing centres, possible trade draw and turnover of existing outlets (expressed as estimated turnover of existing stores). Cumulative impact of this proposal with existing and planned development was also assessed.

The Assessment concludes that both Rustington and Littlehampton have a good level of vitality and viability as town centres. However, the Council's Retail Advice disagrees with these statements and advises that Rustington is a well managed centre which would be robust to trade diversion to an out-of-centre food store, but that Littlehampton is a commercially weak centre which is vulnerable to out-of-centre development. Rustington Town Council has raised concerns about the accuracy of the Assessment due to several businesses closing down or relocating due to trade loss to out of centre stores. Littlehampton has objected on the basis that the vacant unit should be used first and that the loss of recent shops highlights the risk from out of centre developments.

In terms of impact on investment, the impact on St Martin's car park scheme for Littlehampton and the Ash Lane garage site in Rustington are considered in the Assessment. The Council's Retail Advice concluded the proposed scheme would not create any significant impact on planned investment.

The Assessment considers two scenarios, one with the former Waitrose site occupied and one without re-occupation. The Assessment compares the impact levels with the original application. For Littlehampton (without Waitrose re-occupied) the impact levels have gone from 5.54% to 5.50%. For Rustington (without Waitrose re-occupied) the impact levels have gone from 7.29% to 6.50%. With Waitrose re-occupied, the figures are 7.33% down to 4.48% for Littlehampton and 7.45 down to 6.50% for Rustington. The Assessment concludes that based on these figures the level of economic retail impact in relation to the revised proposal is not significant.

The Council's Retail Advice assesses the retail impact of the proposal. The Advice concludes that the proposed food store would have an impact of about 3% on Rustington centre and about 2% on Littlehampton centre, assuming that the former Waitrose remains unoccupied. The figure for Littlehampton would be lower if it is re-let to a retailer. The Advice considers whether revised data and estimates would result in different figures, as suggested by some objectors to the proposal, but concludes that any reasonable impact assessment would come to the same broad level of impact and that on its own, the proposal would not have a significant adverse impact on the centres.

The Retail Advice also concludes that the cumulative impact figures, taking account of recent permissions are 5.7% for Rustington and 6.6% for Littlehampton and that whilst these are of more concern, it would not be reasonable to refuse planning permission for a development on the basis of a cumulative impact to which the development would only contribute a small proportion.

The development of new food store would therefore cause further loss of trade from Littlehampton and Rustington and this will inevitably have impact on the future viability of the town centres, however, the retail impact is not considered to be significantly adverse to warrant a refusal of permission on retail impact grounds. Taking into account both of the opinions on impact, there would be impacts on both centres but the individual impact would not be significant but that the cumulative impact is at a level where there are concerns arising. Therefore, the proposal accords with the NPPF paragraph 27 in relation to retail impact and with RET DM1 3a of the eALP, however, the proposal would be contrary to DEV27 (i) as it does cumulatively have an adverse impact on the Principal Shopping Areas.

Other social and economic considerations

There are social and economic benefits from the proposal, specifically the creation of about 50-55 jobs in full and part time positions, equating to 29 full time equivalent jobs which would create opportunities for local people. There are other economic benefits from the investment and the construction stage jobs. These benefits accord with paragraph 18 of the NPPF and should be accorded substantial weight. However, these need to be weighed against the social and economic negatives associated with the failure of the sequential test. Policy EMP 1 of the eALP seeks to promote the regeneration of the main town centres as a focus for retail, office and leisure development especially in the Bognor and Littlehampton Economic Growth Area in accordance with the sequential test. Policy RET SP1 seeks to maintain the hierarchy of Town Centres through

promotion of activities which include retail, in order to promote economic resilience for the vitality of the town centres. To permit a further out of centre convenience retail unit in this location would undermine the strategic objective of the eALP to 'create vibrant, attractive, safe and accessible towns and villages that build on their unique characters to provide a range of uses and which are a focus for quality shopping ...'

Conclusion on principle and retail considerations -

The proposal is contrary to retail policy as it fails to meet the sequential test requirements. This means that the proposal would also constitute unacceptable development in the countryside, contrary to Policy GEN2, GEN3 of the ALP, Policy HD1 of the ANP and SD SP2 and C SP1 of the eALP. It therefore needs to be considered whether there are any other material considerations which would outweigh the sequential test failure.

The Retail Advice suggests that the failure to satisfy the sequential test is not overwhelming in the absence of other significant retail harm (and the proposal complies with the retail impact assessment policies) and there is no way of predicting if M&S would take the former Waitrose unit if the proposal were refused. The M&S Board decision not to proceed in 2011 is an indication that it would not do so, but there is no more recent evidence to confirm this, therefore very little weight is given to this. As the cumulative harm to Littlehampton and Rustington town centres is not significantly adverse, this could be mitigated through a contribution to town centre initiatives, as agreed under the original permission.

Overall, the proposal would bring economic benefits to the area through the creation of jobs, and despite not meeting the sequential test, would not cause significant harm to the vitality and viability of the town centres. The proposal would form a logical extension to the Manor Retail Park and complete the built form in this constrained parcel of land when combined with the approved residential scheme to the west of Brook Lane. However, these material considerations are not considered to outweigh the failure to meet the sequential test and the resultant unacceptability of this type of development in a countryside location.

HIGHWAY AND TRANSPORT MATTERS:

A Transport Assessment (TA) has been produced to assess the transport and accessibility impacts of the proposal in accordance with paragraph 32 of the NPPF.

Traffic impacts-

In addition to the TA, separate Framework Travel Plans have been produced for both components of the site in accordance with paragraph 36 of the NPPF. It should be noted that paragraph 32 of the NPPF states that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe." The Transport Assessment has assessed the cumulative impacts of the development and it is concluded that the A259/A2187 roundabout would continue to operate with spare capacity after the proposals are built and trading, however this has not included consideration of the west of Brook Lane (A/169/17/OUT).

The proposed vehicle access is via a "left in, left out" site access with merge lanes and diverge lanes served from the A259 and using the route of Brook Lane.

The proposal would involve the provision of deceleration and acceleration lanes into the site to ensure safe access and to minimise potential conflicts with passing users of the A259. The Local Highway Authority (LHA) has assessed the proposed access and consider it suitable for the level of traffic likely to be generated from the proposed development. The LHA initially identified some minor issues with the detailed design of the proposal and requested that the applicants submit some further design audit work. This information was provided to the LHA and they initially agreed the details.

The applicant's TA includes evaluation of the proposed development's impact on surrounding junctions and roadways. The LHA had initially assessed this information and considered the impacts to be acceptable; however, the now permitted scheme to the west of Brook Lane needs to be taken into consideration. As this has not been done, there is insufficient information to demonstrate whether

the transport effects on the local and strategic road network can be satisfactorily mitigated contrary to TM1 of the ANP, GEN8 of the ALP and Policy T SP1 of the modified eALP.

Access-

The TA demonstrates that the opportunities for sustainable transport modes have been taken up, and that safe and suitable access to the site can be provided. The access roads have been designed to accommodate buses if a service can be secured. Issues raised by the neighbouring landowner raise concerns about the revised access location prejudicing the access to the site to the west of the Brook Lane (A/169/17/OUT). The approval for the site to the west includes a parameter plan indicating access using Brook Lane, however, the details of the access are reserved matters and not part of the outline permission. A recent reserved matters application has been submitted setting out the detail for using Brook Lane to access the outline site A/169/17/OUT, but this has not been determined. It has not been demonstrated that the access shown would not preclude another committed development coming forward as the access arrangements as shown are conflicting and a revised highway drawing is required to demonstrate how a safe and appropriate access can be provided to this site and the adjacent site. The access shown for this application could be amended more easily than the access shown under A/11/17/OUT to accommodate the access to the adjacent site (A/169/17/OUT) as they follow a similar alignment but as shown the access spur going east from the proposed roundabout does not go to the boundary of the site or join up with Brook Lane to the south.

Therefore, it has not been demonstrated that a safe and suitable access to the site can be provided, contrary to GEN7 of the Arun Local Plan.

Accessibility-

The layout of the proposal has sought to minimise conflicts with cyclists and pedestrians, and the design and accessibility of the proposal has had regard to the needs of people with disabilities in accordance with paragraph 35 of the NPPF and in accordance with saved Policy GEN15 and DEV26 iv of the ALP

The proposals have been designed to give priority to pedestrian and cycle movement and people with disabilities. The proposal includes a 3m wide shared footpath/ cycleway which runs through the site to the south of the building and car park and then runs parallel to the A259 going east and joining up with an existing cycleway/footpath at the entrance to the neighbouring retail park. This would ensure connectivity for pedestrians and cyclists, although if visiting the existing retail park they would be required to exit first, rather than a more direct connection being provided from within the existing retail site which would have been preferable. However, the cycleway proposed can be delivered within the highway boundary, whereas a more direct route would require land outside the control of the applicant which is already in use. As the cycleway would run parallel to the A259 a safety fence is proposed. A 1.5m high pedestrian guardrail is proposed along the southern side of the route, as the land slopes downwards from the cycleway to the existing retail park car park area.

In order to ensure pedestrian and cycle access for residents to the south, there needs to be a safe means of crossing the railway, as well as links to the consented residential development to the west (A/169/17/OUT). There is a public footpath (2159) which runs north from Worthing Road, crosses the railway at grade then continues north west towards and past a property called Brookenbee. There is no recorded public access right along the section of Brook Lane running north east from the rail crossing to the A259, and therefore no access right linking to the proposed development. The Rights of Way officer commented on the similar application A/11/17/OUT seeking to ensure that there is a creation of formal access rights to link from the public right of way to the site.

The adjacent site west of Brook Lane (A/169/17/OUT) proposes to close the unmanned rail crossing and provide a new pedestrian and cycle bridge over the railway, which is secured through condition and would have to be implemented prior to occupation. The parameter plan also includes footpath access to the boundary with this site. The S106 for the west of Brook Lane site requires a new footpath to connect with Manor Retail Park along Brook Lane and the A259 if this application does not provide that link within three years of commencement of the first residential phase. The Inspector considering the duplicate application west of Brook Lane (A/44/17/OUT) agreed with that approach,

ensuring that there are pedestrian links between the west of Brook Lane site and Mill Lane regardless of the outcome in relation to this proposal.

In relation to the rail crossing, the original application agreed a contribution of £12,500 for the funding of the COVTEC early warning system for the crossing, following consideration at Planning Committee. The initial response from Network Rail on the similar application (A/11/17/OUT) required a contribution of £25,000 for the COVTEC system. Network Rail's further responses on the similar application (A/11/17/OUT) supported the need for a footbridge due to the cumulative impacts of both developments (referring to A/44/17/OUT - which preceded A/169/17/OUT and has been appealed and allowed) resulting in significantly increased usage of the crossing and that the cost of the footbridge should be shared between the two applicants. The applicant does not agree with the Network Rail view and states that as there is no legal right of way access from the site over Brook Lane to reach the railway crossing, that there would not be a significant increase in pedestrian or cycle traffic from that direction.

The objection raised by Network Rail in respect of the level crossing along this PRoW has been discussed with the applicant. The applicant considers that whilst they are aware of the issue of safety at the level crossing in Brook Lane, the nature of the route that runs to and from residential area south of the railway line is not a route that visitor to the development would use. This is a PRoW that provides a link from Worthing Road (B2187) to Brook Lane on the A2159 via Penfold Lane. Penfold Lane is a grassed track that is generally very muddy with no lights. The applicant therefore considers that it should not be necessary to provide footbridge crossing at the Brook Lane level crossing.

Whilst the Council recognises the desirability of for safe crossing via footbridge as requested by Network Rail, it is considered that as result of the proposed development there will not be any significant increase in the number users along this PRoW and the level crossing given the current condition of Penfold Lane. The approved development to the west is a material consideration which needs to be taken into account. If the residential development to the west of Brook Lane is implemented, this would provide the link between the M&S site and the crossing as well as providing the bridge.

Should the railway bridge not be delivered under the adjacent permission, is not considered that the additional likely number of pedestrians to the proposed food store would be so significant as to represent a 'severe' impact where the development would be refused planning permission without a contribution towards a footbridge or to the COVTEC system.

Bus stops and bus connections-

There are bus stops located at the Manor Road Retail Park and south of Mill Road/ Worthing Road roundabout which are both approximately 800m from the site. The Manor Road Retail Park includes a bus stop within walking distance of the proposal. Therefore, the proposal accords with DEV27 ii of the ALP and RET DM1 b as it is accessible by public transport.

Parking-

Saved policy GEN12 of Arun District Local Plan 2003 states that "the Local Planning Authority will base its consideration of the need for on-site parking provision on its parking standards contained within this Plan". The maximum parking standard for superstore/supermarket is one space per 14sqm. The layout includes a total of 196 spaces (including those associated with the public house). This includes disabled and parent/child spaces proposed for the retail units and the public house which is compliant with the parking standards for the development. Whilst this falls short of the recommended maximum standard, it is considered to be acceptable on this occasion given the likelihood of linked trips and the nature of provision.

In respect of cycle parking the 30 spaces proposed across the site, which exceeds the minimum set out in the Local Plan of one cycle space per 16 car parking spaces. Eight motor cycle spaces have been provided split across two locations. Although the provision falls short, it is considered acceptable on this occasion given the likelihood of linked trips and the nature of provision.

Overall, the proposal is satisfactory in relation to highways and transport and meets the requirements of Policies GEN14 and DEV26 (ii) of the ALP through ensuring access to public transport services. The proposed pedestrian and cycle routes would ensure safe routes for pedestrians and cyclists in accordance with policies GEN15 and DEV26 (iii) of the ALP and PolicyTM2 of the ANP and provision to enable access for people with disabilities in accordance with DEV26 (iv).

DESIGN, LAYOUT AND APPEARANCE

The following assesses the design, character, layout and appearance of the proposed development.

GEN7 of the ALP seeks to ensure a high quality of design and layout for all proposals. For the retail store, the applicant is seeking full planning permission and has submitted detailed layout of the development and the design of the building, showing the detailed elevations and materials.

The proposed retail store is set back from the A259 located in the eastern part of the site. It comprises a total floor area of 1,487 square metres over two storeys (1,022 square metres footprint and 465 square metres as mezzanine for storage and staff facilities). The building comprises a single block. The building is of two storey height with an enclosed service yard to the east. The building includes a mezzanine floor of around 40% of the ground floor to provide staff and storage facilities.

The retail building is of modern design with a barrelled roof and glazed elevations facing the car park and the main road elevation with short glazed section and metallic cladding. The two storey unit has an open double height space at its western end at the customer entrance. The double height space continues outside to the main canopy which covers the external entrance and the external cafe seating area at the western end of the unit, next to the entrance. The entrance itself is announced by the four columns holding up the canopy.

The roof is a simple barrel vaulted form, this form continues in the use of a small number of good quality materials on the external elevations, namely a split face masonry which is pulled away to 'reveal' the glazed shopfront on the western ends of the North and South elevations. The masonry walls extend across both sides of the service yard. The remainder of the building is treated in contrasting dark grey and light silver metallic cladding.

The service area is to the east of the building with the enclosed service yards. The access to the service yard is from a roundabout off the access road. The detail design meets the requirement of the County Highway Officer.

The building is set well back from the highway. The area to the west of the building provides a surface car park of 100 parking spaces, with disabled parking spaces provided close to the building. There is further small over-flow car-park on the south side of the internal road providing an additional 30no spaces on reinforced grass. With the retention of the trees and additional planting on the northern boundary the impact of the building will be slightly less, however the building will be very clearly visible from the A259, unlike the adjoining site where the buildings are set back much more into the site.

The site is capable of accommodating the proposed development with associated car parking and servicing that will enable the physical regeneration of a vacant site for retail use. The scheme has been designed for retail use and the unit size, layout, car parking, serving and orientation is of appropriate scale.

The scale and height of the proposed buildings are appropriate to the local context and will relate well to the approved development on adjoining land which is now occupied. The buildings are appropriately designed to allow the best possible inclusive access including provision for the disabled and those with other mobility problems in accordance with Policy DEV27 iv) of the ALP. The development is of high quality design and materials befitting of a modern retail scheme. This will make a positive visual contribution to the A259 which is a key transport corridor.

The Design and Access Statement sets out the objectives for the soft landscaping of the site. These include retention of the existing vegetation along the boundary with the A259 which would be reinforced with additional planting. The parking areas would include robust ornamental shrub planting

and large amenity trees and a buffer zone of species rich grassland and native hedge planting is proposed between the site and the Black Ditch tributary to provide habitat for water vole and other wildlife. The full details of the soft and hard landscaping would be required through a condition which would ensure that the proposal creates an attractive place and public realm, and high standard of landscaping in accordance with GEN7 of the ALP and Policy D DM1 of the eALP

OTHER MATTERS

Ecology-

Individual species surveys have been submitted for Water Voles, Great Crested Newts and Reptiles after the Preliminary Ecological Assessment identified the need for additional survey information. The Assessment also recommended that the woodland at the periphery of the site has potential for foraging and commuting for bats and that lighting should be kept to a minimum on the boundaries.

Overall, subject to the provision of the additional mitigation details, through a condition, it is considered that the proposed development accords with Policy GEN29 of the Local Plan and Policy ENV DM5 of the modified Local Plan in relation to the impact on protected species and the potential for the scheme to protect existing habitats where possible and provide enhancements.

Trees-

The proposal involves the removal sixteen trees to enable the access and visibility splays to be achieved. The trees to be removed are all lower quality and therefore their removal is considered appropriate. An Arboricultural Method Statement including a Tree Protection Plan has been submitted which sets out how the trees to be retained will be protected during construction and providing the detail of trees which would be removed. The Tree Officer has recommended a condition to ensure that the Statement and Plans are complied with. Subject to this condition, the proposal would comply with Policy GEN7 of the ALP as it retains the wooded area adjacent to the Black Ditch tributary and Policy ENV DM4 of the modified eALP through provision of the required documents to protect the retained trees.

Flooding and drainage (foul, surface water) -

Development should not be at risk from flooding or increase the risk of flooding elsewhere as set out in Policy GEN11 of the ALP. The Flood Risk Assessment (FRA) accompanying the application sets out that the site is generally in Flood Zone 1 with a low probability of flooding. The southern and western parts of the site are within Flood Zone 2 (medium probability). The nearest watercourse is the 'Rustington Stream' - a tributary of Black Ditch. The built development is proposed to have a floor level above a certain height (a minimum of 2.4m AOD) to ensure that the risk of flooding is mitigated, which would require an element of land raising under and adjacent to the buildings. The Environment Agency has no objection subject to conditions ensuring that the proposal accords with the submitted FRA.

In relation to surface water drainage, the system proposed would include roofwater draining to cellular storage with controlled outlets to the Stream, the service yard draining to the access road drainage system, the main access road and cycle path draining via gullies to a piped system draining to a swale on the southern side of the main access road and the main parking area would drain via permeable paving to a sub-base storage with a controlled outlet into a swale. The detailed design and maintenance of the drainage has not been provided and would need to be informed by winter groundwater monitoring. However, it is considered that these requirements could be achieved through conditions and ADC Drainage Engineers and WSCC Flood Risk Management Team support this approach.

Southern Water has confirmed that foul sewerage disposal could be provided to service the proposed development, subject to a formal application to connect and after a sewerage capacity check has been carried out. Conditions and an informative would be considered an appropriate means to secure the detail of the foul drainage and ensure compliance with Policy GEN9 of the ALP and Policy W DM1 of the modified eALP.

Overall, sufficient information has been provided to demonstrate that a SuDs scheme for the site could be developed based on the principles in the FRA in accordance with Policy GEN9 of the ALP and Policy W DM3 of the eALP and EH3 of the ANP.

Subject to conditions requiring submission of a detailed foul drainage scheme the proposal accords with Policy GEN9 of the Arun Local Plan and Policy W DM1 of the modified Local Plan as it demonstrates there is sufficient foul drainage capacity for the development.

Archaeology-

In order to assess the impact on potential heritage assets, an Archaeological Desk Based Assessment has been provided. This confirms that the site has a high potential for below ground archaeological deposits which would be negatively impacted by the proposed development. Further evaluation and investigation is required in order to ensure that there is appropriate preservation by record and publication of the results. This could be achieved through a condition requiring a Written Scheme of Investigation to be submitted and approved which would then ensure that archaeological interest of the site is not harmed.

Therefore, subject to a condition, it has been demonstrated that the development would not be harmful to the archaeological interest of the site in accordance with AREA17 of the Local Plan and Policy HER DM6 of the modified eALP.

Contamination-

A Phase 1 Contamination Assessment has been submitted which identifies a low contamination risk and ground gas production and that the site is not likely to be classed as contaminated land. The Assessment recommends a Phase 2 ground investigation is undertaken in advance of development. Environmental Health have confirmed that this is an appropriate approach which could be secured through a condition which would ensure compliance with Policy QE DM4 of the modified eALP, and this approach has been confirmed by the Environmental Health Officer.

Infrastructure

The original application was accompanied by a S106 Agreement which secured index linked contributions totalling £214,444 towards a town centre manager, environmental improvements and marketing events for Littlehampton and a contribution of £12,500 towards the COVTEC early warning system. However, as the application is recommended for refusal on retail grounds, a S106 agreement would not be required.

Overall conclusion on Full element of the proposal:

This is a complex and detailed application with a number of issues for consideration. The application falls to be determined against development plan policies and against the National Planning Policy Framework (NPPF).

The proposed retail development is intended to be occupied by Marks and Spencer Simply Food, but has been assessed in relation to the proposal rather than the proposed occupier. The NPPF places significant weight on the need to support economic growth through the planning system. The need for planning to respond positively to sustainable economic growth and prosperity that will support local economy and create employment opportunities which wishes to grow and prosper, are material considerations that count in favour of this application. However, these benefits are not considered to outweigh the social and economic dis-benefits associated with allowing an out of centre retail development to proceed in a countryside location when a suitable and available town centre site is available, contrary to the development plan, NPPF and emerging Local Plan.

The proposal is contrary to the development plan and there are no material considerations that would warrant a decision other than in accordance with the development plan.

OUTLINE ELEMENT

The Outline element of the proposal is for a Public House (Class A4) comprising 581sqm with scale and appearance reserved matters. This means that the outline includes access, landscaping and layout which are to be considered as part of the outline application. The Public House is intended as a 'family friendly' facility which would have a focus on food rather than a traditional 'local' public house.

PRINCIPLE:

The principle for a public house in this location is the same in relation to development outside the built up area boundary as set out for the full proposal above. Whilst there is no precedent for Class A4 uses in this location, the proposal would not be out of keeping with the retail uses on the Manor Retail Park or the residential uses consented on the land to the west of Brook Lane. The Public House would complement the adjacent uses and provide a community facility which would enhance the sustainability of the location in accordance with paragraph 70 of the NPPF. The proposal would also generate an estimated 50-55 permanent jobs

As a town centre use (see Glossary to the NPPF) the sequential test applies, as well as Policies RET SP1 and RET DM1 of the eALP. The Council's Retail Advice notes that the applicant has not considered more central alternative locations for this part of the development. However, to consider the public house unit separately would be splitting the development into parts, which the NPPF does not require. The Retail Advice considers that there are no reasons why disaggregation would be relevant in this instance. The applicants have not including it in the search criteria as doing so would have made suitable sites harder to find and the Retail Advice considers that the availability of alternative sites for a single public house would be of marginal significance in the determination of the application. As the retail proposal fails the sequential test and as the public house is part of the overall proposal and has not been considered separately in relation to retail/town centre uses policy, the outline part of the proposal is also unacceptable.

OTHER MATTERS:

Design and layout:

For the public house (A4 use), the applicant is seeking outline permission and has submitted indicative drawing showing the proposed layout and includes a photograph of the potential design of the public house in support of the planning application.

The public house building is to the western part of the site (east of the proposed new access) and the indicative design shows a floor area of 581 square metres and is of single storey in height with a small garden area on both the eastern and western side of the building and service yard to the southern side. The applicant has provided generic building design (photographs) of similar development to show the type of public house/restaurant that could be designed.

Parking, access and safety:

The Public House access is from an internal access road into the site. The internal roads are within the full part of the application and considered above.

The car park is within the full area and considered above. Cycle parking is provided for both staff and patrons. As set out in the parking section for the retail element of the proposal, the combined cycle parking for both elements meets the requirements of Policy GEN12 and the overall parking provision is satisfactory.

Safety issues have been raised in relation to the proximity of the public house to the pedestrian rail crossing and public safety is an important consideration. This issue is covered by the accessibility section of the full proposal, as it relates to movements of pedestrians from the site as a whole and doesn't distinguish between patrons of either of the proposed uses.

Landscaping:

The outline application area includes the garden area of the Public House. The detail of the landscaping for this area has not been included in the application, therefore it would be appropriate

and reasonable to attach a condition requiring full details of soft and hard landscaping to be submitted in order to meet the requirements of GEN7 of the ALP and Policy D SP1 and D DM1 of the modified eALP and secure a high quality of landscaping.

Overall conclusion on outline element of the proposal:

Overall, the Public House element of the proposal would provide a community facility and additional employment opportunities in the area. The site can be accessed by vehicular, pedestrian and cycle modes and provides sufficient parking for the use proposed. The layout is acceptable and provides space for a garden where there would be opportunities for soft landscaping to be provided. However, the public house is part of the overall development 'package' proposed, of which the full element is recommended for refusal, and as the public house relies on the access from the main full element of the scheme being delivered, which is considered unacceptable, and there is no separate demonstration of a lack of suitable town centre locations, as this element has been considered as a less significant element of the scheme, the outline element is also recommended for refusal.

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 refusal 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

REFUSE FULL

1. The proposal fails to meet the sequential test requirements for convenience retail proposals in an out of centre location according to the NPPF paragraphs 24 and 27, Policies DEV26 and DEV27 of the Arun Local Plan (2003) and Policies RET SP1 and RET DM1 of the modified emerging Arun Local Plan (January 2018). In the absence of retail justification for the proposal in this location the proposal would also constitute unacceptable development in the countryside, contrary to Policy HD1 of the Angmering Neighbourhood Plan and Policies SD SP2 and C SP1 of the modified emerging Arun Local Plan (January 2018).
2. On the basis of the information submitted to the Local Planning Authority the applicant has failed to demonstrate that the application does not have an unacceptable adverse impact on adjoining occupiers, land, uses or property and, does not preclude the development of adjoining sites. The applicant has not demonstrated that by this application coming forward it

does not prevent a safe and suitable access being provided to adjacent sites in accordance with policy GEN7 of the Arun Local Plan.

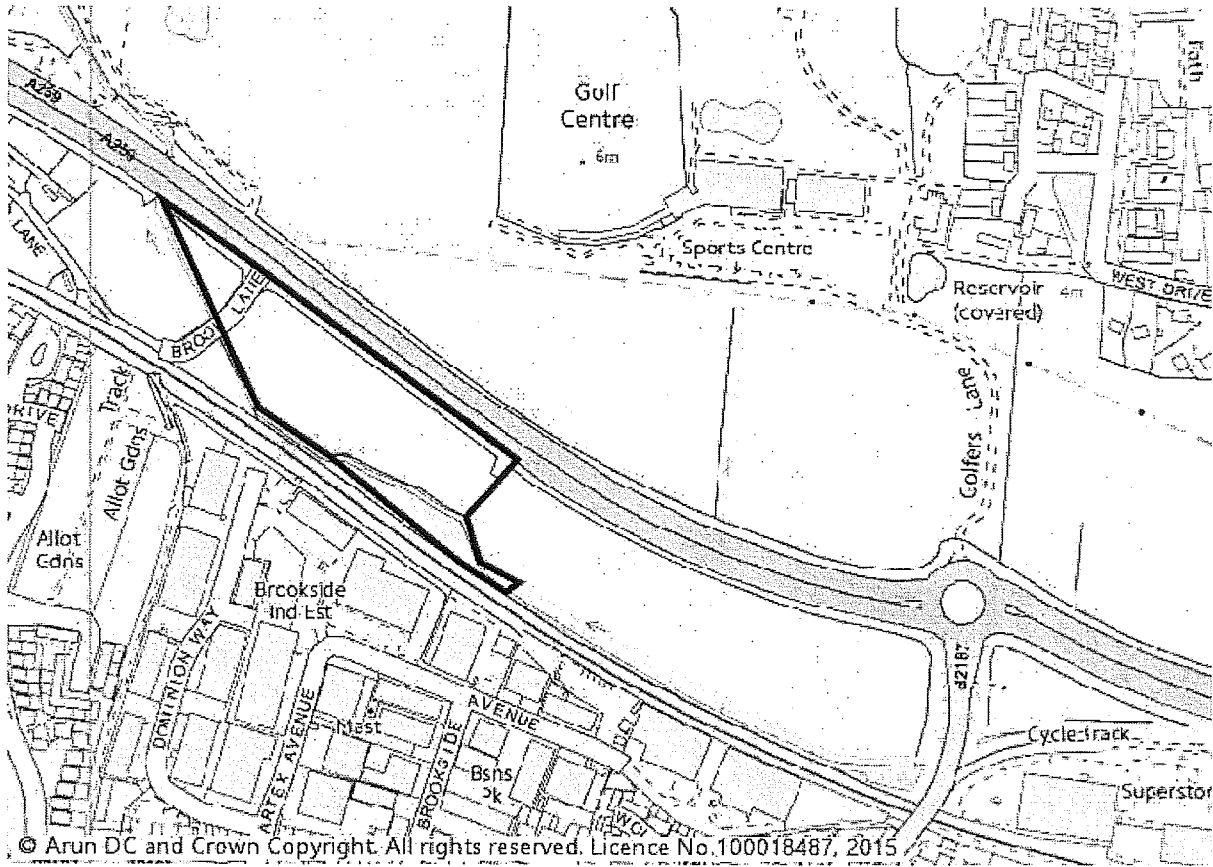
REFUSE OUTLINE

1. As part of the overall Full scheme, the proposal fails to meet the sequential test requirements for convenience retail proposals in an out of centre location according to the NPPF paragraphs 24 and 27, Policies DEV26 and DEV27 of the Arun Local Plan (2003) and Policies RET SP1 and RET DM1 of the modified emerging Arun Local Plan (January 2018). In the absence of retail justification for the proposal in this location the proposal would also constitute unacceptable development in the countryside, contrary to Policy HD1 of the Angmering Neighbourhood Plan and Policies SD SP2 and C SP1 of the modified emerging Arun Local Plan (January 2018).

3. As part of the overall Full scheme, on the basis of the information submitted to the Local Planning Authority the applicant has failed to demonstrate that the application does not have an unacceptable adverse impact on adjoining occupiers, land, uses or property and, does not preclude the development of adjoining sites. The applicant has not demonstrated that by this application coming forward it does not prevent a safe and suitable access being provided to adjacent sites in accordance with policy GEN7 of the Arun Local Plan.

A/23/15/OUT

A/23/15/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: A/84/17/PL

LOCATION: Rustington Golf Centre
Golfers Lane
Angmering

PROPOSAL: New retail unit with mezzanine together with associated car parking & service road
- This is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This planning application (A/84/17/PL) is for the development of a retail unit, incorporating a mezzanine space on land currently occupied by a 3 Hole Academy Golf Course at Rustington Golf Centre, in Angmering. The proposed retail unit would occupy a building measuring 7.5 metres high, by 55.0 metres long, by 49.0 metres wide (deep), with a gross internal floor area including the mezzanine (1,393 square metres for the mezzanine), comprising 3,807 metres square in total. The retail unit would be constructed with laminated timber frame, vertical cladding and aluminium framed glazing system, with aluminium doors and membrane flat roof covering. Go Outdoors is the intended occupier of the proposed retail unit.

The applicant estimates that 16 full time staff and 34 part time staff would be employed at the retail unit. It is anticipated that the opening hours will be 9.00am to 8.00pm Monday to Friday, 9.00am to 6.00pm on Saturdays and bank holidays and six hour trading on Sundays in a period ranging between 9.00am and 6.00pm.

The applicant is also proposing the development of a 278 space car park and a service road, together with hard and soft landscaping.

The retail unit, car parking and service road which are the subject of this application (A/84/17/PL) are being proposed in substitution for the approved 9 five-a-side football pitches and associated football building incorporating changing facilities and a bar, which were granted planning permission in January 2017 (A/77/16/PL). The proposed retail unit, would be developed alongside the remaining elements approved leisure facilities at the front of the Golf Centre comprising a 63 bed hotel, a pub / restaurant, an indoor trampoline and laser tag centre, a forest adventurer kiosk and a nursery with associated infrastructure and landscaping (A/77/16/PL).

SITE AREA

The total site area is approximately 3.45 Hectares.

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| TOPOGRAPHY | The site is predominantly flat with a very gentle slope from east to west. |
| TREES | The site has mature trees along the boundary with the highway; and there are tree belts throughout the courses within the Rustington Golf Centre. There is a narrow belt of mature Monterey Pine trees between the application site and the the 9 hole pitch and putt course and clusters of trees within the Three Hole Golf Teaching Academy course. |
| BOUNDARY TREATMENT | To the south, the site has extensive tree screening along the post and rail fence boundary with the A259 to the south. The north of the application site is bounded by a laurel hedge and the existing car park. The west side of the application site is open to the existing golf course. The eastern boundary of the application site is formed by the narrow belt of mature Monterey Pine trees. |
| SITE CHARACTERISTICS | Rustington Golf Centre includes an 18 hole golf course, a 9 hole golf course, a 3 hole academy course and an 18 hole putting green which are situated in a parkland setting. The character is landscaped fairways with golf course features. The application site is located to the south west of the Golf Centre comprising the 36 bay driving range and American Golf shop and cafe, Virgin Active Health Club and an Out of Bounds Family Activity Centre with bowling alley. Rustington Golf Centre is separated from the Ham Manor housing estate by substantial landscaping. The site is accessed via Golfers Lane, to the east of the site, which is approximately 5.5 metres wide and enables two way vehicular movement between the Rustington Golf Centre and the strategic road network via the A259 / Mill Lane roundabout. There is a 346 space car park which serves the existing golf and leisure facilities. |
| CHARACTER OF LOCALITY | The land to the south of the A259, facing Rustington Golf Centre, has undergone considerable development in the last few years. The Rustington Retail Park which comprises the Sainsbury's superstore and retail warehouse units occupied by Pets at Home, Halfords and Dunelm is located on the southern side of the A259. There is a new car showroom on land to the west of the Rustington Retail Park operated by BMW / Mini. The Manor Retail Park is located adjacent to the car showrooms and it is occupied by a Next, Tapi Carpets and an Aldi foodstore. Brookside Business Park, which comprises mainly appliance stores is located approximately 1 kilometre to the south of the application site. Littlehampton town centre is 4.8 kilometres from the site; and the centre of Rustington is 1.66 kilometres away. |

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| RELEVANT SITE HISTORY |
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| A/77/16/PL | Leisure development consisting of 9 No. 5 a side pitches, App Cond with S106 trampoline/laser tag centre, hotel, pub/restaurant, forest 25-01-17 |
|------------|--|

adventure kiosk, nursery, sub-station & associated infrastructure & car parking. This application is a Departure from the Development Plan.

| | | |
|------------|---|----------------------------------|
| A/95/14/PL | New miniature golf course | ApproveConditionally 19-09-14 |
| A/29/12/ | Change of use of vacant building from family activity centre (D2) to restaurant/cafe (A3) with ancillary food preparation/packaging (B1), farm shop (A1) & hot food takeaway (A5). Minor amendments to northern elevation. (Re-Submission following A/120/11) | App Cond with S106 16-10-12 |

The application site originally received planning permission for its current uses in 1991 and there have been a number of applications, including the addition of the miniature golf course in 2014.

Planning permission (A/77/16/PL) comprised of 936 square metres of pub/ restaurant use (Class A3/A4), 2,254 square metres of hotel use (Class C1 - 63 bed hotel), 555 square metres of nursery use (Class D1), 2,544 square metres of trampoline / laser centre (Class D2), 465 square metres of changing facilities (Class D2), forest adventure and a 100 square metre kiosk (Class D2); 9 five-a-side football pitches and 234 parking spaces. Access to this leisure development was approved via the existing access road off Golfers Lane. This planning permission was accompanied by a Section 106 Agreement to cover the provision of the off-site footpath / cycle path.

The proposed development (A/84/17/PL) replaces the 9 five-a-side football pitches granted as part of planning permission (A/77/16), with a retail unit measuring 3,807 square metres. Parking provision in the current application (A/84/17/PL) is increased by 44 spaces (from 234 spaces to 278 parking spaces) and 3 lorry parking bays, a new separate service road within the site to serve the rear of the units and a footpath along Golfers Lane to facilitate pedestrian access into the site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Objects.

- Impact on surrounding area, particularly traffic levels on the A259.
- Highway safety, as a result of the increased vehicle movements (comments from Highways England also noted).
- Need for a retail development of this kind in the area is not demonstrated. Multiple negative impacts on local retail outlets. Retail assessment does not include Angmering.

Rustington Parish Council:

Objects.

- If the particular tenant does not move into the proposed A1 retail unit, then permission would be in place for any type of retail unit, which could result in yet another grocery/food outlet in what can only be

described as an already saturated area in respect of such units. The retail impact of this possibility is not assessed in this planning application and, therefore, significant changes would need to be made to the Retail Assessment to consider any other such operator.

- The Section 106 Agreement from planning application A/77/16/PL makes financial provision for an improvement of access at the entry point to the site for cycles and pedestrians. This needs to be a condition imposed on this application and should also be part of the remit for the Travel Plan Co-ordinator, as without correct implementation of this access route the Travel Co-ordinator will be unable to achieve and deliver its own objectives.

- It is unfortunate that the Local Highway Authority does not consider that the severe increase in traffic, which will be generated by the proposed retail unit, will be a risk to the strategic road network in the vicinity. The current congestion in Mill Lane is of extreme concern, particularly as any increase in traffic levels would result in gridlock for road users exiting Rustington.

- The Travel Plan does not comply and, most certainly, contravenes Policy GEN4 of the Arun District Local Plan 2003.

- The Travel Plan contains a number of inaccuracies, including the fact that there is currently no Number 12 bus service. Whilst this is scheduled to be re-instated this is purely on a 6 month trial basis and there is no guarantee without the necessary funding from relevant bodies that this service will continue.

Rustington Parish Council would also like its previous objection to planning application A/77/16/PL to receive consideration by the LPA when determining this application:

- Access - danger to traffic at roundabout. Current reported accidents on roundabout number 28. More traffic will, on average, see more accidents. The reliance on car sharing is felt to be over optimistic. This could be alleviated by a) bringing forward the enhanced 2021 plan for road improvements, b) possibility of a second entrance from the A259 at the western end of the site.

- Accessibility on foot - concern for pedestrians crossing from Rustington across the roundabout to the proposed development. There is no nearby pedestrian crossing. There is no pedestrian provision at the entrance to the site and no provision for prams or wheelchairs. The access road has no pedestrian areas or paths. This could be alleviated by a) the provision of a footbridge or subway across the roundabout, b) the provision of a footpath between the Sainsbury's/Retail Park crossing and the north-eastern entrance to the site for safe pedestrian access, c) moving forward the 2021 enhancement of the entrance to be implemented at the same time as the development.

- Accessibility by cycle - this is inadequate on such a busy roundabout. This is not covered to any degree in the travel plan. This could be alleviated by a) a subway under the roundabout, b) the provision of a cycle path between the Sainsbury's/Retail Park crossing and the north east entrance to the site, c) the bringing forward of the 2021 enhancement of the entrance to implement improved cycle access.

Littlehampton Town Council:

Objects.

- Concerns were expressed regarding the ability of pedestrians to safely negotiate the site and it was considered that more footpaths were required to facilitate this.

- The lack of access to the site for pedestrians from the direction of Rustington and Littlehampton was also highlighted, as well as the absence of public transport.

- The inner road network should be widened to accommodate the growth in traffic.

- If planning permission is granted, a contribution should be sought from the applicant towards the development of public transport initiatives.

The Joint Eastern Arun Area Committee (JEAAC):

The JEAAC raised concern in respect of the traffic flow problems that the increased use of the access road from the roundabout would cause for highway users, and concern over the road width and capacity within the site.

COMMENTS ON REPRESENTATIONS RECEIVED:

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

CONSULTATIONS

Highways England
Listed Building Officer
Surface Water Drainage Team
Parks and Landscapes
Economic Regeneration
Southern Water Planning
Sussex Police-Community Safety
Engineers (Drainage)
Engineering Services Manager
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND:

On 13th June 2017 Highways England submitted a representation claiming there was insufficient information provided by the applicant on which to base an informed decision in relation to the potential impacts of the development on the Strategic Road Network.

1. The traffic impact of the proposed development is now much higher following replacement of the football pitches with the proposed retail unit, and more information is requested on the type of retail unit proposed.
2. It is not clear how many trips are expected to end up at the A27 and no consideration has been given to the impact of the proposed development on the A27.
4. The applicant needs to consider this proposed site in relation to the cumulative impacts of the emerging Local Plan proposals at the end of the emerging Local Plan period.
5. The applicant should either demonstrate that the proposed development has no detrimental impact on affected A27 junctions (with A284 to the west and with A280 to the east in particular) or where this is not the case provide appropriate mitigation.

On 24th August 2017 Highway's England submitted a second consultation response informing the LPA that the applicant had provided a Technical Note in response to HE's comments of 13th June 2017. Highways England expects that proportionally more traffic would use the A27 junctions than proposed and the use of travel to work data may not be appropriate in this situation and is still concerned that the proposed development has the potential to cause severe harm to the Strategic Road Network.

On 21st September 2017, Highways England reviewed the additional information provided by the applicant and requested that the impact on the A27 needs to be considered for the development in its entirety based on gross trips. Even if the proposed distribution is accepted (which Highways England considers low for the A27 as previously outlined), there would be 43 two way trips in the PM peak hour and 51 in the Saturday peak at the A27 / A280 junction.

On 18th October 2017 the applicant submitted a further Technical Note assessing the traffic impact of the proposed development on the A27/A280/Titnore Lane southern roundabout and the A27/A280/Long Furlong northern roundabout. The Technical Note demonstrated that the gross impact of the proposed development would result in an immaterial impact on the junctions and concluded that "the gross impact of the development proposals at Rustington Golf Centre will not result in any adverse disruption to the

free flow of traffic on the surrounding highway network and certainly not lead to a severe impact as is outlined in the NPPF".

On 6th November 2017 Highways England withdrew its objection and was satisfied that the trips generated by the proposed development would be of a level that would not materially affect the safety and / or operation of the Strategic Road Network.

LOCAL HIGHWAY AUTHORITY:

No objection, subject to the replication of conditions/obligations imposed on planning permission A/77/16/PL for the leisure development at Rustington Golf Centre.

A Transport Assessment has been submitted building upon work undertaken in support of planning application A/77/16/PL. The applicant proposes modification of the Golfers Lane arm, as previously assessed through planning application A/77/16/PL, and future year testing of the proposed layout demonstrates that the operation of the junction (in particular the Golfers Lane arm) will operate within theoretical capacity. A cycle/footway is proposed as per planning permission A/77/16/PL. This will now connect into an internal 2 metre wide footway, with cyclists discharged onto Golfers Lane. Internally, a service road provides access to the rear of the commercial buildings. The proposed provision of 278 parking spaces will fall within the maximum car parking standard of both WSCC and Arun District Council. The forecast indicates that approximately 35% residual capacity will remain, which will ensure a sufficient supply of parking to cater for peak periods associated with the uses (i.e. school holidays / Christmas period).

SOUTHERN WATER:

No objection.

There is currently inadequate capacity in the local network to provide a water supply to service the proposed development. Additional off-site mains, or improvements to existing mains, will be required to provide sufficient capacity to service the proposed development. There is a critical public foul rising main within access to the site; the exact position of the public sewers must be determined on site by the applicant. No development or new tree planting should be located within 4 metres either side of the centre-line of the 4.5 metres diameter public foul rising main and all existing infrastructure should be protected during the course of construction works; no new soakaways should be located within 5 metres of a public foul rising main. The applicant may wish to divert the public rising main. In this case, Southern Water requests a formal application for a sewer diversion under Section 185 of the Water Industry Act 1991 to divert the critical public sewer. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. Initial investigations indicate that there are no public surface water sewers in the immediate vicinity of the site. Alternative means of draining surface water from this development are required; which should not involve disposal to a public foul sewer. The applicant will need to ensure that arrangements exist for the long term maintenance of the SuDS facilities; good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

WSCC (FLOOD RISK MANAGEMENT):

No objection.

Modelled surface water flood risk is low; and modelled ground water flood risk is high. The potential for ground water contamination within a Source Protection Zone has not been considered by the Lead Local Flood Authority (LLFA). The submitted FRA proposes that infiltration will be used to restrict the run-off from the development to greenfield run-off rates. The drainage designs should demonstrate that the surface water run-off generated up to and including the 100 year, plus 30% for climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. Development shall not commence until full details of the maintenance and management of the SUDs

system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority.

ADC DRAINAGE:

No comments as the proposed development comprises only one unit and is outside the Lidsey Catchment Area.

ADC ECONOMIC DEVELOPMENT:

No objection.

It is noted that the applicant states that if permission for the retail unit is not forthcoming the whole leisure development will not go ahead. Whilst the Economic Development Team is concerned that a development on such a scale should hinge on a retail permission it is still of the opinion that there would not be another suitable retail unit within the vicinity. The applicant states that the development would bring around 50 jobs and Economic Development would still ask, as previously, that the applicant demonstrates their commitment to the locality by agreeing to sign the Developer and Partner Charter and works with the Economic Development Team to involve local trades in the building of the development.

ADC GREENSPACE:

No objection.

The submitted application includes existing landscape features such as screening trees and hedgerows, which must be protected and retained. A detailed landscape scheme will need to be proposed that will maximise the biodiversity of the site in its semi-rural setting with the inclusion of mixed ornamental and native species for the retention of a variety of habitats; and include mitigation planting for removed vegetation and additional planting would be required to provide screening and to soften what is presently a green area. The submitted tree retention and protection plan indicates the tree protection measures to be taken. Before construction, this tree protection scheme must be in place for all retained trees including trees whose tree protection areas fall within the construction zone, in accordance with BS 5837:2012 'Trees in relation to construction'.

The work carried out by KKP (consultants employed by Arun District Council to inform the evidence for the Playing Pitch Strategy) was on the basis of the facilities in place when they undertook their study - April / May 2016, rather than facilities that were proposed. A planning permission for the leisure development including the 9 five-a-side football pitches is in place, but the facilities were not provided and therefore not in place. On this basis it could not be deemed to be a loss of sports facilities, however, it is regrettable that they will not be provided. It is noteworthy that there was no interest in facilities, however, these would have been for facilities for which there would be a cost associated for their use at Rustington Golf Centre.

SUSSEX POLICE:

No objection, but recommended that the development be constructed to Secured by Design standards.

COMMENTS ON CONSULTATION RESPONSES:

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

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| POLICY CONTEXT |
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Designation applicable to site:

Outside the Built-Up Area Boundary (BUAB)

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

| | |
|-------|---|
| GEN23 | The Water Environment |
| GEN11 | Inland Flooding |
| GEN12 | Parking in New Development |
| DEV26 | Criteria for Retail Development |
| DEV27 | Retail Development Outside the Principal Shopping Areas |
| GEN15 | Cycling and Walking |
| GEN18 | Crime Prevention |
| GEN2 | Built-up Area Boundary |
| GEN25 | Water Resources |
| GEN26 | Water Quality |
| GEN28 | Trees and Woodlands |
| GEN29 | Nature and Conservation Across the District |
| GEN3 | Protection of the Countryside |
| GEN14 | Public Transport |
| GEN32 | Noise Pollution |
| GEN33 | Light Pollution |
| GEN7 | The Form of New Development |
| GEN8 | Development and the Provision of Infrastructure |
| GEN9 | Foul and Surface Water Drainage |

Publication Version of the Local Plan (October 2014):

| | |
|---------|---|
| D DM1 | Aspects of Form and Design Quality |
| D SP1 | Design |
| QE DM1 | Noise Pollution |
| QE DM2 | Light Pollution |
| ENV DM4 | Protection of Trees |
| ENV DM5 | Development and Biodiversity |
| GI SP1 | Green Infrastructure & Development |
| QE SP1 | Quality of the Environment |
| T DM1 | Sustainable Travel and Public Rights of Way |
| SD SP2 | Built -Up Area Boundary |
| C SP1 | Countryside |
| T SP1 | Transport and Development |
| W DM1 | Water Supply & Quality |
| W DM2 | Flood Risk |
| W DM3 | Sustainable Urban Drainage Systems |
| RET DM1 | Retail Development |
| RET SP1 | Hierarchy of Centres |

Angmering Neighbourhood Plan 2014 POLICY TM2 Cycling Walking & Equestrian

Angmering Neighbourhood Plan 2014 POLICY EH3 Flood Prevention

Angmering Neighbourhood Plan 2014 POLICY TM1 Local Highways

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

PLANNING POLICY GUIDANCE:

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

POLICY COMMENTARY

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

A new Local Plan is in preparation and constitutes a material consideration when determining planning applications. The Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was suspended whilst Arun District Council addressed matters raised by the Inspector and published modifications to the emerging Local Plan, but it resumed on 17th September 2017 and has now concluded. The Main Modifications to the emerging Arun Local Plan and evidence base were available for public consultation over a six week period which started on Friday 12 January and ended on Friday 23 February 2018. The District Council is awaiting the Inspector's report which is due out in June/July 2018.

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

The Neighbourhood Development Plan

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

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

Angmering Neighbourhood Plan was made on 11th March 2015. Relevant Angmering Neighbourhood Plan (ANP) policies have been taken account of and are addressed in the 'Conclusions' section of this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it adds new retail development to an existing commercial leisure location without impacting further on the rural character; and 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 commercial leisure site which comprises Rustington Golf Centre exists within an area that lies in a countryside location outside the built-up area boundary where the principle of development is considered to be unacceptable. Development Plan policies seek to exert strict control over development in the countryside to protect it for its own sake. Development will only be permitted where there is a strong justification for a countryside location. The Government's advice indicates that planning authorities should continue to ensure that the quality and character of the wider countryside is protected and where possible enhanced.

Development outside the built up area boundary:

The Arun Local Plan (the 'ALP') shows the site as lying within an area outside the built up area boundary (as established by Local Plan Policies GEN2 and GEN3). Within this area only certain categories of development are allowed as an exception to the general policies of restraint that apply. The proposal does not fall into one of these exceptions, however, GEN2 includes clause which states that outside the built-up area boundaries development will not be permitted unless consistent with other Local Plan policies. GEN3 (iv) also refers to development not being permitted unless it accords with a policy in Sections 2 and 3 of the plan referring to a specific use or type of development. Retail development therefore needs to be considered in relation to Policies DEV26 and DEV27 before it can be determined if the proposal complies with GEN2 and GEN3.

The site lies outside the built up area boundary set out in the Angmering Neighbourhood Plan Policy HD1 ('the ANP') which seeks to limit new development to within the boundary to prevent encroachment into the open countryside. The policy also includes the wording 'development outside the Built-up area Boundary shall not normally be permitted subject to the other policies in the Neighbourhood Plan, the emerging Arun Local Plan and the South Downs National Park Local Plan'. There are no relevant retail policies in the ANP but as it cross-refers back to the emerging Arun Local Plan, the retail policies below would be applicable in determining compliance with HD1.

The modified emerging Arun Local Plan (January 2018) (the 'modified eALP') shows the site as outside the built up area boundary and partly within a Biodiversity Opportunity Area. Therefore, the application should be contrary to Policy SD SP2 of the eALP which seeks to focus development within the built up areas, rather than countryside. Policy C SP1 restricts development in the countryside unless it meets the criteria in the policy (a) to (e) or accords with other policies in the Plan which refer to a specific use or type of development (f). The proposal does not meet any of the criteria (a) to (e), but criterion (f) means that it should be considered under Policy RET DM1 which specifically covers retail development. The conclusion on compliance with C SP1 is therefore considered later in the report in conjunction with RET

DM1.

The weight ascribed to these policies needs to be assessed. Policies GEN2 and GEN3 in the Arun Local Plan are considered to have reduced weight as the ALP does not plan for retail development beyond 2011, it pre-dates the NPPF and the built up area boundaries are based on development needs as they were understood in 2003. The protection of the countryside for its own sake (GEN3) is also not consistent with the NPPF. Therefore, GEN2 and GEN3 should be given minimal weight.

Policy HD1 of the ANP has an identified objective of retaining the rural character of Angmering through defining the built up area boundary. As a more recently made neighbourhood plan Policy HD1 has full weight as part of the development plan.

The modified eALP has been through examination and further consultation on modifications following the examination which has now concluded and the Inspector's report awaited. Therefore, as it is close to being able to be adopted, and there are no outstanding objections in relation to Policy SD SP2 and C SP1, some weight can be given to them as a material consideration.

Strictly speaking, the development of a new retail unit comprising 3,807 metres square in total, outside the built up area boundary would be contrary to the policies in the development plan and would be recommended for refusal. However, in this instance the proposal to increase the amount of built development on site is not going to intrude further in to the open countryside, instead it will be built on an area that is currently shown as a golf - teaching academy. The golf centre will retain the golf course and the 9 hole pitch and putt areas between the car park and the A259.

The principle of leisure development on the 3 hole Academy Course was established with the grant of planning permission (A/77/16/PL) in January 2017 for a leisure development. The leisure development comprised a 63 bed hotel, a pub / restaurant, an indoor trampoline and laser tag centre, 9 five-a-side football pitches and associated football building incorporating changing facilities and a bar, a forest adventurer kiosk and a nursery with associated infrastructure and landscaping (A/77/16/PL). The retail unit, car parking and service road which are the subject of this application (A/84/17/PL) are being proposed in substitution for the approved 9 five-a-side football pitches and associated football building.

The site is located within the 'made' Angmering Neighbourhood Plan area and the Plan confirms that there is a presumption in favour of sustainable development. The NDP follows the guidance set out in the NPPF.

The NPPF sets out that the planning system does everything it can to support sustainable economic growth (Para19). Paragraphs 26 & 27 set out that for retail developments outside of town centres, which are not in accordance with an up-to-date local plan, local planning authorities should require an impact assessment. Only where an application fails to satisfy the sequential test or is likely to have significant adverse impact should be refused. This proposal does meet the sequential test and does not have a significant adverse impact on the relevant factors.

ECONOMIC BENEFITS

The economic benefits of the proposed retail unit include the employment of 50 people - i.e. 16 full time staff and 34 part time staff. The range of goods that could be available for sale at the retail unit comprise: DIY, building and garden supplies, carpets and floor coverings, furniture, furnishings and homewares, motoring and cycling goods and accessories, electrical goods and related ancillary ranges, tents, camping, caravanning and outdoor leisure activity equipment and accessories and an associated ancillary outdoor clothing and footwear range.

LOSS OF SPORTS PITCHES

The Retail Assessment claims the need for this planning application arises due to a lack of interest by potential operators of the 9 five a side football pitches which stems from competition from nearby established five a side football pitch operators; and the importance of finding a suitable replacement use to the five a side football pitches, to ensure the overall viability of the approved leisure scheme at Rustington Golf Centre.

The applicant has submitted evidence that there is no interest in the take-up of the approved football pitches. When the approved leisure development is taken as a whole including a hotel, a pub / restaurant, an indoor trampoline and laser tag centre a forest adventurer kiosk and a nursery with associated infrastructure and landscaping (A/77/16/PL); the retail unit, car parking and service road which are the subject of this application (A/84/17/PL) are being proposed in substitution for the approved 9 five-a-side football pitches and associated football building incorporating changing facilities and a bar. The Local Planning Authority agrees with the claims made by the applicant regarding the lack of interest by potential operators; however, these would have been for facilities for which there would be a cost associated for their use at Rustington Golf Centre; and it is considered that the loss of the 9 five-a-side football pitches is acceptable and that the retail development is fundamental to the delivery of the wider leisure scheme that has been granted planning permission at Rustington Golf Centre.

RETAIL DEVELOPMENT POLICIES

The National Planning Policy Framework says: "Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale" (NPPF paragraph 24).

"When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor-space threshold, the default is 2,500 square metres). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal: and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made" (NPPF paragraph 26).

"Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused" (NPPF paragraph 27).

Policy DEV26 of the Arun District Local Plan seeks to maintain the existing retail hierarchy in the District. The site is shown as outside the built-up area boundary and not in any of the Principal Shopping Areas. It therefore falls to be considered as an out-of-centre development and be subject to Policy DEV27.

Policy DEV27 states that planning permission will be granted for proposals for food and non-food retail outside the Principal Shopping Areas provided that:

- i) The proposal does not adversely affect the vitality and viability of the Principal Shopping Areas and local shopping areas, either as an individual development or cumulatively with similar existing or proposed developments;
- ii) The site is accessible from the highway network and by public transport;

- iii) There is provision for access by cycle and on foot; and
- iv) There is provision to enable access for people with disabilities.

Policy DEV27 requires a full impact assessment and sequential site analysis and applicants are required to demonstrate a need for additional facilities.

Where permission is granted, conditions will be applied as appropriate to restrict the range of goods sold and the minimum size of units (to not less than 1,000 square metres) with no further sub-division allowed.

Policy RET SP1 of the modified emerging Local Plan (2011-2031) seeks to retain the existing retail hierarchy and to make Littlehampton and Bognor Regis the main focus for retail development. Rustington is intended to maintain its existing role as a Local Service Centre providing a good range of shops serving the local population. Out of centre retail development is controlled by Policy RET DM1 of the modified emerging Local Plan and this will establish the NPPF impact tests and expresses the sequential test.

The planning application was accompanied by a Retail Assessment which describes in detail the relevant planning policies regarding the proposed retail unit and how these policies have been addressed. The scope of the Retail Assessment was agreed with Arun Council's planning officers.

SEQUENTIAL TEST

In terms of the sequential test, the current application for the Go Outdoors store at Rustington Golf Centre potential sites were identified by reference to the development plan together with surveys of the town centres of Littlehampton and Rustington undertaken by the applicant in April 2017, which assessed the following sites:

- * Former Waitrose, Avon Road, Littlehampton;
- * St Martin's Car Park, Littlehampton; and
- * Former Chandlers Car showroom, Ash Lane, Rustington

The accommodation in the former Waitrose store is arranged over two floors with approximately 1,760 square metres on the ground floor with 617 square metres at the first floor. The amount of available retail floor-space is 1,430 square metres smaller than that proposed by the Go Outdoors development. The retail assessment considered that even if the Waitrose site is assessed flexibly, Go Outdoors has a minimum floor-space requirement of 3,000 square metres, meaning that the unit is still some 623 square metres too small.

The retail assessment considered the St Martin's Car Park site was currently in active use as the main visitor car park serving the town centre and therefore was not available for the proposed development. The development of the site for a Go Outdoors store would require the retention of the car parking, which is likely to require the costly provision of multi-storey or under-croft car parking; and part of the site is in use by a third party as a tyre centre, so it is not considered available for development.

The former Chandlers Car showroom site is currently being developed in accordance with the planning permission (R/37/16/PL) for refurbishment and change of use from a ground floor car showroom and first floor flats to restaurant and cafes. The approved use extends to approximately 401 square metres. Consequently, the site is not available and is unsuitable for the proposed Go Outdoors development given that it is not of a sufficient size to accommodate the proposed retail warehouse unit.

The existing planning permission for bulky goods retail floor-space at Oldlands Farm to the north of Bognor Regis, close to the existing retail warehouses at Shripney Road is not available to the applicant and it is unclear what format this will take. The retail assessment considered that Oldlands Farm is no more sequentially preferable to the application site at Rustington Golf Centre in terms of its proximity and

linkages to town centres.

The applicant engaged with the LPA at pre-application stage and agreed the basis of the retail assessment, focussing on Littlehampton and Rustington, consistent with the approach adopted by the LPA with respect to its assessment of comparable out of centre retail planning proposals. In relation to the sequential test, there is only one site in contention, the former Waitrose store in Littlehampton town centre.

The LPA accepts the applicant's claim that the former Waitrose store is not suitable for the proposed retail unit even when substantial flexibility is applied in relation to the size of the store; and that site has been subject of discussions relating to alternative residential led use. It is considered reasonable and necessary to impose a condition preventing the sub-division of the retail unit, to ensure the nature of the floor-space does not change. However, it is concluded that the sequential test is met.

RETAIL IMPACT

The NPPF requires out of centre retail proposals which do not benefit from a specific allocation in an up-to-date Local Plan and that exceed 2,500 square metres floor-space to be tested in terms of their potential impact upon town centres to determine whether there would be any significant adverse effects.

The proposed development would have a catchment area typically extending to an approximately 20 minute drive time. This has regard to the proximity of the nearest Go Outdoors store at Southampton. For the purpose of assessing the trade draw and impact of the proposed development, the study area for the Council's Retail Study, 2013, updated in October 2016 - which forms the retail evidence base for the emerging Local Plan - has been utilised. The study period for the assessment of the proposed development has a start year of 2017 and a 'design' year of 2021, i.e. a four year period to enable planning permission to be granted, the scheme to be constructed and a period for the new store to adopt a regular trading pattern.

The proposed store is expected to have a turnover of £8.99M by 2021, based upon the assumption that 80% of the proposed floor-space would comprise the net sales area of the store (3,046 square metres net). This assumes an average sales density of £2,500 per square metre (2013) grown to £2,952 per square metre by 2021 which is comparable to that achieved by bulky goods retailers and is consistent with the sales density adopted by the Arun District Retail Study 2013, updated in 2016 and that adopted by others in respect of comparable retail proposals (e.g. bulky goods component of the Manor Retail Park).

The retail assessment concludes that the proposed retail development would not have a significant adverse effect upon either Littlehampton or Rustington town centres. Given the restricted ranges of goods which are proposed to be sold, the effect of Go Outdoors by itself on the town centres would be very limited, amounting at worst to 0.77% on Littlehampton and 0.53% on Rustington. The lack of direct comparables within Littlehampton and Rustington means that neither centre would experience significant levels of trade diversion which might be harmful to their overall vitality and viability.

The retail assessment was undertaken having full regard to recent relevant Court Judgements relating to retail development and the application of the sequential test including the need for such assessments to be conducted in a 'retailer blind' manner. There is nothing in the adopted or proposed replacement Local Plan which restricts the development of new retail development such as this outside the settlement boundary or indeed to the north of the A259.

It is considered that in terms of the retail impact, there is little likelihood of adverse impact on any town centre arising if the unit is occupied by Go Outdoors; as there are few shops selling that range of goods in the town centres of Littlehampton and Rustington.

BULKY GOODS

The retail assessment says: "In addition to the ranges of goods sold by Go Outdoors the applicant is also seeking a range of bulky comparison goods. The required ranges of goods would include DIY, furniture, floor coverings and electrical goods etc." The applicant submitted a bulky goods unit impact assessment (sensitivity assessment). The retail assessment claims that Littlehampton is under-served by specialist outdoor leisure retailers both in terms of in centre and out of centre provision; and the nearest existing Go Outdoors stores are located at Southampton and Basingstoke, some 73km and 88km away respectively.

Bulky goods are predominantly and commonly sold from out of centre locations rather than town centres; and there is an extensive array of out of centre retail warehouses within the locality. A bulky goods retailer would have a wide draw meaning that impacts would be dispersed and negligible upon town centres. Any impacts would occur on a like-for-like basis in the form of competition with comparable out of centre retailers. The levels of impact predicted to arise from Go Outdoors / a bulky goods retailer on town centres are not significant even when judged against reduced turnovers for town centres. The majority of the cumulative impact predicted to arise on town centres is as a direct consequence of other approved retail schemes as opposed to the proposed retail development. The cumulative impact is made up of just 13% and 7% of the bulky goods retailer (under the 'high scenario') for the application site with respect to Littlehampton and Rustington, meaning that 83% and 93% of the cumulative impact is comprised of approved retail commitments.

There is a point where it would be unreasonable to refuse a planning application on the basis of cumulative impact when the application's contribution to the cumulative impact is small. It is clearly a matter of planning judgement but in this case the weight given to the cumulative impact should be limited by this consideration. However, it is considered that the proposed retail unit operating under a "bulky goods condition", which would restrict the use of the retail unit for non-food purposes thereby ensuring the unit cannot be operated as a foodstore is unlikely to have a significant adverse impact on either Littlehampton or Rustington centres.

CONCLUSION ON RETAIL MATTERS

Consequently, it is considered that the sequential test is met with respect to the proposed retail unit being occupied by either Go Outdoors or a bulky goods operator; and the retail impact is acceptable. The proposed development, subject to the imposition of 3 conditions relating to a restriction on the sale of bulky goods, prevention of sub-division of the retail unit and a mezzanine floor-space condition, complies with Policy DEV27 of the Arun District Local Plan and Policy RET DM1 of the modified emerging Local Plan.

DESIGN, LAYOUT, CHARACTER AND APPEARANCE

The NPPF indicates that good design should contribute positively to making places better for people. Policy GEN7 of the ALP says: "planning permission will only be granted for schemes displaying high quality design and layout". Policy D SP1 of the eALP requires "all development proposals should be of good quality and demonstrate a high standard of design". Policy D DM1 of the modified eALP requires proposed developments to "make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding areas, in terms of its scale massing, aspect, siting, layout, density, building materials (colour, texture), landscaping and design features".

There are constraints on the site that affect the proposed layout of the retail development. An existing 12 inch gas main runs inside the southern boundary of the application site and there is a 10 metre easement which applies to the main. There are existing electricity pylons and overhead power lines which pass through the application site. The applicant has been in discussions with UK Power Networks regarding the distance of the proposed retail unit and the tree planting in the vicinity of the pylons and power lines.

The proposed retail building cannot be positioned safely too near to the overhead power lines so this space has been utilised for car parking. The car parking in this location means that it would be screened from the A259 by the proposed retail building and the approved trampoline building. The proposed staff car parking and refuse enclosure would also be screened by the existing and proposed planting.

The proposed retail building would be located next to and copy the design of the approved trampoline building and be aligned facing the existing leisure buildings at Rustington Golf Centre including Virgin Active and the Out of Bounds Centre. The reasoning is to maintain a landscape gap between the settlements. The location and siting of the retail building and the buildings approved under A/77/16/PL have been carefully considered. The development is proposed on an underused 3 hole golf academy. The site has overhead pylons and overhead lines, to the south side of the existing car park.

As the retail building would be part of a cluster of buildings to the south of the existing buildings it would allow the tall Monterey pine screen to be retained. This not only provides a significant screen between the development proposals and the residential properties to the east but maintains a buffer that comprises the pine tree screen and the existing 9 hole pitch & putt course. To move the retail building north would provide a far greater intrusion of built development in to the 'countryside'. The A259 is now a built-up corridor of development and the cluster of buildings of which the retail building would be part are designed to be low rise, flat roofed structures to the north of an existing landscaped tree screen. The proposed development also provides further landscaping between the A259 and the Golf Centre.

The design of retail building is contemporary, comprising a flat roofed block, measuring 7.5 metres high, which is clad in vertical timber with large glazing panels. The design is complimentary to the existing built development and ensures the proposal is not dominant in the surrounding golf course setting.

Consequently, it is considered that the proposed development at Rustington Golf Centre complies with Policy GEN7 of the ALP and Policies D DM1, D SP1 and QE SP1 of the eALP as it provides for a high quality design and layout.

FLOODING & DRAINAGE

Policies GEN23, GEN25 and GEN26 of the ALP require the protection of the water environment; and the NPPF requires that development does not give rise to an unacceptable risk of flooding detrimental to human health or property. Policy W DM2 of the modified eALP requires the submission of a site specific Flood Risk Assessment (FRA) which demonstrates that the development will be safe without increasing flood risk elsewhere and reduce flood risk overall; consider flood flow routing and utilise temporary storage areas.

The applicant has submitted a Flood Risk Assessment (FRA), which incorporates a Drainage Statement, with the planning application which identifies that the site lies within Flood Zone 1 (low risk). The FRA covers the area comprising the approved development (planning permission A/77/16/PL) for a pub/restaurant, 60-bed hotel, trampoline centre, creche, forest adventure kiosk and nursery, together with a service road and staff car park; which includes the site of the current planning application for a retail unit and car park (A/84/17/PL).

The flood risk to the site from tidal, pluvial, groundwater, artificial sources and sewers is assessed as either low or zero. The proposed development would result in an increase in impermeable area and a SuDS based surface water drainage strategy has been prepared that makes use of infiltration, with no run-off discharge off site. The applicant is proposing infiltration cellular storage under the main car park, draining the run-off from two-thirds of the roof area of the retail unit and the car park (A/84/17/PL); together with the roof of the already approved bar/restaurant, hotel and the trampoline building. Two infiltration cellular storage areas are proposed under the staff car park and the grassed area to the south of the proposed retail unit, collecting and draining the run-off from the service road and one-third of the

roof area of the proposed retail unit.

As a result of the proposed SuDS measures, the proposed development would not increase flood risk on or off the site and there are no residual flood risk issues - taking into account the impact of climate change - that would exclude the proposed retail development. It is considered that the proposed development complies with Policy W DM2 of the modified eALP regarding appropriate flood mitigation works and Policies GEN11, GEN23, GEN25 and GEN26 of the ALP.

GEN9 of the ALP deals with foul and surface water drainage: development which will materially increase foul and/or surface water discharges will be refused unless the LPA is satisfied that either adequate drainage capacity exists or appropriate drainage capacity can be provided as part of the development. Foul water drainage flows would discharge to the existing gravity foul water sewer to the north-east of the car park, with subsequent connection to the existing pumping station. Connections to existing sewers would require agreement from Southern Water. It is considered that subject to the surface water and foul drainage condition requested by Southern Water, the proposed development complies with Policy GEN9 of the ALP, Policy W DM1 of the modified eALP and Policy EH3 of the ANP.

HIGHWAYS AND TRANSPORT

Policy DEV27(ii) of the ALP says: "that planning permission will be granted for proposals for food and non-food retail provided that the site is accessible from the highway network." Policy T SP1 of the modified eALP says that "to ensure that growth in the District strengthens Arun's economic base, reduces congestion, works to tackle climate change and promotes healthy lifestyles; the Council will ensure that development: provides safe access on to the highway network; contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network".

Transport Assessment

The applicant has submitted a Transport Assessment as required by Policy T SP1(e) of the modified eALP. The application site is accessed off the A259 / Mill Lane roundabout. The A259 is a dual carriageway with a 50 mph speed limit in the vicinity of the site. Mill Lane, located to the south of the site is a two way carriageway with a single lane in each direction; providing access towards Brookside Business Park and residential areas. Mill Lane connects Ash Lane to the south which provides access to Littlehampton and the south coast.

The Transport Assessment included information on trip generation and traffic flows. It is estimated that there would be 53 vehicles in and 56 vehicles out totalling 109 vehicle movements during the weekday evening peak (i.e. 5.00pm - 6.00pm); and 119 vehicles in and 115 vehicles out totalling 234 vehicle movements during the Saturday peak (i.e. 11.45am - 12.45pm). The net change of anticipated vehicular trips associated with the proposed retail scheme when compared to the previously approved scheme for 9 five-a-side football pitches demonstrates there would be a net increase of 38 two way vehicle trips on a weekday and 183 on a Saturday. The proposed development is not expected to have a detrimental effect on the surrounding road network.

A259 / Mill Lane Junction

The results of the traffic modelling assessment indicates that during the '2021 baseline scenario' the A259 / Mill Lane roundabout operates over the theoretical capacity. It is proposed in the Transport Assessment to provide an additional lane on the Golfers Lane approach arm to improve the overall operating capacity of the roundabout during the '2021 with development' scenario such that it operates within theoretical capacity.

Internal service road

The provision of the proposed new service road to the rear of the retail unit would ensure that all refuse

collection / servicing manoeuvres could be suitably accommodated on site.

Access to the retail unit would be provided along Golfers Lane - the existing access road - and the applicant is proposing to develop a new mini-roundabout within the existing car park; and to widen and re-align Golfers Lane near to the roundabout with the A259 / Mill Lane. The Local Highway Authority has no objections to the alignment of the existing access into and from the Golf Centre.

In highway terms the proposal complies with Policy GEN7 of the ALP, Policy DEV27(ii) of the ALP and Policy TM1 of the ANP.

Parking Provision

Policy GEN12 of the ALP seeks to ensure that appropriate parking provision is made within the new retail development at Rustington Golf Centre. Policy DEV27(iv) of the ALP says "that planning permission will be granted for proposals for food and non-food retail provided that there is provision for access for people with disabilities".

The applicant is proposing to provide 278 parking spaces which includes 15 accessible spaces and 3 mini bus spaces, to serve the approved leisure development (A/77/16/PL) and the proposed retail unit. The overall development also includes the provision of 3 lorry bays. There is already an existing 345 space car park serving the Golf Centre, the Virgin Active Health Club and Out of Bounds (leisure facility). The applicant has carried out an empirical analysis of the parking demand generated by the proposed uses of the site based on the TRICS database. The TRICS database contains survey information of comparable land uses and the forecast parking demand generated would be representative of what would occur in comparison to what is established by the standards as set out in the West Sussex County Council maximum parking guidance, which says a maximum of 481 spaces. It is considered that the proposed parking provision of 278 spaces would sufficiently accommodate the parking demand generated by the proposed development and comply with the Council's maximum parking standards; with ample spare capacity for any overspill parking to be accommodated within the existing car park facility. The site currently has 345 car parking spaces and this will increase by a further 278, (623 total). The Local Highway Authority is satisfied with the level of parking.

In terms of cycle spaces, the proposed development includes the provision of 36 secure on-site cycling spaces accommodated within two secure structures, which exceeds the parking standards requirement of 1 cycle space per 8 car parking spaces; and is therefore acceptable.

Consequently, the proposed parking provision would be in accordance with Policy GEN12 of the ALP, Policy DEV27(iv) of the ALP and Policy T SP1 of the modified eALP.

Pedestrians and Cyclists

Policy GEN15 of the ALP says: "Where appropriate, new development will be required to provide safe and attractive facilities for cyclists and pedestrians, both within the site and in the form of links to the surrounding area". Policy DEV27(iii) of the ALP says: "that planning permission will be granted for proposals for food and non-food retail provided that there is provision for access by cycle and on foot".

Policy T SP1 of the modified eALP says: "The Council will support transport and development which gives priority to pedestrian and cycle movements".

As part of the planning permission (A/77/16/PL) for the hotel and associated developments a shared use cycle and pedestrian pavement has been approved which would extend westwards to provide access to the site for pedestrians and cyclists. A new 2.0 metre wide footway is being proposed along Golfers Lane, which would provide a connection to the proposed footway extension along the northern side of the A259 which formed part of the previous planning permission (A/77/16/PL).

The proposed development (A/84/17/PL) would not require an amendment to the Section 106 Agreement which accompanied the leisure development at Rustington Golf Centre (A/77/16/PL) covering the provision of the off-site footpath / cycle path. However, a condition is recommended whereby "prior to first occupation of the retail unit the vehicular, cycle and pedestrian access modifications approved under planning permission A/77/16/PL must be constructed in accordance with the approved planning drawing".

There is a dual pedestrian / cycle route along the southern side of New Road, between its junctions with Mill Lane and Station Road, which links Mill Lane and Rustington Retail Park; and toucan crossing facilities are provided at the signalised junction of New Road and Rustington Retail Park. The approved developments (A/125/13 and A/23/15), that are located opposite the application site, include the provision of a shared footway / cycleway along the southern side of the A259 and both the western and eastern sides of Mill Lane, which will link to the existing footway / cycleway off Mill Lane. This footway / cycleway will provide access to residential areas to the south and Rustington Retail Park to the east via Mill Lane. A new puffin traffic signal controlled crossing on Mill Lane also forms part of planning permission (A/125/13).

Consequently, the proposed cycleway and footway proposals are acceptable and the proposed development is in accordance with Policy GEN15 of the ALP, Policy DEV27(iii) of the ALP, Policy T SP1, Policy T DM1 of the modified eALP and Policy TM2 of the ANP.

Public Transport

Policy T SP1(a) of the modified eALP says: "The Council will support transport and development which is designed to reduce the need to travel by car by identifying opportunities to improve access to public transport services and passenger transport services".

There are bus stops at Rustington Retail Park, 700 metres to the south east of the application site and bus stops located on Mill Lane approximately 900 metres south of the site. Bus service 12 (Sainsbury's - Rustington - Littlehampton - Wick - Tesco) which runs every hour and Service 602 (Rustington - St Philip Howard School) which runs at 7.41am and 3.56pm on weekdays are available from these bus stops. Provision is made in planning permission A/125/13 for a bus layby and shelter within approximately 500 metres of the application site; the layby and shelter await implementation. Angmering railway station is located approximately 1.3 kilometres to the south-east of the application site; served by trains 5 times per hour to London Victoria, 4 times per hour to Brighton, 2 times per hour to Portsmouth, Southampton and Littlehampton.

Consequently, it is considered that the proposed development is accessible by public transport and it complies with Policy GEN14 of the ALP, Policy DEV27(ii) of the ALP and Policy T SP1(a) of the modified eALP.

Travel Plan

The applicant has submitted a Travel Plan which includes the following actions: install cycle parking spaces; liaise with car club operators; appoint a Travel Plan co-ordinator; include Travel Plan information in sales materials; produce Travel Packs; install notice boards and display travel information; investigate discounts for employees at a local cycle retailer; carry out travel surveys; organise annual sustainable travel events; promote car sharing schemes and car clubs; promote the health benefits of walking and cycling; promote cycle training events; monitor the use of on-site cycle parking and car parking; and review the Travel Plan.

The Travel Plan would be implemented by means of a condition. The proposed development complies with Policy GEN14 and GEN15 of the ALP and Policy T SP1 of the modified eALP.

ECOLOGY

Policy ENV DM5 of the modified eALP says that "development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site".

A Baseline Ecological Site Audit was submitted with the planning application which assessed the site as an intensively managed golf course with species-poor amenity grassland. The northern boundary contains an evergreen ornamental hedge, with several poplar trees off-site to the west. Many of the existing trees and shrubs are incorporated in to the design. The eastern boundary consists of a narrow woodland of mature Monterey Pines that divide the site from the remainder of the golf course, which are likely to provide shelter for birds and small mammals. The ground flora here has a very low species diversity although there are several log piles. The Audit recommends avoiding unnecessary negative impacts of new lighting at night which could affect bats, by minimising the hours when lighting is used; avoiding spillage by using directional down-lighting and reducing brightness. The habitat could be enhanced by the planting of native woody species along the southern fence to create a hedgerow; which would also provide linkage between the trees to the west of the site and the pine trees just beyond the eastern boundary.

It is recommended that a condition be imposed for the submission of a lighting scheme including the hours of lighting for the car park to ensure there is no adverse impact on the ecology of the area. Consequently, the proposed development complies with Policy ENV DM5 of the modified eALP, as the development would ensure there would be a net gain in biodiversity and existing habitats will be protected.

TREES

Policy ENV DM4 of the modified eALP requires developers to provide land and tree surveys (d), a tree constraints plan (e) and an Arboricultural Impact Assessment (AIA) to include a tree protection plan and Arboricultural Method Statement (f), which will ensure that development is planned to take a comprehensive view of tree issues at an early stage in the design process and that development works do not have a negative impact on existing trees.

The applicant has submitted a Tree Survey and Arboricultural Impact Assessment with the planning application. The proposed siting and alignment of the retail building does not encroach within the root protection areas of any trees that are to be retained. Consequently, no specialist foundation designs or construction techniques would be required to prevent damage to tree roots. Subject to planning permission, the AIA recommends that a detailed Arboricultural Method Statement and Tree Protection Plan should be provided; which would include fencing type, project phasing and an auditable monitoring schedule.

The intention is to retain the existing trees on site including the mature Monterey Pine trees in a narrow belt which separate the current Three Hole Golf Teaching Academy from the 9 hole pitch and putt course; and the trees along the southern boundary with the A259. The proposed retail development and the approved leisure development require the loss of 3 groups of trees located on the Three Hole Golf Teaching Academy. To the south the site was cleared of trees but the intention is to maintain the parkland setting around the proposed retail development, the approved leisure development and the golf course.

The ADC Greenspace Team is satisfied that Tree Protection Plan shows adequate protection for the trees which are retained; and that the proposed tree removals and retentions are acceptable. The existing vegetation to the eastern and southern boundaries is established and must be protected and retained. The submitted tree retention and protection plan indicates the tree protection measures to be taken. It is recommended that a tree protection condition be imposed. Before construction this tree protection scheme must be in place for all retained trees including trees whose root protection areas fall

within the construction zone.

Consequently, the proposed development complies with Policy ENV DM4(d), (e) and (f) of the modified eALP.

LANDSCAPING

The proposed development is to be constructed on the Three Hole Golf Teaching Academy which has tees, greens, bunkers and three areas of trees which will be removed as part of the proposal. There has been no objections from Greenspace to the removal of the three groups of trees.

The applicant is proposing a hard surfaced 'square' between the approved trampoline building and the proposed retail unit into the 'square' where the bar / cafe of the trampoline building can spill out.

It is recommended that a condition be imposed that requires the submission of a detailed landscaping scheme that will maximize the biodiversity of the site in its semi-rural setting with the inclusion of mixed ornamental and native species for the retention of a variety of habitats. This will need to include mitigation planting for removed vegetation and additional planting would be required to provide screening and soften what is presently a green area. This is required in order to encourage the proposals to fit within the setting.

Consequently, subject to the imposition of conditions, the proposed landscaping for the site is in accordance with Policy GI SP1 of the modified eALP.

RESIDENTIAL AMENITY

Arun District Local Plan Policy GEN7 indicates planning permission will only be permitted if it takes into account impact on adjoining occupiers, land, use or property. The NPPF states that new development should contribute positively to making places better for people. These guiding principles are also contained in the Angmering NDP.

The nearest residential properties to the site are over 20 metres away and the proposed retail development is not considered to result in any adverse impacts on the nearest residential properties by way of light pollution, noise or air quality. The proposed layout for the site would likely ensure that there would be no undue harm to the residents to the east of the golf centre and the retention of trees and the addition of further planting on the boundary would reduce the impact on the site location to the north of Rustington and west of Ham Manor Estate. It is considered that the proposed development complies with Policy GEN7 of the ALP and the NPPF.

LIGHT / NOISE POLLUTION

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

The site already has car park lighting but there will be additional requirements for the proposed car parking layout. The applicant is proposing to install lighting in the new car park which will be similar to the existing car park and comprise of columns and lights on timers. The retail unit may also have additional local amenity lighting or security lighting. It is therefore considered that this lighting would not have any impact on neighbouring amenity. No objections have been raised on noise grounds from the Environmental Health Officer.

Consequently, it is considered that the proposed development complies with Policies GEN32 and GEN33 of the ALP and Policies QE DM1 and QE DM2(a) to (d) of the modified eALP.

SUMMARY

The application site at Rustington Golf Centre is already in commercial leisure use.

The proposed retail unit would be accommodated in a building within a complex of buildings and complimentary leisure uses which already have planning permission (A/77/16/PL), which was granted in January 2017. This retail development (A/84/17/PL) and the approved leisure development (A/77/16/PL) at Rustington Golf Centre are not expanding into the rural area, but are to be sited between the existing built development and the A259 to the south of the Golf Centre.

The A259 corridor is beyond the built-up area boundary in both the existing Local Plan and the modified emerging Local Plan. The highway corridor includes a series of approved developments - BMW/Mini showroom, Manor Retail Park (Next/Aldi and one other retail unit). The proposed retail development has also been found to be acceptable in terms of countryside policies.

The application site is immediately to the north and will be a low height, flat roof contemporary building which would mirror the buildings already approved as part of the leisure development (A/77/16/PL) on the site of the existing Three Hole Golf Teaching Academy, with timber cladding and will be part of a cluster of buildings to the south of the Rustington Golf Centre car park.

The planning application (A/84/17/PL) was accompanied by an impact assessment, and additional information has been submitted by the applicant regarding the retail impact and the sequential assessment of sites within Littlehampton and Rustington.

The LPA has assessed the retail assessment and the additional information provided by the applicant and it is considered that there is no available or viable alternative site and that the retail impact on the neighbouring town centres is acceptable and accords with retail policy.

The application site has significant existing landscaping and a condition is recommended for additional landscaping that would enclose the development, but at the same time enable glimpses into the site.

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

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.

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| RECOMMENDATION |
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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:

- * Drawing Number 16-160022-PL41 - Location Plan
- * Drawing Number 5202-D Rev. C - Proposed Site Plan
- * Drawing Number 16-160022-PL36 Rev. C - Site Layout Indicating Proposed Retail Unit
- * Drawing Number 16-160022-PL34 Rev. A - Retail Unit Proposed Ground Floor Plan
- * Drawing Number 16-160022-PL35 Rev. A - Retail Unit Proposed Mezzanine Floor Plan
- * Drawing Number 16-160022-PL38 - Retail Unit Elevations
- * Drawing Number 16-160022-PL37 - Retail Unit Roof Plan
- * Drawing Number 16-160022-PL40 - Street Scene Elevations
- * Drawing Number 16-160022-PL39 - Cycle Storage Building

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 use of the retail unit hereby permitted shall be restricted to the sale of the following goods and shall be used for no other purpose within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987. The goods permitted to be sold are: DIY, building and garden supplies, carpets and floor coverings, furniture, furnishings and homewares, motoring and cycling goods and accessories, electrical goods and related ancillary ranges, tents, camping, caravanning and outdoor leisure activity equipment and accessories and an associated ancillary outdoor clothing and footwear range equating to not more than 20 % of the retail floorspace of the unit.

Reason: To restrict the range of goods sold at the retail unit hereby approved, in accordance with Policies GEN7 and DEV27 of the Arun District Local Plan.

- 4 Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 (or any others revoking and re-enacting this provision with or without modification), the retail unit hereby permitted shall not be sub-divided to enable occupation of the unit by more than one retailer.

Reason: To prohibit the sub-division of the retail unit hereby approved, in accordance with Policies GEN7 and DEV27 of the Arun District Local Plan.

- 5 Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 (or any others revoking and re-enacting this provision with or without modification), no additional internal floor-space shall be created in excess of that area expressly authorised by this

permission.

Reason: To ensure no additional floor-space is created in the retail unit hereby approved, in accordance with Policies GEN7 and DEV27 of the Arun District Local Plan.

- 6 The opening hours for the retail unit hereby approved shall be restricted to:
9am - 8pm Monday to Friday
9am - 6pm Saturday and Bank Holidays
9am - 6pm Sunday (but limited to a 6 hour trading period thereby giving the store flexibility to trade say 10am-4pm or 11am-5pm etc)

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.

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

- 8 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The detailed landscaping scheme will maximize the biodiversity of the site in its semi-rural setting with the inclusion of mixed ornamental and native species for the retention of a variety of habitats. The landscape proposals will need to be shown in plan form detailing species choice, planting densities and size at time of planting. This will need to include mitigation planting for removed vegetation and additional planting would be required to provide screening and soften what is presently a green area. This is particularly required in order to encourage the proposals to fit within the setting. 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: This is required to be a pre-commencement condition because it is necessary to ensure the site is landscaped effectively. In the interests of amenity and of the environment of the development in accordance with Policy GEN7 of the Arun District Local Plan.

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

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

Reason: This is required to be a pre-commencement condition because it is necessary to protect trees, bushes and hedges to be retained prior to commencing any building works. To ensure the retention and maintenance of trees and vegetation which is an important feature of the area, in accordance with policy GEN7 of the Arun District Local Plan.

10 Prior to first occupation of the retail unit hereby approved the vehicular, cycle and pedestrian access modifications, approved under planning permission A/77/16/PL must be constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety, in accordance with Policies GEN7 and GEN15 of the Arun District Local Plan.

11 Upon the opening of the retail unit hereby approved, the applicant shall implement the approved Travel Plan and deliver the measured in line with the timetable of implementation set out in the Travel Plan. The applicant shall thereafter monitor, report and subsequently revise the Travel Plan as specified within the approved document.

Reason: To encourage and promote sustainable transport, in accordance with Policy GEN7 of the Arun District Local Plan.

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

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

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

Reason: This is required to be a pre-commencement condition because it is necessary to ensure that measures are in place to manage the construction works and construction traffic prior to commencing any building works. In the interests of highway safety and the amenities of the area, in accordance with Policy GEN7 of the Arun District Local Plan.

- 13 No part of the development shall be first occupied until the covered and secure cycle parking spaces have been provided in accordance with Drawing Number 16-160022-PL39 - Cycle Storage Building.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies, in accordance with Policies GEN7 and GEN15 of the Arun District Local Plan.

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

Reason: To provide car-parking space for the use, in accordance with Policy GEN7 of the Arun District Local Plan.

- 15 No development or tree planting should be located with 4.5 metres either side of the public sewer; no new soakaways, swales or ponds should be located with 5.0 metres of the public sewer; all existing infrastructure should be protected during the course of construction works.

Reason: To protect Southern Water infrastructure, in accordance with Policy GEN7 of the Arun District Local Plan.

- 16 Prior to commencement the applicant must advise the Local Planning Authority, in consultation with Southern Water, of the measures which will be undertaken to protect the public sewers.

Reason: This is required to be a pre-commencement condition because it is necessary to have measures in place to protect the public sewers prior to commencing any building works. To ensure that the proposed development is drained in accordance with policies GEN7 and GEN9 of the Arun District Local Plan and in the interests of protecting Southern Water Drainage infrastructure.

- 17 The development shall not commence until full details of the proposed foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. (Including details of its routing, design, and subsequent management / maintenance). No building shall be occupied until the foul water drainage scheme has been implemented in accordance with the approved details and the details so approved shall be retained in good working order in perpetuity.

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

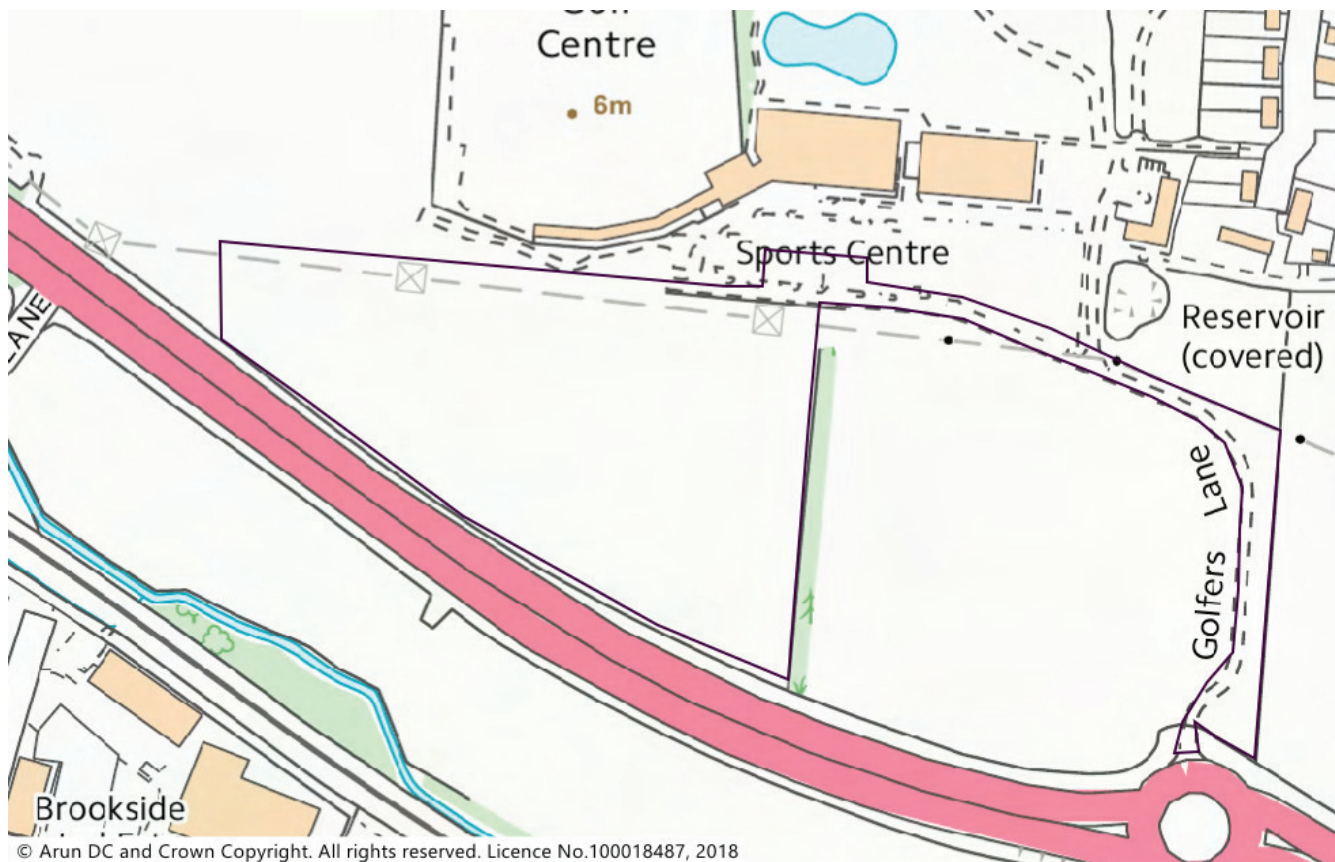
- 18 Prior to commencement a detailed lighting scheme, including the hours of lighting, for the car parking areas will be submitted to, and approved in writing by the Local Planning Authority.

Reason: This is required to be a pre-commencement condition because it is necessary to ensure that the car parking areas are illuminated effectively. To ensure there is no impact

upon highway safety or the ecology of the area, in accordance with Policy GEN7 of the Arun District Local Plan.

- 19 INFORMATIVE: A formal application to requisition water infrastructure is required in order to service this development. Please consult Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (0330 303 0119) or WWW.SOUTHERNWATER.CO.UK.
- 20 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
- 21 INFORMATIVE: The applicant may wish to divert the public rising main. In this case, Southern Water requests a formal application for a Southern Water sewer diversion under S185 of the Water Industry Act 1991 in order to divert the critical public sewer. For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel. 0330 303 0119) or www.southernwater.co.uk
- 22 INFORMATIVE: Dues to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a new sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel. 0330 303 0119) or www.southernwater.co.uk
- 23 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.

A/84/17/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: EP/7/18/PL

LOCATION: Land rear of Beechlands Cottages
Beechlands Close
EAST PRESTON
BN16 1JT

PROPOSAL: Demolition of existing buildings and erection of 2 no. dwellings with associated car ports/parking, alterations to existing access and relocation of staircase to flats - Amendment to EP/138/17/PL

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| SITE AND SURROUNDINGS |
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| DESCRIPTION OF APPLICATION | The proposal relates to the construction of a pair of 3 bedroom dwellings, 2 storeys in height of differing design. The ridge heights would be 8.5m and 7.5m with an eaves height of 4.6m. Each property would have an integral car port. Alterations to the existing access and the relocation of the existing staircase to the adjoining flats are also included in the application. |
| SITE AREA | 1127 sq m |
| RESIDENTIAL DEVELOPMENT DENSITY | 18 dwellings per hectare |
| TOPOGRAPHY | Predominantly flat. |
| TREES | None of any significance affected by the proposed development. |
| BOUNDARY TREATMENT | Fencing/hedging to eastern boundary to 2m height. Garages on rear boundary approx. 3m high. Close boarded fencing to rear gardens of Beechlands Close to approx. 1.8m high. |
| SITE CHARACTERISTICS | The dwellings would be situated in a garage compound, with existing buildings being demolished. |
| CHARACTER OF LOCALITY | The site is located within a central village location where there is a mix of property design. There is a terrace of new dwellings to the immediate south of the site. There is further residential development to the east and north. To the west there are parades of shops which are located on Sea Road. There are residential flats above and to the rear of these shops. |

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| RELEVANT SITE HISTORY |
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| EP/138/17/PL | Demolition of existing buildings & erection of 3 No. dwellings with associated parking, alterations to existing access & relocation of staircase to flats. | Withdrawn 21-12-17 |
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| EP/91/09/ | Erection of 4 no. houses. | ApproveConditionally 13-08-09 |
| EP/41/17/PL | 1 No. dwelling & dormer to front elevation & velux roof windows to rear roof slope to 4 Beechlands Cottages. | ApproveConditionally 25-05-17 |

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

Objection - The proposed development would represent an overdevelopment of the site which would appear unduly cramped and would therefore be contrary to saved policies within the Arun District Local Plan, Policies 1 and 2 of the East Preston Neighbourhood Plan and the National Planning Policy Framework (NPPF).

- Concern about access to site by emergency vehicles, not only to the proposed new properties but also the rear of the existing flats above the shops in North Lane/Sea Road and the emergency exit for the residents of the flats above these shops. If the escape staircase is moved to one end of the building.it will be an unnecessarily long and dangerous route for residents.
- Concerned about the provision of four parking spaces for two proposed properties. Ten people could live in these properties with five cars between them. Existing car-parking would be lost in an area in which on-street parking is already at a premium.
- The design of the building is contrary to the National Planning Policy Framework though better than the previous iteration. The design still feels awkward and not in keeping with nearby properties contrary to Section 64 of the NPPF.
- There was also concern about the distance the new properties will be from the back of Nos. 1-4 Beechlands Cottages. The proximity of the new properties both to Beechlands Cottages and other properties could result in a loss of amenity.

2 Objections including East Preston and Kingston Preservation Society.

- The proposed houses are too close to the existing and proposed Beechlands Cottages
- The distance between bedroom windows would be 20-21 metres and overlooking would occur.
- The proposed houses would have an unacceptably adverse effect on the amenities of these existing or approved houses, which would be contrary to Policy GEN7 (iv) of the Arun Local Plan.
- Despite the comments from WSCC, the development would hamper access to the vehicle entrance to 125 North Lane and vehicle access for deliveries to the rear of the shops, at 127-143 North Lane.
- The development would have an unacceptably adverse effect on the use of these properties, contrary to Policy GEN7 (iv) of the Arun Local Plan.
- The provision of five parking spaces for two houses is now in line with WSCC guidelines, but the development would displace at least 12 vehicles that would park on the already crowded streets contrary to the spirit of Policy 1 ii of the East Preston Neighbourhood Plan.
- There is an established right of access across this land.
- At almost 9m length of ridge line the design will cast a shadow on neighbouring garden and severely restrict sun light to garden. The conservatory and greenhouse rely on this light.
- Rear building line is 14.4m from neighbour's building line

- Will be overbearing and result in loss of privacy
- The re-positioning of the metal staircase on the northern end of the existing balcony would be unsightly and only 3.2m from neighbouring property resulting in a loss of privacy.
- Dwelling has been omitted from all plans
- Substantial 2.3m high flint wall will be removed and replaced with 1.8m high close boarded fencing
- Installation of a new gate at the end of the disputed alleyway has a domestic (internal) Yale type key operated cylinder/latch. It opens in and would not accept a panic bar.
- Vehicle and pedestrian access to neighbouring property would be restricted.
- Access with a trailer and motor homes would be difficult
- No mention is made of the rear fire escape doors to the various retail premises.
- This development will prohibit the current delivery of goods or retrieval of waste to shops. Most deliveries currently take place to the rear.
- Currently 12 vehicles park on the site. 16 vehicles would be displaced onto the road by this development
- This area floods
- Warehouse due for demolition has an asbestos roof
- Poor design and position

COMMENTS ON REPRESENTATIONS RECEIVED:

It is not agreed that the proposal represent an overdevelopment of the site.

The site lies within Character Area 2, not 3 of East Preston Village Design Statement and therefore policy 3, not 2 of East Preston Neighbourhood Plan is relevant.

Satisfactory means of escape would be dealt with by Building Regulations.

Removal of the asbestos roof would be subject to control by other legislation.

The site does not lie in a high flood risk area and engineers have no objection.

County highways have no objection to the proposal in terms of impeding access to the rear of the shops or the adjoining property and access by emergency vehicles or the position and provision of car parking.

The design of the dwellings is considered to be acceptable, plot sizes and ridge height would not be out of character.

Neighbouring dwelling is partially indicated on the block and location plan.

The agent has advised that the legal right of way through the proposed development to 125 North Lane will be maintained which has been legally defined as access by cars or vans. It does not include other types of vehicle such as skip lorries, race car trailers or skip lorries. This right of way is a legal matter and not a planning consideration. The existing fire escape referred to as an impediment will be relocated. Fire doors opening onto the right of way do not cause an obstruction.

The neighbour's pedestrian access will be maintained and enhanced by the provision of a new shared surface which results in slower vehicle speeds and an improved surfacing.

The site currently comprises a commercial building, garages their associated parking and turning areas. Once removed, they will be replaced by the dwellings and their parking spaces. This does not impact on how the shops or flats to the west of the site currently deal with their waste storage and disposal." An area for storage of bins and trolleys has now been incorporated into the scheme which will enhance the

current arrangements.

The rear elevation of the proposed dwellings will be 10m from the rear boundary which is the standard distance for this relationship which precludes any loss of amenity. The relocated staircase, as previously mentioned, is for emergency use only and despite resulting in no additional overlooking than the existing balcony, can be screened as illustrated on the submitted drawings.

It is noted that the neighbour is concerned about the potential loss of the boundary wall to the rear of the existing garages. The applicant is willing to retain this wall if possible; a matter which can only be assessed upon demolition of the garages.

CONSULTATIONS

WSCC Strategic Planning

Southern Water Planning

Environmental Health

Engineers (Drainage)

Engineering Services Manager

West Sussex Fire Brigade

CONSULTATION RESPONSES RECEIVED:

Southern Water - No Objection. Request an Informative is added to any planning approval

County Highways - No Objection.

The current resubmission is an amended scheme for 2 x dwellings to the rear of Beechlands Cottages. No objection was raised on highway safety or capacity concerns to the previous application for 3 x dwellings .

Unit 2 will be provided with a single car port space plus additional space fronting this. Unit 1 will be provided with an integral car port space plus one allocated on the forecourt area. On the basis of 2 spaces being allocated per dwelling the WSCC Car Parking Demand Calculator envisions a total demand for 5 spaces. An additional visitor parking space is also demonstrated. The demonstrated amendments in relation to car parking quantity and layout are acceptable and a turn on site to exit to the public highway in a forward gear is achievable.

Conditions relating to cycle parking, construction management plan and vehicle parking and turning should be imposed .

Drainage Engineer - No Objection. Request imposition of standard conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

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 |
| GEN9 | Foul and Surface Water Drainage |
| GEN12 | Parking in New Development |

Publication Version of the Local Plan (October 2014):

| |
|--|
| East Preston Village Design Statement |
| W DM3 Sustainable Urban Drainage Systems |
| SD SP2 Built -Up Area Boundary |
| D DM1 Aspects of Form and Design Quality |
| D DM3 External Space Standards |
| D SP1 Design |

| | |
|--|------------------------------|
| <u>East Preston Neighbourhood Plan 2014 Policy 1</u> | Housing - General Principles |
| East Preston Neighbourhood Plan 2014 Policy 3 | Design in Character Area Two |

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

| | |
|------|---------------------------------------|
| EPDS | East Preston Village 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 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 emerging Local Plan is at a very advanced stage and carries weight .

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).

Policies 1 and 3 of East Preston Neighbourhood Plan are considered relevant.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site lies within the built up area boundary where the principle of residential redevelopment is acceptable subject to accordance with relevant development plan policies. In this case the key policy considerations are deemed to be GEN7 of the Arun District Local Plan and Policies 1 and 3 of the East Preston Neighbourhood Plan and the National Planning Policy Framework (NPPF). The 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.

Environmental

The application site lies within the settlement of East Preston and is located behind local shops, and within walking distance of primary school and health facilities. The nearest bus stop is in front of the parade of shops. 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.

Economic

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 2 dwellings and so an increase in Council tax receipts and new homes bonus payments. In addition, the dwellings 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.

Social

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.

The East Preston Neighbourhood Plan is made and therefore forms part of the development plan. Policy 3 of East Preston Neighbourhood Plan states that a low building height should be maintained at no more than 1.5 storeys in this Character Area.

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 all the other relevant policies of the development plan.

SITE HISTORY

This application follows an earlier withdrawn application for the construction of a terrace of three dwellings, 2 storeys in height, comprising three 3 bedroomed properties of differing design with hipped and gabled end elevations and a central ridge height of 9.3m dropping to 8.4m. The application was withdrawn prior to it being recommended for refusal.

The site lies on the north side of Beechlands Close to the rear of Nos. 1-4 Beechlands Cottages. The existing cottages were erected following the grant of planning permission in 2009 (EP/91/09) and the development replaced garages which were formerly on the site. Planning permission has recently been granted for an additional dwelling on the eastern end of the terrace (EP/41/17). That proposal maintained an access on the east side of the site to a commercial building and six retained garages located to the north. It is this land to the north which is now the subject of this proposal.

VISUAL AMENITY AND CHARACTER

The design of the dwellings would not directly replicate that of any neighbouring dwellings within the immediate surrounding area, but the use of hipped roof and ground floor eaves level does reflect chalet style bungalows in the area generally. The main characteristic of Character Area Two is the predominance of bungalows.

The scheme has sought to lower the roof level close to the rear of the shops and flats above on Sea Road to the west and reduce the overall bulk of the roofscape by both of the ends of the dwellings. The central roof area has also been reduced in length and visually broken up. It is not considered to be unduly high, discordant or visually out of keeping with its immediate surroundings comprising flats to the

east and Beechlands Cottages to the north . The overall height of the proposal is acceptable and not out of place given its location adjacent to higher development.

The scheme has been reduced to provide two dwellings and whilst they remain as two storey they are now proposed to be link detached dwellings. Unit 1 to the east will have a ridge height of 7.6m and unit 2 will have a ridge height of 8.5 m. This is an acceptable reduction of 1.7m and 0.77m respectively from the ridge height of the previous scheme. The scheme also includes car ports with a bedroom above at the western end and between the two properties. This reduces the overall massing of the proposal as these ridge heights are limited to 6.2m and 6m respectively.

There is no set design of dwelling styles present. There are a number of terraced two-storey properties nearby, particularly to the south, but the residential dwellings to the east are bungalows and the position of the application dwellings relates more to the layout and position of these properties than the two storey terrace to the south. This terrace fronts Beechlands Close and reflects the uniform terrace on the opposite side of that road frontage.

The dwellings are proposed to be constructed in materials in keeping with other developments in the locality. In this respect the dwellings will be constructed in brick with fibre cement boarding used to break up elements on the front elevations and wrap around the east elevation. The roof will be plain clay tiles with bonnet hips. In design terms therefore the dwellings will be similar to other developments recently approved in the locality.

The density and plot sizes are also in keeping with other development in the locality. The plot sizes are similar to those approved in the new development to the north at Beechlands Close. Some front garden area/landscaping space is provided to the front of both units. All neighbouring dwellings meet or exceed rear garden lengths of 10m and the proposal now accords with this depth. The bungalows to the east have wider and deeper plots and are of much lower density. It is therefore considered that the proposal represents an acceptable form of development in keeping with the existing pattern of development and the character of the locality. The proposal is therefore in compliance with policy GEN7 (ii) and Policies 1 and 3 of East Preston Neighbourhood Plan.

RESIDENTIAL AMENITY

Arun District local Plan Policy GEN7 (iv) indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property.

The NPPF indicates that good design should contribute positively to making places better for people. It also encourages the creation of places, streets and spaces which meet the needs of people and are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character.

Policy GEN7 of the Arun District Local Plan further indicates that development will be permitted provided that amongst other considerations the proposal creates attractive places and spaces with the needs of people in mind. On this basis, well designed and adequate amenity space provision for residents is considered essential to meet the policy requirements of the local plan and Central Government Advice. Given the reasonable garden areas this proposal is considered to be acceptable on the residential amenities of future occupiers and the neighbouring dwelling to the north. The dwellings now have an improved outlook. Unit 1 has space in front provided as a front garden area providing space onto an access road, parking area and shop service area.

Each property will have a living, dining room, kitchen and w.c. on the ground floor with three bedrooms and two bathrooms at first floor level. The eastern property (Unit 1) will have a Gross Internal Area (GIA) of 108sqm and the western unit (Unit 2) will have a GIA of 118sqm. Externally, the properties will have

119sqm and 93sqm gardens respectively and a depth of 10m which provides for an acceptable amount of outside amenity space and accords with the Nationally Described Space Standards.

Officers have previously referred to the potential for overlooking from the walkway to the flats to the west. This has been addressed in the positioning of windows on the rear elevation of Unit 2. There is only one bedroom window at the eastern end of the rear elevation which is approximately 13m from the end of the walkway and at an oblique angle which will preclude materially adverse overlooking resulting. It is also proposed to raise the fence on the western boundary with trellising to restrict overlooking to the garden. The relationship proposed between the garden and the walkway is the same as that approved at Beechlands Cottages to the south where it was considered acceptable.

In terms of the relationship of the proposed dwellings with the rear elevations of Beechland Cottages, the scheme has been designed so that there are only 3 first floor habitable rooms on the south elevation which are approximately 21m from the rear of the existing cottages including the end property which has planning permission. The properties are also at an oblique angle. In terms of the north elevations, these will be situated 20m and more from the northern boundary dwellings which represents an appropriate distance to preclude overlooking.

The application also proposes improvements to the existing service access which passes along the west side of Beechlands Cottages. This will maintain and improve access to the rear of the shops for delivery purposes. Such access is only by agreement with the owner of the shops as the majority of deliveries take place to the front due to ease of access there. The tenants of the shops and flats have no right to park on the application site. All other rights of access such as for UK Power Network and 125 North Lane will remain. An area for the shops to store delivery trolleys and bins is also proposed which also represents an improvement on the current situation where no such storage facilities exist.

The proposal includes relocation of the existing fire escape staircase from the rear of the shops to the northern end of the parade. This would increase the potential for overlooking in this area and potentially increase activity adjacent to the boundary. The relocated staircase, as previously mentioned, is for emergency use only and despite resulting in no additional overlooking than the existing balcony, is indicated on the north elevation plan to be screened with 1.8m high obscured glass. Therefore whilst the staircase would be located adjacent to the northern boundary it would not result in direct overlooking of the neighbouring dwelling.

HIGHWAY CONSIDERATIONS

County highways have no objection to the proposal in terms of highway safety and car and cycle parking provision. The West Sussex County Council parking demand calculator indicates the requirement for 5 no. parking spaces where each property has two allocated spaces. The proposal provides 5 spaces with two spaces for Unit 2 (one in the car port and 1 in front), two for Unit 1 (one in the car port and one in the courtyard and a fifth space is provided for visitors. The proposal provides sufficient on-site parking to meet its needs and is in a highly sustainable location where other means of transport are available.

A condition relating to the submission of a Construction Management Plan has been suggested since the site is located adjacent to the rear service area for the shops and without clearly defined areas for contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles obstruction and congestion on adjoining roads could result.

CONCLUSIONS

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:

Proposed Site Plan, Block Plan and Location Plan 2.11 revD, Proposed Plans and Elevations 2.10 revC, Elevations of New Staircase to existing building 2.03 revA

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

- 3 No development shall be commenced until such time as a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction and confirming operating hours. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the 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: To avoid undue congestion of the site and consequent obstruction to access. 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 which could compromise highway safety in accordance with the NPPF.

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

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

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

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

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

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

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

- 6 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy GEN7 of Arun District Local Plan.

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 8 Before occupation of the dwellings the emergency escape staircase on the north elevation shall be provided with obscure glazing as detailed on drawing 2.03 revA and it shall be retained at all times and remain glazed entirely with obscure glass.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies GEN7, DEV19 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 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.
- 11 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.
- 12 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. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on the website.

EP/7/18/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

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|-----------|---|
| REF NO: | FG/174/17/PL |
| LOCATION: | 32 & 34A Sea Lane Ferring BN12 5DY |
| PROPOSAL: | Demolition of existing dwelling (No. 32) & erection of 4 No. 4 bed dwellings, alterations to existing dwelling (No. 34A) with alterations to two existing accesses to form a single point of access. This application may affect the Character & Appearance of the Ferring Conservation Area. |

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| SITE AND SURROUNDINGS |
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| DESCRIPTION OF APPLICATION | <p>As above. The application proposes the retention of The Garden House no. 34A, the replacement of the existing dwelling at no. 32 and the erection of three new 4 bedroom chalet style dwellings resulting in a total of five dwellings on the site. The Garden House, will be altered principally by the demolition of the existing garage and the addition of a dormer window on the south elevation.</p> <p>The replacement dwelling at no. 32 will be in a similar position to that previously approved but has been moved slightly northwards to increase the distance from the recreation ground.</p> <p>With respect to The Garden House site, the eastern boundary to that plot has been adjusted to give a greater distance between this plot (now plot 5) and the existing dwelling (now plot 2). It is proposed to provide two additional dwellings in the intervening space which will comprise plots 3 and 4.</p> <p>A new dwelling is proposed to the east of plot 2 between The Garden House and the western boundary of Meadow Cottage.</p> <p>Each dwelling has an integral garage included in its ground floor layout and parking available within the curtilage.</p> |
| SITE AREA | 4,094 sq m |
| RESIDENTIAL DEVELOPMENT DENSITY | 10 dwellings per hectare |
| TOPOGRAPHY | Predominantly flat. |
| TREES | None affected by this application. |
| BOUNDARY TREATMENT | The boundaries of the site are generally demarcated by close boarded fencing. To the south lies a public footpath which runs along the northern boundary of the recreation ground. |

SITE CHARACTERISTICS

The site is occupied by 2 detached properties. The rear dwelling no 32 is a bungalow with a plain tile roof. An L shaped dwelling The Garden House (no. 34A), closer to Sea Lane is of a chalet style 1.5 storey high with accommodation in first floor level serviced by windows in the gable ends and roof lights.

Both existing properties share an access driveway from Sea Lane which runs along the northern boundary of the site. On the southern side the site faces towards Little Twitten Recreation Ground a local park/open space/cricket ground.

CHARACTER OF LOCALITY

This part of Ferring, north of the Recreation ground is characterised by single storey and chalet style dwellings with some two storey properties (notably to the north west of the site) served by private access drives and cul-de-sacs off the main road network. The properties generally fill the width of their individual plots with little space between buildings.

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| RELEVANT SITE HISTORY |
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| FG/37/16/OUT | Outline application for 1No. 4 bed detached chalet bungalow with integral garage - Resubmission of FG/215/15/OUT | ApproveConditionally 20-05-16 |
| FG/180/15/PL | 1No. Replacement dwelling | ApproveConditionally 09-03-16 |
| FG/123/13/ | Application for Outline Planning Permission with Some Matters Reserved for the demolition of 2 No existing buildings and the erection of 4 No 3 bedroom detached houses and 3 No 4 bedroom detached houses with the provision of access road and associated parking (resubmission following FG/99/12/) | Refused 28-11-13 |
| FG/99/12/ | Application for Outline Planning Permission with Some Matters Reserved for the erection of 9 x 4 bed dwellings following removal of existing dwellings | Refused 25-09-12 Appeal: Dismissed 23-04-13 |
| FG/215/15/OUT | Outline application with some matters reserved for the erection of 2 No. dwellings. | Refused 12-02-16 |

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| REPRESENTATIONS |
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REPRESENTATIONS RECEIVED:

Ferring Parish Council

Objection - The design and layout of the proposed dwellings within the site is extremely cramped and out of character with existing development.

The density of the development and the type and scale of the proposed dwellings are considerably greater than that of the surrounding area where the existing buildings are mainly bungalows in character and set informally in a treed environment.

The local Neighbourhood Plan has the evidence from the village survey that the housing requirements are indeed for smaller houses such as bungalows and flats not four bedroom houses.

Arun District Council's policy, expressed in its Draft Local Plan, is against back garden development.

Concerns are also raised with regards to the access route for the proposed dwellings which will add additional vehicles entering onto an already busy highway.

34 Objections including the Conservation Group and Cricket Club

- Overdevelopment. Five houses where there has been two resulting in a cramped layout and insufficient back garden areas
- The current approval for 3 houses is sufficient.
- None of the traffic studies have considered the impact of the congestion in Sea Lane caused by reckless and often illegal parking at school drop off and pick up times.
- The vehicles from five houses entering and exiting the site at the junction with Sea Lane will create hazards for drivers using Sea Lane and for pedestrians, in particular the children attending Ferring Primary School.
- Out of character
- Houses on this side of Sea Lane are on good-sized plots, and while the occupiers of the new properties will have a very good view of Little Twitten Recreation Ground to the south, those using the Recreation Ground will see houses where once there were trees
- Will increase pressure on infrastructure
- All habitat has been destroyed for wildlife
- Additional noise and activity will adversely impact on neighbours
- Health and safety danger from cricket balls entering gardens of dwellings
- Ecology reports are required
- The cricket club could be put at risk if a future owner seeks an injunction against the cricket club following intrusion of cricket balls
- New development would be in very close proximity to neighbouring properties in Park Drive leading to an unneighbourly overdevelopment of the area, a loss of privacy, open space and evening sunlight adversely affecting the reasonable enjoyment of these properties.

COMMENTS ON REPRESENTATIONS RECEIVED:

It is not considered that the development would be overly cramped or out of keeping with the level of density of development in the locality.

Trees and vegetation on the site have already been removed. Previous surveys on the site did not

identify any wildlife habitats.

County highways have no objection to the proposal in terms of highway safety.

It is not considered given the design and position of the dwellings on the plot that they would result in materially adverse overbearing or overlooking of neighbouring properties.

Further amplification of the above is provided in the Conclusions section of the report.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Conservation Officer

WSCC Strategic Planning

Arboriculturist

Parks and Landscapes

Sport England South East

CONSULTATION RESPONSES RECEIVED:

Sport England - Objection. This plot is adjacent to the recreation ground currently used by a cricket club and there is the possibility that these new houses may prejudice the playing field were they to be struck by cricket balls. It is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 74 of the NPPF.

Tree Officer

First Response - Objection

Second response - No objection subject to condition.

Greenspace - No Objection.

County Highways - No Objection as the current reduced scheme is not anticipated to cause a highway safety or capacity issue over the existing arrangement.

Conservation Area Advisory Committee - No Objection

Drainage Engineer - No Objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The applicant has now provided a report by Labosport as requested by Sport England in respect of cricket ball strikes on the proposed new properties. The report concludes that the existing 1.8m fence is suitable for the proposed development. The frequency of shots landing in the gardens would be further reduced by a 3m barrier but this is a question of proportionality.

In the light of the fact that the proposal does not introduce new gardens, (the area already comprises gardens to existing dwellings) and that the new dwellings are no closer than the existing dwellings towards the recreation ground it is considered that the provision of an additional barrier would be

unreasonable. It also needs to be noted that there is an extant planning permission for one dwelling between 32 and 34A which did not require any additional fencing.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary
Right of way

DEVELOPMENT PLAN POLICES

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

| | |
|-------|--|
| GEN2 | Built-up Area Boundary |
| GEN7 | The Form of New Development |
| GEN9 | Foul and Surface Water Drainage |
| GEN12 | Parking in New Development |
| DEV19 | Extensions to existing residential buildings |

[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 |
| W DM3 | Sustainable Urban Drainage Systems |
| D SP1 | Design |
| SD SP2 | Built -Up Area Boundary |

| | |
|--|-------------------------------|
| <u>Ferring Neighbourhood Plan 2014 Policy 10</u> | Sustainable water management |
| Ferring Neighbourhood Plan 2014 Policy 1A | A Spatial Plan for the Parish |

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

February 2018.

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).

Policies 1A 'Spatial Plan for the Parish' and Policy 10 'Sustainable Drainage Systems and Water Management' of Ferring Neighbourhood Plan are considered relevant to determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site lies within the built up area boundary where the principle of residential redevelopment is acceptable subject to accordance with relevant development plan policies. In this case the key policy considerations are deemed to be GEN7 of the Arun District Local Plan and Policy 1A of the Neighbourhood Plan and the National Planning Policy Framework (NPPF). The 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.

The Ferring Neighbourhood Plan was made in January 2015 and therefore forms part of the development plan. The plan sets out a number of objectives and measures and objective no. 3 is to plan and deliver a range of well-designed housing, mix and types in locations with good access to services and facilities by foot and bus as well as car and whose development contributes to the sustainability of the parish. Policy 1A states 'proposals for development located inside the built up area will be supported, provided it is suitable to an urban setting and accords with the provisions of the neighbourhood plan and with other relevant development plan policies.' The explanatory text, at 4.8, confirms that windfall sites will contribute to the local and district housing need and this proposal provides for two additional windfall dwellings.

Paragraph 14 of the NPPF sets 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.

Environmental

The application site lies within the settlement of Ferring and is located within 600 metres walking distance of local shops, primary school and health facilities. The nearest bus stop is on Sea Lane just outside of the site in Sea Lane. 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.

Economic

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 3 dwellings and so an increase in Council tax receipts and new homes bonus payments. In addition, the dwellings 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.

Social

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 all the other relevant policies of the development plan.

PLANNING HISTORY

Planning permission was refused and dismissed on appeal for the demolition of both existing dwellings on the site, the subject of this application, and the erection of nine no. four bed dwellings (FG/99/12).

In dismissing the appeal the Inspector concluded that the re-use of the site for residential development would in principle be acceptable. However she stated that the proposed layout and form of development would be harmful to the character and appearance of the area. She made particular reference to the increased mass of development and minimal breaks between buildings which were exacerbated by the linear form and proximity of some plots to the recreation ground.

Following the dismissal of the appeal, the redevelopment/development of the two sites were granted planning permission individually. Outline planning permission was granted for a new dwelling on land to the west of number 34A under application FG/37/16/OUT and the replacement of number 32 with a chalet style dwelling was granted in 2016 under application FG/180/15.

An application for 2 dwellings between The Garden House and 32 was refused on the basis that the dwellings formed a cramped and prominent development which was out of keeping with the character of the area. The dwellings proposed were indicated in a position adjacent to the western boundary with a 2.5m gap between them and did not retain the existing set back distance of development from the cricket pitch.

With the extant planning permissions, there are therefore three dwellings on the site the subject of this application served by two independent off the Lane accessed from Sea Lane.

As planning permission has already been granted for a new dwelling to the west of number 34A the proposal relates to a net increase of two dwellings on the plot above the existing/extant permissions.

VISUAL AMENITY AND CHARACTER OF THE AREA

The proposed dwellings would have a linear form of layout in keeping with the pattern of surrounding development where properties are similarly positioned in relation to their access drives. The two existing dwellings on this site are currently served by two separate access drives and it is proposed to combine these into a single point of access running parallel to the northern boundary.

The plot sizes are directly comparable with some of the plots to the north in Park Drive. The spacing and gaps between dwellings gives an overall density of 10 dwellings per hectare which is considered appropriate and in keeping with development nearby.

The dwellings have been designed as chalet style properties, predominantly with eaves above ground floor window heads and residential accommodation in the roof space served by dormer windows and gable features. They are all individually designed but with common features such as dormer windows and part glazed gables to provide a visually cohesive development. They are not therefore visually perceived as 2 storeys and the ridge levels of the dwellings will be no higher than the existing dwelling to be retained at plot 2.

A variety of materials will be used to add interest but will be from a common palette including through coloured render, fibre cement boarding and stacked slate walls. The roofs will be clad in artificial slate and will vary in orientation to provide for an interesting roofscape when viewed from the recreation ground. Precise details of the materials are proposed to be controlled by condition.

It is considered that the objections from the appeal for 9 no. uniform two storey dwellings have been overcome by the proposed provision of distinctly different dwellings. The 'public' view of the development will be from the recreation ground and the height and appearance of the dwellings from this perspective is important.

The elevation, as viewed from the recreation ground, submitted with this application shows that the

dwelling are all of similar height and have their main eaves level above ground floor window heads with accommodation within the roofspace. Plots 1 and 5 have gable features similar to that on the existing dwelling and small subservient dormers have been added which do not detract from the 'chalet' style appearance. Plots 3 and 4 do have slightly raised eaves on their gables but this feature represents only a small element of the overall elevation and the ridge remains below that of the main ridge and appears subservient. The overall perception is of chalet style dwellings with gable and dormer design features which are not out of keeping with surrounding development, particularly considering the large flat roof dormer to Meadow Cottage, the two-storey dwelling to the north of the site and the dormers on the approved replacement dwelling for no. 32.

This proposal provides 2 dwellings in the area where 2 dwellings were previously refused under FG/215/15/OUT. However this application includes demolition of no. 32 which allows a uniform siting to the dwellings in their set back distance from north and south site boundaries and adherence to the pattern of development in the locality. The dwellings now have more space between them and retain a more spacious setting and larger plot sizes in accordance with the prevailing character of the area.

RESIDENTIAL AMENITY

Plot 1 would be sited between the existing dwelling (The Garden House) and Meadow Cottage to the east of the site. The east elevation will have only a small first floor window above ground floor which will serve a shower room and therefore will be obscure glazed and three roof lights positioned above eye level. There will therefore be no overlooking of Meadow Cottage to the east.

No windows are proposed at first floor level on the western elevation facing plot 2 other than rooflights which again will be positioned above eye level. The windows at first floor on the north elevation will serve bedroom windows but will be more than 21m from the nearest property to the north precluding any unacceptable overlooking or intervisibility. It is proposed to remove permitted development rights in the future so that additional openings in the roof cannot be added without the submission of an application for planning permission.

Plot 2 is the existing dwelling known as The Garden House. It would have a new dormer window added in the south elevation which faces the recreation ground and is not considered to result in any material adverse impacts on neighbouring properties.

Plot 3 has dormer windows provided either side of the gable ensuring that the main outlook at first floor level is to the south away from adjoining neighbours. No windows are proposed above ground floor on the east or west elevations other than rooflights which will be above eye level. The northern elevation will have glazing at first floor level in the gable above the porch which will serve the stairwell and a dormer serving bedroom four. These windows will be more than 21 m from the nearest residential property to the north and 15m from the garden boundary thereby precluding any unacceptable intervisibility or overlooking.

Plot 4 will have a small part glazed projection which will form its main outlook on the south elevation. A subservient wing set back from the south elevation will have a small dormer window similar in style to those on the adjoining properties. The north elevation will also have a small dormer window on the east facing projection and the main gable will have glazed detailing at first floor level to bedroom two. This glazing will be in excess of 10 m from the northern boundary to preclude overlooking of the garden to the north. The other dormer windows on the west elevation will serve a bathroom and a shower room and will be obscure glazed to prevent any overlooking of plot 5. A rooflight at the northern end will not overlook any private rear amenity space. Three further rooflights are proposed on the eastern elevation but these will not result in direct overlooking as they will face the blank gable of plot 3 and land to the front which does not comprise its private amenity space.

The principal first floor outlook for Plot 5 will be to the south with no first-floor windows facing east other than a dormer window above the garage which will look down the access drive. All the proposed rooflights will be above eye level to prevent overlooking. The first-floor window on the north elevation serving bedroom four will be more than 21 m from the property to the north thereby precluding any unacceptable intervisibility with that dwelling.

Each dwelling will have a private amenity space located on its southern side which, in all cases, is between 9 and 10m deep. Plot 1 has a garden area to the west which is 10m in depth. These depths provide for a suitable level of amenity space and an acceptable separation from the boundary with the recreation ground in the interests of public amenity.

Each of the dwellings exceed the 124 sqm gross internal floor areas set out in Technical Housing Standards (Nationally Described Space Standards) for 2 storey 4 bedroom dwellings.

HIGHWAYS

Each dwelling has adequate parking provision and County Highways have no objection in terms of highway safety and access.

CONCLUSION

The proposal relates to sustainable development that respects the character of the area and the amenities of adjoining residential properties. It makes effective use of this land within a village location and contributes to the housing needs of the Parish and the wider District.

The development fulfils the social, economic and environmental roles of sustainable development and therefore, is in accordance with advice in the NPPF. No adverse impacts have been identified that would significantly and demonstrably outweigh the benefits of residential development on this site.

The proposal accords with the relevant policies in both the District and Neighbourhood Plan and it is recommended that planning permission is granted subject to the following conditions.

HUMAN RIGHTS ACT

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

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

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.

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| RECOMMENDATION |
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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, Location and Street Scene 2.01 revA,
 Plot 1 Proposed Plans and Elevations 2.02 revB
 Plot 2 Proposed Plans and Elevations 2-.06 revB
 Plot 3 Proposed Plans and Elevations 2.03 revA
 Plot 4 Proposed Plans and Elevations 2.04 revA
 Plot 5 Proposed Plans and Elevations 2.04 revB
 Sections 2.08

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

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

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

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

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

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

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

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

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

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

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

- 6 No 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.

- 7 The development shall proceed in accordance with the Arboricultural Method Statement and associated Tree Schedule and Tree Protection Plan by David Archer Associates dated March 2018 in particular the inclusion of the Council's Arboricultural Officer as an invitee at all site meetings of arboricultural significance (AMS report, Table 1, Page 6).

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

- 8 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 9 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter

be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 10 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 in accordance with policy GEN7 of the Arun District Local Plan.

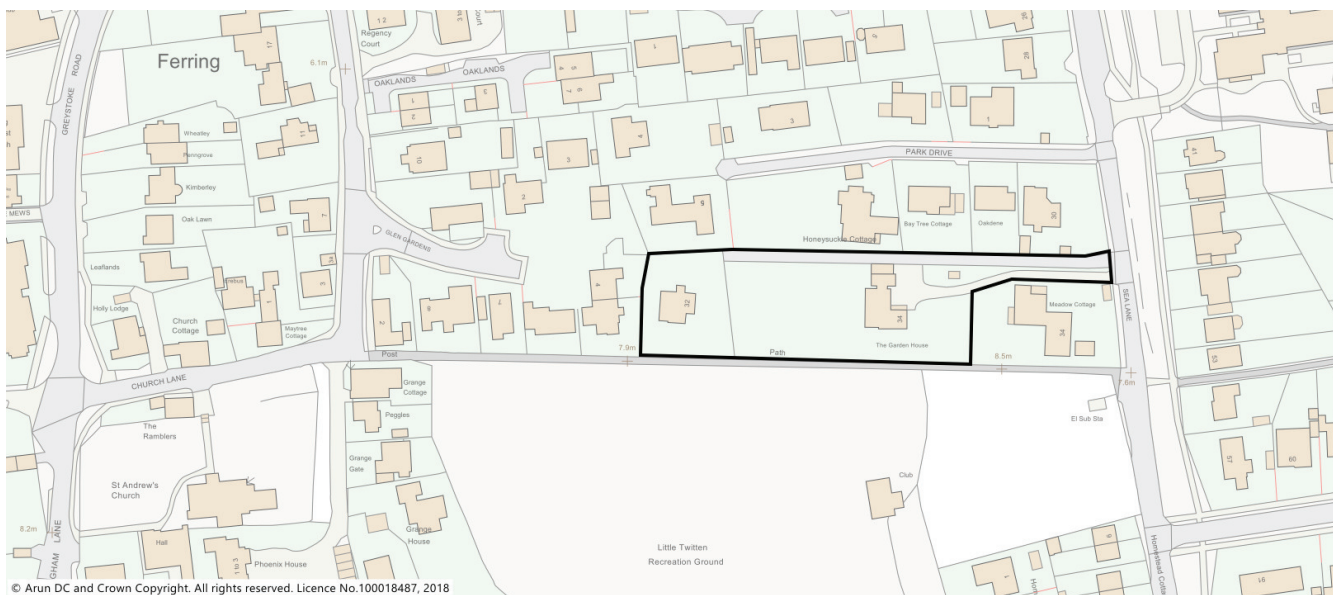
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order) the buildings shall not be extended or altered in any way unless permission is granted by the Local Planning Authority on an application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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the amenities of adjoining residential occupiers and the locality in general in accordance with policy GEN7 of the Arun District Local Plan.

- 12 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.

- 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.

FG/174/17/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: FG/183/17/PL

LOCATION: Land adj to The Barn
Hangleton Lane
Ferring

PROPOSAL: Change of use of land from permitted B8 storage use & erection of new detached office building (Use Class B1) with access via Hangleton Lane & associated car parking, cycle storage & refuse storage. This is a Departure from the Development Plan.

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| SITE AND SURROUNDINGS |
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DESCRIPTION OF APPLICATION

It is proposed to erect a building with rooms in the roof space which would provide new accommodation for an existing business user located in premises fronting Hangleton Lane adjoining the site to the west.

The development will be served by a new car park and access off Hangleton Lane. Refuse and cycle storage will also be provided for on-site. The proposed building would be of relatively modern design, with roof lights to the upper rooms. Proposed materials are a metal clad roof with standing seams, wall of a mixture of profiled metal sheeting with panels of vertical cedar cladding and doors/windows to be dark grey powder coated aluminium.

The building would provide for new office space and staff training facilities. The gross floor space would be 377sqm. Car parking is proposed to the front and west side of the proposed building, this would accommodate 19 cars. Existing parking to the rear (east) of the office building for 10 cars would be retained outside of the application site. Ridge height of the new building would be approximately 6.5m and eaves height would be approximately 2.5m.

The existing premises approximately 20m to the west of the application premises, are currently occupied by the applicants and would be vacated if the current proposal goes ahead as these are leased premises.

The site of the proposed development is presently partially in use for the supply of aggregate type building materials and has a portcabin located adjacent to its west boundary. The eastern part of the site appears to be largely unused.

The application is supported by:

- A Planning Supporting Statement
- A Transport Statement
- A letter from the applicant's property agents advising as to length of search for premises elsewhere than the application site.
- A statement from the applicant, District Carers, relating to need and the existing business. This provides carers to support vulnerable adults to enable them to live independently both in their home and their community.

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| SITE AREA | 0.16 hectares. |
| TOPOGRAPHY | Predominantly flat. |
| TREES | None affected by the proposed development. |
| BOUNDARY TREATMENT | The site boundary is comprised of 1.8m-2m high wooden panel fencing and a 4m-5m leyandii screen. |
| SITE CHARACTERISTICS | The site of the proposed development is presently partially in use for the supply of aggregate type building materials and has a portcabin located adjacent to its west boundary. The eastern part of the site appeared to be less intensively used at the time of visit The site is unsurfaced and at the time of site visit appeared underused. |
| CHARACTER OF LOCALITY | The area is mixed in character, although there is some existing limited residential development to the north and the south and on the east and west sides of Hangleton Lane. There are a mixture of uses, including car and caravan storage to the east and north of the site. There are also horticultural uses and structures such as greenhouses in the immediate locality. Wyevale Garden Centre is to the south west of the site adjoining the north side of Littlehampton Road, A259, and a garage with car display is to the south of the site adjoining the north side of Littlehampton Road, A259. Whilst the site is outside the built up area boundary of Ferring the physical character of the area is not exclusively open countryside in physical or in appearance terms. The vicinity of the site can be said to be semi rural in character. |

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| RELEVANT SITE HISTORY |
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| FG/45/15/PL | Change of use of land from agricultural/compost production to B8 Storage. This application is a Departure from the Development Plan | Refused 10-06-15 Appeal: Allowed+Conditions 31-12-15 |
| FG/46/15/PL | Change of use of land from agricultural/compost production to B8 storage. This application is a Departure from the Development Plan | Refused 10-06-15 Appeal: Dismissed 31-12-15 |

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| FG/8/16/PL | Variation of condition 7 imposed under FG/45/15/PL to extend the use of the site hours. | ApproveConditionally 31-03-16 |
| FG/10/16/PL | Erection of a wash-down area adjacent to existing wash-down bay including a connection to existing interceptor at adjacent car dealership premises. | ApproveConditionally 31-03-16 |
| FG/162/14/PL | Change of use from agricultural/compost production (Sui Generis) to B8 (Storage or Distribution) (resubmission following FG/127/14/PL). This application is a Departure from the Development Plan. | Refused 23-12-14 |
| FG/103/16/PL | Demolition of section of wall to provide internal vehicular & staff access to & from the adjoining premises (amendment to FG/45/15/PL). | ApproveConditionally 06-10-16 |
| FG/104/16/PL | Erection of 3m high security fence around the previously approved car compound, amendments to existing storage buildings & associated lighting. | ApproveConditionally 06-10-16 |

Noted and referred to in conclusions section of this report.

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| REPRESENTATIONS |
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REPRESENTATIONS RECEIVED:

Ferring Parish Council

Ferring Parish Council strongly objects to the proposed change of use from B8 storage use to class B1 office. This proposal is contrary to the Ferring Neighbourhood Plan and this is a departure from the local plan.

Ferring Conservation Group objects to this application, which is contrary to the Local Plan and to the appeal decision of the Inspector on Application FG/45/15. It constitutes another intrusion of a substantial building in an area designated 'Countryside' and part of the Angmering Gap. It is also contrary to the made Ferring Neighbourhood Plan, in that it does not serve the needs of agriculture.

We look to the Council to prevent this happening to Hangleton Lane.

There is no overriding reason why District Carers Ltd needs to be located in Hangleton Lane. It has nothing to do with the rural economy and the application says that it serves a wide area in southern West Sussex, so any other location would be just as suitable from a logistical point of view. This office block is not appropriate to Hangleton Lane

12 Objections have been received and these are on the following grounds:

1. This is a Departure from the Local Plan. The area is designated as part of the Angmering Gap and the proposal will erode this.
2. The site is in the countryside and the use is contrary to all Local Plans as an erosion of the countryside. It also does not support the needs of agriculture and is contrary to policy for this reason.
3. It seems 'odd' that Peugeot having successfully argued for a car parking area, are now happy to give up part or all of it. The only saving grace is that this application is for business rather than residential purposes.
4. Yeoman's garage have already successfully appealed to use this space for storing vehicles - they should use it for large car transporters to unload off the main carriageway of the A259 and stop unloading from the pavement footpath outside their premises. In respect of the Appeal decision for the vehicle storage (FG/45/15/PL) the Inspector decided that " the premises should be used for the open storage of vehicles and for no other purpose". Clearly the proposal for office building should be refused.
5. There are many vacant offices in the area which could be used instead of consuming more countryside. The proposal is not welcomed and should be located on a designated industrial site.
- 6 The proposal will only aggravate traffic problems which already exist on the Littlehampton Road, A259. It will also cause added traffic to Hangleton Lane and at the junction with Littlehampton Road.
7. From a neighbour adjoining the site raising concern about a flint wall on the northern site boundary and its protection. Also confirm that there is an existing Bore-Hole for water abstraction in very close proximity of 15 feet from the northern boundary of the site. They fully support the comments raised by Ferring Parish Council that this is the wrong location for such a development.

2 letters of support stating:

1. WSCC (Executive Director Children, Adults, Families, Health & Education) believe that this would enable significant expansion of the business which is home care for older people. Provision of good quality home care has become more and more difficult owing to a shortage of care workers and businesses no longer being prepared to invest in the sector. This in turn impacts upon the whole health and social care system, with delays in hospitals and older and disabled people not able to live independently in the community. WSCC are therefore very happy to support this application as it would enable growth within the business which will benefit residents across the Arun area.
2. A Hangleton Lane resident: This would seem to be a modest and restrained development of an enterprise geared to the public good, in stark contrast to the organised business vandalism permitted nearby.

COMMENTS ON REPRESENTATIONS RECEIVED:

The representations are noted and are addressed in the Conclusions section of this report.

In respect of the flint wall, this is unaffected by the proposal. The bore hole is outside of the site area and unlikely to be affected by development works. These issues could be addressed by informatives.

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| CONSULTATIONS |
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WSCC Strategic Planning
 Southern Water Planning
 Economic Regeneration
 Engineering Services Manager
 Engineers (Drainage)
 South Downs National Park

CONSULTATION RESPONSES RECEIVED:

Southern Water
 No objection. Comments on drainage, sewers and SUDS can be addressed by informatives.

WSCC Highways
 No objection on the basis that the proposal will not give rise to a significant number of extra traffic movements.

South Downs National Park
 No comment on the proposed development.

Arun Economic Development
 No objection to this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
 Outside Built Up Area
 Within Open Countryside

DEVELOPMENT PLAN POLICES

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

- GEN2 Built-up Area Boundary
- GEN3 Protection of the Countryside
- DEV8 Circumstances in which Additional Development may be Permit'd
- GEN7 The Form of New Development

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

- C SP1 Countryside
- SD SP2 Built -Up Area Boundary
- SD SP3 Gaps Between Settlements
- SD SP1 Sustainable Development
- D DM1 Aspects of Form and Design Quality
- D SP1 Design
- EMP DM1 Employment land:Development Management

Ferring Neighbourhood Plan 2014 Policy 1A

Ferring Neighbourhood Plan 2014 Policy 7

A Spatial Plan for the Parish

Land north of Littlehampton Road, encouraging of existing rural businesses

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) were published for Public Consultation purposes over a six week period from Friday 12 January 2018 until 5pm on Friday 23 February 2018 and the consultation period is now over. The emerging Arun Local Plan is therefore at a very advanced stage and carries weight.

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.

Policies 1A and 7 in the Ferring Neighbourhood plan have been considered in the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies relating to commercial development outside the built up area boundaries.

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 key policy considerations in the determination of this application are those contained within the Arun Local Plan (ADLP) and the Ferring Neighbourhood Plan (FNP). The application site is situated outside of the built up area boundary (BUAB) as specified by policy GEN2. Policy GEN2 will not permit development situated outside of the BUAB unless it is consistent with other ADLP policies. Policy GEN3 of the ADLP seeks to protect the countryside for its own sake and as such exerts strict control over development situated outside of the BUAB.

Policy DEV8 of the ADLP relates to circumstances in which additional development outside the BUAB may be permitted for local firms. This policy states that planning permission may be granted to local firms, currently located within the District, proposing development on sites outside the built-up area, provided that the applicant can demonstrate:-

- (i) that no acceptable alternative can be identified within existing permitted or allocated floorspace or within or through redevelopment of existing commercial premises; and
- (ii) that the proposal:
 - (a) exhibits a high standard of design and layout;
 - (b) is capable of being well served by public transport or otherwise is readily accessible other than by private car to a significant residential workforce if employment intensive uses are proposed;
 - (c) provides access arrangements and parking facilities in accordance with the Council's adopted standards;
 - (d) relates sympathetically to the surrounding built or natural environment;
 - (e) includes suitable landscaping and floorscaping provision where appropriate;
 - (f) displays a satisfactory relationship with neighbouring uses in order that the amenities of nearby residents in particular are protected; and
 - (g) incorporates, where appropriate, crime prevention measures.

The application proposal meets all of the above criteria set out in DEV8:

- (i) The applicant has sought to identify alternative sites without success.
- (ii) The proposal:
 - (a) is considered to be of a high standard in terms of design and layout. The proposed building is a modern high quality design, with an acceptable visual appearance.
 - (b) is readily served by public transport with bus stops in close proximity on both sides of the A259.
 - (c) provides acceptable access from Hangleton Lane and parking and manoeuvring in accord with

standards and County highways.

(d) is located such that it would be in keeping with existing development in the immediate locality.

(e) indicates a capacity to accommodate suitable landscaping and surface treatments (which can be ensured by conditions).

(f) does not result in unacceptable harm to amenity of residents.

(g) can readily accommodate crime prevention measures of required.

Ferring Neighbourhood Plan (FNP):

The application site is located on land north of the Littlehampton Road and as such Policy 7 in the FNP applies. The policy seeks to support development which will meet the criteria (i-v) set out within it. In this case it is considered that the proposal:

i. Minimises visual impacts on the surrounding countryside, since it is well related to existing development and located in a position where it will not be widely visible as it is surrounded by existing development.

ii. The new building is located within the existing cluster of buildings at the southern end of Hangleton Lane to its east and west sides. It therefore maintains the existing pattern of development and to avoid significant incursion into open countryside.

iii. Mitigating planting is proposed on the northern boundary of the site which would prevent harm to the setting of the National Park to the north.

iv. Whilst the application is not accompanied by drawings or other images showing impact of the proposed new development from key vantage points in the surrounding open countryside, it is clearly evident from the limited scale and mass of the proposed building and from the surrounding development and screening that there will be no appreciable harm to the appearance of the open countryside.

v. The development does not fall into the category of it being required to meet exceptional circumstances such as utility infrastructure needs.

The lawful use of the site is B8 storage and not agricultural, horticultural or equine use.

The proposed development is therefore considered to be in accordance with FNP Policy 7.

Ferring Neighbourhood Plan 2014 Policy 1A states that proposals for development located outside of the built up area boundary that do not accord with development plan policies in respect of the control of development in the countryside will be resisted. However, in this instance, the proposed development is in accord with development plan policies in respect of the control of development, namely policy DEV8 of the ADLP and policy 7 of the FNP.

The proposal is therefore considered to be in accordance with the Development Plan given the above.

The Emerging Local Plan (eLP)

Policy C SP1 of the eLP seeks to protect the countryside for its intrinsic character and beauty and will not permit development in the countryside unless it meets any of criteria a. - f. In this case the proposal is considered to comply with criteria f as it is in accordance with policy EMP DM1 6 which relates to cases where additional economic development will be permitted outside the BUAB.

National Planning Policy Framework:

Paragraph 7 of the NPPF states that the planning system should contribute "to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.

In paragraph 11, the NPPF confirms that planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

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

In paragraph 17 the NPPF also states the need to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Paragraph 18 notes that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system

It is therefore reasonably clear that the NPPF lends support to the development proposed. This is particularly the case since the proposal is not considered to give rise to unacceptable harm in respect of such matters as visual amenity, design and amenity in general and is considered to be in accord with the Development Plan.

DESIGN AND VISUAL AMENITY

The design of the proposed building is a modern high quality one and has an acceptable visual appearance. Its size and height is such that it would not be widely visible and it is not therefore considered that there would be unacceptable harm to visual amenity.

The area is mixed in character and there is some existing limited residential development to the north and the south on the east and west sides of Hangleton Lane. There are a mixture of uses, including car and caravan storage to the east and north of the site. There are also horticultural uses and structures such as greenhouses in the immediate locality. Wyevale Garden Centre is to the south west of the site adjoining the north side of Littlehampton Road, A259, and a garage with car display is to the south of the site adjoining the north side of Littlehampton Road, A259. The character of the area is therefore not uninterrupted open countryside in physical or in appearance terms. The vicinity of the site therefore has the character and appearance such that the proposed development would be in keeping with.

The proposed development is therefore considered to be consistent with policies relating to design and visual amenity.

RESIDENTIAL AMENITY

The location is such that it will enjoy good separation from nearby dwellings where unacceptable overlooking would not occur. The height/massing of the building is such that it will not be unduly dominant in outlook. New planting and landscaping will further mitigate any limited visual impact.

The proposed development is therefore considered to be consistent with policies relating to residential amenity.

HIGHWAY CONSIDERATIONS

The proposed development will be served by the existing access from Hangleton Lane which is considered to be acceptable. Parking provision is in accord with standards and manoeuvring within the site has been demonstrated to be satisfaction of WCSS Highways who have raised no objection to the proposal.

The proposed development is therefore considered to be consistent with policies relating to highway considerations.

PLANNING APPEALS

In determining this proposal it is also necessary to consider the Appeals set out below:

FG/45/15/PL - Appeal A, Allowed

FG/46/15/PL - Appeal B, Dismissed

FG/45/15/PL & FG/46/15/PL - These appeals relate to land which includes the site of the current application and also extends westwards. The Inspector allowed the Appeal A and granted planning permission for change of use of land from agricultural/compost production to B8 storage. Appeal A included access from Hangleton Lane. Appeal B provided for an access to the existing dealership and the A259 road, involving the removal of a flint wall between the two.

In both cases, the Inspector considered the main issue to be the effect of the proposal on the character and appearance of the Ferring area and the aims of policies on the protection of the countryside and a defined gap between settlements.

The Inspector concluded that the truly open countryside land in both the wider 'gap' and the Policy 7 area did not visually include the appeal site and that it was clear that to the east and west beyond the farm buildings and garden-centre respectively, and to the north within the South Downs National Park area the swathe of open countryside is more coherent and is safeguarded separately by the National Park designation. The Inspector considered that the site is within a predominantly developed area, bounded by built form and developed land. The Inspector further considered the site to do little to enhance the character and appearance of the area, the value of either the 'gap' or the aims of Policy 7.

On that basis the storage of vehicles would be a low-level use, not able to be readily seen from the main road due to the existence of the flint wall retained in Appeal A, and would be hardly perceptible from viewpoints on Hangleton Lane or other ground level places nearby. This remains the case for the site of the current application and the proposal, which is of limited scale and impact and is suitably related to surrounding development.

The Inspector considered that vehicles would be seen from the elevated viewpoints of the Downs, but then that this would be in the context of the other development in the vicinity and more particularly the large area of car parking presently associated with the car dealership. Whilst the unattractive and unproductive nature of the existing land would have appeared vacant or open in those elevated views, the almost surrounding development would not allow it to contribute significantly to the setting of the Downs or the designated Highdown Hill heritage asset, as sought in the Neighbourhood Plan. Use as proposed would not therefore undermine the reasons for the designation of either the National Park or the heritage asset and would not cause harm to either. It is considered that this remains the case for the current proposal given the limited impact visually due to its scale, location and grouping with other nearby existing development.

The Inspector considered that on the balance, the benefits of the proposal in Appeal A were such as to outweigh the limited effects and the conflict with the countryside policies of the 2003 Local Plan, having mind to the more up-to-date approach to rural matters in the National Planning Policy Framework.

A condition restricting use within Class B8 was imposed by the Inspector on the wider site to limit and control the future use in the light of the potential impact of other B8 uses and because the use was sought for a particular purpose to serve a particular existing use (the garage) near the site.

Appeal B was dismissed due to the harm on the flint wall.

CONCLUSIONS

The development does not give rise to unacceptable harm in design and visual amenity terms. It is also

not harmful to amenity in general and is acceptable in highway impact terms.

The character of the area within which the site is located is not that of open uninterrupted countryside in terms of character and appearance. The vicinity of the site has the character of a reasonably well defined developed area within the wider open countryside. This area is a comparatively compact one and there are not considered to be unacceptable implications for the wider open countryside nor for the setting of the South Downs National Park.

In other respects, the development is largely in accord with policies, both overarching and more detailed ones. Policy GEN3 of the Arun Local Plan states that development in the countryside is acceptable where it accords with a policy in Sections 2 & 3 of the Plan referring to a specific use or type of development. In this case the proposal is in accordance with policy DEV8 of the ADLP. In terms of the FNP, this proposal is also largely in accord with that policy. The proposal is also consistent with relevant policies in the eLP and guidance in the NPPF.

The Appeal decisions also do not give rise to considerations that would mean that a refusal of planning permission would be justified.

It is therefore recommended that planning permission be granted subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Drawing Number 1675/2.01/Rev F - Proposed Site Layout, Block Plan & Location Plan - Dated 15.11.2017

Drawing Number 1675/2.02 - Proposed Plans, Elevations & Sections - Received with Application

Drawing Number 1675/2.03 - Topographical Survey & Boundaries - Received with Application

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 Notwithstanding the provisions of any Town & Country Planning General Development Order or Use Classes Order (or any Order revoking or enacting that Order), the use hereby permitted shall be restricted to office use within Class B1(a) only and for no other purpose.

Reason: To enable the Local Planning Authority to consider the acceptability of alternative use, in accordance with Arun District Local Plan policy GEN7.

- 4 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs and details of the design, materials and finishes of the dwellings hereby permitted (and if required, samples) have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

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

- 5 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and walls and/or fencing 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 development or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The approved details of the hard surfacing and walls and/or fencing shall be implemented before the development is first occupied.

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

- 6 No development above damp proof course (DPC) level shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of provisions for the storage of refuse/waste and cycle parking/storage provision for the development. The provisions so approved shall be implemented in accordance with the details so approved for the development before it is first occupied.

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

- 7 The development shall not be occupied until the parking spaces and turning facilities shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking and turning of vehicles.

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

- 8 Development shall not commence until full details of the proposed provisions for foul and surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The provisions so approved shall be implemented in accordance with the details so approved for the development before it is first occupied.

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 foul and surface water drainage system prior to commencing any building works.

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

- 10 INFORMATIVE: Southern Water has advised that -

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

- 11 INFORMATIVE: Southern Water has further advised that -

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

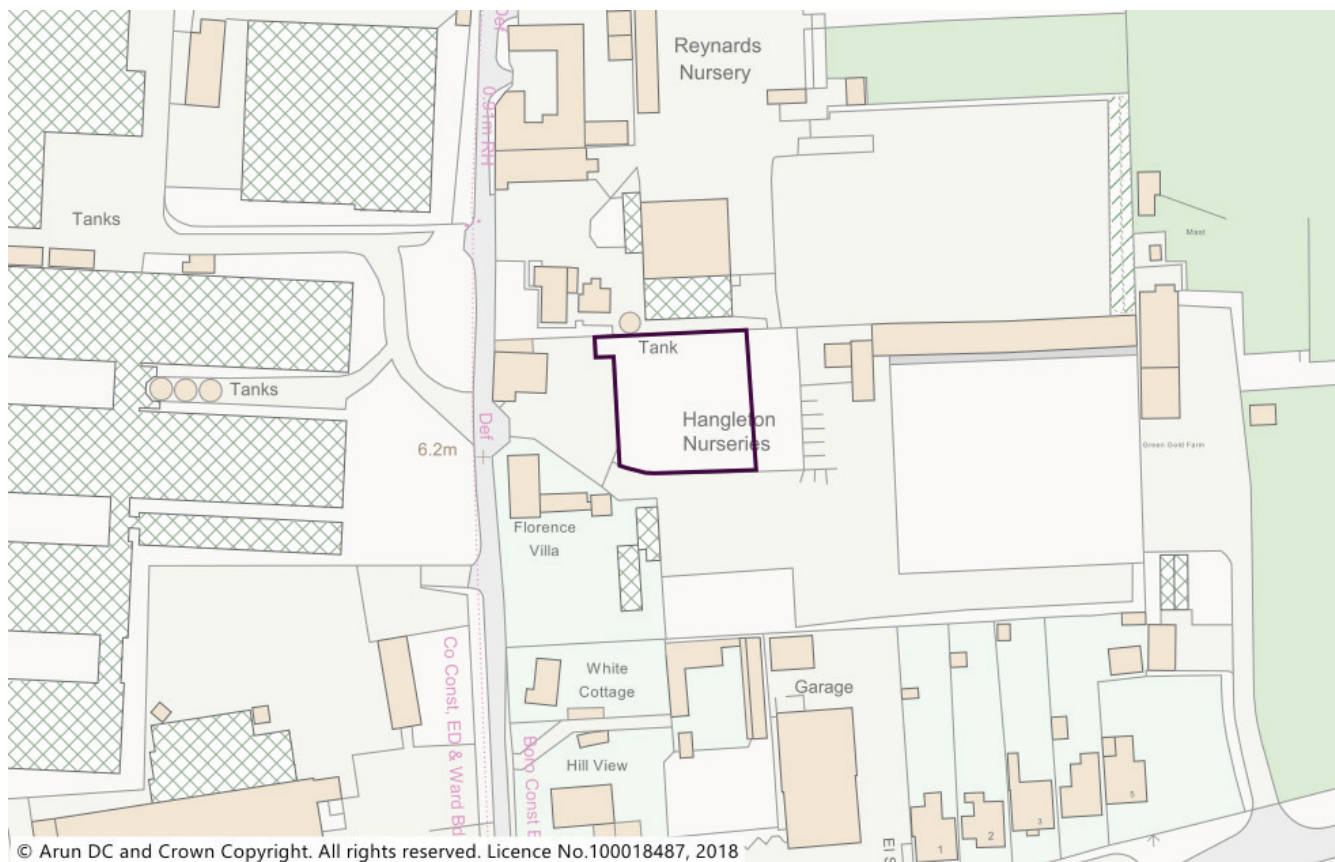
This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its

lifetime.

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

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

FG/183/17/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: FG/206/17/PL

LOCATION: Land at Asda Superstore
Littlehampton Road
Ferring
BN12 6PN

PROPOSAL: Installation of a Six Pump (12 Filling Position) Petrol Filling station, Drive-to-Pay Kiosk & associated works including Jet Wash, Air/ Water Services & Vacuum Equipment

SITE AND SURROUNDINGS

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| DESCRIPTION OF APPLICATION | <p>As above. The proposal relates to the provision of a petrol filling station to the north of the existing ASDA store utilising the existing. The proposal includes 2 jet washes air/water and a vacuum.</p> <p>The canopy structure would be 5m high, 24m long and 16m wide and the kiosk building is 3m high and has a floor area of 5m by 3m. The kiosk would be constructed of powder coated aluminium flashing coloured grey and green. The jet wash would be enclosed by glazed screens.</p> <p>The application is supported by a Noise Impact Assessment, Transport Statement, Lighting Strategy, Landscaping Plan, Phase 1 Risk Assessment & Geotechnical Appraisal and a Drainage Strategy.</p> <p>The proposal is for a 7 day 24 hour use.</p> |
| SITE AREA | 0.29 hectares |
| TOPOGRAPHY | Predominantly flat. |
| TREES | A few of the recently planted trees on the site will be removed as part of the proposal. |
| BOUNDARY TREATMENT | 4m high leylandi trees on boundary with access road to nursery to east. To the rear 2m high close boarded fencing with shrub planting in front. |
| SITE CHARACTERISTICS | The site is landscaped on the boundaries and surfaced and used for overspill car parking for the superstore. |
| CHARACTER OF LOCALITY | The site forms part of the site of the ASDA food store and is located adjacent to a nursery and residential dwellings. The dwelling to the rear is a bungalow and to the east are recently completed 2 storey properties. |

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| RELEVANT SITE HISTORY |
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| FG/134/12/ | Widen service vehicle access road to provide a bus stop and associated ancillary accommodation (Trolley shelter and Bus stop shelter). This application also falls within the parish of Angmering. | ApproveConditionally 08-01-13 |
| FG/16/12/ | Application for a Minor Material Amendment following a grant of planning permission FG/33/10/ for minor alterations to elevations of building, including lobby, energy centre & plant. Minor alterations to car park layout, landscaping & surface materials (this application also falls within the parish of Angmering) | ApproveConditionally 24-08-12 |
| FG/33/10/ | Amend car park layout with ancillary changes to support an unrestricted A1 retail use. Amendment to previous approval FG/174/08/. This application also falls within the parish of Angmering. This application is a Departure from the Development Plan. | ApproveConditionally 19-08-10 |

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| REPRESENTATIONS |
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REPRESENTATIONS RECEIVED:

Ferring Parish Council

Kingston Parish Council

Objection - Concern regarding the lack of screening and landscaping at such a visual location. The proposed filling station will change the visual appearance in a rural location and is contrary to the original plans of this site with the superstore being set back from the highway. Concerns are raised with regards to the 24 hour operation and the associated light and noise pollution.

The proposed site is in close proximity to a new housing development and in full view from the South Downs National Park which contravenes policy G1 SP1 of Arun's emerging local plan to protect the green infrastructure network.

Concerns are also raised regarding the operation hours of the jet wash and the fuel delivery and that the inconvenient noise this will invariably cause to the adjacent housing development during unsociable hours, early in the morning and in the evening.

The proximity of the proposed filling station access to the traffic light junction will cause traffic to back up at peak times causing a traffic hazard on the already congested A259.

East Preston Parish Council - Objection - support the comments of Ferring and Kingston Parish Council.

Ferring Conservation Group - objection to further intensification of the commercial use of this site which has changed from a plant nursery to a garden centre, to a medium-sized all-purpose store, to a larger local store, to a gigantic 'superstore', all within clear sight of Highdown and the National Park.

The visual intrusion would be unacceptable from Highdown Hill and on Littlehampton Road. The ASDA store itself is set well back from the road and partly below road level. Highdown is within the National Park, where a 'dark skies' policy applies. Views to the south are particularly valuable. Littlehampton Road just clings to its semi-rural appearance, with farmland immediately to the west of ASDA: the petrol station would be another blow to that appearance. The proposal will generate an appreciable and unacceptable increase in traffic-

18 Objections

- Cannot understand why this is still being considered when the Asda store itself was never allowed to have a roadside position due to the visual impact.
- This will be a noisy and light emitting area where up to 24 vehicles can be stacked whilst waiting for fuel with a further noisy jet wash and vacuum area.
- Will ruin any outside space and also privacy during both day and night, to the immediate neighbouring properties.
- Will devalue property prices.
- Given the size of the Asda plot why would the Council even consider this when it backs directly on new detached and semi detached properties who will no longer have any peace in their back gardens.
- Concerned that the proposed petrol station is going to cause considerable noise disturbance.
- Asda have requested a 24 hour a day 7 days a week opening times. We already endure the noise of car alarms, screeching of tyres, and the constant Asda store alarm going off but come closing time, it generally ends. The location of the proposed petrol station to our home would mean the noise would be much nearer to us and would be throughout the night as well as the daytime. As well as the noise of constant traffic to and from the petrol station there would be car alarms that go off, car stereos booming, drivers that believe they need to wheel spin at every given opportunity and the noise from the car wash/jet wash.
- This would cause endless sleepless nights without a doubt.
- The proposed plans remove the existing hedge and replace it with a path, extending the car park where the existing path is.
- One of our bedrooms is on the corner of the property closest to the fence. The noise of people using the pathway and possibility of banging the fence will be very disturbing.
- There is potential for people to look through the gaps in the fence into our garden and seeing into that bedroom is a grave concern. At the moment there is a grassed area and a hedged area between the path and the fence therefore deterring anyone from having direct contact with the fence. The fence has sustained some damage already from the winter winds which we have reported to Asda on three separate occasions and still nothing has been done.
- Existing light pollution when Asda was first built 5 years ago where we were promised cowlings would be installed on each light to restrict the light entering our home but this was never done. With the added light from the petrol station canopies this would be unbearable.
- Concerned that petrol fumes would be an issue.
- A petrol station will definitely cause more traffic on the A259 and travelling to and from our home can at certain times of the day be very time consuming.
- Asda has large grounds. Can the petrol station be relocated to the west side whereby there are no direct neighbours to be upset.
- The A259 Ferring is thoroughly congested now without more traffic being added.
- This petrol station is not needed or wanted by the community of Ferring.
- The intensification of development of this area on the fringes on the South Downs National Park will be detrimental to the preservation of countryside space and views especially those enjoyed from Highdown Hill and will be bathed in light during night hours.

- Inevitably unmanned filling stations which operate during all hours, sociable or otherwise, have a tendency to create an area for gatherers to undertake unsociable behaviour.
- There will be increased traffic into the store site for the purposes of fuel filling during nighttime hours with associated noise levels of typical vehicle users, which otherwise would not be generated as the store does not operate on a 24 hour basis.
- Any proposal of this kind could set a controversial precedent for further intensification of development along the A259 by all manner of activities and not a welcome route.
- The area is already adequately served by various fuel filling stations.
- The store itself had to be moved away from the road as part of the original store development proposals in order to protect the openness of the area.
- Concerns for health and safety having fuel stored in close proximity to my new home,
- There is no requirement/demand for a 24-hour petrol station in this area. Other supermarkets in the Worthing/Littlehampton area, i.e. Sainsburys, Tesco and Morrisons, have petrol stations, however all of them do not operate on a 24-hour basis. Their opening times are line with their store opening times.
- Having such a facility so close to the A259 will invariably cause traffic problems which will back up onto the road, leading to a further hazard for both road users and pedestrians to negotiate. The A259 is at its maximum capacity leading to congestion on numerous occasions throughout the day, not just at peak times. The proposal will further increase road traffic, with many users driving to the petrol station solely to use the facility and not due to the 'dual' visit to the store.
- The Transport statement only provides statistics for the store between 0600 and 2200 hours for both weekdays and weekends. The evidence presented by ASDA does not show the impact between 2200 and 0600 hours. So how can they say that the impact is minimal.
- The area where the store is situated is not a town development. It sits on the edge of the South Downs National park and in full sight of Highdown Hill which is within the National Park.

4 letters of support

- Will provide a much needed facility for motorists. There are few opportunities to re fuel locally.
- Asda currently operates without any un-neighbourly issues arising from noise and the filling station would not significantly add to noise or light levels.
- Would be unlikely to have a major impact on the A259.
- Will complement the store's facilities and increase choice.
- Given the planned new housing for Angmering it will be a useful local addition.
- The agreed future upgrade of the A259 will alleviate "traffic bottlenecks" which build up where there is no dual carriageway and cause annoying back ups.
- Should not be 24 hours due to the location to new housing development also jet wash should have restricted hours too.
- Traffic would be improved if the existing junction exit from Asda is altered to both directions alleviating the overuse of the roundabout.

COMMENTS ON REPRESENTATIONS RECEIVED:

The submitted landscaping plan originally submitted has been improved with additional planting and screening provided adjacent to the south east corner of the site. 2 additional trees are provided to the north east corner with another planted border in the southern part of the site and extra planting in the area of the kiosk building and at the entrance to the site. Existing landscaping is being retained on the southern and eastern boundary. This screening is considered to acceptably assimilate the buildings into the landscape.

The footpath around the site has been relocated further from the boundary with the bungalow to the south.

Policy G1 SP1 'Green Infrastructure and development' of the emerging local plan refers to major

development proposals and this proposal is not considered to fall within this category.

The buildings are located in the south east corner of the site adjacent to the recently completed housing and are therefore not considered to expand the built form unacceptably in the landscape. They would be visually assimilated into the development to the east and would not appear as an isolated feature.

It is proposed to limit the lighting and opening of the petrol filling station to accord with store opening hours and the jet wash to 10pm. With these restrictions in place and additional landscaping provided it is not considered that the proposal will have an unacceptable materially adverse impact on residential amenity from noise or lighting.

Additional information has been submitted by the applicant to demonstrate that the additional traffic will not result in congestion on the A259.

Devaluation of property is not a material planning consideration.

CONSULTATIONS

WSCC Strategic Planning

Engineering Services Manager

Engineers (Drainage)

Environmental Health

Parks and Landscapes

Environment Agency

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection. Final comments relating to conditions are awaited.

Landscape Officer - No Objection. The landscaping scheme is significantly improved.

Environmental Health - Comment. Further information requested concerning predicted noise levels and number of vehicles involved.

Final comments are awaited

Environment Agency - No Objection subject to imposition of conditions. Final comments relating to conditions are awaited

County Highways - Additional information required following submitted Transport Statement.

Final comments are awaited

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Revised landscape plans have been received and the landscape officer now has no objection. The revised scheme has now allowed for the retention of the establishing juvenile planting and has proposed a scheme that now adds to the existing. The planting and hedging to the south eastern boundary is now to be retained. Additional trees and shrubs which are structural rather than just groundcover have also now been incorporated into the scheme.

Revised comments of other consultees will be reported to Members.

POLICY CONTEXT

Designation applicable to site:
 Outside the Built-up Area Boundary
 Within the East Preston and Ferring Strategic Gap
 A259 Road

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

| | |
|--------|---------------------------------|
| GEN3 | Protection of the Countryside |
| GEN7 | The Form of New Development |
| GEN9 | Foul and Surface Water Drainage |
| GEN12 | Parking in New Development |
| GEN32 | Noise Pollution |
| GEN33 | Light Pollution |
| GEN34 | Air Pollution |
| AREA10 | Strategic Gaps |

Publication Version of the Local Plan (October 2014):

| | |
|--------|------------------------------------|
| D DM1 | Aspects of Form and Design Quality |
| D SP1 | Design |
| SD SP1 | Sustainable Development |
| SD SP2 | Built -Up Area Boundary |
| T SP1 | Transport and Development |
| C SP1 | Countryside |
| SD SP3 | Gaps Between Settlements |
| QE DM1 | Noise Pollution |
| QE DM2 | Light Pollution |
| QE DM3 | Air Pollution |
| QE SP1 | Quality of the Environment |

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| <u>Ferring Neighbourhood Plan 2014 Policy 10</u> | Sustainable water management |
| Ferring Neighbourhood Plan 2014 Policy 1A | A Spatial Plan for the Parish |

PLANNING POLICY GUIDANCE:

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

POLICY COMMENTARY

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

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

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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

The Neighbourhood Development Plan

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

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

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

Policies 1A 'Spatial Plan for the Parish' and Policy 10 'Sustainable Drainage Systems and Water Management' of Ferring Neighbourhood Plan are considered relevant to determination of this application.

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| DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND |
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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 proposal is considered to conflict with relevant Development Plan policies in that the site is outside the defined built-up area boundary and the proposal does not meet the operational need of agriculture, forestry or informal recreation in conflict with policy GEN3 of the Arun District Council.

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| OTHER MATERIAL CONSIDERATIONS |
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It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background namely that the site is laid out for overspill car parking which is an existing use associated with the ASDA foodstore and the development would not compromise the objectives of the Gap.

CONCLUSIONS

PRINCIPLE

The site lies outside the built up area boundary where development unrelated to the needs of agriculture, forestry etc would not normally be permitted. However the area is currently used for overspill car parking in association with the existing retail use on the site.

In this case the key policy considerations are deemed to be GEN2, GEN7 and AREA10 of the Arun District Local Plan and Policy 1A of the Neighbourhood Plan and the National Planning Policy Framework (NPPF). The NPPF supports the effective and efficient use of land .

The Ferring Neighbourhood Plan was made in January 2015 and therefore forms part of the development plan. Policy 1A states 'proposals for development located outside of the built up area that do not accord with development plan policies in respect of the control of development in the countryside will be resisted..' The explanatory text, at 4.4, acknowledges the constraints on development in the strategic gap of Ferring and East Preston. For the reasons set out below the proposal is not considered to unacceptably adversely affect the integrity of the gap.

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.

Environmental

The application site lies within an existing car parking area and is located within the site of an established retail store. The proposal would involve the further landscaping of the site which would safeguard the environmental integrity of the site. The lawful use of the area for car parking would be in keeping with the proposed use and the building proposed would not introduce an unacceptable level of built development given that the neighbouring site has recently undergone extensive residential development. These environmental factors weigh in the scheme's favour.

Economic

It is considered the proposal will result in localised economic benefits through the need to employ people to carry out the building works and within the kiosk of the petrol filling station. In addition, the facility could bring additional customers into the area who could then spend money on local goods & services. It has also been demonstrated by the applicant that the effect of an ASDA petrol filling station is to drive down prices in the local area to the benefit of the residents. These economic factors weigh in the scheme's favour.

Social

It is also considered that the proposal will have social benefits by providing an additional facility to meet local needs.

The proposal is therefore considered to comprise sustainable development.

Paragraph 111 of the NPPF states that planning decisions should encourage the effective use of land by re-using land that has not previously been developed provided that it is not of high environmental value. This proposal utilises an existing overspill parking area which is not of high environmental value.

The proposal is sustainable development and would benefit from the NPPF presumption in favour of

sustainable development.

DESIGN AND VISUAL AMENITY

The buildings and forecourt canopy will not have a significant impact on the visual amenities of the locality, they are limited size and scale. The canopy would be open sided and the kiosk and jet wash buildings would have limited height and footprint. Landscaping would be retained on the site frontage with some being removed within the site, but this is proposed to be replaced with additional planting which would soften and screen the development to the front and sides. The proposal is therefore considered to be acceptable in terms of the visual amenities of the locality. Although the development would be visible from Highdown Hill it would be visually assimilated into the development behind and would not appear as an isolated structure within the settlement gap. It would occupy a position which is adjacent to residential development to the east and south.

STRATEGIC GAP

It is acknowledged that the site is within a Strategic Gap however the site is part of the overspill car park area and is already established as part of the ASDA food store site. It is considered that whilst the site is within the Strategic Gap the additional structures would be located close to adjacent residential dwellings and would not compromise the integrity of the open gap or increase development outside of the defined ASDA boundary. The additional structures are not considered to demonstrably affect the character or integrity of the Strategic Gap and would not be detrimental to the open character of the wider area. They have a low profile and do not extend the westerly extent of built form across the site. The food store is located south of the structures, but extends closer to the western boundary and the area in front is used as car parking. Views across the site from the east are restricted by the residential development to the east and an existing row of evergreen trees.

RESIDENTIAL AMENITY

The Noise Assessment Reports submitted with the application demonstrate that given the existing background noise levels and the distances to residential boundaries, the development would not result in materially adverse effects on residential amenity provided hours of use of the equipment is restricted and acoustic fencing to the satisfaction of Environmental Health officers is provided. However the application as submitted is for 24 hour use. It is noted that there are no restrictions on the hours of operation on the superstore. In other words it is free to operate on a 24 hour 7 days a week basis. It would therefore be unreasonable to restrict the hours under which the petrol station facility can operate.

However, activities that generate higher levels of noise such as jet washing in relatively close proximity to residential properties should be restricted to end at 22.00 hours in order to respect the residential amenity of adjoining residents.

The filling station is located in the south east corner of the site frontage. 2 storey residential dwellings are located to the east and are separated from the site boundary by the access road to Ferring Nurseries and the footpath to the food store. The distance from the jet washes to the neighbouring residential boundary is 20m and to the vacuums and air pumps it is 19m and there is mature tree screening on the boundary which is to be retained. The bungalow to the south which is the closest property to the site is located 9m from the parking area and 25m from the vacuum and air facility and 34m from the jet wash. These distances combined with the existing, high levels of ambient noise and proposed planting are considered adequate to prevent a materially unacceptable adverse effect resulting on the residential amenities of the adjacent occupiers by reason of noise or disturbance during the hours when residents would not be sleeping.

TRANSPORT

National Transport Policy is contained in the National Planning Policy Framework (NPPF). Paragraph 32 requires all development that generates a significant amount of traffic movement to be supported by a

Transport Statement. A Transport study is included in the application.

The supporting Transport Statement (TS) identifies that the development will not significantly increase the number of dedicated trips to and from the site. It is anticipated that the filling station would largely serve existing customers to the food store. The layout design is such that vehicle stacking capacity can be contained within the forecourt area without impacting negatively on the operation of the site access junction or Littlehampton Road.

County Highways have been consulted, they have raised no objection in principle to the scheme whilst additional comments in relation to the submitted TS are awaited. The Highways Officer states that the petrol filling station (PFS) will be constructed on an area of overflow car parking. Currently, ASDA provides no markings or signage to encourage customers to park there and this area of parking is the furthest away from the ASDA food store entrance (approximately 200m). This is therefore, least attractive area for customers to park in within the sites overall footprint, and certainly likely to be less desirable than spaces closer to the store building.

While the overflow car park does not have a defined capacity, it appears not to accommodate a substantial number of cars. It is reasonable to assume that these cars, if displaced, could be accommodated in the formal car park.

The existing food store has a 11,520m² Ground Floor Area (GFA) and a defined capacity of 534 car parking spaces. This does not account for the overflow car parking spaces and hasn't changed since the store opened.

The Highways Officer requests that the existing car parking provision accords with WSCC standards (2003). This states a maximum standard of 1 space per 14m². The maximum permitted capacity based on 11,520m² GFA is 823 spaces. The present day allocation is within the maximum value .It is expected that 70% of the vehicles would be associated with existing shopping trips to the store. The number of "new" trips to the PFS is only expected to account for 30% of the total trips to the facility.

This reflects the convenience factor associated with purchasing fuel as part of an existing shopping trip. The adoption of the 70/30 split assumption is underpinned by analysis of data provided by ASDA. The data demonstrates the principle that while customers use card and or cash in store, most PFS fuel payments are card based. Data provided by ASDA suggests that an overwhelming majority of transactions at store PFS facilities are associated with an existing shopping trip, with the remaining PFS transactions made by customers who use the PFS, but who do not use the store.

CONCLUSION

The proposal is considered to constitute sustainable development as set out in the NPPF. The use applied for is for 24 hour operation, subject to a restriction on opening hours to accord with the food store it is considered that the proposal would be acceptable in terms of visual and residential amenity. 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 Location A-17-31-fw 100 01 revC
Landscape Plan 200 06 revB,
Proposed Drainage Layout 05.16049-ACE-00-XX-DR-D-50-0101-P05
Proposed Site Plan 200 02 revB
Site Sensitivity Information 200 08 rev A
Geo Environmental Appraisal 400-07 revA
Tank Farm General Arrangement 05.16049-ACE-00-XX-DR-S-20-0201-P02
Proposed PFS Plan 200 04 revB
Proposed Forecourt Sections 400 01 revB
Proposed Kiosk Plans & Section Plan A 17 31 FW 200 05 revA
Proposed Site Elevations A 17 31 FW 300 01 rev A
Proposed Kiosk Elevations A 17 31 FW 300 02 revA
PFS Standard Details plan A-17-31 FW 500 01 rev A
Asda PFS Stacking Diagram ATR02

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 All external lighting shall be switched off 1 hour after closure of the filling station and shall be switched on no more than 1 hour before opening of the filling station.

Reason: To control the visual amenity of the local environment in accordance with Arun District Local Plan policies GEN7, GEN33

- 4 On any day, the petrol filling station shall be operated between the hours of 0600 and 0000 only and not at any other time.
- Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 and GEN32.
- 5 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.
- The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.
- Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.
- No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.
- Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.
- 6 External lighting in association with this development shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E3, Suburban. Special consideration to be given in respect of housing to the immediate east of this proposed development
- Reason: To control the residential amenities of the local environment in accordance with Arun District Local Plan policies GEN7, GEN33.
- 7 The development hereby permitted shall not be commenced until such time as a scheme to install, monitor and maintain the underground tanks has been submitted to, and approved in writing by, the local planning authority.
- The scheme shall include the full structural details of the installation, including details of excavation, the tank(s), tank surround, tertiary containment, associated pipework, monitoring system and maintenance, monitoring & sampling schedule.
- The scheme shall be fully implemented and the tanks and associated infrastructure subsequently maintained and monitored, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.
- Reason :To protect and prevent the pollution of the water environment from potential pollutants associated with proposed land uses in line with National Planning Policy Framework (NPPF; paragraphs 109, 120 and 121), EU Water Framework Directive, and Environment Agency Groundwater Protection Position Statements (2017) D2 and D3 and in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Local Plan policy GEN7. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.
- 8 The development hereby permitted shall not be occupied until such time as a validation report

has been completed, which includes evidence that the tanks and associated infrastructure have been completed in accordance with the scheme approved under condition 7. The validation report should be submitted to, and approved in writing by, the local planning authority.

Reason: To protect and prevent the pollution of the water environment from potential pollutants associated with the proposed land uses.

- 9 The development shall proceed in accordance with the submitted Acoustic Report and the mitigation measures in respect of the jet washes, vacuum unit and air/water units restricting the hours of operation to 07.00 - 22.00 only.

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

- 10 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 protect and prevent the pollution of the water environment in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, and Environment Agency Groundwater Protection Position Statements (2017) A4 - A6, J1 - J7 and N7 and 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.

- 11 No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to the water environment. The development shall be carried out in accordance with the approval details.

Reason: To protect and prevent the pollution of the water environment in line with National Planning Policy Framework (NPPF; paragraphs 109, 121), EU Water Framework Directive, and Environment Agency Groundwater Protection Position Statements (2017) G1, G9 to G13, N7 and N10. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.

- 12 The development hereby permitted shall not be occupied until such time as a Environmental Management System (EMS) has been developed and shall be approved by the local planning authority.

Reason: To protect and prevent the pollution of the water environment in line with National Planning Policy Framework (NPPF; paragraphs 109, 121), EU Water Framework Directive.

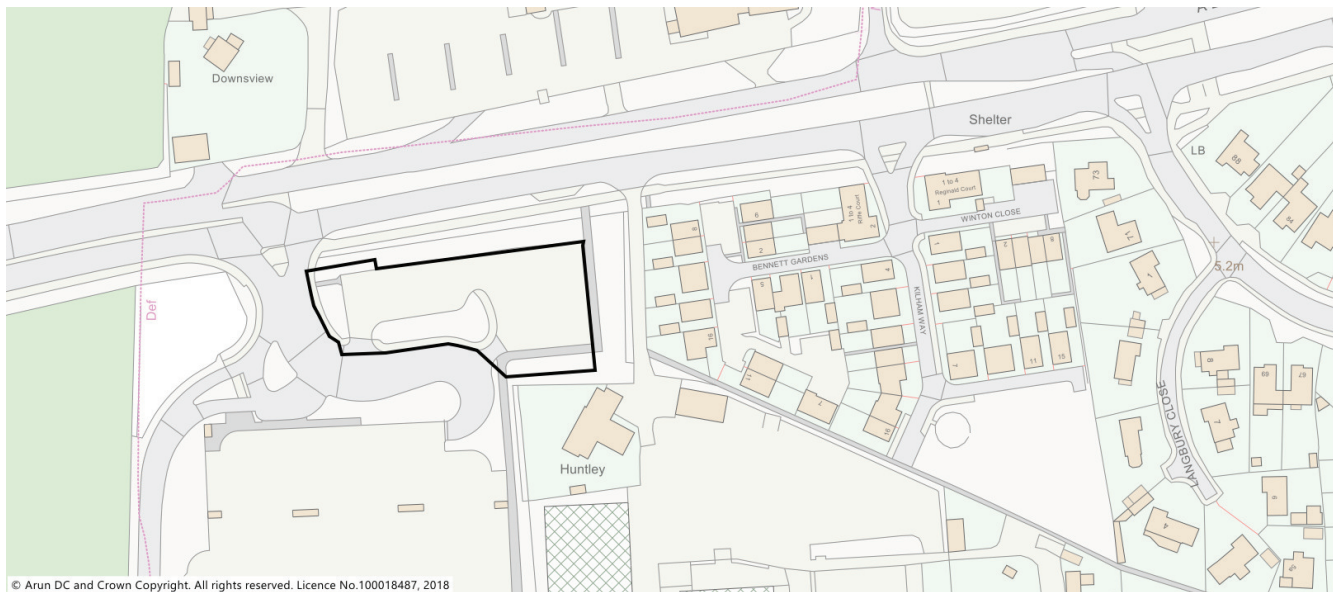
- 13 Landscaping (hard and soft) shall be carried out in accordance with the submitted details shown on plan (200 06 revB). All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting

season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 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: This permission does not purport or be deemed to grant consent for any advertisements for which a separate application for advertisement consent is required.
- 16 INFORMATIVE: The proposed development is on a site whose activity will require a Permit under the Environmental Permitting (England and Wales) Regulations 2010. Full details must be provided in writing to the Environmental Health Department (including plans and diagrams where appropriate) through a separate application. A petroleum license will be required from WSCC. Please liaise with WSCC re the layout etc before work commences.
- 17 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.

FG/206/17/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/408/17/PL

LOCATION: Land North of & South of Railway
Courtwick Lane
Littlehampton
BN17 7FR

PROPOSAL: Variation of condition No.4 & 24 imposed under LU/355/10 relating to amended drawings & rewording condition to state "Details of the proposed bus route within the development, including footway and cycleway links, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the 550th house at Kingley Gate. The bus route, cycle and footway links shall be carried out in accordance with the approved plan prior to the occupation of the 600th residential unit at Kingley Gate".

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| SITE AND SURROUNDINGS |
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DESCRIPTION OF APPLICATION

The applicant is applying to reword Condition 24 which was imposed on outline planning permission LU/355/10/OUT which currently says:

"Detailed designs of the width, alignment and construction of the proposed bus access route through the development (including the design and control of the bus gate(s) at Courtwick Lane), shall be submitted to and approved in writing by the local planning authority. Construction of the bus access route shall be carried out in accordance with the approved details prior to occupation of the 1st unit."

The proposal is to vary Condition 24 to read:

"Details of the proposed bus route within the development, including footway and cycleway links, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the 550th house at Kingley Gate. The bus route, cycle and footway links shall be carried out in accordance with the approved plan prior to the occupation of the 600th residential unit at Kingley Gate".

The applicant is proposing to remove the reference to the design and control of the bus gate(s) at Courtwick Lane, this could not be implemented due to the unsuitability of Courtwick Lane for buses; due to its width, surface treatment and overhanging trees. The bus would run into the development from the traffic lights on the A259, then along Benjamin Gray Drive, Ernest Finches Way and Henry Lock Way, and exit the development from the traffic lights on the A259; thereby allowing a large proportion of the residents of Kingley Gate

access to the bus.

The footpath link to the north eastern part of Kingley Gate would enable the residents of dwellings along Courtwick Lane to gain access onto Ernest Finches Way where there would be a bus stop close by.

The applicant is also applying to replace drawing number ITB3164-GA-003 Rev A (bus access arrangements), with "Drawing Number P802.S106.01 Rev. A - Planning Layout S106 Obligations" and to amend Condition 4 accordingly, which lists the approved plans imposed on the outline planning permission (LU/355/10); as the revised drawing shows the bus route provided within the site accessed and egressed from the signalised junction on the A259, and not running onto Courtwick Lane.

SITE AREA

The overall development comprises 33.6 hectares of land.

TOPOGRAPHY

Predominantly flat. However, the land falls away by a significant degree to the western boundary of the site (adjacent to the River Arun) by approximately 4 metres.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The site boundaries are defined as follows:

- The south eastern boundary is formed by a new industrial building occupied by the Fittleworth Group.
- The northern boundary by a hedgerow, containing some trees and a notable tree group south of the farm, separating the site from Brook Barn Farm and adjacent small fields and the West Coastway railway line and Littlehampton branch line.
- A belt of newly established planting on the north eastern boundary of the site that forms the boundary with an area of open space provided as part of the adjoining residential development.
- Along the southern boundary, a post and rail fence and occasional clumps of scrub along the route of the A259 with residential and employment development to the south, fringed by planting belts.
- An overgrown hedgerow along the southern side of Courtwick Lane.
- The western edge of the site is defined by a hedgerow beyond which lies a series of fields within the floodplain that extend to the railway line south of Littlehampton railway junction.

SITE CHARACTERISTICS

The larger development site, known as Kingley Gate, is an urban extension to Littlehampton, located on the north-western edge of the town. Kingley Gate is predominantly residential; it has been developed by a consortium of house builders comprising Barratt Homes and Bellway; and it is almost completed.

When completed, Kingley Gate will comprise of 600 dwellings, varying in style and design and ranging between 2 and 3 storeys in height; a mixed use building, together with a changing facilities building, and areas of public open space, including LAPs, LEAPs and formally laid out sports pitches.

Kingley Gate also includes 4,000 square metres of Class B1 floorspace (on approximately 1 hectare of land) in an area located adjacent to the A259 and accessed off the signalised junction on the A259, which serves the whole development.

Kingley Gate is approximately 1.75km from Littlehampton town centre and 1km from the existing local centre at Wick.

CHARACTER OF LOCALITY

To the north of the application site is Brook Barn Farm, an independently farmed agricultural unit. Beyond this is the railway line, beyond which is countryside.

Immediately to the east of the site is Court Wick Park and the adjoining Court Wick Park Stables (known locally as the Coach House), both of which are Grade II listed. This group of buildings is partially enclosed by significant groups of tall mature trees. Other buildings in this location include Numbers 4/5 Courtwick Park Cottages, a pair of two storey semi-detached houses.

Further to the east, beyond Courtwick Park, is a relatively modern housing development which follows a typical medium density pattern of development accessed by a low speed road network of cul-de-sacs. To the south of this, and separated from the application site by an area of undeveloped land (a former nursery site), is the Martello Enterprise Centre, an established employment/business park.

To the west of the site is an area of farmland beyond which is the railway and then the River Arun.

The application site's southern boundary is formed by the A259. A landscaped embankment rises to the south of the A259, beyond which is the large residential area of Wick, which comprises a mix of 2 and 3 storey houses and flats arranged around a loose grid of small parking courts and open spaces. To the west of the Wick residential area is the Lineside Industrial Estate, which is accessed from the A259 via Eldon Way.

The southern edge of the town of Arundel is located 2.5km north of the application site.

RELEVANT SITE HISTORY

| | | |
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| LU/282/17/RES | <p>Approval of reserved matters following outline consent LU/355/10 for access, appearance, layout & scale relating to development comprising of up to 162m² of floorspace for A1/A2/A3 local facilities, with 5 No. residential apartments at first & second floor comprising of 3x2 bed & 2x1 bed with associated parking, bin stores, cycle parking & store. Associated changing facilities which comprise of a single storey building sited towards the open space & playing fields area to the North -East of phase 2</p> | <p>ApproveConditionally 25-01-18</p> |
| LU/355/10/ | <p>Outline application with some matters reserved for mixed use development comprising: up to 600 residential dwellings (including up to 30% affordable housing), up to 4,000 sqm of B1a and B1b employment floorspace, up to 235 sqm of A1/A2/A3 local facilities, structural planting and landscaping, multi functional green infrastructure including sports pitches (and associated changing facilities), informal open space, children's play areas, allotments and surface water attenuation, on-site pedestrian/cycle/bus emergency only access from Courtwick Lane and ancillary works. This application is the subject of an Environmental Impact Assessment & a departure from the Development Plan.</p> | <p>App Cond with S106 23-03-12</p> |
| LU/37/18/DOC | <p>Approval of details reserved by condition imposed under LU/355/10/ relating to condition 34-scheme for bus stops within site.</p> | |
| LU/44/14/ | <p>Approval of Reserved Matters following Outline Approval LU/355/10 for Phase 2, 185 units for layout, appearance scale and landscape of dwellings. Departure from the Development Plan.</p> | <p>ApproveConditionally 02-07-14</p> |
| LU/287/16/RES | <p>Application for approval of reserved matters following outline approval LU/355/10 for access, appearance, layout & scale for sports facilities building</p> | <p>Withdrawn 30-11-16</p> |
| LU/24/17/PL | <p>Demolition of No 6 & No 7 Courtwick Park Cottages & associated outbuildings & erection of 8 No. dwellings with associated car parking/ports & access from the formerly approved junction off Benjamin Gray Drive (approved under application LU/355/10 & LU/44/14). This application is a Departure from the Development Plan.</p> | <p>ApproveConditionally 21-03-17</p> |

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| LU/248/13/ | Application for approval of reserved matters following outline approval LU/355/10/ for Phase 1 (115 No units including 29 affordable houses) for layout, appearance, scale, access and landscaping of dwellings. This is a Departure from the Development Plan. | ApproveConditionally 14-11-13 |
| LU/244/13/ | Application for approval of reserved matters following outline application LU/355/10 for the appearance, landscaping, layout and scale of 70 dwellings (including 20 affordable dwellings) within land parcel 1B. Departure from the Development Plan. | ApproveConditionally 14-11-13 |
| LU/318/14/RES | Approval of reserved matters following outline consent LU/355/10 for appearance, landscaping, layout and scale of 140 dwelling (including 38 affordable dwellings) within Phase 2a | ApproveConditionally 29-01-15 |

Application LU/37/18/DOC - Approval of details reserved by condition imposed under the outline planning permission (LU/355/10/) relating to Condition 34 requiring details of a scheme for bus stops within site has been submitted by the applicant and awaits determination.

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| <p>REPRESENTATIONS</p> |
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REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Object.

This application seeks approval to reword condition 24 and if implemented would result in the loss of Courtwick Lane as a future bus link for the residents of the Kingley Gate development. The access to / from the estate in the north east corner of the site was originally intended for buses, cyclists and emergency vehicles as well as the continued use by those parties requiring access from the privately owned section of Courtwick Lane. It was disappointing that the proposed route was not envisaged in the original outline planning application. Recognising that the purpose of the Section 106 Agreement funding was to help secure a permanent bus service serving the Courtwick residents, it was considered that the proposal failed to acknowledge the future need to access the employment opportunities adjacent to Kingley Gate and the retail amenities to the east and south. The failure to retain access for buses at this point would hinder the long-term sustainability of a future bus service.

The Chair of Littlehampton Town Council Planning and Transport Committee initially objected claiming that there are many residents off Courtwick Lane who would benefit from a bus service. Without opening the rear of the site to all traffic it would seem necessary to introduce a bus gate to facilitate a bus service. However, at current usage levels there is zero chance of a sustainable bus service continuing after the Section 106 money is used up leaving it to community transport to pick up the essential demand. That said, there are currently discussions ongoing between Littlehampton and Rustington to try and design a

service more attractive to users and with a better chance of longer term viability.

The North Littlehampton Steering Group at its meeting on Wednesday 7th February 2018 resolved that under the revised scheme a bus gate would not be required in the north eastern corner of the site as the route had been changed.

Stage Coach

No objection.

The bus routing represents the most rational and reasonable means to deliver a bus service to residents given the legacy of how the site has been brought forward. However, the fact that the site operates with a single point of access for buses means that it cannot be served effectively except as a terminal loop and given the scale and location of the site and the context of where it sits with regards to adjoining development and the wider highways topology, it is far from clear to us that sufficient revenue is likely to accrue at full build-out from this and immediately adjoining development, to allow a commercial bus service to be sustained once the Section 106 funding for the current service contracted by WSCC to Compass Bus runs out.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

LOCAL HIGHWAY AUTHORITY:

The response from the Local Highway Authority, dated 30th January 2018 commented that the new route does offer a suitable alternative for access to the new development, subject to bus stops and waiting areas being provided in appropriate places and careful consideration and provision of a suitable pedestrian and cycle link to Courtwick Lane. The previous plans would have required the provision of localised widening to Courtwick Lane and the construction of a bus only gate to provide access in-and-out of the development. By agreeing the new route, this removes those requirements. The applicant is proposing a walking and cycling route to Courtwick Lane as referenced in the Section 106 Agreement imposed on the outline planning permission; and has submitted a Stage 1 Road Safety Audit (RSA) which requires a formal Designer's Response to several recommendations in the RSA. The Fire and Rescue Department has confirmed that it is not reliant on using Courtwick Lane for access to the development in the event of an emergency. Given the design of the internal road layout of the development, the Fire and Rescue Department have confirmed that this is satisfactory for their purposes.

The response from the Local Highway Authority, dated 31st January 2018 requested an amended plan with correct sightlines plotted and further consideration of measures to prevent pedestrians walking straight out and cyclists riding straight out (from the Kingley Gate development) into oncoming vehicles on Courtwick Lane.

The response from the Local Highway Authority, dated 26th February 2018 commented that for the most part, the amended plan submitted by the applicant on 13th February 2018 including the widening of the footpath leading from the local area for play (LAP) towards Courtwick Lane, and the provision of staggered barriers as cyclists exit onto the Lane, and the new Road Safety Audit and Designer's response appear acceptable.

The response from the Local Highway Authority, dated 8th March 2018 commented on the applicant's submission provided details of the barrier chicane where pedestrians and cyclists exit the site onto Courtwick Lane:

The response from the Local Highway Authority, dated 12th March 2018 commented that the proposed arrangements looked to be suited for cyclists.

The response from the Local Highway Authority response, dated 15th March 2018 commented that:

1. The spacing between the gates needs to be increased to 2.0 metres to ensure there is sufficient manoeuvring space between the barriers for mobility scooters and wheelchairs etc.
2. The barrier must not be of the 'hooped-type' as originally proposed and of a type that prevents children from getting underneath.
3. The design of bus stops and hardstandings is required to be submitted.

The response from the Local Highway Authority, dated 20th March 2018 raised no objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICES

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

- GEN14 Public Transport
- GEN15 Cycling and Walking
- GEN2 Built-up Area Boundary
- GEN7 The Form of New Development
- GEN8 Development and the Provision of Infrastructure

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

- D DM1 Aspects of Form and Design Quality
- D SP1 Design
- INF SP1 Infrastructure provision and implementation
- QE SP1 Quality of the Environment
- SD SP1 Sustainable Development
- SD SP2 Built -Up Area Boundary
- T SP1 Transport and Development

- [Littlehampton Neighbourhood Plan 2014 Policy 2](#) A Spatial Plan for the Town
- Littlehampton Neighbourhood Plan 2014 Policy 22 Design of New Development

PLANNING POLICY GUIDANCE:

- NPPF National Planning Policy Framework

POLICY COMMENTARY

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

A new Local Plan is in preparation and constitutes a material consideration when determining planning applications. The Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was suspended whilst Arun District Council addressed matters raised by the Inspector and published modifications to the emerging Local Plan, but it resumed on 17th September 2017 and has now concluded. The Main Modifications to the emerging Arun Local Plan and evidence base were available for public consultation over a six week period which started on Friday 12 January and ended on Friday 23 February 2018. The District Council is awaiting the Inspector's report which is due out in Spring 2018.

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

The Neighbourhood Development Plan

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

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

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

The Littlehampton Neighbourhood Plan (LNP) was made on 5th November 2014.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The 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 principle of development at Kingley Gate was established when outline planning permission (LU/355/10/) was granted on 23rd March 2012 for up to 600 residential dwellings, up to 4,000 square metres of employment floor-space, up to 235 square metres of A1/A2/A3 local facilities, sports pitches and open spaces, together with on-site pedestrian / cycle / bus emergency only access from Courtwick Lane.

ENVIRONMENTAL IMPACT

The Environmental Statement submitted in support of the outline planning application for this site (LU/355/10/) is considered adequate to assess the significant effects of the development on the environment and has been taken into consideration in this report.

HIGHWAYS AND TRANSPORT

Policy GEN7 of the ALP says "Development will be permitted provided it allows for the safe movement of pedestrians and vehicles, giving priority to pedestrians". Policy 22 of the LNP says: "the carriageway widths of roads that may support (existing and future) local bus routes, are capable of doing so". Policy T SP1 of the modified eALP says that "the Council will ensure that development provides safe access on to the highway network; contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network".

The primary vehicular access to the site as approved as part of the outline planning permission (LU/355/10/OUT) was from a signalised junction onto the A259, opposite Eldon Way. This access has been constructed and is in use by all vehicles accessing and egressing Kingley Gate.

Emergency Access Gate

An emergency access gate onto Courtwick Lane has been approved as part of the planning permission for the Mixed Use Building and the Changing Facilities Building (LU/282/17/RES), which was granted in January 2018. This would ensure that emergency vehicles can access the Kingley Gate development from Courtwick Lane, but this route would not be accessible for use by buses.

Prevention of private vehicle access onto Courtwick Lane

It was reported at the North Littlehampton Steering Group meeting held on 7th February 2018 that the applicant had constructed fencing along the bund in the north eastern corner of the site to deter residents from driving their vehicles over the landscape bund to access Courtwick Lane; following a recent incident when a transit van became stuck on the bund. All vehicles are required to enter and leave the site via the signalised junction on the A259.

Public Transport

Policy GEN14 of the ALP says "the Council will support the provision of comprehensive public transport services throughout the District. Where appropriate, new development will be required to make provision for public transport facilities". Policy T SP1(a) of the modified eALP says: "The Council will support transport and development which is designed to reduce the need to travel by car by identifying opportunities to improve access to public transport services and passenger transport services".

An additional access was proposed and approved under the outline planning permission via Courtwick Lane, which was intended only for buses, pedestrians, cyclists and emergency vehicles and for continued use by those parties which currently access from the privately owned section of Courtwick Lane.

The current application to vary condition 24 would ensure that all buses visiting the site would access and egress Kingley Gate via the signalised junction onto the A259; and not via Courtwick Lane. The width of the existing carriageway of Courtwick Lane is too narrow to accommodate buses and would have required widening. In addition, there are a large number of trees along the lane which have overhanging trees which would have obstructed the free flow of buses along the lane, and would have required branches to be cut back regularly. As currently designed, running into the site from the A259 and exiting onto Courtwick Lane would cut off the eastern part of Kingley Gate. As the bus provision has been put in place for the Kingley Gate development and the Section 106 payment made, then it is considered that it should be for residents of Kingley Gate.

As part of the proposed variation, the buses would follow a clockwise route around Kingley Gate, which would ensure that the bus stops would not be located immediately in front of, or outside the new houses on the development. Currently, Compass are currently providing a bus service within Kingley Gate with contributions made through the Section 106 Agreement and the applicant is wishing to formalise the service.

The proposed locations of the bus stops on the Kingley Gate development are set out on the amended bus route plan (Drawing Number P802.S106.01 Rev. A - Planning Layout S106 Obligations) and the details of the design and appearance of the bus stops are provided in the discharge of condition application (LU/37/18/DOC), regarding Condition 34 which was imposed on the outline planning permission. The discharge of condition application was submitted simultaneously with this application (LU/408/17/PL) to vary conditions 4 and 24.

Consequently, it is considered that the proposed development complies with Policy GEN14 of the ALP and Policy T SP1(a) of the modified eALP.

Pedestrian access:

Policy GEN15 of the ALP says: "Where appropriate, new development will be required to provide safe and attractive facilities for cyclists and pedestrians, both within the site and in the form of links to the surrounding area". Policy T SP1 of the modified eALP says: "The Council will support transport and development which gives priority to pedestrian and cycle movements".

The footpath link onto Courtwick Lane, in the north eastern corner of the Kingley Gate development, was proposed and approved as part of a reserved matters application (LU/318/14/RES) for residential development on phase 2 of the site. The applicant is proposing to widen the footpath to 2.5 metres. The applicant submitted amended plans on 15th February 2018 comprising the footpath link with staggered barriers as it would be used by pedestrians, including people with buggies and wheelchair users exiting onto Courtwick Lane; a Road Safety Audit (RSA) based on the new footway access scheme and a Designer's response.

The provision of staggered barriers at the junction of the footpath link with Courtwick Lane would deter pedestrians walking straight out onto the lane into oncoming traffic. The new footway provides an ideal opportunity for the inclusion of access into the development and egress out of the development onto Courtwick Lane for pedestrians. Consequently, Drawing Number 4485/314 Rev. F - North Eastern Footpath Link Details Plan will be added to the amended list of drawings in Condition 4.

It is therefore considered that the proposed footway in the north eastern corner of Kingley Gate, onto Courtwick Lane, is acceptable and the proposed development is in accordance with Policy GEN15 of the ALP, Policy T SP1 and Policy T DM1 of the modified eALP.

Summary

It is considered reasonable and necessary to vary conditions 4 and 24 imposed on the outline planning permission (LU/355/10/) to mirror the amended bus route through Kingley Gate ensuring that buses access and egress the site from the signalised junction on the A259; and that buses do not access or egress the site from Courtwick Lane. Consequently, Condition 4 should be varied to include the amended bus route plan within the site at Kingley Gate and the north eastern footpath (pedestrian) link onto Courtwick Lane; and that Condition 24 be reworded to read:

"Details of the proposed bus route within the development, including footway and cycleway links, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the 550th house at Kingley Gate. The bus route, cycle and footway links shall be carried out in accordance with the approved plan prior to the occupation of the 600th residential unit at Kingley Gate".

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

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

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

SECTION 106 DETAILS

The Section 106 Agreement that accompanied the outline planning permission (LU/355/10/OUT) included a Bus Service Contribution amounting to £160,268 for a bus service serving the site. Schedule 10 of the Section 106 Agreement sets out that the owner covenants with the District Council to pay the Bus Service Contribution to the District Council prior to occupation of more than 100 dwellings or occupation of 667 square metres of gross external floor-space for purposes within Class B1 of the Town and Country Planning (Use Classes) Order 1987 in force at the date of this Deed.

RECOMMENDATION

APPROVE CONDITIONALLY

1 Condition 4 imposed on LU/355/10/ to be varied to read:

The planning permission relates to the following approved plans;

25708 (02) 001 (site location plan)
 (02) PARM 01 (proposed land uses)
 (02) PARM 02 Rev. A (principal route infrastructure)
 (02) PARM 03 (residential development density)
 (02) PARM 04 (proposed building heights)
 (02) PARM 05 (green infrastructure) Rev A
 (02) 100 (illustrative masterplan) Rev A
 ITB3164-GA-001 (site access arrangements) Rev E
 Drawing Number P802.S106.01 Rev. A - Planning Layout S106 Obligations
 Drawing Number 4485/314 Rev. F - North Eastern Footpath Link Details Plan
 Drawing Number SD/15/01 - Turning Space with Chicane (Standard Detail).

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

2 Condition 24 imposed on LU/355/10/ to be varied to read:

Details of the proposed bus route within the development, including footway and cycleway links, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the 550th house at Kingley Gate. The bus route, cycle and footway links shall be carried out in accordance with the approved plan prior to the occupation of the 600th residential unit at Kingley Gate.

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

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

LU/408/17/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: WA/88/17/PL

LOCATION: Little Chef Restaurant
Arundel Road
Walberton
BN18 0SB

PROPOSAL: External alterations including replacement windows & doors to create new entrance, cladding of external walls & creation of seating area to facilitate new operator (KFC) together with provision of drive-thru lane (use class A3/A5) with opening hours 7am to 10pm and single storey extension to Burger King to South

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| SITE AND SURROUNDINGS |
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| DESCRIPTION OF APPLICATION | The proposal relates to refurbishment of the existing Little Chef building including alterations to windows and doors, cladding, creation of an outdoor seating area, parking layout and drive thru and the addition of a single storey extension to the east 6.2m in length. The works are required to allow for use by KFC. 36 car parking spaces are included. |
| TOPOGRAPHY | Predominantly flat. |
| TREES | None. |
| BOUNDARY TREATMENT | Some hedging/fencing |
| SITE CHARACTERISTICS | Single storey restaurant with brick elevations and slate roof. Car parking to south |
| CHARACTER OF LOCALITY | On edge of residential area adjacent to A27. Surrounding area is predominantly rural. |

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| RELEVANT SITE HISTORY |
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| WA/41/11/ | Replacement & extension to forecourt canopy, replacement dispensing pumps & islands and replacement paving | ApproveConditionally 03-06-11 |
| WA/43/99/ | Change of use from C1 (Hotel) to A2 (Tourist Information Centre). | Approve 02-09-99 |
| WA/9/98 | Single storey extension | ApproveConditionally 01-04-98 |

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| REPRESENTATIONS |
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REPRESENTATIONS RECEIVED:

Walberton Parish Council

Objection - the likely increased use of 'drive-thru' traffic will have an adverse impact on:

- Access to the adjoining petrol station and Travel Lodge.
- Will conflict with traffic from the proposed GTR factory on the Dandara site.
- Impact on the use of the current layby on the south side of Arundel Road, west of the bus stop.
- Increased risk of public health and environmental problems associated with litter.

7 Objections

- The application states that this is not situated within proximity to housing yet there are 3 properties within 100 metres. There will be additional noise due to the 24 hour operation including the use of the speaker system.
- This site will attract late night antisocial behaviour (revving engines, loud music and shouting) as is the case at Arundel Crossbush.
- There are 24 hour food outlets at Crossbush, Bognor and Chichester (McDonalds). There is a KFC drive through at Bognor and Chichester on the main arterial routes. Is this not sufficient? Why not extend the opening hours of the KFC in Bognor or Chichester both of which are sited in non-residential areas?
- This will increase the rubbish in the local area. What provisions have been made to increase rubbish collection in that area?
- Why is the council encouraging unhealthy fast food outlets to open close to housing aimed at family living?
- Close to the South Downs National Park. Stop ruining rural communities with tacky town centre fast food joints.
- The current operating hours for Little Chef and Burger King do not extend past 22.00 hours. Any increase in operating hours past 22.00 hours will increase disruption to residential properties.
- There are houses near by and they would be affected by cooking smells 24 hours a day and noise pollution.
- There is also suitable habitat for reptiles and breeding birds, due to the scrub on the boundary of the site.
- The application is contrary to the principles of sustainable development as outlined in the NPPF and the emerging Local Plan. A drive through restaurant in a low density residential area will attract vehicles from higher density residential areas a considerable distance away which will increase congestion and emissions.
- Changing the status to a drive through operating overnight seeks to attract people to make specific journeys to buy this brand. Delivery services is a far more sustainable way of catering for demand.
- The opening hours 7 till 10 should be adhered to and not changed as there are properties nearby.

COMMENTS ON REPRESENTATIONS RECEIVED:

County Highways have no objection to the proposal in terms of access, conflict with road users or use of the lay-by.

The application is not for a change of use. A restaurant use already exists at the premises, but a drive through will be provided as part of the restaurant facilities. The use would benefit from this location since it requires a location close to a busy road. It is not anticipated that customers would arrive by public transport or on foot or cycle.

The Council as the Local Planning Authority has no control over commercial decisions to provide fast food outlets.

The Environmental Health officer is satisfied that with appropriate conditions imposed the proposal would not unacceptably affect residential amenities, public health or rubbish related issues.

The hedging/planting on the site boundaries which provides a habitat for wildlife is not proposed to be altered.

CONSULTATIONS

Engineers (Drainage)

Engineering Services Manager

Environmental Health

Southern Water Planning

WSCC Strategic Planning

Environment Agency

Highways England

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection subject to conditions.

Southern Water - No Objection. Informative requested.

Environment Agency - Awaited

Highways Agency - Awaited

County Highways - No Objection. Condition requested regarding adherence to submitted layout plan.

Drainage Engineer - No Objection standard condition requested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Conditions requested by consultees are recommended. The number of hand basins and covers as requested by Arun's Environmental Health team is not a planning consideration for this application. Provision is made for both of these within the planning application.

The Environmental Health officer is requesting that details of the boundary screening are submitted which should include rat baiting. Whilst this may be desirable, it would not be directly relevant to the development proposed and it would not therefore be reasonable for it to be imposed as a condition. Instead reference is made to provision of baiting as an Informative.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary

Class A road

Trunk Road

Tree Preservation Order

DEVELOPMENT PLAN POLICES

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

GEN7 The Form of New Development

Publication Version of the Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality

D DM4 Extensions & Alterations to Existing Buildings

D SP1 Design

Walberton Neighbourhood Plan Policy 2017 CL1

Businesses

Walberton Neighbourhood Plan Policy 2017 VE8

'Unlit village' status

Walberton Neighbourhood Plan Policy 2017 GA3

Car Parking

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) were 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.

Policies VE 8, GA 3 and CL1 of Walberton Neighbourhood Plan are considered relevant to determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site is located outside the built up area boundary, but the proposal relates to alterations to an existing building at an established petrol filling station service area. The proposal will therefore be assessed against policy GEN7 of Arun District Local Plan and the relevant policies in the Walberton Parish Neighbourhood Plan.

IMPACT ON VISUAL AMENITY

The site was permitted by WA/83/89 at the time of the re-routing of the A27 and A29 junction at Fontwell. The garage was created along with other road site facilities such as a hotel and restaurant.

The proposal relates to alterations to an established roadside services building. It would update and improve the appearance of the building. The extension is modest in scale and would match the appearance and design of the existing building. The extension would also be formed of materials to match the rest of the building. The Travel Lodge building would also help to visually screen the extension from view from outside the site and hedging is being retained along the northern boundary.

There is considerable hardstanding around the building to accommodate the parking that serves the complex. The laying of a circular road around the building to enable the creation of a drive thru will be in keeping with the widespread hardstanding on the site and the abutting A27. This will mean that the development will be integrated into and in keeping with the character of the immediate locality.

It is therefore considered that the visual amenities and character of the area would not be adversely affected by the proposed alterations and extension.

The lighting which will result from the development would not significantly increase and would be compliant with policy VE8 of Walberton Neighbourhood Plan

RESIDENTIAL AMENITY

Since the application was originally submitted the agent has agreed to reduce the 24 hour operating hours submitted as part of the original proposal to 7am to 10pm. The application has been re-advertised to include these proposed amended hours of operation in the description. This will reduce the impact on neighbouring residential properties and is in agreement with the Council's Environmental Health Division.

The objections received by third parties relate to the potential increase in noise, and rubbish resulting from the provision of the drive thru. The dwellings are located on the south and east sides of the site and the drive through would be located on the northern side adjacent to the A27. It is not therefore considered that the additional noise and activity which would result from the additional use would adversely impact on residential amenity. The service station is an existing source of noise generated from the service station facilities including the petrol station, eateries and the Travel Lodge. There is also considerable existing background traffic noise generated from the A27. The additional noise and disturbance from the development will not give rise to any material and unacceptable rise to what is already present.

Any odour nuisance issues would be controlled by Environmental Health. The proposal does not relate to a new restaurant use. It represents an expansion of the existing use where heating of food already takes place. The environmental health officer has not raised any concerns regarding odour.

HIGHWAYS

County Highways have no objection to the proposal in terms of highway safety. The revised parking layout and drive thru provision are considered acceptable and would accord with policy GEN12 of Arun District Local Plan and policy GA 3 of Walberton Neighbourhood Plan.

EMPLOYMENT

The proposal would generate additional jobs in the locality in accordance with policy CL1 of Walberton Neighbourhood Plan.

The application is recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the 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.

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| RECOMMENDATION |
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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 217052 - SU0000, Existing Site Plan SU-0001, Proposed Site Plan A0000, Existing Floor Plan SU-2001, Existing Dimension Plan SU-1001, Existing RCP Plan SU-3001, Proposed General Arrangement Plan A200, Ramp Detail A101A, Existing Exterior Elevations SU-6001, Existing Exterior Elevations SU-6002, Exterior Elevations A102 revA, Exterior Elevations A103 revA, Existing Interior Sections SU-5001, Existing 3D Views SU-4002, Proposed Site Signage Plan A101 revA.

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

- 3 The premises shall not be open for trade or business except between the hours of 0700 hours and 1000 hours.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun District Local Plan policies GEN7, GEN32, GEN33 and GEN34.

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

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

- 5 No part of the development shall be first used until the lanes and parking areas serving the proposed have been constructed, surfaced and drained in accordance with plan 217052 - A000.

Reason: To secure satisfactory standards of access for the proposed development in accordance with policy GEN7 of Arun District Local Plan.

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

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

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

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

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

- 7 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.
- 8 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. It should be noted that Southern Water is currently consulting on the New connections charging process as directed by Ofwat. Please refer to Southern Water's website <https://www.southernwater.co.uk/new-connections-charging-consultation> for further details.
- 9 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by 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.
- 10 INFORMATIVE: The earth bank should be removed, replaced by a solid wall, and permanent baiting should take place as this is an area of severe rat infestation: Permanent rat bait stations should to be placed adjacent to the wall, on the soil (Travelodge) side. It is suggested that the environmental health officer is consulted regarding any wall design and for further information.

WA/88/17/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 9

DEVELOPMENT CONTROL COMMITTEE

PLANNING APPEALS

APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

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

AW/38/17/PL

Received: 27-02-18

74 Barrack Lane Aldwick

Demolition of existing dwelling house & annex & erection of 5No. dwellings, with access drive & associated works. Re-submission of AW/80/16/PL

Written Representations

PINS Ref: APP/C3810/W/17/3187210

BE/83/17/PL

Received: 27-02-18

Land adjacent to 385 Chichester Road & 24 Ashurst Close Bersted

1 No. dwelling & associated parking.

Written Representations

PINS Ref: APP/C3810/W/17/3191562

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 10-07-18

PINS Ref: APP/C3810/W/17/3187601

EG/46/17/OUT

Land north of Spode Cottage & West of Greenings & South of Fontwell Cottages Eastergate Lane Fontwell

Received: 26-02-18

Outline application with all matters reserved for up to 30 No. dwellings. This is a departure from the Development Plan.

Public Inquiry

PINS Ref: APP/C3810/W/18/3195765

FP/234/17/PL

10 South Road Felpham

Received: 27-02-18

Development of 1No. residential detached chalet. Plans to include partial demolition of 10 South Road extension to allow for suitable access.

Written Representations

PINS Ref: APP/C3810/W/18/3195440

K/5/17/HH

Kingston Manor Kingston Lane Kingston

Received: 17-08-17

Construction of a Detached 6 Bay Barn with Log Store

Written Representations

PINS Ref: APP/C3810/W/17/3175616

LU/111/17/PL

19 Bayford Road Littlehampton

Received: 01-03-18

Change of use of existing residential property (C3 Dwellinghouses) to form 1 No. 7 bedroom HMO (Sui Generis).

Written Representations

PINS Ref: APP/C3810/W/18/3192887

LU/243/17/PL

56-57 Pier Road Littlehampton

Received: 01-03-18

Conversion & minor extension of existing restaurant & five bedroom flat to create a shop unit & 6 No. residential units (resubmission following LU/71/17/PL).

Written Representations

PINS Ref: APP/C3810/W/17/3189247

WA/86/17/PL

Pippins Yapton Lane Walberton

Received: 10-04-18

Continuation of use of land for the stationing of 3 No. residential mobile homes. This application is a Departure from the Development Plan

Written Representations

PINS Ref: APP/C3810/W/18/3197909

Y/77/17/OUT

Received: 09-04-18

Lake Barn Maypole Lane Yapton

Outline planning application with some matters reserved for the erection of a detached single storey dwelling house with vehicular access from Maypole Lane. This application is a Departure from the Development plan

Written Representations

PINS Ref: APP/C3810/W/18/3196233