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

27 June 2018

DEVELOPMENT CONTROL COMMITTEE

A meeting of this Committee will be held in the **Millennium Chamber, Littlehampton Town Council, Manor House, Church Street, Littlehampton, BN17 5EW** on **Wednesday 11 July 2018 at 2.30 p.m.** and you are requested to attend. **Please note change of venue**

Members : Councillors Bower (Chairman), Mrs Bence (Vice-Chairman), Mrs Bower, Brooks, Cates, Dillon, Mrs Hall, Haymes, Northeast, Mrs Oakley, Oliver-Redgate, Mrs Pendleton, Miss Rhodes, Mrs Stainton and Wells

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

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

A G E N D A

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**

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

Members and officer should make their declaration by stating :

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

3. VOTING PROCEDURES

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

4. MINUTES

To approve as a correct record the Minutes of the meeting held on 6 June 2018 (attached).

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

6. TREE APPLICATIONS

There are no applications to consider.

7. *PLANNING APPLICATIONS

To consider the attached reports.

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

8. *PLANNING APPEALS

To consider the attached report.

Background Papers

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

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

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

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

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

6 June 2018 at 2.30 p.m.

Present: Councillors Bower (Chairman), Mrs Bence (Vice-Chairman), Mrs Bower, Brooks, Cates, Dillon, Mrs Hall, Haymes, Northeast, Mrs Oakley, Oliver-Redgate, Mrs Pendleton, Miss Rhodes and Mrs Stainton.

Councillor Ambler was also in attendance at the meeting.

37. WELCOME

The Chairman welcomed back on the Committee Councillors Northeast, Oliver-Redgate and Mrs Pendleton and Councillor Mrs Bence as the recently appointed Vice-Chairman.

38. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Wells.

39. DECLARATIONS OF INTEREST

Declarations of interest were made by:-

Planning Application EP/7/18/PL – Councillor Mrs Bower declared a personal interest as the applicant was the son of a friend.

40. MINUTES

The Minutes of the meeting held on 9 May 2018 were approved by the Committee and signed by the Chairman as a correct record, subject to correction under Minute 564 – Minutes - of the date to 11 April 2018.

41. START TIMES

The Committee

RESOLVED

That the start times of meetings for the remainder of 2018/19 be 2.30 p.m.

42. PLANNING APPLICATION AL/28/18/DOC

With the agreement of the Chairman, it was agreed that this application could be dealt with as a matter of urgency as it had been identified by Taylor Wimpey that failure to discharge these conditions in June would jeopardise the agreed affordable housing contracts for the delivery of the affordable extra care scheme and shared ownership homes.

AL/28/18/DOC – Approval of details reserved by condition imposed under AL/61/13 (APP/C3810/A/14/2217385) relating to condition 16: Details of external lighting, 19: Surface water drainage scheme, 20: Discharge of watercourses, 21: Maintenance Manual for SUDs, 22: Future access & maintenance of any watercourse or culvert crossing & 23: Foul drainage system

The Committee received a report from the Principal Planning Officer, which had been previously circulated after the agenda had been printed and which reminded Members that when the reserved matters application had been considered at the meeting on 17 January 2018, it had been requested that the subsequent discharge of conditions relating to foul and surface water drainage be brought back for determination. Therefore conditions 19, 20, 21, 22 and 23 were now being presented for discharge approval. As Condition 16 related to street lighting, that would be dealt with under delegated authority.

The Committee was advised that intensive negotiations had been undertaken with the Council's Drainage Engineers Team to reach a satisfactory solution and the Engineering Services Manager confirmed at the meeting that that was indeed the case.

The Committee

RESOLVED

That the discharge of conditions 19, 20, 21, 22 and 23 be approved as detailed in the report.

43. PREVIOUSLY DEFERRED APPLICATIONS

(Prior to consideration of the following application, Councillor Mrs Bower had declared a personal interest. She left the meeting and took no part in the debate and vote.)

EP/7/18/PL – 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 – amendments to EP/138/17/PL, Land rear of Beechlands Cottages, Beechlands Close, East Preston

This application had been deferred from the meeting held on 11 April 2018 to enable the Post Site Inspection Panel to visit the site to assess the relationship of the development to the surrounding area.

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:-

- Additional objections and comments received
- Substitute plans now submitted
- Additional comment and information from the application agent to clarify the land ownership situation
- Officer's response

A verbal update was also given that a representative from County Highways had visited the site and had confirmed there was no objection to the proposal as there was a sufficient level of parking to meet their requirements.

The Chairman of the Site Inspection Panel gave a brief summary of the visit to the site and stated that she could see no planning reason to refuse the proposal.

Following consideration, the Committee

RESOLVED

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

44. PLANNING APPLICATION

WA/84/17/PL – Demolition of existing structure & paddock & erection of farm building for the secure storage of farm machinery, fertiliser, hay & straw (resubmission following WA/63/16/PL), Fairmeads Farm, Binsted Lane, Arundel
Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

M/123/17/HH – Two storey extension to existing building. Resubmission of M/71/17/HH, Little Thatch, 93 Middleton Road, Middleton on Sea Having received a report on the matter, the Planning Team Leader advised that the proposal had been the subject of intensive negotiations with the applicant and was now considered to be acceptable.

In considering the matter, concerns were raised that the proposed development was too large and unneighbourly and that loss of the thatched roof would be detrimental to the locality. However, it was recognised that there were no sufficient planning grounds to refuse and the Committee

RESOLVED

That the application be approved as detailed in the report.

F/5/18/RES – Approval of reserved matters following outline consent F/7/15/OUT relating to appearance, landscaping, layout & scale for residential development comprising of 45 No. dwellings. This application also lies within the parish of Yapton. Resubmission of F/23/16/RES, Land South of Burndell Road, Yapton Having received a report on the matter, together with the officer's written report update detailing:-

- Additional conditions relating to height of walls adjacent to the 'Village Green' and specific parking spaces; submission of details for the locally equipped area for play (LEAP); and restriction for the creation of additional hard standings of the erection of fences, walls, gates and other means of enclosure.
- The condition proposed by Greenspace relating to management and maintenance of open space had not been included as that information had been secured as part of the S106 Agreement.
- The deed of variation submitted under reference F/2/18/PO had been recommended for approval and would be determined under delegated authority.

- Additional consultation response received from the Council's Drainage Engineers.
- Letter of support received from former objector.

The Principal Planning Officer gave a presentation on the detail of the application and highlighted that the tenure of the affordable housing provision on the site had been amended to 13 intermediate homes. The Council's Housing Strategy & Enabling Manager had also secured agreement with the provider that the sales and marketing of these homes would prioritise local persons who had a live/work connection to the Ford/Yapton area for a period of three months.

Following some discussion on the provision of affordable housing and advice from the Group Head of Planning, the Committee

RESOLVED

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

FG/5/18/PL – Hard standing to parking bay at front grass verge, 9 St Malo Court, St Helier Road, Ferring Having received a report on the matter and following consideration, the Committee agreed that Condition 3 be amended to:-

“Before the development hereby permitted is first commenced, accurate and detailed drawings and sections of the parking space to be provided, **including materials**, shall first be submitted to

The Committee then

RESOLVED

That the application be approved as detailed in the report, subject to amendment of Condition 3 to include materials.

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 slight repositioning & change in size of building, 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 Having received a report on the matter, together with the officer's written report update detailing additional plans and comments and resultant amended condition, the Committee also received a verbal update that the decision be delegated to the Group Head of Planning in consultation with the Chairman and Vice-Chairman following the

expiration of the advertising period on 14 June 2018 and not 15 March 2018, as detailed in the report.

The Planning Team Leader advised the Committee that this was a retrospective application and members were being asked to consider the repositioning of the windows of a dwelling that already had planning permission.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report and report update and that the decision be delegated to the Group Head of Planning in consultation with the Chairman and Vice-Chairman.

45. PLANNING APPEALS

The Committee noted the planning appeals that had been received.

46. CONSTITUTIONAL AMENDMENTS TO PART 8, CODES & PROTOCOLS – SECTION 6 – PLANNING LOCAL CODE OF CONDUCT

The Group Head of Planning presented this report and advised that, as part of the comprehensive review of the Council's Constitution that was being undertaken, he was proposing that the Planning Local Code of Conduct be updated (as set out in full at Appendix A). The two significant changes were:-

- To remove the Royal Town Planning Institute (RTPI) Code of Conduct from the Council's Constitution. It was referenced but did not need to be repeated within it as it was adequate to cross refer. Further, it removed the need to update the Constitution every time the RTPI Code was amended.
- To remove sections 3, 4, 5, and 7 from the Code. These sections related to the administration of work within the department and the text, whilst useful, could be more appropriately included on the planning web pages for information rather than being included in the Constitution.

Following consideration, the Committee

RECOMMEND TO FULL COUNCIL

That the new Planning Local Code of Conduct be approved.

(The meeting concluded at 4.10 p.m.)

AGENDA ITEM 6

DEVELOPMENT CONTROL COMMITTEE

11th July 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/30/18/PL	Continuance of use without compliance with condition 24 imposed under AL/61/13/ (APP/C3810/A/14/2217385) relating to proposed private treatment plant.	Land at Nyton Road and Northfields Lane Westergate and Land off Fontwell Avenue PO20 3UQ
Case Officer:	Mr D Easton	
Recommendation:	Approve	

ALDINGBOURNE

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
AL/115/17/OUT	Outline application with some matters reserved for the erection of 55 No. dwellings, sustainable drainage measures, public open space, children's play area, landscaping & all other associated works. This application is a Departure from the Development Plan	Wings Nursery Lidsey Road Aldingbourne PO20 3SU
Case Officer:	Mr D J Vick	
Recommendation:	App Cond sub to S106	

ALDWICK

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
AW/55/18/HH	Rear and side, single and two storey extension incorporating rear balcony. This application affects the Character & Appearance of the Aldwick Bay Conservation Area	3 The Orchard Aldwick PO21 4HX
Case Officer:	Mr S Davis	
Recommendation:	Approve Conditionally	

ANGMERING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
A/17/18/PL	Conversion of stables & barns to form 1No. 3 bedroom dwelling with associated works	Outbuildings at Decoy Barn Decoy Lane Angmering BN18 9QA

Case Officer: Mrs A Gardner
Recommendation: Approve Conditonally

BERSTED

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
<u>BE/40/18/PL</u>	New access from New Barn Lane to Land West of New Barn Lane & relocation of 5 No. existing parking spaces.	Land West of New Barn Lane Bersted

Case Officer: Mr D Easton
Recommendation: Approve Conditonally

BOGNOR REGIS

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
<u>BR/35/18/PL</u>	2 No. 2 bedroom semi-detached houses with associated parking, bin & cycle store.	Car Parking Site Adjacent to 112 Gravits Lane Bognor Regis PO21 5LW

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

CLIMPING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
<u>CM/6/18/PL</u>	Change of use to develop a concrete batching plant, with associated infrastructure, site offices & parking	Land at Northwood Farm Yapton Road Climping

Case Officer: Mrs A Gardner
Recommendation: Approve Conditonally

CLIMPING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
<u>CM/7/18/PL</u>	Change of use of land from agricultural field to 60 No. tent pitches operating from April to October to include 2 No. plumbed screened portable showers, 2 No. plumbed portable toilets, 2 No. screened changing cubicles, 2 No. 2 screened portable chemical toilets with hand wash facilities & washing up/drying area within existing building.	Woodpecker Camping Field Crookthorn Lane Climping BN17

Case Officer: Mrs A Gardner
Recommendation: Approve Conditonally

CLIMPING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
<u>CM/12/18/PL</u>	The regularisation of operating hours to 24hrs a day commencing 6am Monday to 6pm Saturday with no Sunday operation at Units J1, J2 & Z; new extension covering the existing courtyard area & new acoustic metal	Unit J1, J2, U1 & Z, Rudford Industrial Estate Ford Road Ford

cladding to southern facade of existing workshop at Unit J1 & J2; new demountable wall adjacent to existing fence surrounding the guillotine enclosure at Unit U1. This application also lies within the parish of Ford.

BN18 0BF

Case Officer: Mrs A Gardner

Recommendation: Approve Conditonally

FERRING

Reference

[FG/66/18/PL](#)

Development Description

Part change of use for western half of building from Residential Care Home (C2 Residential Institution) to residents living together as a single household (C3(b) Dwelling House)

Location

78 Langbury Lane
Ferring
BN12 6QE

Case Officer: Mrs A Gardner

Recommendation: Approve Conditonally

LITTLEHAMPTON

Reference

[LU/67/18/PL](#)

Development Description

Change of use of part of public highway for external seating area at front comprising of 3 No. tables & 6 No. chairs. This application may affect the setting of a listed building.

Location

14-18 Surrey Street
Littlehampton
BN17 5BG

Case Officer: Mrs A Gardner

Recommendation: Approve Conditonally

PLANNING APPLICATION REPORT

REF NO: AL/30/18/PL

LOCATION: Land at Nyton Road
and Northfields Lane
Westergate and Land off
Fontwell Avenue

PROPOSAL: Continuance of use without compliance with condition 24 imposed under AL/61/13/
(APP/C3810/A/14/2217385) relating to proposed private treatment plant.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to remove condition 24 imposed under reference AL/61/13/.
SITE AREA	11.64 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 18dph.
TOPOGRAPHY	Site slopes down gradually from north to south.
TREES	Many within the site and forming the boundary to the western edge. Significant line of trees running north-south from the southern part of the site.
	A Tree Preservation Order (TPO/AL/1/13) covers an ash tree and evergreen oak located in the south western corner of the site.
BOUNDARY TREATMENT	The eastern boundary of the site is kept by a hedgerow which supplements low level post and wire fencing. Northern boundary kept by various fencing, intermittent hedging and a row of trees to the north-west corner. Southern boundary kept by mature hedging, low level wire fencing in part and fencing. Part of the western boundary is kept by domestic boundary hedging/fencing to the larger residential curtilages within Northfields Lane and the north part by a country lane with open farmland beyond.
SITE CHARACTERISTICS	<p>The site was predominantly in agricultural use with a large part of the land previously in use as grazing land with a barn and storage area for farm machinery/equipment centrally located within the site.</p> <p>Existing horticultural use was located to the south-west corner of the site. The use included greenhouses with growing areas and a residential property which is associated with the nursery. The greenhouses have been demolished.</p> <p>The north-west corner of the site is in use for the keeping of</p>

horses with stables and associated hard-standing.

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

CHARACTER OF LOCALITY

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

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

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

RELEVANT SITE HISTORY

AL/28/18/DOC	Approval of details reserved by condition imposed under AL/61/13/ (APP/C3810/A/14/2217385) relating to condition 16-details of external lighting, 19-surface water drainage scheme, 20-discharge of watercourses, 21-Maintenance Manual for SUDs, 22-future access & maintenance of any watercourse or culvert crossing & 23-foul drainage system.	DOC Approved 07-06-18
AL/22/18/DOC	Approval of details reserved by condition imposed under AL/102/17/RES relating to condition 2- Bin Collection Strategy Plan.	DOC Approved 11-06-18
AL/119/17/DOC	Application for approval of details reserved by condition imposed under AL/61/13/ (APP/C3810/A/14/2217385) relating to conditions 5-Arboreal Method Statement, 8- Archaeological Investigation, 14-schedule for removal or long term management of Japanese Knotweed, 15- Construction Environmental Management Plan, 17- Ecological Enhancement Scheme & 18-Construction Method Statement.	DOC Approved 21-03-18
AL/102/17/RES	Application for approval of Reserved Matters following outline application AL/61/13/ for the demolition of existing glasshouses, bungalow, stables & outbuildings & residential development of 268 dwellings incl 30% affordable housing (incorporating 60 senior living units)	ApproveConditionally 24-01-18

with associated access, public open space & landscaping

AL/61/13/ Outline application with some matters reserved for the Refused
demolition of existing glasshouses, residential bungalow, 14-02-14
stables and various outbuildings and residential
development of up to 268 dwellings including 30%
affordable housing (incorporating 60 Senior Living units),
with associated access, public open space and
landscaping. This is a Departure from the Development
Plan.

**Appeal: Allowed+Conditions
23-02-15**

The outline application (AL/61/13) was refused in February 2014 for the following reasons:

- Outside the built up area boundary; and
- Lack of S106 undertaking in relation to affordable housing and other infrastructure requirements.

Permission was granted on the 23 February 2015 following an appeal with a S106 agreement including the provision of on site affordable housing, open space and contributions towards swimming pool, sports hall, artificial pitches, NHS, public art, MUGA, Highway works, libraries, education, fire service, footways and cycleways, bus service funding and a Travel Plan.

Reserved matters were approved under reference AL/102/17/RES by development control committee on the 17th January 2018. Surface water and foul drainage conditions imposed under reference AL/61/13/ were discharged under reference AL/28/18/DOC and the approved foul drainage details did not include the provision of a treatment plant on site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

OBJECTION

The Parish Council have grave concerns over the land and foul drainage proposed and whether the current infrastructure will cope with additional discharge. Therefore, the Parish Council resists any change to the condition requiring improvements to drainage on site as the current foul drainage is at capacity.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments from the Parish Council are noted. However, condition 24 is only relevant if a private treatment plant is to be provided on site. It has been identified by the developers that a private treatment plant is not required and this approach has been agreed with Southern Water in the discharge of condition 23 under reference AL/28/18/DOC. Therefore, the condition is not necessary and could not be discharged prior to the commencement of development.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER

Comments received 5th April 2018:

- Southern Water would have no objection to the proposal in relation to condition 24.

ENGINEERS (DRAINAGE)

Comments received 22nd March 2018:

Please to see that the proposed private treatment plant is no longer required. We therefore assume that an agreement has been reached to connect to the Southern Water sewerage system.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN25	Water Resources
GEN26	Water Quality
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

W DM1	Water Supply & Quality
W DM2	Flood Risk
WM DM1	Waste Management
W SP1	Water

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).

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 adverse impact upon the existing sewerage system.

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

Condition 24 of planning approval AL/61/13/ states that;

"Prior to the commencement of development details of a scheme to attenuate flows from the proposed private treatment plant shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details to show how peak flows from the proposed treatment plant can be attenuated on site and restricted to a suitable rate so to not increase the risk of flooding to communities from the Lidsey Rife. The proposal shall be implemented in accordance with the approved details."

The foul drainage at the site was considered as part of the reserved matters application and the developers had undertaken discussions with Southern Water. Southern Water's response to the reserved matters application confirmed that the foul sewerage from the proposed development can be discharged to the public foul network on completion of the proposed sewerage network works. Before the works are implemented in full a temporary system is proposed which would limit the foul water discharge to the public sewer, combined with tinkering of the excess from the site. Therefore, a private treatment works is not required at the site and as such Condition 24 is no longer necessary. It is considered that the proposed foul drainage strategy as previously discharged under reference AL/28/18/DOC is acceptable and would accord with policy GEN9 of the Arun District Local Plan and policy W DM1 of the emerging Arun District Local Plan.

Southern Water and ADC Drainage have been consulted in relation to this application and have raised no objection to the proposal. Therefore, it is recommended that the application is approved and Condition 24 imposed under planning approval AL/61/13/ (APP/C3810/A/14/2217385) relating to the private treatment plant is removed.

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).

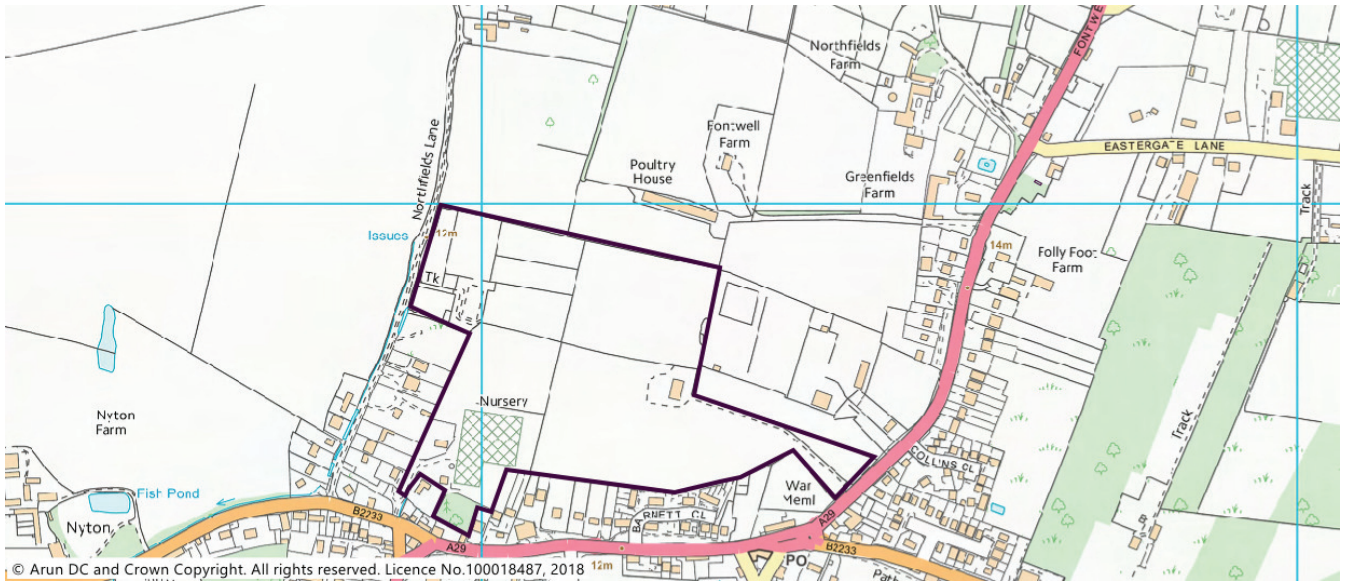
The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE

- 1 **INFORMATIVE:** Condition 24 relating to the private treatment plant is removed from planning approval AL/61/13/ (APP/C3810/A/14/2217385). All other conditions remain in force with the exception of Condition No's 5, 8, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 which have already been discharged.

AL/30/18/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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 100018487. 2015

PLANNING APPLICATION REPORT

REF NO: AL/115/17/OUT

LOCATION: Wings Nursery
Lidsey Road
Aldingbourne
PO20 3SU

PROPOSAL: Outline application with some matters reserved for the erection of 55 No. dwellings, sustainable drainage measures, public open space, children's play area, landscaping & all other associated works. This application is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for 55 dwellings with the only matter being approved being access of which two are proposed - one to the south of Wings and one to the north.
SITE AREA	2.6 hectares
RESIDENTIAL DEVELOPMENT DENSITY	21.15 per hectare
TOPOGRAPHY	Predominantly flat
TREES	There are some significant trees on the site/nearby - these are considered later in the report. A tree preservation order has been made during the application process.
BOUNDARY TREATMENT	The boundary treatment for the site comprises of a variety items including post and rail fencing to the front and hedging/trees of various heights to other boundaries.
SITE CHARACTERISTICS	Grassland over the majority of the site with a glasshouse to the south east corner which can be viewed from the highway.
CHARACTER OF LOCALITY	The site lies to the west of the A29 Lidsey Road. The houses opposite are generally low scale semi-detached bungalows. The character is rural and this is evidenced by the land uses to the west. There are a number off detached dwellings on the southern boundary and a dwelling "Wings"

RELEVANT SITE HISTORY

AL/18/51	Continued Use Of Access	Approve 17-10-51
AL/121/88	Proposed indoor pools & terraces	ApproveConditionally 16-01-89

AL/104/86

Alterations and additions comprising two storey extension and double garage

ApproveConditionally
09-02-87

The history has no similar applications to that now proposed.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

Objection. Aldingbourne NDP passed on 18th October 2016 and is now made -policies therefore relevant. Statutory test is s38(6) of Planning and compulsory purchase Act 2004 which require decision in accordance with the development plan unless material considerations indicate otherwise. The development plan is saved policies of the local plan and the ANDP.

The Council has a housing land supply shortfall (March 2017) since then a number of consents have been granted for major residential development. It is anticipated that the HLS position has improved since then but unlikely Council has a 5 year HLS so policies for supply of housing are out of date in accordance with NPPF para 49. Therefore para 14 "tilted balance is engaged".

Weight to be given to policies in the tilted balance exercise relate to - extent of shortfall, action being taken to address it and the purpose of the constraint policy and if it is consistent with the NPPF.

The LPA should establish actual extent of HLS shortfall, the e LP is at an advance stage and applicants recognise adoption of e LP will improve HLS to at least 3.8 years.

The Parish Council has resolved to update the ANDP.

The site is outside the built up area (bua) and constitutes open countryside. The proposal is in direct conflict with the policy and the proposal is not consistent with other Local Plan policies relevant to the principle of development in the open countryside.

GEN3 seeks to safeguard the countryside unless one of the 5 criteria apply - they do not.

The development conflicts with these policies - neither of which are out of date within the meaning of NPPF para 49 but have a "restricting" impact therefore weight to be given to them depends on consistency with NPPF. Considered that they are consistent with 5th core principle of NPPF para 17 which discusses character and NPPF para 157 which discusses environmental value of land where development would be inappropriate.

Policies of the ANDP apply and map E shows the built up area boundary and policy EH1 states development outside the built up area will be resisted unless it is for essential utility infrastructure. The proposal conflicts with this policy.

Applicant confirms 33% affordable housing. Policy HSP2 of the e LP requires 30% however H4 of the ANDP requires 40% unless it would make the scheme unviable. The policy has full weight as it does not restrict the supply of housing.

WSCC objected to the proposal in January 2018 due to highway issues. The proposal therefore conflicts with GA1 of the ANDP on sustainable transport and GEN4 of the Local Plan.

Tilted balance is engaged. Social benefits of housing provision can be afforded great weight however affordable housing is contrary to ANDP policy.

The harm associated with the development is substantial. On balance the benefits of the proposal are outweighed by the adverse impacts.

If the LPA wish to progress the application the Parish would seek clarification on what community benefit could be achieved and what contribution the development could make towards affordable housing mix and the Aldingbourne Community Sports Centre.

1 letter of support:

Voted for in Neighbourhood Plan, parish could have a trust to manage houses, house prices to expensive.

2 letters of objection:

- Too many new houses.
- Traffic
- Flooding
- Schools and health facilities can not cope

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Details relating to the principle and the tilted balance are dealt with later in the report. The proposed level of the affordable housing contribution is 33% which is below the 40% required by the ANDP policy and it is accepted that this policy has weight being part of the development plan. WSCC no longer object to the application.

Regarding the letters of objection there is a shortfall in the districts housing land supply. The site is not within a flood area and infrastructure to support schools and health facilities is part of the s106 legal agreement.

CONSULTATIONS

WSCC Strategic Planning
 Surface Water Drainage Team
 Environmental Health
 Parks and Landscapes
 Arboriculturist
 Southern Water Planning
 Planning and Housing Strategy
 Engineering Services Manager
 Engineers (Drainage)
 NHS Coastal West Sussex CCG
 Ecology Advisor
 Network Rail
 Highways England

WSCC Strategic Planning
WSCC Strategic Planning
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways:-

Following review of addition information and agreement by the applicant to a package of mitigation and contribution towards the Strategic Allocation known as BEW, the Highway Authority does not raise objection to the application subject to the following:

S106:

- Widened footway on western side of the A29 from the main (southern) site access up-to the southern edge of the car park serving the Prince of Wales Public House
- Footway on eastern side of road taken from junction of Willows Caravan Park access road to Lee's Yard
- Strategic Infrastructure Contribution of £390,500
- Bus stops, shelters and real-time passenger information contribution (and/or works)
- Travel Plan
- Contributions towards other non-highways infrastructure (education, libraries etc.)
- Cycle stands adjacent to nearby convenience store

County infrastructure:-

Infrastructure in the s106 required for schools, libraries and fire and rescue services.

Tree officer

Initial objection. Principle of development is acceptable in arboricultural terms subject to the current tree issues being resolved by a re-design of the layout and showing mitigation planting of Oaks for any trees losses.

Southern Water

Exact position of sewer must be determined - applicant should discuss with Southern Water.

Desktop study shows can not accommodate needs of development without providing additional local infrastructure. Proposed development would increase flows into waste water sewage system and increase risk of flooding contrary to para 109 of the NPPF. Condition suggested if LPA minded to approve relating to SuDS and no commencement until foul and surface water details have been approved.

NHS

No objection subject to s106 of £54,557.

West Sussex Flood risk management

Low risk from surface water flooding, existing surface water flow paths across the site must be maintained and wholesale site level rise via the spreading of excavated material should be avoided.

High risk from groundwater flooding. No records of historic flooding.

No ordinary watercourses running across site or in locality. Groundwater monitoring should be carried out and no development should be carried out until designs approved and details of management of SuDS etc approved.

Ecology

Bats present and mitigation has been proposed and we are happy with measures proposed subject to a condition.

If three English oaks are being retained and undisturbed further emergence surveys will be required.

Small population of reptiles on site. Mitigation has been proposed which is suitable and has been conditioned -no construction until the translocation has taken place.

Works to trees/vegetation should be undertaken outside bird breeding season - an ecologist should check within 24 hours if works needed during 1st March - 1st October.

Housing Strategy and Enabling

Object to original proposal - preference for social rent not affordable rent. Negotiated to an acceptable conclusion 18 units (33%) to be provided with 75% affordable and 25% intermediate as required by AHSP2 of the emerging plan. Proposed dwelling mix acceptable.

Would not support capped percentage transfer values to a provider being applied to affordable dwellings. Request applicant engage with preferred registered partner or approved non registered partner. Alternatively the Council may be interested in acquiring the affordable dwellings. S106 required.

Network Rail

No response

Environmental Health

No response

Engineers

No objection subject to conditions.

Parks and Landscapes

Require 0.42 ha of public open space. The water body should not be included in POS area calculations. Onsite play provision required and MUGA contribution in addition to landscaped open space. Landscaping should be of a high quality.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted - where relevant the conditions and s106 contribution requests will be attached as conditions/included in the s106. It is proposed to include conditions relating to drainage to overcome the concerns of Southern Water.

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary

DEVELOPMENT PLAN POLICESArun District Local Plan (2003):

DEV17	Affordable Housing
GEN11	Inland Flooding
GEN12	Parking in New Development
GEN14	Public Transport
GEN15	Cycling and Walking
GEN20	Provision of Public Open Space within New Development
GEN21	Renewable Energy
GEN23	The Water Environment
GEN25	Water Resources
GEN26	Water Quality
GEN28	Trees and Woodlands
GEN29	Nature and Conservation Across the District
GEN3	Protection of the Countryside
GEN32	Noise Pollution
GEN33	Light Pollution
GEN34	Air Pollution
GEN5	Provision of New Residential Development
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

C SP1 Countryside
D DM1 Aspects of Form and Design Quality
D SP1 Design
ECC DM1 Renewable Energy
ECC SP1 Adapting to Climate Change
ECC SP2 Energy and climate change mitigation
ENV DM4 Protection of Trees
ENV DM5 Development and Biodiversity
ENV SP1 Natural Environment
H DM1 Housing Mix
HER DM6 Sites of Archaeological Interest
HOR DM1 Horticulture
QE DM2 Light Pollution

QE DM3 Air Pollution
 QE DM4 Contaminated Land
 SD SP1 Sustainable Development
 SD SP2 Built -Up Area Boundary
 T SP1 Transport and Development
 W DM1 Water Supply & Quality
 W DM2 Flood Risk
 W DM3 Sustainable Urban Drainage Systems
 W SP1 Water

[Aldingbourne Neighbourhood Plan 2016 POLICY EE2](#)

	Retention of employment land
Aldingbourne Neighbourhood Plan 2016 POLICY EH1	Resist development outside
Aldingbourne Neighbourhood Plan 2016 POLICY EH10	Unlit village status
Aldingbourne Neighbourhood Plan 2016 POLICY EH3	Best and most versatile resisted unless...
	Development on Agricultural Land
Aldingbourne Neighbourhood Plan 2016 POLICY EH5	Development in Flood risk areas will not be supported unless...
	Surface Water Management
Aldingbourne Neighbourhood Plan 2016 POLICY EH6	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2016 POLICY GA1	Promoting Sustainable movement
Aldingbourne Neighbourhood Plan 2016 POLICY GA3	Parking and new development
Aldingbourne Neighbourhood Plan 2016 POLICY H1	New housing or altering dwellings
	Quality of Design
Aldingbourne Neighbourhood Plan 2016 POLICY H2	Range of house types
	Housing Mix
Aldingbourne Neighbourhood Plan 2016 POLICY H3	Housing density
Aldingbourne Neighbourhood Plan 2016 POLICY H4	10 or more to include 40% unless unviable
	Affordable Housing
Aldingbourne Neighbourhood Plan 2016 POLICY H9	Items to consider e.g. - bin stores
	Attention to detail

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

H SP1 Housing Allocations
 H SP2 Strategic Site Allocations

H SP2c Inland Arun
SD SP1a Strategic Approach

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD1	Open Space & Recreation Standards
SPD3	Parking Standards

POLICY COMMENTARY

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

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

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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

The Neighbourhood Development Plan

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

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

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

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

The policies of the ANDP have been taken into consideration. As the Council can not demonstrate a housing land supply of greater than 3 years the ANDP policies relating to the supply of housing are out of date.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with relevant Development Plan policies in that the site lies outside the built-up area boundary where development or redevelopment is unacceptable unless allowed for elsewhere in the plan and the level of affordable housing is below the requirement in the Aldingbourne Neighbourhood Development Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the conclusion section. These include the emerging Arun District Local Plan, National Planning Policy Framework (NPPF) and associated Guidance, the Written Ministerial Statement on Neighbourhood Plans (December 2016) and the CIL Regulations 2010 (as amended).

CONCLUSIONS

PRINCIPLE

The application site is located within the Parish of Aldingbourne and as such the development plan in the determination of this application will consist of the Arun District Local Plan (ALP) 2003 and the Aldingbourne Neighbourhood Plan (ANDP) .

Arun District Local Plan (2003):

The key policy considerations in the determination of this application are considered to be GEN2 and GEN3 of the Arun Local Plan (ALP).

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 ALP policies. Policy GEN3 of the ALP seeks to protect the countryside for its own sake and as such exerts strict control over development situated outside of the BUAB. Due to the sites location outside of the BUAB development in this location would be in conflict with policies GEN2 and GEN3 of the Arun District Local Plan.

Aldingbourne Neighbourhood Plan (2014):

The ANDP was made in 2016 and as such forms part of the development plan in the determination of this application.

Policy EH3 of the ANP seeks to protect high value agricultural land unless it supports the diversification

of the rural economy or the need for development clearly outweighs the harm.

Policy EH1 of the ANP seeks to focus development within the BUAB defined in the plan, development outside of the BUAB will not be permitted unless certain circumstances apply, namely unless the development is for essential infrastructure or the benefits outweigh the harm and it can be demonstrated that no reasonable alternative sites are available.

Policy H6 allows permissions for windfall sites within the built up area only.

Emerging Local Plan:

The emerging Arun Local Plan 2011-2031 Publication Version October 2014 (eALP) was modified in January 2018 ('the modified eALP'); and the further main modifications were published in January 2018.

The key policy considerations contained within the 'the modified eALP' are considered to be;

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

Policy H SP2 - Strategic Site Allocations - states that development proposals within the Strategic Site Allocations must be comprehensively planned and should have regard to a masterplan endorsed by the Council. Development proposals need to meet the 17 requirements identified by the policy.

Policy H SP2c - includes the allocation of at least 2300 dwellings in the Barnham, Eastergate and Westergate area over the plan period. This allocation does not include this site.

Policy SD SP2 - Built up area boundary - states that outside the BUAB apart from Strategic, Site Specific and Broad Allocations, development will not be permitted unless consistent with other plan policies.

Policy C SP1 - Countryside - states that outside the BUAB as well as outside both the strategic, site specific and broad allocations, the countryside will be safeguarded for its own sake.

Planning Balance:

As identified above the proposed development is in conflict with policy GEN2 and GEN3 of the ALP and EH1 and H6 of the ANP. The following sets out whether there are any material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

Policies GEN2 and GEN3 were prepared as part of a plan that was adopted in 2003, prior to the publication of the NPPF and based upon a significantly lower OAN, that only sought to accommodate residential development needs until 2011. Policies GEN2 and GEN3 are nevertheless time expired.

The Council are currently only able to demonstrate a 2.09 year HLS and as such the policies relating to the supply of housing contained within the Local Plan and ANDP must be considered 'out-of-date' in accordance paragraph 49 of the NPPF and in accordance with the written ministerial statement (published 13th December 2016).

The ANDP was prepared on the basis of the OAN identified within the Publication Version of the eALP (2015). Therefore, given the significant revision of this figure which has taken place it is considered that only limited weight can be attributed to policies EH1 and EH3 within the ANP.

Currently the Council are unable to demonstrate an adequate supply of housing land supply as required by paragraph 49 of the NPPF. Paragraph 49 states that "Housing applications should be considered in

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

The primary purpose of paragraph 49 is to act as a trigger to the operation of the tilted balance in favour of approving sustainable development. The Council are currently only able to demonstrate a 2.09 year supply of deliverable housing and by virtue of this significant shortfall, the tilted balance in favour of the grant of permission is triggered unless the benefits are significantly and demonstrably outweighed by the adverse effects of the development or specific policies in the Framework indicate development should be restricted as stated in paragraph 14 of the NPPF.

As the Council cannot demonstrate a 3 year supply of deliverable housing sites, the Written Ministerial Statement on Neighbourhood Planning (12 December 2016) does not apply.

Presumption in favour of Sustainable Development

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'. Therefore, it is necessary to consider the sustainability of the site in accordance with paragraph 7 of the NPPF.

Paragraph 7 of the NPPF sets the three dimensions of 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.

1) Environmental Role

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

The nearest schools would be:

- Aldingbourne Primary School - 0.73km;
- Ormiston Six Villages Academy, Westergate - 1.75km; and
- St Phillip Howard, Catholic School (6th Form), Barnham - 3.5km.

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

29 - "... different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas".

34 - "Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas".

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

Although the site is only within walking distance of a local shop, bus stops, a pub and a primary school and is not within a 2km distance of a secondary school or doctors surgery (the nearest doctors is the Croft Surgery (2.24km), regard should be had to the 79 dwelling development concerning the land to the east of Hook Lane (ADC ref AL/39/13). This was approved on appeal in February 2015.

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

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

(2) Social Role

It is considered the proposal will support the local community by providing 55 new houses to help meet future needs and by providing the relevant associated infrastructure. These factors weigh in the scheme's favour.

(3) Economic Role

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

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

However, the proposal would also result in the loss of agricultural land graded as grade 2.

Assessment of Sustainable Development

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

Conclusion on Matters of Principle:

Overall, the principle of residential development on this site is contrary to the development plan, however, as Arun District Local Plan policies GEN2 and GEN3 and the intention of the ANDP to protect countryside (policies EH1 & H6) are out of date, in accordance with paragraph 49 of the NPPF they carry reduced weight.

The proposed development would provide an additional 55 houses which are needed in the Arun District.

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

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

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

AGRICULTURAL LAND:

ANDP Policy EH3 states that:

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

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

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

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

Policy SO DM1 of the eALP considers soils and states that:

"Unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term."

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

both desktop research (the Defra mapping) and on-site fieldwork.

Although the agricultural land grade is noted, it is considered that this is a relatively small area of land and the site has limited agricultural potential. .

It is not considered that there would be a conflict with ANP policy EH3 as the benefits of 55 dwellings would outweigh the harm to agriculture.

CHARACTER & DESIGN:

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

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

It is noted that the application is in outline and does not seek approval of layout or the design of the dwellings.

The existing character of this section of Lidsey Road has a broadly linear development on the opposite side of the road whilst the current site is generally open and features more sporadic development. The proposed density is relatively low and the site could be developed in a way which respects the character of the southern approach to Aldingbourne.

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

RESIDENTIAL AMENITY:

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

It is not possible to properly assess the residential amenity implications of the proposed layout due to the lack of elevation or floor plan drawings. Such an assessment would take place at the reserved matters application stage. It would appear that the dwellings on the illustrative layout would not result in adverse amenity issues.

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

HIGHWAY SAFETY, CONVENIENCE & PARKING

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

Policy GA3 of the ANP states that: "Proposals must provide adequate parking in accordance with the standards adopted at the time." Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. However, the standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator or in this case the advice of West Sussex County Highways.

Regard should be had to paragraph 32 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

The application has been assessed by WSCC Highways. Despite initial objections highways do not have any objections to the use of the accesses and do not consider that the impact of the proposals on the operation of the highway network will be severe. The application is therefore considered to comply with paragraph 32 of the NPPF.

In terms of car parking, WSCC comment that the layout as presented is likely to provide an acceptable level of car parking.

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

FLOODING & SURFACE WATER DRAINAGE:

Arun Local Plan policy GEN9 states that:

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

In addition, policy EH5 of the ANDP states that:

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

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

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

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

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

ECOLOGY:

This site borders open countryside. The proposal has been assessed by our ecologists and have not raised any objection subject to conditions.

LIGHT POLLUTION:

ANDP Policy EH10 states that:

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

It is not considered that the proposed development will adversely harm the existing environment at night (or after 4pm in winter). This is because, the site is located on the approach to the village on a street with road lighting and with residential development further to the south. A condition relating to lighting will be imposed.

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

INTERNAL & EXTERNAL SPACE STANDARDS:

It is not considered possible to assess the internal space standards with this outline application. In respect of external standards the current version of the eALP proposes to delete policy D DM3 in favour of inclusion within a future design guid). It is not therefore considered appropriate to now refer to this policy.

PLAY SPACE:

The Council's Supplementary Planning Guidance "Open Space and Recreational Standards" (October 2000) sets out advice on the provision of open space and play equipment within new residential developments.

This decision is to be subject to a Section 106 legal agreement relating to contribution towards off-site play (MUGA) - the location and the amount of the payment is to be agreed. On site play equipment is also to be provided.

SUMMARY:

The application site is outside the defined built-up area boundaries of Aldingbourne and is therefore contrary to policies GEN2 & GEN3 of the ADLP and policy EH1 & H6 of the ANDP which seek to protect the countryside. It is therefore necessary to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

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

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

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

The proposed development is therefore recommended for approval together with the following conditions and agreed Section 106 legal agreement. As the s106 agreement has not been completed and there are amended plans that the Parish have been notified of it is recommended to grant delegated powers to the Group Head of Planning to negotiate the s106 contributions and take in to account any advised comments following the notification period.

If the s106 agreement has not been signed within 3 months of the date of this permission it is also recommended that delegated powers are given to the Group Head of planning to refuse the application for the failure to provide the relevant infrastructure required for the proposed development.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

WSCC

Widened footway on western side of the A29 from the main (southern) site access up-to the southern edge of the car park serving the Prince of Wales Public House

· Footway on eastern side of road taken from junction of Willows Caravan Park access road to Lee's Yard

- Strategic Infrastructure Contribution of £390,500
- Bus stops, shelters and real-time passenger information contribution (and/or works)
- Travel Plan
- Contributions towards other non-highways infrastructure (education, libraries etc.)
- Cycle stands adjacent to nearby convenience store

Infrastructure in the s106 required for schools, libraries and fire and rescue services.

NHS

£54,557.

ADC - affordable housing

18 units (33%) to be provided with 75% affordable and 25% intermediate as required by AHSP2 of the emerging plan.

ADC - Parks

On site play provision and off-site MUGA contribution

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

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

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

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

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

- 3 The development hereby approved shall be carried out in accordance with the following approved plans:-
- 2017-3711-001; 002 and 003 (all revision 'E') and 004 (revision '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.
- 4 No part of the development, hereby permitted, shall be occupied until the accesses as generally shown on shown on drawings 2017-3711-001; 002 and 003 (all revision 'E') and 004 (revision 'A') have been constructed to a final specification to be agreed with the local Highway Authority through a formal S38 and/or S278 process (including right hand turning lane on A29).
- Reason - To ensure fit-for-purpose accesses constructed to appropriate design and safety standards in accordance with policy GEN7 of the Arun Local Plan 2003.
- 5 No development shall be commenced until plans and details showing internal access road layouts have been submitted to and approved by the LPA after consultation with the CHA. The development shall be undertaken in accordance with the plans so approved.
- Reason - To ensure fit-for-purpose roads constructed to appropriate design and safety standards and in accordance with policy GEN7 of the Arun Local Plan 2003.
- 6 No development, hereby approved, shall be occupied until provision for parking and turning of cars associated with the development has been provided in accordance with plans to be submitted to and approved by the LPA after consultation with the CHA. Provision should thereafter be maintained solely for the purpose of the parking and turning of vehicles clear of the highway.
- Reason - To ensure that adequate provision for the parking and turning of vehicles is provided for the development to accord with approved policy GEN7 of the Arun Local Plan 2003.
- 7 No development shall be occupied until any disused crossovers and/or accesses no longer required as part of the development, have been permanently removed and reinstated in accordance with plans to be submitted to and approved by the LPA for consultation with the CHA.
- Reason - To ensure that any access points not required to serve the development are permanently removed to avoid risk of inappropriate re-opening in the future and also in the interests of road safety and in accordance with policy GEN7 of the Arun Local Plan 2003.
- 8 The development, hereby approved, shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority after consultation with the Highway Authority to prevent surface water draining onto the public highway.
- Reason - In the interests of road safety and in accordance with policy GEN7 of the Arun Local Plan 2003.
- 9 Prior to development commencing, a Construction Management Plan shall be submitted to and be approved in writing by the Local Planning Authority after consultation with the Highway Authority. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:

- The phased programme of construction works;
- The means of access and road routing for all construction traffic associated with the development;
- Provision of wheel washing facilities and details of their operation and location;
- Details of street sweeping;
- Construction working times including delivery times;
- Details of a means of suppressing dust arising from the development;
- Details of all proposed external lighting to be used during construction;
- Details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
- Details of areas to be used for the storage of plant and materials associated with the development;
- Details of the temporary construction site enclosure to be used throughout the course of construction (including access gates).
- Contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details).
- Evidence of consultation with neighbours prior to works commencing.
- Details of any temporary traffic management that may be required to facilitate the development including Chapter 8 traffic signage.

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

Reason - To ensure safe and neighbourly construction in the interests of amenity and road safety in accordance with policy GEN7 of the Arun Local Plan 2003.

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

Reason: In the interests of wildlife in accordance with policy GEN29 of the Arun District Local Plan.

- 11 The mitigation detailed in section 6 of the bat survey/reptile report and figure 6.1 of the reptile report submitted with the application shall be carried out in full and no construction works can commence until the reptile translocation has taken place. Details of the type and location of bat boxes shall be submitted to and approved in writing prior to construction above damp proof course level (DPC) and the details approved shall be installed prior to the occupation of the dwellings.

Reason: In the interests of wildlife in accordance with policy GEN29 of the Arun District Local Plan

- 12 Development shall not commence, other than works of site survey and investigation, 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, and 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 / No part of the extended

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, GEN9 and GEN11 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the surface water disposal scheme is agreed before construction commences.

- 13 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

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

- 14 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7, GEN9 and GEN11 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 15 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner of management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7, GEN9 and GEN11 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

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

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

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

Reason : To ensure the efficient maintenance and on-going operation of the surface water drainage system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32, in accordance with policies GEN7, GEN9 and GEN11 of the Arun District Council Local Plan.

- 17 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason : To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion, in accordance with Policy GEN7 of the Arun District Local Plan.

- 18 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 15m 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.

A pre-commencement site meeting shall be held between the ADC tree officer and the arboricultural representatives of the site developers to inspect all protective fencing and ground protection measures to ensure they are fit for purpose under BS 5837:2012 and have been erected in accordance with the tree plan.

A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural expert will be submitted and their extent will be agreed to the satisfaction of the Arun DC Tree Officer.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root

Protection Areas/Zones then prior to their installation a Method Statement prepared by an

Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reason: To 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.

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

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

- 20 No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with the NPPF.

- 21 No lighting shall be installed on any phase or sub phase until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage (to include street lighting) have been submitted to and approved in writing by the Local Planning Authority and the County Highway Authority. The external lighting in association with this development shall show how it complies with with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for External Lighting Installations, and confirm which Zone it has been designed to meet.

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

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

- 22 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or equivalent fabric first standards that would secure a 10% reduction in energy use. No development above damp proof course (DPC) level shall take place unless and until details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In order to seek to achieve high levels of energy efficiency in accordance with the aims of the NPPF.

- 23 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to highway infrastructure, libraries, fire and rescue services, off-site play provision and other infrastructure.
- 24 INFORMATIVE: Applications for S38 and/or S278 Agreements should be made to WSCC as Highway Authority. Full details are available on the WSCC website.
- 25 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.
- 26 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 27 INFORMATIVE:
Roads not forming part of the adopted highway network and/or not intended to be offered for adoption, will not be inspected by the Highway Authority during or after any construction phases. Such roads should, however, be assessed and formally signed-off/approved by a suitable Chartered Civil Engineer to the satisfaction of the LPA.
- 28 INFORMATIVE: If deemed necessary, the applicant should contact West Sussex County Council Legal Services to obtain necessary information to enter into the Section 59 Agreement under the Highways Act 1980. This Agreement is would be required in the event that extraordinary traffic required to build the development is generated during the construction phase/s in order to provide a means of making good the public highway following the cessation of construction traffic and building work on the site. Full details of the process can be obtained from the Local Highways Manager WSCC.
- 29 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

AL/115/17/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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 100018487. 2015

PLANNING APPLICATION REPORT

REF NO:	AW/55/18/HH
LOCATION:	3 The Orchard Aldwick PO21 4HX
PROPOSAL:	Rear and side, single and two storey extension incorporating rear balcony. This application affects the Character & Appearance of the Aldwick Bay Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The application consists of:</p> <ul style="list-style-type: none"> - a single storey west side extension. This will be 4.7m wide (the same width as the existing garage to the front), 8.1m deep, 2.5m to the eaves, 3.3m to the ridge; - a two storey rear extension. At ground floor this will be 5.8m deep, 10.05m wide, 3.1m high (with a flat roof). The first floor part is only 2.8m deep (plus the balcony at 2.85m deep) with the same width as ground floor. The two storey element is 5.2m to the eaves, 7.7m to the ridge. <p>The extensions add a games room behind the garage, a living room extension, extensions to two first floor bedrooms and a replacement balcony above the living room extension. The balcony is to be screened on the sides by 1.7m high obscure glazed, non-reflective glass.</p>
TOPOGRAPHY	Predominantly flat.
TREES	The application proposes to remove an 8m high Birch tree and two much smaller trees (a multi-stemmed Bay tree & an Ash Seedling) all located between the dwelling and no. 4. All other trees will be retained.
BOUNDARY TREATMENT	<ul style="list-style-type: none"> - 3-3.5m high hedge to no. 4 The Orchard with a 1.9m high close boarded fence behind this hedge; and - 3m high hedge to no. 2 The Orchard with a 1.9m high close boarded fence behind.
SITE CHARACTERISTICS	Detached two storey dwelling on a large plot with large garden to rear and driveway and garden to front. Part brick, part painted render, clay tiles to the roof. The property has two existing first floor balconies and then a further balcony within the roof above. Garage to the side. Off-street parking for 3-4 cars.
CHARACTER OF LOCALITY	Residential private estate and Conservation Area formed of detached dwellings on large plots with gardens to front & rear

and parking to front. Neighbouring properties consist of:

- * 2 The Orchard - Existing rear first floor and second floor balconies (screened to a height of 1m). Ground floor rear principal windows and conservatory; and
- * 4 The Orchard - predominantly obscured by hedging. Dormers observed within the roof to the rear and side elevations.

RELEVANT SITE HISTORY

AW/165/15/TC	Various surgery to 1No. Goat Willow tree, 1No. Holly tree, 3No. Bay tree, 1No. Laburnum tree, 1No. Amelanchier tree, 1No. Eucalyptus tree & 1No. Leylandii tree - Within the Aldwick Bay Conservation Area	No Objection
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Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

"Objection - Members strongly objected to the application on the grounds that the proposed extension would not sympathetically relate to, nor be visually integrated with, the existing building in siting, design, form scale and materials and because it does not preserve or enhance a Conservation Area. Therefore Members agreed that the proposed development is in direct opposition to Policy Dev 19 (i) of the Arun District Local Plan Dev 19 (i); and Policy Area 2 and the Parish Design Statement page 30."

Two letters of objection from local residents and one from Ward Councillor Phil Hitchins. Concerns as follows:

- (1) Balcony will invade privacy of no. 2 The Orchard's upstairs study, main bedroom, sitting room, conservatory & garden;
- (2) Balcony & 1.7m high obscure glazing will be unattractive & totally inconsistent with the Conservation Area;
- (3) Loss of sunlight to no. 2 in later afternoon/early evening;
- (4) Harm to views of nearby trees;
- (5) Impact on house values;
- (6) The applicants did not discuss the project with neighbours prior to submission;
- (7) The extensions constitute an excessive overbuild of the property and is not acceptable in this Conservation Area;
- (8) The yellow site notice was posted on a tree on Manor Way, not on the tree between nos. 2 and 3 and was therefore assumed to relate to a tree application or to the new wall being built between no. 3 and Manor Way; and
- (9) No. 2's amenity adversely affected by views of the new blank side wall.

Aldwick Bay Company - no objection. Consider that the project as a whole is agreeable. Did have

concerns with the balcony but these concerns have been in part resolved through the proposed use of obscure glass screening. Consider that only the side extension will be visible in the streetscene and that the plans look sympathetic to the current style of the house.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council comments are noted and will be discussed in the reports conclusions.

The following responses are offered in respect of the local objections:

- (1) Residential amenity issues will be discussed in the conclusions section. It should also be noted though that the rooms mentioned are already overlooked by no. 3's the first floor side bedroom window;
- (2) Visual amenity/Conservation Area issues will be discussed in the conclusions section;
- (3) Residential amenity issues will be discussed in the conclusions section;
- (4) There is no right in planning to a view and this is not therefore a material planning consideration;
- (5) Impact on house prices is not a material planning consideration;
- (6) There is no requirement to discuss proposals with neighbours before submitting an application;
- (7) Visual amenity/Conservation Area issues will be discussed in the conclusions section;
- (8) There is a lack of street furniture in this location and it was not considered appropriate to attach the notice to the small furry palm tree within the front garden of no. 3. The closest available position was thus a tree on Manor Way approximately 25m north of the property. The presence of comments from local residents suggests that the yellow site notice served its purpose; and
- (9) Residential amenity issues will be discussed in the conclusions section.

Aldwick Bay Company comments - noted.

CONSULTATIONS

Conservation Officer

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

ADC CONSERVATION OFFICER: stated that the site is prominently located within the street frontage to The Orchard, that the property is one of the original houses, constructed as part of the Adwick Bay Estate, and exhibits many fine features, materials and finishes typical of the period, and in the manner of the Aldwick Estate, where each house was designed to be unique. Much of the proposed extensions would not be visible from the public realm but that the proposed glazed balcony on the 'side elevation' would be visible from the street scene. Considered that this element would represent an alien intrusion, and is recommended that this element be revised to a non-reflective surface, that would retain the visual permeability of the site.

ADC TREE OFFICER: Initially objected due to the lack of an acceptable Tree Protection Plan but following receipt of this is happy with the protection proposed in respect of the Laurel Hedge between nos. 3 & 4 and the Cherry tree to the rear. No objection is raised to the removal of the three trees to the side. Condition requested to ensure the tree protection measures are adhered to.

COMMENTS ON CONSULTATION RESPONSES:

In respect of the Conservation Officer comments, the applicant was initially requested to amend the balcony screening to propose wrought iron railings. However, this was then considered to allow overlooking of the neighbouring property and was changed back to 1.7m high obscure glazed screening.

However, the applicant has specified that this will have a non-reflective surface and a condition is proposed to ensure this. It should also be noted that the side balcony screen will only just be visible through the gap between nos 2 & 3.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
Aldwick Bay Conservation Area;
Tree Preservation Order;
Pagham Harbour Zone B; and
Special Control of Adverts.

DEVELOPMENT PLAN POLICES

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

AREA2	Conservation Areas
GEN2	Built-up Area Boundary
GEN7	The Form of 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 DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
HER DM3	Conservation Areas
HER SP1	The Historic Environment
SD SP1	Sustainable Development
SD SP2	Built -Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD2	Conservation Areas
SPD10	Aldwick Parish Design Statement

POLICY COMMENTARY

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

A new local plan is in preparation and 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).

Aldwick have not developed a Neighbourhood Development Plan but has published a Design Guide.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

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

The proposal is considered to comply with these criteria in that it would preserve 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 site is within the built up area boundary where development is acceptable in principle subject to normal development control criteria being satisfied such as design, visual & residential amenity and parking provision.

IMPACT ON THE CONSERVATION AREA:

The Parish Council consider that the proposal will not preserve or enhance the Conservation Area. In addition, local residents consider that the balcony will be unattractive & inconsistent with the Conservation Area and constitute an excessive overbuild of the property.

Policy AREA2 of the Arun District Local Plan states that: "Planning permission will be granted for development which preserves or enhances the character or appearance of a Conservation Area or its setting"

Policy HER DM3 of the emerging Local Plan sets out the following criteria to be applied to development affecting a Conservation Area:

- a. New buildings and structures acknowledge the character of their special environment in their layout, form, scale, detailing, use of materials, enclosure and the spaces created between buildings;
- b. Alterations or additions to existing buildings are sensitively designed, constructed of appropriate materials and are sympathetic in scale, form and detailing and retain or emphasise the features and qualities of the existing buildings, townscape or streetscape in the area;
- c. Traditional features such as shop fronts, walls, railings, paved surfaces and street furniture are retained and restored;
- d. Unsympathetic features are removed and missing features are restored or reinstated;
- e. It retains historically significant boundaries, important open spaces and other elements of the area's established pattern of development, character and historic value, including gardens, roadside banks and verges;
- f. It does not harm important views into, out of or within the Conservation Area.

The Councils Conservation Officer commented that much of the proposal would not be visible from the public realm and indeed, only raised concern with the reflective nature of the glazing to the rear balcony.

The balcony side screen will only have limited visibility in the streetscene when viewed through the gap between nos. 2 & 3 from The Orchard or from Manor Way. The applicant has responded by stating that the glazed screen will be constructed using as a low a reflective surface as possible. This will be controlled by condition. This use of low reflective glass coupled with the limited visibility of the screen is considered to be such that the balcony screen will not a materially harmful impact on the Conservation Area.

It is also noted that the proposal seeks to reinstate original slit window designs within the first floor flank elevations.

The Conservation Officer raised no concerns with the other elements of the proposal which propose matching bricks and tiles and are of a similar style to the host dwelling. The proposal is therefore considered to be in accordance with the policy AREA2 of the Arun District Local Plan.

RESIDENTIAL & VISUAL AMENITY:

The Parish Council consider that the proposal will not sympathetically relate to, nor be visually integrated with the existing building in siting & design. In addition, objections have been received from nearby residential occupiers on the grounds of loss of privacy/overlooking to no. 2, loss of sunlight to no. 2 and an overbearing impact of the extensions on no. 2.

Arun District Local Plan Policy GEN7 indicates that planning permission will only be granted for schemes displaying high quality design & layout and do not have an unacceptable adverse impact on adjoining occupiers. Furthermore, Policy DEV19 requires that extensions be visually subservient to the existing building, reflect the existing streetscene, not result in a terracing effect and be visually integrated with & sympathetically relate to the existing dwelling. Policy DEV19 also requires that extensions do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

The site is defined within the Aldwick Parish Design Statement as being part of Character Area 1 (Aldwick Bay Estate). This document does not form part of the development plan but is a material consideration in the determination of this application. Therefore, the following development criteria in respect of extensions are relevant in this case:

- New development should protect and where possible reinforce the character of the surrounding area;
- New development should work with rather than against the characteristics of the site and the surrounding area;
- New development should protect existing views and create new views and use materials and building styles which are appropriate in the local context;
- Planning permission should only be granted for schemes displaying high quality design and layout;
- Development proposals involving new buildings or significant extensions or alterations, must be accompanied by an illustrated written analysis of the site and its immediate settings;
- Development should be permitted provided it does not have an unacceptable adverse impact on adjoining occupiers, land uses or property and, where relevant, facilitates the development of adjoining sites;
- All applicants should be encouraged to improve the visual amenities of a particular locality in scale, external appearance, hard and soft landscaping and materials;
- The extensions should sympathetically relate to and be visually integrated with, the existing building in siting, design, form, scale and materials;
- The extensions should be visually subservient to the main building and must not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties;
- Materials matching the existing building should be used where appropriate;
- In streets characterised by relatively small gaps at first floor level between buildings, any extension at first floor level should not come to within a minimum of one metre of the side boundary;
- There should be strict control over any roof development likely to be particularly intrusive by virtue of proximity to neighbouring dwellings. Any roof re-design should be sympathetic and in keeping with the character of existing properties; and
- The extensions should not compromise the established spatial character and pattern of the street scene.

The extensions are solely to the rear of the building and it is not considered that they will have an impact on the street scene of The Orchard. It is also noted that matching materials are proposed, the extensions are of a similar style to the host dwelling and that they are all subservient in nature.

One of the concerns is in respect of the new 2.8m deep first floor extension and its overbearing impact on no. 2. However, this wall is to the side of no. 2 and will be 6m from the nearest part of no. 2. Furthermore, no. 2's rear facing views will continue to be unhindered. No. 3 is sited due west of no. 2

and as such the ground & first floor extensions will only affect sun light reaching the neighbouring property in the evening - and then only very slightly given the short depth of the first floor extension and the 6m gap to the neighbour. This is not considered to be materially harmful to the enjoyment of the neighbours dwelling.

In respect of privacy & overlooking, members should note that the applicant already enjoys clear views over no. 2's rear first floor balcony, rear ground floor patio and rear windows. This being either from the existing flank bedroom window or their existing balcony which only has 1m high brick side screen. Also, it should be noted that no. 2's rear first floor balcony only has 1m high screening to its sides and as such allows views out towards no. 3's existing side windows.

As part of the rear extension, the existing secondary first floor flank bedroom window (which looks onto no. 2's rear) will be replaced by a much narrower slit window. This will result in a significant improvement in the privacy of no. 2. The proposal also adds a new slit window on the this flank wall to serve a new en-suite bathroom. Notwithstanding the narrow nature of these two windows (each being approximately 15cm wide), a condition will be applied to ensure that both of these will be obscure glazed.

It is also considered that the act of extending the balcony and installing 1.7m high side screens will be a significant improvement on the existing balcony which only has 1m high side screens and thus already allows unhindered views of no. 2's windows, balcony and rear garden. The effect of these new screens will be to focus views from the new balcony out over no. 3's own rear garden and not over neighbouring properties.

The proposal is therefore considered to be in accordance with the policies DEV19 and GEN7 of the Arun District Local Plan and with the criteria of the Aldwick Design Statement.

OTHER MATTERS:

The Tree Officer has confirmed that there is no objection to the removal of the three low amenity trees to the to the west side of the site. Furthermore, the protection plan in respect of the hedge on the west side and the cherry tree to the rear is now acceptable. The proposal does not increase the number of bedrooms and therefore the application does not generate any need for additional car parking.

SUMMARY:

The Parish Council and local resident objections have been carefully assessed but it is not considered that the proposed extensions will result in a materially adverse impact on the character of the Conservation Area or on the amenities of neighbouring properties. Indeed, it is considered that the replacement windows to the first floor east facing elevation and the use of 1.7m high screens to the side of the balcony will result in significantly less overlooking than there is with the current situation. The Council's Conservation and Tree Officers are supportive of the proposals and as such, it is 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 plans:

Location & Site Plan (02/01/18);
Proposed Plot Plan (08/02/18);
Proposed Ground Floor Plan Rev A (31/01/18);
Proposed First Floor Plan Rev C (19/03/18);
Proposed Elevations Rev F (15/04/18);
Existing and Proposed Roof Plans (31/01/18); and
Tree Protection Plan Dwg. 1035-5400 Rev A.

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

- 3 No development above damp proof course (DPC) level shall take place unless and until a sample of the non-reflective obscure glazed balcony glass has been submitted to and approved by the Local Planning Authority. The obscured screening hereby approved shall be installed within 1 month of completion of the works and shall be retained in perpetuity.

Reason: In the interests of amenity and the preservation/enhancement of the Conservation Area in accordance with policies AREA2, GEN7 and DEV19 of the Arun District Local Plan.

- 4 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels occurs a PRE-COMMENCEMENT Site Meeting is to take place between the Arun DC Tree Officer and the Arboricultural Expert representing the site owners - at this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as

required under British Standard 5837 and have been erected and positioned exactly as shown on the Tree Protection Plan (Dwg.No. 1035-5400, Date: 27th April 2018).

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

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

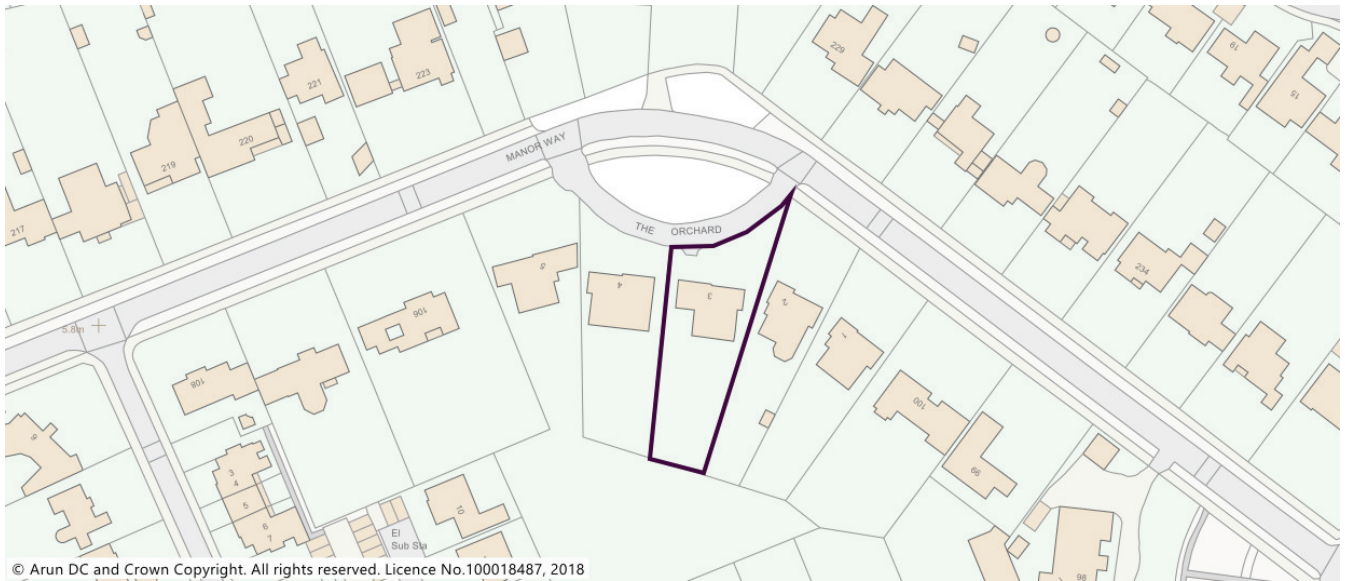
Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 6 The two new first floor east facing slit windows shall at all times be glazed with obscured glass.

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

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

AW/55/18/HH - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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 100018487. 2015

PLANNING APPLICATION REPORT

REF NO: A/17/18/PL

LOCATION: Outbuildings at Decoy Barn
Decoy Lane
Angmering
BN18 9QA

PROPOSAL: Conversion of stables & barns to form 1No. 3 bedroom dwelling with associated works

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to conversion of several agricultural buildings comprising a barn with flint and brick elevations and loose boxes/stables and stores with timber elevations and corrugated roofs to create a 3 bedroom dwelling. The curtilage as defined provides a depth to the rear boundary of 12m, to the side boundaries of 8m and 17m and to the frontage of 6m.
SITE AREA	1600 sq. m.
RESIDENTIAL DEVELOPMENT DENSITY	16 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Post and wire and ranch style fencing to fields with some hedging.
SITE CHARACTERISTICS	Buildings are currently used for stabling/storage and garaging. They comprise a flint barn to the rear and stables/garage buildings of timber, flint and brick elevations located around a hard surfaced court yard area. The site is located within a woodland setting.
CHARACTER OF LOCALITY	Predominantly rural with few neighbouring dwellings. Listed building to the south has painted rendered elevations and a plain tile roof. The area is rural in character with Decoy Cottage isolated at the end of Decoy Lane. The nearest residential development is situated approximately 500m to the west of the application site. The Old Stables is situated at the entrance to Decoy Lane and benefits from planning permission for the operation of a B1/B2 business use.

RELEVANT SITE HISTORY

A/20/11/	Conversion of existing stable building to 2 no. B1 (business) units (re-submission of A/120/10/)	ApproveConditionally 08-04-11
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A/120/10/	Conversion of existing stable building to 2 no. B1 (business) units.	Refused 08-12-10
A/57/15/PD	Prior notification under Class O for change of use from Use Class B1(a) offices to C3 dwellinghouse	No Objection 26-06-15

The site history relates to a building adjacent to the access to the site from the A27, but demonstrates that a nearby business use operates utilising this same access point.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Angmering Parish Council - Objection. The location is outside the Built up Area Boundary and as the building is isolated it could set a precedent, were the application to be approved.

COMMENTS ON REPRESENTATIONS RECEIVED:

The proposal would not set a precedent as each application is determined on its own merits.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Environment Agency

Environmental Health

Building Control

Engineers (structural)

Ecology Advisor

Highways England

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection.

Highways England - Awaited

Ecology Officer - No Objection.

COMMENTS ON CONSULTATION RESPONSES:

The traffic generated by the use of the land by an additional household should be off set against the use of the site for stabling of horses. It is not considered that the change of use of the buildings would result in a material increase in the amount of traffic entering and exiting the A27. However, Highways England have been consulted.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Adjacent to a Listed Building

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

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

Publication Version of the Local Plan (October 2014):

C SP1	Countryside
D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
HER DM1	Listed Buildings
H DM3	Agricultural, Forestry & Horticultural Workers' Dwelling
HER SP1	The Historic Environment
SD SP2	Built -Up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD1

Angmering Neighbourhood Plan 2014 POLICY HD2 Parish Housing Allocation

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. 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 in the Angmering Neighbourhood Plan have been taken into account 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 in that it would accord with conversion policy DEV2, and accordingly policy GEN3, and 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 application site falls within the parish of Angmering and as such the development plan in the determination of this application will comprise of the Arun District Local Plan (2003) and the Angmering Neighbourhood Plan (2015). Reference to the emerging Local Plan and the National Planning Policy Framework will also be required.

The site lies outside the built up area where development, unless for agricultural purposes is not permitted. However Arun District Local Plan Policy DEV2 and policy HDM3 of the Emerging Local Plan allows conversion of rural buildings worthy of retention to be converted to residential use, subject to compliance with certain criteria. Consideration of this policy is expanded on below.

The Council is currently unable to demonstrate an adequate 5 year supply of housing land as required by paragraph 49 of the National Planning Policy Framework (NPPF). The OAN figure has now been increased to 919 units p.a as of October 2016 and the Council based on this need, is only able to demonstrate approximately 2 years worth of supply.

The National Planning Practice Guidance (NPPG) provides clear guidance on the issue of the weight that can be given to both the adopted local plan and emerging or made Neighbourhood Plans where the District Council cannot demonstrate the 5 year supply of deliverable housing sites. Therefore the adopted development plan policies relating to housing supply are out of date and the emerging Local Plan policies do not carry full weight at this time.

The weight afforded to Neighbourhood Plans has been clarified by a written Ministerial Statement (13/12/16) which 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; and
- The Council can demonstrate a three-year supply of deliverable housing sites.

Two of the above circumstances arise as Arun District Council can only currently demonstrate approximately a 2 year supply of deliverable housing sites. The Angmering Neighbourhood Plan was adopted in 2014 and is therefore more than 2 years old and with regard to the supply of housing this site does not lie within an area allocated for housing .

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. In this case, the development plan is not silent and the principle of development is in accordance with the development plan.

NEIGHBOURHOOD PLAN

The Angmering Neighbourhood Plan (ANP) was made on the 11th March 2015 on the basis of the saved policies in the ALP and the draft policies of the emerging Arun Local Plan 2014 (eALP).

The key policy considerations within the ANP are HD1 and HD2. Policy HD1 identifies the built up area boundary (BUAB) for Angmering and states that development within the BUAB will generally be permitted. Policy HD1 states that the built up area boundary is important to prevent encroachment into open countryside. Policy HD2 sets housing allocations within the neighbourhood plan area of Angmering and does not identify the application site. Policy HD4 'Materials' requires extensions and renovations to utilise harmonious materials and policies HD5 & 6 require that development is sympathetic and in keeping with its surroundings.

Policy HD1 is considered to be out of date as it applies to the supply of housing. The proposed development by virtue of its location is not considered to conflict with policy HD2 and is in accordance with policies HD4, HD5 & 6 given the proposed use of materials and design of the converted buildings and additional works

COMPLIANCE WITH CONVERSION POLICY DEV2

Policy DEV2 requires compliance with the following criteria:

The first is a requirement that evidence is submitted to demonstrate that reasonable attempts have been made to market and use the premises for business purposes or that residential conversion is a subordinate part of a scheme for business reuse. No evidence has been submitted in this respect. However, the agent has stated in the planning statement that the buildings are in relatively close proximity to the listed property 'Decoy Cottage' where commercial uses and associated traffic would represent an unneighbourly use and not be desirable. Also the farm buildings have no visibility from the main road making them an unattractive option for many commercial uses. On this basis it is considered that non compliance would be acceptable.

The second criteria of Policy DEV2 is that the building should be structurally sound, of permanent construction and capable of conversion without rebuilding or significant alteration or extension. The application is supported by a Structural Survey which concludes that the buildings are structurally sound and could support a residential reuse, although some alterations are required. The buildings are in good condition and are currently detached from one another. However, this is not readily apparent as the overhanging roof of the stables touch and the gap between the two stables is narrow. The barn is well shielded to the rear of the property and at its closest point is only 90cm away from the stables. Small extensions to 2 of the buildings are proposed totalling 18.2sqm. The western wall of the eastern building would be extended outwards to meet the eaves of the central building which would also be extended outwards into the courtyard to improve the living space and the barn would be extended in the direction of the stables to attach. A link totalling 8.5sqm would connect the central to building to the building to the rear.

The proposal generally retains the existing roof pitch. The building to the west is constructed from brick and flint with a concrete floor and corrugated roof, it is thought to be around 200 years old and features some buttressing. The building to the east and the central building are timber framed and clad buildings. The building to the rear of the other buildings features flint elevations and a corrugated roof. This building is also thought to be at least 200 years old.

These are not significant additions and represent a 26.7sqm increase in floorspace on the site. They enable an efficient use of all buildings without significantly altering the character or appearance of the buildings when viewed from public vantage points. New openings for windows are kept to a minimum on the outward facing elevations, sufficient to enable the buildings to function as a dwelling without affecting the character of the buildings. Glazed doors are proposed to the southern elevation of Building 3 to maximise solar gain and natural daylight. This elevation faces into the courtyard and is not readily visible from outside the site.

The roof is in good condition and could be reused. However, there is an awkward arrangement where differing pitches join and it is also relatively lightweight and additional trussed elements would need to be incorporated to support insulation and a heavier cladding than the existing. The planning application therefore proposes a replacement roof at a consistent pitch across all four buildings. The proposed roofing material is conditioned to ensure it is appropriate in this rural location. Existing roof lights on Building 4 will be replaced with conservation roof lights which would improve the appearance of the building in the countryside.

Parking is proposed to the north of the buildings on an area currently used for parking in connection with the stables. This location is screened from view from the public footpath to the west. The proposed development would sit within an already well-defined curtilage measuring 1.87 hectares in total which would provide approximately 1650sqm of garden and amenity land. The size of the curtilage has been reduced from that included in the pre application enquiry.

With regard to Criteria (iii) the site is close to an adjacent residential dwelling. It is considered given the position of the building adjacent to another dwelling and the previous stabling use of part of the site that it would be unlikely to generate a significant increase in traffic levels or activity. In addition the rural character would not be materially altered. The car parking area of the existing dwelling would be adjacent to the site and car parking for the converted building would be located adjacent to the existing access. It would have no adverse effect on the visual amenities and rural character of the locality.

Criteria (iv) requires the resultant building to be sympathetic to its setting in terms of form, bulk and visual design. The extensions to the building are limited and do not significantly extend the built form or add to the bulk of the buildings. The number of elevational changes were considered excessive and these have now been reduced. The extent of glazing on the south elevation has been reduced in length and only 4 roof lights have been incorporated in the roof slope. The proposal in its current form is therefore sympathetic and acceptable.

Criteria (v) states resultant traffic should be safely accommodated by the site access and the central road system. Given the extent of accommodation and the previous stabling use of the site it is not anticipated that the proposal would have a material impact on traffic levels. The stable buildings have in the past accommodated up to 5 horses. Demand for stabling in this location has dwindled and today just one horse is kept at the stables. The only bridleways in the area are located to the north on the far side of the A27 requiring horses to cross four lanes of fast flowing traffic to be exercised. The increase in traffic on the A27 now makes this very difficult and there have been a number of incidents involving cars and horses. The one horse that is kept at the stables is old and infirm and does not require the usual level of exercise. Given the location of the site close to another residential property, it is considered that any traffic generated can be safely accommodated.

PRINCIPLE OF DEVELOPMENT

As set out above, the proposals are considered to accord with the development plan. Therefore, paragraph 14 of the NPPF requires that planning permission be granted.

ECOLOGY

A bat and barn owl survey is required in compliance with Natural England standing advice. A bat survey of the buildings was undertaken by a qualified Ecologist on 29th August 2017. Two of the buildings (Buildings 1 and 4) were found to support features with potential to support roosting bats. A further bat emergence survey was therefore undertaken to determine presence or likely absence of bat roosts within these buildings and to determine any subsequent requirements for mitigation, compensation and / or licences to facilitate the proposed development.

No bats were observed emerging from the buildings during the emergence survey and as such the buildings are considered to be likely absent of roosting bats. Roosting bats are therefore not considered an ecological constraint to the proposed development. However, the site does support suitable foraging and commuting habitat for bats and moderate levels of bat activity were recorded during the survey. Therefore the Ecologist has recommended that a sensitive lighting strategy is implemented during the construction phase and operational phase of the proposed development and an Informative is suggested in this respect. .

Policy DEV2 also requires provision to be made for bats and owls and following consultation with the Council's Ecologist this has been included as a condition. The proposal therefore accords with this policy requirement.

RESIDENTIAL AMENITY

The proposed dwelling will be situated 16.5m to the north of Decoy Cottage and will only be increased in height in some places by 30cm. It would not therefore adversely impact on the residential amenities of Decoy Cottage by overbearing impacts.

It is also considered that the proposed dwelling by virtue of its single storey construction would not give rise to any unacceptably adverse overlooking.

Therefore, the proposal is deemed to accord with policy GEN7(iv) of the Arun District Local Plan.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

Paragraph 55 of the NPPF states that "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.... Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting ."

This proposal would enhance the appearance of the buildings and positively contribute to the visual amenities of the locality.

EFFECT ON THE SETTING OF THE LISTED BUILDING

The proposal would not adversely affect the setting of the adjacent listed building. It would not result in a building of urban appearance. It does not detract from the rural appearance and character of the existing buildings which contribute to the rural setting of the building and it retains the existing visual separation of the buildings.

CONCLUSION

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

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of

the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

- 2 The development hereby approved shall be carried out in accordance with the following approved plans : Location and Block Plan 1443/10/01 revC, Proposed Site Plan 1443/02B, Existing Floor Plan DBAE 02B, Proposed Ground Floor Plan 1443/03D, Proposed North Elevation 1443/07, Proposed South Elevation 1443/05A, Proposed West elevation 1443/08, Proposed East Elevation 1443/06, Proposed Section 1443/09A, Proposed Roof Plan 1443/04a, Proposed Section - internal east elevation 1443/10,

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 begin until a construction method statement and details are provided demonstrating how the existing building stability is maintained during execution and completion of the works.

Reason: The building is structurally sound, of permanent construction and capable of conversion without rebuilding or significant alteration or extension in accordance with policy DEV2 of the Arun District Local Plan.

- 4 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 GEN12 or 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 approved site plan. This facility shall thereafter be retained at all times for their designated purpose.

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

- 6 Prior to occupation roosting opportunities must be incorporated within the conversion in accordance with details to be submitted to and approved by the Local Planning Authority.

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

- 7 Prior to installation of any doors or windows precise details of the openings and window frames, casements, the arrangement of glazing bars, the set-back of the frames from the external wall face shall be submitted to and approved by the Local planning Authority and the development shall proceed in accordance with the details so approved.

Reason: In order that the rural character of the building is preserved in accordance with policies DEV2 and GEN7 of Arun District Local Plan.

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

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.

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

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

- 10 No 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.

- 11 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.

- 12 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 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 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.
- 14 INFORMATIVE: Any lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.
- 15 INFORMATIVE: The proposal may require Listed Building Consent if the buildings are curtilage listed as part of Decoy Cottage listing.

A/17/18/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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100018487. 2015

PLANNING APPLICATION REPORT

REF NO:	BE/40/18/PL
LOCATION:	Land West of New Barn Lane Bersted
PROPOSAL:	New access from New Barn Lane to Land West of New Barn Lane & relocation of 5 No. existing parking spaces.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks planning permission for the creation of a new access from New Barn Lane to land to the west of New Barn Lane. The proposed access will serve the residential development previously approved at the site for the construction of up to 50 dwellings under reference BE/77/16/OUT.
SITE AREA	Approximately 0.15 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development. The proposed road has been designed to avoid the root protection area of T1.
BOUNDARY TREATMENT	The site extends onto the highway (New Barn Lane) before extending to the west into the field which is the subject of outline planning permission under reference BE/77/16/OUT. The eastern field boundary consists of low post and rail fencing with some limited hedgerow planting.
SITE CHARACTERISTICS	This is an open site to the West of Bersted located within a medium/small scale agricultural landscape. The site and surrounding undeveloped land to the west is flat with fields separated by hedgerows, some boundary trees and drainage ditches.
CHARACTER OF LOCALITY	The nearby housing in Bersted to the west of Chichester Road is suburban in character, mainly 1950s and 60s single and two storey houses, often with open plan front gardens and low planting. To the south-east of the site is the Jubilee recreation ground.

RELEVANT SITE HISTORY

BE/77/16/OUT	Outline application with all matters reserved for up to 50 residential units, landscaping, amenity space, car & cycle Called In by DCLG/SD 09-01-17
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parking, roads, service & drainage infrastructure & other associated works. Departure from the Development plan.

Appeal: Allowed+Conditions

Outline planning permission was granted, with all matters reserved, under reference BE/77/16/OUT for the construction of 50 residential units.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

OBJECTION

1. The proposed new entrance is unneighbourly to the bungalows (11-21 New Barn Lane) directly in front of the access.
2. Loss of parking for those bungalows 19-21 New Barn Lane, removal of 5 spaces to a new location inside the development does not guarantee that they will get use of them and is contrary to Bersted Neighbourhood Development Plan Policy HDQ8 for accessible car parking.
3. Highway safety and traffic, as bungalows 11 to 17 have driveways that are in direct line with the proposed access which may cause safety issues.

Please note that the Parish Council does not agree to the proposed potential footpath shown on the masterplan for access into Jubilee Fields.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments from the Parish Council are noted and the following comments are provided in response;

- 1) The proposed access will serve a residential development and as such will generate traffic movement associated with such a use. The proposed road at its closest point will be situated at its closest point 10m from an existing residential property (15 New Barn Lane). It is considered that whilst the proposed access will generate some additional disturbance for the existing residential properties this disturbance will not go beyond that which could be expected in a residential area.
- 2) The parking provision forward of 15-21 New Barn Lane is informal on street parking with no allocated parking or defined parking spaces. Therefore, the proposal is not in conflict HDQ8 which states that developments which remove off street parking provision will not be supported unless alternative provision is made which increases or maintains the number of parking spaces. However, the developers have proposed to provide 5 no. off street spaces within the site which would mitigate against the loss of this on street parking provision.
- 3) The proposal has been considered by WSCC Highways who have raised no objection.

The proposed pedestrian access to Jubilee Fields does not form part of this application.

CONSULTATIONS

WSCC Strategic Planning

Highways England

Ecology Advisor

Arboriculturist

CONSULTATION RESPONSES RECEIVED:**WEST SUSSEX COUNTY COUNCIL (STRATEGIC PLANNING)**

The Highway Authority have no objections to the proposed access arrangements but would look for a suitably worded condition to be included on any consent which requires the construction of the proposed access, as set out within the Pell Frischmann drawing entitled 'Proposed Access to New Barn Lane, drawing no. A13395-T-001, to be implemented prior to the occupation of any of the residential units it serves (associated with planning consent BE/77/16/OUT). The applicant should also be advised that they need to apply for the necessary post planning highway consent under section 278 of the Highways Act 1980.

HIGHWAYS ENGLAND

No comment.

ECOLOGY

- Can the applicant please confirm whether any hedgerow will need to be removed to facilitate the access to the site? If hedgerow does need to be removed/alterd then further surveys for dormice would be required.
- The Lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and building by avoiding unnecessary artificial light spill through the use of directional light sources.
- A precautionary approach should be taken within the site area with regards to reptiles. Site clearance should be conducted during the season reptiles are active and the vegetation should be cut down to 10cm prior to any works taking place and then carefully cleared. Any dead wood or rubble piles should be dismantled by hand and relocated.
- Any works to the trees or vegetation clearance on site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

ENGINEERS (DRAINAGE)

Please apply standard conditions ENGD2B, ENGD4A and ENGD6A.

COMMENTS ON CONSULTATION RESPONSES:

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

POLICY CONTEXT

Designation applicable to site:

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

- | | |
|-------|---|
| GEN14 | Public Transport |
| GEN15 | Cycling and Walking |
| 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 |

ENV DM4 Protection of Trees

[Bersted Neighbourhood Plan 2014 Policy ES1](#)

Design of new development

Bersted Neighbourhood Plan 2014 Policy ES7

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

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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

The Neighbourhood Development Plan

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

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

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

The Bersted Neighbourhood Plan has been made and as such forms part of the development plan 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 conflict with relevant Development Plan policies in that it be situated outside of the built up area boundary. However, it is considered that the proposed development 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 material considerations which warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

BACKGROUND

The original outline approval under reference BE/77/16/OUT reserved all matters (including access) and proposed access via the neighbouring development approved under reference BE/18/17/PL. However, this application seeks to secure an independent access which will provide security for any future developer and avoid a ransom situation from occurring.

PRINCIPLE

The proposed application will provide vehicular access for a residential development which benefits from outline permission under reference BE/77/16/OUT. Therefore, it is considered that the principle of the development hereby proposed is acceptable.

DESIGN AND VISUAL AMENITY

The proposed access road will serve land to the west of New Barn Lane and will be located to the west of 11, 15, 17, 19 and 21 New Barn Lane. The proposed access road will measure 5.5m in width and by virtue of its design is considered to appear in keeping with the established residential character of the locality.

The proposed access road measures 5.5m in width and will be of a suitable scale and appearance to reflect the character of the locality as well as the previously approved outline proposal.

Therefore, it is considered that the proposed access road will not adversely impact upon the established character of the locality in accordance with policy GEN7(ii) of the Arun District Local Plan, ES1 of the Bersted Neighbourhood Plan and D DM1 of the emerging Arun Local Plan.

RESIDENTIAL AMENITY

The proposed road by virtue of its position will be located a minimum of 10m from the nearest residential property (15 New Barn Lane). The existing spur is part of the adopted highway and provides on road parking provision and vehicular access for the existing residential properties (11, 15 and 17 New Barn Lane).

It is considered that the proposed access will not result in unacceptable harm to the residential amenity of these existing properties. Whilst, it is acknowledged that the proposed access road will serve the proposed development of 50 residential units, it is considered that the disturbance generated by the proposal will not exceed that which would be expected in a residential area. Therefore, the proposal will not give rise to unacceptable harm to residential amenity and is deemed to accord with policy GEN7(iv)

of the Arun District Local Plan and DM1(3) of the emerging Arun Local Plan.

HIGHWAY SAFETY AND PARKING PROVISION

The proposed access will be in the form of a priority T-junction with a carriageway width of 5.5m and footways located on both sides of the road. The existing vehicular access points associated with 11, 15 and 17 New Barn Lane are to be retained in their current locations.

The proposed access has been considered by WSCC Highways and no objection has been raised in relation to the proposed access. It was identified within their consultation response that visibility splays in accordance with recorded vehicle speeds for the road were demonstrated in accordance with guidance contained within the Manual for Streets.

It was also identified that the proximity of the proposed access to the access already consented at the adjacent site (BE/18/17/PL) was in accordance with the junction spacing guidance contained within the Chartered Institute of Highways & Transportation produced Manual for Streets 2. Therefore, it has been identified that the proximity of these junctions does not warrant refusal of the application. The proposed access has also been the subject of a Stage 1 Road Safety Audit (RSA).

The proposed development will prevent the use of the existing spur and grass verge as additional parking provision. However, the proposal includes the provision of 5 no. off street parking spaces within the proposed development site. It is acknowledged that these spaces will not always be available to existing residents of New Barn Lane. However, it has been identified by WSCC that given the level of on-street parking provision available within the locality this does not justify refusal of the planning application.

An objection has been raised by the Parish Council concerning the proposals conflict with policy HDQ8 of the Bersted Neighbourhood Plan. Policy HDQ8 states that developments which removes off-road parking spaces will not be supported unless alternative provision is made which increases or maintains the number of parking spaces.

However, the spur is adopted highway and no formal off-road allocated parking is provided in this location. As such, the proposed development does not result in the loss of any off-street parking spaces but will provide 5 additional spaces to the north of the proposed access road resulting in a net increase of off-road parking provision in the locality.

Therefore, it is considered that the proposed development would accord with policy GEN7(vii) of the Arun District Local Plan and Paragraph 32 of the NPPF and will not conflict with policy HDQ8 of the Bersted Neighbourhood Plan.

DRAINAGE

The Council's Drainage Engineers have been consulted in relation to this development and no objection has been raised. Conditions were identified and requested for inclusion and these have been incorporated into a single condition in line with the original outline approval under reference BE/77/16/OUT.

SUMMARY

The proposed vehicular access to serve the outline planning approval under reference BE/77/16/OUT will not give rise to any unacceptably adverse harm to the visual or residential amenities of the locality. Nor will the proposal result in highway safety concerns or result in the loss of off-road parking provision. Therefore, the proposed development is deemed to accord with relevant development plan policies and is recommended for approval subject to the below conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans;
 - Location Plan - A13395-T-005 Rev C
 - Proposed Access to New Barn Lane - A13395-T-001
 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, and which shall include;
 - o 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, and the recommendations of the SuDs Manual Produced by CIRIA. Winter groundwater monitoring to established 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 approved under reference BE/77/16/OUT shall be occupied until the complete surface water drainage system serving the access has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

- o The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSSC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourses on the site. Any discharge of watercourse must be at a rate no greater than the pre-development run off values.

- o Arrangements for future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7, GEN9 and GEN11 of the Arun District Local Plan and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition to ensure that the surface water disposal scheme is agreed before construction commences and to protect existing watercourses prior to development commencing.

- 4 The development approved under reference BE/77/16/OUT shall not be commenced until such time as vehicular access to the site has been provided in accordance with the details specified on drawing no. 'A13395-T-001'.

Reason: In the interests of amenity and to avoid unacceptable harm to highway safety in accordance with policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure site access is provided during construction.

- 5 The use of the new access shall not commence until visibility splays of 2.4 metres by 43 metres have been provided at the proposed vehicular site access onto New Barn Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metres above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of amenity and to avoid unacceptable harm to highway safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 6 Prior to the occupation of any dwelling approved under reference BE/77/16/OUT a street lighting scheme shall be submitted and approved in writing by the Local Planning Authority. This scheme must comply with the Institute of Lighting Engineers Guidance Notes for the reduction of obtrusive light.

Reason: To enable the LPA to control the development in detail in the interests of residential amenity and in accordance with GEN7 of the Arun District Local Plan and also to ensure there is no impact on bats within the vicinity of the site.

- 7 Development shall not commence 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 restricted to the following matters;

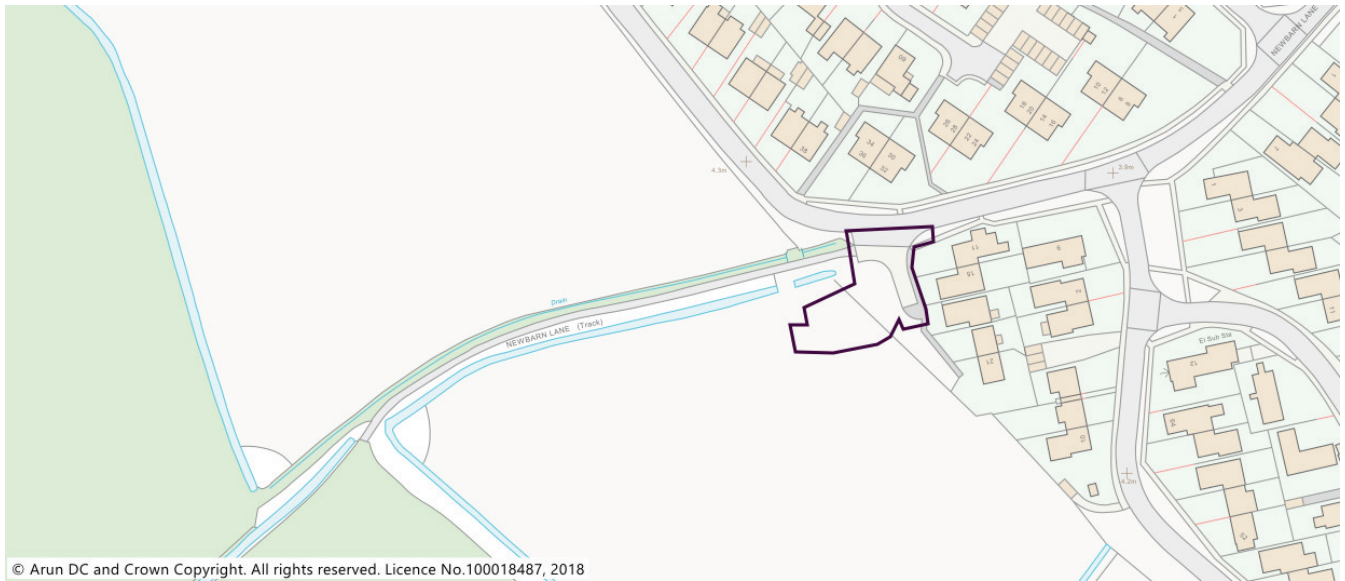
- o the anticipated number, frequency and types of vehicles used during construction;

- o the method of access and routing of vehicles during construction;
- o the parking of vehicles by site operatives and visitors, the load and unloading of plant, materials and waste;
- o the erection or maintenance of security hoarding;
- o 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);
- o details of public engagement both prior to and during construction works;
- o No operation or construction vehicles shall be operates on the site except between the hours of;
 - 0700 and 1900 on Monday to Fridays inclusive
 - 0700 and 1300 on Saturdays
 - Not at any time on Sundays or Public Holidays
- o Details of a precautionary approach for site clearance concerning reptiles. Site clearance should be conducted during the season reptiles are active and the vegetation should be cut down to 10cm prior to any works taking place and then carefully cleared. Any dead wood or rubble piles should be dismantled by hand and relocated.

Reason: In the interest of residential amenity and highway safety in accordance with policy GEN7 of the Arun District Local Plan and the NPPF. It is considered that this condition must be pre-commencement to ensure that these details are agreed prior to development commencing on site to minimise the impacts upon residential amenity of nearby residential properties and highway safety.

- 8 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council 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.
- 9 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.
- 10 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 11 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by 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.

BE/40/18/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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 100018487. 2015

PLANNING APPLICATION REPORT

REF NO: BR/35/18/PL

LOCATION: Car Parking Site Adjacent to
112 Gravits Lane
Bognor Regis
PO21 5LW

PROPOSAL: 2 No. 2 bedroom semi-detached houses with associated parking, bin & cycle store.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The two dwellings will be positioned towards the front of the site with their front elevations 1m behind the front building line established by nos. 98 to 112 Gravits Lane. They will also be approximately 2m deeper than no. 112. The gap to 112 will be 1.75m and will include a right of way for no. 112 to access their rear garden gate. The gap on the other side to the boundary with the King George flats will be 1.45m. Three off-street parking spaces (2 designated & 1 visitor/spare space), landscaping and a bin collection point to the front. Rear gardens and cycle storage sheds to the rear. New boundary fencing to be 1.8m high close boarded fencing. The new dwellings will have a ridge height approximately 0.3m higher than that of 112.

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

SITE AREA

0.0463 hectares.

RESIDENTIAL DEVELOPMENT DENSITY

43.2 dwellings per hectare.

TOPOGRAPHY

Predominantly flat but there is a raised planted area in the northern corner.

TREES

One large Holm Oak tree situated to the north east of the site within the confines of King George Court.

BOUNDARY TREATMENT

- 1.9m high close boarded fencing to the boundary with the rear garden of 112;
- 1m high close boarded fencing plus 0.4m trellis to the boundary with the front garden of 112;
- 1m high close boarded fencing to side boundary of 1 Hampshire Avenue; and
- 1.9m high wall to the boundaries with King George Court and to the rear. The part to King George Court has additional mesh fencing at top taking the height of the boundary to 3m.

SITE CHARACTERISTICS

Existing vacant off-street parking area. The parking area has no white lining to indicate spaces. To the rear of site, there is an existing vehicular access gate into the rear of no. 112.

CHARACTER OF LOCALITY

High density residential characterised by two storey semi-detached and terraced houses to the north west and south west plus bungalows, some with rooms in the roof on the opposite side of Gravits Lane. Neighbouring properties as follows:

- 112 Gravits Lane - two storey end terrace dwelling with no flank windows. Rear conservatory, detached timber outbuilding and car port structure;
- King George Court - two storey ADC flatted building. One security screened first floor flank window overlooking the site; and
- 1 Hampshire Avenue - two storey semi-detached dwelling with secondary ground & first floor flank windows which are partially obscured by the existing TPO'd tree.

RELEVANT SITE HISTORY

BR/961/82	Car Parking Area For 8 No Cars	ApproveConditionally 02-02-83
BR/334/16/OUT	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for an Outline application with some matters reserved - access & layout- for 2 No. dwellings with associated parking, bin & cycle store.	Withdrawn 20-03-17
BR/28/96	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for extension to car park	Deemed Perm Cnd 22-03-96

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

"No objection"

Three letters from two local residents. Concerns as follows:

- (1) Loss of an existing vehicle turning facility;
- (2) No access to/blocking of 112's driveway - residents note that this access has certainly been in existence since July 2003 and was known to be in existence for at least a period of 12 years prior to 1996;
- (3) Loss of off-street parking;
- (4) The 2016 parking survey is out of date; and
- (5) The car park is well used.

COMMENTS ON REPRESENTATIONS RECEIVED:

The applicant has provided their own comments as follows:

- Loss of parking - the parking survey and observations indicate that the car park is little used and there is low parking stress in the area;
- Loss of turning head - the road between the site and the bollards to the north west is very wide and allows for the turning of vehicles; and
- Loss of access to parking at the rear of 112 - the site is owned by the council and there is no right of access to the car port structure at the rear of no. 112.

Issues relating to the loss of parking & tuning facilities will be considered within the Conclusions section of this report. It should also be noted that there is no objection from County Highways.

CONSULTATIONS

Engineers (Drainage)
 Engineers (Drainage)
 Southern Water Planning
 Parks and Landscapes
 Arboriculturist
 WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - No objections subject to an informative and a condition to ensure protection to any unrecorded sewers.

WSCC HIGHWAYS - Comments from the previous application (BR/334/16/OUT) were that there were no objections to the access arrangements or the proposed parking provision. Highways stated in respect of the loss of the car park that:

"I am mindful that this area is within private ownership and even with consent for parking of vehicles the landowner could potentially cease the use of the land for this purpose so I'm unable to give this significant weight. Nevertheless the applicant has conducted a car parking demand survey which demonstrated that there is a significant level of available capacity with a reasonable walking distance of the site."

WSCC Highways did not consider that the proposal would have a 'severe' impact on the operation of the highway network and therefore is not contrary to the National Planning Policy Framework (paragraph 32). Conditions recommended in respect of car and cycle parking.

ADC LANDSCAPES - No objections subject to a Landscape condition and the retention/protection of existing periphery trees.

ADC TREE OFFICER - Following receipt of an on-site slit trench survey of the proposed line of the north eastern flank wall which revealed no live roots, the Tree officer has confirmed that the proposals will not adversely affect the TPO'd tree. The Tree officer has not yet advised of the need for any planning conditions and so these will form part of a report update.

ADC DRAINAGE - No objections subject to a surface water drainage condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. In respect of the Highways comments, it should be noted that cycle storage sheds are already shown on the drawings and therefore it is not necessary to impose a condition requiring approval of the same details at a later date.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
Pagham Harbour Access Management Zone B; and
Affected by Tree Preservation Order ref TPO/BR/2/18.

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):

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
T SP1	Transport and Development
W DM3	Sustainable Urban Drainage Systems

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).

There are no relevant Bognor Regis Neighbourhood Development Plan policies.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality 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 within the adopted Arun Local Plan (ALP) as being part of the built up area boundary area and is therefore acceptable in principle subject to normal development control criteria such as residential amenity, highway safety and parking. It is noted that the National Planning Policy Framework (NPPF) supports the effective and efficient use of land for sites in the built up area but also advises that new housing should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

The Council cannot currently demonstrate a 5 year housing land supply and the policies of the development plan relating to housing supply (i.e. ALP policy GEN2) are out of date. As a result, paragraph 14 of the National Planning Policy Framework (NPPF) is engaged and this states that planning permission should be granted unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted.

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

The application site lies within the settlement of Bognor Regis and there are various local amenities and services within walking distance of the site along street lit footways. Bognor Regis Train Station is a walk or cycle of around 1.3km and there are bus stops nearby on both Pevensy Road to the south west and Collyer Avenue to the north east. Aside from a nearby Co-op local (430m), the nearest large supermarket is the Morrisons in Bognor Regis (1.6km). The site also sits within 200m of a large School site and 760m from a nearby doctors surgery. It is therefore considered that the proposal is environmentally sustainable as residents will not need to rely on the private car to access basic services & facilities. These environmental factors weigh in the scheme's favour.

It is considered the proposal will result in localised economic benefits through the need to employ people to carry out the building works. The proposal will also result in a net gain of 2 new dwellings and so an increase in Council tax receipts and new homes bonus payments. In addition, the new houses could bring new people into the area who could then spend money on local goods & services. These economic factors weigh in the scheme's favour. It is also considered that the proposal will have social benefits by providing new housing to meet local needs and potentially providing affordable housing. These also weigh in the scheme's favour.

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

CHARACTER, DESIGN & RESIDENTIAL AMENITY:

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. In addition, GEN7 (iv) also indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property.

It is also necessary to consider the guidance within the National Planning Policy Framework. Section 7 states that good design is a key aspect of sustainable development (paragraph 56), and that developments should respond to local character & history, reflect the identity of local surroundings & materials, establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 58). Paragraph 60 advises that local planning authorities should promote or reinforce local distinctiveness. Paragraph 64 then confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area. Furthermore, paragraph 17 states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The immediate locality is considered to have a mixed character with two storey semi-detached dwellings at the junction of Hampshire Avenue with Gravits Lane, two storey terraced housing (Gravits Lane), bungalows (opposite side of Gravits Lane) and a flatted building (King George Court to the north east). As such, the introduction of a new modern semi-detached build is not considered to appear out of place.

The new dwellings will be set behind the front building line of 98-112 but only by a metre and this is not considered to be so significant as to harm the spatial character of the area. Furthermore, the height of the new dwellings would only be marginally higher than the ridge height of nos. 98-112 and it is not considered that this will be particularly noticeable in the streetscene.

The new dwellings have been designed to ensure that there will be no overlooking to neighbouring properties. Notwithstanding that no. 112 has no flank windows of its own, no first floor flank windows are proposed. Two flank windows at ground floor are proposed but these are to secondary windows and will not result in any loss of amenity. It is not considered that these windows should be obscure glazed as they provide natural surveillance of the side passage areas to both dwellings.

Although the two new dwellings will be approximately 2m deeper than no. 112, there is no impact on a 45 degree angle drawn from no. 112's rear windows. The new dwellings are also located to the north west and will not therefore impact on any sunlight coming from the west, south or east. Due to the distances involved, boundary treatments and the presence of the TPO'd Holm Oak tree, it is not considered that there will be any harm either to the residents of King George Court or the occupiers of 1 Hampshire Avenue.

The proposal is therefore considered to accord with policy GEN7 of the Arun District Local Plan and the guidance on design and amenity within the NPPF.

HIGHWAYS & PARKING

Local residents are concerned as to the impact of the proposal on the availability of local off-street parking spaces and the loss of a turning space for large vehicles. Firstly, it should be noted that the site is privately owned and the applicant could at any time, block off the site and prevent parking or turning.

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 2 spaces as based on 1 allocated space per dwelling. The proposal meets this demand and also provides a third unallocated spare parking space. The proposal also includes cycle storage sheds.

The applicant has submitted a Parking Demand and Capacity Report which states that within a 200m walking area from the site, there were found to be 403 unrestricted parking spaces of which 243 were occupied at the time of the survey (worst case) representing a 60% occupancy level. There was then 160 unrestricted parking spaces available. The surveys were carried out during weekday night time hours.

Further to the survey, the planning officer's own experience of visiting/observing the site suggests that it is little used:

- Council held aerial photography 2010 - no vehicles present;
- Council held aerial photography 2012 - no vehicles present;
- Google Streetview from Jun 2014 (day time) - no vehicles present;
- Google Streetview from May 2015 (day time) - 2 cars present;
- Site visit from 18th January 2017 (mid afternoon) - no vehicles present; and
- Site visit from 15th February 2018 (midday) - no vehicles present.

The application was previously assessed by WSCC Highways who raised no objection to either the loss of the car park or the access/parking arrangements. It is not therefore considered that there are any transport grounds to resist the proposal.

Unlike the previously withdrawn application, this scheme now retains pedestrian access to no. 112's rear garden (they have an existing pedestrian gate within their side boundary fencing). The neighbours acknowledge this but continue to object to the loss of access to the parking space they have created in their rear garden. Although this parking space may have been present for a number of years, there remains no legal right for the neighbour to access it. It is noted that 110 Gravits Lane (and others within the terrace) has created a parking space in their front garden. It is considered that 112 could do likewise and thus preserve their existing parking provision. This would not require planning permission as Gravits Lane is an unclassified road.

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

SPACE STANDARDS:

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

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

Both houses have the same floor area and internal layout. They are both considered to be 2 storey, 2 bedroom, 4 person dwellings. As such, the requirement is 79m². The proposed floor area is 79.4m² and therefore, the dwellings are in accordance with the standards.

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, it is noted that both dwellings include 15m deep rear gardens and therefore provide a good standard of useable amenity space.

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

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

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

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

This contribution is now required for all new residential developments within Zone B and this zone includes the application site. The application is accompanied by a draft legal agreement which is currently being checked over by the Councils legal department. It is hoped that this will be complete by the time of the Development Control Committee meeting. If not then it will be necessary to approve subject to the signing of the legal agreement to secure this contribution.

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, the availability of unreserved parking spaces or the amenities of existing nearby residential occupiers.

The proposal is considered to be sustainable development and notwithstanding that it complies with all development plan policies, it therefore benefits from the presumption in favour of development set out within the NPPF. The recommendation to approve is therefore made subject to the following conditions and the signing/completion of the Pagham Harbour legal agreement.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun

District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This decision will be accompanied by a legal agreement in the form of an unilateral undertaking relating to an Access Management Contribution of £1,742 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

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

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

Drawing 16/021 30 Rev B "Location Plan & Proposed Site Plan";
Drawing 16/021 31 Rev A "Proposed Plans & Elevations";
Drawing 16/021 32 Rev A "Site Section"; and
Drawing 17056-BT1 "Tree Protection Plan".

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

- 3 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 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.

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

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

- 6 The secure cycle storage shall be implemented in accordance with the approved drawings and thereafter retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 7 Should any sewer be found during construction works then all development activities within 5m of the external edge of the sewer shall cease and they shall not recommence until full details of the proposed measures to be undertaken to protect the existing public sewer have been submitted to and approved in writing by the local planning authority (in conjunction with Southern Water) and then implemented in accordance with the agreed details.

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

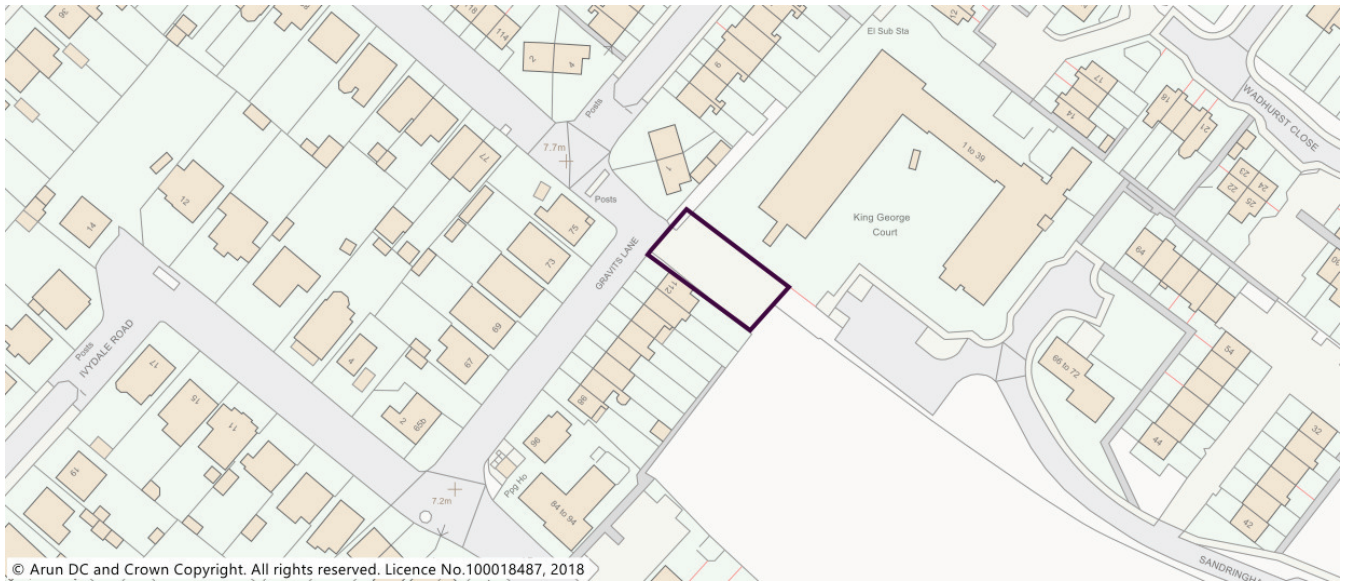
- 8 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including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

- 9 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.

- 10 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.

BR/35/18/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: CM/6/18/PL

LOCATION: Land at Northwood Farm
Yapton Road
Climping

PROPOSAL: Change of use to develop a concrete batching plant, with associated infrastructure, site offices & parking

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The development comprises the provision of cement storage silos, feed conveyors, a concrete batching unit, water storage container, site welfare and parking.</p> <p>The plant is formed from a number of components which include:</p> <ul style="list-style-type: none"> - Two cement silos, 13.8m high and 3m diameter. - Batching Unit - approximately 11m high. - Water Storage Unit. <p>The application is supported by a Transport Statement and an Assessment of Alternative Sites.</p>
SITE AREA	1.15 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development. Tree planting has been carried out in the adjoining fields to delineate field boundaries.
BOUNDARY TREATMENT	Various fences and hedging.
SITE CHARACTERISTICS	<p>The site is on the former concrete runway which runs in a south west to north east orientation. From the south western end, the runway curves around to the north, before returning to Yapton Road.</p> <p>Agricultural barn to south. The land to the east of the application site is used as a lorry park. East of the lorry park, is Ford Air Rifle Range.</p>
CHARACTER OF LOCALITY	Predominantly rural.

RELEVANT SITE HISTORY

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

Objection:

- Not in accordance with the Clymping Neighbourhood Plan and policies C SP1 Countryside, CPN 4 Protection of existing commercial premises and CPN 14 Traffic and the Environment .
- Detrimental to the amenity of residents - nearby residents who will be affected by noise and dust emissions.
- Council considers the assumptions laying behind degree of sound attenuation highly questionable and should be verified independently.
- No mention is made of impact of and steps to control the inevitable dust arising from the blending of sand, aggregate and cement powder.
- The transport assessment fails to fully consider the impact of the application on local roads.
- It does not take account the recent spate of accidents on this stretch of road and also fails to consider the implications of the approved planning application for the Grundon Waste Plant at Ford.
- There are other suitable locations Has it been adequately demonstrated that there are no suitable alternative sites in the area?

Yapton Parish Council

Objection:

- Concerns with regard to noise and its impact on identified residential properties.
- Inaccurate information with regards to nearest residential dwellings.
- Levels of traffic movements are already increasing along the Yapton Road and those anticipated with the growth of Clymping, Ford and Yapton
- All HGV movements must be directed away from any built up residential areas especially Yapton Village Centre so as to protect their amenity.

20 Objections:

- High levels of dust damaging the health of residents.
- Concern over noise levels . A concrete plant can only make things worse.
- Sound level assessments supplied in the application are inaccurate.
- Concern over level of traffic. Any further large commercial vehicles would only add to this.
- Will harm the rural charm of the village.
- The infrastructure cannot cope with further industrial development.
- 7am is too early for an industrial process to start when it is so close to residential areas.
- KRM is not an existing business located in the Arun District and the site is located outside the built up area.
- Pedestrians using public footpaths in the area would be endangered by lorries.

COMMENTS ON REPRESENTATIONS RECEIVED:

The applicant has submitted a review of all of the existing industrial sites and has demonstrated that there are no suitable sites within Rudford. This estate would meet the needs of this business.

The proposal is considered compliant with policies SP1 Countryside, CPN 4 Protection of existing commercial premises and CPN 14 of the Neighbourhood Plan for the reasons set out below.

There are no objections from Environmental Health relating to noise and pollution and County Highways have no objection in relation to highway safety. Environmental Heath have asked for additional information relating to the distance of the proposal to closest residential dwellings and additional information will be reported to Committee as a report update.

CONSULTATIONS

Environmental Health
 Engineering Services Manager
 Engineers (Drainage)
 WSCC Strategic Planning
 Surface Water Drainage Team
 Southern Water Planning
 WSCC Strategic Planning
 Archaeology Advisor
 Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

Environmental Health

No Objection in principle to this application subject to imposition of conditions relating to air quality impacts, restrictions on time of operation of machinery, deliveries, noise and external lighting.

Economic Regeneration Officer

No Objection.

Southern Water

No Objection. We are satisfied that the location of the foul rising main is not located within the site boundaries. The applicant is advised to consult the Environment Agency directly regarding the use of a sewerage treatment plant which disposes of effluent to sub-soil irrigation. The application proposes development that may produce a trade effluent. No trade effluent can be discharged either directly or indirectly to any public sewer without the formal consent of Southern Water

West Sussex Drainage Engineers

No Objection. The change of use of this site will continue to use the existing impermeable area.

County Highways

No Objection. It is not considered that the proposal would have 'severe' impact on the operation of the highway network, therefore it is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal.

Drainage Engineer

No objection. As the proposed development is to utilise an existing area of concrete hard standing we will not be applying any drainage conditions to the application. It should be noted that the proposed development overlies a sewerage rising main, therefore Southern Water should be consulted. There is also the possibility of a culvert running beneath the south western corner of the proposed site that the developers should be made aware of.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The requested conditions have been imposed.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN3	Protection of the Countryside
GEN32	Noise Pollution
GEN2	Built-up Area Boundary
DEV8	Cirumstances in which Additional Development may be Permit'd
GEN26	Water Quality
GEN33	Light Pollution
GEN6	Amount of New Commercial Development
GEN7	The Form of New Development
GEN34	Air Pollution

Publication Version of the Local Plan (October 2014):

C SP1	Countryside
T SP1	Transport and Development
EMP DM1	Employment land:Development Management
EMP SP1	Employment land provision
QE DM1	Noise Pollution
QE DM2	Light Pollution
QE DM3	Air Pollution
QE SP1	Quality of the Environment

Clymping Neighbourhood Plan 2015 Policy CPN11 Quality of Design

Clymping Neighbourhood Plan 2015 Policy CPN4	Protection of existing commercial premises or land
Clymping Neighbourhood Plan 2015 Policy CPN8	Protection of Trees and Hedgerows
Clymping Neighbourhood Plan 2015 Policy CPN14	Traffic and the Environment

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 CPN4, CPN14, CPN 11 and CPN8 of Climping 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 conflict with relevant Development Plan policies in that it would result in a form of development outside the built up area boundary which is not referred to in policy GEN3 of the Local Plan.

OTHER MATERIAL CONSIDERATIONS

There are other material considerations which warrant approval of the application in that the exception policy DEV8 is unduly restrictive and out of keeping with Government guidance and the emerging local plan. Provision of an additional commercial unit to expand an existing business located outside of Arun should be supported provided the impact on amenity is considered acceptable.

The proposal 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.

CONCLUSIONS

BACKGROUND

KRM1 Concrete Ltd is a long established family owned business. The company specialise in the supply of marine dredged aggregates and the supply of ready mix concrete. They currently operate marine aggregate wharves at Portsmouth and Shoreham-by-Sea. They import limestone aggregate by rail into a railhead at Fareham. They also operate ready mixed concrete plants in Portsmouth, Shoreham, Romsey, Alton and Newbury.

The operation of a concrete batching facility incorporates the following activities:

- The importation and storage of raw materials (aggregates, sand, cement and water).
- The mixing of aggregates, sand, cement and water in defined quantities to produce concrete. This will take place in a dedicated processing plant.

The process is likely to produce in the region of 40,000m³ of concrete per year. This would equate to approximately 140m³ per day, which will require 280 tonnes of aggregate and 42 tonnes of cement.

DEVELOPMENT OUTSIDE BUILT UP AREA

The site lies outside the built up area boundary where development unrestricted to the needs of agriculture is not acceptable in policy terms. A proposal for a local firm wishing to relocate or expand within the District in this location would be acceptable under policy DEV8 of the Arun District Local Plan (ADLP). However, as this is not a local company their proposal is therefore contrary to this policy.

As a result companies outside of the District wishing to expand in the District should seek to utilise the strategic employment allocations or other such existing employment sites within built up areas of the District. However, the proposal for an industrial use in this location would otherwise be supported by the National Planning Policy Framework (NPPF) and, unlike the ADLP, other employment policies in the Emerging Local Plan.

The National Planning Policy Framework (NPPF) states "Development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision" (paragraph 15).

In delivering sustainable development there are three dimensions to consider; economic, social and environmental. All three contribute to the provision of sustainable development.

The NPPF states that the economic role contributes "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; and by identifying and coordinating development requirements, including the provision of infrastructure" (paragraph 7).

The NPPF states that minerals are essential to support sustainable economic growth. It also requires local planning authorities to safeguard existing, planned and potential sites for concrete batching.

The applicants have set out the exceptional circumstances which are considered to outweigh the departure from policy in this case. It follows the provision for new employment development in emerging policy EMP DM1. Policy EMP DM1 has been referred to and considered in the Supporting Statement.

The assessment has reviewed emerging planning policy to establish the policy support for new employment opportunities in the District. There is policy support for existing businesses in the District to relocate to sites outside the built up areas, providing that no acceptable alternative sites exist. Whilst KRM is not an existing business in the District, the principle of the policy has been applied. KRM is seeking to support the planned growth in the District.

KRM has searched for alternative sites in Arun District to meet this growing demand. There is a need for a concrete batching plant in the District as there are currently no permitted facilities.

The lack of existing permitted facilities, combined with the lack of opportunities on existing and planned employment land, has directed the applicant to find alternative, suitable sites. The application site meets their business need. It will serve the planned growth areas. It has good access to the main road network and is relatively remote from sensitive receptors

COMMERCIAL CONSIDERATIONS

The application site is ideally located to support the applicant's business along the south coast, specifically serving construction proposals in and around Arun District. The batching plant will mix aggregates, sand, cement and water in different ratios to produce different grades of concrete. The products are designed, manufactured and tested to comply with British Standard BS8500. Cement will be stored in two silos and the mixing will take place in a dedicated mixing unit. The mixing process is automated. The company operate a fleet of mixer trucks which will be loaded directly from the batching plant. The mixing continues in the vehicle once it has left the site. Storage bays will be provided for aggregates. A water tank will also be provided.

The company is a significant supplier of aggregates and building materials to the construction industry in West Sussex and surrounding region. As it supplies their customer needs in and around Littlehampton and Bognor, the applicant started to look for premises within Arun District. There is an identified need for an intermediate site within Arun to serve the planned growth in the District. There are currently no permitted concrete batching plants in Arun.

Whilst there are companies in the District supplying concrete, these tend to support smaller projects and use volumetric vehicles which act as the batching unit. These are limited to set volumes and would therefore incur a higher number of HGV trips to supply the same volume as a conventional concrete batching facility. The objectives of the District Plan is to deliver regeneration and sustainable development, in the form of providing housing, employment, improved public transport links and associated facilities to create sustainable communities.

The broad locations for Strategic growth are Barnham/Westergate/Eastergate and Littlehampton Economic Growth Area and Angmering. The applicant will be able to serve this growth agenda from within Arun District, rather than from their existing sites in Portsmouth and Shoreham. This is considered to be sustainable in terms of meeting a local need and reducing the distances that HGVs will travel to serve those developments.

The use will create 6 new jobs.

NEIGHBOURHOOD PLAN CONSIDERATIONS

With regard to policy CPN4 the site is currently used for HGV driver training and is therefore in commercial use. The proposal is deemed to have an acceptable impact on residential amenity for the reasons discussed and it would not compromise the character of the area or openness of the countryside and traffic is acceptable in terms of highway safety.

The proposal retains existing hedging in compliance with policy CPN 8 and the design of the proposed structures accords with this countryside location, by replicating the appearance of modern farm structures, in accordance with policy CPN 11.

For the reasons set out below, the proposal is not considered to have an adverse impact on highway safety or the living conditions of residents and would therefore comply with policy CPN 14.

RESIDENTIAL AMENITY

The provision of a concrete batching facility within Arun will reduce HGV movements and provide a sustainable transport solution, which is in accordance with the NPPF. Paragraph 30 states "encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion." The provision of a local facility to serve local construction projects should be considered favourably. The operation will be subject to an Environmental Permit regulated by the District Council.

The nearest residential properties are those in:

- Rollaston Park to the east on the opposite side of Yapton Road and approximately 80m from the entrance to the site and 400m from the proposed concrete plant and
- 1 & 2 Meadow Cottage north of the site approximately 250m from the entrance and 400m from the concrete plant.

Construction noise will be of short duration and will therefore have a limited impact on neighbouring properties. The potential operational noise has been assessed by the applicants consultants. Their assessment is provided as a separate report and has been used to inform the operational layout. It is a recommendation that vehicles being loaded with cement face a southerly direction. Background noise levels surveys have been measured and actual sound level data from an operational KRM site in Shoreham obtained. This data was used to predict the sound level at each of the receptors identified and assess this against the background noise level.

The Sound Assessment concluded that the proposed batching plant operation is not likely to be the dominant feature across the receptor locations. It is capable of achieving an acceptable level of sound at residential properties and Environmental Health officers have no objection in principle subject to imposition of conditions relating to hours of operation. They are however assessing further information supplied in relation to proximity of residential dwellings to the site. The Committee will be updated with their findings.

HIGHWAY CONSIDERATIONS

Access to the site would be via the northern entrance into the former Airfield. Vehicles would continue along the road before turning on to what was the former runway. A one-way system will be set up within the site. This is to ensure safe access to and from the agricultural barn and also the existing yards to the north of the application site.

In terms of vehicle movement to supply the raw materials this will require approximately 12 loads per day, which equates to 24 movements. The concrete will leave the site in mixer lorries which can carry 6m³ of concrete. Up to 26 loads of ready mix concrete will leave the site per day, which equates to 52 movements per day. The maximum number of HGV movements per day could be 76. Staff vehicles would generate another 12 daily movements.

In terms of the delivery vehicles, these are similar to agricultural delivery vehicles that already use this access. Also, the site is currently used for articulated lorry driver training and therefore there is an established presence of such vehicles. Ready-mixed concrete is locally supplied, which means that it does not travel too far to the end destination. The average delivery distance from the production site to the construction site is 12km.

County highways have no objection to the proposal in terms of vehicle movements, access, highway safety or car parking.

VISUAL AMENITY

The site benefits from screening comprising mature hedgerows along the site boundary of 3 - 4m high, tree planting on the wider farm estate (up to 6m high), existing steel palisade fence 3m high. In addition the existing rifle range with various buildings and earth bunding on the former runway is approximately 5m high and the existing agricultural storage building 30m x 15m x 10m high on land to the south.

The existing articulated lorry training school. Height of lorries vary but can be up to 4.87m high (from base of wheel to top of trailer). Storage of vehicles on adjoining land, various heights up to 6m. Earth bunds in the immediate area approximately 4m high, with additional tree planting to provide overall screening to 6-7m.

The proposed buildings would be similar to farm buildings in appearance. The cement storage silos would not be dissimilar to those used in agriculture. It is proposed to provide silos that are green in colour, to match the adjacent agricultural barn. They would not therefore appear prominent or obtrusive or out of keeping in the rural landscape.

CONCLUSION

There is an identified need to provide a concrete batching operation with Arun District to meet the planned growth set out in the emerging local plan. Whilst the proposal in contrary to development plan policy there are sufficient material considerations that outweigh this policy conflict and planning permission is therefore recommended subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

date of this permission.

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

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

Location KEN-YAP-APP-01A, Site Plan and Elevations 8975 /200 revP4, Elevation and Floor Plan KRM-YAP-ELE-01.

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

- 3 No development shall take place before a report has been submitted to and approved in writing by the Local Planning Authority, which assesses the potential Air Quality impacts from the site and provides mitigation measures if necessary. Thereafter, the use shall not commence until the approved scheme has been fully implemented.

Reason: To safeguard the amenities of nearby residents in accordance with Arun District Local Plan policies GEN7 and GEN34.

- 4 External lighting in association with this development shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, GN01:2011, Environmental Zone E2.

Reason: To control the residential amenities of the local environment in accordance with Arun District Local Plan policies GEN7, GEN33.

- 5 No machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or dispatched from the site outside the hours of 0700 - 1800 Monday to Friday, 0800 - 1300 Saturday nor at any time on Sundays and Public Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 6 All vehicles, plant and machinery used on site and those under the applicant's control moving to and from the site that are required to emit reversing warning noise, shall use white noise alarm as opposed to single tone "bleeping" alarms throughout the operation of the development hereby permitted.

Reason: To safeguard the amenities of neighbouring properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 7 No part of the development shall be first occupied until the 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: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

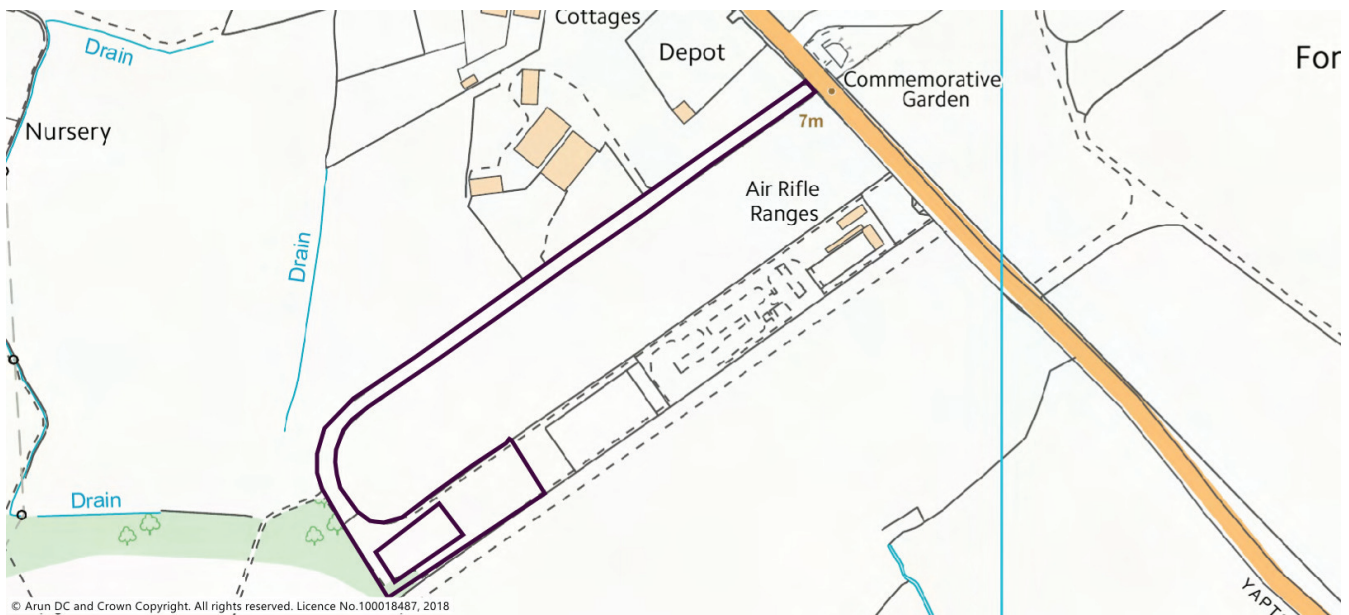
- 8 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737755.

- 9 INFORMATIVE: This process will require an authorisation or permit under the Environmental Protection Act 1990, The Environmental Permitting (England and Wales) Regulations 2016,

Part B before operations commence and the applicant is advised to contact the Environmental Health Department on 01903 737755.

- 10 INFORMATIVE: The applicant is advised to consult the Environment Agency directly regarding the use of a sewerage treatment plant which disposes of effluent to sub-soil irrigation. The owner of the premises will need to maintain the works to ensure its long-term effectiveness
- 11 INFORMATIVE: The application proposes development that may produce a trade effluent. No trade effluent can be discharged either directly or indirectly to any public sewer without the formal consent of Southern Water. The applicant is advised to discuss the matter further with Southern Water's Trade Effluent Inspectors. Please see <https://www.southernwater.co.uk/BusinessCustomers/wasteServices/tradeEffluent/> for further information.
- 12 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by 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.

CM/6/18/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:	CM/7/18/PL
LOCATION:	Woodpecker Camping Field Crookthorn Lane Climping BN17
PROPOSAL:	Change of use of land from agricultural field to 60 No. tent pitches operating from April to October to include 2 No. plumbed screened portable showers, 2 No. plumbed portable toilets, 2 No. screened changing cubicles, 2 No. 2 screened portable chemical toilets with hand wash facilities & washing up/drying area within existing building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The proposal relates to a change of use of farmland to a seasonal camping site for 60 tent pitches.</p> <p>The application includes retention of hedging to the site boundaries. 17 grassed car parking spaces are indicated along the northern boundary with the A259.</p> <p>4 chemical toilets will be located in the field. Each toilet is 2.2m high, 1.4m deep and 1.1m wide. Other structures are to be located adjacent to The Piggeries building comprising 2 toilets and 2 showers with a floor area of 5m by 1.5m and a height of 2.2m, 2 changing cubicles 2.1m in height with a floor area of 1.5m by 2.5m and a wash up drying area 3m by 3.5m within an existing brick store.</p> <p>The defined holiday season would run from 1st April to 31st October in any one year. It is proposed that one full time and two part time staff would be employed. The application includes a Method Statement for nesting birds, reptiles and amphibians. The site development plan requires hedgerow to be trimmed in order to create a pedestrian pathway of hardstanding for ease of access to camping facilities.</p>
SITE AREA	0.95 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Hedging to south north and west to approximately 2m.
SITE CHARACTERISTICS	Open field with Old Piggeries building in southern part of site. Farm shop to west, residential dwellings to south.
CHARACTER OF LOCALITY	Predominantly rural.

RELEVANT SITE HISTORY

CM/17/86	Car Park	ApproveConditionally 08-09-86
CM/7/17/PL	Change of use of permitted office building (B1 Business) to 4 No. visitor residential accommodation units (C1 Hotels). This application affects the setting of a Listed Building.	ApproveConditionally 23-05-17
CM/1/16/PL	Change of use of land from agricultural to dog training & off lead facility. Departure from the Development Plan.	ApproveConditionally 22-03-16
CM/20/13/CLE	Application for Certificate of Lawfulness for use of land as a farm shop and for purposes ancillary to the farm shop	Approve
CM/17/13/CLE	Application for a Lawful Development Certificate for an Existing use or operation - erection of 2 No. buildings to the rear of Baird's farm Shop used as an office & laundry	Approve 20-12-13
CM/17/03/CLE	Application for a Certificate of Lawfulness for an existing use - shop (primary use) and garden centre (ancillary use).	Approve 16-03-04
CM/2/12/	Proposed farm diversification scheme for the development of a 134 pitch touring caravan park with a facilities building and toilet block, together with landscape planting and environmental improvements. Departure from the Development Plan	Refused 26-07-12 Appeal: Dismissed 09-07-13

Application CM/2/12 was refused for the following reasons:

The application would conflict with policy DEV39 of Arun District Local Plan in that it would conflict with criteria (i)-(iv). In particular criteria (iii), because the site by reason of its size and location and the intensity of the use is not acceptable environmentally.

The proposed touring caravan park by reason of its size, location and intensity of use would cause harm to the objectives of the Littlehampton and Middleton-on-Sea Strategic Gap and harm the openness and

character of the countryside contrary to policies GEN2, GEN3 and AREA10 of Arun District Local Plan.

The application was not directly comparable with this proposal since it was for a much larger scheme with a greater site area, permanent site buildings, hard standings and internal road ways and related to caravans not tents.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

Objection .

- The application is a loss of agricultural land within the Littlehampton to Middleton Strategic Gap which contributes both to the sustainability and character of the area.
- The scale of the proposed camping site is too large: the development caters for up to 60 tents and potentially up to 300 people.
- The size of the site means the site boundaries are in close proximity to neighbouring properties and their quiet enjoyment of the area will be adversely affected.
- The change of use with tents, cars parked alongside tents and various cubicles for showers and toilets is not visually in keeping with the open character of the countryside.
- High potential ratio of the number of visitors to limited toilet and shower facilities.
- Impact of noise from the camp site on the local community.
- Impact of smoke from barbeques and open fires on the local community.
- Hazard from open fires.
- Traffic hazard created by additional vehicles turning on to and from the A259 (the application allows for 60 vehicles).
- The absence in the application documents of site specific management policies to limit the adverse impact on the local community e.g. type and size of tent per pitch, age or group type restriction, restriction on noise after 10pm and overnight, camp fires, pets, restriction on arrival times so that tents are not being erected overnight, safety procedures, staff on site or on-call.
- Contrary to the Clymington Neighbourhood Plan Policies CPN 10 Protection of high grade Agricultural Land and CPN 5 Support and Promote Recreation and Tourism .
- Contrary to the Arun Local Plan emerging policy TOU DM1. When assessing proposals for visitor attractions, facilities or accommodation outside of the Built Up Area Boundary these will generally be expected to be small-scale and relate to quiet, informal recreation and enjoyment of Arun's countryside.

7 Objections:

- If the land is used as proposed it will eventually become building land.
- 60 pitches means 180 - 240 extra people per night.
- Land could be contaminated by campers. Is it feasible to farm the land in the winter?
- Dual use may not be viable.
- Renovation of building with blue/black fibre slates is out of keeping.
- Lighting from head lights and torches is not safe.
- No provision for campers who empty their own toilets.
- Open camp fires are unsafe and a nuisance.
- Noise levels from music could increase.
- Site layout would not be retained.
- Toilets and showers are limited.
- There are no plans for a curfew or site management.
- Access is difficult and will cause nuisance if shared with proposed adjacent care home.
- Litter and dog fouling outside the site would increase.

- Adverse impact on residential amenity.
- Area is already heavily congested in summer months.
- No disposal bins for animal waste.
- This proposal is up and running and has been for 2 years without permission.
- Siting of toilets and shower cubicles is unneighbourly generating noise and odour. Can't they be located behind the farm shop?

1 support - The local area needs accommodation destinations like this to continue to attract visitors and help regenerate tourism. The proposal would contribute to the local economy

COMMENTS ON REPRESENTATIONS RECEIVED:

There are policy objections relating to the temporary loss of high quality farm land and the provision of a limited number of additional buildings/structures in the Strategic Gap. However, the temporary/seasonal nature of the use and contribution to the local economy from this tourist facility are sufficient to override these objections.

Matters such as the possible dual use of access point, precedent for future development of the site and alleged unauthorised use of the site cannot be considered as each application is determined on its own merits.

The proposal is a relatively small scale tourism facility with appropriate siting of limited buildings/structures which is appropriate to this location and compliant with policy CPN 5 of Clymping Neighbourhood Plan.

Adequate provision of toilets and other facilities would be controlled by the Council's Environmental Health Department via the required Site License.

The camp site use, which operates in accordance with Permitted Development rights, has in place a management plan which prohibits open fires and barbecues only permitted if raised off the ground. It also sets a quiet hours policy between 10pm and 6am.

No chemical toilets are planned to be sited next to the southern Shower cubicles. The two toilets sited in this location will be flushing and attached to the mains sewerage system as described in the submitted location, block plans and the design and access statement. Chemical toilets are to be located in the North Field which is not close to any residential property or nearby residents.

No vehicle traffic access is planned via Climping Street, all access will be directly from the A259 through the existing entrance.

Loss of agricultural land will be seasonal, will remain undisturbed during the proposed use and will revert back to agricultural use during the winter months.

60 pitches can be accommodated within the site and this accords with the licensing density requirements and makes an efficient use of the land. These have been applied for to help satisfy identified demand following the closure of the nearby Daisyfields Camping site and from enquiries made to the applicant on pitchup website over the last 3 years.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)
 Southern Water Planning
 Economic Regeneration
 WSCC Strategic Planning
 Ecology Advisor
 Parks and Landscapes
 Environmental Health

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection. The site has been, albeit informally, operating as a campsite for a period of time and there does not appear to have been a significant impact on the public highway. This is in recognition that the proposal will result in an intensification in use of the access.

Landscape Officer - No Objection subject to conditions.

Ecology Officer - No Objection subject to conditions.

Economic Development Officer - Support. Keen to see additional facilities for visitors

Southern Water - No Objection.

Environmental Health - No objection. The proposals will require a Camping Site Licence which will address any Environmental Health concerns.

Engineers - No Comment.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Suggested conditions are included in the recommendation.

POLICY CONTEXT

Designation applicable to site:
 Outside Built Up Area Boundary
 Within Strategic Gap

DEVELOPMENT PLAN POLICES

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

GEN3	Protection of the Countryside
AREA10	Strategic Gaps
AREA14	Sites of National Importance for Nature Conservation
AREA15	Sites of Local Importance for Nature Conservation
DEV39	New Touring Caravan/Camping Sites Outside the Built Up Area

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

TOU DM1	Tourism Related Development
TOU SP1	Sustainable Tourism & The Visitor Economy

SD SP1 Sustainable Development
 C SP1 Countryside
 GI SP1 Green Infrastructure & Development
 SD SP2 Built -Up Area Boundary
 SD SP3 Gaps Between Settlements
 LAN DM1 Protection of Landscape Character
 EMP SP1 Employment land provision
 T SP1 Transport and Development
 D SP1 Design
 D DM4 Extensions & Alterations to Existing Buildings
 T DM1 Sustainable Travel and Public Rights of Way
 ENV DM5 Development and Biodiversity
 QE DM1 Noise Pollution
 QE DM2 Light Pollution
 QE DM3 Air Pollution
 QE SP1 Quality of the Environment
 SO DM1 Soils

Clymping Neighbourhood Plan 2015 Policy CPN10	Protection of high grade Agricultural Land
Clymping Neighbourhood Plan 2015 Policy CPN5	Support and promote recreation and tourism
Clymping Neighbourhood Plan 2015 Policy CPN7	Protection of open views
Clymping Neighbourhood Plan 2015 Policy CPN8	Protection of Trees and Hedgerows
Clymping Neighbourhood Plan 2015 Policy CPN9	Protection of Natural Habitats

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 CPN 5, CPN7, CPN8, CPN9 and CPN 10 of Clymping Neighbourhood Plan are considered relevant to consideration of this proposal.

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 comply with countryside policy to support the economic diversification of farm land whilst not having an unacceptable effect on the character and appearance of the area or the residential amenities of neighbouring occupiers.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

BACKGROUND

The site is currently used for agricultural production and is located outside the built-up area boundary within the Middleton and Littlehampton Strategic Gap. The site has been used for tent camping with the benefit of permitted development under Schedule 2, Part 4 the Town and Country Planning (General Permitted Development) Order 1995. The maximum number of people accommodated at the site on any one day was 136. The piggeries building is excluded from the application site and has permission for 4 no 2 bed holiday lets under reference CM/7/17/PL.

DIVERSIFICATION

The site lies in a countryside location and represents diversification of the rural economy. It is therefore

compliant with policy GEN3 (iii) of the adopted Arun District Local Plan. These enterprises also benefit and stimulate the wider rural economy. The land would remain available for farming in the winter months.

STRATEGIC GAP

The site lies within the Strategic Gap where Policy AREA10 of the ADLP states that development will only be permitted if (i) it is demonstrated to be necessary to meet the requirements of, or is consistent with, other policies of the Development Plan. As discussed below the proposal would be consistent with the tourism policies of the Local Plan. (ii) it would not compromise the objectives or integrity of the Gap. The seasonal nature of the use and limited associated structures would ensure that the integrity of the Strategic Gap is maintained. The area would revert to farmland in the winter months and the proposal does not result in additional permanent structures. The changing, shower and toilet cubicles would have a limited floor area of 1m by 1.4m and the changing cubicles have the appearance of sheds. The proposal utilises an existing building for washing up facilities which reduces the additional structures required. The limited sizes and design means that the proposed structures will be absorbed visually in the wider landscape. (iii) attention should be paid to the long term enhancement of the landscape, amenity and conservation value. The proposal is subject to a landscaping condition to provide and infill the existing hedges with additional species and create rough grass margins which will be maintained on the western and southern perimeter of the field. The provision of more species rich hedging and enhanced field margins through the provision of wild flower seed planting would improve biodiversity in the area. This will provide a wildlife corridor around the site for amphibians, reptiles and hedgehogs, improving connectivity between suitable habitats and enhancing biodiversity in the area. With these proposed enhancement opportunities included within the site design, the residual impacts will be beneficial to biodiversity and permanent. Given that the field would revert to agricultural use in the winter periods the opportunity for further planting is limited.

The proposal complies with Policies GEN7 and DEV39 of the ADLP in that noise/activity levels would not cause material harm to residential amenities given the distance to nearest residential properties and the seasonal nature of the proposal. It therefore does not undermine the physical and/or visual separation of Strategic Gap and retains the separate identity in accordance with policy AREA10 of the ADLP and policy SD SP3 of the Emerging Local Plan.

The land is currently used for agricultural production and is categorised as high quality agricultural land. The NPPF and Policy SO DM1 of the emerging plan seek retention of the best agricultural land Grades 1 - 3a for agricultural production. Development would not be allowed unless the benefits outweigh the need to protect the land in the long term. This proposal does not represent long term and continuous loss of productive agricultural land and is therefore compliant with this policy.

NEIGHBOURHOOD PLAN

Policy CPN 5 of the Climping Neighbourhood Plan refers to small scale tourist facilities and requires compliance with certain criteria. Whilst the proposal is not small in scale it does meet the criteria in that it has a strong regard to the local character, historic and natural assets. The siting scale and design of the supporting structures have a minimal impact and would be readily assimilated into the landscape. The design and materials are appropriate for the use. The changing cubicles would have the appearance of sheds and the proposal utilises an existing building for washing up and drying facilities. The traffic impact is acceptable in terms of highway safety. It utilises an existing access and County Highways have no objection. The access is located off the A259 and is not adjacent to neighbouring residential dwellings. The proposal preserves the open character of the area by utilising fields which would revert to agricultural use in the winter months and limiting the scale and amount of associated structures. Condition 4 requires all non permanent structures to be removed from the site over winter.

The proposal would also accord with policy CPN7 in that it would not erode the open landscape

character of the countryside. It would not adversely impact on long distance views across the landscape given the limited height and size of associated facility structures and tents. Condition 4 requires all non permanent structures to be removed from the site over winter. The applicant currently removes cubicles once the temporary permitted use ceases.

The proposal is compliant with policies CPN8 and CPN 9 in that it retains existing hedgerows and habitats. The application is supported by Ecology Reports and condition 7 ensures development accords with the Method Statement for nesting birds, reptiles and amphibians. The landscaping condition would provide for planting of additional hedgerow species and wildflower planting which would enhance the appearance and biodiversity of the area.

Policy CPN10 is complied with since the proposal does not result in the long term loss of high grade agricultural land. The field would revert to farmland in the winter months. Condition 4 requires all non permanent structures to be removed from the site over winter.

TOURISM AND PROVISION OF CAMPING SITES IN THE AREA

The Council's Tourism Officer has suggested there is need for this type of seasonal accommodation. It is centrally located to all three towns (and villages) for overnights. It is fairly close to the Public Houses Ship and Anchor at Ford, the Oyster Catcher and the Black Horse at Climping and has the benefit of being close to the coast and town of Littlehampton.

The application is for 60 pitches. Policy DEV39 of the Local Plan states planning permission will be granted for touring caravan and camping sites outside the built-up area subject to meeting one of four criteria. It is considered that the proposal meets criteria (iii) in that the site is near to a main road where development would be acceptable environmentally and contribute to a well-spaced distribution of sites. The site is accessed from the A259. A bus stop is close to the site entrance. The application includes a Preliminary Ecology Appraisal and Method Statement to demonstrate that the proposal is acceptable from an environmental perspective.

Policy DEV35 also relates to tourism development outside the built-up area in a coastal location and states that 'Outside of the built-up area, planning permission will not be granted for new tourism development along the coast other than for appropriate changes of use and small-scale extensions to existing facilities, which do not detract from the character of their surroundings.' In this case the proposal complies with the policy in that it is considered to be an 'appropriate change of use'. The proposal does not have an unacceptable impact on the character of the locality or the residential amenities of neighbouring residents for the reasons set out below.

The National Planning Policy Framework paragraph 28 'Supporting a Prosperous Rural Economy' refers to promotion of development and the diversification of agriculture and other land-based rural businesses and support for sustainable rural tourism that benefit businesses in rural areas and respect the character of the area. This proposal would accord with these requirements.

The Economic Regeneration Officer has supported the application. Tourism is a key industry within Arun. Overnight visitors contribute spending into the local economy. This expenditure would be welcomed by local businesses. The English Tourism Council estimate that for every one direct job in tourism half an indirect job is created elsewhere in the economy. Even if this figure is considered as a generous estimate the positive gain to the economy from off-site spend from holidaymakers cannot be discounted and is a material planning benefit which supports the application. The proposal would generate off site spend in the local area supporting local businesses, such as shops, pubs and restaurants.

CHARACTER AND APPEARANCE

The site lies in a flat open rural area within the Strategic Gap. The proposal includes retention of hedging

and it is also proposed to impose a landscaping condition to bolster native species in this coastal location which will be expected to be replaced if lost within the first five years of operation. The planting would help to assimilate the development into the wider landscape. No hardstandings or surfaced internal access roads are proposed.

Although the site is open, views into the site are already partially screened by trees/hedges around the field perimeters. The development of the touring park would be seasonal and therefore any perceived impacts will be limited to April - October when vegetation is in leaf.

The permanent structures are limited in size and footprint. The proposed toilet and changing facilities are restricted to those necessary to comply with the site licence requirements. The wash up and drying area is part of an existing building and the additional structures comprising changing cubicles, toilets and showers are located close to site boundaries or other buildings which reduces their visual impact.

To minimise any visual impact the buildings/structures would be single storey with 1.8m high timber panel fencing around. The lack of any visually obtrusive buildings ensures there would be no unacceptable detrimental impact on the rural appearance of the locality.

Condition 4 requires all non permanent structures to be removed from the site over winter.

RESIDENTIAL AMENITY

The nearest residential properties to the proposed site are Hobbs Cottages to the west and Langmeads Close to the south. These are separated from the site boundary by approx. 10m and the nearest dwellings are approx. 35m and 18m from the camp site boundary. The area where noise is most likely to be generated is the shower/toilet/wash up area which is 40-50m from the nearest dwellings. These distances are considered adequate to prevent any materially adverse noise or activity resulting to neighbouring properties. The current camping facilities operate with a quiet time and it is proposed to impose a condition to similarly limit the hours of the proposed camp site. There have been no complaints in the last 2 years from the camp site which currently operates over a shorter period with a smaller number of pitches.

SUSTAINABILITY

Footpaths 169 and 171 are located to the south of the site and link to the wider footpath network providing access to the beach, public house and hotel. To the north there is direct access to the cycle lane under construction and bus stops. The Town centre of Littlehampton, with its services and train station, can be accessed via the foot bridge and is approx. 1 mile away with a bus service in close proximity to the proposed site. This all makes the site a sustainable location.

BIODIVERSITY

The majority of the site, approximately 1.1 ha, was an arable field recently reseeded with fescue grass. The field has been regularly mown and will continue to be maintained in this manner. The field is considered to be of negligible ecological value to wildlife although vegetation bordering the site was suitable for foraging bats, nesting birds, reptiles and common amphibians, . However, the proposal enhances biodiversity opportunities by retaining and providing an additional wildlife corridor along the field boundaries in the form of hedging and providing rough margins with wild flower seed sowing. This will provide a wildlife corridor around the site for amphibians, reptiles and hedgehogs, improving connectivity between suitable habitats and enhancing biodiversity in the area. With these proposed enhancement opportunities included within the site design, the residual impacts will be beneficial to biodiversity and permanent

CONCLUSION

The proposal is a low density with few structures and no hard surfaced road or parking area. Hedging

would be retained and additional planting is to be conditioned. In addition the use is only seasonal and the use as an agricultural field would take place in the winter months.

The proposal would support and promote the local economy and recreation and tourism. The proposal preserves the open character of the Gap Between Settlements and contributes to the Green Infrastructure Network. It therefore accords with policy CPN 5 of Climping Neighbourhood Plan. The proposal also retains hedges, open views and natural habitats in accordance with policies CPN7, CPN8 and CPN9 of Climping Neighbourhood Plan.

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 permitted shall be begun before the expiration of 3 years from the date of this permission.

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

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

Location Plan 1091/DPA01
Block Plan 1091/DPA02
Site Plan 1091/DPA03

Floor Plan and Elevations 1091/DPA04

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 number of tents pitched on the site shall at no time exceed 60.

Reason: To avoid an overcrowded appearance and to secure satisfactory standards of space and amenity in accordance with Arun District Local Plan policies GEN3, GEN7 and DEV39.

- 4 The use of the site for seasonal tent pitches shall only take place between the 1st April and 30th October in any one year. Between 1st November and 31st March in any one year all the non permanent structures must be removed from the site and the site returned to its former condition.

Reason: In the interests of amenity, to prevent the establishment of permanent structures within the site and also in the interest of flood risk to the occupants of the site in accordance with policies GEN3, GEN7, DEV39, AREA2 and AREA10 of the Arun District Local Plan and the National Planning Policy Framework.

- 5 Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details.

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

- 6 Within 3 months of the date of this permission a landscaping scheme including supplementary hedge planting, wildflower mix planting to field boundaries and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development shall be submitted to the Local Planning Authority for approval . The approved details of the landscaping shall be carried out in the first planting and seeding season, following approval 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 submitted Method Statement for Nesting Birds, Reptiles and Amphibians dated May 2018 by RSK ADAS Ltd.

Reason: To ensure the retention of vegetation important to the visual amenity, the ecological quality and for the environment of the area in accordance with policy GEN7 and GEN30 of the Arun District Local Plan.

- 8 The arrival/departure times of campers shall be staggered and controlled in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun District Local Plan policy GEN7.

- 9 The use of open fires shall be excluded and only raised barbecues shall be operated in accordance with the applicant's e-mail dated 09-05-2018.

Reason: To safeguard the amenities of nearby residential properties in accordance with policy

GEN7 of the Arun District Local Plan.

- 10 The owners/operators shall maintain an up to date register of the names of all owners/occupiers of individual campers on the site of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: The site lies outside the built up area boundary where development is not normally permitted and in accordance with Arun District Local Plan Policy GEN3.

- 11 The camp site shall operate quiet hours between 10pm and 6am daily as per the applicant's e-mail dated 18-06-2018.

Reason: To safeguard the amenities of nearby residential properties in accordance with policy GEN7 of the Arun District Local Plan

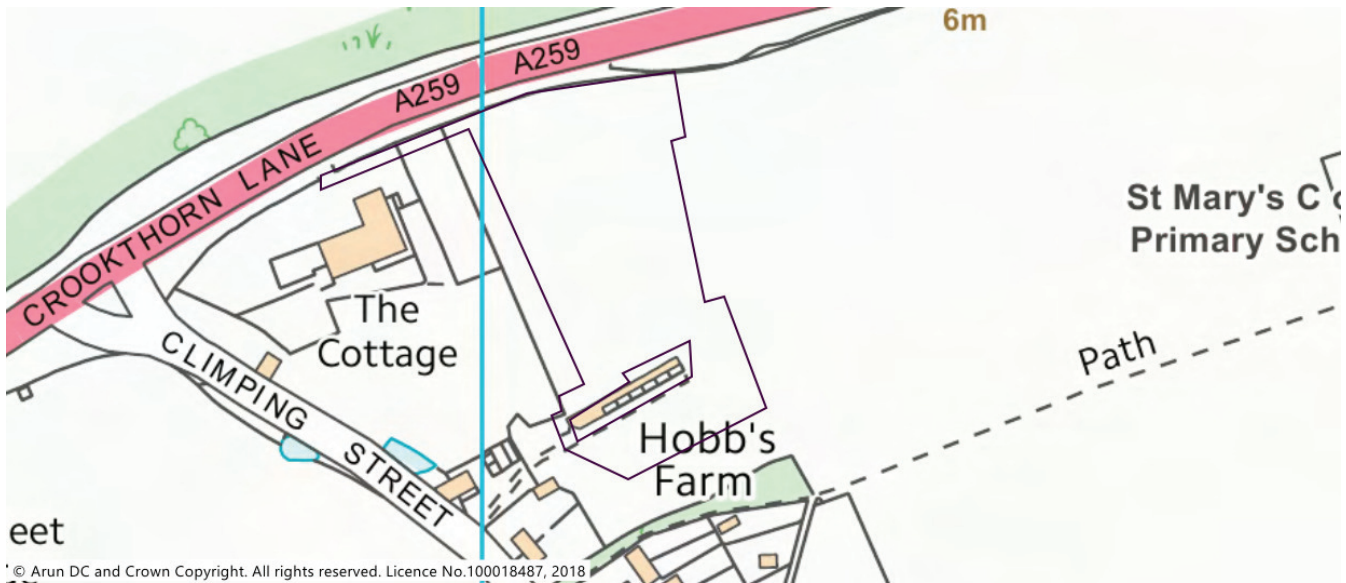
- 12 INFORMATIVE: A formal application for connection to the public sewerage system is required in order

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 our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>

- 13 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.

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

CM/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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 100018487. 2015

PLANNING APPLICATION REPORT

REF NO:	CM/12/18/PL
LOCATION:	Unit J1, J2, U1 & Z, Rudford Industrial Estate Ford Road Ford BN18 0BF
PROPOSAL:	The regularisation of operating hours to 24hrs a day commencing 6am Monday to 6pm Saturday with no Sunday operation at Units J1, J2 & Z; new extension covering the existing courtyard area & new acoustic metal cladding to southern facade of existing workshop at Unit J1 & J2; new demountable wall adjacent to existing fence surrounding the guillotine enclosure at Unit U1. This application also lies within the parish of Ford.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>This application relates to the regularisation of operating hours to 24hrs a day commencing 6am Monday to 6pm Saturday with no Sunday operation at Units J1, J2 & Z; new extension covering the existing courtyard area & new acoustic metal cladding to southern facade of existing workshop at Unit J1 & J2; new demountable wall adjacent to existing fence surrounding the guillotine enclosure at Unit U1. The application includes an Acoustic Report which has focused on the night time working and why this may be attracting complaints and to recommend mitigation measures to assist in the longer-term proposals and the interim period.</p> <p>Currently approved operating hours for machinery are 7am - 6pm Mon - Fri and 7am - 1pm Saturday only. The operation currently taking place 24 hours a day does not have the benefit of planning permission.</p>
SITE AREA	0.28 hectares
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Some palisade fencing
SITE CHARACTERISTICS	<p>The existing buildings include two larger workshop and office structures to the north which are orientated at right angles and separated by a courtyard area (Units J1 / J2) Unit Z , the paint shop is located to the north of the site and is fully enclosed. The external guillotine area adjacent to a smaller workshop unit to the south of these buildings is separated by an access road (east of Unit 1).</p> <p>Units J1 / J2 comprise a fully enclosed paint shop building to</p>

the north, an outside yard area to the south where steel beams and components are stored, a large factory workshop with a crane system to the south / east. A crane system transports steel products from within the workshop area to the external yard. Offices are located on the first-floor south elevation to the south / east.

CHARACTER OF LOCALITY

The surrounding uses in the estate are industrial in both their use and character. The site is surrounded by such uses on all sides (except Unit 1 which borders onto an area of vacant open space to the south). The surrounding uses feature similar architectural design with pitched roof and brick / metal cladding on facades.

To the south of the industrial estate, on the south side of Horsemere Green Lane is a residential housing estate located circa 90m to the south of Unit 1.

RELEVANT SITE HISTORY

CM/29/08/	The demolition of an existing two storey industrial building (Z Block) and the construction of a new spray shop with ancillary toilets and blast cabin. In addition, minor amendments to approval CM/18/08/ dated 28 August 2008 in respect of the external works and the re-cladding of the existing Unit J1/J2 (This application is also in the parish of Ford)	ApproveConditionally 03-12-08
CM/18/08/	Extensions to unit J1/J2 to create new workshop & additional offices, demolition of unit J3 to create new yard and access with overhead cranes. Alterations to unit Z to remove first floor to create new spray shop with overhead crane & ancillary toilets & blast cabin.	ApproveConditionally 28-08-08
CM/7/92	First floor extension to existing offices	ApproveConditionally 18-05-92
CM/5/91	Two storey office and workshop building. (Dual Parish to F/11/91)	ApproveConditionally 24-04-91
CM/3/90	Approval of reserved matters following outline approval CM/5/86 for proposed two storey offices and workshop (Dual Parish to F/5/90)	ApproveConditionally 17-04-90

F/11/15/CLE	Application for Certificate of Lawful Use for an existing use - Steel structure (made of scaffold & polythene sheeting) housing guillotine	Approve 16-09-15
CM/9/88	Relocation of proposed steel fabrication offices originally approved under Reference CM/26/87	ApproveConditionally 18-04-88
CM/26/87	Proposed steel fabrication workshop and offices	ApproveConditionally 19-10-87
F/13/16/PL	Side extension to east elevation to Unit 1	ApproveConditionally 18-10-16

F/11/15/CLE - Application for Certificate of Lawful Use for an existing use at Unit U1 - Steel structure (made of scaffold & polythene sheeting) housing guillotine established the lawful use of Unit U1 as Operational development comprising use of the land and a building for B2 industrial use in the form of a steel structure made of scaffolding and polythene sheeting housing a guillotine used for the purposes of Austin Divall Fabrications Ltd steel fabrication works. The decision was issued 17th September 2015.

CM/29/08 - The demolition of an existing two storey industrial building (Z Block) and the Construction of a new spray shop with ancillary toilets and blast cabin was approved 3rd December 2008. Condition 3 of this planning permission states:

No machinery, vehicles or plant shall be operated on the site except between the hours of:-

7:00am and 6:00pm on Mondays to Fridays inclusive,

7:00am and 1:00pm on Saturdays

Not at any time on Sundays or Public Holidays

CM/18/08 - Extensions to unit J1 / J2 to create new workshop & additional offices, demolition of unit J3 to create new yard and access with overhead cranes. Alterations to unit Z to remove first floor to create new spray shop with overhead crane and ancillary toilets & blast cabin was approved on 28 August 2008. Condition 3 of this planning permission states:

No machinery, vehicles or plant shall be operated on the site except between the hours of:-

7:00am and 6:00pm on Mondays to Fridays inclusive,

7:00am and 1:00pm on Saturdays

Not at any time on Sundays or Public Holidays.

CM/26/87 - Steel fabrication workshop & offices - Unit J was approved on 19th October 1987

Condition 4 of this approval required that no machinery, vehicles or plant shall be operated on the premises except between the hours of 7am to 6pm on Mondays to Saturdays inclusive. Not at any time on Sundays or Public Holidays.

CM/9/88 - Relocation of proposed steel fabrication offices originally approved under CM/26/87 - Unit J - Condition 2 of this approval requires that no machinery or plant shall be operated on the premises except between the hours of 7am & 6pm on Mondays to Friday inclusive & 7am and 1pm on Saturday and not at

any time on Sundays or Public Holidays.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

Ford Parish Council

Objection

- Concerns regarding the noise levels, its mitigation and enforcement.
- The Parish of Ford has a Strategic Housing allocation of 1500 homes. The location of the sites is in the Neighbourhood Development Plan and the emerging Arun Local Plan. The sites are near to the factory and need to be protected from noise. Has this been considered by ADC Environmental Health?
- We note that an acoustic report has been submitted showing the mitigation including the building of a wall on the Southern boundary, what about noise travelling in other directions.
- The noise level to the new planned housing and what mitigation will be installed to reduce noise pollution to this area. This needs to be considered now as when designed by the Neighbourhood Development Group there was no knowledge that the company were working in breach of the planning conditions over the 24 hour period.
- Planning rules should be enforced. What checks and safeguards will Arun District Council undertake to ensure all current and additional planning conditions will be complied with.

Climping Parish Council - Objection

No objection to the proposed building works but objection to the proposed change of operating hours from 7 am - 6 pm Monday to Friday and 7am - 1pm on a Saturday to 24/7 which will have an unacceptable impact on the amenities enjoyed by occupants of surrounding properties due to noise arising from ongoing operations including manufacturing, deliveries and despatches.

This is contrary to the Clymping Neighbourhood Plan Policy CPN 4 Protection of existing commercial premises or land which states 'Proposals to upgrade or extend existing employment sites will be supported provided that the impact on the amenities enjoyed by occupants of surrounding properties is acceptable; and they do not compromise the character of the area or openness of the countryside or beach; and traffic impact is acceptable in terms of highway safety and living conditions of residents .Proposals should include a traffic impact analysis or transport assessment which" is proportionate to the development and demonstrates traffic impact and measures which may be taken to mitigate impacts they comply with other policies in this Neighbourhood Plan."

36 Objections

- Arun District Council Planning and Environmental Health departments have failed to monitor or ensure compliance with the planning conditions on Rudford Industrial Estate since 1987.
- The new proposed restrictions proposed provide restrictions only to activities from 6pm Saturday evening until 6 am Monday morning. implying that residents only need their sleep 2 nights in 7.
- There are no commitments on how Arun District Council will monitor or ensure compliance with this or any other restrictions on site. Based on the previous performance nothing in this application reassures us that they are capable of this.
- There are still no restrictions applied on the business to activities outside the applicants building in this application or any confirmation that the area covered will only be used for storage and any noisy activities will remain in the workshop(s).
- It still fails to address the issues voiced by Ford Parish Council that the sound proofing is to the south of the building and fails to cover the north. There is no recognition of the European Human Rights statements.

- The existing noise level's coming from the unit, during the summer months loud crashes of metal can be heard all through the night.
- The reduced working from 18:00 on a Saturday does nothing for the 24x7 working Monday to Friday which is unacceptable we need some quality of life.
- The comment made about noise pollution being made by "blow-ins" is inaccurate as 95% of the traffic along Horsemere Green Lane is from people cutting through to avoid the busy A259.
- The residents should be granted the right not to be subjected to noise 24 hours a day.
- This amended planning application from Austin Divall is no better for local residents than their original application and I am still strongly opposed to it. This company should not be permitted any operations outside of normal working hours (Monday-Friday 8am.-5.00pm.).
- Austin Divall and the appalling noise they make have been the subject of many complaints from local residents for many years and their current hours of operation should be restricted and the loud and unacceptable noises they create substantially reduced. Their current operations are inconsistent with what local residents should expect from a light industrial estate and the banging and clanking of metal on metal often makes it sound as though we have a steel ship builders yard across the road from us
- It is inconceivable that local residents may be forced to endure these unacceptable noises outside of normal working hours and we the local residents have a right to peace and quiet when we have to sleep. Austin Divall should have their operations properly restricted and controlled.
- If they need longer working hours and to be able to make more noise, they can relocate elsewhere away from a residential area.
- Would agree 5 nights if all worked indoors
- The amendment to the application is noted which now seeks 24 hour operation on weekdays only. This does not make the application any more acceptable. There should not be any operations involving noise outside normal working hours if they take place within close proximity to residential areas as that would interfere with the residents' peaceful enjoyment of their homes. This company appears to have flouted conditions imposed previously and the Council appears to have failed to take action to prevent this. I therefore have no confidence that any conditions or restrictions will be complied with in the future. If the Council were to allow this application in whole or in part then at the very least there should be regular monitoring of noise levels and the company should be penalised if those levels prove to be unacceptable.
- If they are currently operating at full capacity during the day, the budget they will be spending on the extension & alterations would be better spent relocating to another unit elsewhere. An alternative location with this additional budget would potentially allow 24 hour operation or be big enough to meet their '24 hour operational' needs within a normal working day.
- This is a lovely rural area.
- I cannot understand why they need to operate 24 hours a day and disturb all the residents of Climping.
- I'm more than happy for them to adapt the building to minimise the noise levels, although I doubt this will decrease the noise to any great extent.
- Would set a precedent
- Even though myself and several neighbours have tried to negotiate with the applicant over loud noises and nighttime working, most noises still continue, In my latest meeting with them we brought up one case in point regarding very loud angle grinding at 8.30pm one evening, even though we had been promised a 6pm curfew. The reply was "We had a job to finish " This itself clearly demonstrates complete contempt for the residents, and gaining retrospective planning permission will give them a licence to do as they please.
- The noise from the guillotine and moving of steel is excruciating at times.
- Restrictions must be added before the application can be approved including:
A time restriction of stopping all machinery in the units including plant and percussion type activities except between 7am - 10pm, Mon-Fri, Saturday 8am and 1pm and no working on Sundays or Bank Holidays; No activities outside the units at all with time restriction of stopping loading of vehicles, machinery including plant and percussion type activities except between 7am - 6pm, Mon- Fri, Saturday 8am and 1pm and no working on Sundays or Bank Holidays. Unit U1 should have the same time

restrictions applied as they were removed by a previous planning request. Confirmation that the new covered area in between the units will only be for storage and not as an extension to the workshops. In addition, reference should be made to the Human Rights Act 1998.

3 support

- Noise from the Estate is completely minimal, and these Objectors are fabricating the noise levels. Sadly there is much more noise pollution from the enormous traffic flow which now flows through Horsemere Green Lane, caused by the many "nimbys" and "blow-ins" which we have been forced to accept.
- Most of the Opposers have arrived long after the Industrial Estate, and were well aware of its existence.
- When all the housing was planned in Horsemere Green Lane, we made no objections at all. We just hoped that Clymping could remain as it was. Now we have all the street lights, pavements, traffic calming and constant complaints about everything. This is a Countrywide epidemic.
- The proposal will increase productivity, which is what we all need to be embracing Post-Brexit.
- The traffic noise well out-weighs any industrial noise.

COMMENTS ON REPRESENTATIONS RECEIVED:

The application results from an enforcement case and incorporates measures to reduce the noise emitted from the site which would improve the impact on residential amenity.

The proposal is no closer to proposed possible future housing than is currently the case which exists with the residential development to the south.

Environmental Health have been consulted and have no objection.

The proposal is considered to be compliant with policy CPN4 of Climping Neighbourhood Plan in that the regularisation of the existing hours and deletion of Sunday working and Saturday night and the provision of the proposed noise mitigation measures would have an acceptable impact on residential amenity.

Enforcement of restrictive conditions could be pursued.

The proposal would not set a precedent. All applications are considered on their own merits. To ensure all interested parties were aware of the changes made to the application, even though these represented a reduction in the proposal, the application has been re-advertised.

The hours of operation of Unit U1 are outside of the remit of this application. Unit U1 does not fall within the application site.

For reasons expanded on below it is considered that provided the noise reduction measures are provided the use of the site over night would be acceptable in terms of the impact on residential amenity.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection

First Response - I am aware that there have been many objections in relation to the proposed regularisation of the hours to allow 24/7 use of the application site. However, the application has been made primarily to address noise complaints made by local residents and the acoustic consultant

employed by the applicants has proposed a scheme of works and actions that will reduce the noise levels to those recommended in relevant noise guidelines. As a result, providing the conditions set out in the acoustic report are applied and adhered to the impact from noise will be significantly reduced.

There will still be some noise from this and other sites on the industrial estate and restricting the hours will prevent any noise from the application site during these hours but as stated the measures indicated by the acoustic consultant will bring the noise levels from activities at the application site in line with relevant guidelines.

Second Response - I note the applicants have now amended their proposed hours to exclude working on Saturday evenings from 18.00 hours to 06.00 hours on Monday mornings. This will obviously remove any noise impact from the site and is to be welcomed.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside the Built Up Area Boundary

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

DEV8	Cirumstances in which Additional Development may be Permit'd
GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN32	Noise Pollution
GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):

C SP1	Countryside
EMP DM1	Employment land:Development Management
D SP1	Design
SD SP2	Built -Up Area Boundary
QE DM1	Noise Pollution
D DM1	Aspects of Form and Design Quality

Clymping Neighbourhood Plan 2015 Policy CPN11

Quality of Design

Clymping Neighbourhood Plan 2015 Policy CPN4 Protection of existing commercial premises or land

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).

Ford does not yet have an adopted Neighbourhood Plan, but the draft employment policies which support expansion and retention of businesses would be relevant and policy CPN4 and CPN 11 of Climping Plan are development plan policies.

Ford Neighbourhood Plan (FNP) has not yet been formally adopted but is at Regulation 14 stage. Within the FNP Policy EE1 Supports development proposals to upgrade or extend existing employment sites and policy EE2 supports the retention of existing employment sites. Policy EE3 seeks to protect existing businesses.

Policy EE7 requires new commercial development to include secure parking and storage for cycles and the use of energy efficiency measures. EE10.1 requires new commercial buildings to be designed to a high quality and be energy efficient and in keeping with their surroundings. Policy BUA1 Built Up Area boundary and SA1 are also 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 conflict with relevant Development Plan policies in that it would represent development outside the built up area which is not permitted under policy GEN3.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background namely the site is part of an established industrial estate and would not represent expansion into agricultural land and there would be 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.

CONCLUSIONS

BACKGROUND

Since 1993, Austin Divall Steel Fabrications (ADSF) Limited have manufactured steel frames from the premises. The company has grown since it was initially formed in 1991 to the point where 35 members of staff are now employed at the company. The work undertaken at the site is the assembly of steel frameworks which is typically carried out in the daytime with a night shift period when the steelwork is welded in situ in the main factory/workshop area.

Due to the weight of the steelwork, gantry operated travelling cranes are used to lift and move the steel beams. With a need to deliver the steel lengths inside of the workshop the gantry crane rails transit through an opening in the Western elevation of the main workshop.

There have been recent complaints made directly to Austin Divall and to the enforcement section with allegations of noisy working from the site. Specific reference has been made to noisy night time operations.

The company has operated in breach of the planning conditions on the estate, without observing time restrictions. The application it to regularise hours of operation for the business and increase hours of operation to include Saturday afternoon. The applicant's have stated that these hours are crucial for the ongoing operation of the business.

This scheme has been developed for the sole purpose to address the potential noise impacts of the existing operation of Austin Divall Steel Fabricators and in so doing, allow the business to regularise its operating hours to allow some 24 hour in a week. It seeks to provide for a best practice approach to noise management and mitigation and includes for both short term and longer term measures. It is understood that the large steel doors in the Western elevation are closed at 18:00 hours. Additionally, at 18:00 hours, the travelling crane is placed into the doorway aperture. From 18:00 to 21:00 hours grinding of steel takes placethereafter. From 21:00 hours until the finish of the night shift, there should not be any banging or grinding, only the welding of steels.

The site currently operates 24 hours a day, six days a week and is not operational on Sundays without the benefit of planning permission. From the planning site history the following restrictions on operating hours apply:

Unit J1, J2, U & Z - No machinery, vehicles or plant shall be operated on the site except between the hours of 7am & 6pm on Mondays to Fridays inclusive, 7am & 1pm on Saturdays, not at any time on Sundays or Public Holidays.

Unit U1 (Extension to the East) F/13/16/PL - Approved Conditionally - 18/10/2016. No time restrictions were imposed for this extension.

It is important to note that the restrictive conditions on hours relate to the operating of machinery only; they do not relate to the hours within which the building can be open for staff to be working.

The application has been amended since originally submitted to remove Sunday operating and Saturday operating after 6pm.

COMPLIANCE WITH CLIMPING AND FORD PARISH NEIGHBOURHOOD PLANS

The proposal is supported in principle by policy CPN4 of Climping Neighbourhood Plan since it upgrades and extends an existing employment site. The proposal is also considered to be compliant since it has an acceptable impact on local residents, doesn't compromise the character or openness of the countryside, being located within the existing industrial estate, the traffic impacts are acceptable and it is compliant with other policies in the local plan, namely policy CPN11 and CPN14. Policy CPN11 requires the design of buildings to be of high quality and to protect and enhance local character. The design of the extensions is of appropriate design and quality for its location within an established industrial estate. The proposal will not significantly add to highway activity. The increased hours over night would only facilitate overnight working by a maximum of 4 employees.

The proposal is considered to accord with Ford Neighbourhood Plan policies. Although no additional parking and storage for cycles is proposed as required by policy EE7, the extension and alterations to the buildings to provide better sound insulation would not result in additional demand for car or cycle parking.

Policy EE10.1 requires new commercial buildings to be designed to a high quality and be energy efficient and in keeping with their surroundings. The building design would be in keeping with the appearance of other industrial units on the estate. Since the building expansion and changes are intended to provide better sound insulation and prevent some activities from taking place outside the additional insulation would also improve energy efficiency.

VISUAL AMENITY

The proposal seeks to provide for an enclosure to the yard area to contain noise emitting activities from the yard in the form of a new extension to the existing building. The development would also therefore envelope the overhead crane and its structure and will subsequently limit noise break out to the south from the existing workshop building to which the proposed extension is connected.

The proposed extension would essentially retain the appearance of the existing workshop facade to the east with a brick lower element (matching existing) and a profiled metal cladding above. The existing cladding on the southern elevation of the workshop will be replaced with new metal cladding designed to limit noise impacts of the operation. Two metal roller shutter doors are proposed on the south elevation of the new yard enclosure.

The proposed roof structure is a trapezoidal metal roof in grey to match existing which results in a shallower less visually intrusive pitched roof.

The proposal also seeks to provide for a new demountable timber wall and enclosure to Unit 1 to the south which would be constructed with steel columns and removable timber beams.

The extension and alterations are considered to be acceptable in terms of their impact on the visual amenities of the locality. They would be in keeping with appearance of units on the estate.

IMPACT ON RESIDENTIAL AMENITY

The application has been submitted to reduce the noise emitted from the premises. Noise mitigation measures are set out within the accompanying Acoustic Assessment report. The acoustic survey sets out the measured noise emanating from the existing operation during daytime and night time activities. The focus of the investigation was to better understand the night time working, and why this may be attracting complaints and to recommend mitigation measures to assist in the longer-term proposals and the interim period.

The processes and activities associated around steel fabrication can be noisy. Whilst the later time periods of the night have been chosen to minimise the influence of other industrial sites on the soundscape, it is clear that there are loud events inside the factory during the night shift. It is also clear that the louder single events may well be audible at distance and heard in bedrooms with windows open.

The nearest residential neighbours, likely to be considered as noise sensitive receptors are located to the South of Horsemere Green Lane, at May Close, Waterford Gardens, and Crophorne Drive. At the nearest point, such residential uses are located approx. 80- 100m due south of the factory/workshop.

Noise and how it is able to travel to the receiver location can be complex. Noise absorption is a criteria. The internal factory environment is a large and reverberant space with numerous hard surfaces and finishes which encourage the onward reflection of sound energy. Interrupting the sound waves as they occur on a surface using absorption will reduce sound levels. Sound insulation could be improved. There is room for further sound insulation to occur in the walls of the current factory remises which will insulate the inside sound levels from the outside quieter environment. Noise could also be better contained. The western elevation requires a treatment or solution to help contain the noise inside the factory premises. Attention may be required to the acrylic roof lights to reduce noise transmission from inside to outside via these elements.

The Acoustic Survey identified high daytime and night time readings from within the workshop area of Unit J1 and at a location outside the workshop. The survey also found that, on the basis of a constant noise level emanating from the site, there is limited impact on the residential receptors of development to the south. However, the noise output from the factory is not a continual and steady noise source and the average noise energy for the L_Amax events was considered as part of the modelling exercise within that study to see how the elevated noise levels propagate across the site. The acoustic survey further modelled the potential worst case daytime and night time noise scenario on the basis that the proposed development is implemented (i.e. partially enclosed structure no openings with acoustic cladding to Unit J1 / J2).

The Council's Environmental Health team have assessed the information submitted by the applicants with regards to noise levels/reduction. They agreed with its contents and have requested that any permission is conditioned with reference to the noise consultants study. The study demonstrated that the proposal will result in a reduction of noise levels to neighbouring residents to an acceptable level. They have added that as regard to night time noise levels, 'The night-time model outputs showed that the predicted noise levels are reduced at receptor location, and individuals with windows open should not be impacted.'

The highest night-time noise levels modelled with the worst-case impact noise level of 107dB within the nearest residential properties would all be below 40dB (open windows) rendering the impacts acceptable in this regard. The extension of operational hours as proposed, subject to the planned physical building works would not therefore have a harmful impact on the amenities of neighbouring residents to the south.

Recommendations from the report have also been made for shorter term measures to improve the

existing noise environment. The Acoustic Report also sets out the steps to be taken to reduce noise impacts.

Short term measures include changes to the management of the business and activities undertaken by employees, proposed changes to how the manufacture of steel frames is undertaken and sound insulating / absorbing measures that will be implemented.

The proposed longer term measures may take some months to deliver taking into account the planning and construction processes. Subsequently the short term measures are being implemented to help address the current situation and to allow the business to continue operating on a 24 hour basis as it has done since 1993.

The application of the shorter-term noise mitigation measures are proposed for the main factory workshop, and adjacent to Unit U1 which is closer in proximity to the nearby residents to the South. The paint shop is totally enclosed and is not considered to generate noise perceptible outside of the site.

The cumulative effect of both physical works to the existing building and improved working practices are considered to significantly reduce the potential for noise break out and disturbance of residents to the south of the site to allow 24 hour operations to continue on site.

The existing cladding on the southern elevation of the workshop will be replaced with new metal cladding designed to limit noise impacts of the operation (as detailed in the acoustic report). Environmental Health have no objection to the proposal.

24 hour operations are commonplace within industrial settings such as the Rudford Industrial Estate and indeed many of the existing occupants work on such a basis. Industrial Estates such as Rudford provide the only justifiable location for such activities located appropriately outside of residential areas.

COMPLIANCE WITH POLICY DEV8

The background text to Policy DEV8 Circumstances in which Additional Development may be Permitted - Local Firms at paragraph 3.09 states:

It is likely that the continued health of the local economy will depend to a significant extent on being able to accommodate the future expansion needs of local firms. It is recognised that there may be circumstances where a local firm is unable to find suitable accommodation. The Council may therefore permit limited additional development where the local firm has demonstrated that existing provision is genuinely unsuitable for its requirements. If a firm can demonstrate a need, any further application for a change in occupancy will need to demonstrate the economic benefits to the District.

The proposal is considered to be within the spirit of Policy DEV8 which seeks to support local businesses and to protect local jobs. ADSF has sought alternative premises over the years but has been unable to relocate. Subsequently, significant investment to their existing premises has been made as the only option for growth / expansion.

CONCLUSION

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

The application has been re-advertised following agreement to an amended description deleting reference to Sunday working and Saturday evening and the advertising period now expires on 12-07-2018. Therefore it is requested that the decision on this application is delegated to the Group Head of Planning in consultation with the Chairman and Vice Chairman of Committee

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

Existing Site Location,
Site Block and Site Layout (PL)001 revA,
Proposed Site Block Plan,
Site Layout and Elevation (PL) 005 rev B,
Proposed Floor and Roof Plan (PL) 006 revB,
Proposed Elevations and Section (PL) 003 revA and (PL) 007 revB and
The Noise Assessment dated 10-04-2018 by Acoustic Associates.

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 increased hours shall not commence until the noise mitigation measures in sections 9 and 10 of the Noise Assessment accompanying this application dated 10-04-2018 by Acoustic Associates are fully implemented. The measures so approved shall be retained/provided in

perpetuity.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 4 No more than 4 employees shall work at the premises between 6pm and 6am daily Monday to Friday.

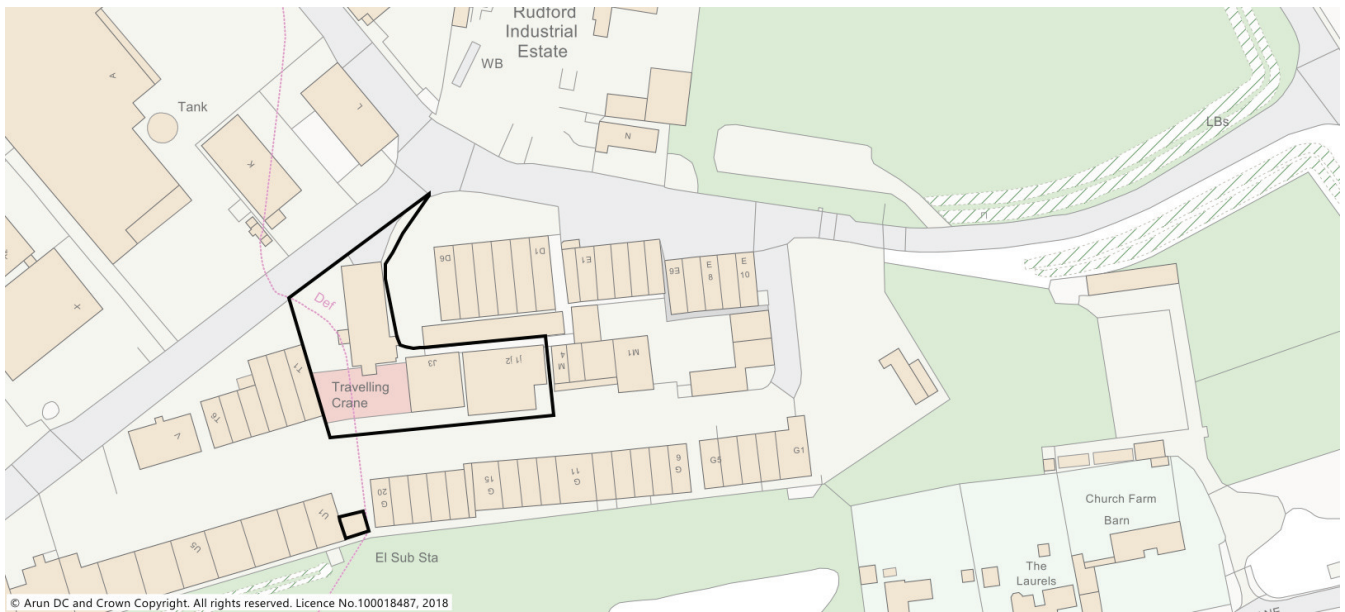
Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties in accordance with Arun District Local Plan policy GEN7 and GEN32.

- 5 No operations shall be undertaken at the premises at Units J1, J2 & Z; except between the hours of 6am Monday to 6pm Saturday with no Sunday or Bank Holiday operation

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

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

CM/12/18/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:	FG/66/18/PL
LOCATION:	78 Langbury Lane Ferring BN12 6QE
PROPOSAL:	Part change of use for western half of building from Residential Care Home (C2 Residential Institution) to residents living together as a single household (C3(b) Dwelling House)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>This application relates solely to the change of use of the property from the existing C2 residential institution care home to C3(b) providing supported housing.</p> <p>The home would be fully wheelchair accessible and have passenger lifts, lowered food preparation areas, lowered light switches, accessible nurse call services, overhead hoists, en-suite facilities in every bedroom, wet floor showers, accessible gardens and vehicles adapted to accommodate wheelchair users.</p> <p>The proposed use will continue to provide accommodation and support for 5 service users within the care home plus 5 service users within the supported living all comprising working age adults (likely age range of 18-30).</p>
SITE AREA	1,416 sqm
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Fencing/hedging to side boundaries to approximately 1.8m.
SITE CHARACTERISTICS	The site is made up of 2 pitched roofed dormer bungalows joined together with a flat roof infill and flat roof rear extension.
CHARACTER OF LOCALITY	Predominantly residential characterised by detached and semi detached dwellings of varying design, mainly single storey, set back from the road frontage in relatively large plots.

RELEVANT SITE HISTORY

FG/65/18/PL	Single storey rear side ground floor extension, first floor dormer extension, alterations to east & west doors, change of glass to obscure in all bathrooms, infilling rear dining room glass with brick & relocation of shed.	ApproveConditionally 18-06-18
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FG/44/89	Alterations to approved Planning Application No. FG/18/87 to provide accommodation for 3 additional residents making a total of 20.	ApproveConditionally 17-04-89
FG/18/87	Extension and alterations to form Rest Home, including change of use and parking complex	ApproveConditionally 29-04-87

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Ferring Parish Council

Objection:

- The previous usage as a Nuns care home was totally acceptable to local residents and with no problems.
- The identified change of use to individual socially challenged residents will cause much anguish to local residents.
- Local residents are very elderly and not able to cope with possible additional noise and extreme actions.
- The residence is not close to medical care.
- The residence is close to a superstore so any alcohol is easily accessible.
- There is no obvious 24 hr residential management identified.
- The residence is very close to the very busy A259 dual carriageway which may not be safe for disturbed residents.
- The proposed change of use is out of keeping within a residential area and will impact on the character of the surrounding area.
- The application provides only 8 onsite parking spaces.
- 20 staff are envisaged in 3 shifts during a 24hr period, i.e. at least 7 per shift.
- On the assumption that most staff have vehicles only 1 parking space will be free during any 24 hr period. This parking space would be insufficient for other vehicle requirements such as visitors, deliveries, resident vehicles, ambulances etc.
- There will be a changeover period between shifts which could necessitate another 7 cars requiring parking spaces.
- On-site parking will have to be supplemented by on road parking in either Langbury Lane or Brookside Close.
- The proposed dropped kerb will result in additional vehicles and noise in a small cul de sac and will invariably cause the residents of Brookside Close an inconvenience and obstruction.
- The width of Langbury Lane outside this property narrows and any parking would cause vehicles to have to drive into oncoming traffic on a sightless bend to pass any parked vehicles.
- Langbury Lane is a busy 700 bus route.
- Additional vehicles parking in Brookside Close would cause extreme congestion and possible blocking of access for residents.

39 Objections

- Area is full of children and the elderly (many of whom live alone). There is insufficient infrastructure by way of GP or village facilities to support this use.
- The proposed clientele will have nowhere to go except the local park which is a haven for kids.
- Will feel unsafe and frightened to go out.
- This is a quiet residential area.
- This is not an appropriate use in this location.
- Licensed supermarket is nearby which will bring further problems.
- Concern for the safety of children from an application which could mean up to 6 mentally ill or learning disabled adults moving freely around our village with no real supervision or support.
- Insufficient parking. Main bus route is already frequently blocked.
- Insensitive, and out of character.
- This sort of home would be better closer to Worthing Hospital and the police station in case of incidents.
- The classification being applied for is very wide and as it could be used to home recovering drug users and alcoholics (amongst other types of residents).
- Our property would back on to this property, which would impact on our lives.
- This is a family area with children who are able to walk and cycle to school and play in the park on their own. This would not be able to continue if this development was approved.
- This proposal will increase traffic flow if 20 staff are to be employed and 30 residents are placed here.
- Properties in Langbury Lane and Ferring will have their monetary value decreased and none will be able to sell as is the case with the next door bungalow No 80 which has failed twice to complete its sale.
- Dropped kerb will increase activity in Brookside Close.

COMMENTS ON REPRESENTATIONS RECEIVED:

The use is residential in nature and therefore compatible with the existing residential character of the area. Anti social behaviour from any residents could be dealt with by other legislation. Accessibility of residents of the premises to alcohol and the A259 is the responsibility of staff and not a material planning consideration.

Car parking is considered to be adequate. The dropped kerb would not be supported by County Highways although it would be permitted development. It cannot therefore be considered as part of this proposal. However, an informative will be added to advise owners that County Highways will not support a dropped kerb where they to receive the required application on that behalf.

The permitted use as a care home has 16 bedrooms and if full would probably have more staff resulting in more traffic than would be generated from the proposed 10 bedrooms.

The new layout reduces the number of residents and provides larger bedrooms all with en-suite to give a better quality of living space in accordance with the CQC guidance.

The applicant could continue to run the care home as a 16 bed care home. This would not require any form of planning permission.

The change of use from (C2) to (C3(b)) is to provide assisted living for the disabled young adult service users with learning difficulties, as set out in the design and access statement, and not for drug and alcohol rehabilitation residents.

The amount of car parking proposed is considered acceptable on the basis that the existing and proposed uses of the site would generate a similar level of demand.

The increase in need for additional infrastructure is negligible from what is currently the case. The total number of residents is not increasing.

Devaluation of property is not a material planning consideration.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection. Request conditions relating to construction management plan and associated hours of operation of machinery and deliveries.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The requested condition has not been imposed since building works do not form part of this proposal.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

DEVELOPMENT PLAN POLICES

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

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

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

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

[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).

Policy 1A of Ferring Neighbourhood Plan is 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

In this case, the key policy is deemed to be GEN7 of the Arun District Council Local Plan. Additionally, Policy 1A of the Ferring Neighbourhood Plan is relevant. This requires development to take into account its urban setting and for it to be compliant with other relevant development plan policies.

PLANNING HISTORY

This application relates solely to the change of use of the property and not to the internal alterations and extension which were approved under application reference FG/65/18/PL.

RESIDENTIAL AMENITY

The number of bedrooms within the property is decreasing from 16 to 10 so there is unlikely to be an increase in traffic movements from when the home was fully utilized in its lawful residential care home use. The existing care home does not employ any staff, but the the proposal will create approximately 20 full time jobs in shifts split approximately 50/50 to C2 and C3(b). Day time shifts will be 07.30 - 15.00 and 14.45 - 22.15. Night staff will be on site from 22.00 - 07.45. During the day there will be shared trips from the main site at Nursery Lane and occasional supermarket deliveries, generally once per week.

The proposal will have little additional effect on the adjoining properties. The change of use is similar to the existing use with half of the existing property continuing its C2 residential care usage. There will be a maximum of 5 residents for each use group as set out in the design and access statement resulting in a total of 10 residents. The applicant is agreeable for a condition to be included limiting the use "to provide supported living for the disabled young adult service users with learning difficulties as set out in the design and access statement." However, a condition to limit the use of the property to this type operation only would not be reasonable in planning terms. There is no evidence to suggest that a home for residents receiving dependency rehabilitation would be any different, in planning terms, to those being proposed to be served by this application.

Whilst some additional noise may be generated by residents, the imposition of appropriate conditions restricting the use as detailed above the proposal is not deemed to have a significantly detrimental impact on the neighbouring residential amenity of adjoining properties and is therefore compliant with policy GEN7(iv) of the Arun District Council Local Plan.

The level of traffic generation and activity will increase, but the existing home could potentially have operated more intensively without needing further planning approval. Further the site is sustainably located with a bus stop outside the premises and other facilities within close proximity. The demand for car parking would not significantly increase above what is currently the case and as a result on street car parking would be unlikely to unacceptably increase or adversely impact on highway safety or residential amenity.

IMPACT ON CHARACTER

The development maintains the residential character of the buildings in accordance with Policy 1A of the Ferring Neighbourhood Plan and GEN7(ii) and DEV19li), (ii) of the Arun District Council Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions

<h3>HUMAN RIGHTS ACT</h3>

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 positive impact on the protected characteristics in that it seeks to provide accommodation to support individuals with a physical and mental disability.

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).

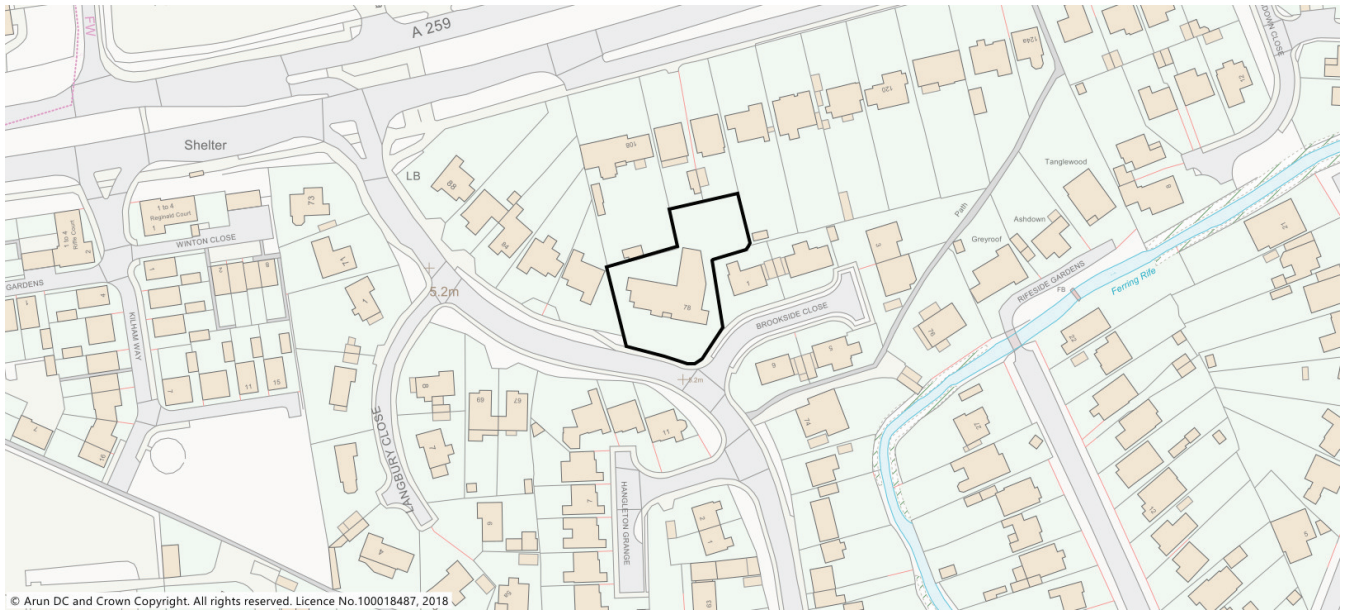
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Block/Location Plan107
Site Plan 108A, Proposed Ground Floor Plan 104
Proposed First Floor
Roof Plans 005 B.

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

- 3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 4 INFORMATIVE: The local Area Engineer from County Highways has visited the site and confirmed that this additional vehicular crossover in this location would not be approved. It is advised that the applicant consults the Area Office in order to discuss the access details and proposals further on telephone number 01243 642105.

FG/66/18/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: LU/67/18/PL

LOCATION: 14-18 Surrey Street
Littlehampton
BN17 5BG

PROPOSAL: Change of use of part of public highway for external seating area at front comprising of 3 No. tables & 6 No. chairs. This application may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. This application relates to part of the public highway outside The George Inn Public House in the centre of Littlehampton. It is proposed to locate a small seating area serving the public house. This facility would be a small area comprising 3 tables and 6 chairs located on the southern side of the entrance to the premises. The furniture would project 1m from the front of the building.
SITE AREA	9 sq m.
TOPOGRAPHY	The area would be formed by locating temporary portable barriers of approximately 1m in height.
TREES	Predominantly flat. Pavement is elevated above the level of the road.
BOUNDARY TREATMENT	None affected by the proposed development.
SITE CHARACTERISTICS	Premises are located abutting the footpath.
CHARACTER OF LOCALITY	2 storey mid terrace building with brick elevations and tiled roof. Ground floor in use as a public house.
	Town centre location generally with retail uses at ground floor and residential above.

RELEVANT SITE HISTORY

LU/251/07/	Proposed change of use to create pavement cafe along frontage (in part)	Refused 15-08-07
LU/127/06/	Construction of new smoking enclosure to comply with future smoking ban	Inc Docs Ret'nd 20-07-06

LU/251/07 was refused for the following reason:

"The use as proposed would result in an unacceptable intrusion onto a public area which would likely impede public access and cause a loss of residential amenity."

The application included 4 tables and 8 chairs and extended further along the site frontage than now currently proposed.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objection - The proposal would narrow the available pavement space, adversely affecting the ability of pedestrians, especially wheel chair and mobility scooter users as well as those reliant on mobility aids, to safely and conveniently use the pavement.

It was noted that:

- The Highways Authority had yet to comment on the application.
- The plans presented with the application did not show the lamppost and highways sign at the front of the premises and the businesses along this stretch of Surrey Street which were also providing chairs and tables outside their premises.
- The proposal would add to congestion during busy periods and these factors should also be taken into account when assessing the application.
- There were serious concerns that given the nature of the business, the introduction of chairs and tables would encourage groups to congregate outside on the pavement, increasing noise and disturbance and potentially posing a threat to public safety.
- The business already had an outside terrace at the rear of the premises, the need for additional outside space is questioned particularly as Surrey Street is also the main thoroughfare through the Town.

7 Objections:

- Application severely restricts pavement width and makes access difficult for people with disabilities.
- Litter from smokers would increase.
- Number of tables could be increased and moved.
- Tables could provide ammunition for youths.
- Glasses could be left in the street increasing danger
- The paving slopes away from the pub entrance towards the road with which would make passing these tables with people more dangerous.
- Suggest that this is encouraging on street drinking and smoking which can be intimidating.

COMMENTS ON REPRESENTATIONS RECEIVED:

People stand outside the public house in the evening. However, in order to adequately protect residential amenity in the evenings it is proposed to limit the hours of use of the seating to ensure that there is no additional possible adverse impact on residential amenity in the evenings when the shopping area is closed and background noise levels are reduced.

Following concerns raised by County Highways the scheme was amended to reduce the number of tables and chairs to a level which allows for acceptable pedestrian access. A minimum gap of 2m would be retained as a pavement width as a result of the proposal which is an adequate width for wheelchair users. County Highways have raised no objection to the reduced scheme as the access width now meets the minimum footway width referred to in 'Manual for Streets'. This allows two wheelchairs to pass each other comfortably.

There is no reason why additional tables would result in additional litter and with servicing by pub staff

this should not occur.

CONSULTATIONS

Conservation Officer
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection.

The items placed within the public highway are not to be permanently fixed and are to be removable. This is to permit the maintenance of the public highway and to ensure that a permanent obstruction does not result. If Planning Consent is approved, a separate Licence agreement will be required to be entered into with the Highway Authority, WSCC.

Conservation Officer - No Objection. The proposal is acceptable in visual terms and reversible in nature.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Primary Shopping Frontage
Principal Shopping Area

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN32	Noise Pollution
AREA19	Primary Shopping Frontages
AREA2	Conservation Areas

Publication Version of the Local Plan (October 2014):

SD SP2	Built -Up Area Boundary
RET SP1	Hierarchy of Centres
RET DM1	Retail Development
QE DM1	Noise Pollution
D DM1	Aspects of Form and Design Quality
D SP1	Design
HER DM3	Conservation Areas
HER SP1	The Historic Environment
T SP1	Transport and Development

Littlehampton Neighbourhood Plan 2014 Policy 1

The Presumption in Favour of Sustainable Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

A new local plan is in preparation 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).

Policy1 and 2 of Littlehampton Neighbourhood Plan is considered relevant to consideration of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

considerations indicate otherwise."

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The key policy consideration in the determination of this application is deemed to be GEN7 of the Arun District Local Plan. The application site falls within the principal shopping area. However, it is considered that policy AREA19 of the Arun District Local Plan would be not applicable to the determination of this application since it does not relate to a change of use of the premises.

IMPACT ON VIABILITY OF THE TOWN CENTRE

The creation of an outdoor seating area will enhance the vitality and viability of the town centre by providing additional seating. The National Planning Policy Framework (NPPF) seeks to ensure the vitality of town centres and local planning authorities should support existing business sectors. Paragraph 23 of the NPPF emphasises the underlying importance of recognising that town centres are at the heart of their communities and that their viability and vitality should be supported. Local Planning Authorities should be positive and promote competitive town centre environments. The proposal would contribute to the viability of the existing business and to the vitality of the town centre as a whole consistent with the approach encouraged by the NPPF.

VISUAL AMENITY

Given the limited scale of the seating area and lightweight nature of the furniture there would be little impact on visual amenity and the setting of the abutting Conservation Area. The seating area would be consistent with others in the nearby pedestrianized High Street.

It is intended to utilise seating, tables and barriers which would have a co-ordinated appearance and would therefore not amount to unacceptable design.

It is not considered that on this basis there would be unacceptable visual detriment.

RESIDENTIAL AMENITY

The impact by way of noise is a material consideration in the determination of this application. The proposal would generate additional noise, but given the limited number of seats it is not considered that this would result in material harm to residential amenity.

Noise is already generated from people exiting and entering the premises and noise is generated from this busy town centre location. However in order to reduce noise levels in the evening when the retail units are closed and background noise levels tend to decline it is proposed to restrict the use of the tables and chairs until 10pm daily.

PEDESTRIAN ACCESS

The application originally submitted comprised 4 tables and 8 chairs and reduced the pavement width to

between 2.1m and 1.8m. Following advice from County Highways the proposal was amended to reduce number of seats to 6 and the number of tables to 2. The pavement width retained is now 2.2m to 2m.

This accords with highways advice and the proposal will therefore not unacceptably impede access along the footpath in conflict with policy GEN7 of the Arun District Local Plan.

CONCLUSION

It is therefore considered that the seating area is acceptable and complies with policies GEN7 of the Adopted Arun District Local Plan, Policies 1 & 2 of the Littlehampton Neighbourhood Plan and Policies D DM1 and D DM4 in the Emerging Local 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.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
Location 01C
Block 02B
Pavement Floor Plan 03B

Elevation 04B

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 hereby permitted shall not be operated at any time between the hours of 2200hrs and 0800hrs the following day.

Reason: To safeguard the residential amenities of neighbouring residential accommodation in Surrey Street and surrounding area, and in the interests of crime prevention, in accordance with policies GEN7 and GEN32 of the Arun District Local Plan.

- 4 No tables/chairs/barriers and any other miscellaneous item associated with the use shall be placed on the land edged in red when the use hereby permitted is not in operation.

Reason: In the interests of the amenity, crime prevention, and character of the area in accordance with policies GEN7, GEN18 of the Arun District Local Plan.

- 5 No public address or other sound amplification system shall be installed or used on the land edged in red without the prior written consent of the Local Planning Authority.

Reason: To safeguard the residential amenities of neighbouring residential accommodation in accordance with policies GEN7 and GEN32 of the Arun District Local Plan.

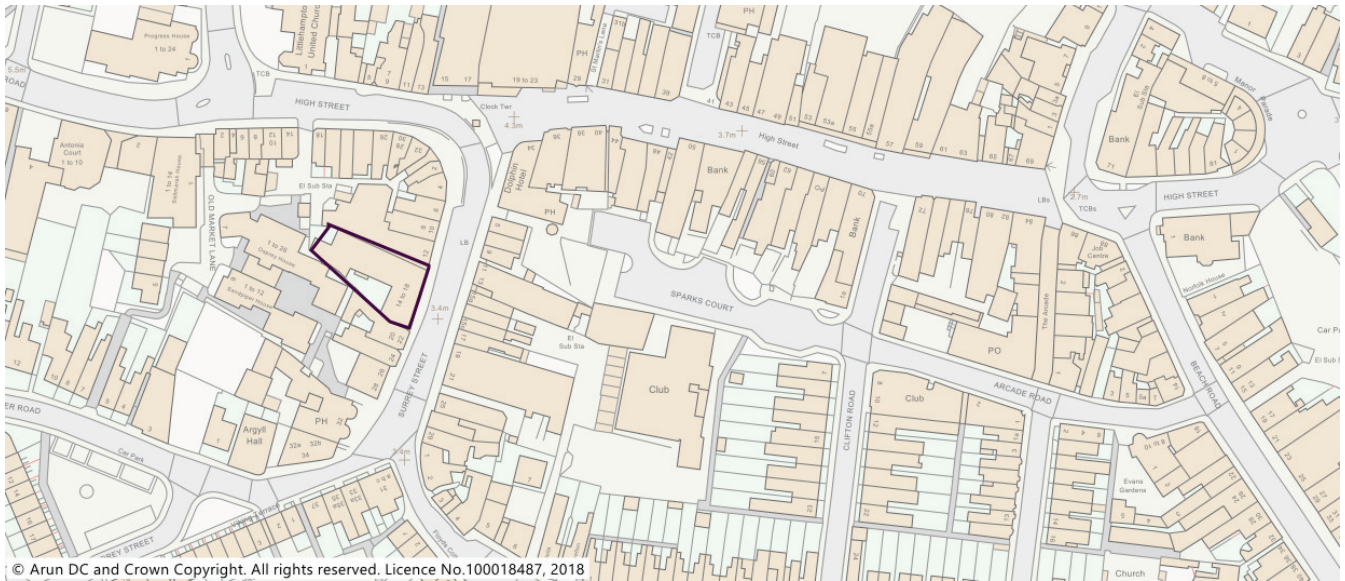
- 6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally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

- 7 INFORMATIVE: The applicant is advised to contact West Sussex County Council, using the details below, to apply for and obtain the required licence to place the tables and chairs on the public highway.

Tel no: 01243 642105 Or

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/tables-and-chairslicence/>

LU/67/18/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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AGENDA ITEM 8

DEVELOPMENT CONTROL COMMITTEE

PLANNING APPEALS

APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

AW/11/18/HH

Received: 04-05-18

1 Wilman Gardens Aldwick

Boundary wall.

Written Representations

PINS Ref: APP/C3810/D/18/3199410

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

Received: 26-02-18

Land north of Spode Cottage & West of Greenings & South of Fontwell Cottages Eastergate Lane Fontwell

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

FG/162/17/PL

Received: 11-06-18

1 Upper West Drive Ferring

Demolition of existing detached garage & erection of 1 No. dwelling.

Written Representations

PINS Ref: APP/C3810/W/18/3195419

FP/13/18/T

Received: 02-05-18

37 Felpham Road Bognor Regis West Sussex

2m Crown Reduction to 1No. Hornbeam.

Written Representations

PINS Ref: APP/TPO/C3810/6750

K/5/17/HH

Received: 17-08-17

Kingston Manor Kingston Lane Kingston

Construction of a Detached 6 Bay Barn with Log Store

Written Representations

PINS Ref: APP/C3810/W/17/3175616

WA/86/17/PL

Received: 10-04-18

Pippins Yapton Lane Walberton

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