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

20 September 2018

DEVELOPMENT CONTROL COMMITTEE

A meeting of this Committee will be held in the **Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton** on **Wednesday 3 October 2018 at 2.30 p.m.** and you are requested to attend.

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 5 September 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. POST SITE INSPECTION PANEL – PLANNING APPLICATION AL/136/17/PL – LAND WEST OF FONTWELL AVENUE, 1 FONTWELL AVENUE, EASTERGATE

Following the Committee meeting held on 5 September 2018, it was agreed that a site inspection panel visit would be undertaken and that report is attached for Members' consideration.

7. TREE APPLICATIONS

There are no applications to consider.

8. *PLANNING APPLICATIONS

To consider the attached reports.

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

9. *PLANNING APPEALS

To consider the attached report.

Background Papers

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

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

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

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

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

Subject to approval at the next Committee meeting

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DEVELOPMENT CONTROL COMMITTEE

5 September 2018 at 2.30 p.m.

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

Councillors Charles was also in attendance at the meeting.

143. WELCOME AND THANKS

The Chairman welcomed Councillor Ambler as a first time member of the Committee.

The Chairman also advised that Andy Elder, Housing Strategy & Delivery Manager, was leaving the Authority for pastures new and, on behalf of the Committee, he thanked him for his service and wished him good luck for the future.

144. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Northeast, Mrs Pendleton and Wells.

145. DECLARATIONS OF INTEREST

There were no declarations of interest made.

146. MINUTES

The Minutes of the meeting held on 8 August 2018 were approved by the Committee and signed by the Chairman as a correct record.

147. PLANNING APPLICATIONS

AL/40/18/PL – 2 No. semi detached bungalows with associated parking & landscape, Land adjacent to 14 St Johns Close, Westergate Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

Subject to approval at the next Committee meeting

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Development Control
Committee – 05.09.18.

AL/136/17/PL – Erection of pair of semi detached houses & new access onto A29 – This is a Departure from the Development Plan, Land west of Fontwell Avenue, 1 Fontwell Avenue, Eastergate Having received a report on the matter, together with the officer's written report update detailing a further letter objection received and an amended plans condition, the Committee considered the application. A view was expressed that a site inspection should take place to provide an opportunity to hear the views of the Parish Council and, having been formally proposed and seconded, the Committee

RESOLVED

That the application be deferred to enable the Site Inspection Panel to visit the site.

A/74/18/OUT – Outline Planning Permission with all matters reserved, except access, for the demolition of existing outbuildings and the erection of 9 No. two storey dwellings consisting of 2 No. two bedroom dwellings, 2 No. three bedroom dwellings and 4 No. four bedroom dwellings. Departure from the Development Plan, The Laurels, Dappers Lane, Angmering Having received a report on the matter, together with the officer's written report update detailing the requirement for an additional condition relating to possible reptile activity at the site, the Committee

RESOLVED

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

FG/94/18/PL – Erection of 1 No. chalet style bungalow, 55 Sea Lane Gardens, Ferring Having received a report on the matter and following some discussion relating to the boundary and trees, the Committee

RESOLVED

That the application be approved as detailed in the report.

148. PLANNING APPEALS

The Committee noted the planning appeals that had been received.

(The meeting concluded at 3.15 p.m.)

AGENDA ITEM 6

DEVELOPMENT CONTROL COMMITTEE

3rd October 2018

**REPORTS ON APPLICATIONS DEFERRED FROM
PREVIOUS MEETING**

REPORTS ON APPLICATIONS DEFERRED FROM PREVIOUS MEETING

AL/136/17/PL	Erection of pair of semi detached houses & new access onto A29 - This is a Departure from the Development Plan (Deferred For Committee Site Visit)	Land west of Fontwell Avenue 1 Fontwell Avenue Eastergate
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**Report of the meeting of the Development Control Post-Committee Site
Inspection Panel held on 11-09-2018**

REF NO: AL/136/17/PL
LOCATION: Land west of Fontwell Avenue
1 Fontwell Avenue
Eastergate
PROPOSAL: Erection of pair of semi detached houses & new access onto A29 - This is a
Departure from the Development Plan

This application was deferred from the 9th May Development Control Committee in order for a post Committee Site Visit to take place.

The site visit took place on the 11th September and was attended by Councillors Mrs Bence, Bower and Mrs Oakley and a representative from Aldingbourne Parish Council.

Apologies were recieved from Councillor Haymes.

Following a discussion on the merits of the application all three Members present voted to accept the officer recommendation.

REPORT UPDATE

Application No: AL/136/17/PL

Reason for the Update / Changes

Reason for Update/Changes:

One further letter of objection has been received and this raises the following additional concerns:

- (1) Application has been active for 9 months and the plans have been changed 5 times such that the proposal is not the same as when it was first advertised;
- (2) There is no pedestrian or vehicle right of way between this and the other two sites so there is no guarantee that the two access points will function as an in/out driveway;
- (3) No one person can be held responsible for completion of the road between the two accesses;
- (4) It must be possible to monitor and enforce this permission. Already one owner has built the new road in the wrong place;
- (5) Latest plan involves an incursion into another owners land and there is no record of there being permission to do this;
- (6) No guarantee that the other two land owners will agree to the in/out driveway approach or indeed adhere to this in the future; therefore creating traffic chaos;
- (7) Continued inability of the Council to take enforcement action against breaches of planning permission;
- (8) The planning officer has been determined to approve this application from the start and the application has not been handled in a fair, considered and unbiased manner; and
- (9) No further consultation has taken place with the Parish Council or neighbouring properties in respect of the changes to the access and visibility splays.

Officers Comment:

The following comments are made in response:

- (1) The changes made concern the configuration of the access and the visibility splays. The position of the houses has not changed and nor has the description of the proposal.
- (2) Noted. However, land ownership is not a material planning consideration and it is considered that there is space for vehicles to turn on site without needing to use other land;
- (3) Noted. Three individual persons will be responsible and will need to ensure that the road surface on each plot is linked to the other;
- (4) The road in question is a temporary surface required for the construction of the houses on that plot. The approved road will be built at a later date and the owner has confirmed it will be as per the approved drawing;
- (5) Technically there is no incursion as the additional land is only required as part of a visibility splay. The applicant has served notice on the adjoining land owner in respect of the change to the red edge;
- (6) Land ownership is not a material planning consideration. However, if there is no agreement then it is considered that this splay could still function safely in isolation;
- (7) The Council does not consider there to be any breaches of planning permission which require enforcement action;
- (8) Noted; and
- (9) The changes were not considered to intensify the proposal or be so significant so as to warrant re-advertisement.

The additional objection does not result in any changes to the recommendation but it has been necessary to amend two of the drawings therefore the Plans condition has been amended to state the following:

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

Drawing CHI/17089/P 1 OF 3 "Proposed Floor Plans & Proposed Section";
 Drawing CHI/17089/P 2 OF 3 Rev B "Site Location Plan, Proposed Site Plan & Proposed Elevations";
 Drawing CHI/17089/P 3 OF 3 Rev B "Proposed Site Plan";
 Drawing 2018-4370-001 Rev A "Visibility Splays" (July 18); and
 Drawing 2018-4370-002 Rev A "Vehicle Swept Path Analysis" (July 18).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 and T SP1 of the Arun Local Plan 2011-31."

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

PLANNING APPLICATION REPORT

REF NO: AL/136/17/PL

LOCATION: Land west of Fontwell Avenue
 1 Fontwell Avenue
 Eastergate
 PO20 3RU

PROPOSAL: Erection of pair of semi detached houses & new access onto A29 - This is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The 2 semi-detached houses will be located on the southern third of a large site which previously benefitted from outline permission for three detached dwellings under planning ref AL/95/13/. Each dwelling will have 4 double bedrooms, one with an en-suite bathroom. The dwellings will be two storeys only with no rooms in the roof. Off-street parking is provided to the front with a new access from the A29. The result of this new access will be to create two accesses to serve all 6 dwellings thus negating the need for a large vehicle turning head within the site. Also shown are bin stores and fencing details.
SITE AREA	0.183 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	10.9 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	A row of tall conifer trees along the rear boundary to the

scrapyard. One large tree on the frontage in the very southern corner and some further large trees on land to the rear of Oaktrees. None of these trees will be affected by the proposed development. A number of trees that used to be along the width of the larger site frontage have already been felled.

BOUNDARY TREATMENT

1.8m high close boarded fencing to the boundary with Oaktrees. One metre high metal two bar fence interspersed with hedging to the road frontage. Row of fir trees behind a part wire fence/part hedge to the rear of the site.

SITE CHARACTERISTICS

Vacant grassed parcel of land which is overgrown in places.

CHARACTER OF LOCALITY

The site is outside the settlement boundary but predominantly residential as there are dwellings on both sides of the site and on the opposite side of the A29. The site frontage falls within a 40mph zone and the start of the 30mph zone is adjacent to the southern end of the site.

Oaktrees adjoins the southern boundary and is a 1.5 storey dwelling with its first floor accommodation within a Dutch hipped barn style roof. It has render to the lower floor, brick to the first floor flanks and a tile roof. It has flank facing windows at both ground and first floor (with the first floor window appearing to be a bedroom) and a row of roof lights on the rear. A pair of semi-detached dwellings are to be built on the next plot to the north. These will have obscure glazed bathroom windows in the flank elevation overlooking this site. There is a vehicle scrapyard to the rear of the site, beyond the line of conifers.

RELEVANT SITE HISTORY

AL/67/18/PL	Continuance of use without compliance with condition 6 imposed under AL/122/17/PL relating to proposed access requirements.	
AL/50/18/PL	Continuance of use without compliance with condition 10 imposed under AL/121/16/PL relating to vehicular access serving the development.	
AL/122/17/PL	2 No. dwellings (resubmission following AL/72/17/PL). This application is a Departure from the Development Plan.	ApproveConditionally 14-02-18
AL/121/16/PL	2No. semi detached houses. This application is a Departure from the development plan	ApproveConditionally 01-02-17

AL/106/15/OUT	Outline application with some matters reserved for 5 No. detached houses with garaging. This application is a Departure from the Development Plan.	Refused 19-01-16 Appeal: Dismissed 03-08-16
AL/95/13/	Outline planning application for 3 no. detached houses with garaging - This is a Departure from the Development Plan	ApproveConditionally 25-04-14
AL/122/87	Outline Application for six residential units	Refused 21-01-88 Appeal: Dismissed 10-10-88

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

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

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

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

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

Application AL/72/17/PL concerned the central third of the AL/95/13/ site and sought permission for two detached dwellings. However, the applicants were advised that this could not be supported and that they would be better placed applying for similar semi-detached dwellings as approved by AL/121/16/PL. This application was withdrawn. Subsequently, application AL/122/17/PL was submitted for a pair of semi-detached dwellings and this was approved by the Development Control Committee on the 14th February 2018.

Applications AL/50/18/PL and AL/67/18/PL concern the existing two approved pairs of semi-detached dwellings and seek to modify these permissions so as not to have to provide the large turning head previously proposed on the site pursuant to AL/136/17/PL.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

"No objection. The Parish Council does not object to this application given the previous consent on this site. However this is subject to a satisfactory drainage scheme being approved. The Parish Council also wishes to be consulted regarding any S106 agreement which should benefit community infrastructure. The Parish Council also wishes to see an approved access scheme."

One letter of support stating that the application will fit in with its current surroundings & other nearby developments. Also that once the landscaping has been completed along the front, it will only make it safer exiting Oaktrees by car giving greater visibility along the road.

One letter of objection on the following grounds:

- (1) Departure from the Development Plan;
- (2) The Council has a history of approving applications in this location;
- (3) The previous outline consent concerning the site has expired;
- (4) Applications AL/121/16/PL & AL/122/17/PL should not serve as precedent for 2 houses on this site;
- (5) If this is approved, the applicants will have achieved 6 houses across this site by stealth;
- (6) Overdevelopment of the site;
- (7) No garages/inadequate parking provision is detrimental to highway safety;
- (8) WSCC Highways should have been able to consider the 6 dwellings in full not as 3 separate 2 dwelling schemes - they should have to reassess the approved permissions;
- (9) This proposal removes the approved large vehicle turning head from the approved scheme;
- (10) The access for the other two plots is not positioned correctly and planning compliance have done nothing about this;
- (11) The width of the existing access to the site means that lost HGV's needing to check a map or drivers wishing to stop to use their phones pull over here and block access to both the site and adjacent Westfield House; and
- (12) The developers have already demonstrated that they will not comply with planning specifications.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council were contacted to ensure that they were aware that the Council cannot seek any infrastructure contributions as the proposed number of dwellings (2) is well below the criteria for contributions towards infrastructure. The Parish responded to say that the drainage comment still stands. The Councils drainage engineers raise no objection subject to a standard drainage condition. This is the same approach as for applications AL/121/16/PL and AL/222/17/PL.

The letter of support is noted.

The following comments are made in response to the objections:

- (1) This will be considered in the report's conclusions;
- (2) Noted;
- (3) This is correct;
- (4) Planning law dictates that each application should be treated regarding its own merits. However, precedent is capable of being a material consideration and should be considered in determining an

application;

(5) Six houses will have been achieved by the submission & determination of three planning applications. It is accepted that planning permission was previously refused and dismissed on appeal for 5 houses. However, this was in part due to the impact on a neighbouring property (who is not adjacent to the current application) and in part because of the narrow gaps between dwellings. The use of semi-detached dwellings is considered to have overcome the latter concern;

(6) It should be noted that the proposal has broadly the same density (10.9) as the other two approved plots to the north (11.2 & 10.9). Furthermore a density of only about 11 dwellings per hectare is considered to be very low and does not tend to imply overdevelopment;

(7) The lack of garages is not considered to be detrimental to highway safety as garages are often used for storage purposes and not car parking. The proposal instead includes actual parking spaces. WSCC Highways have assessed the parking provision and consider it to be appropriate;

(8) WSCC Highways have carefully considered this application and have provided 6 sets of comments. It is considered that they have been very thorough. It is not possible for them to now reconsider the other two sites as these have planning permissions;

(9) The loss of this turning area is not considered detrimental to highway safety as all 6 houses will now benefit from two accesses onto the A29 meaning that large vehicles can access these houses and depart in a forward gear;

(10) The northern access onto the A29 is not the finished article but is a merely a temporary access to enable construction of the site. The access is not required to be completed until the dwellings are ready to be occupied. Compliance officers have explained this to the complainant;

(11) Noted however, this comment relates to a different site and therefore cannot be considered in this determination; and

(12) The applicant in this case is different to the applicants for the other two sites.

CONSULTATIONS

Highways England

Listed Building Officer

Engineering Services Manager

Southern Water Planning

Engineers (Drainage)

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - Note a sewer crossing the frontage of the site and request that no development or new tree planting be located within 3 metres either side of the external edge of the public sewer and all existing infrastructure should be protected during the course of construction works. Also note that there may be other unrecorded sewers crossing the site. Require a sewer connection informative.

WSCC HIGHWAYS - Originally raised objections to the scheme on the grounds of visibility & vehicle tracking. These concerns have been negotiated and Highways are now able to support the proposal subject to conditions. With regard to visibility, the proposal provides a splay of 2.4 x 59 metres to the north (southbound) and to the south (northbound). These are in line with Manual for Streets and are based on a speed survey undertaken at the site. The access point has been designed with 6 metre kerb radii and it has been demonstrated that a fire tender & 7.5t panel van can manoeuvre within the site and make use of the two access points onto the A29. The scheme also demonstrates a dropped crossing footway provision to enable a pedestrian link from the site onto the existing provision on the eastern side of A29. Each dwelling will be provided with two off street car parking spaces and whilst this would not

meet the required demand of 5, Highways consider that the additional hardstanding available could accommodate an additional vehicle per dwelling with turning and manoeuvring taking place on the private service driveway if required. In summary, Highways do not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

ADC DRAINAGE ENGINEERS - Please apply standard condition ENGD2A. Soakaways must be investigated for surface water disposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and all conditions included within the recommendation.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Special Control of Adverts;
Grade 3a Agricultural land;
Flood Zone 1; and
Class A Road (A29).

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HSP2C	H SP2c Inland Arun
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Aldingbourne Neighbourhood Plan 2016 POLICY EH1

Resist development outside

Aldingbourne Neighbourhood Plan 2016 POLICY EH3

Best and most versatile resisted unless...

Development on Agricultural Land

Aldingbourne Neighbourhood Plan 2016 POLICY EH5

Development in Flood risk areas will not be supported unless...

Surface Water Management

Aldingbourne Neighbourhood Plan 2016 POLICY EH6

Protection of trees and hedgerows

Aldingbourne Neighbourhood Plan 2016 POLICY GA1

Promoting Sustainable movement

Aldingbourne Neighbourhood Plan 2016 POLICY GA3

Parking and new development

Aldingbourne Neighbourhood Plan 2016 POLICY H1

New housing or altering dwellings

Quality of Design

Aldingbourne Neighbourhood Plan 2016 POLICY H2

Range of house types

Housing Mix

Aldingbourne Neighbourhood Plan 2016 POLICY H3

Housing density

Aldingbourne Neighbourhood Plan 2016 POLICY H6

Within built up area boundary

Windfall sites

Aldingbourne Neighbourhood Plan 2016 POLICY H7

No support development near noisy business

Development in the vicinity of business

Aldingbourne Neighbourhood Plan 2016 POLICY H8

Dwellings must have adequate private or shared amenity.

Outdoor space

Aldingbourne Neighbourhood Plan 2016 POLICY H9

Items to consider e.g. - bin stores

Attention to detail

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 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

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 relevant policies of the Aldingbourne Neighbouring Plan are considered within this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is located outside the built up area boundary (BUAB) of Aldingbourne and is therefore considered to conflict with the Development Plan policies. However, there are considered to be material considerations that weigh in favour of overriding the in principle objection to this proposal.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the Conclusion section.

- The planning history of the site namely that there was until recently an extant outline planning permission (AL/95/13/) for one dwelling on this plot (as part of a scheme of 3);
- The fact that this is a vacant piece of land sandwiched between an existing dwelling (Oaktrees) to the south and a pair of semi-detached dwellings currently being constructed on land immediately to the north of this site;
- The fact that there are further residential dwellings to the north and also on the opposite side of the A29; and
- The National Planning Policy Framework (NPPF) and associated guidance particularly in respect of Sustainable Development and making the most efficient use of land.

CONCLUSIONS

PRINCIPLE:

The Arun Local Plan 2011-2031 (ALP) was adopted on the 18th July. With this new Plan in place, the Council can now demonstrate an NPPF compliant 5.3 year housing land supply. The application site lies outside of the defined settlement boundary as shown within the ALP and therefore falls within countryside. Policy C SP1 states that development in the countryside will only be permitted where it relates to certain criteria. The proposal does not meet any of the stated criteria and therefore would be unacceptable in principle. However, it is not considered that this should automatically result in a refusal unless there is also demonstrable harm to the character of the countryside.

It is also necessary to consider the policies of the Aldingbourne Neighbourhood Development Plan (ANDP) which was made (adopted) in October 2016 on the basis of the saved policies in the 2003 Arun Local Plan and the draft policies in the 2014 publication version of the Arun Local Plan. Map E of the ANDP includes a BUAB drawn around the settlement of Westergate. The site is around 240m northeast of the edge of the defined Westergate built up area boundary. The opposite side of Fontwell Avenue is within the parish of Eastergate and this BUAB is closer to the site. However, the site is clearly outside of both BUABs and the application site is therefore classified as countryside.

ANDP Policy EH1 states that development will not be allowed on sites outside of the built up area boundary except where it is in accordance with development plan policies in respect of the countryside. Policy H6 (residential windfall sites) only applies to sites within the built up area boundary. It is also noted that policy GA1 states that proposals that increase travel demand are to be located in places accessible to public and community transport.

Regard should also be had to policy SD SP1 of the ALP which states that: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work pro-actively with applicants to jointly find solutions which mean that proposals can be approved wherever possible and to secure development that will contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland)."

It is considered that the proposal conflicts with both the ALP and the ANDP in respect of its location outside of the BUAB. However, the site lies in a sustainable location within walking distance of local shops, bus stops, schools and doctors surgeries. Furthermore, the site is positioned between existing built development and land currently being developed for housing. It is not considered that the development of this site would result in any demonstrable harm to the character of the countryside in this location. It is therefore not recommended that an objection be raised simply because of the location of the site outside of the BUAB.

Further, the NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)).

AGRICULTURAL LAND:

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

Policy SO DM1 of the ALP 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 requirement to protect the best and most versatile land can be outweighed if it is demonstrated through sustainability and options appraisals that:

- a. Preservation of land of lower agricultural quality has greater benefits in terms of ecosystem services (for example carbon storage, flood water retention, support of biodiversity);
- b. That any site preferred for development is demonstrated to be the best and most sustainable option, including but not limited to the terms of land quality, ecosystem services, infrastructure and proven need; and
- c. The proposed development meets the requirements of the countryside policy and/or equine development policy.

Where development is permitted it should, as far as possible, use the lowest grade of land suitable for that development. Development will not be permitted unless:

- d. The applicant has submitted sustainability and options appraisals, mitigation measures, and a soil resources plan for the development site;
- e. Site appraisal documents submitted by the applicant must demonstrate that consideration has been given to DEFRA's Soil Strategy for England;
- f. The productivity of the land is demonstrated using a methodology for assessing gross margins as contained in the Arun Soils and Agricultural Land Assessment Report; and
- g. The applicant has submitted a comprehensive soil resources plan for the development site which demonstrates that care will be taken to preserve the soil resource, such that it can be incorporated into a Productive Green Environment following development."

The applicant has not supplied any information to justify the proposal against the requirements of this policy.

However, it is considered that this is a very small area of land (0.183 hectares) which would not be viable for the purposes of the growing of crops. Modern agriculture and arable farming has changed to the extent that it is now larger in scale with an emphasis on large tracts of land as opposed to collections of individual fields. It is also considered that access to the site by agricultural vehicles could be detrimental to the adjacent residential occupiers. In addition, it is considered that the land may be contaminated as a result of the scrapyards to the rear. Indeed, Environmental Health comments on application AL/95/13/ considered this and recommended planning conditions to require the investigation and remediation of any contamination.

Further, the planning permissions on the sites immediately adjoining the application site were both granted following the adoption of the Aldingbourne Neighbourhood Plan with the same policy tests.

Therefore, despite the grade of soil on the land, it is considered that the site is limited for future agricultural use due to its size/workable area and accessibility.

It is considered that although the benefits of the proposal are only small (2 dwellings), that given the above factors, there is no realistic possibility of the land being used for agricultural crops in the future and therefore it would not be possible to sustain a refusal based on ANDP policy EH3 or ALP policy SO DM1.

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan 2011-2031 (ALP) requires that the Council have regard to certain aspects including:

- (1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";

(13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that:

"All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development. With major developments or allocated sites in the Development Plan, in addition to a Design and Access Statement, a context appraisal, context plan and analysis of the site will also be required."

Aldingbourne Neighbourhood Development Plan (ANDP) policies H1, H3, H6 & H9 are all 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. H6 states that residential development on infill/redevelopment sites within the built up area boundary is acceptable but must be appropriate in scale & density to the size and character of the settlement, must be used efficiently, be accessible via a range of transport modes and must conserve/enhance wildlife. Policy H9 requires that certain 'add-on' items (e.g. gutters, satellite dishes, meter boxes) be included in the design of new houses.

As discussed elsewhere within this report, the site has an extensive planning history which includes the dismissal of an appeal for 5 detached dwellings (AL/106/15/OUT). This was considered to represent an overdevelopment of the site and this argument was made principally on the basis of the narrow gaps between the dwellings. However, regard should also be had to the recent permissions for two pairs of semi-detached dwellings on the other parts of the AL/95/13 site. It is also considered that whilst a 5 detached dwelling scheme across the whole site was considered to be unacceptable, semi-detached dwellings are materially different in form and allow for a new judgement to be made, free of the implications of the previous appeal decision.

Notwithstanding the precedent for semi-detached houses established by AL/121/16/PL and by AL/122/17/PL, it should also be noted that there are four semi-detached properties immediately opposite the site on the other side of Fontwell Avenue (Episkopi, Hillcross, Trees & Highlands).

The current proposal provides for good sized gaps between the flanks of the semi-detached building and the boundaries. The gap to the northern boundary will be between 2.5 and 3m. Taking account of the gap between the permitted dwelling and the shared boundary, the total space between the two pairs of semi's will be between 6 and 7m. To the southern boundary, the gap will be staggered from just over 3.5m at the front and just over 2m at the rear. This results in a gap to Oaktrees of between 4.5 and 5m.

These gaps are considered to be relatively spacious and compare favourably with the gaps between the other approved semi-detached dwellings and of those dwellings opposite.

The proposal also retains the same sense of spaciousness to front and rear as per the other two approved semi-detached dwelling schemes to the north. It is noted that the front building line of the two dwellings will be closer to the road than the approved semi-detached dwellings. However, a staggered building line would be appropriate having regard to the shorter distance of Oaktrees to the road.

The design of the proposed dwellings will be different to the other approved semi-detached dwellings but of the same two storey height. These subtle differences and also the slight difference in footprint between the two proposed dwellings (with one having a slight forward projection) will add visual interest to the streetscene and are not considered to adversely affect the character or appearance of the immediate area. Proposed materials include tiles and brick and these would be in character with existing dwellings. However, a condition will be imposed to control the materials used in the build.

It is therefore considered that the proposal complies with ALP policies D DM1 & D SP1 and with ANDP policies H1, H3, H6 & H9.

PARKING & HIGHWAY SAFETY:

Arun Local Plan 2011-2031 Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

Regard should also be had to paragraph 109 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

ANDP Policy GA1 seeks to promote sustainable (non-car) forms of transport. It requires new development to be located in places accessible to public and community transport. Policy GA3 is also relevant and requires that parking be provided in accordance with the standards adopted at the time.

The application proposes a new access onto the A29 and this will enable all 6 semi-detached dwellings to be served by two separate accesses thus allowing larger vehicles to access these properties and depart in a forward gear. The proposed access has been carefully scrutinised by the Highway Authority who eventually confirmed that the arrangements were acceptable and that the proposal will not have a severe impact on the operation of the highway network.

In respect of parking, although the proposal does not meet the anticipated demand of 5 spaces (the 5th

space being required for visitor parking), it is considered that there is sufficient hardstanding available for additional temporary parking and that this will not prevent vehicle turning and will not result in unsafe movements onto or from the A29.

It is therefore considered that the proposal is in accordance with policy T SP1 of the ALP and with policies GA1 & GA3 of the ANDP.

RESIDENTIAL AMENITY:

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." None of the Aldingbourne Neighbourhood Development Plan policies refer to residential amenity issues. However, regard should be had to paragraph 127 of the NPPF which states that

"Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

It is not considered that the proposal will result in any harmful overlooking of neighbouring properties or that the proposed dwellings themselves are at risk of overlooking from existing dwellings. The rear building line of the two dwellings will be set back from that of Oaktrees and such there may be an impact on a 45 degree angle drawn from Oaktrees rear principal windows. However, this is not considered to be harmful due to the orientation of the dwellings to the North of Oaktrees and due to the gap of between 4.5 and 5m between the new building and Oaktrees.

Bathroom windows proposed in the front elevation of the dwellings will be obscure glazed to protect the privacy of future residential occupiers. A condition will also prevent any flank windows from being added in the future and thus ensure no overlooking of the neighbouring sites.

It is therefore considered that the proposal is in accordance with policy D DM1 of the ALP.

NOISE:

Policy QE DM1 of the Arun Local Plan 2011-2031 states that:

"Residential development likely to experience noise from road, rail or air must:

- a. Be supported by a noise exposure category (NEC) assessment and designed to ensure that residents will not be adversely affected by noise.
- b. Consider both the likely level of exposure at the time of application and any increase that might be reasonably expected in the foreseeable future."

It is also necessary to have regard to policy H7 of the ANP which states that: "Proposals for development in the vicinity of businesses which are inherently noisy will not be supported."

Concerns were raised by Environmental Health Officers in respect of application AL/95/13/ regarding the potential for the new houses to be affected by noise from the A29 to the east and/or the scrapyards to the west. This was considered to be an important issue but not one that would prevent development. Instead, a planning condition was attached to the previous permission to ensure that the new houses

were built with measures that will minimise noise impacts and protect future residents. Environmental Health have not been consulted on this application but it is not considered that anything has changed with respect to potential noise pollution and as such, it is recommended that the same condition be applied to this application. On this basis, there would not be any conflict with policy QE DM1 and there would be sufficient mitigation in place to overcome the conflict with policy H7.

INTERNAL & EXTERNAL SPACE STANDARDS:

Policy D DM2 of the ALP 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.

Although the floorplans show 4 bedrooms per dwellings all containing a double bed, one of the bedrooms in each house actually falls below the 11.5m² standard for a double bedroom. Therefore, it is considered that the proposal should be assessed as having 4 bedrooms and accommodating only 7 persons. The required internal floor area for each is therefore 115m².

The larger of the two houses more than meets the standard with a floor area of 123m². The second dwelling is short of the standard at only 103m². However, policy D DM2 only requires that internal spaces are of an appropriate size. The policy does not state that the national space standards are to be rigidly followed. It is considered that both dwellings are appropriate in floor area and therefore comply with ALP policy D DM2.

ALP policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the Arun Local Plan regarding private gardens sizes. Whilst it is noted that policy H8 of the ANDP states that "All new dwellings must include an outdoor amenity space of adequate size and quality, either as a private garden or shared amenity area", this does not specify an amount of garden. However, the proposed dwellings both have gardens with depths exceeding 36m and areas of at least 370m². These are of above adequate size and therefore comply with ANDP policy H8.

SUMMARY:

The application site is outside the defined built-up area boundaries of Westergate and is therefore in conflict with the policies of the development plan designed to protect the countryside. However, there are material considerations which serve to override this policy objection. In particular, that the development of this site will not be detrimental to the character of the countryside on this location.

This proposal is not considered to compromise the visual amenity of the area, the safety of the A29, the amenities of neighbouring land, the amenities of future occupiers or the supply of high quality agricultural land. The site is also considered to be in a relatively sustainable location such that occupiers would not need to rely on a private car to access nearby shops & services.

The proposed development is therefore on balance considered to be acceptable in terms of the development plan when taken as a whole and is recommended for approval together with the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Drawing CHI/17089/P 1 OF 3 "Proposed Floor Plans & Proposed Section";
 Drawing CHI/17089/P 2 OF 3 Rev B "Site Location Plan, Proposed Site Plan & Proposed Elevations";
 Drawing CHI/17089/P 3 OF 3 Rev B "Proposed Site Plan";
 Drawing 2018-4370-001 Rev A "Visibility Splays" (July 18); and
 Drawing 2018-4370-002 Rev A "Vehicle Swept Path Analysis" (July 18).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 and T SP1 of the Arun Local Plan 2011-31.

- 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 satisfactory drained in accordance with policies D DM1 and W DM3 of the Arun Local Plan 2011-2031. 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.

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

Reason: To avoid undue congestion of the site and consequent obstruction to access in accordance with the NPPF and policy T SP1 of the Arun Local Plan 2011-31. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction traffic.

- 5 No development shall be carried out on the site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details provided by the Local Planning Authority and such facility shall be retained in working order and throughout the period of work on site to ensure the vehicles do not carry mud and earth on to the public highway, which may cause a hazard to other road users.

Reason: In the interests of road safety and in accordance with the NPPF and policy T SP1 of the Arun Local Plan 2011-31.

- 6 No development above damp proof course (DPC) level shall take place unless and until a scheme for protecting the proposed dwellings from noise from A29 road traffic and noise from the scrapyards to the West has been submitted and approved by the Local Planning Authority. Any works which form part of the scheme approved by the Authority shall be completed prior to the occupation of any of the dwellings. The noise protection measures shall be retained thereafter.

Reason: To safeguard the amenities of residents in accordance with Arun Local Plan 2011-2031 policies D DM1, QE SP1 and QE DM1. It is considered necessary for this to be a pre-commencement condition as it may not be possible to retrofit mitigation measures once a building has been completed.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and character and appearance of this semi-rural area by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan 2011-2031.

- 8 Neither of the dwellings shall be occupied unless and until the bin stores have been constructed in accordance with the approved drawings and the two bin stores shall thereafter be retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan 2011-2031 policy W DM3.

- 9 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

Reason: To secure satisfactory standards of access for the proposed development in accordance with in accordance with the NPPF and policy T SP1 of the Arun Local Plan 2011-31.

- 10 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The secure cycle storage so approved shall be implemented in accordance with the approved details and retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 and T DM1 of the Arun Local Plan 2011-31.

- 11 No part of the development shall be first occupied until minimum visibility splays of 2.4 x 59 metres have been provided at the proposed site vehicular access onto Fontwell Avenue in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: To secure satisfactory standards of highway safety in accordance with the NPPF and policy T SP1 of the Arun Local Plan 2011-31.

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

Reason: To provide adequate on-site car parking and turning space for the development in accordance with the NPPF and policy T SP1 of the Arun Local Plan 2011-31.

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

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with policies QE DM2, QE SP1 and ENV DM5 of the Arun Local Plan 2011-2031.

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

Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policy W SP1 and W DM1 of the Arun Local Plan 2011-2031

- 15 Should any other 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 any other existing foul sewers in accordance with policy W SP1 and W DM1 of the Arun Local Plan 2011-2031

- 16 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policy QE DM4.

- 17 The four first floor front facing bathroom windows shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of future occupiers in accordance with policy D DM1 of the Arun Local Plan 2011-31.

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

Reason: To protect the amenities of adjoining residential properties in accordance with policy D DM1 of the Arun Local Plan 2011-31.

- 19 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.

- 20 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the

highway prior to the agreement being in place.

- 21 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.
- 22 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 is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 23 INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or Chichester District Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.

AL/136/17/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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AGENDA ITEM 7

DEVELOPMENT CONTROL COMMITTEE

3rd October 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

LITTLEHAMPTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
LU/92/18/PL	Studio apartment with roof extensions & bin store & cycle store	Flat 1 126 Arundel Road Littlehampton BN17 7DW
Case Officer:	Mr R Castro-Parker	
Recommendation:	Approve Conditonally	

LITTLEHAMPTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
LU/131/18/PL	Erection of 2 No. new buildings for caravan/motorhome storage & self-storage in place of existing glasshouse & building approved under application LU/47/16/PL. This application is a Departure from the Development Plan.	Castleview Nursery Old Mead Road Littlehampton BN17 7PU
Case Officer:	Mr N Crowther	
Recommendation:	Approve Conditonally	

LITTLEHAMPTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
LU/182/15/PL	Variation of conditions 4, 6, 7, 8, 39 & 42 imposed under planning reference LU/47/11/ relating to list of plans, illustrative masterplan, CHP plant building, Design Statement, bus stops & traffic improvements.	Land North of Toddington Lane Littlehampton BN17 7PP
Case Officer:	Claire Potts	
Recommendation:	App Cond sub to S106	

LITTLEHAMPTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
LU/278/17/RES	Approval of Reserved Matters following Outline Permission LU/47/11 for Construction of the southern section of the Lyminster Bypass, including northern and southern roundabouts, surface water drainage and landscaping. Departure from the Development Plan & affects a Public Right of Way.	North Littlehampton Strategic Development Site Land West of Toddington Park, Toddington Lane

Case Officer: Michael Eastham
Recommendation: Approve Conditonally

LITTLEHAMPTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
LU/284/17/DOC	Application for approval of details reserved by conditions imposed under LU/47/11 relating to conditions: 10 - Surface Water Drainage Strategy, 15 - Trees, 19 & 20 - Ecology, 21 - Ecological Management, 36 - Noise Assessment and 37 - Noise Mitigation.	North Littlehampton Strategic Site West of Toddington Park, Toddington Lane Littlehampton

Case Officer: Michael Eastham
Recommendation: DOC all approved

FERRING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
FG/33/18/PL	Demolition of polytunnels, use of land for Class B8 container self-storage & the siting of 42 No. single-stacked storage containers, an office/toilet portable building, new fencing, gates, CCTV, lighting & alterations to the entrance. This application is a Departure from the Development Plan.	Land at former McIntyre Nursery Littlehampton Road Ferring BN12 6PG

Case Officer: Mr J Baeza
Recommendation: Approve Conditonally

ARUNDEL

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
AB/39/18/PL	Erection of 3 No. 2 bedroom dwellings with associated parking & landscape.	Land adjacent to 30 Ellis Close Arundel BN18 9LG

Case Officer: Stuart Corbey
Recommendation: Approve Conditonally

ANGMERING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
A/23/15/OUT	Hybrid application - Full Planning Permission for a retail unit (Class A1) comprising 1,487sqm (1022sqm ground floor and 465sqm mezzanine) with associated access, car parking, servicing, landscaping & associated works. Outline Planning Permission for a public house (Class A4) comprising 581sqm at ground floor level - This is a Departure from the Development Plan	Land south of New Road (A259) and East of Brook Lane Angmering N/A

Case Officer: Claire Potts
Recommendation: Refuse

ANGMERING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
A/31/18/OUT	Outline application with all matters reserved for the erection of 2 No. 3 bedroom semi-detached properties & associated landscaping works. This application is a Departure from the Development Plan.	Land to the North of 68 Arundel Road Angmering BN16 4LL
Case Officer:	Mrs A Gardner	
Recommendation:	Approve Conditonally	

ANGMERING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
A/83/18/RES	Approval of reserved matters following outline approval A/44/17/OUT for access only for the demolition of existing buildings on site & the erection of a mixed use development comprising up to 90 No. residential units & a care home (Use Class C2 & C3) & ancillary facilities, including railway crossing, together with associated access, car parking & landscaping. This application also lies within the parishes of Littlehampton & Rustington.	Land west of Brook Lane and south of A259 Rustington BN16 3JL
Case Officer:	Mr D Easton	
Recommendation:	Approve Conditonally	

ALDWICK

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
AW/90/18/HH	Two storey rear extension & first floor extensions to front & side.	8 Merton Close Aldwick PO21 5SQ
Case Officer:	Mr D J Vick	
Recommendation:	Approve Conditonally	

PLANNING APPLICATION REPORT

REF NO: LU/92/18/PL

LOCATION: Flat 1
126 Arundel Road
Littlehampton
BN17 7DW

PROPOSAL: Studio apartment with roof extensions & bin store & cycle store

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal involves extending the roof of the building to enable its conversion into a studio apartment.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Mixture of brick walling and close boarded fencing.
SITE CHARACTERISTICS	2 storey detached property (currently used as 3 x 1 bed flats) with brick elevations, red tile hanging and hipped roof with gable end to the front. The property has a carport to side and single storey flat roofed side and rear extensions.
CHARACTER OF LOCALITY	Predominantly residential on main road, mainly characterised by 2 storey dwellings on the eastern side of the road and semi-detached 2 storey dwellings on the west side. The front boundary treatment to the majority of properties is low brick walls and soft vegetation.

RELEVANT SITE HISTORY

LU/296/17/PL	Variation of condition 5 imposed under LU/297/07/ relating to approved plans to change pitched roof dormers to flat roofs.	Refused 30-11-17
LU/334/15/PL	Loft conversion & extension to create 3no. new flats - amended scheme to previous approval LU/297/07. Resubmission of LU/201/15/PL	Refused 01-12-15
LU/201/15/PL	Loft conversion & extension to create 3 no. new flats - amended scheme to previous approval LU/297/07.	Refused 07-08-15

LU/297/07/	Proposed loft conversion to create 2no. additional flats	ApproveConditionally 09-10-07
LU/238/89	Conversion into 3 No. flats	ApproveConditionally 30-08-89

Planning history noted, in particular those applications for additional flats that have been refused.

This application is virtually identical to planning permission LU/297/07 in external appearance.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council:

Object - Consider that the proposal would be overdevelopment and out of character for the area.

6 letters of objection as follows:

- Lots of people in and out of the house along with their cars. We don't need anymore of the added noise.
- Loss of privacy particularly to rear gardens of neighbouring properties.
- Might become an HMO.
- More information needs to be provided by the applicant in the form of planning sections so show how floor area (GIA) has been calculated, then these should be re-consulted on.
- Concern over more studio flats.
- Overdevelopment. Property already over extended.
- Area/road where many homes are owned by families, want it to stay as it is.

COMMENTS ON REPRESENTATIONS RECEIVED:

Objection has been raised that following any grant of the proposed flat, that the property could be used as a House in Multiple Occupation (HMO). Officers note that to turn flats into an HMO would require planning permission and any HMO created without planning permission would be at the applicant's own risk. Additionally, should the Local Authority be notified of any HMO at this address enforcement action could be taken.

Objection has been raised regarding overdevelopment and that the property has already been over extended. It is noted that the application property has previously been extended at ground floor level to the rear. However, having regard to the above assessment, Officers do not consider the addition of dormer windows or the addition of the proposed studio flat as over development.

Objection has been raised regarding the addition of further studio flats at the application property. To subdivide a house into multiple units planning permission is required. Therefore any proposal for additional flats at this property would be subject to an assessment by the Local Planning authority and could be refused.

All other comments are noted and will be discussed further in the conclusions section below.

CONSULTATIONS

Environmental Health
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways:

The proposal will result in a material intensification of use at the site access point. They advise that the 4 parking spaces as shown on the plans are unallocated and used on a flexible basis by all residents. They note that the application site is situated within a sustainable location and as such the proposed quantity of parking provision would be considered adequate regardless of how it is used.

It is also considered that adequate turning on site is also provided. The applicant proposes 4 bicycle parking spaces which are deemed adequate.

A number of conditions are proposed by the LHA should planning permission be granted.

Overall, the Local Highways Authority does not consider that the proposals would have a 'severe' impact on the operation of the highway network and therefore is not contrary to the National Planning Policy Framework and there are therefore no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within Built-up Area Boundary.

DEVELOPMENT PLAN POLICES

SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
TSP1	T SP1 Transport and Development

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2011-2031, West Sussex County

Council's Waste and Minerals Plans and Made Neighbourhood Development Plans

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. 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 relevant Neighbourhood Plan is the Littlehampton Neighbourhood Plan 2014. The following policies would apply:

Policy 1: The Presumption in Favour of Sustainable Development.

Policy 2: A Spatial Plan for the Town.

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 significant 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/POLICY

Arun Local Plan
Policy SD SP2- Built-up Area Boundary

Built Up Area Boundaries are defined for the main towns and villages in the District and shown on the Policies Maps. Development should be focused within the Built Up Area Boundaries and will be permitted, subject to consideration against other policies of this Local Plan.

The key Policy considerations in the determination of this application are deemed to be D DM1 and D

DM4 of the Arun Local Plan, Policies 1 and 2 of the Littlehampton Neighbourhood Plan and guidance within the National Planning Policy Framework.

Policy D DM1 - Aspects of form and design quality

When considering any application for development the Council will have regard to the following aspects:

1. Character
2. Appearance/attractiveness
3. Impact

Policy D DM4 - Extensions and alterations to existing buildings (residential and non-residential)

When considering applications for extensions and alterations to existing buildings, the Council will require that the extension or alteration sympathetically relates to and is visually integrated with, the existing building in siting, massing, design, form, scale and materials, is visually subservient to the main building and provide a high standard of amenity, does not have an adverse impacts on neighbouring properties and respects the established spatial character.

Littlehampton Neighbourhood Plan

Policy 1: The Presumption in Favour of Sustainable Development

Littlehampton Town Council will take a positive approach to its consideration of development. The Town Council and the local planning authorities will seek to work with applicants and other stakeholders to encourage the formulation of development proposals that can be approved.

Policy 2: A Spatial Plan for the Town

The Neighbourhood Plan concentrates future housing, economic and community-related development within the built up area boundary of Littlehampton.

National Planning Policy Framework (NPPF)

Paragraph 11. Plans and decisions should apply a presumption in favour of sustainable development:

For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay.

DESIGN AND VISUAL AMENITY

The proposed dormer window in the north roofslope has been reduced in width from that previously proposed under previous application ref: LU/296/17/PL, while the dormer in the south roofslope would be marginally wider. Also noted in that the proposed dormer windows would have a part flat roof form similar to that previously proposed under application ref: LU/296/17/PL. Other dormer windows could be seen along Arundel Road.

The proposed dormers would alter the appearance of the property and would be visible from within the street scene. However they would appear subservient to the host dwelling as they would be set down from the ridge and set well away from the sides of the roof. It is considered that the proposed dormer windows would not be visually dominant or out of keeping within the street scene.

The proposed bin store would project forward of the front elevation of the building forming 12 Arundel Road Littlehampton. It would have a height of 1.5 metres and would project forward of the front elevation of the hoist dwelling by 1.4 metres. While not a feature seen along Arundel Road, it would be set back from the highway by no less than 10.25 metres. As such it is considered that the proposed bin store, while visible from within the street scene would not have an unacceptable detrimental impact upon it.

The proposed materials are considered acceptable. The proposed dormer would sympathetically relate to and would be visually integrated with, the existing building in siting, massing, design, form, scale and materials.

As such, it is considered that the proposed dormer window(s) would comply with Policy D DM1 and criteria a, b, d and e of Policy D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

Objections have been raised regarding the loss of privacy particularly as a result of the proposed windows. The proposed window in the rear gable would allow views out over adjoining properties 124 and 128, as well as 15, 17 and 23 Kent Road to the rear. The views out toward the properties to the rear would be over longer distances, with the closest back to back distance being out toward number 17 - approximately 18 metres. However, the window in the rear gable would have a similar outlook to that of the existing windows at first floor in the rear elevation. Therefore officers consider that no additional and unacceptable levels of overlooking would occur above those already present.

The proposed dormer window in the north roof slope would serve a stairwell. Officers note that this could allow shorter views out over the rear of adjoining property number 28. However, as this window does not serve a habitable room and will be predominantly to allow daylight in and not for looking out of, it is considered that no detrimental overlooking would occur as a result of this window. The same applies to the proposed enlarging of an existing stairwell window serving the existing flat located on the first floor of the premises.

With regard to the windows in the south facing dormer, they would serve a kitchen and shower room. An obscure glazing/fixed shut condition would be applied to any grant of permission.

With regard to noise officers do not consider that the addition of an additional flat for residential use would lead to detrimental noise issues. Appropriate sound insulation measures between adjoining living areas would be required as part of a building regulation application which would be expected to prevent unacceptable noise breakout between adjoining flats.

As such it is considered that the proposal would comply with policies D DM1 and D DM4 criterion 3. of the Arun Local Plan.

PARKING AND HIGHWAY SAFETY

Policy T SP1 of the Arun Local Plan applies which states that the Council will support transport and development which incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking.

Four off-road parking spaces are being provided in order to serve the existing and proposed flats within the application building. County Highways do not object to the level of off street parking proposed.

It is also considered that adequate turning on site is also provided. The applicant proposes 4 bicycle

parking spaces which are deemed adequate.

The proposals would not have a 'severe' impact on the operation of the highway network and therefore is not contrary to the NPPF. As such, it is considered that the proposal would comply with Policy T SP1 of the Arun Local Plan.

SPACE STANDARDS

Policy D DM2 of the Arun Local Plan applies (Internal space standards) which confirms that the planning authority will require internal spaces to be an appropriate size having regard to the Nationally Described Space Standards.

Objection has also been raised that more information needs to be provided by the applicant in the form of planning sections so show how floor area (GIA) has been calculated, then these should be re-consulted on. Officers note that a section has since been provided by the applicant as well as alterations to the plans to accurately show where the 1.5 headroom within the proposed flat would be.

Officers consider that the proposed flat would have a gross internal (floor) area (GIA) of 37.565 metres squared (officer calculations) which would not comply with the aforementioned legislation. Officers note that this legislation allows a lower space standard of 37 rather than 38 metres squared, where a shower room rather than a bathroom is being provided. The plans show a shower room rather than a bathroom is being provided.

While no additional amenity space is being provided officers note that the unit will not be for family occupation and so there is less of a compelling need for outdoor space for the benefit of children. It is also the case that there are open spaces near by including the beach which can be utilised for outdoor space purposes.

As such, it is considered that the proposal would comply with Policy D DM2 of the Arun Local Plan.

FLOODING AND FLOOD RISK

Part of the application site falls within Flood Zones 2 and 3 however as the proposed flat would be in the roof above the 2nd floor it is considered that the no flooding or flood risk issues would occur.

SUMMARY

It is recommended that, having regard to the above assessment, the planning application is granted subject to appropriate and reasonable 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:

Section Plan, 1210/P020 1210/P021 Revision D, 1210/P022 and 1210/P023.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

3 The materials and finishes of the proposed dormers and windows hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies D DM1 and D DM4 of the Arun District Local Plan.

4 The windows in the dormer on the southern elevation of the building, serving a bathroom and a kitchen, shall at all times be glazed with obscured glass and fixed shut to a height of 1.7 metres from the floor of the room that they serve.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

5 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.

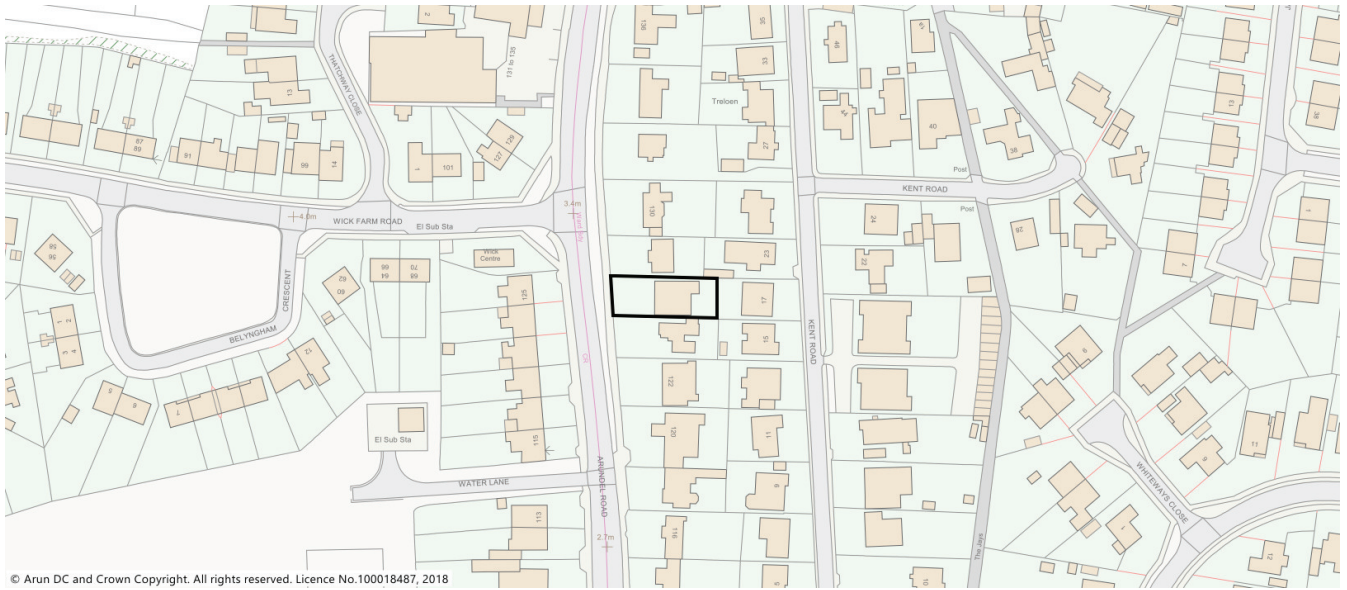
Reason: In the interests of road safety in accordance with policy T SP1 of the Arun Local Plan.

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

Reason: To provide alternative travel options in accordance with policy T SP1 of the Arun 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.
- 8 INFORMATIVE:Officers note that the proposed submitted plans show internal alterations to the existing flat at 1st floor level. However, these changes are not considered to be subject to planning control and, as such, no assessment will be made regarding these internal alterations.

LU/92/18/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/131/18/PL

LOCATION: Castleview Nursery
Old Mead Road
Littlehampton
BN17 7PU

PROPOSAL: Erection of 2 No. new buildings for caravan/motorhome storage & self-storage in place of existing glasshouse & building approved under application LU/47/16/PL. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>Application for the erection of 2 no. new buildings for the storage of caravans/motorhomes or for self-storage.</p> <p>The application proposes the erection of 2 no. new buildings to allow for the internal storage of caravans/motorhomes or self-storage. The first building will be located in the same position as the existing glasshouse and will be of similar dimensions (22.5m x 32m). The second building will be to the north, on the land that has not been included in the caravan storage area as it was to accommodate the approved agricultural buildings. The building will measure 20m x 28m. There will be a gap of just over 6m between the buildings to allow access as the doors to each building will open onto this central area.</p> <p>The buildings will be constructed with a steel frame and clad in metal profile sheeting. The only openings will be onto the central area and will comprise roller shutter vehicle access doors and pedestrian doors. Building A will measure 7.26m to the ridge and Building B will measure 7.17m.</p> <p>The existing permissions allow for up to 90 caravans to be stored along the south/ west/ north boundary of the site. The proposed buildings will be capable of accommodating 32 additional caravans (123 total).</p>
SITE AREA	0.28 hectares
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development. The site is screened on the western and southern boundaries by leylandii (approx 3m to 4m high).
BOUNDARY TREATMENT	The site is screened on the western and southern boundaries by leylandii, which provide a screen of approximately 3m to 4m in height. There is a large double gate entrance of approximately 12m in width at the access point from the track

SITE CHARACTERISTICS

leading up to the site from Glenvilla to the east. To the north, the site is partially screened by a large greenhouse.

The application site is situated at the western end of Old Mead Road. The nursery comprises a glasshouse approximately 20 metres by 30 metres in extent located close to the eastern boundary with open and unused land to the north and west. An area of land approved for caravan storage is located to the south of the glasshouse. The site is served by a private access drive from Old Mead Road with entrance gates into the south east corner of the holding.

CHARACTER OF LOCALITY

To the south and west of the application site the land is a solar farm which was approved in 2015 and has since been completed. To the east is Glenvilla Nursery separated from the application site by means of a pollarded row of fir trees. Further to the east is a residential property known as The Bungalow and beyond this to the north side of Old Mead Road, there is a residential caravan park and housing.

RELEVANT SITE HISTORY

LU/105/15/PL	Change of use of part existing horticultural nursery to the storage of caravans and/or motor homes	ApproveConditionally 10-06-15
LU/81/05/	Proposed glasshouse.	ApproveConditionally 26-04-05
LU/141/16/PL	Change of use of horticultural land (additional to that approved under application LU/105/15/PL) for the storage of caravans & siting of a portable cabin for site office/security. This application is a Departure from the Development Plan.	ApproveConditionally 08-08-16
LU/98/09/	Part use of existing horticultural nursery for the storage of domestic caravans.	Refused 09-06-09
LU/47/16/PL	Erection of 1 No. agricultural storage building & 1 No. propagation unit.	ApproveConditionally 26-05-16
LU/231/17/PL	Change of use of land to the storage of caravans/motor homes; creation of associated hardstanding by the importation of material; siting of 4 No. self storage containers & use of part of site for storage of scaffolding	ApproveConditionally 18-10-17

materials.

Previous planning application LU/98/09/ was refused planning permission as the site was outside of the built up area boundary, within a Strategic Gap and adverse impact on views of Arundel.

An Appeal relating to the use the site for the storage of caravans and in respect of an Enforcement Notice (APP/C3810/C/10/2126425 & ENF/394/08) was dismissed on 28 September 2010. The Inspector considered the main issue to be the effect on the character and appearance of the area and concluded that the change of use had an adverse impact on character and appearance of the area. The Inspector considered that the flat nature of the site and the highly visible appearance of the caravans meant that the site was highly conspicuous from the railway line, the public footpath and the end of Old Mead Road, although some views of caravans would be set against the glasshouse adjoining. The Inspector considered that from most public viewpoints the use of the site for the storage of caravans would have an adverse impact on the landscape, detracting from views of Arundel Castle and Cathedral and would form an alien intrusion into the strategic gap between the settlements of Arundel and Littlehampton. Whilst landscaping was suggested, the Inspector considered this would take a considerable time to reach an effective height and by existence might create an alien appearance. The Inspector concluded that the use conflicted with policies GEN2, GEN3, Area 3 and Area 10 of the Local Plan.

Subsequently, LU/105/15/PL was granted planning permission and further permissions (below) have followed.

Part of this site (0.17 hectares at the southern end of the site) has planning permission for the storage of up to 30 caravans within the existing glasshouses under permission LU/105/15.

Planning permission LU/47/16 has not been implemented.

Planning permission LU/141/16/PL granted permission for the storage of up to 60 caravans on 0.8 hectares of the application site as well as a security office.

Planning permission LU/231/17/PL granted planning permission for a further 0.37 hectares of land to the north of the site for caravan/motor home storage so that approximately 90 could be stored on the site at any one time.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objected to the application. In view of the increased use of the site, LTC emphasised the need for a small sites development brief which would set out policies for the strategic management of flooding, drainage and transport issues relevant to the area (between the Black Ditch and the Railway Line).

1 letter of objection

- This application along with all previous applications made by the applicant are on land which is a former tip site see map attached from the West Sussex County Council. This area is supposed to be sealed in with impermeable clay banks tied into the under lying impermeable clay geology to ensure that nothing leaks out into surrounding land to contaminate surrounding land or the environment.

- Since developing this site with hard standing for touring vans and storage containers by disturbing the tip site with a digger it has exacerbated the water problem as there is no proper drainage directed towards Black Ditch which is the only means of drainage.

COMMENTS ON REPRESENTATIONS RECEIVED:

For the reasons set out in the Conclusions section which relate to the extensive planning history and site characteristics, it is not considered that a recommendation of refusal could be sustained. It is unclear what the specific objection to the proposals are from the Town Council.

CONSULTATIONS

Engineering Services Manager
 Engineers (Drainage)
 WSCC Strategic Planning
 Environmental Health

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - No objection. There appears to be no apparent visibility issue at the point of access onto Lyminster Road. The applicant may wish to consider widening access routes to improve manoeuvrability on site. There is no highway safety or capacity grounds to resist the application.

ADC Engineers - Soakaways must be investigated for surface water disposal. Please apply standard condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Environmental Health responded to LU/231/17 with suggested conditions on contaminated land and these are recommended in this report.

POLICY CONTEXT

Outside Built Up Area
 Within Arundel and Littlehampton Gap
 The Setting of Arundel

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management
DDM1	D DM1 Aspects of form and design quality
QEDM1	QE DM1 Noise Pollution
LANDM2	LAN DM2 The Setting of Arundel
SDSP3	SD SP3 Gaps Between Settlements
TSP1	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 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

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.

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.

LTC Neighbourhood Plan Policy 1: The Presumption in Favour of Sustainable Development Planning applications which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations indicate otherwise. Planning permission will also be granted where relevant policies in the Neighbourhood Plan are out of date or silent unless:

- other relevant policies in the Development Plan for Arun indicate otherwise;
- or any adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the National Planning Policy Framework (March 2012) taken as a whole;

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is not considered to comply with relevant Development Plan policies in that it would be development outside of the defined built up area boundary and within the defined Gap.

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.

CONCLUSIONS

The site the subject of this application is located outside the built-up area (policy C SP1) where the countryside protection policies of the Local Plan seek to control development to that justified under

particular circumstances. The applicant states that the horticultural use was not sustainable due to its limited size and resultant poor financial return.

Further, the site is within the defined Arundel to Littlehampton Gap Between Settlements (Policy SD SP3). As such, development would only be permitted where it would not undermine the physical and/or visual separation of settlements, cannot be located elsewhere or would not compromise the integrity of the Gap. It should be noted that these defined Gaps are not landscape designations but are designations in order to prevent coalescence and retain settlement character.

The Littlehampton Neighbourhood Plan 2014, in policy 1, sets out the presumption in favour of sustainable development and states that development will be approved where the plan is silent unless the policies of the Arun Local Plan indicate otherwise, or the adverse impacts significantly and demonstrably outweigh its benefits when assessed against the NPPF.

Policy EMP DM1 sets out the development management criteria applicable to new economic development outside the built-up area. This includes that it is an appropriate sized extension of an existing employment site, it would not result in an unacceptable intensification of use of the public access and considers of landscape context and neighbouring residential properties. It also refers to being accessible by public transport and a satisfactory relationship with neighbouring uses and the surrounding area.

It is not considered that the proposals comply with the spatial policies in the development plan. However, in order for it to be concluded that the proposals are contrary to the development plan as a whole, there has to be demonstrable harm to the aims of the policies. It is also necessary to consider the planning history of the site and compare the difference between the proposed and what already has planning permission.

The existing permissions allow for up to 90 caravans to be stored along the south/ west/ north boundary of the site. The proposed buildings will be capable of accommodating 32 additional caravans (123 total). Whilst this increase is not insignificant, the scale of the proposals relative to what already has the benefit of planning permission would make an objection on the grounds that the proposals were contrary to EMP DM1 very difficult to sustain.

Furthermore, because of the scale of the planning history and the conclusions reached below on landscape and visual amenity, there would be no significant harm to either the character of the countryside or the aims of policy SD SP3.

Landscape & Visual Amenity

Substantial screen planting has been established on the south and west site boundaries and this is between 3m to 4m in height. The nature of the screen planting, leylandii, means that this screen planting can be expected to rapidly increase in height and that screening and visual mitigation will improve - its future existence will be secured by a proposed condition. The extended storage area will be screened and not particularly visible given that the remaining parts of the boundary are planted with that proposed in the submitted landscape plan. Whilst the height of the buildings would have an impact on the visual amenity and character of the area, it is not considered that refusal on the grounds of visual impact on the open countryside, on the strategic gap or on the setting of Arundel (policy LAM DM2) is justified given this level of screening.

The site is located in an area of mixed character with large scale horticultural buildings, caravans, solar park and residential properties. In character terms, the site cannot be considered to be 'rural'. The new buildings would not be out of character in this context. The new buildings in place of the existing

glasshouse and approved agricultural buildings will not impact significantly on the character of the area.

Access & Highway Safety

The applicant states that the existing site with permission for 90 caravans/containers would generate 728 trips per year and the new buildings an additional 256 trips per year. This amounts to 984 trips per year or 2.7 trips per day in total with the new buildings contributing 0.7 trips per day to the existing 2 trips per day. WSCC Highways have confirmed that this is a realistic assumption and concluded that there is no highway safety or capacity grounds to resist the application.

Residential Amenity

In addition, the nature of the vehicles (towing cars or vans and motorhomes) are such that they are unlikely to give rise to the kind of noise generation that could be expected from commercial or goods vehicles associated with the previous horticultural use of the site. It is not considered that there would be an unacceptable adverse noise impact on the amenity of residents.

The use of a small area for the storage of scaffolding equipment in the north west corner of the site well away from residential boundaries is unlikely to result in unacceptable noise nuisance. No objection on grounds of noise nuisance has been raised by the Council's Environmental Health on previous applications for this use. Screening and the height of the caravans and buildings is such the impact on outlook would be limited and acceptable.

For the reasons set out above, a recommendation of approval is made.

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:

17203/01aR5 Location & Block Plan

17203/01 Existing Floor Plans, Elevations & Roof Plans

17203/02R2 Proposed Floor Plans, Elevations & Roof Plans (South Building A)

17203/02A Proposed Floor Plans, Elevations & Roof Plans (North Building B)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM4 of the Arun 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 W DM2 and W DM3 of the Arun 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 The existing and proposed screen planting on the boundaries of the site depicted in the submitted layout and landscaping plan shall be retained to a minimum height of 4m and shall not be damaged, uprooted, felled, topped or lopped at any time without the prior written consent of the Local Planning Authority.

Reason: To prevent removal of screen planting and to thereby detrimental visual impact in accordance with policies LAN DM2 and C SP1 of the Arun District Local Plan

- 5 The development hereby approved is for the self-storage and the storage of caravans and motorhomes within buildings. There shall be no external storage within the application site.

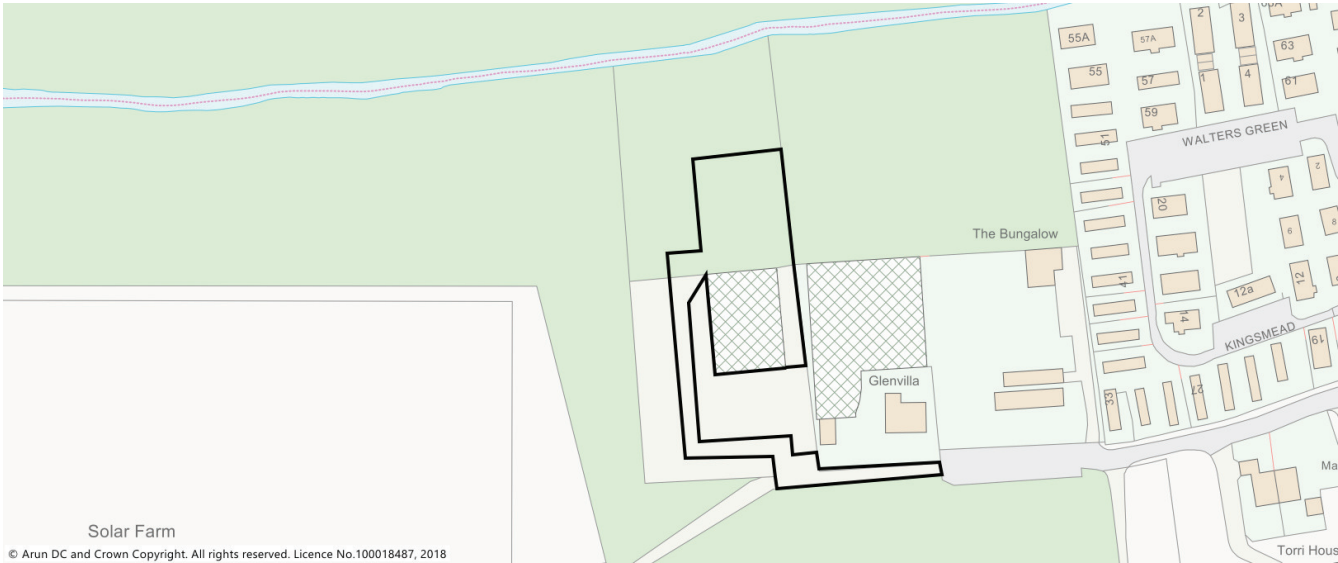
Reason: To protect the visual amenity of the area in accordance with policy C SP1 of the Arun Local Plan.

- 6 The combined total number of caravans and motorhomes stored at the site within the buildings hereby approved shall not exceed 32 at any time without the permission of the Local Planning Authority to an application for planning permission on that behalf.

Reason: To prevent an uncontrolled intensification of the use in the interests of visual amenity and highway safety and to prevent detrimental impact upon the amenity of nearby residents as a consequence of noise in accordance with policy C SP1 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

LU/131/18/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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REPORT UPDATE

Application No: LU/182/15/PL

Reason for the Update / Changes

Development Control Committee resolved to grant planning permission subject to the resolution of the Deed of Variation to the S106 Agreement on the 2nd November 2017. The Deed of Variation to the S106 Agreement has now been completed. This further update report is also required to consider the new planning policy context following the adoption of the Arun District Local Plan and the revision of the National Planning Policy Framework.

In addition a Screening Opinion was issued on the 24th April 2018 confirming that that there were not any additional impacts resulting from the amendments which changed the characteristics of the impacts from those originally considered by the Environmental Statement (accompanying LU/47/11), therefore an Environmental Impact Assessment was not necessary.

Since the Report was originally considered, the following updates are required (listed under the original report headings):

RELEVANT SITE HISTORY

Updates to the applications listed as follows:

"LU/278/17/RES - Lyminster By-Pass southern Section - resolution to grant at Development Control Committee on 11 April 2018 (N.B. this application remains undetermined and will also return to Committee)"

"LU/121/17/RES - Approval of reserved matters for construction of 126 no dwellings - approved"

POLICY COMMENTARY:

Replace previous section with the wording below:

"The Development Plan consists of the Arun District Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

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 Littlehampton Neighbourhood Development Plan was 'made' in 2014 and forms part of the development plan of relevance to this application."

CONCLUSIONS:

The conclusion section sets out the changes proposed to each condition. The original report was broken down by each condition.

Condition 4:

The reasons for each Condition need to be amended to reflect the 2018 ALP as they currently refer to policies in the 2003 ALP.

All references to Condition 4 - amend reason to replace 'Policy GEN7' with 'Policy QE SP1'

The conclusions refer to the loss of the Open Space Plan as acceptable, as it is replaced by the Play and Fitness Plan. The proposal would still be acceptable when considered against Policy OSR DM1 (replacing GEN7 and GEN20) of the ALP.

The conclusions refer to the amendment of the northern junction on the Lyminster Bypass from a traffic controlled junction to a roundabout. This was previously considered acceptable and allowed for the safe movement of pedestrians and vehicles in accordance with GEN7 of the 2003 ALP. The amendments are considered to accord with the new policies T SP1 and T SP3.

The other amendments to condition 4 were considered to accord with GEN7, GEN20, GEN12 and SITE7 of the ALP. They are now considered to accord with QE SP1, OSR DM1, T DM1 and D DM1. Policy SITE7 which allocated the site in the 2003 ALP has not been replaced as the site is being implemented.

Condition 6:

All references to Condition 6 - amend reason to replace 'Policy GEN7' with 'Policy QE SP1 and D SP1'

The section relating to Condition 6 sets out how the submitted Development Framework Document (DFD) accords with GEN7 of the 2003 ALP. The DFD is now considered to accord with Policies QE SP1, D SP1 and D DM1 of the ALP.

Condition 7:

The section on Condition 7 sets out the changes to delete reference to the provision of a Combined Heat and Power plant. The original report was considered against Policy ECC SP2 of the draft Local Plan and as this policy now has full weight as part of the development plan, the conclusion remains unchanged and the amendment accords with the development plan.

Condition 8:

Condition 8 sought to include reference to the DFD document in the condition which was considered to accord with GEN7 of the 2003 ALP. Therefore it would also accord with QE SP1, D SP1 and D DM1 of the ALP.

Condition 39:

The amendments to Condition 39 related to the delaying the trigger for the provision of bus stops to related to the revised phased of the development. The proposals were acceptable subject to the revision of the trigger to 100 occupations (as opposed to 350) and were considered to accord with GEN14 of the

2003 ALP. The amendments are now in accordance with T SP1 and T DM1 of the ALP.

Condition 42:

No amendments necessary to this section of the original report as it related to highway improvements that had already been completed.

SECTION 106 DETAILS

Since the application was presented to Development Control Committee discussions between the Local Highway Authority, ADC and the applicant in relation to amendments required to Schedule 10 of the S106 have taken place and been concluded. The amendments related to the triggers and plans for highway works which had to be amended to reflect the amendments to the Masterplan.

RECOMMENDATION:

That, in accordance with the original report, as amended by this Update report, the application is recommended for approval subject to the conditions attached to LU/47/11 as amended by this application and the Deed of Variation to the S106 Agreement.

Condition 4 - Amend reason to replace 'Policy GEN7' with 'Policy QE SP1'

Condition 6 - Amend reason to replace 'Policy GEN7' with 'Policies QE SP1, D SP1 and D DM1'

Condition 7 - Amend reason to replace 'Policy GEN7' with 'Policies QE SP1, D SP1 and D DM1'

Condition 8 - Amend reason to replace 'Policy GEN7' with 'Policies QE SP1, D SP1 and D DM1'

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

PLANNING APPLICATION REPORT

REF NO: LU/182/15/PL

LOCATION: Land North of Toddington Lane
Littlehampton
BN17 7PP

PROPOSAL: Variation of conditions 4, 6, 7, 8, 39 & 42 imposed under planning reference LU/47/11/ relating to list of plans, illustrative masterplan, CHP plant building, Design Statement, bus stops & traffic improvements.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Application to vary some elements of outline planning permission reference number LU/47/11 relating to the land to the North of Toddington Lane in Littlehampton. The outline planning permission has already been amended under reference number LU/346/14/PL dated 20 February 2015.

Condition 4 - lists the plans to which the outline planning permission relates. The proposal seeks to amend the condition to make reference to an updated masterplan and revised parameter plans.

Condition 6 - states that the permitted development will be carried out substantially in accordance with the illustrative masterplan. The proposal seeks to amend the wording of Condition 6 to refer to the updated masterplan. It is also proposed that reference to the Development Framework Document (DFD) is added to the existing wording of Condition 6,

Condition 7 - requires the provision of details of the CHP plant building. It is proposed to amend Condition 7 to delete the references to the CHP plant in parts (i) and (ix).

Condition 8 - requires the submission of a Design Statement for each phase of development, to accord with the approved Design and Access Statement incorporating Design Guidance dated February 2011. A Development Framework Document (DFD) in relation to the overall masterplan for the North Littlehampton site has been submitted and the application seeks to amend Condition 8 to refer to the DFD.

Condition 39 - requires the submission of a scheme for the provision of bus stops within the site. The proposal seeks to amend the trigger for the provision of this information to 'prior to the occupation of the 350th dwelling on the site'.

Condition 42 - requires traffic improvements to the A27/A284 Ford Road roundabout. It is proposed that Condition 42 should be deleted as the highways improvement works have already been completed.

Description of Development - further to the proposed changes to Condition 7, the development description will also need to be amended to remove the reference to the combined heat and power plant.

As a result of the above proposed amendments, the S106 Agreement would need to be varied to reflect the amended plans.

SITE AREA	85 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Overall density 41 dwellings per hectare
TOPOGRAPHY	The two areas within the application site with existing buildings on are raised approx 3m above the level of the central area and Black Ditch environs.
TREES	There are a number of excellent specimens in the centre of

the site that are shown to be retained within the masterplan around the Community Centre. Detailed design layouts will need to carefully consider these trees and their protection will be a high priority.

BOUNDARY TREATMENT

The south coast mainline railway forms the southern boundary of the site. Toddington Lane crosses north over the railway, serves a mixed use area located centrally on the site before turning west to connect, via Mill Lane, to the Lyminster Road. The residential area of Toddington is located south of the railway and the separate village of Lyminster lies to the north, whilst the northern part of the residential area of Wick is situated to the west of the site. The A284, which is the main road serving Littlehampton from the A27, passes to the west of the site through Lyminster and Wick and then south to Littlehampton Town Centre.

The Black Ditch watercourse follows the northern site boundary. Low lying land within the site south of the Black Ditch comprises grazing marshes of biodiversity value. Land to the north of the Black Ditch, beyond the site boundary, is arable land with large-scale fields and a few defining hedgerows.

There are two main public rights of way near the site. The first is a bridleway which runs east to west along a track between Lyminster and Poling. This route is less than 300m to the north of Black Ditch and the site boundary at its nearest point. A public footpath connects the eastern part of the site to this bridleway. This footpath passes through the site between the glasshouses before joining Toddington Lane near the railway line.

SITE CHARACTERISTICS

The original application site, which extends up to the Black Ditch watercourse, consists of approximately 85 hectares of land, largely covered with glasshouses, warehouses and other development, and is located on the northern edge of the town.

The existing site subdivides into two general areas, being the developed area to the immediate north of the railway line, mainly to the north of Toddington Lane; and the undeveloped area being the low lying grazing marshes to the north and east of the developed area extending up to the Black Ditch watercourse. The undeveloped area serves as part of the functional flood plain, whereas the developed area stands on a raised plateau approx 2-3m above the flood plain.

The developed area of the site is currently occupied by a variety of uses including horticulture, packaging and distribution, office uses and residential properties. A substantial proportion of this part of the site is covered in buildings (mainly glasshouses) and hard surfacing.

Two areas of the site are currently under construction / partially completed (parcels A1 and B3/B5) in addition to an internal access road, following granting of reserved matters applications (LU/347/14/RES, LU/117/15/RES and LU/114/15/RES).

CHARACTER OF LOCALITY

The developed part of the site extends little further north than existing housing development to the west around Mill Lane and Lyminster Road, including Hearnfield Road, Fullers Walk and Granary Way. The latter two roads are culs-de-sac which immediately adjoin the western boundary of the site. To the north of Fullers Walk is a household recycling facility to the west of which are allotments and a residential caravan park.

To the south of the railway line is the Watersmead Business Park, accommodating the Body Shop headquarters amongst its occupiers. To the west of this business park is a small haulage depot site which is the subject of a planning application for redevelopment with 91 dwellings. The majority of the land between the railway line and the A259 Worthing Road is the residential area of Toddington Park, including the recent Eden Park development of about 400 dwellings. To the west of the Toddington Park area is open land in a number of uses, including allotments, the Wick Town Football Club site, and a recreation ground.

The Black Ditch watercourse follows the northern site boundary. Low lying land within the site south of the Black Ditch comprises grazing marshes of biodiversity value. Land to the north of the Black Ditch, beyond the site boundary, is intensively cultivated arable land with large-scale fields and a few defining hedgerows.

Although the site is dominated by horticultural uses, it also accommodates a mix of employment, residential and other land uses.

RELEVANT SITE HISTORY

LU/346/14/PL	Application for variation of Conditions 11, 17, 18, 20 and 30 imposed under LU/47/11 relating to maintenance of watercourse, scheme for creation of central wetland area, scheme for details of bridges and buffer-zones to on-site watercourses, ecological management plan and scheme for hydrants.	ApproveConditionally 20-02-15
LU/47/11/	Outline application with some matters reserved for mixed use development comprising: demolition of existing buildings and structures, up to 1,260 residential dwellings (out of a potential 1,460 dwelling masterplan), up to	App Cond with S106 23-01-13

13,000 sqm of B1 employment floorspace (including 3,000 sqm Enterprise Centre), up to 3,500 sqm of Class A local facilities, a 100 bed hotel, 60 bed care home, a new 2 Form Entry primary school, community centre, youth and leisure facilities, combined heat & power plant, extension to existing household recycling centre, landscaping, replacement and additional allotments, multi-functional green infrastructure including sports pitches (& associated changing facilities), informal open space, children's play areas, primary vehicular access from a new access from the A259 bridging over the railway line with additional access from Mill Lane & Toddington Lane. This application is the subject of an Environmental Impact Assessment & a departure from the development plan. This application affects a public right of way.

LU/278/17/RES	Approval of Reserved Matters following Outline Permission LU/47/11 for Construction of the southern section of the Lyminster Bypass, including northern and southern roundabouts, surface water drainage and landscaping. Departure from the Development Plan & affects a Public Right of Way.	
LU/121/17/RES	Approval of reserved matters following outline consent LU/47/11/ for construction of 126 No. dwellings together with internal road network, car parking & landscaping.	
LU/92/16/RES	Approval of reserved matters following LU/47/11/ for landscaping of internal road to the North of Toddington Road, East of Southern section of proposed Lyminster By Pass & West of Parcels B3 & B5.	Approve 15-08-16
LU/117/15/RES	Approval of reserved matters following outline consent LU/47/11 for construction of 117 dwellings together with associated internal road network, car parking & landscaping on parcels B3 & B5 following demolition of existing glasshouses & buildings.	ApproveConditionally 21-04-16
LU/114/15/RES	Approval of reserved matters following outline permission LU/47/11 for layout, appearance and landcaping of access road.	ApproveConditionally 08-07-16

LU/347/14/RES	Approval of Reserved Matters following Outline Application LU/47/11 for Construction of 114 dwellings together with associated internal road network, car parking and landscaping on Parcel A1, following demolition of existing glasshouses and buildings. Departure from the Development Plan.	ApproveConditionally 01-09-15
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LU/47/11 granted outline planning permission for 1,260 dwellings with a large number of conditions and a S106 agreement.

Planning permission LU/346/14/PL amended a number of conditions attached to LU/47/11 in February 2015.

Parcels A1 and B3/B5 and an internal access road approved under reserved matters applications LU/347/14/RES, LU/117/15/RES and LU/114/15/RES respectively.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council
 Littlehampton Town Council - No objection

- Repositioning of the Youth Centre welcomed
- Initial concerns raised relating to removal of allotted space for care-home and leisure facility.
- Following re-submission of Development Framework Document with revisions to land allocations, noted that provision of a non-residential parcel suitable for a care home or bespoke leisure facility has been re-instated which overcomes previous objection.

2 representations received objecting to the proposal and raising the following issues:

- Number of houses being built in Toddington Lane without the by-pass having been built
- Road should be completed prior to occupation of houses
- Lyminster Road traffic is horrendous and results in rat-running through estates
- Houses should be elsewhere
- Concerns relating to drainage between the application site and Westholme Nurseries

1 letter of support:

- The Greencore Group - (responsible for delivery of commercial elements of the development) - support the application in relation to the proposed amount of B1 employment floorspace, the hotel and leisure facilities. Noted that there is no longer dedicated provision for a care home within the masterplan - support this flexibility should the market interest in care home demonstrate that it is feasible.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

WSCC Strategic Planning
Highways England
Network Rail
Highways England
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Network Rail - No objection

Highways England - No objection

WSCC (highways) - Would agree to 100 occupations for trigger to bus stops. Need to see up to date version of framework design guide to agree.

Further WSCC response:

Condition 6:

- Clarification sought on status of the Design and Access Statement in relation to the Development Framework Document. Applicant confirmed that the DAS would remain.

Condition 7:

- Minimum road width should be 4.8m. Private access roads are shown as 4.1m.
- Comments provided on ensuring visibility splays and extent of road adoption.
- Advice provided on ensuring appropriate design speeds can be attained for internal roads, particularly the main spine road through the development. Matter for detailed design stage through reserved matters.
- Cycleways to accord with design criteria for such routes published by Department for Transport (LTN 1/12 para 7.60 and table 7.4).
- Parking - to be informed by WSCC guidance. Advice on visitor parking and avoiding parking on carriage-way and to rear of properties. Recommend that reference is added to DFD.
- Comments provided on need to underwrite Traffic Regulation Orders if conditions prejudicial to road safety occur.
- Comments on ensuring sufficient drainage for roads.
- Comments on ensuring landscaping is kept clear from road junctions and visibility splays.
- Ensure S106 is amended to reflect changes to the outline permission.

Condition 8:

- Comment in relation to correct date for document.

Condition 39:

- Principle of using spine road for bus route accepted. Final detail can only be approved when detailed submissions made.

Condition 42:

- Matter for Highways England who requested the condition.

Further comments received from WSCC Local Highway Authority (14/11/17) requesting that cycle infrastructure is reinstated, particularly through Central Wetland Area.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Officers agree that the proposed trigger for approval of a scheme of bus stops is not acceptable and an earlier trigger is necessary.

POLICY CONTEXT**DEVELOPMENT PLAN POLICES**

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

Littlehampton Neighbourhood Plan 2014 Policy 1	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town
Littlehampton Neighbourhood Plan 2014 Policy 22	Design of New 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 is a material consideration when determining planning applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced was suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these took place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination re-opened in September 2017.

The Neighbourhood Development Plan

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

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

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

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

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

The Littlehampton Neighbourhood Development Plan was 'made' in 2014 and forms part of the development plan of relevance to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would provide a suitable suite of documents, when combined with the existing Design and Access Statement, to ensure high quality design and sustainability objectives are met.

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 4:

Condition 4 lists the approved plans attached to the outline planning permission, including Drawing Number GR.L-002 (North Littlehampton Illustrative Masterplan). The applicant has reviewed the original masterplan and identified some required refinements to the Masterplan.

Condition 4 of the outline planning permission currently refers to a series of Parameter Plans. These plans have now been updated (initially the application sought to remove them), as has the Development Framework Document (DFD) which is intended to set out the principles and objectives of the overall North Littlehampton masterplan, as well as provide design guidance for each phase of development.

Further to the above, it is proposed that Condition 4 is amended to make reference to the updated masterplan, and updating references to the Parameter Plans. Accordingly, Condition 4 would state the following:

"4. The planning permission relates to the following approved plans:
519-GR.L 002 Rev B (Updated North Littlehampton Illustrative Masterplan)

519 GR.L-004 Rev A (Red Line Plan)
 519 GR.L-005 (Ownership Areas Plan)
 519-GR.L 006 Rev B (Land Use Plan)
 519-GR.L 008 Rev B (Vertical Alignment Plan)
 519-GR.L 010 Rev B (Vehicular Access Plan)
 519-GR.L 011 Rev B (Play and Fitness Plan)
 519-GR.L 014 Rev A (Pedestrian and Cycle Access 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."

The Horizontal Alignment Plan and Open Space Plan are proposed to be removed from the list of approved plans. The Horizontal Alignment Plan previously set out the block perimeters for the site. As additional detail has been added to the Masterplan, the block structure can be clearly seen on the Masterplan and it is not considered necessary to continue to include the Horizontal Alignment Plan.

The Open Space plan previously detailed the location and amount of open space to be provided across the site. Whilst some detail has been lost, the main areas of open space are illustrated on the Masterplan and on the revised Play and Fitness Plan, with detail provided in the Development Framework Document. Therefore, the loss of the Open Space Plan is considered to be acceptable and would ensure the provision of open space in accordance with GEN7 and GEN20 of the ALP.

The changes to the Masterplan are considered to be minor and do not change the number of dwellings that can be achieved on the site or the mix of non-residential land uses proposed. The revised Masterplan ensures that the areas shown conform with the amount of land identified for different uses in the S106, which the earlier Masterplan did not do. The proposed layout also allows for a 15m offset along the Bypass to allow for noise attenuation, landscaping and surface water attenuation.

One of the main changes is the alteration of the northern junction on the Bypass which was previously shown as a traffic light/ priority junction and is proposed to be changed to a roundabout. This is following discussions between the applicant and the Local Highway Authority. The roundabout is considered to provide capacity benefits over the traffic signalised junction. The Town Council initially raised concerns regarding the success of the traffic signals - given the level of traffic. The DFD confirms that the LHA have approved the layout of the roundabout in principle and have reviewed the capacity testing of the roundabout junction. The change was discussed at the North Littlehampton Steering Group who were broadly supportive. Therefore this amendment is considered to be acceptable and would allow for the safe movement of pedestrians and vehicles in accordance with Policy GEN7 of the ALP.

The Vehicular Access Plan shows a hierarchy of streets from the bypass down to private drives. The shared surface roads are similar to the previous 'Homezones'. The Main Avenue remains as the primary 'spine' road through the development and secondary routes have been re-named as 'estate roads'. The main change is the loss of the 'rural edge/ green lanes' road typology. This was a feature of the edges of the development where they fronted onto the Black Ditch and the Central Wetland, to create softer edges to the development. This has been replaced with the more generic 'estate roads' and 'private drives'.

The Play and Fitness Parameter Plan has been amended with the reduction in the number of LAPs from 25 to 13. The result is that some residents would be over the recommended 1minute walking distance from a LAP. However, the number of LEAPs has been increased from 3 to 4 which is considered to compensate for the reduction in LAPs and there are other areas of green space on the site which also compensate (e.g. the central wetland area, Black Ditch and SuDs corridors). The LEAPs have also been re-located to ensure that they are more accessible to the western part of the site. The Fitness Trail routes are not shown on the updated Plan, but the location of the fitness trail stations has been indicated.

In relation to the Vertical Alignment plan, the parameters are broadly unchanged, with the principle of higher storey buildings around the local centre and 2 storey buildings on the rural edges, with up to 3 storeys along the main avenue.

The changes to the Land Use Plan include the relocation of the Youth Centre from the western side of the Southern Bypass to adjacent to the school site. This is a logical re-positioning as there is a synergy between the uses and it would also be closer to the community centre site. The 'energy centre' has been removed and the 'leisure use' rezoned as 'non-residential' land. This would provide additional flexibility to respond to the market and demand for a variety to non-residential uses, rather than restricting the development to a leisure use.

The Pedestrian and Cycle Access Plan details the main designated cycle route around the site and the pedestrian footpaths which will ensure site connectivity. A further amendment to the plan has been received (14/11/17) which shows a designated combined pedestrian/ cycle path through the Central Wetland Area. These amendments are considered to be acceptable.

Based on the above, there is no objection to amending the wording of this condition in accordance with GEN7, GEN20, GEN12 and SITE7 of the Arun Local Plan.

Condition 6:

Condition 6 of the outline planning permission states that the permitted development must be carried out "...in substantial accordance with the illustrative masterplan drawing number GR.L-002 Rev A..." Some changes have been required to the overall masterplan for the site as approved as part of the outline planning permission and an updated masterplan has been submitted. Accordingly, the wording of Condition 6 also needs to be amended to refer to the updated masterplan.

It is proposed that reference to the Development Framework Document (DFD) is added to the existing wording of Condition 6, which currently requires the permitted development to be carried out in accordance with the Design and Access Statement incorporating Design Guidance dated February 2011. It is therefore proposed that the wording of Condition 6 is amended to state the following:

"6. The development hereby permitted shall not be carried out except in substantial accordance with the updated illustrative masterplan drawing number 519-GR.L_002 Rev B ('the Masterplan'), the Design and Access Statement incorporating Design Guidance dated February 2011 (approved under Planning Permission Reference No. LU/47/11) and the Development Framework Document dated June 2017, unless otherwise agreed in writing with the Local Planning Authority.

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."

The Development Framework Document (DFD) aims to provide further design guidance to sit underneath the overarching principles established through the outline permission. The proposal is that the DFD should be read in conjunction with the approved Design and Access Statement. The aim of the DFD is to provide a framework so that when reserved matters applications are submitted, it will be clear how they relate to the overall design principles for the site.

The DFD sets out the design evolution of the site and the design concept for the layout. It provides the rationale behind the Parameter Plans in relation to scale and identifies the roles key buildings and frontages within the development, including the green edge and main avenue frontage. The role of 'central spaces' is also identified - for example the local centre and community hub. Detail is provided on

the form of development, identifying the use of block structures to form the parcels of development across the site. Key concepts are included, such as ensuring streets are overlooked and corner buildings provide fenestration on the two outward looking edges.

The DFD includes a set of 'character areas' which would have different architectural principles depending on and influenced by their location within the site. There are 8 character areas in total and for each one the DFD provides an overview of the character, a table setting out architectural details (e.g. materials palette, parking arrangements, surface materials), and public realm, open and play space principles.

The Civic Square has been identified for 'parking/square' and is identified as having three primary functions - including a civic area, car parking and drainage storage facility. The original DAS Design Guidance does not mention parking as one of the function of the Civic Square and it is not considered that the two functions are desirable in urban design terms. The dual function has arisen due to a lack of space for car parking when the detail was added to the layout. The parking would be for the retail uses, rather than residential and would have the potential to be suspended to allow the space to be used for civic functions. Whilst a Civic Square with no parking would be the best solution in design terms, it is considered that the need for sufficient parking to support the retail functions and avoid on-street parking over-rides the design concerns. The detailed reserved matters application for this area would need to show a well designed multi-functional square which incorporates parking, landscaping and structural planting/ seating as set out in the revised DFD.

The DFD also provides a detailed Access and Movement Strategy, which includes the road hierarchy, parking design guidance and a plan showing the pedestrian and cycle access through the site, including diverted public rights of way. The document provides typologies for each road in the hierarchy, including the proposed speed, width, footway/ cycleway provision and location, verges and parking. The document has taken away the separate 'green lane' typology (and combined it with private access roads). These were low speed, low width areas giving access to the perimeter areas only and was intended to meander along the boundary and provide an informal edge to the development. This has been replaced with estate roads which end in a 'T' and then turn into 'private access roads and green lane' type arrangements. This would have a harder appearance than the original green lane typology. Whilst the more generic 'estate roads and private drives' typology description lacks some of the features of the previous green lane typology, the principles are set out in the Green Edges Character Area in the DFD document e.g. 'a naturalistic edge to the main development parcels', 'a irregular pattern referring to the open rural setting'. This provides sufficient detail to ensure that the principle of the green lane providing an informal edge to the development is maintained in the replacement proposals.

The 'SuDs' street type has also been lost. The original DAS Design Guidance document (which is not proposed to be altered by this application) provides a detailed section of how this type of street would look. These SuDs streets were to be located both to the east and west of the Central Wetland area but have been removed from the western side and replaced with hard surfaced streets with no SuDs features incorporated or ecology or open space benefits. The SuDs streets on the eastern side have been replaced with 'SuDs corridors' and with 'private access roads and green lanes' type roads abutting the corridor in places. The principle of the SuDs corridors and their appearance is set out in the 'Green Edges Character Area' which states that 'SuDs features will run vertically from Black Ditch providing attenuation areas for surface water run off'. It also states that 'they will form a key landscape feature of the green edge'. The justification for the loss of the open SuDs corridors from the western side of the site is that this area of the site would have a more urban character and also because of the constraints on the site which have reduced the amount of available space for all of the uses proposed. 'Urban style' SuDs features would still be included within the western side of the site, including attenuation tanks and permeable paving. Whilst the reduction of the open SuDs corridors weakens the overall cohesiveness of the design, it is acknowledged that it is necessary in order to deliver the agreed quantum of development on this site and the benefits of enabling development on the scheme to progress outweigh the loss of the

open SuDs corridors.

The DFD includes a Landscape Strategy detailing the approach to landscaping across the site, including the key green infrastructure area of the Central Wetland and the SuDs corridors. It also provides information on the sports pitches and residential 'on plot' landscaping. A 'Play Strategy' is also included setting out the type of play provision to be included. A Drainage Strategy and Sustainability Strategy are also covered by the document.

The latest version of the DFD was considered by the North Littlehampton Steering Group on the 12th September and clarification was sought in relation to the bus route, type of playing pitch provision, the spread of affordable housing, parking provision across the site and the timing for delivery of the school. There were no comments made in relation to the detailed content within the DFD.

Overall, it is considered that the Development Framework Document, combined with the original Design and Access Statement provides a suitable set of design parameters and principles to ensure delivery of high quality development across the site, with distinctive but complementary character areas adding variety to the built and natural form, and sufficient detail in relation to the road typologies to understand how separate reserved matters applications fit within the proposed hierarchy, in accordance with GEN7 of the Local Plan.

Condition 7:

Condition 7 makes reference to the provision of a CHP (Combined Heat and Power) plant as part of the overall masterplan for the North Littlehampton site, as was proposed as part of the approved outline planning permission. This was intended to reduce enough energy on site to offset 10% of the development's expected regulated energy use by installing a community heating system with integrated CHP as an alternative to mains gas combi-boilers to all plots.

The applicant is now proposing to use a Fabric First approach as an alternative to CHP for the site, to ensure that enhanced performance is embedded within the properties for the duration of their design life with little or no maintenance required, as opposed to bolt-on options which can reduce in performance over time and require regular maintenance and therefore additional cost. The DFD summarises this approach which includes a building fabric which exceeds Part L by limiting U-Values as well as higher efficiency boiler, lighting and ventilation systems.

It is therefore proposed to amend Condition 7 of the outline permission to delete the references to the CHP plant in parts (i) and (ix).

The 'fabric first' approach is considered acceptable as an alternative to the CHP provision as it achieves a similar aim in relation to energy reduction in accordance with Policy ECC SP2 of the modified Emerging Arun Local Plan (eALP).

Condition 8:

Condition 8 requires the submission of a Design Statement with each reserved matters application which accords with the approved Design and Access Statement incorporating Design Guidance dated February 2011. As explained in relation to Conditions 4 and 6 above, a Development Framework Document in relation to the overall masterplan for the North Littlehampton site and has been submitted and the application seeks to amend Condition 8 to refer to the DFD as follows:

"8. In respect of each phase or sub phase of the development hereby permitted, reserved matters applications shall include a design statement. Each design statement shall demonstrate how the

objectives of the approved Design and Access Statement incorporating the Design Guidance dated February 2011 (approved as part of Planning Permission Reference Number LU/47/11) and the Development Framework Document (dated June 2017) will be met and confirm details in respect of; ..."

As considered above, the DFD is an acceptable addition to the framework documents for the outline permission and therefore the reference to the document in Condition 8 is acceptable and accords with Policy GEN7 of the Arun Local Plan.

Condition 39:

Condition 39 requires the submission of a scheme for the provision of bus stops within the site to be approved by the Local Authority prior to the commencement of development. As part of the outline planning permission, a Parameter Plan for Vehicular Access (Drawing No. GR.L-010 Rev A) was approved which shows the proposed bus route around the eastern and central part of the masterplan, including the proposed Local Centre and the Southern Bypass. The proposed bus route does not extend to the west of the proposed Southern Bypass and therefore does not relate to Parcel A1.

For this reason, the details of the proposed bus route including bus stops will not be established until a later phase of the overall masterplan, in line with the design of the road network on which the proposed bus route will operate. The applicants have stated that it is not practical to submit the detailed information required by Condition 39 at this early stage in the overall masterplan, prior to the commencement of any development as currently specified.

It is proposed to amend the wording of Condition 39 to require the details of the proposed bus scheme to be submitted at a later stage. The proposal is that an appropriate trigger for the provision of this information is prior to the occupation of the 350th dwelling on the site, to reflect the trigger for the provision of the Southern Bypass which will be the first stage of the new road network to come forward on which the bus route will operate.

The proposed amended wording for Condition 39 would therefore be amended as follows:

"39. No more than 350 dwellings in the development hereby permitted shall be occupied until a scheme for the provision of bus stops within the site shall have been submitted to and approved in writing by the Local Planning Authority..."

There is a need to have some certainty in relation to the bus stop locations before any reserved matters applications are submitted which include the bus route along the Main Avenue. Therefore, it is considered that a more appropriate trigger would be the occupation of the 100th dwelling. Subject to the revision of the trigger to 100 occupations, the amendment accords with Policy GEN14 of the ALP.

Condition 42:

Condition 42 of the outline planning permission requires the completion and opening to public traffic of the improvements to the A27/A284 Ford Road roundabout prior to the occupation of no more than 350 dwellings. However, as part of the subsequent discussions with the Highways Agency, it has now been confirmed that these highways improvement works have already been completed by the Highways Agency and therefore are not required to be delivered as part of the overall masterplan for the North Littlehampton development. Accordingly, it is proposed that Condition 42 should be deleted.

The applicant has confirmed that they will also be seeking to amend the Section 106 Agreement to reflect the deletion of Condition 42.

As set out above, Condition 42 is no-longer deemed necessary in order to make the development

acceptable and it is recommended that it is deleted.

RECOMMENDATION:

It is therefore recommended that planning permission be granted subject to the amended conditions and S106 Deed of Variation.

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.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

The outline application LU/47/11 was accompanied by a S106 Agreement. In light of the changes proposed to the conditions, a Supplemental Deed has been prepared to vary the original Agreement.

The Supplemental Deed includes the following:

Affordable Housing Scheme and Tenure Mix

Amended definition of affordable housing scheme to amend tenure requirements following the bedroom tax and to accommodate the need to provide 12 ground floor flats. The resulting change is a reduction in 3 bed houses from 43% to 33% (108 units to 83 units) and an increase in 2 bed flats from 26% to 36% (66 units to 91 units). The chosen affordable housing provider, Hyde, have also sought a change to 50/50 split in type of affordable housing tenure provided (from 65% rented and 35% intermediate). This approach has been agreed on Phases A1 and B3/B5 and the same approach is required on the remainder of the site. The Housing and Strategy Manager has been consulted and agreed that the changes are appropriate.

Definitions within the Agreement

The Agreement makes reference to the 'Application' meaning the outline application LU/47/11. This needs to be updated to reflect this application (LU/182/15/PL). This is a logical amendment to make to reflect the correct permissions.

The Agreement provides definitions of the various parts of the site reserved for different uses (e.g. school site, community centre land etc) and associated plans. The definitions refer to colours indicated on a corresponding drawing. The Supplemental Deed would amend the definitions to refer to the amended parameter plans and therefore the amended colours. This is a logical amendment to reflect the changes proposed by the S73.

Ecology Scheme

The S106 Agreement currently refers to a single scheme for ecology. The Supplemental Deed proposes a change (to the definition and Schedule 16) to ensure that ecology schemes are submitted for each phase, rather than for the site as a whole. This change would ensure that the ecological enhancement proposals and a programme for their implementation, management and monitoring, would be submitted with each reserved matters application, rather than as a whole. As the opportunities for ecological enhancement wouldn't be known in full until detailed layouts have been prepared for a reserved matters application, this amendment is considered to be acceptable.

Highway Improvement Plans

The applicants are proposing to vary Schedule 10 of the S106 Agreement. This Schedule details the Highway Works that are required to be delivered in relation to the site. Discussions with the LHA and ADC on the amended triggers and plans are ongoing and when finalised to the satisfaction of all parties would be included in the Supplemental Deed. The changes to the Highways Schedule need to follow the amendments to the Masterplan and parameter plans, and reflect the proposed deletion of condition 42 proposed by the S73 application.

Open space and recreation

The agreed S106 includes triggers for the delivery of open space against occupation numbers for the whole site. The Supplemental Deed seeks to amend the occupation related triggers and instead refer to open space schemes (LEAP 1, 2, 3 and 4) being brought forward and delivered with each reserved matters application in which the open space is located. Within each phase an open space scheme would be approved prior to first occupation and the laying out, servicing and planting of open space and landscaping completed prior to 50% occupation of that phase. A completion certificate would have to be issued prior to 90% occupation of each phase. The justification for the amendment is that it is not possible to provide detailed boundaries and specifications for the LEAPs in advance of the reserved matters stage for each LEAP. This amendment is considered to continue to provide sufficient control to ensure delivery of each LEAP in a timely and progressive manner with each respective reserved matters application.

The trigger for the playing fields is also proposed to be amended from the 900th occupation to the 1000th occupation. The justification for this is the need to be realistic about the delivery. The applicants have stated that the residential development on the eastern part of the site would be delivered in the clockwise formation and the playing fields location can only be accessed when parcels E4 and E6 are delivered. As these parcels are likely to be delivered towards the end of the development period, the later trigger of 1000 occupations is proposed. Whilst an earlier trigger would be preferred, the justification for the amendment is accepted, and in terms of timescales, the delay would amount to approx. 1 year (depending on build rates). The time period for the transfer offer for the open space to be made to the Council is proposed to be amended from within 12 months to within 24 months and this is considered to be acceptable.

The trigger for the approval of a scheme for the community centre and the youth facility is currently 350 occupations and following negotiations this is not to be amended. The proposal would amend the trigger for offering the freehold or long leasehold for both facilities to the Town Council from 350 to 450 occupations. The proposed trigger for disposing of the freehold to the Town Council is proposed to remain at 500 occupations with transfer to the Town Council by 650th occupation. The trigger for the owners (Persimmon) delivering the community centre if the Town Council have not taken the transfer of the Community Centre land by 500 occupations is proposed to be altered to the 750th occupation.

The justification for these amendments is to allow time for the community centre and youth centre schemes to be approved and to allow workability with the offer obligations and increase the timescale for

delivering the Community facility should the obligation fall to Persimmon. There is also the need to ensure that the land can be fully serviced (which requires delivery of the Central Wetland and Main Avenue). As set out in the DFD, the applicants are anticipating that they would reach 600 occupations by 2020 which means that 650 occupations would have been reached by 2021. The Town Council considered the amended triggers and were satisfied with the amendments. There is then a limit of 5 years from transfer of the sites to the Town Council for the completion of construction and fitting out of the facilities, if the trigger for transferring the freehold or leasehold is put back to 650 occupations, this would result in a delay to the completion of the facilities. However, it is considered that delivery of the facilities would still take place before the final occupations take place (anticipated around 2026 - based on worse case scenario) and therefore the amendment is considered acceptable.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

1 Condition 4:

The planning permission relates to the following approved plans:
 519-GR.L 002 Rev B (Updated North Littlehampton Illustrative Masterplan)
 519 GR.L-004 Rev A (Red Line Plan)
 519 GR.L-005 (Ownership Areas Plan)
 519-GR.L 006 Rev B (Land Use Plan)
 519-GR.L 008 Rev B (Vertical Alignment Plan)
 519-GR.L 010 Rev B (Vehicular Access Plan)
 519-GR.L 011 Rev B (Play and Fitness Plan)
 519-GR.L 014 Rev B (Pedestrian and Cycle Access Plan)

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

2 Condition 6:

The development hereby permitted shall not be carried out except in substantial accordance with the updated illustrative masterplan drawing number 519-GR.L_002 Rev B ('the Masterplan'), the Design and Access Statement incorporating Design Guidance dated February 2011 (approved under Planning Permission Reference No. LU/47/11) and the Development Framework Document dated August 2017, unless otherwise agreed in writing with the Local Planning Authority.

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 Condition 7:

The appearance, landscaping and layout particulars to be submitted in accordance with Condition 1 for any phase or sub phase shall include (insofar as they are relevant to that phase or sub-phase):

- i. The detailed layout of the site including the delineation of the precise boundaries of the sites reserved for the waste management centre, primary school, community centre, allotments, youth facility in the relevant phases;
- ii. The siting, design and external appearance of the buildings;
- iii. A full arboricultural survey to accompany each phase or sub phase of proposed development;

- iv. The detailed design of the southern section of the Lyminster bypass, including associated levels, profiles, culverts, lighting and street furniture, including a scheme for inclusion of public art. The lighting and street furniture should be of a design and specification which reflects the 'gateway' appearance and function of the new road and could constitute public art;
- v. The detailed design of the works required for the closure of the Toddington Lane level crossing, including the footbridge, fencing and other accommodation works (such closure being subject to the outcome of a separate legal closure process);
- vi. The detailed design of the works required for the closure of the Norway Lane level crossing including fencing and other accommodation works (such closure being subject to the outcome of a separate legal closure process);
- vii. The detailed design of the flood compensation measures including the wetland, including levels and profiles and a programme for construction;
- viii. Details of recycling facilities;
- ix. The detailed design of the Community Centre, Primary School, Youth Facility;

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

4

Condition 8:

In respect of each phase or sub phase of the development hereby permitted, reserved matters applications shall include a design statement. Each design statement shall demonstrate how the objectives of the approved Design and Access Statement incorporating the Design Guidance dated February 2011, and the Development Framework Document (August 2017) will be met and confirm details in respect of;

- a) The character, mix of uses and density established through the parameter plans at the outline stage to include the block principles and the structure of public spaces;
- b) The street hierarchy, including the principles of adopting highway infrastructure, and typical street cross-sections;
- c) How the design of the streets and spaces takes into account mobility and visually impaired users;
- d) Block principles to establish use, density and building typologies. In addition, design principles including primary frontages, pedestrian access points, fronts and backs and perimeter of building definition;
- e) Key groupings and other key buildings including information about height, scale, form, level of enclosure, building materials and design features;
- f) Details of the approach to vehicular parking across the entire site for each building type, including details of a design approach;
- g) Details of the approach to cycle parking for all uses and for each building type, including the distribution (resident/visitor parking and location in the development), type of rack, spacing and any secure or non-secure structures associated with the storage of cycles.
- h) The approach to the character and treatment of the structural planting to the development areas;

i) The conceptual design and approach to the sustainable drainage management and how this is being applied to the built-up area to control both water volume and water quality including specification of palette of sustainable drainage features to be used, and planting strategies to enhance biodiversity.

j) The conceptual design and approach of the public realm to include public art, materials, signage, utilities and any other street furniture.

k) The conceptual design and approach to the lighting strategy and how this will be applied to different areas of the development with different lighting needs, so as to maximise energy efficiency, minimise light pollution and avoid street clutter;

l) Details of waste and recycling provision for all building types and recycling points.

m) Measures to demonstrate how opportunities to maximise resource efficiency and climate change adaptation in the design of the development will be achieved through external, passive means, such as landscaping, orientation, massing, and external building features;

n) Conceptual designs and approach to the treatment of the public realm at the central wetland (including the bridge crossing), Neighbourhood Centre, Community Hub area, primary school and youth facility are required to be submitted to the local planning authority for approval prior to the commencement of any development within the phase that these facilities are sited.

Each phase or sub phase of the development hereby permitted shall be carried out in accordance with the approved design statement for that phase or sub-phase.

Reason: To enable the Local Planning Authority to exercise comprehensive control over the details of the proposed development in accordance with Policy GEN7 of the Arun District Local Plan.

5 Condition 39

No more than 100 dwellings in the development hereby permitted shall be occupied until a scheme for the provision of bus stops within the site shall have been submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition the scheme shall include a programme for provision of real time passenger information-ready bus stops. The development shall not be carried out otherwise than in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

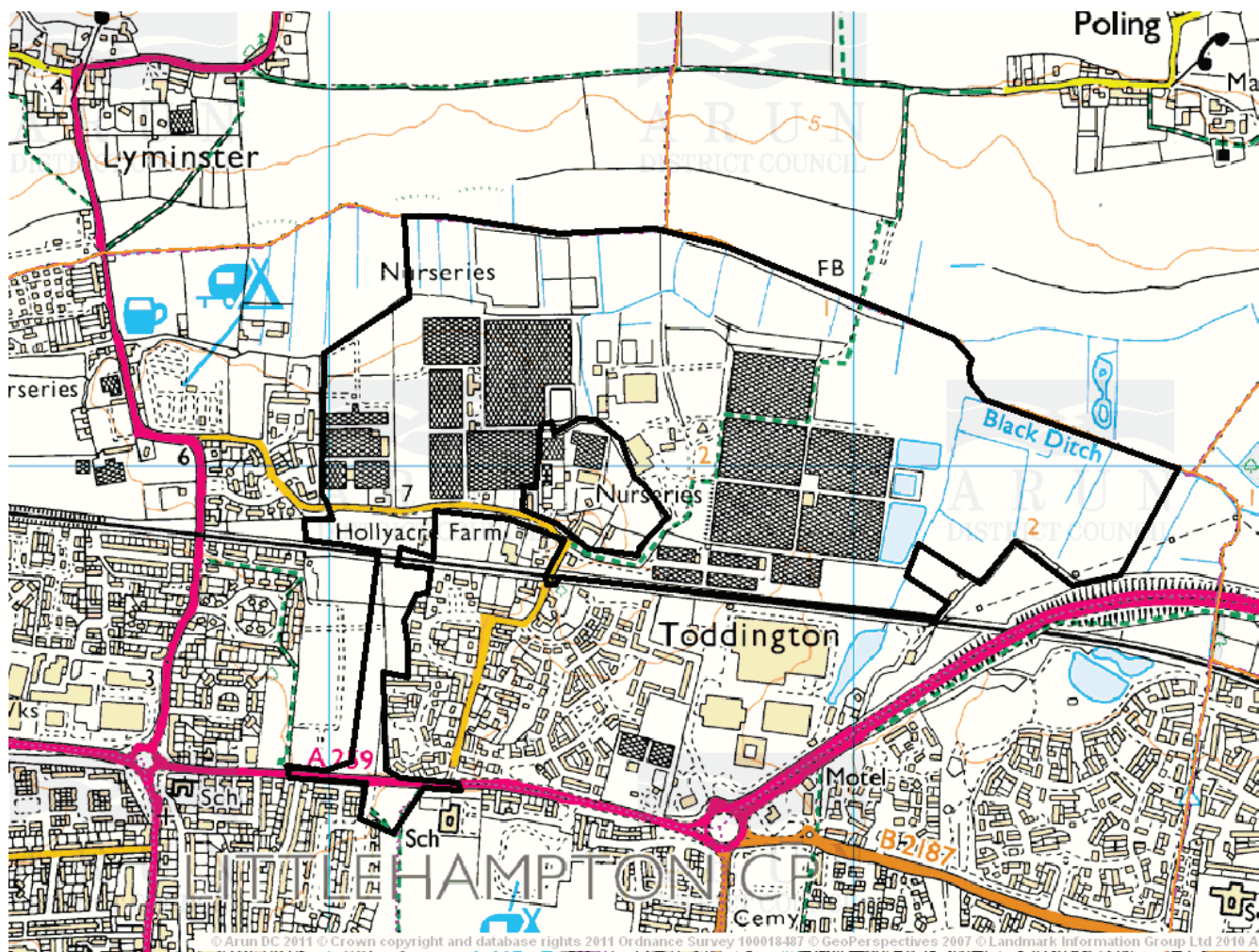
Reason: In the interests of road safety and sustainable development.

6 Condition 42:

Condition 42 of LU/47/11 is hereby deleted.

7 INFORMATIVE: All of the conditions imposed on LU/47/11 (as amended by LU/346/14) shall remain in force except for conditions 4, 6, 7, 8, 39 which are replaced by conditions 1 to 5 above and condition 42 which is deleted.

LU/182/15/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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REPORT UPDATE

Application No: LU/278/17/RES

Reason for the Update / Changes

The Development Control Committee resolved at its meeting on the 11 April 2018, to grant planning permission for the southern section of the Lyminster Bypass, subject to the resolution of the Deed of Variation to the Section 106 Agreement being considered under outline planning application (app. ref. LU/182/15/PL). The Deed of Variation to the Section 106 Agreement has now been completed. This further update report is also required to consider the new planning policy context following the adoption of the Arun District Local Plan and the revision of the National Planning Policy Framework.

Since the Report was originally considered, the following updates are required (listed under the original report headings):

POLICY COMMENTARY:

Replace previous section with the wording below:

"The Development Plan consists of the Arun District Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

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 Littlehampton Neighbourhood Development Plan was 'made' in 2014 and forms part of the development plan of relevance to this application."

CONCLUSIONS:

The conclusions section needs to be amended to reflect the 2018 Arun Local Plan (ALP) as the wording currently refers to policies in the 2003 Arun Local Plan (ALP).

The conclusions refer to the protection of a corridor of land to create a bypass. The safeguarded route would still be acceptable when considered against Policy T SP3 (replacing Policy DEV15(ix)) of the ALP (A284 Lyminster Bypass - Southern Section).

The conclusions refer to the proposed northern junction of the southern section of the Lyminster Bypass comprising a roundabout. This was previously considered acceptable and allowed for the safe movement of pedestrians and vehicles in accordance with GEN7 of the 2003 ALP. The proposed roundabout at the northern junction is also considered to accord with the new policies T SP1 and T SP3.

The conclusions refer to the design, character, layout, scale and appearance of the proposed southern section of the Lyminster Bypass. This was previously considered acceptable in accordance with GEN7 of the 2003 ALP. The proposed design, character, layout, scale and appearance of the proposed Bypass would still be acceptable when considered against new policies D DM1, D SP1 and QE SP1.

The conclusions refer to street lighting for the proposed southern section of the Lyminster Bypass. This was previously considered acceptable in accordance with Policy GEN33 of the 2003 ALP. The proposed street lighting around the roundabouts and their approaches would still be acceptable when considered against new policy DM2(a) to (d).

The conclusions refer to signage for the proposed southern section of the Lyminster Bypass. This was previously considered acceptable in accordance with Policy GEN7 of the 2003 ALP. The proposed signage would still be acceptable when considered against new policy D SP1.

The conclusions refer to public transport services using the proposed southern section of the Lyminster Bypass. This was previously considered acceptable in accordance with Policy GEN14 of the 2003 ALP. The proposed public transport service usage would still be acceptable when considered against new policy T SP1(a).

The conclusions refer to the provision of a pedestrian and cycle route alongside the southern section of the Lyminster Bypass. This was previously considered acceptable in accordance with Policy GEN15 of the 2003 ALP. The proposed pedestrian and cycle route would still be acceptable when considered against new policies T SP1 and T DM1.

The conclusions refer to the proposed landscaping along the length of the southern section of the Lyminster Bypass. This was previously considered acceptable in accordance with Policies GEN27 and GEN28 of the 2003 ALP. The proposed landscaping would still be acceptable when considered against new policies ENV DM4 and GI SP1.

RECOMMENDATION:

That, in accordance with the original report, as amended by this Update report, the application is recommended for approval subject to the two recommended conditions.

Condition 1 - Amend reason to replace 'Policy GEN7' with 'Policy QE SP1'

Condition 2 - Amend reason to replace 'Policy GEN7' with 'Policies QE SP1, D SP1 and D DM1'

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

PLANNING APPLICATION REPORT

REF NO: LU/278/17/RES

LOCATION: North Littlehampton Strategic Development Site
Land West of Toddington Park, Toddington Lane
Littlehampton
BN17 7PP

PROPOSAL: Approval of Reserved Matters following Outline Permission LU/47/11 for

Construction of the southern section of the Lyminster Bypass, including northern and southern roundabouts, surface water drainage and landscaping. Departure from the Development Plan & affects a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed southern section of the Lyminster Bypass, measuring 730 metres long, is required to link the North Littlehampton Strategic Development Area (SDA) to the adjacent highway network.

The site is located in Wick, Littlehampton and runs from south to north from the A259 (starting at a point immediately east of Highdown Drive), then to the east of the allotments found north of the A259; over the railway line and Toddington Lane and then finishes at a new roundabout which would be constructed adjacent to the proposed commercial area of the North Littlehampton Strategic Development Area (SDA).

The Bypass would include two roundabouts, one as stated above at the northern end and one at the southern end. The northern roundabout would connect to the northern section of the Lyminster Bypass which would be delivered by the Local Highway Authority (WSCC); and the southern roundabout would link up with Worthing Road (the A259) and the northern end of the Fitzalan Link Road (approved under LU/234/16/RES) which runs alongside the Littlehampton Academy. The southern end of the Fitzalan Link Road has already been built by WSCC between the access to Littlehampton Academy and East Street.

The southern section of the Lyminster Bypass would include a Road Bridge which would span Toddington Lane and a Rail Overbridge crossing the railway line. The design of the rail overbridge has been prepared in consultation with Network Rail, including an approval in principle (AIP) process.

The proposed Lyminster Bypass would improve north-south access to Littlehampton by removing delays associated with the existing A284 Lyminster Road and the Wick level crossing. The southern section of the Lyminster Bypass has been designed to be a 40mph limit road.

No Public Rights of Way are affected by this planning application for this southern section of the Lyminster Bypass.

SITE AREA

4.8 ha.

TOPOGRAPHY

The application site is predominantly flat, situated between the South Downs National Park to the north, and the coastal plain to the south. It is within the built-up area boundary of Littlehampton, and it is surrounded by mixed uses. including

TREES	residential estates. None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site boundary is defined to the south by Worthing Road (A259). The western boundary of the site is defined by Allotment Gardens, Crabtree Park (Football Ground) and residential properties along Griffin Crescent, Coomes Way, Empress Close, Granary Way, Mill House and Fullers Walk. Highdown Drive is to the south west of the site. The eastern boundary of the site is defined by residential properties fronting Holly Drive and Toddington Park. The north western boundary is defined by the Household Waste Recycling Centre and Woodcote Rural Holiday Centre. To the north and north east of the application site, mixed use development is being delivered on the North Littlehampton Strategic Development Area (SDA).
SITE CHARACTERISTICS	The residential area of Toddington is located south of the railway line and the separate village of Lyminster lies to the north, whilst the northern part of the residential area of Wick is situated to the west of the site. The A284, which is the main road serving Littlehampton from the A27, passes to the west of the site through Lyminster and Wick and then south to Littlehampton Town Centre. Toddington Lane crosses the site north of the Brighton to Littlehampton railway line.
CHARACTER OF LOCALITY	To the south of the railway line is the Watersmead Business Park. To the west of the Business Park is a small haulage depot site. The majority of the land between the railway line and the A259 Worthing Road is the residential area of Toddington Park. To the west of the Toddington Park area is open land in a number of uses, including allotments, the Wick Town Football Club site and a recreation ground. Low-lying land, south of the Black Ditch, comprises grazing marshes of biodiversity value.

RELEVANT SITE HISTORY

LU/63/11/	Outline Application for the construction of the "Fitzalan Link Road" between the A259 Worthing Road & the East Street/Fitzalan Road roundabout - This application affects a Public Right of Way	Approve Conditionally 06-06-12
LU/47/11/	Outline application with some matters reserved for mixed use development comprising: demolition of existing buildings and structures, up to 1,260 residential dwellings (out of a potential 1,460 dwelling masterplan), up to 13,000 sqm of B1 employment floorspace (including 3,000 sqm Enterprise Centre), up to 3,500 sqm of Class A local facilities, a 100 bed hotel, 60 bed care home, a	App Cond with S106 23-01-13

new 2 Form Entry primary school, community centre, youth and leisure facilities, combined heat & power plant, extension to existing household recycling centre, landscaping, replacement and additional allotments, multi-functional green infrastructure including sports pitches (& associated changing facilities), informal open space, children's play areas, primary vehicular access from a new access from the A259 bridging over the railway line with additional access from Mill Lane & Toddington Lane. This application is the subject of an Environmental Impact Assessment & a departure from the development plan. This application affects a public right of way.

LU/92/16/RES	Approval of reserved matters following LU/47/11/ for landscaping of internal road to the North of Toddington Road, East of Southern section of proposed Lyminster By Pass & West of Parcels B3 & B5.	Approve 15-08-16
LU/182/15/PL	Variation of conditions 4, 6, 7, 8, 39 & 42 imposed under planning reference LU/47/11/ relating to list of plans, illustrative masterplan, CHP plant building, Design Statement, bus stops & traffic improvements.	
LU/284/17/DOC	Application for approval of matters reserved by conditions imposed under LU/47/11 relating to conditions: 1- Reserved Matters Application to be submitted, 5- Details of Materials & External Finishes, 7- Appearance, Landcaping & Layout, 8- Design statement, 10- Surface Water Drainage Strategy, 14- Landscaping, 15- Trees, 19 & 20- Egology, 21- Ecological Management, 22,23,25- Construction Management Plan, 26- Highway Specification & Construction Details, 33- Contamination, 36- Noise Assessment & 37- Noise Mitigation.	
LU/121/17/RES	Approval of reserved matters following outline consent LU/47/11/ for construction of 126 No. dwellings together with internal road network, car parking & landscaping.	ApproveConditionally 20-12-17
LU/234/16/RES	Application for reserved matters relating to access, appearance, landscaping, layout and scale of the previously approved LU/63/11/. This application affects a Public Right of Way	ApproveConditionally 19-10-17

LU/164/15/DOC	Application for approval of matters reserved by condition imposed under LU/47/11/ relating to condition 33 for risk of contamination on site.	DOC Approved 12-06-15
LU/346/14/PL	Application for variation of Conditions 11, 17, 18, 20 and 30 imposed under LU/47/11 relating to maintenance of watercourse, scheme for creation of central wetland area, scheme for details of bridges and buffer-zones to on-site watercourses, ecological management plan and scheme for hydrants.	ApproveConditionally 20-02-15

The outline planning permission (LU/47/11) established the principle for the construction of the southern section of the Lyminster Bypass, including the northern and southern roundabouts, surface water drainage and landscaping. This was varied by LU/346/14/PL.

The Toddington Lane Footbridge over the railway line will be submitted via a separate planning application.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council
No objection.

Two letters of representation have been received from local residents raising the following concerns:

Fencing has been erected on the Worthing Road allotments. There has been no provision made for reptile fencing, this is require by law and a suitable mitigation plan needs to be created. The area is home to both slowworms and common lizards. It is the understanding of the Sussex Wildlife Trust that these works should not have commenced until planning permission is granted. The overriding issue is why this fence has been erected without a suitable reptile barrier.

Woodcote Lane will be used as the access road for construction traffic going to the northern section of the Lyminster Bypass.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed below.

In terms of reptile fencing, reptile surveys were undertaken in October 2015 which identified the presence of a small population of common lizard on the site. Due to the nature of the works with a time constraint to undertake the works prior to the temperatures becoming too cold and the onset of reptile hibernation, the works on site to install the reptile fencing were undertaken simultaneously with the site clearance. The site clearance has been undertaken in a phased approach from south to north and under ecological supervision with all areas being subject to a fingertip search by ecologists prior to being

strimmed and then hand searched again to a supervised top soil strip in accordance with the updated Arbeco Method Statement, 2017.

A local resident raised concerns about the construction traffic using Woodcote Lane to construct the northern section of the Lyminster Bypass. The planning application for the northern section of the Lyminster Bypass is being prepared separately by WSCC and, to date, has not been submitted to the LPA. Consequently, construction of the northern section of the Bypass could not proceed without the benefit of planning permission. A planning application for the northern section of the Lyminster Bypass would not be determined before April 2018.

CONSULTATIONS

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

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND:

No objection raised.

The southern section of the Lyminster Bypass does not materially impact upon the A27. West Sussex County Council Highways should be consulted in relation to this application.

LOCAL HIGHWAY AUTHORITY:

The Local Highway Authority initially objected and submitted three detailed responses which were addressed by the applicant.

The fourth Local Highway Authority response, dated 5th March 2018 raised no objection subject to the imposition of conditions regarding highway drainage and the submission of a landscape management plan.

1) The proposed planting (native tree and shrub planting) will be individual plants and not linear hedges. This is confirmed by the plant schedule where the spacing between the plants is proposed to be 1 metre centres (hedge planting centres are much denser, normally 0.3 metre centres).

2) Adequate inter-visibility alongside planting has been provided at cycle path intersections. This will be

checked again at the detailed design/S38/278 stage.

- 3) Owl boxes (and the barn owl box), previously shown too close to road have now been shown removed and re-located.
- 4) With regard to Tree Protection Plans (TPPs), one should be submitted for approval by the CHA after consultation with the CHA prior to works starting on-site.
- 5) Tactile paving - This is largely shown on the engineering drawings. Where it has been omitted/not shown etc. this will need to be picked-up at the detailed S38/278 stage.
- 6) Maintenance bays - Applicant shows one on the southern roundabout (A259). A further one might be required somewhere along the N-S By-Pass link itself. This will be checked at detailed design/S38/278 stage.
- 7) Street lighting is required and will be checked at the S38/278 stage.
- 8) A draft signage strategy is currently being considered by the Local Highway Authority. Once agreed with the LPA and applicant through consultation with the Local Highway Authority, it should be installed prior to opening of the road.
- 9) AIP (bridge structures) - This is an ongoing process. The 'allotment culvert' is an underpass to provide access to and from the allotments. The Technical Approval process for the structures is progressing and will continue to do so through the S38/278 stage. Any planning approval granted does not give approval of any structures forming part of the new road.
- 10) Surface Water Drainage - Matters are now concluded for the planning stage. Further checks will be carried-out at the S38/278 stage.
- 11) Commuted payments for landscaping and any non-standard street furniture etc, will be required at the S38/278 stage (and will be calculated then).
- 12) Road markings - will be re-checked at the S38/278 stage. The applicant has stated that it is their intention to provide road marking diagram numbers and a road markings table at the detailed design stage.
- 13) Cycle lane widths and buffer zones to comply with appropriate design standards as required.
- 14) Speed limit transitions - This will be checked at the S38/278 stage.
- 15) Swept-path diagrams appear to be acceptable throughout for the vehicles tested.
- 16) PRow - If any diversions and/or changes are required, these must be in accordance with WSCC specifications and processes. The applicant has responded to say that no PRow is affected by the Southern Lyminster Bypass.
- 17) Chainage 50 is the required cut-off point between the northern end of the applicant's road and the proposed WSCC Lyminster By-Pass. This is now shown.
- 18) The footway on the north east corner of the A259 roundabout, forming part of the Persimmon design, will need to have adequate visibility provided to assist pedestrians crossing the road and that are visible to passing traffic. Likewise, the proposed planting at this location will also need to be looked at very carefully to ensure it does not encroach on any necessary visibility splays nor the carriageway itself. This is achieved with the current design arrangements. This will be reviewed again at the S38/278 detailed design stage.
- 19) A 'Tripartate/Overbridge Agreement' will be required with the applicant, Network Rail and the Highway Authority. However, such an Agreement can only be entered-into at the point of or following issuing of S38/278 Technical Approval.
- 20) Should planning permission be granted, the scheme will then need to be submitted to the Highway Authority for S38/278 purposes, at which stage further technical design and safety checks will be undertaken. Any approval given to the application by the Planning Authority is not technical approval of the scheme. No works must commence on-site until such time as all relevant Technical Approvals have been granted and final Agreements (S38/278 and Network Rail) have been issued.

NETWORK RAIL:

Network Rail acknowledges that they are currently in discussions with the applicant as regards to the proposed new Rail Overbridge at North Littlehampton. Whilst Network Rail is keen to help the applicant and West Sussex County Council to carry out this project, Network Rail require the applicant sign up to a

tri-partite Overbridge Agreement for the scheme as soon as possible in order that this can be taken forward and Network Rail can commence to review and comment on the proposed development. Until such time Network Rail cannot comment on any detail of the scheme. The applicant must ensure that their proposal, both during construction and after completion of works on site, does not encroach onto Network Rail land; affect the safety, operation or integrity of the company's railway and its infrastructure; undermine its support zone; damage the company's infrastructure; place additional load on cuttings; adversely affect any railway land or structure; over-sail or encroach upon the air-space of any Network Rail land; and cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

SPORT ENGLAND:

No objection raised.

The proposed development does not fall within either the statutory remit or non-statutory remit; therefore, Sport England has not provided a detailed response, but would wish to give the following advice to aid the assessment of this application. If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposed development meets paragraph 74 of the NPPF, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place. Sport England claims that the proposed development crosses the Crabtree Park Football Ground and the adjacent allotment gardens.

SOUTHERN WATER:

No objection raised.

In order to protect public apparatus, Southern Water requested that a condition be imposed regarding the protection of the public sewers and water mains. The construction of any structures (e.g. headwalls), cellular storage, attenuation facilities and open water bodies within the easement / clearance distance of public sewers or water mains will not be acceptable. Reference should be made to Southern Water publication "A Guide to Tree Planting near water Mains and Sewers" with regards to any landscaping proposals.

WEST SUSSEX COUNTY COUNCIL (AS THE LEAD LOCAL FLOOD AUTHORITY):

The Lead Local Flood Authority response is incorporated in the third response from the Local Highway Authority, dated 11th January 2018 and set out above.

ADC ENGINEERS (STRUCTURAL):

No structural engineering comments to make.

ADC ECONOMIC DEVELOPMENT:

No comments to make on the application.

ADC ARCHAEOLOGY:

No objection raised.

Most of the area to the north of Toddington Lane has already been investigated and needs no further archaeological intervention. The area to the south, between Toddington Lane and Worthing Road, has been evaluated by trial trenching and particular areas of apparent concentrations of archaeological deposits have been identified. These should be further investigated ahead of development in order that their significance might be properly preserved (i.e. through excavation, recording and dissemination of the results), by way of a planning condition.

ADC GREENSPACE:

No objection raised.

The proposed detail contained in the amended landscape plans for Lyminstar Bypass is sufficient in

detail with quantities, densities and size of trees at time of planting; and the species choice is considered to be appropriate for the location. The proposed trees are sufficient in height to provide instant impact and if planted with appropriate plant support systems should establish effectively to produce an effective and long term appropriate scheme. The scheme has taken into account tree protection measures and has detailed a maintenance and management proposal for covering a 10 year period.

ADC ARBORICULTURE:

No objection raised.

There is some tree loss but this will be of a species and size of tree that will not have an adverse impact in the landscape and significant mitigation tree planting is proposed as part of the proposed development.

SUSSEX POLICE:

No objection raised.

Sussex Police recommended that the development be constructed to Secured by Design standards. The street lighting for the footpaths should meet BS5489:2013. If the proposed pedestrian underpass is only required to access the allotments then it is recommended it is not lit, as it will be used mainly during daylight hours and less likely to attract anti-social behaviour at night. However, if it is regularly used by a variety of the public then Sussex Police recommend that it is illuminated to give a clear view completely through its length at night. Sussex Police recommend clear direction signage along any newly routed foot or cycle path and suitable, adequate protection from traffic where appropriate. Trees, hedgerows and planting should be maintained so as not to physically obstruct the footpath and keep view clear.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. All of the issues raised are addressed in the "Conclusions" section of this report apart from the comments raised by Sport England and Southern Water which are addressed below.

Sport England claims that the proposed route of the Bypass crosses the Crabtree Park Football Ground. In actual fact, the red line plan of the application boundary and the proposed development does not affect the Crabtree Park Football Ground. The application site falls outside the Football Club's ownership, so there is no loss of any sports facility. The football ground sits just below the railway line and to the west of the proposed Bypass. Therefore, the proposed development complies with paragraph 74 of the NPPF.

In response to Southern Water's request for a condition to protect public apparatus, protecting the public sewers and water mains, this is already covered by a condition which was imposed on the outline planning permission (LU/47/11).

POLICY CONTEXT

Designation applicable to site:
 Within Built-Up Area Boundary (BUAB)
 North Littlehampton Strategic Development Area

DEVELOPMENT PLAN POLICES

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

- | | |
|-----------------------------------------------------------------|---------------------------------------|
| DEV15 | Safeguarding the Main Road Network |
| Littlehampton Neighbourhood Plan 2014 Policy 18 | Fitzalan Link Road |
| Littlehampton Neighbourhood Plan 2014 Policy 19 | Lyminster Bypass & the A27 at Arundel |
| Littlehampton Neighbourhood Plan 2014 Policy 2 | A Spatial Plan for the Town |

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

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

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan.

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

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

The Littlehampton Neighbourhood Plan (LNP) was made on 5th November 2014.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

THE PRINCIPLE OF DEVELOPMENT

The outline planning permission (LU/47/11), which was granted on 23 January 2013, established the principle for the southern section of the Lyminster Bypass amended by LU/182/15/PL which went to Development Control Committee but is subject to a Deed of Variation which has not been signed yet. Once the Deed of Variation has been signed it would establish the updated parameters of the masterplan for the construction of the southern section of the Lyminster Bypass, including the northern and southern roundabouts, surface water drainage and landscaping.

The Environmental Statement submitted in support of the outline application for this site (LU/47/11) is considered adequate to assess the significant effects of the development on the environment and has been taken into consideration in this report.

The appraisal of this reserved matters application (LU/278/17/RES) therefore relates to the detailed proposals for the appearance, access, landscaping, layout and scale of the southern section of Lyminster Bypass.

Arun District Council and West Sussex County Council have a long term ambition to create a bypass route to Littlehampton from the north in order to remove the congestion caused by the Lyminster level crossing. A corridor of land has been reserved in order to facilitate this route. This is part of the wider protected route under Policy DEV15 (ix) Safeguarding the Main Road Network of the Arun District Local Plan 2003, Policy T SP3 of the emerging Local Plan (A284 Lyminster Bypass - Southern Section), and Policy 19 of the Littlehampton Neighbourhood Plan (NP).

Once constructed, the whole route including this southern section of the Lyminster Bypass, which is the subject of this application (LU/278/17/RES); the northern section of the Lyminster Bypass; the northern section of the Fitzalan Link Road; and the already constructed southern section of the Fitzalan Link Road would provide access to and from the A259 and Littlehampton town centre to the south and the A27 to the north.

Policy 2 of the Littlehampton NP says: "The Neighbourhood Plan concentrates future housing, economic and community related development within the built-up area boundary of Littlehampton and especially within the Fitzalan Corridor connecting the strategic housing allocations at North Littlehampton (Toddington - north of the railway) and at Courtwick Park with the Littlehampton Academy, the Town Centre, the Community Hub and 'the Green'".

The detailed road layout submitted by the applicant has been agreed with the Local Highway Authority, and it is based on the overarching concept approved under the outline planning permission (LU/47/11). The applicant has placed particular reference on the master plan submitted with and approved at the outline planning stage (as proposed to be amended under LU/182/15/PL).

The proposed southern section of the Lyminster Bypass is a fundamental and strategic part of the

transport improvements associated with the delivery of the North Littlehampton Strategic Development Area.

The associated transport improvements which are not part of this current proposal comprise: the localised widening of the A259; re-alignment of Highdown Drive to join to the Fitzalan Link at a priority junction; the Southern Section and Fitzalan Link will both have off-road shared pedestrian / cycle facilities; extension of pedestrian / cycle facilities along the A259 where land ownership permits; Toddington Lane to become a "quiet route" mainly for pedestrian and cycle use, and residents access; improvements to the Wick Roundabout through lane marking revisions; improvements to the Watersmead roundabout to permit two lanes of straight-ahead movements from the A259 Rustington Bypass and the B2187 Worthing Road; new bus service (including evening and weekend services); closure of the Toddington Lane level crossing; closure of the bridleway-type rail crossing to the north of the Bodyshop Roundabout; a new site access from Mill Lane / Toddington Lane; the widening of the majority of Mill Lane / Toddington Lane, including a new parking layby on Mill Lane; and improvements to the junction of Mill Lane with the A284, including the provision of a right turn lane.

The intersection of the proposed southern section of the Lyminster Bypass south and Main Avenue - the main access road through the Strategic Development Area - would also be the location for the proposed commercial area.

The proposed southern section of the Lyminster Bypass will link directly into the principal access roads within the site; and the principal access roads when delivered will form a loop arrangement to create a permeable site. This will allow the proposed new bus service to negotiate the site and serve the whole development.

The proposed layout allows for a 15 metre' offset along the proposed Bypass to allow for noise attenuation, landscaping and surface water attenuation. One of the main changes is the alteration of the northern junction on the Bypass which was previously shown as a traffic light/ priority junction and is proposed to be changed to a roundabout. This is following discussions between the applicant and the Local Highway Authority. The roundabout is considered to provide capacity benefits over the traffic signalised junction. The Town Council initially raised concerns regarding the success of the traffic signals - given the level of traffic. The change was discussed at the North Littlehampton Steering Group who were broadly supportive. Therefore, the proposed northern roundabout is considered to be acceptable and would allow for the safe movement of pedestrians and vehicles in accordance with Policy GEN7 of the ALP.

DESIGN, CHARACTER, LAYOUT, SCALE & APPEARANCE

Policy GEN7 of the ALP says that "Planning permission will only be granted for schemes displaying high quality design and layout". Policy D SP1 of the modified eALP requires "all development proposals should be of good quality and demonstrate a high standard of design". Policy D DM1 of the modified eALP requires proposed developments to "deliver or contribute to the ease of navigation within a new or existing development scheme through use of focal points (including gateways)"; and Policy 22 of the Littlehampton NP (Design of New Development).

The application proposal is for a single lane carriageway on each side of the road, running north-south for a length of 730 metres. A footpath / cycleway is shown running along the full length of the eastern side of the proposed Lyminster Bypass, with a grass verge on the west side, which is considered to be of a high quality design, which will link in with the layout of the approved Fitzalan Link Road to the south. The proposed highway would be raised up on an embankment which would measure up to 6.0 metres in height where it crosses over Toddington Lane and the railway line. The site is constrained by landownership and consequently the red line application boundary is drawn tightly against the eastern and western sides of the proposed Bypass, which provides limited space to accommodate the planting of

trees and the creation of a landscape screen.

In terms of design and appearance, the scheme is high quality. Public realm includes footpaths, crossing locations and the robust tree and shrub planting scheme. Surface finish materials include tarmac to the footpaths and the road, and tactile paving for crossing locations. The landscape proposal, which is discussed in detail below, includes native tree and shrub planting areas, individual 'street' trees, amenity grass, and species rich grass to help increase potential biodiversity within the site and provide a range of textures and colours for additional interest for users of the road and footpaths.

The Bypass would comprise a 7.3 metre wide road (2 x 3.65 metre carriageways with a 1 metre hard strip at each edge); a 2.0 metre wide verge running along the western side; and a 3.5 metre wide shared footway / cycleway along the eastern side of the Bypass. The alignment of both ends of the southern section of the Lyminster Bypass with the connecting roundabouts has fixed the position of the proposed road bridge over Toddington Lane and the proposed rail overbridge over the railway line. The proposed Toddington Lane Road Bridge would have a clear span of 17.0 metres; the rail overbridge would have a clear span of 29.8 metres. Both bridge superstructures would comprise precast pre-stressed concrete U-beam with an in-situ reinforced concrete deck slab. The substructure of both bridges would comprise of reinforced concrete abutments.

The Bypass would be built-up on earthworks on the approaches to the railway and Toddington Lane bridges, comprising reinforced earth walls with concrete facing panels on three sides of the approaches with the south-western approach remaining as an earthwork embankment. The earthwork would measure up to 6.0 metres high at its highest point. The construction of an earthwork to raise up the bypass would ensure that the development does not encroach on adjacent allotment land, it would optimise the developable area adjoining the bypass, and ensure that the new road was retained within the red-line boundary. It is considered that the construction of a 6.0 metre embankment incorporating a 1.4 metre high steel parapet along the eastern side of the bridge, and a 1.15 metre high steel post and rail fence on the top of the walls on the western side of the structure, as vehicle restraint systems would have a visual impact on the surrounding area. It is considered that the visual impact of the embankment would appear incongruous in the landscape when it is initially constructed, however, this would be softened over time once the proposed landscaping has been planted and established along the eastern and western boundaries of the proposed Bypass.

An 18 metre long underpass would be provided approximately 70 metres south of the Rail Overbridge, with lockable access gates at either end; and lighting along the length of the culvert; with timed push button switches to be provided at both ends preventing light pollution, in compliance with the comments raised by Sussex Police. Policy D DM1(6) of the Local Plan endorses the provision of security measures that make places feel safer. The underpass is required as it would enable pedestrian access between the existing allotments on the western side and the proposed new allotments on the eastern side of the Bypass. The proposed lighting of the underpass would ensure the proposed development complies with secure by design requirements as set out in Policy D DM1(6) of the modified eALP.

The new allotments, which are outside the red line boundary, but are proposed for a later phase as set out on the masterplan for the Strategic Development Area, would compensate for the allotment area that would be lost due to the construction of the proposed Bypass. The provision of new allotments on the eastern side of the Bypass, in addition to the existing allotments on the western side of the Bypass, would address Sport England's comment regarding whether the proposed development meets paragraph 74 of the NPPF, in terms of providing compensatory provision for sport and leisure.

Consequently, it is considered that the design, character, layout, scale and appearance of the proposed Bypass is necessary and it complies with Policy GEN7 of the ALP, Policy D DM1, Policy D SP1 and Policy QE SP1 of the modified eALP and Policy 22 of the Littlehampton NP.

HIGHWAYS AND TRANSPORT

Policy GEN7 of the ALP says "Development will be permitted provided it allows for the safe movement of pedestrians and vehicles, giving priority to pedestrians". Policy 22 of the LNP says "the carriageway widths of roads that may support (existing and future) local bus routes, are capable of doing so". Policy T SP1 of the modified eALP says that "the Council will ensure that development provides safe access on to the highway network; contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network".

The Northern and Southern Roundabouts

The traffic signalised junction at the northern end of the Bypass, which was initially proposed in the masterplan submitted with the outline planning application (LU/47/11), has been changed and the current planning application proposes the construction of a roundabout at this junction. The northern roundabout junction would provide capacity benefits over a traffic signalised junction. A roundabout design facilitates a better central hub for the local / commercial centre and the better placement of focal buildings in the North Littlehampton Strategic Development Area. The 4-arm northern roundabout has been designed to accommodate links into the Strategic Development Area; and the future implementation of the northern section of the Lyminster Bypass, which will be planned and delivered by the Local Highway Authority.

The applicant is proposing a 3 lane entry southern roundabout onto the A259 (Worthing Road). The southern roundabout has been designed to accommodate the future implementation of the A259 dualling scheme, which is being drawn up and will be implemented by the Local Highway Authority. An underground storage tank for surface water is proposed under the southern roundabout; and access has been added to the southern roundabout to assist maintenance of this drainage feature.

Traffic Movements

The anticipated traffic flows taken from the WSCC Forecast indicate an approximate 2-way traffic flow over 24 hours on the southern section of Lyminster Bypass of 26,000 movements, which would take traffic off the existing road network. The Road Safety Audit confirms that the proposed road could accommodate that estimated number of vehicles and the road has been designed accordingly.

Speed limit

There would be a 40mph speed limit along the full length of the southern section of the Lyminster Bypass and the road has been designed accordingly, to tie in with the northern section of the Bypass which is being designed up by the Local Highway Authority; and the northern part of the Fitzalan Link Road (LU/234/16/RES) to the south of the current application site. The speed limit is considered to be safe as it has been assessed in the Road Safety Audit; and the corresponding design of the proposed southern section of the Lyminster Bypass complies with Policy D SP1 of the modified eALP.

Street Lighting

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

Only the roundabouts and their approaches at the northern and southern end of the Bypass are proposed to be illuminated by street lighting, with the central area being unlit. The street lighting would comprise of 26 eight metre high columns, the detailed design of the street lighting would be submitted and assessed at the Section 278 stage by the Local Highway Authority. It is considered that the number and concentration of street lighting columns at the roundabouts and not along the central, raised up section of the proposed Bypass is acceptable in terms of design and appearance.

In addition, Environmental Health raised no objection in terms of light emissions from the proposed street lighting on the existing residents along the route of the southern section of the Lyminster Bypass.

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

Signage

Policy D SP1 of the modified eALP requires "all development proposals should be of good quality and demonstrate a high standard of design".

The applicant has submitted plans of the location and details of the signage as part of the Road Safety Audit (RSA). A full signage scheme would be developed as part of the detailed design process (the Section 278 Stage) to ensure consistency of signage across the scheme. The submitted signage details are clear with good legibility and will assist drivers, walkers and cyclists to navigate along the proposed southern section of the Bypass and the adjoining local road network.

In addition, Sussex Police have requested the provision of clear direction signage along footways and cycle paths, which will be delivered through the detailed design process at the Section 278 Stage.

The plans of the location and details of the proposed signage, submitted with the RSA, are considered to be acceptable, the information on the signage is clear and legible and it complies with Policy GEN7 of the ALP: and Policy D SP1 of the modified eALP.

Public Transport

Policy GEN14 of the ALP says "the Council will support the provision of comprehensive public transport services throughout the District. Where appropriate, new development will be required to make provision for public transport facilities". Policy T SP1(a) of the Local Plan says: "The Council will support transport and development which is designed to reduce the need to travel by car by identifying opportunities to improve access to public transport services and passenger transport services".

The North Littlehampton Strategic Development Area includes the provision of funding for a new bus route. A 30 minute bus service will be provided running 7 days a week. The main route proposed will form a loop running from Littlehampton town centre along Wick Street, east along the A259, north along the southern section of the Lyminster Bypass (LU/278/17/RES), along Main Avenue through the commercial element and residential area of the Strategic Development Area stopping at key stops, including the proposed primary school. The service would return to Littlehampton Town Centre via the same route in reverse.

It is also considered that the southern section of the Lyminster Bypass, when it is constructed and linked up with the wider arterial route, which is proposed between the A27 and Littlehampton town centre would provide a perfect route for bus services to run north / south along.

Consequently, the proposed southern section of the Lyminster Bypass, when considered alongside the wider plans for the highway network between the A27 and Littlehampton town centre; and linking up with the mixed commercial, retail and residential development on the North Littlehampton Strategic Development Area, would be accessible by public transport and it complies with Policy GEN14 of the ALP and Policy T SP1(a) of the modified eALP.

Cycling and Walking:

Policy GEN15 of the ALP says "where appropriate, new development will be required to provide safe and attractive features for cyclists and pedestrians, both within the site and in the form of links to the

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

A pedestrian and cycle route will also be provided along the southern section of the Lyminster Bypass, linking with the Fitzalan Link Road to the south of the A259 to give access to the Academy, the town centre, the seafront and other parts of the town to the south of the site. A network of planned footway and cycleway links extends through the Strategic Development Area, out into open land running up to the Black Ditch Rife and beyond; linking up with the wider strategic network of footways and cycleways promoted for delivery in the West Sussex Walking and Cycling Strategy 2017.

The footway/cycleway on the northern side of the eastern arm of the southern roundabout (i.e. the A259 Roundabout) has been removed from the current application because the Local Highway Authority's future dualling scheme for the A259 would include the implementation of an extension to the footway/cycleway on this arm to link with the signal crossing to the east.

Consequently, the proposed cycleway and footway proposals along the eastern side of the Bypass, as agreed at a meeting between the applicant and the Local Highway Authority in October 2008, are acceptable and the proposed development is in accordance with Policy GEN15 of the ALP, Policy T SP1 and Policy T DM1 of the modified eALP.

LANDSCAPING

Policy GEN27 of the ALP says that "development which would have an unacceptable adverse impact on individual features or the character of the landscape will not be permitted". Policy GI SP1 of the modified eALP says: "all major development must be designed to protect and enhance existing Green Infrastructure assets, and the connections between them, in order to ensure a joined up Green Infrastructure Network".

The proposed landscaping includes native tree and shrub planting areas, individual street trees, amenity grass and species rich grass; and includes a continuous green 'parkway' along the length of the southern section of the Lyminster Bypass. The northern element of the proposed bypass would however be more urban in character as it would be located within the commercial / local centre of the North Littlehampton SDA.

The applicant has amended the proposals removing the swales from the 15 metre landscape offset. Blackthorn and thorny shrubs have been removed from the planting plan adjacent to any of the cycle paths. A bund and landscaping would be provided at the northern end of Highdown Drive, as the alignment of Highdown Drive would result in headlights shining towards southbound vehicles on the Lyminster Bypass and vice-versa, as identified in the Stage 1 - Road Safety Audit Addendum.

Following the review and sign-off of the road safety audit (the RSA), the applicant submitted amended landscape drawings in December 2017. The amended landscape scheme includes the planting of landscaping belts, comprising native tree and shrub planting, the planting of trees along both sides of the carriageway, wherever possible, together with the retention of existing vegetation and the laying of amenity grassland and species rich grassland on the verges. The proposal to plant trees wherever possible along the length of the southern section of the Lyminster Bypass would will help to create a strong public realm. The applicant has submitted amended plans, following comments received from the LPA, proposing a row of trees in place of the original scheme for a native hedge on the western approach to the southern roundabout and along Worthing Road to the east of the roundabout. Trees are also now proposed on the eastern side of the Bypass between the Toddington Lane Road Bridge and the Rail Overbridge and running west from the northern roundabout to give the impression of a tree-lined avenue. The proposed 'street' trees have been selected with a 2.4 metre clear stem to ensure visibility is maintained across the site; and most have been specified as semi-mature trees. Tree grilles would be

provided along the northern side of the Bypass, to enable continuity with the residential developments already approved for Parcels C1 and B2 on the North Littlehampton SDA.

The landscape elements of the proposals are considered to be acceptable by ADC Greenspace. The ADC Arboricultural Officer raised no objection but requested a condition be imposed to ensure that tree protection fencing to BS 5837: 2012 is erected and retained during the construction of the southern section of the Lyminster Bypass. A condition requiring tree protection fencing was imposed on the outline planning permission (condition 15) and is not required to be repeated on this reserved matters application. The landscaping plans will be checked again by WSCC at the detailed highway design stage (Section 38 / Section 278).

Consequently, it is considered that the proposed development complies with Policies GEN27 and GEN28 of the ALP, Policy ENV DM4 and Policy GI SP1 of the modified eALP.

PUBLIC ART

Policy D DM1 of the modified eALP says "public art should be incorporated into schemes where there is capacity to do so. Public art can encompass a wide variety of elements to include art as part of developments, landscape and planting, street furniture, signage and lighting in the public realm which is accessible to all. This can result in physical, permanent artworks and sculptures".

In terms of public art on the roundabouts at both ends of the Bypass, landscape drawings have been submitted showing an indicative proposal and location for public art, in accordance with the masterplan which accompanied the outline planning application (LU/47/11) for North Littlehampton SDA; and varied by LU/346/14/PL.

The applicant submitted plans which show artwork comprising upright timbers arranged to mimic waves of the sea, however, it is considered that further consultation is required to ensure the artwork provides a gateway feature into Littlehampton and into the Strategic Development Area, which is being planned and delivered on the former Toddingon Lane Nursery site.

Consequently, it is considered reasonable and necessary to impose a condition requiring the submission of a scheme of artwork on, or in close proximity to the northern and southern roundabouts, in accordance with Policy D DM1 of the modified eALP.

OTHER MATTERS

Conditions 1 (reserved matters application), 5 (details of materials and finishes), 7 (appearance, landscaping and layout), 8 (Design statement), 14 (Landscaping) and 26 (highway specification and construction details), are dealt with in this report as the conditions outlined the information required to be submitted for each reserved matters application. The applicant is also seeking to discharge 7 conditions imposed on the outline planning permission (LU/47/11/) and their discharge is the subject of a separate, concurrent application (LU/284/17/DOC), which is covered in a separate report to the Development Control Committee because the matters under consideration are closely interlinked with the reserved matters issues closely.

The issues to be dealt with under the concurrent DOC application (LU/284/17/DOC) comprise surface water drainage (condition 10), tree protection measures (condition 15), ecology (conditions 19 & 20) and ecological management (condition 21), noise assessment (condition 36) and noise mitigation (condition 37).

CONCLUSION

It is considered that the application for reserved matters (relating to access, appearance, landscaping, layout and scale) comprises a detailed highway scheme for the construction of the southern section of

the Lyminster Bypass.

The proposed development of the southern section of the Lyminster Bypass is of strategic importance as it will assist in the delivery of wider highway improvements, providing (when the northern section is in place) a new highway link between the A27 in the north and Littlehampton Town Centre in the south; and connecting the developing Strategic Development Area on the former Toddington Lane Nursery site in North Littlehampton with the highway network. The proposal is part of the wider protected highway route and complies with Policy DEV15 (ix) Safeguarding the Main Road Network of the Arun District Local Plan and Policy T SP3 of the modified eALP.

The southern section of the Bypass as proposed is both acceptable and it complies with the policies in the Development Plan and accords with the National Planning Policy Framework (the NPPF).

This reserved matters application is therefore recommended for approval. Should the Deed of Variation attached to LU/182/15/OUT not be finalised prior to the Committee meeting, delegated authority is sought for the Group Head of Planning in consultation with the Chairman and Vice Chairman of the Development Control Committee to approve this application (LU/278/17/RES).

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.B

DUTY UNDER THE EQUALITIES ACT 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved drawings, or as otherwise agreed in writing with the Local Planning Authority after consultation with the Local Highway Authority.

- Drawing Number MBSK170907-1 Rev. P1 - Extent of Lyminster Bypass Southern Section

Works

- Drawing Number A/PHLYM.1/GA-1 Rev P15 - Southern By-pass Roundabout General Arrangement Drawing
- Drawing Number A/PHLYM.1/GA-2 Rev P14 - A259 Worthing Road Roundabout General Arrangement Drawing
- Drawing Number A/PHLYM.1/ST-1 Rev P9 - Southern Bypass Roundabout Surface Treatments Drawing
- Drawing Number A/PHLYM.1/ST-2 Rev P10 - A259 Worthing Road Roundabout Surface Treatments Drawing
- Drawing Number A/PHLYM.1/VIS-1 Rev P9 - Southern Bypass Roundabout Visibility Splays
- Drawing Number A/PHLYM.1/VIS-2 Rev P10 - A259 Worthing Road Roundabout Visibility Splays
- Drawing Number A/PHLYM.1/TR-1 Rev P7 - Southern Bypass Roundabout Tree Removal Drawing
- Drawing Number A/PHLYM.1/TR-2 Rev P7 - A259 Worthing Road Roundabout Tree Removal Drawing
- Drawing Number A/PHLYM.1/TK-1 Rev P8 - Anticipated Vehicle Swept Paths
- Drawing Number A/PHLYM.1/TS01 Rev P1 - Proposed Traffic Signing Strategy
- Drawing Number 35944_2001_001 Rev. L - Proposed Road Alignment and Contours
- Drawing Number 35944/2001/002 Rev. C - Proposed Finishes and Kerbing
- Drawing Number 35944/2001/003 - Highway Construction Details (Sheet 1 of 2)
- Drawing Number 35944/2001/004 - Highway Construction Details (Sheet 2 of 2)
- Drawing Number 35944/3501/004 Rev P5 - Reco Walls (WSCC Ref: 6078 & 6079) - General Arrangement
- Drawing Number SLB1 Rev. E - Landscape Proposals (Sheet 1 of 2)
- Drawing Number SLB2 Rev. E - Landscape Proposals (Sheet 2 of 2)
- Drawing Number SLB3 Rev. E - Landscape Proposals: Northern roundabout
- Drawing Number SLB3.1 Rev. E - Landscape Proposals: Northern roundabout (showing drainage and visibility splays)
- Drawing Number SLB4 Rev. E - Landscape Proposals: Southern roundabout
- Drawing Number SLB4.1 Rev. E - Landscape Proposals: Southern roundabout (showing drainage and visibility splays)
- Drawing Number SK02 - Receptor and Acoustic Barrier Locations

1. Stage 1 Road Safety Audit (RSA) - March 2017.
2. Designer's Response to March 2017 RSA.
3. Addendum Stage 1 RSA - September 2017.
4. Designer's Response to September 2017 RSA.
5. RSA 1 Addendum 2 Report
6. RSA 1 Addendum 2 Designer's Response

Reason: For the avoidance of doubt and in the interests of amenity and the environment, road safety and to ensure appropriate design in accordance with Policy GEN7 of the Arun District Local Plan.

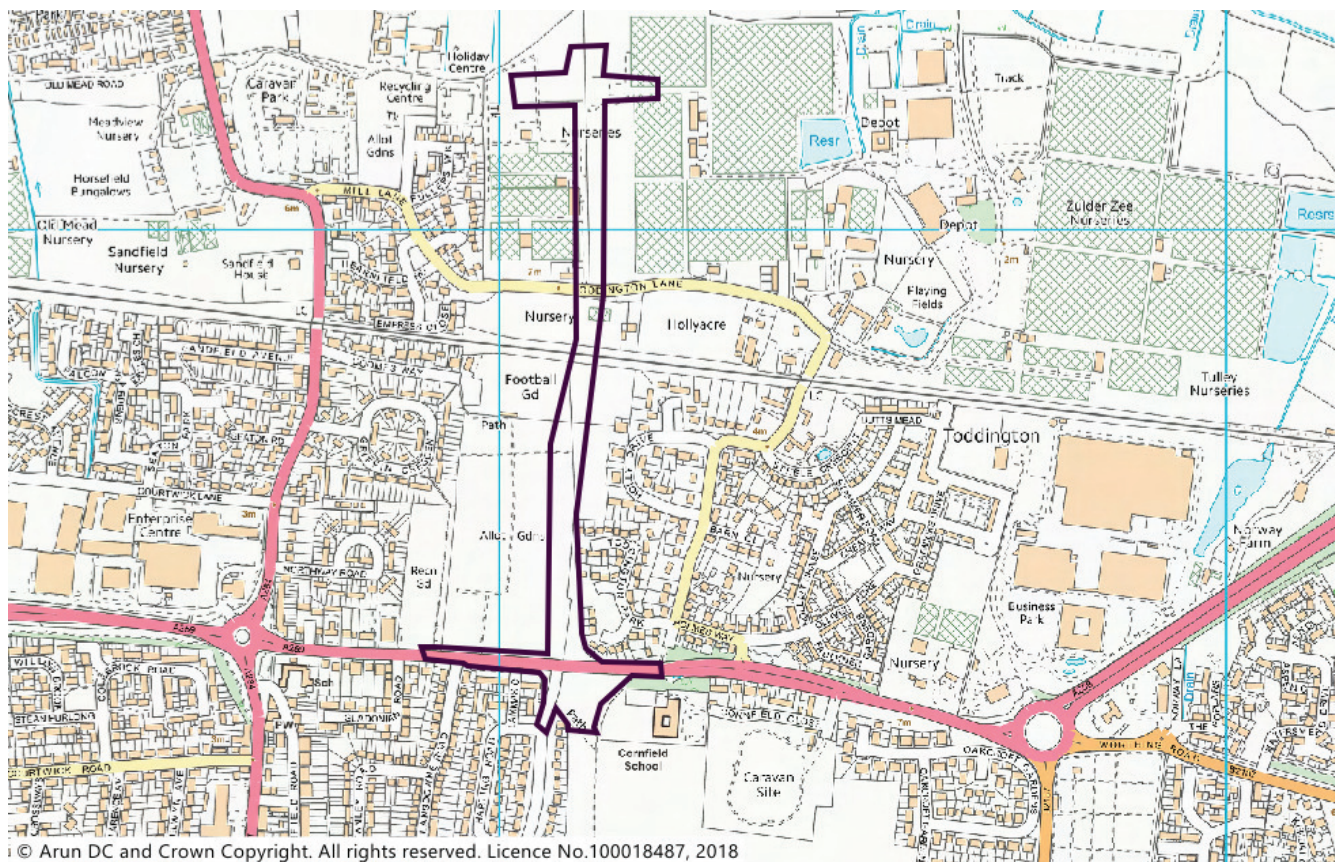
- 2 Within 3 months of the date of this planning permission, a scheme of public artwork should be submitted to and approved in writing by the Local Planning Authority, for the provision of artwork on or in close proximity to the 2 roundabouts along the southern section of the Lyminster Bypass. The approved scheme of public artwork shall be implemented prior to the opening of the southern section of the Lyminster Bypass.

Reason: To ensure that the proposed development incorporates public artwork at this

strategic gateway into Littlehampton, in accordance with Policy GEN7 of the Arun District Local Plan.

- 3 INFORMATIVE: Section 59 of the 1980 Highways Act - Extra-ordinary Traffic*
The applicant is required to enter into a Section 59 Agreement under the 1980 Highways Act to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Area Highway Engineer WSCC in order to commence this process. *Note this is only required if HGV traffic exceeds 20 movements per working day.
- 4 INFORMATIVE: The applicant is required to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant should to contact The Implementation Team Leader (0330 2225704) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
- 5 INFORMATIVE: Section 278 Agreement of the 1980 Highways Act - Works within the Highway
The applicant is required to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works if they affect the existing public highway. The applicant should contact The Implementation Team Leader (0330 2225704) 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.
- 6 INFORMATIVE: Temporary Works Required During Construction
The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.
- 7 INFORMATIVE: Temporary Developer Signage
The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.
- 8 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 9 INFORMATIVE: The developer must advise the Local Planning Authority, in consultation with Southern Water, of the measures which will be undertaken to protect the public sewers and water mains, prior to commencement of the development.
- 10 INFORMATIVE: Any works to the trees or vegetation clearance on the site should only be undertaken outside the bird breeding season, which takes place between 1st March and 1st October. If works are required within this time the Ecologist will need to check the site before any works take place (within 24 hours of any work).

LU/278/17/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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REPORT UPDATE

Application No: LU/284/17/DOC

Reason for the Update / Changes

The Development Control Committee resolved, at its meeting on the 11 April 2018, to approve all 7 of the conditions in part insofar as they related to the southern section of the Lyminster Bypass phase of the development, subject to the resolution of the Deed of Variation to the Section 106 Agreement being considered under outline planning application (app. Ref. LU/182/15/PL). The Deed of Variation to the Section 106 Agreement has now been completed. This further update report is also required to consider the new planning policy context following the adoption of the Arun District Local Plan and the revision of the National Planning Policy Framework.

Since the Report was originally considered, the following updates are required (listed under the original report headings):

POLICY COMMENTARY:

Replace previous section with the wording below:

"The Development Plan consists of the Arun District Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

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 Littlehampton Neighbourhood Development Plan was 'made' in 2014 and forms part of the development plan of relevance to this application."

CONCLUSIONS:

The conclusion section sets out the information submitted and recommended for part approval under each condition. The original report was broken down by each condition.

The text regarding each Condition needs to be amended to reflect the 2018 Arun Local Plan (ALP) as the wording currently refers to policies in the 2003 ALP.

Condition 10:

The conclusions refer to surface water drainage along the length of the southern section of the Lyminster Bypass. This was previously considered acceptable in accordance with Policy GEN9 of the 2003 ALP. The proposed surface water drainage would still be acceptable when considered against new policies W DM1, W DM2 and Policy W DM3'.

All references to Condition 10 - amend by replacing 'Policy GEN9' with 'Policy W DM1, W DM2 and Policy W DM3'.

Condition 15:

The conclusions refer to tree protection and replacement along the southern section of the Lyminster Bypass. This was previously considered acceptable in accordance with Policy GEN28 of the 2003 ALP. The proposed tree protection and replacement would still be acceptable when considered against new policy ENV DM4.

All references to Condition 15 – amend by replacing ‘Policy GEN28’ with ‘Policy ENV DM4’.

Conditions 19, 20 & 21:

The conclusions refer to an ecological management plan with proposed ecological mitigation measures along the southern section of the Lyminster Bypass. This information was previously considered acceptable in accordance with Policy GEN29 of the 2003 ALP. The proposed ecological management plan with ecological mitigation measures would still be acceptable when considered against new policy QE SP1.

All references to Conditions 19, 20 & 21 – amend by replacing ‘Policy GEN29’ with ‘Policy QE SP1’.

Conditions 36 & 37:

The proposed noise measures would still be acceptable when considered against new policy QE DM1.

Retain all references to ‘Policy QE DM1’ of the ALP 2018.

RECOMMENDATION:

That, in accordance with the original report, as amended by this Update report, all 7 of the conditions be approved in part as they relate to the southern section of the Lyminster Bypass phase of the development of North Littlehampton Strategic Development Area (SDA).

Recommendation Report for the Discharge of Conditions

REF NO: LU/284/17/DOC

LOCATION: North Littlehampton Strategic Site West of Toddington Park, Toddington Lane.

PROPOSAL: Application for approval of details reserved by conditions imposed under LU/47/11 relating to conditions: 1 - Reserved Matters Application to be submitted, 5 - Details of Materials & External Finishes, 7 - Appearance, Landscaping & Layout, 8 - Design statement, 10 - Surface Water Drainage Strategy, 14 - Landscaping, 15 - Trees, 19 & 20- Ecology, 21 - Ecological Management, 26 - Highway Specification & Construction Details, 36 - Noise Assessment & 37 - Noise Mitigation.

DESCRIPTION OF APPLICATIONS

This application seeks to discharge 7 conditions (Numbers 10, 15, 19, 20, 21, 36 and 37) which were imposed upon outline planning permission (LU/47/11) which was granted on 23rd January 2013. The outline planning permission established the principle for the southern section of the Lyminster Bypass which was amended by LU/182/15/PL which went to Development Control Committee, but which was

subject to a Deed of Variation which has now been signed. The Deed of Variation establishes the updated parameters of the masterplan for the construction of the southern section of the Lyminster Bypass, including the northern and southern roundabouts.

Condition 1 (reserved matters application), Condition 5 (details of materials and finishes), Condition 7 (appearance, landscaping and layout), Condition 8 (Design statement), Condition 14 (Landscaping) and Condition 26 (highway specification and construction details), are all dealt with in a separate report - LU/278/17/RES - as these conditions outlined the information required to be submitted for each reserved matters application.

The issues to be dealt with in this report comprise surface water drainage (condition 10), tree protection measures (condition 15), ecology (conditions 19 & 20) and ecological management (condition 21), noise assessment (condition 36) and noise mitigation (condition 37).

SITE AREA

4.8 Ha

TOPOGRAPHY

The application site is predominantly flat, situated between the South Downs National Park to the north, and the coastal plain to the south. It is within the built-up area boundary of Littlehampton, and it is surrounded by mixed uses, including residential estates.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The site boundary is defined to the south by Worthing Road (A259) and Cornfield School. Cornfield School has mature trees along its boundary with the site. The western boundary of the site is defined by Allotment Gardens, Crabtree Park (Football Ground) and residential properties along Griffin Crescent, Coomes Way, Empress Close, Granary Way, Mill House and Fullers Walk. Highdown Drive is to the south west of the site. The eastern boundary of the site is defined by residential properties fronting Holly Drive and Toddington Park. The north western boundary is defined by the Household Waste Recycling Centre and Woodcote Rural Holiday Centre. To the north and north east of the application site, mixed use development is being delivered on the North Littlehampton Strategic Development Area (SDA).

SITE CHARACTERISTICS

The residential area of Toddington is located south of the railway line and the separate village of Lyminster lies to the north, whilst the northern part of the residential area of Wick is situated to the west of the site. The A284, which is the main road serving Littlehampton from the A27, passes to the west of the site through Lyminster and Wick and then south to Littlehampton Town Centre. Toddington Lane crosses the site north of the railway line.

CHARACTER OF LOCALITY

To the south of the railway line is the Watersmead Business Park. To the west of the Business Park is a small haulage depot site. The majority of the land between the railway line and the A259 Worthing Road is the residential area of Toddington Park. To the west of the Toddington Park area is open land in a number of uses, including allotments, the Wick Town Football Club site and a recreation ground. Low-lying land, south of the Black Ditch, comprises grazing marshes of biodiversity value.

RELEVANT SITE HISTORY

LU/47/11/ - App Cond with S106 23-01-13 – Outline application with some matters reserved for mixed use development comprising: demolition of existing buildings and structures, up to 1,260 residential dwellings (out of a potential 1,460 dwelling masterplan), up to 13,000 sqm of B1 employment floorspace (including 3,000 sqm Enterprise Centre), up to 3,500 sqm of Class A local facilities, a 100 bed hotel, 60 bed care home, a new 2 Form Entry primary school, community centre, youth and leisure facilities, combined heat & power plant, extension to existing household recycling centre, landscaping, replacement and additional allotments, multi-functional green infrastructure including sports pitches (& associated changing facilities), informal open space, children's play areas, primary vehicular access from a new access from Mill Lane & Toddington Lane. This application is the subject of an Environmental Impact Assessment & a departure from the development plan. This application affects a public right of way.

LU/278/17/RES – Approval of Reserved Matters following Outline Permission LU/47/11 for Construction of the southern section of the Lyminster Bypass, including northern and southern roundabouts, surface water drainage and landscaping. Departure from the Development Plan & affects a Public Right of Way.

LU/182/15/PL – Variation of conditions 4, 6, 7, 8, 39 & 2 imposed under planning reference LU/47/11/ relating to list of plans, illustrative masterplan, CHP plant building, Design Statement, bus stops & traffic improvements.

LU/346/14/PL – ApproveConditionally 20-02-15 – Application for variation of Conditions 11, 17, 18, 20 and 30 imposed under LU/47/11 relating to maintenance of watercourse, scheme for creation of central wetland area, scheme for details of bridges and buffer zones to on-site watercourses, ecological management plan and scheme for hydrants.

SUMMARY OF REPS RECEIVED

None. Discharge of Condition applications are not subject to public consultation.

OFFICERS COMMENTS ON REPS

None

SUMMARY OF CONSULTATIONS RESPONSES

ENVIRONMENT AGENCY:

No objection.

The site is not within a Source Protection Zone. The Environment Agency has reviewed the Technical Drainage Note submitted with the planning application which concludes that soakaways are not feasible as the groundwater level is close to the ground surface and infiltration tests have shown that the ground is unsuitable for a soakaway. The Environment Agency would support the inclusion of water efficiency measures as part of this development. The Environment Agency also raised no objection to the Addendum Technical Note on Surface Water (dated December 2017) submitted by the applicant removing the surface water swale which was initially proposed.

ADC DRAINAGE:

No objection.

The road (surface water) drainage will need to be approved by West Sussex County Council as the Local Highway Authority.

ADC ECOLOGICAL ADVISOR:

No objection raised once the Ecological Advisor was made aware that a protected species survey (the reptile survey) had been undertaken on the site and it was possible to establish if protected species were present. The requisite information has been submitted with this DOC application. The Ecological Advisor has requested that the lighting scheme for the site takes into consideration the presence of bats and minimises the impacts to any bats by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The reptile survey has shown that there is a small population of common lizards on site. Due to this, mitigation has been proposed within the Reptile Presence / Likely Absence Survey (October 2015); the proposed mitigation is suitable. The applicant should note that no works can commence until the reptile translocation has taken place. In terms of nesting birds, the Ecologist has recommended that any works to the trees or vegetation clearance on the site should only be undertaken outside the bird breeding season, which takes place between 1 March and 1 October. If works are required within this time the Ecologist will need to check the site before any works take place (within 24 hours of any work).

ADC ENVIRONMENTAL HEALTH:

No objection.

The Noise Assessment proposes a 3.0 metre high acoustic barrier to extend around properties Numbers 9 to 23 Toddington Park and somewhat to the north of this; which will achieve noise attenuation of up to 7.4dB (p18). The applicant responded that the dwellings that will receive the 7.4dB reduction in noise levels as a result of the 3.0 metre high barrier are Number 14 Toddington Park and Number 23 Toddington Park. The guidance within the Design Manual for Roads and Bridges (HD213/11) and the 1975 Noise Insulation Regulations (as amended 1988), which provide guidance for the assessment changes in noise levels as a result of new road developments, were used within the noise assessment. The applicant has also stated that none of the representative receptors are predicted to experience levels in excess of 68 dB LA10, 18 hour and therefore are not eligible for any additional insulation as specified in the Noise Regulations 1975.

ADC ARBORICULTURE:

No objection.

There is some tree loss but this will be of a species and size of tree that will not have an adverse impact in the landscape and significant mitigation tree planting is proposed as part of the proposed development. The submitted tree reports and plans show that the tree content has been properly assessed and considered in accordance with BS5837 requirements; and tree protection matters have been highlighted and adequately addressed on the submitted plans.

OFFICERS COMMENTS ON CONSULTATIONS

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within Built-Up Area Boundary (BUAB)
North Littlehampton Strategic Development Area

POLICY COMMENTARY

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

A new Local Plan is in preparation and constitutes a material consideration when determining planning applications. The Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was suspended whilst Arun District Council addressed matters raised by the Inspector and

published modifications to the emerging Local Plan, but it resumed on 17 September 2017 and has now concluded. The Main Modifications to the emerging Arun Local Plan and evidence base were available for public consultation over a six week period which started on Friday 12 January and ended on Friday 23 February 2018. The District Council is awaiting the Inspector's report which is due out in Spring 2018.

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

The Neighbourhood Development Plan

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

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

The Littlehampton Neighbourhood Plan (LNP) was made on 5 November 2014.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

AREA17	Sites of Archaeological Interest
DEV15	Safeguarding the Main Road Network
GEN11	Inland Flooding
GEN28	Trees and Woodlands
GEN32	Noise Pollution
GEN33	Light Pollution
GEN34	Air Pollution
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
SITE7	Land at Toddington, Littlehampton

Publication Version of the Local Plan
(October 2014):

D DM1	Aspects of Form and Design Quality
D SP1	Design
QE DM1	Noise Pollution
QE DM2	Light Pollution
QE DM3	Air Pollution
QE SP1	Quality of the Environment
T DM1	Sustainable Travel and Public Rights of Way
T SP1	Transport and Development
W DM2	Flood Risk
ENV DM4	Protection of Trees
GI SP1	Green Infrastructure & Development
HER DM6	Sites of Archaeological Interest
INF SP1	Infrastructure provision and implementation

Littlehampton Neighbourhood Plan 2014 Policy 18 Fitzalan Link Road

Littlehampton Neighbourhood Plan 2014 Policy 19 Lyminster Bypass & the A27 at Arundel

Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town
 Littlehampton Neighbourhood Plan 2014 Policy 22 Design of New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance

CONCLUSIONS

SURFACE WATER DRAINAGE (CONDITION 10)

Policy GEN9 of the ALP deals with surface water drainage: development which will materially increase surface water discharges will be refused unless the LPA is satisfied that either adequate drainage capacity exists or appropriate drainage capacity can be provide as part of the development.

There are two drainage areas, or catchments, that the surface water along the southern section of the Lyminster Bypass will run-off into and they are the northern catchment and the southern catchment. The initial drainage strategy for the northern catchment comprised a surface water swale and an attenuation tank. The Addendum Technical Note on Surface Water (dated December 2017) removed the water swale and an attenuation tank and the amended proposal is to allow the surface water run-off to flow freely into the downstream drainage network.

The drainage network will also receive connections from the future development parcels on the North Littlehampton Strategic Development Area. The proposed run-off would discharge freely into the adjacent proposed drainage system. The run-off from the southern catchment would be stored in two pipes within the carriageway, with an outflow discharge into the existing sewer to the south. The Environment Agency, ADC Drainage and West Sussex County Council as the Lead Local Flood Authority are satisfied with the amended drainage strategy, including the Addendum Technical Note on Surface Water, for both the northern and southern catchments. Southern Water has requested a condition regarding the protection of the public sewers and water mains, however there is already a drainage condition imposed on the outline planning permission. Therefore, there is no need for a further drainage condition.

Consequently, it is considered that the surface water drainage strategy is acceptable and it complies with Policy GEN9 of the ALP and Policy W DM1 of the modified eALP; and it is recommended that condition 10 should be approved in part insofar as it relates to the southern section of the Lyminster Bypass phase of the development.

TREES (CONDITION 15)

Policy GEN28 of the ALP says "development will not be permitted if it would damage or destroy one or more trees protected by a tree preservation order, identified as ancient woodland or in a conservation area". Policy ENV DM4 of the modified eALP says: "where planning permission is granted, conditions shall be used to ensure that, for any trees which are removed as part of a development, at least an equivalent number of a similar species and age (where practical) are planted on the proposed development site. Sufficient space for replacement trees to mature without causing future nuisance or damage shall be provided. The planting of new trees shall form an integral part of the design of any development scheme".

An Arboricultural Assessment and Method Statement, a Tree Constraints Plan and a Tree Protection Plan have been submitted by the applicant to discharge condition 15 imposed on the outline planning permission (LU/47/11), to the satisfaction of the Council's Arboricultural Officer.

Consequently, it is considered that condition 15 should be approved in part insofar as it relates to the southern section of the Lyminster Bypass phase of the development, in accordance with Policy ENV DM4 of the Local Plan.

ECOLOGY (CONDITIONS 19, 20 & 21)

Policy GEN29 of the ALP says that development will only be permitted on sites which contain semi-natural habitats, features of nature conservation interest, or within wildlife corridors, where these can be largely retained and sympathetically incorporated into the scheme.

The ecological details, including an updated ecological survey, required under conditions 19, 20 (varied condition) and 21 imposed on outline planning permission (LU/47/11) have been submitted by the applicant. The conditions required the submission of an ecological management plan. The proposed ecological mitigation measures include the provision of a pole mounted Barn Owl box and some bat 'hop-over' locations along the route of the proposed Bypass.

As such, the proposed development complies with Policy GEN29 of the ALP and Policy QE SP1 of the modified eALP; and that conditions 19, 20 and 21 should be approved in part insofar as they relate to the southern section of the Lyminster Bypass phase of the development.

NOISE & RESIDENTIAL AMENITY (CONDITIONS 36 & 37)

Policy QE DM1 of the modified eALP says: "new noise generating development proposals will need to be supported by a noise report which provides accurate information about the existing noise environment, and the likely impact of the proposed development upon the noise environment. The report must also demonstrate any mitigation measures require to ensure noise is managed to an acceptable level".

A noise report has been submitted by the applicant to discharge conditions 36 and 37 imposed on the outline planning permission (LU/47/11). The noise report recommended that a 3.0 metre high acoustic barrier was required along the eastern boundary of the Bypass adjacent to the existing residential property boundaries at the proposed new southern roundabout with Worthing Road, so as to reduce traffic noise levels by up to 9.3dB (decibels). Environmental Health is satisfied with the results of the noise modelling.

The erection and retention of an acoustic barrier alongside the Lyminster Bypass, backing onto the rear gardens of residential properties in the vicinity of the proposed new roundabout on Worthing Road, would have a visual impact upon the amenity of local residents, but this needs to be measured against the noise emissions from the vehicles travelling along the Bypass. It is considered that the higher the acoustic barrier is, the lower the noise emissions and the lower the acoustic barrier is, the higher the noise emissions will be. On balance, it is considered that the visual impact of a 3.0 metre high acoustic barrier, as proposed by the applicant, would be acceptable when measured against the noise levels emitted by vehicles travelling along the southern section of the Lyminster Bypass.

As there are 2 noise conditions (conditions 36 and 37) imposed on the outline planning permission for the North Littlehampton SDA, it is not considered necessary to require further noise conditions to be imposed on the residential developments that have recently been constructed within Phase 1, which would back onto the proposed Bypass as noise assessment and mitigation have already been agreed for earlier phases of the development of the North Littlehampton Strategic Development Area. Future phases would also require noise assessment measures.

As such, the proposed development complies with Policy QE DM1 of the modified eALP in terms of noise generating development; and that conditions 36 and 37 should be approved in part insofar as they relate to the southern section of the Lyminster Bypass phase of the development.

CONCLUSION

It is considered that the applicant has submitted sufficient information to approve in part the following 7 conditions imposed on the outline planning permission (LU/47/11) insofar as they relate to the southern section of the Lyminster Bypass phase of the development and the conditions be part discharged: surface water drainage (condition 10); tree protection measures (condition 15); ecology (conditions 19 and 20); and ecological management (condition 21); noise assessment (condition 36); and noise mitigation (condition 37).

HUMAN RIGHTS

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.

EQUALITIES

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

That all 7 of the conditions be approved in part insofar as they relate to the southern section of the Lyminster Bypass phase of the development with the following decision notice wording:

Condition 10

The following information submitted regarding Condition 10 imposed on outline planning permission LU/47/11: relating to a Surface Water Drainage Strategy is approved in part insofar as it relates to the southern section of the Lyminster Bypass phase of the development and the condition is hereby part discharged:

- Addendum Technical Note - Surface Water (Reference PHLYM.10) prepared by Mayer Brown, dated 4th November 2017; and
- The Technical Note Drainage (Reference A100789/170833) prepared by WYG, dated 22nd August 2017 - with reference to the drainage strategy for the southern catchment of the Lyminster Bypass.

Condition 15

The following information submitted regarding Condition 15 imposed on outline planning permission LU/47/11: relating to Tree Protection Measures is approved in part insofar as it relates to the southern section of the Lyminster Bypass phase of the development and the condition is hereby part discharged:

- Arboricultural Assessment & Method Statement - Land off Toddington Lane, Littlehampton, West Sussex (Southern Lyminster Bypass), (reference: 16267-AA-Southern Lyminster Bypass-260717-JB), prepared by Barrell Tree Consultancy, dated 26th July 2017;
- Drawing Number 16267-BT4 a - Tree Protection Plan - Location of trees, categorisation and protection/management proposals at Land off Toddington Lane, Littlehampton, West Sussex, prepared by Barrell Tree Consultancy;
- Drawing Number 16267-BT4 b - Tree Protection Plan - Location of trees, categorisation and protection/management proposals at Land off Toddington Lane, Littlehampton, West Sussex, prepared by Barrell Tree Consultancy; and

- Drawing Number 16267-BT4 c - Tree Protection Plan - Location of trees, categorisation and protection/management proposals at Land off Toddington Lane, Littlehampton, West Sussex, prepared by Barrell Tree Consultancy.

Condition 19

The following information submitted regarding Condition 19 imposed on outline planning permission LU/47/11: relating to Ecology is approved in part insofar as it relates to the southern section of the Lyminster Bypass phase of the development and the condition is hereby part discharged:

- Toddington Lane, North Littlehampton - Update Ecological Constraints Appraisal, 2014 (Reference: A086068), prepared by WYG, dated 17th October 2014;
- Toddington Lane, North Littlehampton - terrestrial invertebrate habitat assessment (Reference: A086068), prepared by WYG, dated 20th October 2014;
- Toddington Lane, North Littlehampton - Reptile Presence / Likely Absence Survey Report (Reference: A086068), prepared by WYG, dated 20th April 2015;
- Toddington Lane, North Littlehampton - Bat Emergence / Return Survey Report (Reference: A086068), prepared by WYG, dated October 2014;
- North Littlehampton - Breeding Bird Report (Reference: A086068), prepared by WYG, dated October 2014;
- North Littlehampton - Water Vole Presence / Likely Absence Survey (Reference: A086068), prepared by WYG, dated October 2014; and
- Toddington Lane, North Littlehampton - Great Crested Newt Presence / Likely Absence Survey (Reference: A086068), prepared by WYG, dated October 2014.

Condition 20

The following information submitted regarding Condition 20 imposed on outline planning permission LU/47/11: relating to Ecology is approved in part insofar as it relates to the southern section of the Lyminster Bypass phase of the development and the condition is hereby part discharged:

- Toddington Lane, North Littlehampton - Update Ecological Constraints Appraisal, 2014 (Reference: A086068), prepared by WYG, dated 17th October 2014;
- Toddington Lane, North Littlehampton - terrestrial invertebrate habitat assessment (Reference: A086068), prepared by WYG, dated 20th October 2014;
- Toddington Lane, North Littlehampton - Reptile Presence / Likely Absence Survey Report (Reference: A086068), prepared by WYG, dated 20th April 2015;
- Toddington Lane, North Littlehampton - Bat Emergence / Return Survey Report (Reference: A086068), prepared by WYG, dated October 2014;
- North Littlehampton - Breeding Bird Report (Reference: A086068), prepared by WYG, dated October 2014;
- North Littlehampton - Water Vole Presence / Likely Absence Survey (Reference: A086068), prepared by WYG, dated October 2014; and
- Toddington Lane, North Littlehampton - Great Crested Newt Presence / Likely Absence Survey (Reference: A086068), prepared by WYG, dated October 2014.

Condition 21

The following information submitted regarding Condition 21 imposed on outline planning permission LU/47/11: relating to Ecological Management is approved in part insofar as it relates to the southern section of the Lyminster Bypass phase of the development and the condition is hereby part discharged:

- North Littlehampton, Southern Lyminster Bypass, West Sussex - Ecological Management Plan, prepared by ECOSA Ltd, dated 11th August 2017 (Report Reference: 2092.F0-3).

Condition 36

The following information submitted regarding Condition 36 imposed on outline planning permission LU/47/11: relating to Noise Assessment is approved in part insofar as it relates to the southern section of the Lyminster Bypass phase of the development and the condition is hereby part discharged:

- Discharge of Condition 36, Lyminster Bypass, Noise Barrier, North Littlehampton - Noise Assessment, prepared by WYG, dated 25th August 2017.

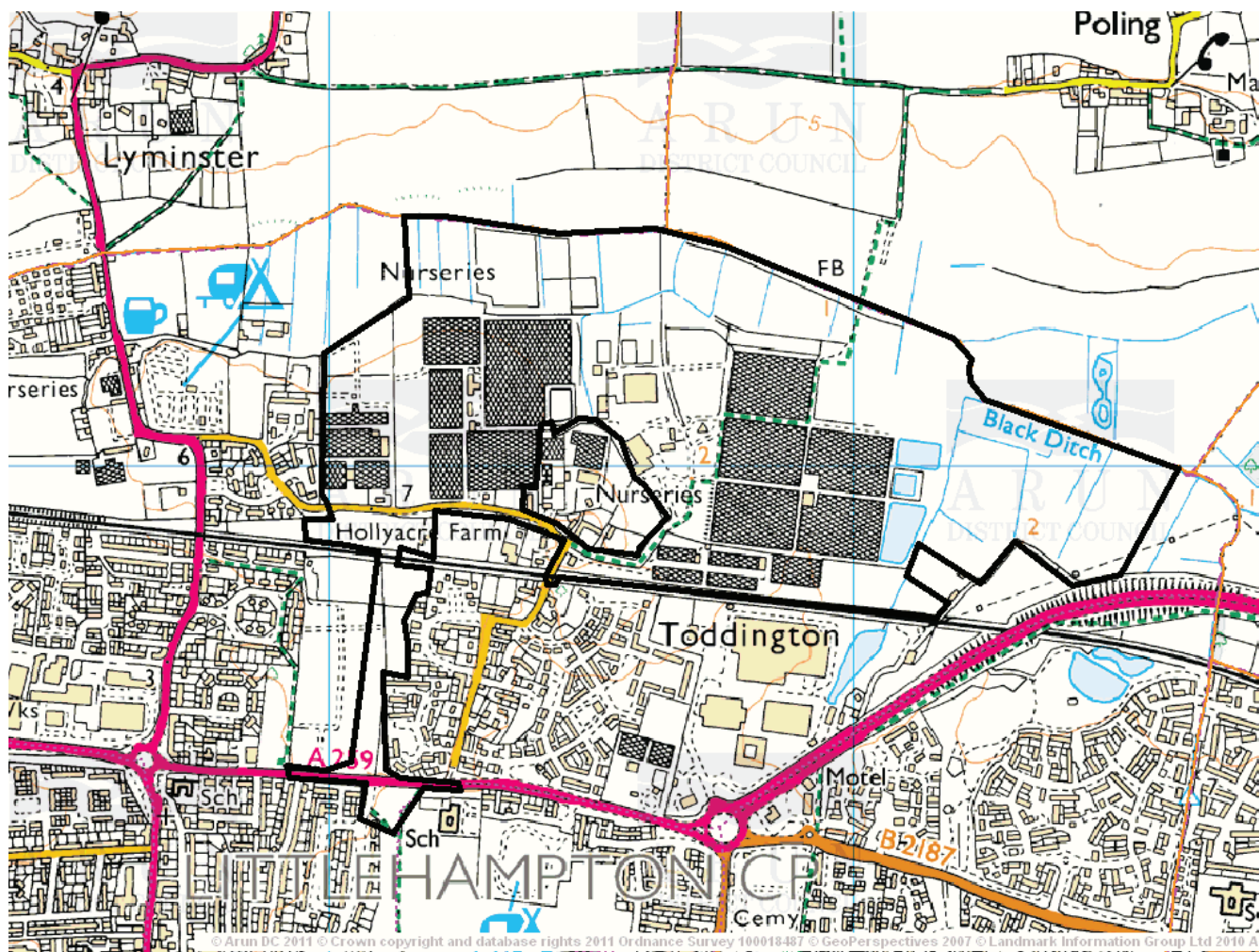
Condition 37

The following information submitted regarding Condition 37 imposed on outline planning permission LU/47/11: relating to Noise Mitigation is approved in part insofar as it relates to the southern section of the Lyminster Bypass phase of the development and the condition is hereby part discharged:

- Discharge of Condition 36, Lyminster Bypass, Noise Barrier, North Littlehampton - Noise Assessment, prepared by WYG, dated 25th August 2017.

The mitigation measures proposed for condition 36 ensures that the land subject to this application which falls within noise category C is sufficiently mitigated.

LU/284/17/DOC - 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/33/18/PL

LOCATION: Land at former McIntyre Nursery
Littlehampton Road
Ferring
BN12 6PG

PROPOSAL: Demolition of polytunnels, use of land for Class B8 container self-storage & the siting of 42 No. single-stacked storage containers, an office/toilet portable building, new fencing, gates, CCTV, lighting & alterations to the entrance. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The development proposal is to request planning permission to demolish polytunnels, the use of land for Class B8 container self-storage and the siting of 42 single-stacked storage containers, an office/toilet portacabin, new CCTV, lighting, fencing, gates and alterations to the entrance driveway.

Standby Self Storage provide for rent shipping containers used for storage purposes. They offer a self-storage facility, typically to local resident homeowners (who require extra storage, such as during house moves) or to local businesses. Customers typically access the facility using "Transit" vans, small goods vehicles or by car.

The proposed layout sites 42 single stacked storage or shipping containers on the land, plus an associated office and toilet cabin measuring. There would be space for vehicular access, parking and turning.

The polytunnels currently provide 905m² of floor space for storage. The development would comprise standard shipping containers (6.058m wide x 2.438 long x 2.6m high). The reconfigured layout would provide a floor area of 582m² for storage, plus another 13m² of ancillary office/toilet accommodation (6.1m wide x 2.4m long x 2.8m high).

The proposed storage containers would be single stacked.

The application site red line does not extend beyond the footprint of the polytunnels. Outside of this there is an approved portable building used as an office, a scaffolders' yard and a firewood yard, including the stationing of storage containers.

In terms of lighting the proposal is for 22 bulhead low-energy eye-lid fitting to be attached to the top of the containers to give a downward direction to the light. There is also proposed 5 lamp bollards 0.73m high mounted across the entrance to the containers compound.

SITE AREA	The site has an area of approximately 0.14 hectares.
TOPOGRAPHY	The land rises gradually from Littlehampton Road and up to the application at which point it steeply rises towards the National Park boundary at Highdown Hill.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Timber fencing, approximately 2m high, along the side and rear boundaries and palisade fencing and entrance gates along the front boundary. There is a screen of poplar trees immediately abutting the application site on the northern boundary. A further 50m from this point and bounding the timber yard to the north is a line of mature Poplar trees.
SITE CHARACTERISTICS	The site was formerly used as a nursery featuring a polytunnel which was granted permission on appeal for a mixed use comprising motor vehicle storage, scaffolders' yard and timber yard.
CHARACTER OF LOCALITY	The wider surrounding area is predominantly rural in character but the site of the former nursery contains a variety of commercial uses to the north and south of the application site including offices, storage and distribution, a scaffolding depot and a timber yard.

RELEVANT SITE HISTORY

ENF/6/12/	Alleged unauthorised car sales	No Further Actn
		Appeal: E.N. Upheld Var
		07-02-14

COMMENTS ON PLANNING HISTORY

An enforcement notice reference ENF/6/12 was served at the site for the unauthorised use of the polytunnel for the storage of vehicles, scaffolders' yard and a timber yard.

On appeal the Planning Inspector granted planning permission for 'the material change of use of the land from horticulture to a mixed use comprising the storage of motor vehicles, the stationing of a portable building used as an office, a scaffolders' yard and a firewood yard, including the stationing of storage containers, together with facilitating operational development comprising the erection of concrete steps'. The Inspector imposed a condition that in the interest of visual amenity the height of materials and equipment, other than wheeled plant/vehicles and storage containers connected with the use shall not exceed a height of 3 metres.

The area covered by this enforcement notice significantly exceeds that the subject of this application.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

"Strongly objects to planning application FG/33/18/PL on the following grounds:

In the Arun Local Plan, it states that the Gap on the north side of the A259 is to be protected from such development. This site is knowingly for agricultural use and not for a storage or distribution facility. This application is contrary to the Arun Local Plan and the Ferring Neighbourhood Plan.

The site coverage of the 42 single stacked storage containers and porta cabin will fundamentally affect the landscape and impact on the surrounding area and alter the visual impact of the site.

The proposal would have an impact on the infrastructure of the A259 with additional traffic to and from the site having to exit onto the already congested A259.

It is clearly stated this area as countryside and agricultural land, a planning application from this site once again clearly falls foul to this. In addition this proposed site is on the border of South Downs National Park. This proposal is completely unacceptable and we urge Arun District Council to decline this application."

Kingston Parish Council - " fully supports the objection made by Ferring Parish Council".

East Preston Parish Council - Object in line with Ferring Parish Council.

13 letters of support and 1 letter of no objection stating:

- . Removal of the polytunnels will improve view of the site.
- . Better than housing.
- . Good for jobs.
- . Improve the landscape for users of the footpath.
- . In keeping with the other business in the area.
- . The units will not be seen from Highdown Hill or the road.
- . Not near any residential properties so no one to disturb.

14 letters of objection stating:

- . Contrary to the Arun Local Plan and aims of the Ferring Neighbourhood Plan to retain area for agricultural purposes only.
- . Polytunnels have an appearance of agricultural use.
- . Lighting levels will harm the area and the setting of the National Park.
- . The need for this business is questionable. It should be sited in designated industrial estates.
- . Will harm the setting of the National Park which needs to be protected.
- . The track is unsuitable for this heavy traffic and the access will be put under further pressure.
- . The gap should not be industrialised.
- . Containers will be stacked up and of a material that is ugly.

Objection from Ferring Conservation Group on the grounds that:

- . It is not in compliance with the Local Plan and the Ferring Neighbourhood Plan that seek to protect the countryside.
- . It is not an agricultural use.
- . Unacceptable on highway grounds.
- . An appeal for a non agricultural use to the north of the site was dismissed.

- . No need for this development as similar uses further down the Littlehampton Road.
- . Cars within polytunnels more acceptable than ugly containers.
- . The industrial uses in this area have grown established without planning permission.

COMMENTS ON REPRESENTATIONS RECEIVED:

The issues raised will be considered in the Conclusions section.

The Glamping appeal decision referred to by the Ferring Conservation Group was on land on open countryside unlike the case in this application.

CONSULTATIONS

- Economic Regeneration
- Environmental Health
- Engineering Services Manager
- Engineers (Drainage)
- WSCC Strategic Planning
- South Downs National Park

CONSULTATION RESPONSES RECEIVED:

Environmental Health

No objection subject to conditions.

County Highway Authority:

The proposed storage use would generate additional vehicular movements beyond those generated by the existing use. However, in the previous appeal decision on APP/C3810/C/12/21844306 the Inspector acknowledged that the former horticultural use of the site would involve a significant number of vehicular movements especially if a 'farm shop' element was included. The proposed storage use is likely to involve additional vehicle movements which are not considered to result in unacceptable harm to the amenity of neighbouring properties.

Planning policies allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians and car parking. Car parking requirements will vary according to accessibility of the site to public transport or services, or location within a town centre.

On-site parking is limited to 3 cars and 1 light goods vehicle representing a net increase of 2 spaces. However in view of the nature of the proposed use demand for on-site parking is likely to be limited.

Economic Development

No comments on this application other than to note that there are a considerable range of such facilities in the District and would question the need for more, particularly in such a location.

South Downs National Park Authority:

The proposed development would be located outside of the National Park. However, it would be located

within close proximity to (and within the setting of) the National Park and there is therefore a statutory duty of the Council to consider the purposes of the National Park.

The following response should be considered as comments which are neither supporting or objecting to the proposals in regard to the setting of the National Park given that the site is already in mixed use for which planning permission was granted at a recent appeal. The Enforcement notice appeal was allowed insofar it related to a material change of use of the land from horticulture to a mixed use comprising the storage of motor vehicles, the stationing of a portable office building used as an office, a scaffolders yard and a firewood yard, including the stationing of storage containers.

However, the various issues highlighted below should be considered in detail and suitably worded conditions included in the decision should planning permission be granted.

Consideration should be given to the setting of the National Park through various considerations. These don't just relate to the physical development and its design but also activity associated with it.

The site is located immediately adjacent to the National Park boundary and therefore any changes to the landscape character of the area as a result of the proposed development and the effects of lighting and traffic should be considered in detail.

It is noted that the application site is located within close proximity to a Conservation Area and a Registered Park and Garden, which are sited to the north-east of the site and there is also an ancient monument located further to the north. The development proposal should not cause harm to either the adjacent Conservation Area/Registered Park and Garden or the ancient monument and archaeological advice should also be sought.

Within the submitted Planning Statement it outlines that the proposed containers would be limited in height and green in colour and that a single stack is proposed. It is recommended that a condition is attached to any permission granted to ensure that the containers are stacked as single containers at all times and sample panels should also be secured through a condition for the colour of the containers to ensure that the chosen colour blends in with the landscape as much as possible.

In terms of the lighting proposed, in principle the design shouldn't impact on dark skies as the intended lighting is relatively low level given the surrounding ambient sky glow and street lighting.

It would be better to install lighting that projects all lighting downwards so that the upward light ratio is zero. This is however difficult to achieve with the current design.

The use of timers to control the use on the site so that all lighting is turned off when not needed is welcomed. Also, from a wildlife perspective, a colour temperature of around 3000K is more preferable than whiter lights.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary.

DEVELOPMENT PLAN POLICES

CSP1 C SP1 Countryside

DDM1	D DM1 Aspects of form and design quality
QEDM4	QE DM4 Contaminated Land
SDSP1	SD SP1 Sustainable Development
TSP1	T SP1 Transport and Development
DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management
LANDM1	LAN DM1 Protection of landscape character
QEDM2	QE DM2 Light pollution
QEDM1	QE DM1 Noise Pollution
HERDM3	HER DM3 Conservation Areas
SDSP3	SD SP3 Gaps Between Settlements

[Ferring Neighbourhood Plan 2014 Policy 7](#) Land north of Littlehampton Road, encouraging of existing rural businesses

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

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.

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 relevant policies in the Ferring Neighbourhood Plan have been taken into account in the consideration of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

considerations indicate otherwise."

The proposal is not considered to comply with relevant Development Plan policies in that it would be development outside of the defined built up area boundary and within a defined Strategic Gap.

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.

CONCLUSIONS

Principle

The site the subject of this application is located outside the built-up area (policy C SP1) where the countryside protection policies of the Local Plan seek to control development to that justified under particular circumstances. None of the exceptions apply in this case.

The site is within the defined Angmering to Worthing Gap Between Settlements (Policy SD SP3). As such, development would only be permitted if it would not undermine the physical and/or visual separation of settlements, would not compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development or cannot be located elsewhere.

The policy aim it to designate certain land in the District so as to prevent coalescence between settlements and retain the generally open and undeveloped nature of the designated gaps.

Policy EMP DM1 sets out the development management criteria applicable to new economic development outside the built-up area. This includes that it is an appropriate sized extension of an existing employment site, it would not result in an unacceptable intensification of use of the public access and considers of landscape context and neighbouring residential properties. It also refers to being accessible by public transport and a satisfactory relationship with neighbouring uses and the surrounding area. In this case the proposal is not in conflict with this policy as it is not an extension nor an unacceptable intensification from what is already approved on the site. Furthermore for the reasons set out below the proposal is considered to have an acceptable impact on the landscape context, neighbouring residential properties and its relationship with other neighbouring uses is also found to be acceptable.

Given the proposals close proximity to the South Downs National Park (24m to the east and 280m to the north) policy LAN DM1 is relevant. Development within the setting of the South Downs National Park must have special regard to the conservation of that setting, including views into and out of the Park, and will not be permitted where there would be harmful effects on these considerations.

Further, it is noted that the application site is approximately 122m south of the Highdown Conservation Area. As such policy HER DM3 applies in terms of the proposals impact on the setting of this Conservation Area. The aim of the policy is to grant planning permission provided that:

- 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.
- It does not harm important views into, out of or within the Conservation Area.

Ferring Neighbourhood Plan in policy 1A states that 'Proposals for development located outside of the built up area boundary that do not accord with development plan policies in respect of the control of

development in the countryside will be resisted.' This is consistent with Arun Local plan Policy C SP1.

The Ferring Neighbourhood Plan in policy 7 'will resist any proposals for a change of use from an established agricultural, horticultural or equine use or any other unrelated uses.' For the reasons explained in the planning history below the land the subject of this application is not in any of the above uses.

The remainder of policy 7 requires that:

- Any development shall minimise visual impacts on the surrounding countryside.
- All new buildings are located as part of the existing clusters of buildings to ensure existing patterns of development are maintained and to avoid significant incursions into open countryside, wherever possible unless details show an improved siting.
- Suitable measures are proposed to improve the setting and/or screening of the development within its wider setting of the National Park.

Whilst the proposal does not comply with policy C SP1 or policy 1A for it to be concluded that the proposals are contrary to the development plan as a whole, there has to be demonstrable harm to the aims of the policies. It is also necessary to consider the planning history of the site and compare the difference between the proposed and what already has planning permission.

The existing permission on the proposal site allows for a mixed use comprising motor vehicle storage, scaffolders' yard and timber yard. The land the subject of this permission is far in excess of the site area covered by this proposal.

As such refusal of this application on the grounds of conflict with policy C SP1 and policy 7 would be very difficult to sustain for the reasons set out in the following sections.

Furthermore, the landscape and visual amenity section below also demonstrates that the impact on the landscape context, which includes the setting of the Highdown Conservation Area and National Park, and the Angmering to Worthing Gap will be acceptable.

Landscape & Visual Amenity

Substantial screen planting in terms of conifer trees is established to the north of the site. A further 50m north of this is an additional screen of high Poplar trees. This provides a strong buffer screen so as to ensure that the impact of the proposal on the abutting National Park is acceptable. This will mean that the containers at a height of 2.6 m will be out of sight at the boundary of the National Park as will be the case from the top of Highdown Hill where there is further screening from views towards the Littlehampton Road. It is therefore considered that in so far as LAN DM1 the proposal will not have an unacceptable impact on views into and out of the Park.

The storage area and containers will not be visible from the entrance to the site from the A259 which is sufficiently distant and views from the west will be limited and acceptable given the height of the existing fence.

Views from the east and towards this section of the National Park and the Highdown Conservation Area are prevented due to the dense tree/vegetation screening that is present along the whole side of the service road that is accessed off the A259. The sitting of the containers will be such that they will not harm important views into, out of the Conservation Area and in doing so these structures acknowledge the character of their special environment in their layout, form, scale, detailing, use of materials.

It is therefore not considered that refusal on the grounds of visual impact on the open countryside and the setting of the National Park and Highdown Conservation Area is justified given the screening that exists.

The site is located in an area of mixed commercial use with a large building in storage use by the horticultural pack house company PHS All Clear immediately south of the application site. Further south is a B1 office building known as Highdown House. Towards the entrance to the service road are three residential dwellings known as The Chalet (a former horticultural nursery with a large expanse of greenhouses), Millwood House and Whiteways Cottage. In character terms, therefore, the immediate site surroundings cannot be considered to be 'rural' in nature where the proposed storage containers would not be out of character in this context. The containers in place of the existing polytunnels approved for storage will not impact significantly on the character of the area.

Equally the proposal is to replace an area that currently has consent for commercial use/storage and so will not lead to a coalescence of the Angmering to Worthing settlements and the overall integrity of this gap.

Access & Highway Safety

The applicant proposes to deliver (and eventually remove) the containers using a 7.5 ton flat-bed rigid lorry. This small lorry has a 6m loadspace, sufficient to accommodate a standard 20' shipping container (6.06 x 2.11m). A small mobile crane would manoeuvre the container into the required position.

It is proposed to reconfigure the site entrance in order to improve access for a 7.5T flat-bed. The proposed site plan shows a 9m radius hammerhead entrance. The container delivery lorry would perform a reverse side turn into the site from the main access road and eventually exit the site in forward motion. County highways have commented on the additional plans submitted to say that there is sufficient room for a large vehicle to enter the site from the public highway (A259) and to re-enter the public highway in a forward gear.

The access into the site is from a private lane - this access is to be altered to ensure a large vehicle enter and leave the application site in a forward gear.

County Highways have commented on this proposal concluding that the site access is of sufficient width with good visibility and the proposal is unlikely to generate a level of traffic for it to make county highways raise an objection. It is considered that the containers could be safely delivered and removed.

In terms of the general increased use of the lane from this proposal the previous history of the site for horticultural purposes needs to be taken into account. This would have involved the movement of farm machinery, goods and employees to and from the site. Increased vehicle movements can have a discernible effect on the way in which a site is perceived and, in a peaceful isolated setting, detract from the character of the locality. Due to other businesses in close proximity, the likely intensification of movement is not likely to be to an perceptible level.

Residential Amenity

Whilst an intensification of vehicle movements is forecast, the proposed use of the site will not significantly add to the existing approved commercial use of the area in terms of impact on neighbouring residential amenity by way of noise and disturbance. The current use is for the storage of cars and approval remains for a scaffolders' and timber yard.

Furthermore the proposed use is unlikely to give rise to the kind of noise generation that could be

expected from commercial or goods vehicles associated with the previous horticultural use of the site. It is not considered that there would be an unacceptable adverse noise impact on the amenity of residents.

County Highways advice that the proposed storage use is likely to involve additional vehicle movements but they are not considered to result in unacceptable harm to the amenity of neighbouring properties.

No objection on grounds of noise nuisance has been raised by the Council's Environmental Health division.

Lighting

Objections have been raised concerning the detrimental impact that lighting levels from the proposal will have on the visual amenity of the area.

As set out in the description to this proposal the site will be illuminated by way of 22 bulhead low energy eye-lid fitting to be attached to the top of the containers to give a downward direction to the light. There is also proposed 5 lamp bollards 0.73m high mounted across the entrance to the containers compound.

Given the low level (2.6m) and downward direction of lighting for the containers and the low number and height of lamp bollards together with the degree of screening from the National Park, this level of illumination will not have an unacceptable glaring effect when the site is seen from the National Park. This will be more so when the backdrop to the site will be the some times illuminated heavy traffic, along the A259.

The Councils Environmental Health department have not objected on illumination grounds and have recommended that a condition be imposed to ensure that light levels do not exceed national prescribed levels of illumination.

Summary

The use of the site for the stationing of 42 storage containers conflicts with policy C SP1 of the Arun Local Plan and the Angmering - Worthing Gap policy SD SP3. However, on balance, and for the reasons outlined above the impact on the wider landscape which includes the National Park and Highdown Hill Conservation Area and the character of the general locality including nearby residential properties is considered to be acceptable and a recommendation for approval is made.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

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: 5285-1, 5285-2 c, 5285-3 a, 5285-4 , 5285-6, 1630917.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 The containers shall always be of a green finish to a specification to be agreed in writing with the Local Planning Authority and maintained thereafter in the colour agreed and a condition to the satisfaction of the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity in accordance with policy D DM1 of the Arun Local Plan.

- 4 The containers shall not be stacked, stored or deposited on the site to a height exceeding 2.6 metres.

Reason: To safeguard the visual amenities of the locality in accordance with policy D DM1 of the Arun Local Plan.

- 5 No development shall take place until a Construction Management Plan has been submitted to and approved by, The Local Planning Authority. The Approved Plan shall demonstrate precautions to be taken to minimise the potential disturbance to neighbouring businesses during the demolition/construction phase of the development, particularly in respect to noise throughout the construction period. The Plan shall provide for :

- a. An indicative programme for carrying out the works.
- b. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, the careful selection of plant and machinery and use of noise mitigation barriers.
- c. The parking of site operatives and visitors.
- d. Loading and unloading of plant and materials
- e. Storage of plant and materials used in construction and development.

Reason: In the interests of highway safety and the amenities of the area in accordance with Arun Local Plan policies T SP1, D DM1 and QEDM2. It is considered necessary for this to be

a pre commencement condition because the purpose of the condition is to mitigate the impact of construction.

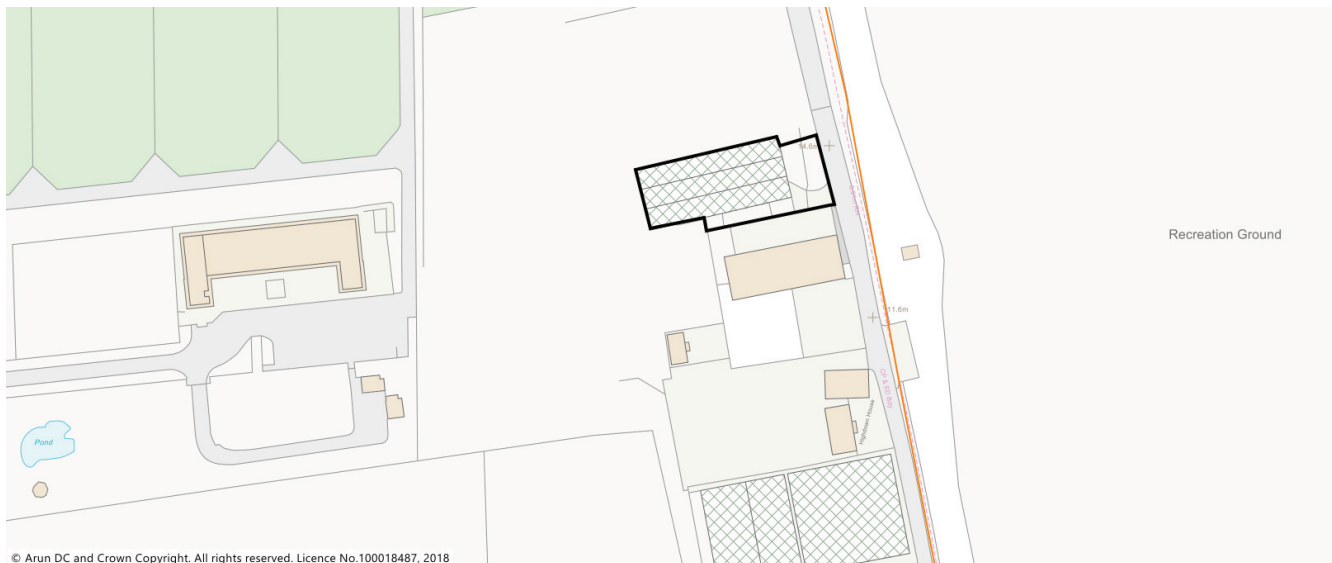
- 6 External lighting in association with this development shall comply with the institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E1 - Natural

Reason: In the interests of the visual amenity of the area in accordance with policies D DM1 and QE DM2 of the Arun 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 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.

- 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 737500.

FG/33/18/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: AB/39/18/PL

LOCATION: Land adjacent to
30 Ellis Close
Arundel
BN18 9LG

PROPOSAL: Erection of 3 No. 2 bedroom dwellings with associated parking & landscape.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed three dwellings will each have two bedrooms and be suitable for occupation by up to 4 people. Each will have its own rear gardens with cycle storage shed, space for storage of bins and two parking spaces each. The dwellings will be 5m to the eaves and 9.5m to the ridge to a depth of 8.5m. The footprint of the terrace would be sited 1.5m forward of the building line of the neighbouring dwellings to the West.
SITE AREA	0.062 ha.
RESIDENTIAL DEVELOPMENT DENSITY	48 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.8m high close boarded fencing would surround the garden curtilage of the site.
SITE CHARACTERISTICS	Existing hardstanding parking court accessed from Ellis close. The parking spaces are marked out with white lines. The parking area/site is in the ownership of Arun District Council.
CHARACTER OF LOCALITY	Predominantly residential. Mainly two storey semi-detached, and terrace properties.
	To the south, the site shares a boundary with the side of the rear gardens with no.30 & 28 Pearson Road, whilst the most eastern boundary would cover the rear gardens serving rear of The Mustchin Foundation.

RELEVANT SITE HISTORY

AB/111/82	Outline - Erection Of 20 - Two Storey 3/4 Person 2/3 Bedroom Terraced Houses For Rental With 34 Car Parking Spaces	ApproveConditionally 29-09-82
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The application site was part of the development for 20 dwellings granted in 1982 and incorporated an unallocated car parking area (the site) allowing for spaces to serve the surrounding residential development.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council

No objection.

13 letters of objections were raised 4 householders raised two objections per household, covering the following issues:

- (1) Impact on those residents surrounding the site, by virtue of overlooking, overshadowing;
- (2) Loss of existing parking spaces, the area is often full of cars;
- (3) Displacing parking elsewhere will create pedestrian safety issues; and
- (4) No longer would the access to Ellis Close be considered acceptable and safe for emergency vehicles.

COMMENTS ON REPRESENTATIONS RECEIVED:

All issues raised by objectors will be considered within the report's conclusions.

CONSULTATIONS

Estates Manager

Engineering Services Manager

Engineers (Drainage)

Parks and Landscapes

Arboriculturist

WSCC Strategic Planning

Environmental Health

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - No objections subject to condition. No evidence to suggest that the new dwellings would exacerbate an existing safety concern. The proposed parking provision for the dwellings complies with the West Sussex Parking Demand Calculator. There is no concern with the re-use of the existing parking area and there is plenty of capacity in respect of unallocated parking spaces on nearby streets. It is not considered that there are any highway safety issues with the parking arrangements. Turning for cars and fire/refuse vehicles is possible within the layout.

ADC DRAINAGE ENGINEERS - Please apply standard condition. Soakaways must be investigated for surface water disposal (winter months).

ADC GREENSPACE - No objection subject to the early implementation of any new planted areas and to be undertaken within the first season post completion.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. It is not necessary to impose the WSCC Highways requested cycle storage condition in full as the applicant has already provided details of these buildings and the location of these within each plot. The condition will instead be worded so as to ensure that these are provided in accordance with the approved details and permanently maintained thereafter.

POLICY CONTEXT

Designations applicable to site:
 Within Built Up Area Boundary;
 Class D Road;
 PD Restriction/Open Plan Condition.

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

Arundel Neighbourhood Plan 2014 POLICY1:	The Presumption in Favour of Sustainable Development
Arundel Neighbourhood Plan 2014 POLICY 2:	A Spatial Plan for the Town
Arundel Neighbourhood Plan 2014 POLICY 3:	Housing Supply
Arundel Neighbourhood Plan 2014 POLICY 6:	Transport, Access & Car Parking

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans..

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.

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 relevant policies of the Arundel Neighbouring Plan are considered within this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The site lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 and provided it is in accordance with other policies of the Local Plan covering such issues as visual amenity/character, residential amenity, highway safety and parking.

Further, the NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)).

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan 2011-2031 (ALP) requires that the Council have regard to certain aspects including:

- (1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";
- (2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";
- (13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site

and its surroundings. The density of large sites should be varied to guard against uniformity"; and (14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Arundel Neighbourhood Development Plan (ANP) policies 1, 2 & 3, are all relevant. Policy 1 highlights the presumption in favour of sustainable development where proposals that are in accordance with the development plan will be approved and Policy 2 refers to the parish spatial plan where it directs the requirement for housing to be located within the town of Arundel. Policy 3 supports windfall site allocations. Projecting actual dwellings completions, which may result in delivery of a higher number of dwellings, will be refined on a site by site basis as detailed design schemes are prepared.

It is considered that the proposal is an acceptable density and that the scheme does not represent overdevelopment. There are many examples of two storey dwellings in the immediate area making the proposed buildings acceptable in terms of design and appearance and, therefore, in keeping with the character & appearance of the locality.

It is considered that the proposal complies with ALP policies D DM1 & D SP1 and with ANP policies 1,2 & 3.

PARKING & HIGHWAY SAFETY:

Local residents have expressed concern regarding the loss of existing parking spaces and the impact of car parking displaced from the site on the safety of local roads.

Arun Local Plan 2011-2031 Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

Regard should also be had to paragraph 109 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Policy 6 of the ANP (vi) refers to a parking strategy developed for Arundel to manage car parking spaces for residents and visitors. Arundel Town Council has not alerted officers of any formulated parking strategy so as to enable them to assess how it impacts on this proposal. The officers also consider that the policy supports proposals to promote walking, cycling and use of public transport. As a site within the

envelope of the built up area boundary the scheme is supported by the availability of public transport in close proximity and has all the needed day to day facilities within safe walking/cycling distance. Cycle storage per dwelling is supported and also in line with policy 6.

The site is currently used for informal car parking by local residents. Although the 19 spaces are marked out with lines the current arrangement is unallocated and is occupied on a first come, first serve basis. The applicant has submitted a Parking Demand and Capacity Report which states that a maximum of 19 cars were recorded as being parked on the site during the survey period. The application proposes to part replace the lost parking with 6 allocated spaces. This results in 13 cars being displaced to surrounding roads.

The application has been assessed by WSCC Highways who have carefully checked the submitted documents and who consider that there is a more than adequate amount of existing on-street parking spaces in the vicinity of the site. Furthermore, Highways consider that two proposed parking spaces for each dwelling complies with the parking demand calculator.

It should also be noted that this site is Council owned and although the site has been open to local people for a number of years none of the local residents have a legal right to a parking space on the site.

Although residents will experience change to their parking arrangements in that they may have to walk slightly further to park their cars, it is not considered that this change will be detrimental to their amenity or to their safety. It is therefore considered that the proposal is in accordance with policy T SP1 of the ALP and with Policy 6 of the ANP.

A condition will be imposed to ensure that cycle storage is also provided.

RESIDENTIAL AMENITY:

Local residents have expressed concern regarding the impact of the proposal on surrounding residents.

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." None of the Arundel Neighbourhood Development Plan policies refer to residential amenity issues.

Regard should be had to paragraph 127 of the NPPF which states that:

"Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

There is no unacceptable loss of privacy to existing properties. The nearest dwelling no.30 Pearson Road, when measured from window to window is approx. 34m, an acceptable separating distance to prevent unacceptable overlooking/loss of privacy. The siting of the proposed dwellings have been carefully designed to mitigate any further harm to the detriment of neighbouring occupiers. The scheme distance to boundaries of existing development is considered acceptable. A 1.2m boundary distance is retained between no.30 Ellis Close and house no.1, whilst 1m between the side elevation of the proposed house no.3 and the shared boundary with The Mustchin Foundation premises to the east of the site.

It is therefore considered that the proposal is in accordance with policy D DM1 of the ALP.

INTERNAL & EXTERNAL SPACE STANDARDS:

Policy D DM2 of the ALP 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.

The three houses have the same floor area and internal layout; 2 storey, 2 bedroom, for 4 person occupation. As such, the required space standard is 70m². The proposed floor area for each is 93.5m² and therefore all dwellings are in accordance with the standards.

ALP policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the Arun Local Plan regarding private gardens sizes. At approximately a length of 10m the dwellings are considered to provide an acceptable amount of outside garden area.

SUMMARY:

This proposal is considered to represent an efficient use of urban brownfield land and does so without compromising the visual amenity of the area, highway safety or the amenities of existing residential occupiers. It is therefore recommended that permission be granted subject to the following conditions

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 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 10 Rev P2 "Location Plan & Proposed Site Plan"; and
Drawing 16/021 11 Rev P1 "Proposed Plans & Elevations and Site Section".
Drawing 16/021 12 Rev P2 "Site Plan - Highways Information"

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan 2011-2031.

- 3 No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- a. An indicative programme for carrying out of the works;
- b. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- c. the parking of vehicles of site operatives and visitors;
- d. loading and unloading of plant and materials;
- e. storage of plant and materials used in constructing the development;
- f. measures to control the emission of dust and dirt during construction.

Reason: In order to protect the amenity and living conditions of neighbouring properties in accordance with policies D DM1, T SP1, QE DM1, QE DM2 and QE DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to work starting.

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

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

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

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

Reason: To ensure that the proposed development is satisfactory drained in accordance with policies D DM1 and W DM3 of the Arun 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.

- 5 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a foul drainage scheme once development had been completed.

- 6 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed semi-detached residential 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.

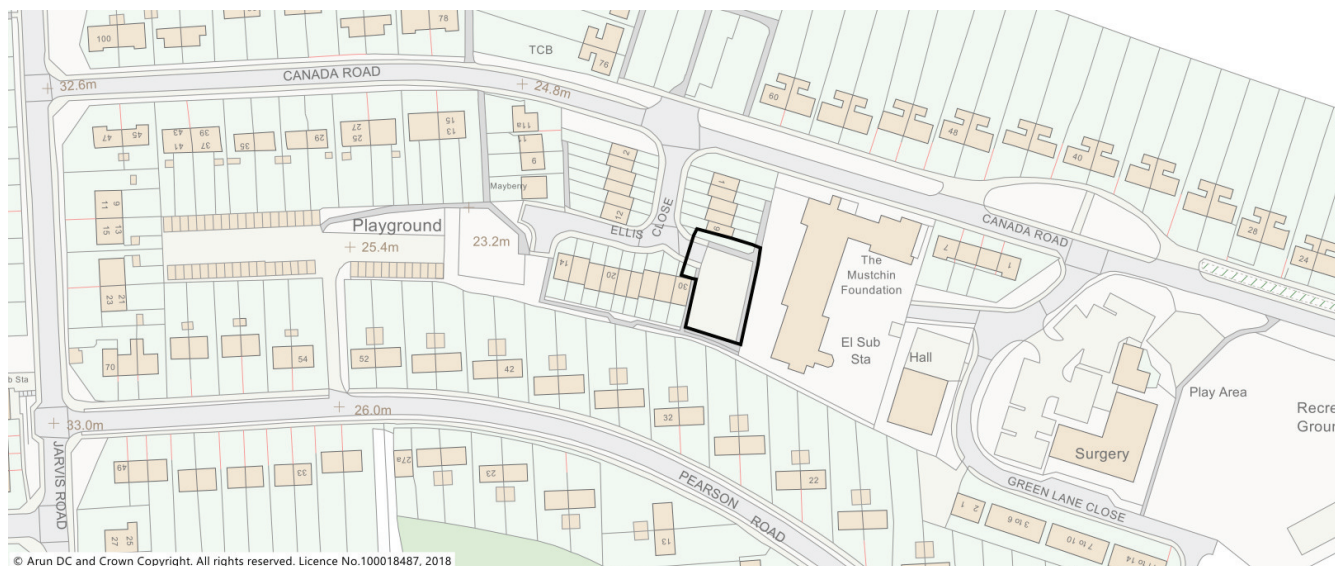
Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and character and appearance of the area by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 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 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.

- 8 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.

- 9 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 is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

AB/39/18/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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REPORT UPDATE

Application No: A/23/15/PL
Reason for the Update / Changes

The Development Control Committee resolution at 11 April 2018 was that the application be approved and the decision be delegated to the Group Head of Planning, in consultation with the Chairman and the Cabinet Member for Planning, to attach appropriate conditions to the permission, to include a S106 Agreement for contributions towards safety measures for the railway crossing and for Rustington and Littlehampton Town Centres. A Unilateral Undertaking is being prepared and an update on its status will be provided.

This update report is required to set out the amendments to the access and consider the new planning policy context following the adoption of the Arun District Local Plan and the revision of the National Planning Policy Framework.

Formal confirmation has been received that following a request to consider calling in the application, the Secretary of State decided not to call in the application.

Since the Report was originally considered, the following updates are required (listed under the original report headings):

RELEVANT SITE HISTORY:

Updates to applications listed as follows:

A/11/17/OUT:

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

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

Resolution at 11 April 2018 Development Control Committee - That the application be deferred to enable the access issues to be resolved.

Applications received for the access to the adjacent site:

A/46/18/RES Land west of Brook Lane and South of A259

Approval of reserved matters following outline consent A/169/17/OUT for access. This application also lies within the parishes of Littlehampton & Rustington.

An appeal against non-determination has been received.

A/83/18/RES Land west of Brook Lane and South of A259

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

REPRESENTATIONS:

Additional representations received as follows:

Rustington Parish Council – Request for S106 funding to be considered as follows:

- o Village Centre Marketing, promotion and events to directly mitigate against the impact of Marks and Spencers at the proposed location: £40,000.00 (To cover a two year period)
- o Village Centre Environmental Improvements Contribution – For the purpose of funding the provision of street furniture, including bus shelter, public seats, public advertising noticeboards, reinstatement of floral baskets on lighting columns. All aimed at improving the aesthetics and facilities to promote the Village as a vital and attractive Shopping Centre: £25,000.00
- o Changing Places Toilet Facility - £25,000.00 minimum
- o Transport – Contribution towards the No. 12 Bus Route (currently on a trial period) bringing passengers into the Village of Rustington to shop, travelling from Littlehampton, along the seafront to Rustington Village Centre, then on to the Manor Road Retail Park and possible extension to include the new Marks and Spencer Store: (£15,000.00 per annum for a five year period) £75,000.00

Contribution towards the bus service would bring people from Littlehampton to Rustington and benefit Rustington Town Centre, in addition to providing sustainable transport to the proposed retail facility. Comments on the Travel Plan – inaccuracy relating to the provision of a bus service for the Manor Retail Park – no new bus service was considered or required as part of the permission.

Dalton Warner Davis – Agents on behalf of Store Properties (13 July 2018)

- Application needs to be returned to Committee for a decision for the following reasons:
 - o No response received in relation to request to review the planning conditions and legal agreement – remain of view that S106 agreement should only be accepted by ADC if executed by all owners of the application site.
 - o Members should be aware of the conflicts with the emerging Local Plan and the Inspector's Report which was not available at the time of the decision
 - o From information received from a freedom of information request it has become apparent that Members have not been given robust information regarding the employment and economic benefits of the proposed development – letters from Chris Smith and James Marshall sent to Members are misleading, particularly in relation to the quantum of jobs to be provided.
 - o The proposed layout is not consistent with the consented residential/ care home scheme and applicant should demonstrate how it does not prejudice the development on the adjacent site – a revised plan is required for the access. The S106 Agreement and a condition should secure access to the consented scheme.
 - o M&S analysis of the sequentially preferable sites has not been made available to the Arun Planning team, nor to Members and therefore consider that the foundations upon which Members are basing their judgement could be unsound.

COMMENTS ON REPRESENTATIONS RECEIVED:

In response to the DWD concerns:

The access has been revised to take into account the access required to the consented development on the adjacent land. This initially resulted in two similar, but not identical roundabout proposals which would allow access to both sites. The applicants have confirmed that as the LHA has confirmed that either access proposal would be suitable, that they are proposing to amend their access to accord with that proposed under application A/83/18/RES.

It is not considered that the letters were misleading about the quantum of jobs. The letter from James Marshall refers to the provision of 110 permanent jobs from the development. The original Committee report included reference to the creation of 50-55 permanent jobs in relation to the public house proposal and 50-55 jobs in full and part time positions in relation to the retail element.

This application will be reconsidered by Development Control Committee in light of the adoption of the Arun Local Plan 2011-2031.

The application included sufficient information in relation to the outcome of the M&S analysis of the sequentially preferable sites, which was considered in the original reports for both applications.

In response to Rustington Parish Council's request for S106 funding:

The village centre marketing, village centre environmental improvements contributions and changing places toilet facility are not considered to be CIL compliant as there have been previous contributions to similar projects in Rustington and, as set out in the District Council's Retail Advice, Rustington is a healthy and well-managed centre which would be robust to trade diversion. The Bus contribution is considered to be CIL compliant, as it would assist in reducing the reliance on travel by car and provide public transport improvements in accordance with Policy T SP1 and T DM1 of the Arun Local Plan.

CONSULTATIONS

Additional consultation responses on the amended access plans as follows:

Highways England: Previous comments apply

Engineers (Structural): No comments

Economic Development: Confirm that the contributions towards Littlehampton Town Centre identified in 2015 remain valid to mitigate the impact of their proposal.

Local Highway Authority: Confirm that the revised drawings for the access now demonstrates that there is potential for the access to be provided to facilitate access to the site to the west. Request for conditions addressing the following matters:

- The need to produce and submit a Construction Management Plan
- That the car, cycle and motorcycle parking and internal access road, turning areas and footways and cycleways are constructed prior to first occupation of the units hereby approved
- The need to deliver the site access from the A259 in accordance with the approved drawing

Together with an Informative relating to entering into a Section 278 Agreement for works within the Highway.

CONCLUSIONS

Full element – Principles of development

The two issues set out in the Principles of development section relate to the location of the site outside the built up area boundary and the retail considerations including the impact on vitality of town centres.

The original report considered the weight to be given to the 2003 ALP and emerging ALP policies. The 2003 ALP policies are no longer part of the development plan and therefore references in the conclusion to GEN2, GEN3, DEV26 and DEV27 are no longer relevant to the re-consideration of this application. The policies were given minimal weight in the original report. As the emerging ALP has been through examination at the time the application was reported to Committee, weight was given to Policies SD SP2 and C SP1. Following adoption of the ALP, full weight can now be given to these policies. The retail policies of the emerging ALP were given substantial weight and now also have full weight. The conclusions of the assessment of the sequential test set out in the original report remain unchanged and the application remains contrary to Policy RET DM1 of the ALP. The NPPF has also been revised and paragraphs 23 – 27 have been replaced with paragraphs 85 - 90. The changes do not alter the approach to applications that fail the sequential test or are likely to have a significant adverse impact on town centre vitality and viability, which is that they should be refused. Additional wording has been added to clarify 'availability' of town centre alternatives but this does not alter the analysis as it is acknowledged that the former Waitrose unit is available.

The conclusion in relation to the Retail Impact is altered as the previous Report refers to the proposal being contrary to DEV27 (i) of the 2003 ALP, which related to the cumulative adverse impact on the Principal Shopping Areas. Therefore, the conclusion on retail impact is now that it accords with RET DM1 3a of the ALP and paragraphs 89 and 90 of the NPPF (in relation to retail impact only).

Other social and economic considerations were considered in the Report in relation to paragraph 18 of the NPPF. Paragraph 18 has been replaced with paragraph 80 which still seeks to place significant weight on the need to support economic growth and productivity. However, the previous conclusion also considered the application in relation to Policy RET SP1 and concluded that to permit out of centre convenience retail would undermine the strategic objectives of the ALP to create vibrant town centres which are a focus for quality shopping.

The overall conclusion on principle was that the proposal failed to meet the sequential test requirements contrary to RET DM1 and therefore also constituted unacceptable development in the countryside, contrary to Policy HD1 of the ANP and SD SP2 and CSP1 of the ALP remains unchanged by the deletion of references to the 2003 ALP.

Highway and transport matters

The access plan for the application has been amended and the potential link to the committed scheme A/169/17/OUT to the west of the site has been improved (Highways access plan REDW-3167-135). The LHA are satisfied that the access shown does not preclude the consented scheme from coming forward and therefore do not object. However, the proposed roundabout layout for this proposal and the adjacent access (considered under A/83/18/RES) have slightly different alignments, which would prevent one scheme being implemented. A further revised plan (REDW-3167-137) has been submitted which further amends the access plan to align with the one proposed under A/83/18/RES. There are still slight differences (with this proposal seeking a slightly larger radius roundabout). However, it is considered that the proposals could both be implemented. This would allow one satisfactory, safe and secure access to be constructed for the both schemes in accordance with Policy T SP1 of the ALP.

Accessibility

The accessibility section of the Report is now considered in relation to T DM1 of the ALP, rather than GEN15 and DEViv of the 2003 ALP. The conclusions in relation to accessibility of the site remain unchanged in that it accords with T SP1 and T DM1 of the ALP by taking into account the need for pedestrians and cyclists to travel safely.

Bus and bus connections

The conclusions in relation to the accessibility by public transport remain unchanged, and further compliance with Policies RET DM1 and T DM1 would be ensured through the securing of a S106 contribution towards the No 12 Bus.

Parking

The conclusions in relation to parking provision remain unchanged and the proposals accord with Policy TM2 of the ANP and Policy T SP1 of the ALP.

Design, Layout and Appearance

The conclusions in relation to design, layout and appearance remain unchanged and the proposals accord with Policy D DM1 of the ALP.

Other matters

The conclusions reached in the sections on ecology, trees, flooding and drainage, archaeology, and contamination remain unchanged and the proposal accords with the adopted versions of the emerging ALP policies referenced in each section.

Infrastructure

The Development Control Committee resolution included S106 contributions towards safety measures for the railway crossing and for Rustington and Littlehampton Town Centres. The contributions listed in the original report in relation to the Littlehampton Town Centre Manager, environmental improvements and network rail contribution remain unchanged. Following negotiations and consideration of CIL compliance it has been agreed that a £75,000 contribution to the bus service in Rustington, spread over a period of five years, would provide appropriate mitigation for the impact of the scheme in relation to Rustington Town Centre. If this application were to be approved, these contributions would also be secured through a Unilateral Undertaking. The bus contribution also helps improve the sustainability of the site.

OUTLINE ELEMENT

Principle

As the consideration of the public house element of the proposal in the original report was linked to the retail element, then the amendments set out above also apply to the public house as part of the overall proposal.

Other matters

The conclusions reached in the sections on design and layout, parking, access and safety and landscaping remain unchanged and the proposal accords with the adopted versions of the emerging ALP policies referenced in each section.

UPDATED SUMMARY

At the previous Committee, Members resolved to grant approval on the basis that material considerations (namely the economic benefits of the proposal), outweighed the provisions of the development plan and NPPF in respect of the sequential test and countryside protection policies. Should Members be minded to reach the same conclusion, delegated authority to the Head of Planning would be required to allow the notification period (expiring 5th October) for the Parish Council to make representations on the minor amendment to the access plan to be concluded prior to permission being issued, unless the Parish has provided a response before the meeting. Written agreement would also be required from the applicant for any pre-commencement conditions Members consider it appropriate to impose.

UPDATED RECOMMENDATION

REFUSE FULL

1. The proposal fails to meet the sequential test requirements for convenience retail proposals in an out of centre location according to the NPPF paragraphs 86 and 90, Policies RET SP1 and RET DM1 of the Arun Local Plan (2011 - 2031). In the absence of retail justification for the proposal in this location the proposal would also constitute unacceptable development in the countryside, contrary to Policy HD1 of the Angmering Neighbourhood Plan and Policies SD SP2 and C SP1 of the Arun Local Plan (2011 - 2031).

REFUSE OUTLINE

1. As part of the overall Full scheme, the proposal fails to meet the sequential test requirements for convenience retail proposals in an out of centre location according to the NPPF paragraphs 86 and 90, Policies RET SP1 and RET DM1 of the Arun Local Plan (2011-2031). In the absence of retail justification for the proposal in this location the proposal would also constitute unacceptable development in the countryside, contrary to Policy HD1 of the Angmering Neighbourhood Plan and Policies SD SP2 and C SP1 of the Arun Local Plan (2011-2031).

PLANNING APPLICATION REPORT

REF NO: A/23/15/OUT

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

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

SITE AND SURROUNDINGS

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

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

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

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

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

RELEVANT SITE HISTORY

A/23/15/OUT	Hybrid application - Full Planning Permission for a retail unit (Class A1) comprising 1,487sqm (1022sqm ground floor and 465sqm mezzanine) with associated access, car parking, servicing, landscaping & associated works. Outline Planning Permission for a public house (Class A4) comprising 581sqm at ground floor level - This is a Departure from the Development Plan
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COMMENTS ON PLANNING HISTORY	<p>This application was granted permission subject to compliance with conditions and S106 Agreement on 27 June 2016. This application was subject to a claim for judicial review and was quashed by Consent Order on 9 February 2017 in relation to 'Ground 1' concerning the sequential test. The Order clarifies that the issue related to an inconsistency in the advice provided by the Council's retail consultants, DPDS, in relation to the sequential test and that officers should have attempted to resolve that inconsistency in their report to the Planning Committee. This application is now being re-considered concurrently to a similar application (AL/11/17/OUT) which proposes an amended access to the site.</p> <p>There is also a history of previous planning application on the wider area of land that includes this site.</p>
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A/125/13/PL Hybrid planning application for the development of the site to provide in outline with all matters reserved apart from access and landscaping up to 3365 sqm A1 retail use (including parking) and full planning for 3947 sqm and Sui Generis vehicular floorspace (including ancillary facilities, landscaping and parking) including workshops, MOT facility, car valeting & car storage. New access from A259 - Departure from the Development Plan. Also within the parish of Rustington.
Approved Conditionally 13-06-2014

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

A/169/17/OUT

Approved conditionally with S106

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

A/44/17/OUT

Approved following appeal

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

REPRESENTATIONS

Representations received in 2015/16

Rustington Parish Council support the development.

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

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

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

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

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

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

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

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

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

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

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

Representations received 2017

Angmering Parish Council - Objection:

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

Rusington Parish Council - Objection:

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

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

Local residents raised the following issues in objection:

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

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

26 May

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

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

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

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

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

11 July

- Holding objection

15th August

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

23 March:

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

Waitrose - objection (June 2017) :

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

COMMENTS ON REPRESENTATIONS RECEIVED:

The correct notices were served by the applicant.

CONSULTATIONS

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

CONSULTATIONS RESPONSES RECEIVED:

SOUTHERN WATER

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

HIGHWAYS ENGLAND

- No objection

-

NETWORK RAIL

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

WEST SUSSEX HIGHWAY

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

Second Response

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

- Condition 2
- The development hereby permitted shall not be commenced until such time as a scheme to discharge surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall include:
 - 1. Calculations showing that the scheme can attenuate the 1% (1in100) annual probability event with 30% allowance for climate change on site.
-
- The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
-
- SUSSEX POLICE
- The Design and Access statement submitted with the application fails to mention any crime prevention measure to be incorporated into the design and layout of the development. This Statement should demonstrate how crime prevention measures have been considered in the design and layout of the development.
-
- ECOLOGY
- No Objection subject to appropriate condition being included on the planning permission for the full mitigation strategy for water voles and reptiles to be submitted for approval prior to any works commencing onsite.
-
- TREE, LANDSCAPE AND GREENSPACE
- No objection subject to submission and approval of full landscape scheme. Long term management of the developing landscape would need to be considered and the landscape scheme should maximise the biodiversity of the site with the inclusion of native species and the retention of a variety of habitats.
-
- Archaeology
- There archaeological interest recently identified on the adjacent site. It would be appropriate to investigate the site in advance of development in order to identify deposits of significance that might be affected by it and to ensure their preservation, either in-situ or by further investigation and recording or both.
-
- ECONOMIC REGENERATION
- Would prefer to see a development such as this within an existing town centre. Concerned about the impact that such a development would have on the retail centres of Littlehampton and Rustington and would require that all possible measures are taken to mitigate this impact.
-
- Should permission be granted, would wish to see the developer agree to a Skills Plan and also sign up to the Arun Developer and Partner Charter, particularly important with regard to, where possible, using local companies in the physical development of the site and employment for local people. The developer should also make a contribution towards the future management and regeneration of the District and local centres in Littlehampton and Rustington.
-
- ENVIRONMENTAL HEALTH
- No objection to the proposed development. The A4 use premises will require to be registered under the Food Safety Act 1990 and will need to comply with the standards contained in the relevant Food Hygiene Regulations prior to becoming operational.
- Condition requiring Construction Management Plan to also apply to retail unit and standard condition on contaminated land.
-
- ENGINEERS (STRUCTURAL)
- No comments of a structural nature.
-
- Updated Consultee responses 2017/18:
-
- TREE OFFICER:
- - No trees of merit within the site
- - Previous comments apply

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

Additional response 20th April:

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

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

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

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

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

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

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

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

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

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

POLICY COMMENTARY

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

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

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

The Neighbourhood Development Plan

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

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

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

The made Angmering Neighbourhood Plan 2014-2029 is relevant to this application.

DEVELOPMENT PLAN AND / OR LEGISLATIVE BACKGROUND

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

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

The proposal is not considered to comply with relevant Development Plan policies in that it is outside of the built up area boundary contrary to HD1 of the ANP and GEN2 and GEN3 of the ALP and contrary to DEV26 and DEV 27 of the ALP in that the proposal fails to demonstrate that there are no suitable site can be found either within the existing town centre or on the edge of the centre, and therefore fails to retain the existing retail hierarchy.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

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

FULL ELEMENT

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

PRINCIPLES OF DEVELOPMENT

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

Development outside the built up area boundary:

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

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

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

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

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

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

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

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

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

Retail considerations:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sequential test-

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

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

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

Parking - level surface access for trolleys

Servicing - controlled dedicated servicing access

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Retail Impact Assessment-

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

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

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

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

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

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

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

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

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

Other social and economic considerations

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

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

Conclusion on principle and retail considerations -

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

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

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

HIGHWAY AND TRANSPORT MATTERS:

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

Traffic impacts-

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

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

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

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

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

Access-

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

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

Accessibility-

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

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

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

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

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

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

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

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

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

Bus stops and bus connections-

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

Parking-

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

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

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

DESIGN, LAYOUT AND APPEARANCE

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

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

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

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

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

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

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

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

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

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

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

OTHER MATTERS

Ecology-

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

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

Trees-

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

Flooding and drainage (foul, surface water) -

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

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

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

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

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

Archaeology-

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

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

Contamination-

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

Infrastructure

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

Overall conclusion on Full element of the proposal:

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

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

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

OUTLINE ELEMENT

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

PRINCIPLE:

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

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

OTHER MATTERS:

Design and layout:

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

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

Parking, access and safety:

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

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

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

Landscaping:

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

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

Overall conclusion on outline element of the proposal:

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

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

REFUSE FULL

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

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

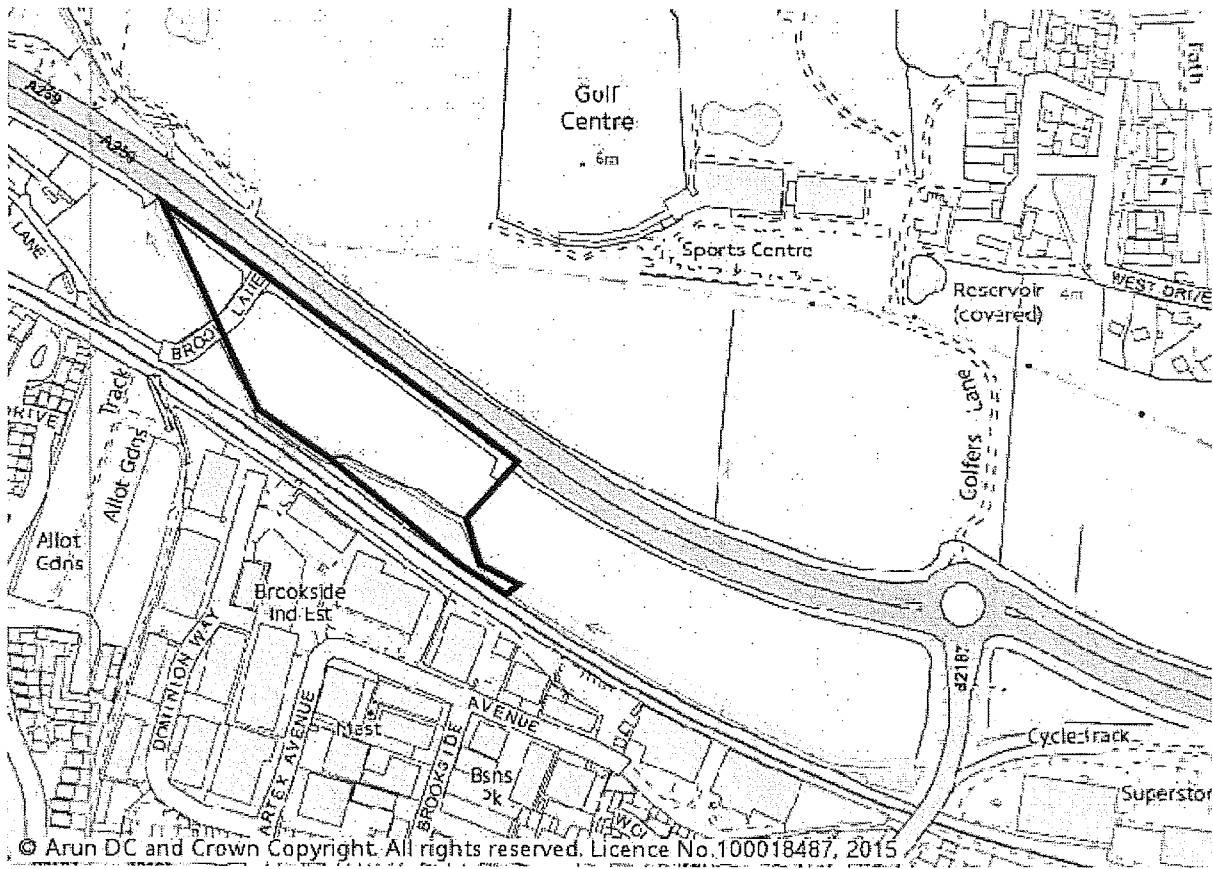
REFUSE OUTLINE

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

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

A/23/15/OUT

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



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PLANNING APPLICATION REPORT

REF NO: A/31/18/OUT

LOCATION: Land to the North of
68 Arundel Road
Angmering
BN16 4LL

PROPOSAL: Outline application with all matters reserved for the erection of 2 No. 3 bedroom semi-detached properties & associated landscaping works. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is in outline form with all matters reserved, although indicative elevations and floor plans have been submitted which show a pair of 2 storey dwellings.
SITE AREA	819 sqm
RESIDENTIAL DEVELOPMENT DENSITY	24 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance.
BOUNDARY TREATMENT	The boundaries of the site consist of fencing and mature planting and trees of various heights and species.
SITE CHARACTERISTICS	The site is located at the end of Arundel Road adjacent to the last dwelling in the row of houses on the western side. The neighbouring property is a bungalow. It has recently been cleared of vegetation.
CHARACTER OF LOCALITY	The character of the locality is rural with the site being situated outside of the built area boundary.

RELEVANT SITE HISTORY

A/128/76	O/A For The Erection Of 2 Residential Semi-Detached Bungalows With Garages	Refused 18-11-76
A/56/62	Outline Application For Bungalows Or Houses	Refused 21-09-62
A/42/93	Change use of land from agriculture use to stabling horses. Erection of stable and creation of vehicular	ApproveConditionally 30-11-93

access to Arundel Road.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Objection - Site lies outside the built-up area

1 Objection - Given the position in the village and the adjacent houses which are bungalows, the proposed height of the development would not be in keeping with the surroundings and adjacent property. A revised proposal for a bungalow or similar with lower roofline would be more appropriate.

1 No Objection - Would like more detail regarding the proposed development.

COMMENTS ON REPRESENTATIONS RECEIVED:

The site lies outside the built up area boundary as defined in the recently adopted Local Plan and the Angmering Neighbourhood Plan. The information submitted with the application is limited given that the application is in outline form. Reference to paragraph 32 applies to old version of NPPF. The new version of advice is contained in paragraph 109.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Ecology Advisor

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection.

The proposal would not have a 'severe' impact on the operation of the Highway network and therefore is not contrary to the National Planning Policy Framework (paragraph 32), and there are no transport grounds to resist the proposal. Considering the access is to be shared between two dwellings the Local Highway Authority (LHA) advises this be widened to 4.5m to allow two cars to pass within the access. Whilst the LHA appreciate there is a 1m wide strip of overgrown highway verge there would be benefit to increasing pedestrian visibility splays back into the site, either side of the proposed access. This would require that the proposed access be relocated slightly north. Details of the amended access, visibility splays, parking and turning should be provided at reserved matters stage.

Drainage Engineer - No Objection. Standard condition requested.

Ecologist - Lighting should take account of bats. Mitigation set out in the Ecology Report should be controlled by condition. Site clearance should avoid nesting time.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
TSP1	T SP1 Transport and Development
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
WDM3	W DM3 Sustainable Urban Drainage Systems

[Angmering Neighbourhood Plan 2014 POLICY HD1](#) Built-up Area Boundary
 Angmering Neighbourhood Plan 2014 POLICY HD2 Parish Housing Allocation
 Angmering Neighbourhood Plan 2014 POLICY HD3 Housing Mix
 Angmering Neighbourhood Plan 2014 POLICY HD7 Housing Density
 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
 Angmering Neighbourhood Plan 2014 POLICY TM1 Local Highways
 Angmering Neighbourhood Plan 2014 POLICY TM2 Cycling Walking & Equestrian
 Angmering Neighbourhood Plan 2014 POLICY EH3 Flood Prevention

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 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans. The Arun Local Plan was adopted on 18th July 2018.

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.

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 Angmering Neighbourhood Plan (ANP) has been made and policies HD1, HD2, HD3, HD4, HD5 and HD7 are considered relevant in the determination of this application. As the Council can now demonstrate a housing land supply of greater than 3 years the ANDP policies relating to the supply of housing are not 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 in principle and is not considered to accord with policy CSP1 of the Local Plan or policy HD1 of the Neighbourhood 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. These are that the proposal does not result in material harm to the character or appearance of the area and represents an acceptable form of development in this location adjacent to existing and approved development.

CONCLUSIONS

PRINCIPLE

The site is outside of the built up area of Angmering as defined in the Local Plan and as such the development plan in the determination of this application will consist of the Arun District Local Plan (ALP) 2011 - 2031 and the Angmering Neighbourhood Plan (ANDP).

Arun District Local Plan (2011-2031):

The key policy considerations in the determination of this application are considered to be SD SP1, SD SP2 and C SP1 of the Arun Local Plan (ALP) 2011 - 2031. Policy C SP1 states that 'Outside the Built-Up Area Boundaries (as identified on the Policies Maps) land will be defined as countryside and will be recognised for its intrinsic character and beauty.'

The application site is situated outside of the built up area boundary (BUAB) as specified by policy SD SP2 which seeks to focus development within the built up area. Policy Due to the sites location outside of the BUAB development in this location would be in conflict with locational requirements of policy C SP1 of the Arun Local Plan 2011 - 2031.

Angmering Neighbourhood Plan

Angmering Neighbourhood Plan was made in 2015 and as such forms part of the development plan in the determination of this application.

Policy HD1 of the Angmering Neighbourhood Plan states that "the Neighbourhood Plan allocates sufficient land to deliver at least the minimum housing requirement in the Arun Local Plan and that, without a Built Up Area Boundary significant further development would encroach into open countryside." Policy HD2 identifies three sites which will provide "at least 100 dwellings". The Angmering Neighbourhood Plan does therefore make provision for additional allocations of housing sites and the application site does not fall within these allocated areas.

Presumption in favour of Sustainable Development

The National Planning Policy Framework (NPPF) states in paragraph 12 that 'Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.' It also confirms that the presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making (para 12). At this time, there is an up to date development plan.

Therefore as the development conflicts with an up-to-date Local Plan unless there are material considerations to indicate otherwise a recommendation for refusal would be compliant with the NPPF. However in this particular case given that the site is adjoined by residential and commercial development it is considered to be in keeping with the character of the area. The provision of 2 residential dwellings fronting Arundel Road would reflect the density and position of properties to the south of the site and would represent infilling to the recently approved outline development of 9 dwellings to the north. It would not therefore result in an adverse impact on the intrinsic character of the countryside or the visual amenities of the locality.

Conclusion on Matters of Principle:

The principle of residential development on this site is contrary to the development plan (Arun District Local Plan policy C SP1 and the intention of the ANDP to protect countryside and make provision for housing on identified sites policies HD1 & HD2).

The proposed development would provide an additional 2 houses which are not required in the District at the present time due to the 5.3 year housing land supply. The development would have a small positive effect upon the supply of housing. However there are other relevant material considerations which need to be taken into account.

Material Considerations:

The NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)). Whilst outside of the defined BUAB, the site is in a sustainable location. It is located south of a recently approved outline application (A/131/16/OUT) which was for 9 dwellings. Whilst this application was determined against a different policy background prior to adoption of the Local Plan it is a consideration in the determination of this application because in order for the proposals to be considered contrary to Policy C SP1, there needs to be a demonstrable harm to the aims of this policy. The aims of this policy are to preserve the character and beauty of the countryside and to manage the urban/rural fringe.

The application site is adjoined to the south and north by existing dwellings and an extant planning permission for 9 dwellings. To the east is a road and to the west a commercial site. Therefore none of the sites boundaries are in open countryside use and the application site is bounded by built form. The contribution the existing site makes to the character of the countryside is negligible. For these reasons, it

is considered that there are material considerations that would weigh in favour of the proposals contrary to the principles of the development plan.

VISUAL AMENITY AND CHARACTER OF THE AREA

Arun Local Plan policy D DM1 lists a series of 15 factors that development must comply with - these include character, impact and public realm.

Angrnering Neighbourhood Plan (ANDP) policies HD4 Materials, HD5 Built Form, HD6 Housing Layout and Design and HD7 Housing Density are relevant. HD6 requires that new housing should be of a high quality design that reflects the local character and reinforces local distinctiveness. Meanwhile, HD7 states that if the density of new development is higher than the immediate surrounding area it will be refused.

It is also necessary to consider the guidance within the National Planning Policy Framework. Section 12 states that high quality buildings and places are fundamental to the planning process. Paragraph 127 sets out 5 design criteria against which development proposals will be assessed including the need to be visually attractive and sympathetic to local character.

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

The application site is situated to the west of Arundel Road and is screened on the eastern boundary by a row of trees and as such the proposed development will have limited presence within the street scene when viewed from Arundel Road.

Examples of linear residential development are present in close proximity to the application site even though the adjoining dwellings are located within the built-up area boundary. The site would constitute visual infilling in the street scene, since it is bounded by residential development to the south and approved residential development to the north. The proposal would not represent encroachment into open countryside and would not therefore erode the rural character of the area. On this basis, it is considered that the proposed residential use of the site would not result in unacceptable harm to the character of the locality and is deemed to accord with policy D DM1 of the Arun Local Plan.

The application is in outline form and layout and design details are reserved for consideration at a later stage. Indicative dwelling sizes have been reduced since the application was originally submitted and are now considered to demonstrate acceptable dwelling to plot ratios which are similar to those adjacent to the site. The size of the plots are therefore considered to be acceptable and to accord with policy HD7 of the Neighbourhood Plan. Compliance with policy HD4 Materials, HD5 Built Form, HD6 Housing Layout and Design would be considered at reserved matters stage and cannot be considered as part of the proposal which seeks approval to the principle of development on the site.

RESIDENTIAL AMENITY

Arun District Local Plan Policy D DM1 (3) 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 a high standard of amenity for all existing and future users (paragraph 127).

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.

Accordance with the proposal with the Nationally Described Space Standards would be considered further in any reserved matters application.

ACCESS AND PARKING

Policy T SP1 of the Arun Local Plan 2011 - 2031 discusses transport issues including safe highway access.

Policy TM1 of the ANDP requires that new development shall demonstrate that adequate and satisfactory provision has been made to mitigate the impact of traffic generated both during development and on completion demand. Policy TM2 gives support to proposals which improve or extend existing footpaths, footways or cycleways. Policy HD8 encourages all developments to meet West Sussex County Council parking standards

Regard should be had to paragraph 109 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe".

The application has been assessed by WSCC Highways who do not have any objections to the use of the access and do not consider that the impact of the proposals on the operation of the highway network will be severe. The application is therefore considered to comply with paragraph 109 of the NPPF.

In terms of car parking, the layout indicated is likely to provide an acceptable level of car parking.

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

DRAINAGE AND FLOODING

Arun Local Plan 2011 - 2031 policy W DM2 seeks to limit development in areas at risk of flooding and W DM 3 discusses the need for sustainable urban drainage systems. Policy EH3 of Angmering Neighbourhood Plan requires new development to ensure that it does not increase the flooding impact on surrounding properties.

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

Policy ENV DM5 of the ALP 2011 - 2031 applies. The proposal has been assessed by our ecologist who has not raised any objection following receipt of requested reptile survey. Mitigation should be controlled by condition.

SUMMARY

The application site is outside the defined built-up area boundaries of Angmering and is therefore contrary to policies C SP1 of the Arun Local Plan (ALP) 2011 - 2031 of the ADLP and policy HD1 of the ANDP which seek to protect the countryside and the Council can now demonstrate a 5.3 year supply of housing land through the recently adopted Local Plan 2011 - 2031 and NPPF paras 11 and 12 supports refusal of such applications where there is an up-to-date plan.

However, the site is located in a sustainable location with good access to local services and facilities and there are material considerations which warrant approval of the application contrary to these policies. These are that the proposal would not result in material harm to the character of the area or unacceptably visually erode the appearance of the countryside.

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

- (a) Layout;
- (b) Scale;

- (c) Appearance;
- (d) Access;
- (e) Landscaping.

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

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

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

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

Site Location 1802-PL-100.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun District Local Plan.

- 4 Prior to any works being undertaken on the site reptile translocation must be carried out in accordance with the Reptile Mitigation Strategy dated May 2018 and the development shall proceed in accordance with the submitted Ecological Assessment by bakerwell ecological expertise dated May 2018.

Reason: In order to ensure preservation of biodiversity in accordance with policy ENV SP1 of Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to remove any reptiles prior to commencing any building works.

- 5 Development shall not commence until a revised surface water drainage layout has been submitted to and approved in writing by the Local Planning Authority. The drainage design must follow the principles set out in drawing numbers 1788/SK2 and 1788/D5.1. 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 policy W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to ensure drainage occurs within the site.

- 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.

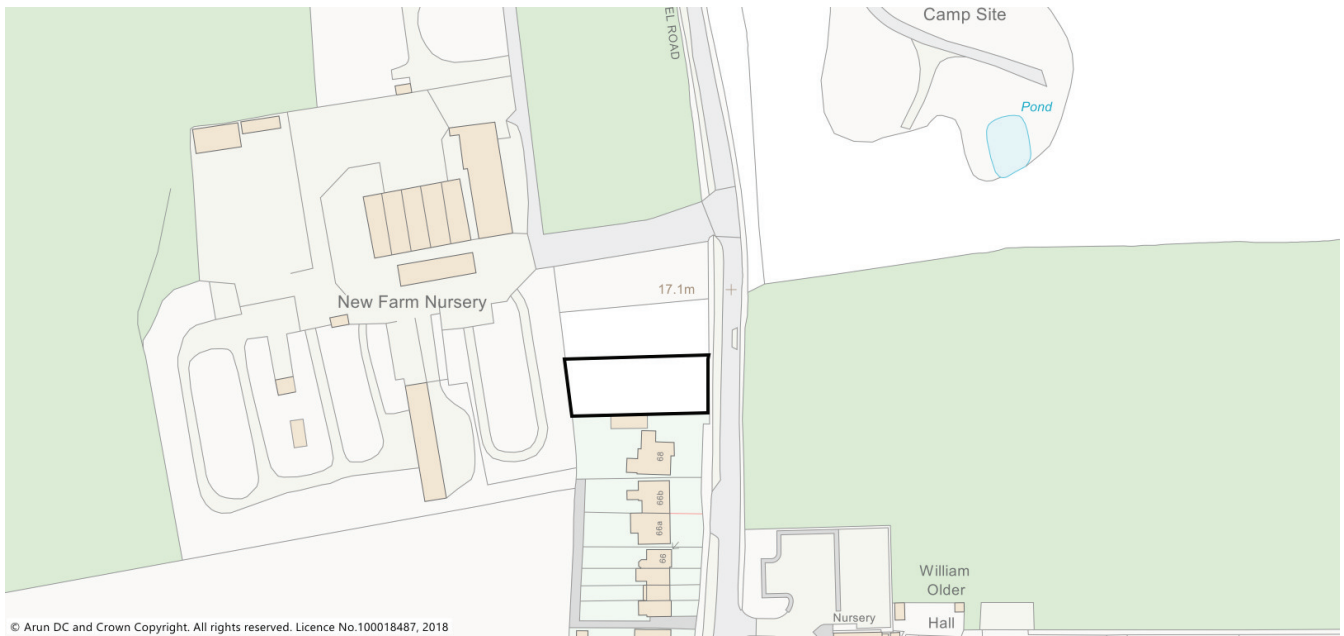
- 7 INFORMATIVE: The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

- 8 INFORMATIVE: If there are any deep pits or holes onsite during the works there should be a

secured plank within them to allow a means of escape of any animals.

- 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.

A/31/18/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO:	A/83/18/RES
LOCATION:	Land west of Brook Lane and south of A259 Rustington BN16 3JL
PROPOSAL:	Approval of reserved matters following outline approval A/44/17/OUT for access only for the demolition of existing buildings on site & the erection of a mixed use development comprising up to 90 No. residential units & a care home (Use Class C2 & C3) & ancillary facilities, including railway crossing, together with associated access, car parking & landscaping. This application also lies within the parishes of Littlehampton & Rustington.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks reserved matters approval in relation to access following outline approval A/44/17/OUT.
SITE AREA	Approximately 5.9 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 27.5 dwellings per hectare.
TOPOGRAPHY	The topography of the site is predominantly flat but is set at a lower level than the A259 to the north.
TREES	The site, due to its largely undeveloped nature, features a number of mature trees and hedgerows.
BOUNDARY TREATMENT	The site boundaries consists predominantly of mature trees and hedgerows.
SITE CHARACTERISTICS	<p>The site is situated to the south of the A259 and to the west of Brook Lane. It is accessed directly from the A259 and falls within both Angmering Parish as well as Littlehampton, with the proposed railway bridge providing direct access to Rustington (situated to the south of the site).</p> <p>The site is largely undeveloped and has historically been used as grazing land. The site currently features a detached dwelling and an old stables which is the subject of a personal planning approval for the siting of two caravans for use by travellers.</p>
CHARACTER OF LOCALITY	<p>The site is largely situated within flood zone 1, with an area measuring approximately 0.6ha in the south-eastern corner falling within flood zone 2 and an area approximately 0.2ha identified as flood zone 3.</p> <p>The character of the locality is varied with the A259 abutting the northern boundary of the application site. Land immediate</p>

to the east is currently undeveloped but is the subject of a planning application for the construction of an A1 retail unit as well as an A3/A4 unit. Further east is Manor Retail park. The railway line runs along the southern boundary of the site with a residential estate located to the south along with an allotment. A mixture of commercial uses are located to the south-east.

RELEVANT SITE HISTORY

A/44/17/OUT	Outline application (with all matters reserved) for demolition of existing buildings on site and the erection of a mixed use development comprising up to 90No. residential units and a care home (Use Class C2 and C3) & ancillary facilities, including railway crossing, together with associated access, car parking & landscaping. Departure from the Development Plan. This application also falls within the parishes of Littlehampton & Rustington.	Refused 29-08-17
		Appeal: Allowed+Conditions 05-04-18

Planning application A/44/17/OUT sought outline permission (with all matters reserved) for the erection of a mixed use development comprising of up to 90No. residential units and a care home (Use Class C2 and C3) & ancillary facilities, including railway crossing, together with associated access, car parking & landscaping.

A/44/17/OUT was recommended for approval but was refused by the Development Control Committee on the 29th August 2017 due to the sites unsustainable location and proximity of the development to the railway line. The subsequent appeal was allowed on the 5th April 2018.

A/46/18/RES sought approval of reserved matters relating to access at land South of Brook Lane and South of A259. The scheme showed a direct access from the A259 into the site, with an indicative roundabout showing potential linkages to the adjacent site. An appeal has been received against non-determination of the application.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Rustington Parish Council

Angmering Parish Council

ANGMERING PARISH COUNCIL

Objection

- Distance from the A259 to the proposed roundabout is of insufficient length to allow deceleration.
- Concerns re: traffic queues from the two developments.

LITTLEHAMPTON TOWN COUNCIL

Objection

- Matters relating to the provision/retention of the traveller's pitches and footpath improvements form part

of the Section 106 agreement.

- WSCC as Highway Authority, offer no objection to the proposals and will require the applicant to enter into a s278 agreement should the application be approved.
- Matters that remain unresolved relate to drainage and mitigation for the environmental impact of the development.

Updated response - proposed roundabout would provide means of connecting to the adjacent development but not demonstrated it was capable of meeting the need. Clarification on this point via further road traffic audit would satisfy this requirement.

RUSTINGTON PARISH COUNCIL

No Objection - No further comments relating to the access for the site, above and beyond the comments/observations made to application no. A/44/17/OUT.

1 No. letter of Objection:

- Area is already at a standstill as the roads cannot cope.
- The roads and infrastructure must be sorted out before any more building.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

In response to the 1 no. letter of objection it should be noted that outline permission has already been granted for the residential development. This application relates solely to access.

CONSULTATIONS

Network Rail

Engineering Services Manager

Ecology Advisor

WSCC Strategic Planning

Sussex Police-Community Safety

Environmental Health

Southern Water Planning

Highways England

Environment Agency

NHS Coastal West Sussex CCG

Natural England

Planning and Housing Strategy

Archaeology Advisor

Economic Regeneration

Arboriculturist

Parks and Landscapes

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND

No objection on the basis that we are satisfied that the development will not materially affect the safety and/or operation of the strategic road network. No further comments on amended plans.

ECONOMIC DEVELOPMENT

No comment.

ENGINEERS (DRAINAGE)

Please apply standard conditions ENGD2B, ENGD4A, ENGD5A and ENGD6A.

ENVIRONMENT OFFICER

We do not have any further comments relating to the access for the site above and beyond our comments made for the application A/44/17/OUT.

HOUSING STRATEGY

If it is the intention of the applicants to provide 30% affordable housing on-site then I have no objection.

ENVIRONMENTAL HEALTH

It will be necessary to investigate the potentially detrimental affect of the provision of a new pumping station (if agreed) on the acoustic environment.

This department awaits notification of the way in which the developer will deal with the adverse effect of road noise on residential units including C2 and C3 use, in sensitive receptor rooms above ground floor level.

WEST SUSSEX COUNTY COUNCIL

Given that the applicant has demonstrated that the adjacent scheme which is minded to grant (A/23/15/OUT) can still be accessed and that this application does not preclude the consented scheme from coming forward the Highway Authority would not object to this application.

The Local Planning Authority should note that dependant on the timing of the approval of this application and other applications within the vicinity all applications must take account of any consents to ensure that a scenario does not occur where two access points are approved which could be contradictory and the permission would not be implementable or junctions that are located too close to each other. The Highway Authority would look for the LPA to encourage the applicants to work together to provide a comprehensive development and single access arrangement which delivers both sites. Depending on the timing of any approvals of other applications this therefore may alter the Highway Authority comments on this and other applications.

A condition should be included on any permission granted that states the access should be provided prior to first occupation of the development and an informative included on any permission granted.

Updated response on amended plans:

No objection

Observations made in relation the width of the merge and diverge traffic lanes

Dimensions of the acceleration/ deceleration lanes acceptable

Comment on the 30m radius being less than the 40m states as being preferable which is not addressed in the design review.

Demonstrates that proposed access does not preclude A/23/15/OUT from coming forward, subject to rights of access which are a private non planning matter.

Conditions recommended relating to access to be provided prior to occupation and that further details of the island providing a means of crossing for pedestrians on the eastern arm of the mini-roundabout to be provided.

Informative relating to entering into a S278 Agreement recommended.

NATURAL ENGLAND

No objection - Based upon the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.

SOUTHERN WATER

The comments in our response dated 18/04/2017 (submitted on planning application A/44/17/OUT) remain unchanged and valid for the above reserved matter application.

SUSSEX POLICE

Comments provided on layout of footpaths to provide good visibility and overlooking. Pedestrian crossing point should be provided to enable pedestrian access to the developments east and west. Advice on planting scheme to avoid pinch points on paths, promote good visibility and avoid concealment. Advice on lighting.

NETWORK RAIL

Advice provided to ensure that development does not encroach on or otherwise affect Network Rail operations and infrastructure. Informative comments provided setting out how the developer should comply with the comments and requirements for the safe operation of the railway and protection of Network Rail's land.

GREENSPACE

No additional comments following A/144/17/OUT.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The conditions proposed by the Council's Drainage Engineers, with the exception of ENGD4A, were covered by Conditions 7 and 8 of appeal decision APP/C3810/W/17/3185128.

The condition recommended by the LHA in relation to the pedestrian crossing point on the eastern arm of the roundabout relates to land outside the applicants control. The proposed roundabout for A/23/15/OUT includes detail of a crossing point in this location.

POLICY CONTEXT

Designation applicable to site:

Right of Way

Biodiversity Opportunity Area

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development

[Angmering Neighbourhood Plan 2014 POLICY TM1](#) Local Highways

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 2011-2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

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 Angmering, Littlehampton and Rustington Neighbourhood Plans have been made and as such form 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 comply with relevant Development Plan policies in that it would have no materially adverse impact upon the established character of the surrounding area nor would the proposal result in an unacceptable impact upon highway safety in accordance with the National Planning Policy Framework.

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 proposed application relates to vehicular access to serve the development which benefits from outline permission (with all matters reserved) under reference A/44/17/OUT. The extant outline approval establishes the principle of the development and as such the key considerations in the determination of this application will concern the design and impact of the proposed vehicular access from the A259.

HIGHWAY

The proposed access from the A259 is a left in/left out junction with merge and diverge lanes. The junction has been designed in accordance with Design Manual for Roads and Bridges (DMRB). The A259 where the access joins is a dual carriageway and has a speed limit of 70mph and as such a design speed of 120kph (74.56mph) has been identified as appropriate. Given the design speed of 120kph visibility splays of 295m have been provided in accordance with DMRB.

The Transport Assessment (March 2017) originally provided in support of planning application (A/44/17/OUT) took account of the traffic associated with the proposed neighbouring mixed-use retail park proposed to the east of Brook Lane (reference A/23/15/OUT) which has received a resolution to grant by the Development Control Committee. However, the subsequent revised application (under reference A/11/17/OUT) has predicted a higher level of development traffic (associated with the neighbouring retail development). Therefore, the proposed Brook Lane access has been re-assessed to reflect the increased levels of arrivals and departures associated with the mixed-use retail development.

The access arrangements proposed by this application have been considered and have been identified as operating well within capacity for both the 2019 and 2022 predicted traffic flows, taking into account the proposed development under reference A/44/17/OUT and the neighbouring mixed-use development under reference A/23/15/OUT.

Drawing no. SPRUST (BROOK LANE).1/10 Rev D' has demonstrated that the proposed vehicular access would serve the residential development and would provide access to the mixed-use retail scheme on the adjacent site (under reference A/23/15/OUT) through the incorporation of a roundabout.

A potential conflict has been identified by WSCC between the proposed access (the subject of this application) and the amended scheme submitted under reference A/11/17/OUT, for the adjacent mixed use development. A/11/17/OUT proposes an access onto the A259 to the east of that proposed by this application (as well as the access proposed by A/23/15/OUT).

Planning application A/11/17/OUT was deferred by the Development Control Committee on the 9th May 2018, to enable this access conflict to be resolved. In the 3 months since A/11/17/OUT was deferred by Members the access arrangements have been amended to demonstrate how access to this site could be achieved. However, the proposed access under reference A/11/17/OUT is not compatible with the access proposed by this development and would be likely to preclude the implementation of the access proposed by both this application and A/23/15/OUT.

The implementation of the access proposed under reference A/11/17/OUT would require the closure of Brook Lane in order to avoid unacceptable impacts to highway safety. However, this would require a formal process and land owner negotiations. Given the access proposed by this application to serve the residential development, it is evident that the landowners do not intend to permit the stopping up and diversion of Brook Lane to accommodate the access proposed by A/11/17/OUT.

In order to ensure that the access for both this proposed and A/23/15/OUT are compatible, revised plans have been submitted for A/23/15/OUT which aligns with this access road, albeit with a slightly adjusted mini-roundabout (which is considered necessary to meet the needs of their scheme). The applicants for A/23/15/OUT have confirmed that their mini-roundabout could be constructed over this proposed roundabout either as part of the access road construction or after the road has been built. Therefore, there is no conflict between the schemes.

It has been demonstrated that safe access can be achieved at the site and to the adjoining site through the provision of a roundabout as specified on drawing no. SPRUST (BROOK LANE).1/10 Rev D'. Therefore, the proposed access is deemed to accord with policy T SP1 of the Arun District Local Plan (2011-2031); TM1 of the Angmering Neighbourhood Plan; and will not result in a severe impact upon highway safety in accordance with Paragraph 109 of the NPPF.

DESIGN AND VISUAL AMENITY

The proposed access will replace the existing Brook Lane access point onto the A259. The proposed access by virtue of its design will appear in keeping with the character of this section of the A259 and will be similar in design to the existing access further to the east.

Therefore, it is considered that the proposed access will not give rise to any unacceptable harm to visual amenity in the locality and will accord with policy D DM1 of the Arun District Local Plan (2011-2031).

RESIDENTIAL AMENITY

The proposed access by virtue of its design and siting is not considered to give rise to any unacceptably adverse impacts upon the residential amenity of existing or future occupiers of the site. Condition 12 of appeal decision APP/C3810/W/17/3185128 requires the submission of details of appropriate measures to mitigate the impact of road noise upon sensitive residential receptors. Therefore, it is considered that adequate measures are already in place to avoid any unacceptably adverse harm to residential amenity. As such, the proposal is deemed to accord with policy D DM1(3) of the Arun District Local Plan (2011-2031).

SUMMARY

The proposed access is not considered to result in any unacceptably adverse impacts to visual or residential amenity in the locality of the site in accordance with D DM1 of the Arun District Local Plan (2011-2031). The proposed access by virtue of its design is not considered to result in a 'severe impact' on highway safety and as such is deemed to accord with paragraph 109 of the NPPF.

The proposed access has been designed to facilitate the proposed mixed-use retail development to the east of Brook Lane (under reference A/23/15/OUT). Whilst it is acknowledged that there are minor differences between the access arrangements proposed by this application and those proposed by A/23/15/OUT there is no justification for refusal of this application due to these minor differences. The national guidance does not provide advice on the consideration of competing applications. Therefore, it will be the responsibility of both developers and relevant land owners to identify which scheme is implemented to ensure adequate access to both sites.

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

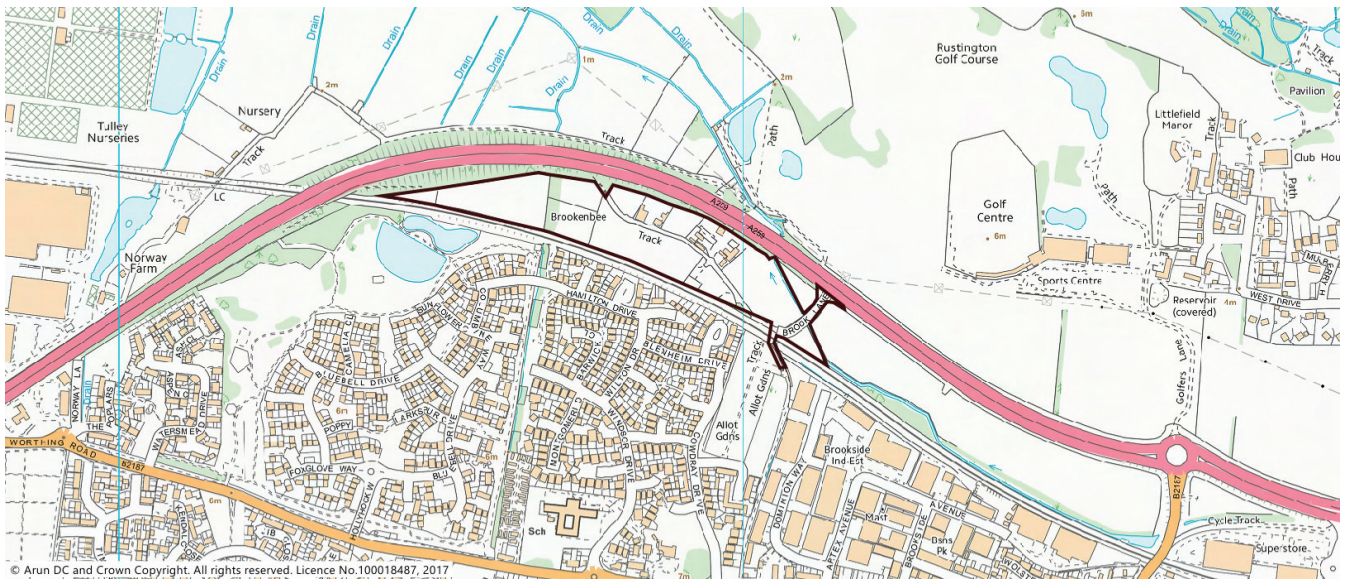
In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

RECOMMENDATION

APPROVE CONDITIONALLY

A/83/18/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: AW/90/18/HH

LOCATION: 8 Merton Close
Aldwick
PO21 5SQ

PROPOSAL: Two storey rear extension & first floor extensions to front & side.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>Ground and first floor extension at front (east) to provide enlarged kitchen, enlarged bathroom and bedroom. This extension would have a pitched roof and would be constructed over a pitched roof extension.</p> <p>Extension to side (south) of two storey height to provide study and first floor bedroom. This replaces a pitched roof ground floor study.</p> <p>Pitched roof rear (west) extension above existing ground floor flat roofed extension to provide enlarged bedroom .</p>
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RELEVANT SITE HISTORY

AW/12/92	Extension to form bathroom and study	ApproveConditionally 23-03-92
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council
Aldwick Parish Council

Strongly opposed the application - the proposed extension does not sympathetically relate to and is not visually integrated with the existing building in siting design form scale and materials - they specifically identified the cladding as being is considered out of character with existing materials - and because the extension is not visually subservient to the main building and because the extension would have and adverse overshadowing, overlooking or overbearing effect on neighbouring properties and because the extension compromises the established spatial character and pattern of the street. Therefore Members agreed that the application is direct conflict with Policy Dev 19 (i); (ii); (iii) and (v) of the Arun District Local Plan 2003 and with the Parish Design Statement page 71.

Two letters of objection

- Strongly object to such a huge add-on.
- West Meads was built as an 'open plan' garden estate. It is one of the few left in the country. This development will look absurd, it is in no way in keeping with the surrounding houses/bungalows on the estate. Furthermore, this house is already extended.
- Unsightly over developed houses/bungalows on this estate. The estate will end up as overcrowded as most other estates in the area.
- Overdevelopment - property previously extended.
- Extension would overshadow and overlook neighbours and be out of scale with the area.

Comment on Representations

The comments of the Parish are noted - since they were received the Arun Local Plan has been adopted and the relevant plans have been considered in this report.

The issues raised relating to the merits of the proposal are addressed in the conclusion.

CONSULTATION RESPONSES RECEIVED:

There are no consultation responses on this application.

POLICY CONTEXT

Designation applicable to site:
Within built up area

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD10	Aldwick Parish Design Statement
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CONCLUSIONS

PRINCIPLE

The proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. As stated in SDSP2 the key policies considered are DDM1 and DDM4 of the Arun Local Plan.

Aldwick does not have a made Neighbourhood Plan but does have an adopted Parish Design Statement.

The site is occupied by a detached dwelling with properties of similar size but varied design nearby. The

history of the site is shown above.

DESIGN AND VISUAL AMENITY

The proposal seeks to extend the dwelling to the front, side and rear. Each of the extensions includes a first floor element.

The front ground and first floor extension extends the bathroom and bedroom. This would be seen in the street scene as it is at the end of a cul-de-sac.

The side extension would also be seen at the end of the cul-de-sac. It would extend the width of the dwelling at first floor level and have an impact on the street scene.

The rear extension would also be seen from further up Merton Close across the existing flat roof garage. However this view would be oblique and more distant than the views of the other extension.

Whilst the additions are relatively large and would increase the impact of the property within the street scene the development is not considered to result in harm to the visual amenities or character of the area and therefore complies with policies D DM1 and D DM4 of the Arun Local Plan due to the position of the rear extension, the reasonably well integrated front extension and the cladding which will have a harmonising impact.

Cladding is proposed at first floor level. This would not be out of character with the area but no details of the colour have been proposed therefore it is recommended that a condition be imposed requiring Council approval of the materials.

The building does not project any further forward and therefore there is no adverse impact on the open plan character of the area.

RESIDENTIAL AMENITY

The proposal extends the property in three ways.

The front extension does not change the number of windows at first floor level however it does move them further out to the street. Both windows, due to their position, are not considered to have an adverse impact on neighbouring amenity due to overlooking. The increased mass and bulk of the extension, including the roof, would have a limited impact on the neighbours by reason of overbearing and overshadowing. This impact is considered to be minimal and not unacceptable.

The side extension would be at first floor level as it projects above a single storey pitched roof extension. The additional height would lead to some overshadowing in the evening to the property to the south. However due to the size of the extension and its proximity to the existing building, the level of this impact is minimal and not unacceptable.

In terms of overlooking the extension would have two small windows - one to the front and one to the side. The window to the front, whilst being at an oblique angle would be approximately 4m away from the neighbours front windows and it is therefore thought necessary to impose a condition requiring obscure glazing to prevent adverse overlooking. The window in the side elevation would also be at an oblique angle however due to the slightly further separation and increased oblique angle it is not considered reasonable to require this window to be obscure glazed.

The rear first floor extension does not have any windows facing the rear and therefore overlooking from the rear is not an issue. It does have windows facing south and north. The window facing north would look directly in to the garden of the property to the north. This is a small garden and so it is important to

protect this amenity space from overlooking - therefore it is necessary to restrict this window through obscure glazing and being fixed shut. The window looking south would have some views over the garden of the property to the west. However as a rear window is being removed from the house the level of overlooking is not considered to provide a level of overlooking that is harmful.

The rear extension would provide a level of overshadowing, particularly to the property to the north. However the overshadowing would not be so significant that it would result in demonstrable harm to the amenities of the property to the north because of the distance separation and proximity of other dwelling

SUMMARY

The proposed development is deemed to accord with relevant development policies (D DM1 and D DM4) and the AldwiCK Parish Design Statement and as such is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby 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:- 192-01C.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM4 of the Arun Local Plan.

- 3 The window on the north elevation of the rear extension shall at all times be glazed with obscured glass/fixed to be permanently non-opening.

The bedroom window on the east elevation of the front extension shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM4 of the Arun Local Plan.

- 4 No cladding shall take place unless and until details of the cladding of the extension has been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and to achieve a building of visual quality in accordance with policy D DM4 of the Arun District Plan.

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

AW/90/18/HH - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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AGENDA ITEM 9

DEVELOPMENT CONTROL COMMITTEE

PLANNING APPEALS

APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

- A/176/17/PL**
Received: 04-09-18
Land between Badgers & Ashurst Ham Manor Way Angmering
2 No. dwellings. This application affects a Public Right of Way. This application is a Departure from the Development Plan
Written Representations
PINS Ref: APP/C3810/W/18/3201768
- A/57/18/T**
Received: 16-08-18
Manor House Mulberry Hollow Angmering
Reduce 1 No. Ilex Oak by 3m in height & radial spread, raise Crown to approximately 5m & remove 1 large limb over hanging neighbours rear gate.
Written Representations
PINS Ref: APP/TPO/C3810/6922
- BN/28/17/RES**
Received: 04-09-18
Land R/O Lillies Yapton Road Barnham
Approval of reserved matters following outline consent BN/32/15/OUT relating to appearance, landscaping, layout & scale for erection of 38 No. dwellings including open space, landscaping & new access
Written Representations
PINS Ref: APP/C3810/W/18/3206021
- 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
- FG/194/17/PL**
Received: 01-08-18
South Point 1 Beehive Lane Ferring
Erection of 1 no. 1 bed dwelling - Resubmission of FG/135/17/PL
Written Representations
PINS Ref: APP/C3810/W/18/3198792
- FP/45/18/T**
Received: 18-07-18
Japonica 9 Lionel Avenue Bognor Regis
Fell 1No. Silver Birch and 1No. Ash Tree.
Written Representations

PINS Ref: APP/TPO/C3810/6874

H/1/18/PL

Received: 31-08-18

Test application Location Details of Original Planning App.
Test application - Dev Desc. of original planning application

Written Representations

PINS Ref: PiNS1111111111

K/5/17/HH

Received: 17-08-17

Kingston Manor Kingston Lane Kingston
Construction of a Detached 6 Bay Barn with Log Store

Written Representations

PINS Ref: APP/C3810/W/17/3175616

LU/162/17/PL

Received: 04-09-18

Land North & West of Toddington Farm Cottages Toddington Lane Wick
Littlehampton

Demolition of existing building, erection of 10 residential dwellings (Use Class C3) with associated open space, landscaping, parking, and access. Departure from the Development Plan.

Written Representations

PINS Ref: APP/C3810/W/18/3197149

WA/73/17/OUT

Received: 24-07-18

Land East of Wandleys Lane and West of West Walberton Lane Fontwell

Outline Planning Application with some matters reserved for up to 157 No. residential dwellings including 30% affordable. This application is a Departure from the Development Plan.

Public Inquiry

PINS Ref: APP/C3810/W/18/3205332