



# Public Document Pack

Arun District Council  
Civic Centre  
Maltravers Road  
Littlehampton  
West Sussex  
BN17 5LF

Tel: (01903 737500)  
Fax: (01903) 730442  
DX: 57406 Littlehampton  
Minicom: 01903 732765

e-mail: [committees@arun.gov.uk](mailto:committees@arun.gov.uk)

Committee Manager Andrew Bishop (Ext. 37984)

23 November 2021

## PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Council Chamber at the Arun Civic Centre, Maltravers Road, Littlehampton BN17 5LF** on **Wednesday 24 November 2021 at 11.00 am** and you are requested to attend.

Members: Councillors Chapman (Chair), Lury (Vice-Chair), Blanchard-Cooper, Bower, Charles, Coster, Edwards, Goodheart, Kelly, Thurston and Tilbrook

**PLEASE NOTE:** Subject to Covid-19 Risk Assessments members of the public are advised of the following:

Where public meetings are being held at the Arun Civic Centre in order to best manage safe space available, members of the public are in the first instance asked to watch the meeting online via the Council's Committee pages – the meeting will be available to watch live via the internet at this address: [Arun District Council](#)

- a) Where a member of the public has registered a request to speak, they will be invited to submit their statement in advance of the meeting to be read out by an Officer. In response to the continuing health guidelines, there will be very limited public access to this meeting. Admission for public speakers will be by ticket only. Attendees will be asked to sit in an allocated seat in the public gallery on a first come first served basis. Only one ticket will be available per person.
- b) It is recommended that all those attending take a lateral flow test prior to the meeting.
- c) All those attending the meeting will be required to wear face coverings and maintain safe distancing when in the building/meeting room.
- d) Members of the public must **not** attend any face to face meeting if they or a member of their household have Covid-19 symptoms.

For further information on the items to be discussed, please contact: [committees@arun.gov.uk](mailto:committees@arun.gov.uk)

**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 ON LINE AT [www.arun.gov.uk/planning](http://www.arun.gov.uk/planning)<<http://www.arun.gov.uk/planning>>**

## **AGENDA**

### **OFFICER REPORT UPDATES**

Note: Reports are attached for all Members of the Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager.

Note: Members are reminded that if they have any detailed questions would they please inform the Chairman and/or relevant Director in advance of the meeting.

Note: Filming, Photography and Recording at Council Meetings - The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link – [PART 8 - CP - Section 5 Filming Photographic Protocol](#)

These meetings are webcast live.

To watch recorded webcasts use the following link - Development Control [Webcast Page](#)

## REPORT UPDATE

**Application no:** BR/222/21/PL  
**Page no:** 81  
**Location:** Vincent House 75 Highfield Road Bognor Regis  
**Description:** Creation of 1 No 1 Bed & 1 No 2 bed Units to roof space of existing block with 2 No new car parking space and revised access provision. This site is in CIL Zone 4 (Zero Rated) as flats.

### UPDATE DETAILS

Reason for Update/Changes:

One letter of objection was received on 08/11/21 concerned about the increase in flats and no parking on the site. Also that loft windows will look directly into a bedroom and harm the privacy of 54 Highfield Road.

It appears that the objector has not noted the two extra proposed parking spaces on the site. The affected property is to the front, on the opposite side of Highfield Road. The impact of new front roof windows has been considered in the report.

Natural England responded on 10/11/21 to state that they do not object to the granting of this permission in terms of its impact on European sites subject to the Pagham Harbour contribution being secured by a s106 legal agreement.

Officers Comment: The s106 Agreement has also now been completed and therefore the recommendation is now to "approve conditionally with the section 106 Agreement".

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# REPORT UPDATE

**Application no:** F/4/20/OUT  
**Page no:** 101  
**Location:** Land at Ford Airfield Ford  
**Description:** Outline planning application (with all matters reserved except for access) for the development of up to 1,500 dwellings (Use Class C3), 60-bed care home (Use Class C2), up to 9,000 sqm of employment floorspace (Use Classes B1), local centre of up to 2,350 sqm including up to 900 sqm retail / commercial (Use Classes A1-A5) and 1,450 sqm community / leisure floorspace (Use Classes D1-D2), land for a two-form entry primary school (Use Class D1), public open space, allotments, new sports pitches and associated facilities, drainage, parking and associated access, infrastructure, landscape, ancillary and site preparation works, including demolition of existing buildings and part removal of existing runway hardstanding. This application affects a Public Right of Way. This application is the subject of an Environmental Statement. This application may affect the setting of a Listed Building. This application falls within CIL Zone 1 - Zero Rated.

## UPDATE DETAILS

Reason for Update/Changes:

### 1. Odour

The officer's recommendation report regarding odour identified that the Council would be appointing an independent contractor to review the odour assessment submitted in support of the application. The Local Planning Authority (LPA) appointed Phlorum who have undertaken an independent review of the Odour Assessment and provided the Council with their comments.

Phlorum have confirmed that the Odour Assessment submitted in support of the application was carried out in accordance with best practice guidance and adopted a methodology agreed with both Southern Water and Arun District Council's Environmental Health Team. However, the Institute of Air Quality Management (IAQM) guidance states that:

"It should be emphasised that the result from a model should not be used to try to 'prove' the absence of an existing adverse odour effect (e.g., nuisance) when strong empirical evidence from complaints analysis, community response data, and sensory tests (by appropriately trained persons) show otherwise. To do so would be to mistake the model for the reality of the situation, rather than a simplified version of it."

The independent review of the Odour Assessment concludes that it has not brought together the results of the sensory tests and the dispersion modelling to discuss how the masterplan has been informed by both. As the only location where, robust observations have been made (i.e., to the north-east of the WwTW) is also a location where the dispersion model appears to under-predict, this suggests that the model might not be a suitable tool, on its own, for developing a constraints plan. As such, the current layout is understood to have not been developed using an appropriate weight of evidence, relying instead upon the dispersion model.

update(ODB 57)

Therefore, it has been recommended that the applicant should explain why the odour contour extends further to the south rather than the north-east. This appears off as south-westerly winds are more common than winds from the north, which is corroborated by their ground-based observations (sniff tests).

It is also identified that it is important to understand how, if at all, the sniff tests have been used to inform the masterplan/whether the cordon sanitaire (100m buffer) around the WwTW has been defined solely based on the results of the dispersion model. Observational data should be given considerable weight in informing the masterplan, and it appears that this data might not have been fully discussed and integrated into conclusions.

Given when the review document was received from the independent contractors appointed by the Council the applicants have not had the opportunity to respond to the matters raised. Given these outstanding matters it is considered that a recommendation for approval cannot be made by Officers at this time. Therefore, the recommendation should be amended to read as follows:

It is recommended that the application is deferred to allow for the further review of the Odour Assessment and dispersion modelling.

## 2. Updated Consultation Response from the Conservation Officer.

An updated consultation response was submitted by the Conservation Officer on the 19th November 2021 which provides additional comments regarding the developments impact upon nearby designated and non-designated heritage assets. Regarding the nearby designated heritage assets, the setting and significance of these assets has been considered by the Conservation Officer and deemed as acceptable.

Comments have also been provided regarding the Canal and western arm of the former runway. In terms of the route of the canal the Conservation Officer has advised that:

"in order for the former canal route to be successfully incorporated into the public realm strategy (including provision of information boards explaining its former significance), that greater information will need to be provided as part of any reserved matters applications. This will need to ensure that the route is not simply an access road for houses, but a suitable marker of the historic route/asset. Previously I have noted reference to the use of the route elsewhere as a 'greenway' and would assume that this would form the basis of this section of the route as well. At present the level of information provided suggests that the proposal cannot be considered to be harmful."

Whilst, in relation to the runway it has been advised that:

"The additional information provided regarding the runway and its significance is helpful, and I believe that the retention of the north-south element that falls within the site, along with the removal of only part of the western arm helps to reduce its impact. Further, the use of part of the removed western arm as open space (albeit I note the width is reduced) will help to ensure that its former line will be preserved is a positive feature.

update(ODB 57)

I also note the reference to the impracticality of retaining the runway surface due to its potentially friable nature and saturation with unsafe substances. As noted in the additional statement, retention of the runway surface would not enhance the proposals already set forward. However, I am of the opinion that the existing materials, characteristics of the surface and the appearance can be incorporated into a new surface treatment within the open space. Such detailed issues are a matter for the reserved matters application."

Therefore, the Conservation Officer has advised that the development will not impact the setting of the listed buildings and non-designated heritage assets, and as such, no harm to their overall significance has been identified.

### 3. Letter of objection from Grundon 22nd November 2021

Below is a summary of the comments raised in this representation full comments are available on the Arun District Council website.

- The applicant is an agent of change introducing a new land use that is likely to affect the continued operation of the strategic waste site and the applicant is therefore responsible for managing the impact of that change. As the application is proposing residential development it should be considered that there could be a significant adverse effect on future occupiers of that development from any nearby existing sources of potential nuisance. There is insufficient evidence to demonstrate that the applicant has considered this effectively.
- The location of new homes should not place restrictions on existing site operations or permitted operations. It is clear from the response dated the 11th March 2021 that WSCC continues to object to the proposed development as it would be contrary to policies W2 and W10 of the Waste Local Plan.
- We are concerned that matters relating to the agent of change principle have not been adequately addressed through the Officer's report.
- It is bold and reckless to conclude that Southern Water no longer wish to maintain their objection given their lack of communication.
- Grundon's is the subject of an Environmental Permitted (EP) which seeks to control pollution to levels to be at levels below that which would be considered likely to cause pollution. However, the EP relates to the site in its current state with no residential development close to the site boundary, not a situation which brings residential development much closer to this boundary (approximately 139m away).
- Odour levels that would not be considered likely to cause pollution could be experienced outside the site boundary in current circumstances as there are no sensitive receptors. If sensitive receptors are introduced as is proposed, then this could lead to complaints that in current circumstances would not occur.
- As the agent of change the applicant should have carried out a comprehensive cumulative odour survey and assessment as requested by the Environmental Health Officer with regard to the extant waste management uses and used this information to provide sufficient set back of new residences from the site boundaries of those existing waste facilities.
- The report for F/5/20/PL identified the market application as a prerequisite for these proposals this suggests that this application (F/4/20/OUT) should not therefore be decided before there is a decision on the Ford market application.

update(ODB 57)

- It is not clear how the improvements to the junction with Ford Road will be secured.
- It is unclear how the comments from Historic England have been addressed.

#### 4. Joint representation from the Friends of Ford to Hunston Canal, Sustrans and Arun District Bridleways Group

Below is a summary of the representation which can be found in full on the Arun District Council website.

- Disappointed at the lack of commitment from the developers to properly reflect the heritage of the old canal by designing in expressed local desires that the old route be properly reinstated and re-purposed for the 21st century as a multi-user greenway.
- Para. 100 of the National Planning Policy Framework (NPPF) identifies that "Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better access for users". At the very least a north-south and an east/west route legally available to all users should be being provided, and we would ask that a condition is imposed to that effect.
- A new Greenway along the old Ford to Hunston Canal is a project with strong local support.
- More people in the community would use such routes daily for exercising, than who would ever use facilities such as football pitches.

#### 5. Update regarding the Secondary School Site

An update has been provided by the agent in regards to this matter:

"We understand that the landowners of the land proposed for a Secondary School at Ford have made progress in their discussions with WSCC. As willing landowners, positive discussions between WSCC and the landowners continue around the mechanisms for the transfer of the land to WSCC, all of whom remain committed to the preferred outcome. Whilst progress has been slower than initially anticipated, this is not unusual for school provision where WSCC needs to secure land for its delivery.

This matter is obviously outside of the planning applications for The Landings, where the developers will make s106 contributions toward secondary education akin to other developments in the area. The secondary school will serve a much wider area; but we have made provision for road and pedestrian / cycle connections between The Landings and the secondary school in the Masterplan, which has been agreed in the Masterplan document. The applicants are therefore assuming that the Secondary School will be brought forward by WSCC in the preferred location.

There is understood to be a continued will of all parties involved to secure a positive outcome, without delay; and there is nothing we have been informed of that is likely to hinder the delivery of the secondary school in this location. The expectation is that WSCC will progress the secondary school as a matter of priority following the grant of planning permission at The Landings."



6. Clarification of details contained within the officer's report.

a) The officers report identifies a residential development density of 30 dwellings per hectare. This should be 35 dwellings per hectare.

b) The summary of the consultation response from WSCC as Local Highway Authority identifies that contributions should be provided in accordance with the Arun Transport Study apportionment report 2020.

However, this does not reflect the comments provided in the consultation response of the 5th November which identify the following contributions:

Section 106 Contributions

- £301,000 towards the A27 Ford Roundabout
- £37,500 towards additional parking facilities at Ford Railway Station
- A Travel Plan
- £5,000 for the auditing of the travel plan
- £15,000 towards the provision of offsite real time passenger information

The following 4 contributions are recommended to be grouped together to fund these measures in a manner which would expedite delivery of some of the mitigation works identified in the local plan transport study.

- £600,000 towards the A259 Oyster Catcher
- £97,000 towards the A259 Comet Corner
- £515,000 towards the A259 Corridor Improvement
- £15,000 towards the A259 Lyminster Bypass to A280 junction

In addition to these contributions the following works are required to be delivered:

- Construction of the Yapton Road Access (drawing no. GA-001 Rev E) prior to the 1st or 501st occupation.
- Construction of the Ford Road Access (drawing no. GA-004 Rev B) prior to the 1st or 501st Occupation.
- Improvements to Ford Road/Commercial Site Access (ITB13091-GA-066) prior to the commencement of commercial floorspace.
- Ford Lane/North End Road Improvement (GA-028 Rev C) prior to the 751st Occupation.
- B2233/North End Road Improvement (GA-026 Rev B) prior to the 501st Occupation.
- Bilsham Road/B2233 Improvement (GA-027 Rev C) prior to the 251st Occupation.
- Horsemere Green Lane Pedestrian Access Improvements (GA-058 Rev B) alongside the introduction of the Yapton Road Access or prior to the 101st Occupation.
- Church Lane Pedestrian/Cycle Connection (GA-600 Rev A) Prior to the opening of the Yapton Road Access should CM/1/17 not have been implemented.
- Rollaston Park & Burndell Road Pedestrian Improvements (GA-041 Rev A, GA-200, GA-201 Rev A, GA-202 Rev A. GA-203 Rev A & GA-204) prior to the 1st Occupation.
- Yapton Cycle Route Improvements (GA-059, GA-060 & GA-061) prior to the 101st Occupation.
- Ford Road - Station Road Pedestrian/Cycle Connection to Station (GA-006 Rev B, GA-007 Rev B, GA-008 Rev A, GA-009 Rev A & GA-010 Rev B) prior to the 250th Occupation.

- Footpath Connection (Ford Road to River Arun public right of way) (GA-400 Rev A) (includes works outside the highway) prior to the Occupation of commercial floorspace or 751st Occupation.

c) The officers report through the principle identifies that the development is in accordance with policy H SP2. However, it should be clarified that this is subject to the endorsement of the masterplan through the consideration of the proposals by the planning committee. However, it is the view of officers, as identified through the recommendation report, that the Masterplan document (subject to detailed design) would meet the requirements of policy H SP2 of the Arun Local Plan.

#### d) Highways and Access

i) It should be clarified that the proposals impact upon the A27 has been considered through the Arun Transport Study and by National Highways. It has been identified that a financial contribution should be secured towards the agreed scheme of works on the A27 Trunk in line with the adopted Local Plan or other such scheme of works to similar of more beneficial effects (which could include an Arundel Bypass scheme should one process for which this development site would benefit).

Therefore, as confirmed through National Highways consultation response the proposed development has been deemed acceptable and will not materially affect the safety, reliability and / or operation of the Strategic Road Network as set out in the Department for Transport C2/13 para's 9 & 10 and NPPF paragraph 111.

ii) The final paragraph of the Highways & Access section identifies that the proposal would be policy complaint 'subject to the outstanding details being provided to and agreed with WSCC'. However, immediately prior to the officer's recommendation being published the outstanding information was provided to WSCC Highways and their consultation response of the 5th November (summarised in the recommendation report) confirms that there are no outstanding details.

#### e) Heritage Assets

Reference was not made within the recommendation report to paragraphs 203, 204 and 205 of the NPPF which state:

Paragraph 203 identifies that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss of the heritage asset.

Paragraph 204 states that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

Paragraph 205 states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and the impact, and to make this evidence publicly accessible.

However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

The recommendation report has taken into consideration the significance of non-designated heritage assets and drawn a balanced judgement having had regard to the scale of the loss as is required by paragraph 203.

In terms of paragraph 204 in this case the application site is a strategic allocation within the local plan, and it is considered that it is sufficiently likely that the development will progress. Finally, in terms of paragraph 205 the recommendation report identifies that the route of the western arm of the runway would be retained as open space with a heritage walk to be secured using an appropriately worded condition. Therefore, it is considered that the proposal would accord with paragraph 205 of the NPPF.

#### f) Infrastructure Provision

i) The infrastructure development plan for this site identifies that an on-site 3G pitch should be provided as part of this development. However, the Arun District Council Sports Strategy has superseded this with an off-site contribution being secured.

ii) In terms of education the report sets out the required financial contribution for each facility. However, those to be delivered on-site could be delivered by the developer in which case there would be no financial contribution secured.

iii) It is identified in the report that the financial contributions towards healthcare will be directed towards off-site healthcare facilities. This is contrary to policy SA2 of the Ford Neighbourhood Development Plan. However, this aligns with the adopted approach by the CCG for the delivery of primary healthcare in Arun.

iv) It has been agreed with WSCC that the financial contribution towards Ford Lane/North End Road can be flexible to allow for the delivery of alternative highway arrangements. This would allow for the delivery of a roundabout in this location. However, the CIL regs would not allow the Council to secure full funding to deliver a roundabout in this location as it would go beyond what has been assessed as necessary to mitigate the impact of the development upon the operation of this junction.

#### 7. Amendments to Conditions

Whilst the recommendation has been amended to deferral of the application there are some amendments required to conditions.

Condition 4 - The plan reference in regards to the 'Ford Airfield Geometry - Eastern Access onto Ford Road' should be amended once confirmed.

Condition 5 - Bullet point three of the phasing condition should be amended to read "Vehicular access from Ford Lane, Yapton Road and Ford Road".

update(ODB 57)

Condition 7 - The word allocation is replaced by the word application.

Condition 28 - Added "for that dwelling".

Condition 32 - Reference to Condition 28 amended to Condition 29.

Officers Comment:

1. No comments.

2. No comments.

3. In response to the letter of representation the following comments are made:

- The representation challenges the conclusions of the recommendation report in regards to odour generation from Grundon Waste Transfer Station. This matter will need to be considered further prior to the determination of the application.

- The representation also raises concerns that this application is being determined ahead of planning application F/5/20/PL. However, whilst the two applications are certainly related in nature the determination of F/5/20/PL prior to this application is not necessary. It is acknowledged that the approval of F/5/20/PL will regularise the operation of Ford Market and reflect the loss of the western arm of the runway. But it is not necessary in principle or policy terms.

- Concerns have also been raised in regards to the comments from Historic England. Further information has been submitted by the applicant to address the concerns of Historic England and the Council's Conservation Officer. This information has been considered by the Conservation Officer who has confirmed that the developments impact upon the designated and non-designated heritage assets is acceptable.

4. The application seeks outline permission and as such the detailed masterplan is purely indicative at this time. Details of pedestrian and cycle linkages within the site are a matter for consideration at detailed design stage. It is considered that the parameter plans provide adequate opportunity to provide strong pedestrian linkages across the site and into the wider area.

The path of the former canal is also identified on the parameter plans with the alignment to be reflected in the layout. This will also be covered by Condition 7 (Design Code) which states that the design code will demonstrate how the detailed proposals will reflect the contents of the Masterplan Document. The Masterplan Document includes more detail on the approach to be taken with the canal and how it should be reflected within the internal movement/landscaping proposals, including pedestrian/cycle connections up to the boundary of the site with Grundon, then up the western edge connecting with the footpath network. Given that the Design Code will need to be approved prior to the submission of the reserved matters application it is considered that sufficient measures are in place to ensure that the development will respect the canal and ensure strong sustainable links across the site.

update(ODB 57)

5. No comments.

6. No comments.

7. No comments.

**RECOMMENDATION:** It is recommended that the application is deferred to allow for further consideration of the odour impacts.

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## REPORT UPDATE

**Application no:** LU/251/21/PL  
**Page no:** Item 13  
**Location:** 57 River Road Littlehampton  
**Description:** Partial demolition of number 57 River Road, change of use & redevelopment to provide a flatted development comprising 6 No apartments, with private amenity space, parking & cycle storage. including the partial demolition of the adjacent boundary wall to provide a new pedestrian access & the creation of a floating pontoon with resident morning spaces (resubmission following LU/247/21/PL). This application affects the character & appearance of the Littlehampton River Road Conservation Area & is in CIL Zone 4 (Zero Rated) as flats.

### UPDATE DETAILS

#### Reason for Update/Changes:

Members are advised that there is no footpath adjacent to the river at this point in River Road. The path terminates quite a way south of the site. There are several terraced properties in the intervening section of River Road between the path and the application site which have residential curtilages adjoining the river.

A pedestrian footpath along River Road is available on the opposite side of River Road.

The agent for the application has queried the length of time the application has been submitted and the number of case officers. A full response has been provided. The application has been put on the first available Committee following the expiry of the advertising period.

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## REPORT UPDATE

Application No: **WA/63/21/PL**

Reason for the Update / Changes

### FURTHER LETTER OF OBJECTION FROM WALBERTON PARISH COUNCIL

The Parish Council has provided an update on new legal advice regarding WA/63/21/PL. The advice is concerned that Arun's officers are, at present, misleading members which, if uncorrected, would also form the basis of another ground for judicial review as the analysis is inadequate and fundamentally legally flawed. Arun's approach as set out in the officer's report is clearly contrary to case law and does not address the issue of harm correctly. A finding that a development would cause harm to the conservation area creates a strong presumption against granting planning permission. In conclusion, they consider that it is beyond doubt that the alternative access is unnecessary. There are no new public benefits that flow from the proposal; the benefits of the residential development were already taken into account when Arun granted outline planning permission (WA/44/17/OUT). Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 mean that this harm is a matter of considerable importance and creates a strong presumption against granting planning permission. In circumstances where there are no countervailing public benefits, let alone benefits sufficient to outweigh the identified harm, the only option to refuse WA/63/21/PL.

The Parish Council has also submitted a paper raising concerns about the proposed pavement on Tye Lane. The proposed pavement on Tye Lane is below 1500mm for approximately 50m, with approximately 25m being 1.2m. A clear width of 2000mm allows two wheelchairs to pass one another comfortably. The absolute minimum, where there is an obstacle, should be 1000mm clear space; the maximum length of restricted width should be 6m. They consider that the proposed pavement is non-compliant with Department for Transport guidance on Inclusive Mobility.

Officers Comment:

The Council is required to determine the application by reference to the Local Plan. Not only must the Council have regard to the Local Plan, but the Council also has to make a decision in accordance with the plan unless material considerations apply. No material considerations have been brought to the committee's attention. In this

case, therefore, the correct focus must be on the terms of the Local Plan. The Local Plan contains no requirement to demonstrate need.

The Council is required to pay special attention to the desirability of enhancing or preserving the character of the Conservation Area. It is accepted that section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990:<sup>1</sup> is a statutory consideration and not just another material consideration. The character appraisal for the Conservation Area identifies managing traffic movements in the Conservation Area as a means of preserving the “village” character of the area. The proposal is assessed as causing “less than substantial harm” in accordance with paragraph 202 of the NPPF (2021). This harm is assessed to be on low end of the scale. As such, the public benefits that the development may achieve need to be considered as part of the assessment of the application. These include: Benefitting the local economy by bringing in additional customers to the village centre shops and services. There is no legal authority for the proposition that public benefits already taken into account cannot be taken into account again especially as the proposal is intended to be an alternative access for the same development.

A new 1.5 metre pavement is proposed along the eastern side of Tye Lane connecting to The Street. The proposed pavement reduces to 1.2 metres for approximately 25 metres but given the anticipated vehicle flows, alternative pedestrian accesses to the site and land constraints, the width proposed is acceptable. In order to accommodate the pavement, the carriageway width of the road would be narrowed to between 5.6 metres and 5.0 metres (i.e. a 5.0 metre wide road would allow an HGV and car to pass). The proposed improvements to the pedestrian links along Tye Lane to High Street should be provided in advance of the opening of the Tye Lane access to all vehicles. The proposed pavement along part of Tye Lane would ensure that the site links up with the village centre, and it complies with Policy T SP1 and Policy T DM1 of the Local Plan, in terms of connectivity.

## LETTER OF OBJECTION

Refuse this application as it fails to provide a safe, convenient or adequate access for the development approved and started under WA/44/17/OUT. The development undertaken on the site to date is not only unauthorised by the only planning permission for the site that exists (WA/44/17/OUT) but also cannot be lawfully completed in accordance with the planning permission and its conditions and because the wording used in the S106 Agreement, the planning obligations it contains may not be enforced.

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<sup>1</sup> “In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area”.

Officers Comment:

The principle of residential development at Avisford Grange was established in 2018 when WA/44/17/OUT was granted for 175 dwellings on the Land East of Tye Lane, with the access to the site directly off Yapton Road. The reserved matters (WA/95/18/RES) were approved in April 2019. The outline permission included the construction of the main vehicular access into the site from Yapton Lane, which has already been constructed, together with the provision of a new vehicular access point onto Tye Lane for use by emergency services vehicles. The residential development undertaken on the site to date is authorised and can be lawfully completed in accordance with the planning permission and its conditions, many of which have been discharged under their respective discharge of condition applications.

Committee is asked to note that in law a site can have multiple planning permissions and that there is a difference between granting planning permission and the implementation of the permissions. It is for the applicants to determine how they can lawfully implement the multiple applications they have made. Applying that principle to this application, if this application is successful it is for the Developer to decide how they can or whether they will implement both permissions, i.e. the outline / reserved matters scheme for 175 dwellings and the proposed alternative vehicular accesses. The role of the LPA at the time of implementation will be to decide whether it is expedient to carry out any enforcement action should the development depart from what is permitted.

#### FURTHER LETTER OF OBJECTION FROM A LOCAL RESIDENT

There are errors in the Technical Note (November 2021). The Technical Note refers to the High Street, and it should refer to The Street. The reference to the junction of Yapton Lane and The Street is irrelevant. The traffic survey was carried out during Covid; it is expected that car movements will increase in the future after Covid.

Officers Comment:

Noted.

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