



Public Document Pack

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28 September 2022

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 28 September 2022 at 2.00 pm** and you are requested to attend.

Members: Councillors Chapman (Chair), Edwards (Vice-Chair), Blanchard-Cooper, Bower, Chace, Goodheart, Mrs Haywood, Kelly, Lury, Thurston and Warr

PLEASE NOTE: Where public meetings are being held at the Arun Civic Centre, to best manage safe space available, members of the public are encouraged to watch the meeting online via the Council's [Committee pages](#).

1. Where a member of the public wishes to attend the meeting or has registered a request to take part in Public Speaking physically at the Planning Committee, they are to enter the Civic Centre via the front reception and then make their way up to the Council Chamber on the second floor and take a seat in the Public Gallery [the Blue Room].
2. We request members of the public do not attend any face to face meeting if they have Covid-19 symptoms

For further information on the items to be discussed, please contact 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

A G E N D A

OFFICER REPORT UPDATES

Updates for BE/57/22PL, BE/73/22/PL, BR/156/22/PL and K/22/22/PL.

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 – Planning Committee [Webcast Page](#)

REPORT UPDATE

Application no: K/22/22/PL
Page no: 9
Location: Land East Of Kingston House Kingston Lane Kingston
Description: 3 No stables and a barn. This site is in CIL Zone 3 (Zero Rated) as other development.

UPDATE DETAILS

Reason for Update Planning Committee August 2022:

Objections from the Ferring and East Preston Parish Councils were not included in the officer report.

Officers Comment:

The relevant material planning issues raised by both Parish Councils include those set out by others in the report which have been addressed.

Report For Update Planning Committee September 2022:

The original report to the August Planning Committee failed to include policies KPN 3 - SETTLEMENT STRUCTURE & GREEN INFRASTRUCTURE and KPN 7 - DESIGN & DEVELOPMENT of the Kingston Neighbourhood Plan and by error included policy KPN 6 - SOIL, HORTICULTURE, EQUINE & SHEPHERDING DEVELOPMENTS.

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REPORT UPDATE

Application no: BE/57/22/PL
Page no: 17
Location: Land adjacent to Tesco Express 351 Chichester Road Bersted
Description: Erection of 6 No. 2-storey dwellings consisting of 2 No 2 bed units & 4 No 3 bed units, access, parking, cycle storage, bin store and other associated landscape works (resubmission following BE/104/21/PL). This site is in CIL Zone 4 & is CIL Liable as new dwellings.

UPDATE DETAILS

Reason for Update/Changes:

FURTHER CONSULTATION COMMENTS

Natural England have reviewed the council's Appropriate Assessment and state with regard to European Sites that they do not object to the granting of this permission subject to the Pagham Harbour contribution being secured by a legal agreement.

The council's Environmental Health Officer has stated that they withdraw their objection and conclude that any future permission granted shall be in accordance with the Acoustics associates report, such that facades meet the minimum acoustic performances detailed in figure 22; and glazing and ventilators achieve the minimum acoustic performances detailed in figure 25 of the Acoustics Associates report. These comments necessitate an amendment to condition 9.

There has not been any further response from WSCC Highways, but it is material that the changes that they requested (provision of visibility splays on the site plan & provision of a footway along the access into the site) have both been included on amended plans which form part of the agenda report.

AMENDMENTS

Due to the comments of drainage engineers regarding the need for a 3m wide easement to an existing part open/part culverted watercourse running along the southern boundary, an amended landscape plan has been provided which shows this easement and no hard boundary treatments are shown within this area. This culvert can also be accessed from the private back street (Haverfordwest Close).

Members may wish to note that this plan (which forms part of the officer presentation) also details new boundary treatments across the site, and these include close-boarded and post & rail fencing in softwood timber plus hedges. As such, there is no need for a boundary treatments condition. A plan has also been provided to show where the existing bus stop will be relocated to.

ADDITIONAL REPRESENTATIONS

A further 21 objections have been received raising the following new issues: (1) the new bus stop

location is unsafe; and (2) Haverfordwest Close is private and unsuitable as an access. WSCC Highways have not seen or commented on the bus stop plans. However, the plan has not been listed in the application documents within condition 2 so this can then be agreed with WSCC Highways at a later date separate to the planning process. It is true that Haverfordwest Close is private and so a right of access from it would need to be gained in order to access the two rear parking spaces however this is a legal matter separate to planning. WSCC Highways have raised no objections to this arrangement.

Officers Comment:

Some of the conditions have been amended and therefore a replacement recommendation sheet is included with this update. The changes are as follows:

Condition 2 - amended to include the landscape plan showing the easement.

Condition 9 - amended to reference the approved acoustic documents and remove the need for a survey to be submitted.

Condition 5 - amended to correct a typo in the reason (it stated Panning not Planning).

Condition 15 - amended to add a reason for the pre-commencement nature of the condition.

Erection of 6 No. 2-storey dwellings consisting of 2 No 2 bed units & 4 No 3 bed units, access, parking, cycle storage, bin store and other associated landscape works (resubmission following BE/104/21/PL). This site is in CIL Zone 4 & is CIL Liable as new dwellings.

Land adjacent to Tesco Express
351 Chichester Road
Bersted

RECOMMENDATION

SAC - App Cond with S106

- 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:

Z0512 NOV 00 00 DR A 02000 Rev P5, Location and Block Plan.
Z0512 NOV 00 00 DR A 02002 Rev P11, Revised Site Plan.
Z0514 NOV 02 XX DR A 04000 Rev P4, Elevations Block B.
Z0512 NOV 01 XX DR A 04001 Rev P2, Elevations Block A.
Z0512 NOV 00 XX DR A 02005 Rev P1, Sections through No.28 and 30, Sun Park Close.
Z0514 NOV 02 XX DR A 03000 Rev P4, Floor Plans - Block B.
Z0512 NOV 01 XX DR A 03001 Rev P2, Floor Plans - Block A.
Z0514 NOV 02 XX DR A 05000 Rev P2, GA Sections - Block B.
Z0512 NOV 01 XX DR A 05001 Rev P2, GA Sections - Block A; and
LLD2748-LAN-DWG-100 Rev 2 Hard and Soft Landscape.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/setting of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.
- 4 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with policy T DM1 of the Arun Local Plan.
- 5 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National

Planning Policy Framework.

- 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 site plan. These spaces shall thereafter be retained at all times for their designated purpose.

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

- 7 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Design considerations must take full account of the 'Supplementary Requirements for Surface Water Drainage Proposals' produced by Arun District Council, and are an overriding factor in terms of requirements. Winter groundwater monitoring to establish highest annual ground water levels and winter percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, 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.

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

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 9 The development shall proceed in accordance with the submitted Acoustics Associates Road Traffic Noise Assessment (30/05/22) and the subsequent letter dated 17/08/22. Building facades shall meet the minimum acoustic performances detailed in figure 22 of the report, and glazing & ventilators shall achieve the minimum acoustic performances detailed in figure 25 of the same. The works specified in the approved scheme shall be carried out in accordance with the approved details prior to occupation of the dwellings and be retained thereafter.

Reason: To protect the amenity of future residential occupiers in accordance with Policy QE DM1 of the Arun Local Plan.

- 10 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place, written confirmation is required from the Arboricultural Expert representing the site owner(s), confirming that all protective fencing has been inspected and found to be 'Fit for Purpose' as required under British Standard 5837:2012 and been erected and positioned exactly as shown on the Tree Protection Plan, ref. 20219-3, Barrell Tree Consultancy.

Reasons: To comply with BS5837:2012 and ensure the retention and maintenance of trees and vegetation which are an important feature of the area, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 11 All activity at the site is to be carried out in strict accordance with: - Arboricultural Assessment & Method Statement, ref. 20219-AA3-CA, 16th May 2022.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with BS5837:2012 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area in accordance with policy ENV DM4 of the Arun Local Plan.

- 12 Potentially contaminated land: If during development, any visibly contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan 2011 - 2031.

- 13 Construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan

- 14 The dwellings shall not be occupied unless and until a scheme has been submitted for approval by the Local Planning Authority to demonstrate that the development will incorporate energy efficiency measures that reflect standards at the time of submission, together with decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

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

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

Reason: In the interests of highway safety and the amenities of the area in accordance with policy TSP1 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

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

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun Local Plan.

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

seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 18 Within 3 months of commencement of development details of improvements to secure biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be completed within a month of 1st occupation of hereby approved dwellings and retained thereafter.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 19 **INFORMATIVE:** 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 infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

Freeboard is to be provided between the base of the infiltration structure and the highest recorded groundwater level identified in that location. Ideally this should be 1 metre where possible, as stated in the CIRIA Suds Manual guidance. However, on the coastal plain in particular, where geology dictates and where shallow perched/tidally influenced water tables are often present, this is unlikely to be achievable irrespective of this, infiltration must still be fully considered. Therefore, to maximise this potential and avoid utilising other less favourable methods of surface water disposal, the bases of infiltration structures are permitted to be immediately above the peak recorded groundwater levels where it is deemed necessary.

In areas where an aquifer is to be protected (subject to guidance from the Environment Agency) then a minimum 1 metre freeboard must be provided.

Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extend of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application. Reference should also be made to the 'West Sussex LLFA Policy for the Management of Surface Water'.

- 20 **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.

- 21 **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) 737555.

The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A 'Statutory Nuisance' may be caused by smoke and ash from fires or noise from the cutting or chipping of trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.

REPORT UPDATE

Application no: BE/73/22/PL
Page no: 37
Location: Arun Retail Park, Unit G Shripney Road Bognor Regis
Description: External alterations to the existing building associated with the change of use from Class E Restaurant to Sui Generis (consisting of a coffee shop / restaurant selling food and drink for consumption on and off the premises), alterations to car park including the creation of a drive-through lane, reconfiguration of cycle parking, new pedestrian crossings, and the increase in number of car parking spaces, relocation of footpath, removal of 2 x TPO trees (to be replaced), landscaping and associated works.(Resubmission following BE/16/22/PL). This application is in CIL Zone 4 (zero rated) as other development).

UPDATE DETAILS

Reason for Update/Changes:

AMENDMENTS

The Flooding Issues section of the report refers to the need for a sequential assessment but does not follow this up. However, a sequential is not required under policy for change of use applications or extensions of less than 250m². This does not therefore apply to this proposal.

For members information, the trees that are being removed are nos. T4 (Horse Chestnut) and T5 (Whitebeam) and these are indicated on the officer presentation. These are 12m and 3.5m high respectively and have both been graded as "U" due to either being dead or affected by disease. To replace these, 4 no. new trees are proposed and these will be in a height range of 3.5m to 4.5m when planted and consist of 1 x horse chestnut, 2 x London Plane and 1 x Whitebeam. In addition, a number of shrubs, bulbs, amenity grass and hedging will be planted.

Officers Comment:

Condition 4 has been amended to add a reason for the pre-commencement nature of the condition. This now reads as follows:

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials, and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,

update(ODB 57)

- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy TSP1 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff."

REPORT UPDATE

Application no: BR/156/22/PL
Page no: 49
Location: 62-64 High Street Bognor Regis
Description: Upward extension of one storey and conversion of the existing first and second floors of the building to provide 38 student rooms along with associated elevational changes and reconfiguration of ground floor, including provision of refuse and recycling facilities and cycle store to the rear. This application may affect the setting of a Listed Building and is in CIL Zone 4 (zero rated) as flats.

UPDATE DETAILS

Reason for Update/Changes:

Natural England have reviewed the council's Appropriate Assessment and state with regard to European Sites that they do not object to the granting of this permission subject to the Pagham Harbour contribution being secured by a legal agreement.

Officers Comment:

There are no changes to the recommendation, conditions or reasons.

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