



Public Document Pack

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19 May 2020

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held on **Wednesday 27 May 2020 at 2.30 pm** and you are requested to attend.

PLEASE NOTE: *This meeting will be a 'virtual meeting' and any member of the press and public may listen-in and view the proceedings via a weblink which will be publicised on the Council website at least 24 hours before the meeting.*

Different meeting arrangements are in place for the period running from 4 April 2020 to 7 May 2021 from the provisions of the Coronavirus Act 2020 and the meeting regulations 2020, to allow formal 'virtual meetings'.

This Council's revised Rules of Procedures for 'virtual meetings' can be viewed here [click here](#)

Public Speaking *The number and order of speakers confirmed at Public Speaking Rule 4.1 of the Council's Constitution will continue to apply. However, the provisions to speak in person are replaced in Virtual Meeting Procedure Rule 31.2 with statements not exceeding 3 minutes to be submitted 24 hours prior to the start of the meeting which will then be read out by the Chairman or Committee Manager at the relevant point in the meeting. Those who are entitled to speak will be duly notified of the process to be followed.*

For fairness, these provisions will also apply to the Ward Member and any other Member seeking the Chairman's discretion to speak.

Members: Councillors Bennett (Chairman), Ms Thurston (Vice-Chair), B Blanchard-Cooper, Bower, Charles, Coster, Edwards, Mrs Hamilton, Lury, Northeast, Mrs Pendleton, Roberts, Mrs Stainton, Mrs Yeates and Mrs Worne
[Please note the membership is subject to confirmation at Annual Council on 20 May 2020]

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<<http://www.arun.gov.uk/planning>>

AGENDA

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 as set out in the Council's adopted Planning Local Code of Conduct for Members and Officers at Part 8 of the Constitution. A copy of the Planning Local Code of Conduct can be obtained from Planning Services' Reception and is available for inspection in the Members' Room.

At this virtual meeting the vote will be a named vote carried out in accordance with Rule 3.13 of the Protocol adopted by the Council in respect of the holding of virtual meetings.

4. **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**

DEFERRED ITEM

5. **AW/237/19/PL THE FORMER SHIP INN, ALDWICK STREET, ALDWICK PO21 3AP** (Pages 1 - 4)

PLANNING APPLICATIONS

6. **AW/26/20/HH 61 QUEENS FIELD WEST, ALDWICK PO21 5SH** (Pages 5 - 10)
7. **BE/89/19/PL BABSHAM BUSINESS CENTRE, BABSHAM LANE, BERSTED PO21 5EL** (Pages 11 - 22)
8. **BE/109/19/OUT LAND EAST OF SHRIPNEY ROAD AND SOUTH OF HADDEN HOUSE, SHRIPNEY ROAD, BERSTED PO22 9NW** (Pages 23 - 54)
9. **FG/8/20/PL EASTLANDS, LITTLEHAMPTON ROAD, FERRING BN12 6PB** (Pages 55 - 66)
10. **FG/152/19/PL 40 LITTLE PADDOCKS, LITTLE PADDOCKS, FERRING, BN12 5NJ** (Pages 67 - 78)
11. **LU/51/20/PL THE LOOK AND SEA CENTRE, SURREY STREET, LITTLEHAMPTON BN17 5AW** (Pages 79 - 92)

PLANNING APPEALS

12. **APPEALS** (Pages 93 - 98)

OFFICER REPORT UPDATES

Will be circulated at the meeting.

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 :

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Daniel Vick (Ext 37771) email dan.vick@arun.gov.uk
Juan Baeza (Ext 37765) email juan.baeza@arun.gov.uk
Claire Potts (Ext 37698) email Claire.potts@arun.gov.uk

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.

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 – [Filming Policy](#)

These meetings are webcast live.

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

Report following a request for further information, negotiations or consultation

REF NO:	AW/237/19/PL
LOCATION:	The Former Ship Inn Aldwick Street Aldwick
PROPOSAL:	Variation of conditions imposed on planning reference AW/211/14/PL relating to condition 8 - delivery times & Condition 10 - delivery of goods serving the store in accordance to the Delivery Management Schedule

This application was deferred from the 8th January Committee meeting due to a request by members that the applicant provide (a) an independent Road Safety Audit (RSA) and (b) tracking diagrams to show what would happen if two refuse collection vehicles were travelling in opposite directions when a delivery was being made.

The applicant has now provided an independent Road Safety Audit undertaken by "Gateway TSP", a Designers Response (by the applicant) and the requested tracking diagrams consisting of:

- Dwg B202 Rev A "Site Location Plan with Vehicle Tracking: Articulated Vehicle";
- Dwg B203 Rev A "Site Location Plan with Vehicle Tracking: Rigid Vehicle";
- Dwg B204 Rev A "Site Location Plan with Vehicle Tracking: Cars Passing Delivery Vehicles"; and
- Dwg B205 Rev A "Site Location Plan with Vehicle Tracking: Refuse Trucks Passing Delivery Vehicles"

The Road Safety Audit (RSA) carried out identifies the following issues:

(1) Lack of surface water drainage may lead to pedestrian slips and falls at the proposed buildouts particularly during icy conditions. The RSA recommends that carriageway levels be reviewed, and drainage provided at the proposed buildouts as necessary;

(2) The current proposal is for a greater frequency of deliveries therefore more turning manoeuvres and greater holding of other traffic. Visibility for northbound vehicles towards waiting traffic may be obscured leading to nose to tail collisions. The RSA recommends that a 'Delivery Management Plan' be prepared to set out the routing of delivery vehicles and how deliveries would be managed and supervised by trained members of store staff.

(3) Carriageway widths at kerb buildouts may lead to side swipe collisions and also a danger to pedestrians from larger vehicles (on Aldwick Street). The RSA recommends that carriageway widths & swept paths be sufficient for vehicles to manoeuvre.

(4) Lack of a footway on the northern side of Aldwick Street may lead to pedestrians being struck as customers approaching the store would need to walk in the carriageway. The RSA recommends that pedestrian routes approaching the store be formalised.

The applicants Designers Response (DR) sets out that:

(1) The design of the build out proposals has already been approved by WSCC through a s278. If additional further drainage is deemed necessary, then by agreement with WSCC, a drainage channel could be incorporated to maintain the kerbside drainage channel continuity.

(2) The applicants preferred delivery point would be for large delivery vehicles to use the area adjacent to the building, along Aldwick Street, as this requires no reversing. Smaller vehicles would then use the car parking area and avoid peak periods. The submitted delivery management scheme sets out hours of deliveries and types of vehicles. The store manager will monitor the flow of vehicles and adjust to reflect any local traffic changes or congestion immediately surrounding the store. CCTV would monitor the delivery area/roadways so that all potential matters are fully covered.

(3) The design of the build out proposals has already been approved by WSCC through a s278. Furthermore, the submitted swept path tracking plans show that there is sufficient space for vehicles to pass the delivery vehicle when adjacent to the building.

(4) A pedestrian crossing point to the highway will be provided as part of the s.278 proposals. This is with the build-out and is shown on all tracking plan drawings.

In respect of point (2), members should also note that condition 7 requires the approval of a Servicing Management Plan and this will cover delivery arrangements in greater detail than the submitted Delivery Management Scheme.

The RSA, DR and the tracking diagrams were all issued to County Highways for their consideration and they have commented on the points raised in the RSA as follows:

(1) This is a detailed design matter that would be addressed as part of the detailed design of highway works as part of the post planning consent (such as through a Section 278 Agreement).

(2) WSCC has reviewed the swept path diagrams and would agree that articulated vehicles should only use the area adjacent to the building, however all rigid vehicles could safely use the car park as well. It is noted that articulated vehicles over run the northern buildout if travelling in a westerly direction (from the east) and these vehicles should therefore be encouraged to access the site from the west and leave to the east. This can be agreed through the Servicing Management Plan condition.

(3) WSCC agree there is sufficient space for vehicles to pass the delivery vehicle when it is stationary outside the building. It is acknowledged there will be times when cars will prefer to wait, especially if the car parking bays to the south west are in use.

This is not an unusual practice and given that deliveries are scheduled to take place outside of peak operating hours, WSCC do not consider this to be a highway safety issue. There will be some minor delay to vehicles if they have to give way to allow opposing vehicle movements to proceed but this minor delay is not considered to warrant a reason for refusal; especially given that this practice could already occur within the highway under previous uses, and loading and unloading is permitted on double yellow lines.

(4) The build outs were included in the original planning approval in response to local concerns over crossing due to the lack of footways on the northern side of the road. Whilst it is acknowledged there are no footways on the northern side of Aldwick Street, this is an existing situation. The build outs will provide a safe pedestrian link from the southern footway to and from the store.

Separately, WSCC have asked for clarification over whether the existing bollards on the northern side of the carriageway will remain as it is not clear where these are in relation to the tracked vehicles. The applicant has advised that although close to the edge of the tracked vehicle diagrams, they can be safely negotiated. However, it may be more practicable for the ease of delivery vehicles to have them removed and replaced with highway delineation blocks/markers (a granite sett or similar set flush or just slightly proud of the roadway surface). This would be agreed through the S.278 Agreement.

Therefore, the minor issues raised in the RSA will all be resolved either through the discharge of condition 7 (Servicing Management Plan) or through the S.278 Agreement process. There are also no objections to the tracking diagrams.

The officer recommendation remains as per the previous report to Committee in January 2020. Members should also note that if the Committee were to refuse the application then the Councils position at appeal would be substantially weaker given the requested additional highway work that has been undertaken does not differ from the advice received from the Highway Authority. The potential for an award of costs would also be substantially increased.

Background Papers – Development Control Committee agenda of 08 January 2020 for the previous officer report.

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PLANNING APPLICATION REPORT

REF NO: AW/26/20/HH

LOCATION: 61 Queens Fields West
Aldwick
PO21 5SH

PROPOSAL: Two storey front extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Two storey front extension with twin gable roof.

RELEVANT SITE HISTORY

AW/235/18/HH	First floor extension.	ApproveConditionally 13-11-18
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Object:

- Doesn't reflect characteristics of the site/local area in its layout, landscaping, density, mix and scale.
- Doesn't sympathetically relate to and is not visually integrated with the existing building in siting, massing, design, form and scale
- Not visually subservient to main building. Has an adverse overshadowing, overlooking and overbearing effect on neighbouring properties and compromises the established character and pattern of the place.

Conflict with DSPI (a), DDM4 a, b, c and e of the Local Plan 2011-2031 and Parish Design Statement (page 71 (a)).

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:
2km Buffer for Site of Special Scientific Interest
Pagham Harbour Zone B
Tree Preservation Orders
Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

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

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

This application appears on this agenda at the request of Councillor Dixon. Amended plans have been received following this request and the consultation comments from Aldwick Parish Council.

PRINCIPLE

The key policies considered are D SP1, D DM1 and D DM4.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and locality.

Policy D SP1 of the Arun Local Plan sets out 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.

Aldwick does not have a 'made' Neighbourhood Plan however does have a Parish Design Statement with the dwelling located within Area 10.

The site is occupied by a two storey linked detached dwelling.

DESIGN AND VISUAL AMENITY

The development is to the front of the dwelling. The proposal is two storey and extends the entirety of the front elevation projecting 2m. Included in the development is a vacant space on the ground floor beneath the extension to the bedroom at first floor. The materials used match the dwelling. The alterations whilst modern are not detrimental to the surrounding area as there is no specific character. The use of the pillar is an aesthetic feature that allows the proposal to not dominate the street scene.

The alterations are subservient to the host dwelling. With the works having a dual pitch and a limited depth the development is not considered to dominate the street scene. There are examples of similar extensions to other dwellings in the locality. The proposal does not give rise to any adverse impacts upon the spatial pattern or character of the area and accord with D DM1 and D DM4 of the Arun Local Plan. Due to the extension depth it is not considered to significantly vary the bulk of the house and as such complies with the development criteria of the Aldwick Design Statement.

NEIGHBOURING RESIDENTIAL AMENITY

The development does not have any significantly harmful impact on residential amenities of neighbouring dwellings, by way of overshadowing or overbearing as a result of its scale, siting and the aspect of the development. The development will not result in a loss of privacy to occupiers of neighbouring dwellings, as it features only windows at first floor facing the street scene with little to no views into the neighbouring property as a result. Other openings are at ground floor level, which include a front door and windows.

As originally proposed the roof was considered to be overbearing. With the reduction in height in this amended scheme this is reduced. Within the locality of the application there are examples of similar works to houses as evident at 11 Queens Fields West.

The proposal would not result in any adverse overlooking, overshadowing or overbearing upon neighbouring amenity and as such the proposal accords with D DM1 and D DM4 of the Arun Local Plan.

SUMMARY

The development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Sheet 1a, 2b and 3a.

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

- 3 The materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing building.

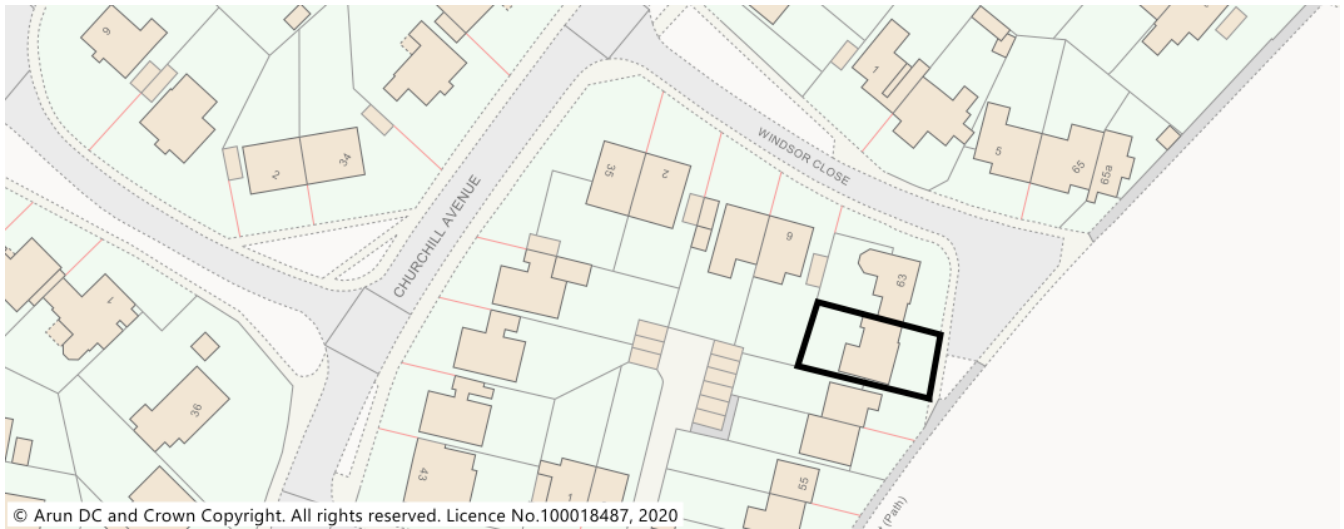
Reason: In the interests of amenity in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

- 4 **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.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

AW/26/20/HH - 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: BE/89/19/PL

LOCATION: Babsham Business Centre
Babsham Lane
Bersted
PO21 5EL

PROPOSAL: The change of use of land for the storage of building materials, equipment & plant & for the parking for fixed body vehicles together with part boundary screen fence with a secure gated access point to the site.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>Change of use from agricultural to use as B8; open air storage of building materials and other similar small scale plant required for general building work, for the parking for fixed body vehicles together with part boundary screen fence with a secure gated access point. Retain 3 self contained shipping containers (6.0m x 2.6m x 2.0m) for secure storage.</p> <p>This application is retrospective. The tenants of the land are a local building business and a local landscape paving business who share the site for the storage of their materials, equipment and plant. The site is also used for the short term storage of their waste materials, in association with and as a result of their businesses, before being removed from site in skips.</p>
SITE AREA	Approximately 2,740 square metres.
BOUNDARY TREATMENT	2m high steel security fence on north boundary, 1.8m wooden close-board fencing on south-western boundary, and a combination of round steel tube fencing and steel crash barrier, which had been used to form a part of the defunct cattle pens within the site. Building walls making up the north boundary and the lower portion of some of the cattle pens.
SITE CHARACTERISTICS	Series of animal stock pens, formerly part of the farmyard associated with Babsham Farm. Eighty percent of the site is covered by hard standing. An access point runs along the south east boundary serving the site and adjoining sites to the north east and south west.
CHARACTER OF LOCALITY	Rural area with a skip storage on land to the north-east. Residential properties to the south west from the site. Arable agricultural fields to the northwest, northeast and southeast.

RELEVANT SITE HISTORY

BE/30/19/PL	Retention of secure containers, welfare facilities & secure fencing together with associated landscaping works.	ApproveConditionally 10-07-19
BE/79/17/PL	Change of use of land for skip storage	ApproveConditionally 12-12-17
BE/100/09/	Change of use from B1 to mixed B1/Sui generis (showroom non retail).	ApproveConditionally 18-12-09

No recent history for this site. The originally agricultural use has not taken place for a significant period of time. In 2017 the use of land to the north-east was change for skip storage under BE/79/17/PL.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

OBJECT:

- Does not comply with Bersted Neighbourhood Development Plan policy EE3 as the change of use makes it class B8 and this policy opposes more heavy goods vehicle movements which this use will make in Babsham Lane.
- Does not comply with Arun Local Plan Policy QE SP1 Quality of the Environment - the use of this site for storing waste associated with builders equipment and the parking of 2 articulated lorries, will have a detrimental effect on the neighbouring properties.
- C SP1 Countryside - The site is used to store waste associated with builders and dumped vehicles which is not allocated as a waste site in the West Sussex Waste Local Plan, nor is the site a form of rural diversification.
- Should members be minded to grant permission a condition restricting operating/vehicle movements times is recommended - Monday to Friday 8am to 6pm, Saturday 8am to 1pm and no operating or vehicle movements on Sunday or any Bank Holiday in line with the two sites either side of this.

12 objections:

- No scheme to repair/make good access road which remains full of pot holes and is dusty.
- What is meant by 'storage of equipment and plant'; who would be regulating the businesses.
- Tipping of waste in the cow pens visible from the rear of properties is now higher than fencing on a 'similar' business eg 2.45m.
- Fridges and freezers and mattresses and other unmentionable items of debris on site.
- Site accessed on a 24/7 basis - that is not acceptable to the quality of life of those living nearby.
- Lack of privacy.
- A question is raised about the site security; who would have access to the gate;
- HGVs have to make a 6 point turn to park their vehicles up when they return 24/7.
- Dust/noise pollution 24/7 from the site which is increasing due to it being allowed.
- 2 companies use site for storage of building materials/equipment, many companies leave debris behind.
- Lorries leaving the site at 3 am and return as late as 22.30 - even on a Sunday.

- Public footpath/cycle lane adjacent to the vehicle entrance to the site.
- Dangers of increased volume of traffic in the lane and at the entrance to the lane, off the A259.
- Erection of 2.4m screen fence on south west boundary adjacent to an existing 1.7m brick wall which separates property from the area marked on the plan as 'existing vegetation retained',

COMMENTS ON REPRESENTATIONS RECEIVED:

PARISH COUNCIL:

- Policy issues are considered in the conclusions section.
- The agent confirmed the previous tenant who parked/operated articulated lorries from the site has ceased operations and vacated the site and their client has no plans to store/operate articulated lorries as part of the development.
- A condition restricting operating/vehicle movements times on the site is recommended.
- A condition restricting the storage of waste on the proposal site will be attached to the decision.

Comments in respect of the local resident objections:

- The access road is not part of this proposal as it lies outside the red edge of the application. There are no proposals within this application to improve the access road.
- The agent confirms the storage of equipment and plant refers to powered hand tools, cement mixers, petrol generators and other similar small scale plant required for general building work.
- The presence of fridges, mattresses and other waste has been addressed through enforcement complaints - the site is currently open and not managed and the proposal includes gates which should help reduce any unauthorised access.
- Within the Design and Access statement the agent confirms the site would only be accessed by the occupants of the site and there would not be any requirement to access the site by public transport.
- As mentioned above articulated lorries are not to be stored or operated on the proposal site.
- The operating time will be restricted by the condition. Should this not be complied with, a compliance case will be opened.
- Noise/vehicle movements are considered in the conclusions section; operating time will be restricted by condition.
- Amended plan shows a 1.8m security fence 0.5m in from the existing boundary fence.

CONSULTATIONS

Ecology Advisor

Engineering Services Manager

Engineers (Drainage)

Environmental Health

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - As HGV parking is no longer proposed swept path analysis tracking not necessary. Gates are 10.3m into the site. This is anticipated to be sufficient to enable vehicles to wait whilst the gates are operated without obstructing access to the rest of the site. A condition securing parking would be appropriate. Do not consider proposal would have 'severe' impact on operation of Highway network and is not contrary to NPPF (para 109), no transport grounds to resist the proposal.

ADC ENVIRONMENTAL HEALTH - In light of nearby properties and potential for noise impact residents

request the applicant provide an acoustic assessment as detailed in the condition.

COUNCILS ECOLOGIST - Requests condition that states that full mitigation strategy including remedial works will be submitted as part of a condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Appropriate conditions are proposed.

POLICY CONTEXT

Designation applicable to site:

Outside the Built Up Area Boundary;
Area of Special Control of Adverts;
Archaeological Notification Area;
No Public Sewer; and
Pagham Harbour Access Management Zone B.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

CSP1	C SP1 Countryside
QEDM3	QE DM3 Air Pollution
SDSP3	SD SP3 Gaps Between Settlements
TSP1	T SP1 Transport and Development
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment

<u>Bersted Neighbourhood Plan 2014 Policy EE2</u>	Retention of employment uses
Bersted Neighbourhood Plan 2014 Policy EE3	Encourage a diverse range of commerce in the Parish
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES3	Protecting the Strategic Gap/Green Infrastructure Corridor
Bersted Neighbourhood Plan 2014 Policy ES7	Development outside of the Built Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun 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.

The relevant policies of the Bersted Neighbourhood Development Plan have been taken into account in determining this application: EE2, EE3, ES2, ES3 and ES7.

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 does not comply with policies EE3, ES3 and ES7 of the Bersted Neighbourhood Development Plan in that the use (distribution and storage B8) is inappropriate for the Parish (except the existing commercial areas) and the development is outside the built up area boundary and in the defined Strategic Gap. The proposal is considered to comply with policy C SP1 of the Arun Local Plan in that the proposal is in accord with policy EMP DM1 which refers to development outside the built up area boundary by existing local firms. The current tenants of the land are a local building business and a local landscape paving business who share the site for the storage of their materials, equipment and plant. The proposal would be acceptable in respect of policy SD SP3 in that it would not undermine the physical and/or visual separation of settlements and it would not compromise the integrity of the gap.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The site is outside of the built up area boundary (countryside) within a designated gap 'Bognor Regis to Chichester.' Local Plan Policy C SP1 states that development in the countryside is generally unacceptable unless it falls into a certain category or is otherwise in accordance with a Local Plan policy which refers to a specific use or type of development. Policy SD SP3 of the Local Plan states generally open and undeveloped nature of the gaps between settlements, as identified on the Policy Maps, will be protected to prevent coalescence and retain their separate identity. Development will only be permitted within gaps if:

- a. It would not undermine the physical and/or visual separation of settlements;
- b. It would not compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development;
- c. It cannot be located elsewhere; and
- d. It maintains the character of the undeveloped coast;
- e. or, if a subsequent DPD or Neighbourhood Plan deems it appropriate through allocation.

Bersted Neighbourhood Development Plan (BNDP) policy ES7 states development in the countryside will not be supported and will protect the countryside from unnecessary development. Policy ES3 of the BNDP states development within the Strategic Gap will not be supported unless for essential infrastructure; development for essential infrastructure will be granted in special circumstances, where

the benefit outweighs any harm, and it can be demonstrated there are no reasonable alternative sites available. Policy EE3 of the BNDP considers the B8 use inappropriate for the Parish due to the heavy goods traffic they can generate. On the other hand policy EE2 of the BNDP recognises opportunities for employment in the Parish are limited which contributes to the amount of out-commuting and admits small scale employment sites contribute to the liveliness and activity in the parish.

The proposal conflicts with the strategic gap policy ES3 and policy EE3 of the BNDP, however, policies of the Arun Local Plan have a greater weight as they were adopted most recently.

Policy C SP1 of the Local Plan in criterion f. states that development in the countryside will be permitted where it is in accordance with other policies in the Plan which refer to specific use or type of development. The proposal would be acceptable in respect of Arun Local Plan policy C SP1 in that other policies can be considered (such as EMP DM1).

Whilst the strategic gap policy ES3 explains that the Green Infrastructure Corridor or Strategic Gap as it is known locally provides a buffer between Bersted and Chichester and provides open views to the north, policy SD SP3 of the Arun Local Plan protects the generally open and undeveloped nature of the Bognor Regis to Chichester Gap (one of ten identified on the Policies Maps) and in criteria a.- e.(as mentioned in the first paragraph) states the circumstances when development within gaps will be permitted.

The proposal site forms a part of the former farmyard, associated with Babsham Farm and comprises a series of remnant animal stock pens, built from block walling and steel tube or steel crash barrier fencing. The proposal is for change of use of this part of land from agricultural to the storage area and doesn't consist of physical development which would have a long lasting impact on the character of the countryside and generally open and undeveloped nature of strategic gap. It represents re-use of a farmyard on which business activities would have taken place as such it would not undermine the physical and visual separation of settlements and would not compromise the integrity of gap.

The National Planning Policy Framework (NPPF) supports economic development outside of the built up area. Paragraph 83 of the NPPF states Planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and paragraph 84 of the NPPF stresses that the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

POLICY EMP DM1:

Policy EMP DM1 of the Arun Local Plan in part 6 deals with economic growth outside the Built-up Area Boundary and stresses that planning permission will be granted on sites outside the Built-up area, subject to certain matters being adequately demonstrated.

The site is on the edge of the settlement of Bersted and outside of the wider settlement area of Bognor Regis. There are bus stops on the adjacent A259 which served Chichester and Bognor Regis. The site is in walking & cycling distance (via paved & lit footpaths - and with a cycle path) to the Esso garage other local shops on Chichester Road.

The current tenants of the land are a local building business and a local landscape paving business who share the site for the storage of their materials, equipment and plant. The change of use would comprise a form of rural diversification and will help to maintain existing employment.

Policy EMP DM1 of the Arun Local Plan requires that development is of (c) a high standard of design, layout & landscaping appropriate to the context; and (f) a sympathetic relationship to the surrounding

areas that shows consideration of the landscape.

The proposal does not consist of built development other than a security gate at the entrance and the fence. It is proposed to retain three shipping containers for storage. The blockwork wall enclosures (part of former agricultural buildings) and existing vegetation and grassed area in the south-western corner adjacent residential gardens would remain. The site is a mixed area of hardstanding and scrub vegetation. Although the character of the land to the northwest, northeast and southeast is agricultural the site and the land to the north-east has a light industrial character it is not considered that the reuse of the site for storage would be out of character with the site or the adjoining light industrial land.

It is considered the proposal accords with the relevant parts of policy EMP DM1 of the Arun Local Plan.

HIGHWAY SAFETY & VEHICLE PARKING:

Arun Local Plan policy T SP1 requires that new development allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians. Policy EMP DM1 as set out above also requires there to be off-street parking. Regard should be had to para 109 of the NPPF.

Several local residents are concerned that the use will increase traffic entering Babsham Lane to the detriment of highway safety particularly in respect of pedestrians, cyclists and residents parked cars.

WSCC do not raise any overriding highway safety concerns to the principle of the retrospective change of use of the site. Babsham Lane is a quiet semi-rural predominantly residential road and the section between the junction with the A259 and the track to access the site is only about 115m. This would deter drivers from travelling at or above the speed limit particularly given the need to take care in respect of parked cars and pedestrians. An area for parking 8 cars is proposed and a condition securing parking as suggested by the Local Highways Authority is proposed

It is considered the proposal accords with policy T SP1 of the Arun Local Plan and NPPF guidance.

RESIDENTIAL AMENITY:

Policy EMP DM1 of the Local Plan requires schemes display a satisfactory relationship with neighbouring uses to protect residential amenity. Arun Local Plan policy D DM1 indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. Arun Local Plan policies QE DM1, QE DM2 and QE DM3 relate to noise, light and air pollution.

Several local residents have raised concerns in respect of harm to their amenity particularly from noise and air pollution.

The proposed development is for a change of use of former farmyard; farms are the source of noise which can greatly impact those living nearby with the range of activities and source of sounds. Therefore it is not considered that the proposal would result in a new noise generating development.

In light of the nearby residential properties the hours of use of site will be restricted and the provision of an appropriate mitigation measures in accordance with provided acoustic assessment in relation to potential noise impact on residents is required and secured by imposed conditions. In addition, the storage of waste materials on the site will be banned and a new security gate will be erected on the access track to improve security and to help prevent any potential fly tipping.

The Councils Environmental Health Officers are the technical experts on pollution control including noise, lighting and odours. They have assessed the application and have raised no objections subject to

suggested planning conditions. On this basis, it is considered that the proposal will be in accordance with the policies set out above.

IMPACT ON WILDLIFE:

Policy EMP DM1 part f. requires proposals seek opportunities to deliver on-site habitats and protect key species. Policy ENV DM5 of the Local Plan requires natural habitats be retained or incorporated into schemes.

Although the site is previously developed and contains large areas of hardstanding, around the edges, it has been left to vegetate. It was noted that there were several piles of waste materials that could act as refugia for reptiles and the open sided barn had the potential for bat roosting. A preliminary ecological appraisal has been submitted and was a subject to assessment by the Councils ecologist. Their comments were that the impact on any species was acceptable provided mitigation measures are undertaken, that surrounding trees are retained & protected, that lighting includes measures to protect bats and the site is checked prior to any development for the presence of badger setts.

It is considered that the proposal accords with the policies above.

CONCLUSIONS:

Although the site is in the countryside and in a Strategic Gap and in principle unacceptable, the Arun Local Plan allows development in the countryside where in accordance with other policies. It has been shown that the proposal is in accordance with the policy EMP DM1 of the Local Plan and consequently in a general accord with policies C SP1 and SD SP3.

The development conflicts with policies EE3, ES3 & ES7 of the Bersted Neighbourhood Development Plan but it is considered that this conflict is outweighed by compliance with the Local Plan policies which have greater weight as they were adopted most recently, with the support of the NPPF and on the basis that the site is previously developed land historically used as part of an agricultural farm for storage uses. The impacts can be mitigated through conditions to such an extent as to resolve potential amenity issues. It is recommended the application be approved subject to 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 approved shall be carried out in accordance with the following approved plan:

Dwg No 871/PL01,
Site Identification Plans,
Site Layout Plan and Storage Container Details, received on 16/04/2020.

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.

- 2 Within three months from the date the decision is issued the plans and details of the car parking spaces should be submitted to and approved in writing by the Local Planning Authority and constructed in accordance with approved plans and details. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use in accordance with policy T SP1 of the Arun Local Plan.

- 3 Within three months of the date of this permission an acoustic assessment shall be undertaken to determine the impact of noise arising from the development site and the results of the assessment and details of any mitigation measures submitted and approved in writing by the Local Planning Authority. Noise from commercial premises should be controlled, such that the noise rating level (L_{Ar,T}) emitted from the development does not exceed the background noise level (L_{A90,T}), by more than 3dB. All measurements shall be defined and derived in accordance with BS 4142:2014. The approved measures shall be implemented within three months of the date of approval of the details by the Local Planning Authority and thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031. This is required to be a pre-commencement condition because it is necessary for the implementation of mitigation measures prior to commencement of the proposed use.

- 4 Within three months of the date of this permission a detailed mitigation and remedial strategy for reptiles shall be submitted to and approved in writing by the Local Planning Authority. Once approved the mitigation measures shall thereafter be implemented in accordance with the timings identified within the survey and maintained at all times unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the ecology of the area, and in the interests of reptiles to ensure that a habitat remains for them during and after development in accordance with policy ENV SP1 of Arun Local Plan. This is required to be pre-commencement condition because it is necessary

for the implementation of the mitigation measures prior to commencement of the proposed use.

- 5 The use of the site shall be restricted to the hours of 8am to 6pm Mondays to Fridays, and 8.30am to 1pm on Saturdays, and the site shall not be used at any time on Sundays and Public Holidays.

Reason: To protect the amenity of nearby residential occupiers in accordance with policies D DM1, QE DM1 & QE DM3 of the Arun Local Plan and in line with the World Health Organisation definition of night time.

- 6 No waste materials shall be stacked or stored on the site at any time, unless approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy D DM1 and QE SP1 of the Arun Local Plan.

- 7 Materials shall not be stacked, stored or deposited on the site to a height exceeding 2.6m.

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

- 8 The site shall only be used for the storage of building materials, equipment & plant in accordance with Class B8 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 and for no other purpose (including any use in any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities of the area and nearby residents in accordance with Arun Local Plan policy D DM1.

- 9 The development shall be carried out in accordance with Ecological Appraisal submitted with this application.

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

- 10 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 comply with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011, Environmental Zone E2 but 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 with no alteration without the prior written approval of the Local Planning Authority.

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 D DM1, ENV SP1 & QE DM2 of the Arun Local Plan.

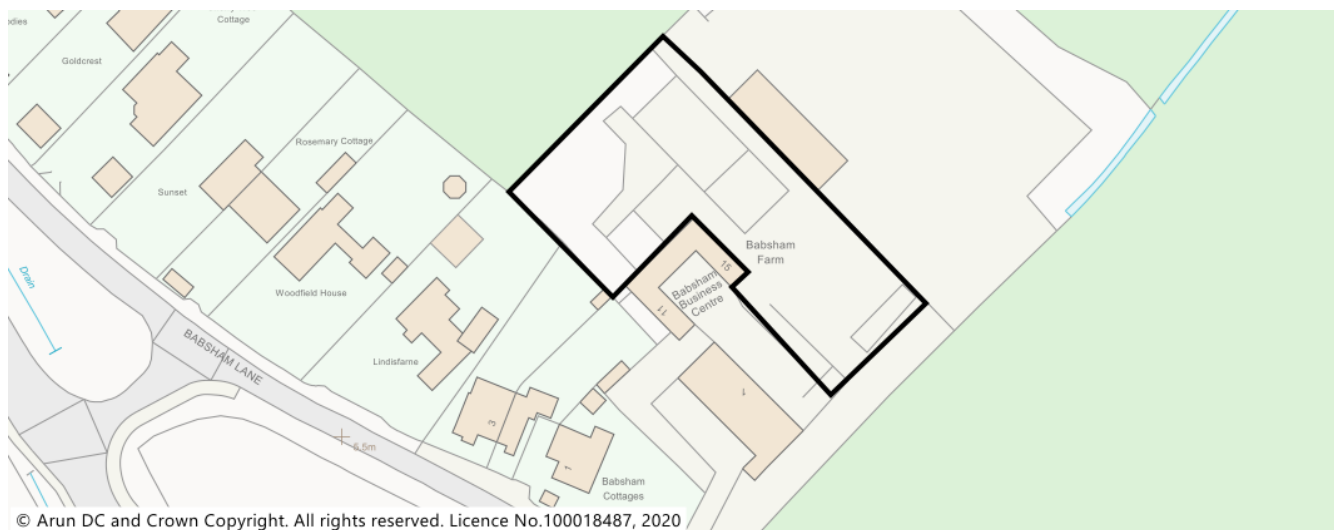
- 11 **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 12 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 13 INFORMATIVE: INFORMATIVE: Any lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.
- 14 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by 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.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

BE/89/19/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: BE/109/19/OUT

LOCATION: Land east of Shripney Road &
south of Haddan House
Shripney Road
Bersted

PROPOSAL: Outline application with some matters reserved for up to 46 No dwellings together with access. This application is a Departure from the Development Plan & may affect the character & appearance of the Shripney Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The scheme is in outline with all matters reserved except access. It is proposed to redevelop the site with up to 46 dwellings.

The scheme proposes to take the existing informal vehicular access from Shripney Road and provide an enlarged bellmouth access arrangement leading into a road initially of 6.1m width tapering down to 5.5m. Visibility splays of 2.4m by 120m to the north and 2.4m by 124.2m to the south are shown.

It is proposed to provide a new pedestrian crossing on the A29 with a tactile paved dropped kerb island in the carriageway. The crossing will connect existing pavement on the west side of the A29 with a new footpath on the east side leading into the site and then out again via a footpath to the south which then connects with existing pavement on the east side of the A29.

It is proposed to enlarge and realign the splitter island in the carriageway to provide a right turn lane into the site (for cars travelling northwards) and the new pedestrian crossing island. The current splitter island accommodates a right turn lane from the A29 into Shripney Lane (for cars travelling southwards) and this will be slightly modified. The splitter island will be 3m wide at its greatest extent with the carriageway either side at 3.5m. This is achieved through widening the road on the east side. There would be a new tactile paved crossing island on Shripney Lane to replace an existing informal crossing point. This requires the relocation of the Shripney Lane road name sign.

An illustrative layout has been supplied and suggests a scheme of flats and houses with open space, play space &

	parking.
SITE AREA	1.8 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	25.6 dwellings per hectare.
TOPOGRAPHY	Predominantly flat but slightly higher than the level of the road.
TREES	The Tree Constraints Report identifies 13 significant trees (T1-T13) that will be a constraint on development. These are considered to be of high or moderate quality. T1-T10 (Oaks on the eastern boundary/south eastern corner) are protected by TPO/BN/4/19.
BOUNDARY TREATMENT	Mixed: <ul style="list-style-type: none"> - Low post and rail fence along the road frontage; - Part timber fence, part chain link around the substation in the north western corner; - 2m Hedge to northern boundary with Haddan House; - Part flank wall/part fence/part 4m hedge to Wayside to the south; and - Assumed post & rail fence to the eastern boundary. <p>There is an open ditch running along part of the Shripney Road frontage.</p>
SITE CHARACTERISTICS	Large roughly rectangular grassed site with an approximate 200m frontage to Shripney Road. Existing trees and hedge planting to part of the boundaries. There is an unmade vehicular access at a point just north of the A29/Shripney Lane junction which leads up to a 2m high metal gate at the site boundary. Just beyond this gate is the remains of a timber structure possibility previously used as stables. In the northwest corner (outside of the site area) is an electricity substation.
CHARACTER OF LOCALITY	The site is in a semi-rural location on the A29 (Shripney Road). There is sporadic residential development characterised by detached dwellings in large plots on the east of Shripney Road with open countryside to the rear. To the west, the density is higher with houses closer together in narrower plots. The houses on the east have a mixed building line and some extend back into their respective gardens. There is no clear architectural style or local vernacular. Houses are a maximum of two storeys although some have rooms in the roof above first floor. <p>The adjoining dwelling to the south (Wayside) consists of a large part single storey/part two storey detached dwelling (plus rooms in the roof) set in from the road frontage with front gravelled parking area and extensive gardens to the rear. It has a deep rear single storey projection part of which is built directly onto the boundary but has no windows facing onto the site.</p>

To the north, sits Haddan House, a part single, part two storey dwelling set back from the road and with extensive rear gardens. It has a conservatory to the side adjoining the boundary with the site but no obvious windows looking onto the site.

No relevant history.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

"No Objection".

12 objections (including 1 from the CPRE) raising material planning considerations:

- (1) Unsustainable location with no cycle links;
- (2) Countryside so contrary to ALP policy C SP1;
- (3) Considered unsuitable in HELAA;
- (4) Errors in the comments of WSCC Highways re speed limits & overtaking restrictions;
- (5) Several concerns re highway safety in the vicinity of the site;
- (6) Increased traffic in the area;
- (7) Impact of construction alongside other developments in the area;
- (8) Risk of future flooding so contrary to policy ECC SP1;
- (9) Flooding concerns along Shripney Road;
- (10) Work has already started with trees felled and hedges removed;
- (11) Harm to wildlife;
- (12) Light pollution;
- (13) Air quality issues;
- (14) Need for renewable energies to be included; and
- (15) Harm to rural character of Shripney.

COMMENTS ON REPRESENTATIONS RECEIVED:

Items (1), (2), (5), (6), (8), (9), (11) & (15) are considered in the conclusions section and the following comments are offered in response to the other concerns:

- (3) The Councils' 2019 HELAA (February 2020) assessed the site (ref 75) as being developable in the longer term. It is accepted the HELAA confirms the whole of the site is subject to future flooding and this may affect the amount of development achievable on the site.
- (4) Google Streetview indicates this section of Shripney Road is subject to a maximum of 40mph and the length of the white lines in the carriage way discourage overtaking. This has been reported to Highways and they corrected this in their response of the 26/03/20.
- (7) Impacts of construction will be temporary and although this may coincide with other developments, this will be managed through the Construction Management Plan.
- (10) Noted however, a TPO was served to protect the most valuable trees on the site.
- (12) A condition will be imposed to control future lighting to protect residential amenity and to prevent adverse impact to local bar populations.
- (13) Environmental Health advise that an air quality assessment will be required at the detail stage. It would not be appropriate to consider this on the outline application which seeks only to agree the principle of development and access;

(14) As with (13), this is a matter for the reserved matters stage and a condition will be imposed to require approval of such details. A condition is proposed to require electric vehicle charge points.

CONSULTATIONS

Ecology Advisor
Engineering Services Manager
Engineers (Drainage)
NHS Coastal West Sussex CCG
WSCC Strategic Planning
Sussex Police-Community Safety
Arboriculturist
Natural England
Surface Water Drainage Team
Parks and Landscapes
Highways England
Planning and Housing Strategy
Environmental Health
Strategic Projects

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - no objection on the basis that the proposal, in isolation, will not materially affect the safety, reliability and/or operation of the strategic road network.

NATURAL ENGLAND - no comments. Lack of comment does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

NHS - no objection subject to financial contribution of £53,086 which will be used most likely towards the replacement Croft surgery or another site/central hub which will serve the catchment population of this proposed development.

SUSSEX POLICE - no objection but list a number of advisory notes regarding improving security.

WSCC HIGHWAYS - application subject to a Design Audit of proposed road modifications, associated Departure from Standards (DfS) forms and a Road Safety Audit with Designers Response. There have been several responses but the final comments (26 March 2020) advise that outstanding matters pertaining to the proposed access works & highway alterations have been addressed and the scheme demonstrates safe and suitable access, in line with para 108 of the NPPF. The proposals would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network (NPPF para 109). Their full response is available online.

WSCC INFRASTRUCTURE - request contributions (calculated by a formula) to the following projects:

- on additional facilities at Aldingbourne Primary School.
- on phase 1 of the new secondary school serving Arun.
- on additional equipment at St Philip Howard Catholic High School Sixth Form.

- on a project to enhance library space with improved digital access at Bognor Regis Library.
- towards supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Bersted.

WSCC FLOOD RISK MANAGEMENT - no objection subject to a surface water drainage condition. Note:

- Site is at a low risk of surface water flooding;
- Any existing surface water flow paths across the site must be maintained and mitigation measures proposed for areas at high risk;
- Site is at high risk from groundwater flooding (as based on modelled data);
- No historic records of flooding; and
- Ordinary watercourses present in close proximity.

ADC DRAINAGE ENGINEERS - no objection subject to standard drainage conditions. Concerns with illustrative layout and the lack of open drainage features (balancing ponds, swales and retention basins). There are known capacity issues with the watercourse to the road frontage and remedial works will be required at the applicants expense.

ADC HOUSING STRATEGY & ENABLING MANAGER - no objection subject to 14 affordable dwellings being secured with a tenure split of 75% rented and 25% intermediate housing. Anticipate 11 x dwellings to be rented and 3 x dwellings as intermediate.

ADC GREENSPACE OFFICER - no objection subject to a landscaping condition. The site requires POS of 3,238m². If there is a LEAP on the site there will be no need for off-site financial contributions but details of this play facility along with maintenance/management will be required. The LEAP provision should be 557m². Tree protection measures will be required.

ADC ENVIRONMENTAL HEALTH - request conditions to secure electric vehicle charging points, to secure acoustic mitigation measures to the new houses, to control noise from any proposed pumping stations, to assess the impact of noise from the substation, to secure a Construction Management Plan and to secure details of lighting. Request consideration of air quality issues at the design stage.

COUNCIL ECOLOGIST - notes likely presence of bats, nesting birds, dormice and reptiles however no objection subject to conditions to secure various protection, mitigation and enhancement measures.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted and conditions imposed unless indicated below:

NHS - As decision will be made after introduction of CIL, it is not possible to secure the contribution through a S.106 and instead the NHS can bid for a portion of the CIL payments collected.

WSCC INFRASTRUCTURE - As decision will be made after introduction of CIL, it is not possible to secure contributions through a S.106 and instead WSCC can make a bid for a portion of the CIL payments collected.

ADC DRAINAGE ENGINEERS - The application does not seek to agree layout and the illustrative layout is for information only. Detailed drainage matters would be considered at reserved matters stage.

ADC HOUSING STRATEGY & ENABLING MANAGER - on-site provision will be secured by a S.106 Agreement.

ADC GREENSPACE OFFICER - on-site POS and play provision will be secured by a S.106 Agreement.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area;
 Class A Road;
 Area of Special Control of Adverts;
 Tree Preservation Order (TPO/BN/4/19);
 CIL Charging Zone 3;
 Mix of Flood Zones 1, 2 & 3; and
 Future Flood Zone 3a by 2061/2115.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVSP1	ENV SP1 Natural Environment
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
GISP1	GI SP1 Green Infrastructure and Development
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HDM1	H DM1 Housing mix
AHSP2	AH SP2 Affordable Housing
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WSP1	W SP1 Water
WDM1	W DM1 Water supply and quality

WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES6	Protection of trees
Bersted Neighbourhood Plan 2014 Policy ES7	Development outside of the Built Up Area Boundary
Bersted Neighbourhood Plan 2014 Policy GA1	Pedestrian and Cycle Connections
Bersted Neighbourhood Plan 2014 Policy HDQ1	Housing Site Allocations
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ3	Windfall sites
Bersted Neighbourhood Plan 2014 Policy HDQ4	Housing mix
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPPDG	National Design Guide

SUPPLEMENTARY POLICY GUIDANCE:

SPD1	Open Space & Recreation Standards
SPD3	Parking Standards

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.

The relevant policies of the Bersted Neighbourhood Plan have been taken into account in this determination.

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 conflicts with the Arun Local Plan (policies C SP1 & SD SP2) and the Bersted Neighbourhood Development Plan (policy ES7) as the site lies outside the built up area boundary where

development is generally not allowed. The development would lead to the loss of high grade agricultural land (ALP policy SO DM1).

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the Conclusion section. These are as follows:

- The previous decision concerning residential development on the site to the north (The Cottage) which established the sustainable credentials of that site;
- The Council's housing land supply target includes provision of at least 1,250 homes to be identified through the review of Neighbourhood Plans and through a Non-Strategic Site Allocations Development Plan Document (DPD);
- The result of the Governments 2019 Housing Delivery Test which states Arun have underdelivered on its housing targets and recommends the application of a 20% buffer to be included in the calculation of the authorities 5-year Housing Land Supply;
- The Council's Authority Monitoring Report (AMR) as considered at the Planning Policy Local Plan Sub-Committee on 17th December showed the Council can no longer demonstrate a 5 year Housing Land Supply (HLS) as required. The AMR shows there is 3.7 year supply (amended on a recent appeal to 2.9 years); and
- The National Planning Policy Framework (NPPF) and associated guidance particularly in respect of the presumption in favour of sustainable development.

CONCLUSIONS

PROPOSAL & PRINCIPLE:

This is an outline application with means of access details only. Although an indicative layout plan has been submitted which demonstrates 46 dwellings can be provided together with access roads, footpaths, public open space (including a play facility), parking and landscaping; siting is not a matter for determination at this time. The development description is for up to 46 dwellings so a lesser number would be permitted by this decision.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The development plan for the Arun District currently comprises the Arun Local Plan 2011-2031, the Bersted Neighbourhood Development Plan (November 2014) and the West Sussex Waste and Minerals Plans.

Section 38 (5) states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Any conflict between the Bersted Neighbourhood Development Plan and the Arun Local Plan, should therefore be resolved in favour of the latter.

All development policies that relate to the supply of housing in the Local Plan (policies C SP1, SD SP2) have reduced weight because Arun cannot demonstrate an adequate supply of housing land (only 2.9 years). In addition, policies in the Bersted Neighbourhood Development Plan that relate to the supply of housing (policy ES7) has greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

Paragraph 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of

allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. In this case, criteria (a) to (d) are not all applicable because the Neighbourhood Plan was made over two years ago. The presumption in favour of sustainable development is unaffected by the Neighbourhood Plan.

The Arun Local Plan (ALP):

The key policy considerations in the determination of this application are H SP1, SD SP1, SD SP2 and C SP1.

Policy H SP1 "The Housing Requirement" sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional non-strategic allocations being made across the District through reviews of Neighbourhood Plans and in cases where there is no up-to-date Neighbourhood Plan, through the publication of a "Non-Strategic Site Allocations Development Plan Document" (NSS-DPD).

This document will fulfil an identified deficit of 1,250 houses from smaller sites (under 300 units each) in the Local Plan. The NSS-DPD has not yet been published for Regulation 18 and it is anticipated that an Issues/Options document will be available in early spring 2020. Bersted Parish Council are not currently working on a review of their Neighbourhood Plan.

Policy SD SP1 "Sustainable Development" states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

Policy SD SP2 "Built up Area Boundary" states that the Built-Up Area Boundary (BUAB) is defined for the main towns and villages in the District and shown on the Policies Maps. Policy C SP1 "Countryside" states that residential development in the countryside outside the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. It is noted that none of these relate to the proposal.

As this site lies outside the nearest BUAB (albeit only around 160m from the BUAB), it is categorised as being in the countryside and the scheme would conflict with ALP policies SD SP2 and C SP1.

The Bersted Neighbourhood Development Plan (BNDP):

The BNDP was made on the basis of the saved policies in the former 2003 Arun Local Plan and the draft policies in the 2014 publication version of the then emerging Arun Local Plan.

Appendix F of the BNDP includes a BUAB drawn around the edge of the larger settlement of Bognor Regis (of which North & South Bersted are a part). There is no separate BUAB drawn around Shripney. The site lies some distance outside of this BUAB and the site is classified as countryside.

Policy ES7 states development outside of the BUAB will not be supported. Policy HDQ3 "Windfall Sites" states permission will be granted for small residential developments on infill and redevelopment sites within the Parish, but this is to be subject of the other policies in the Plan (including ES7). This is not considered to be a small site and policy HDQ3 would not apply. The proposal conflicts with BNDP policy ES7.

Other Material Considerations:

The following sets out whether there are any material considerations which indicate that the proposal

should be determined other than in accordance with the development plan.

(1) The Councils Housing Land Supply as set out in the ALP

Members should note that the housing land supply target set out within the ALP includes a provision of at least 1,250 homes to be identified through both the review of Neighbourhood Plans and through a Non-Strategic Site Allocations Development Plan Document (NSS-DPD). The NSS-DPD is not yet out for consultation, which increases the reliance on the strategic allocations for maintaining the supply of housing. Whilst there remains potential for the site to also be promoted through this document, only limited weight can be attributed to this consideration at the current time.

(2) The Councils Current Housing Land Supply Data

On 12 February 2020, following appeal decision APP/C3810/W/19/3236911 a Planning Inspector considered the authority was only able to demonstrate 2.9 years HLS. The Council is of the view that its AMR evidence is robust but that this needs to be improved. The Council is of the view that this will be more concise and transparent via signed Statements of Common Ground for the Strategic Allocations and the authority is now pursuing this. In the interim, the position on the 5 year HLS must remain at 2.9 years as determined by this appeal. The council will update its position in due course.

The government published Arun's HDT result for November 2019 in February 2020. The HDT was 68% triggering the application of a 20% buffer to be included in the calculation of the authorities 5 year HLS. The above appeal position reflects this buffer.

The Council's Action Plan published in June 2019 makes a series of recommendations in order to boost housing delivery. This includes relying on the 'presumption in favour of sustainable development' until such time as the 5-year housing land supply re-established and the HLS is progressed through plan making. It recommends that the Council consider inviting applications from landowners/developers on 'deliverable' HELAA sites to re-establish the 5 year housing land supply. The release of further land for housing will help to maintain delivery rates.

(3) The NPPF & the Presumption in Favour of Sustainable Development;

The National Planning Policy Framework (NPPF) 2019 is a material consideration in determining planning applications. As the Council cannot currently demonstrate a 5-year HLS, paragraph 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (such as where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

There is no question that (i) does not apply to this determination as the site does not lie in a protected landscape. In respect of (ii), the remainder of this report will show that there are no adverse impacts associated with the proposal. The presumption in favour of sustainable development therefore applies.

Para 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The following is an analysis of the sustainable nature of the site and proposal:

Environment

It was established by BE/63/17/OUT that a site to the north (The Cottage) was on balance, sustainable development. This site is closer to the settlement of Bognor Regis (only around 160m from the edge of the built up area boundary) and is in walking and cycling distance of a range of local shops, services, health and education facilities. The pedestrian improvements allow occupiers to walk from the site on pavement/via a pedestrian crossing island to reach the two bus stops to the south. These bus services enable access to either Bognor Regis (which has a railway station) or Westergate and places beyond. Whilst the private car would be required for longer distances, future residents would not need to rely on a car to be able to live comfortably or to access local employment opportunities.

The development will have an impact on ecology and results in the loss of some trees. The Council's ecologist does not raise any objection and considers mitigation measures can be used to offset any potential harm. The future reserved matters scheme will be subject to a landscaping scheme and at this time, the developer will be asked to replace those trees to be lost at a ratio of 2 to 1.

Social

The proposal supports the local community by providing up to 46 new homes including 14 affordable dwellings to help meet future needs.

Economic

The proposal is likely to result in economic benefits to the local area in the form of (a) an increase in Council Tax receipts; (b) potential 'New Homes Bonus' payments from the Government; (c) the payment of CIL contributions for local infrastructure; (d) the creation of new or maintenance of existing construction jobs; and (e) additional spending by new residents on local goods & services.

Assessment of Sustainable Development

The proposal has clear social and economic benefits. The costs to the environment are not considered to be significant and there is mitigation in place to offset the harm. The definition of sustainable development does not simply relate to accessibility of services and facilities and it is considered, on balance, that the proposal would be environmentally, socially and economically sustainable and would benefit from the NPPF presumption in favour of sustainable development.

Conclusion on Matters of Principle:

The principle of development on is contrary to policies in the development plan. The policies of the Arun Local Plan (ALP) that relate to the supply of housing have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land. Policies in the Bersted Neighbourhood Development Plan (BNDP) that relate to the supply of housing have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

The proposal represents sustainable development and the NPPF 'presumption in favour of sustainable development' is engaged. This and the other material considerations above combine to outweigh the conflict with the policies of the development plan and serve to allow for the principle of the application to be supported.

AGRICULTURAL LAND:

The site is designated as grade 2 agricultural land as per the "Post 1988 Agricultural Land Classification (England)" dataset. This dataset is based on paper maps and survey reports for individual sites surveyed in detail between 1989 and 1999 by the Ministry of Agriculture, Fisheries & Food (MAFF).

The site is not currently used for agriculture and historic aerial photography back to 2001 suggests that it has never been in an arable use instead supporting animal grazing only. It does however share a border on the east side with land used for the growing of crops.

ALP policy SO DM1 considers soils. It 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."

It is considered that the need for this housing development to boost the Council's severe housing land supply shortfall is such that the loss of the grade 2 agricultural land can be outweighed particularly as the land is not currently used for agriculture and there is no realistic possibility of it being so used.

It should be noted that in allowing the appeal at Clays Farm in Yapton which concerned a refusal on loss of grade 2 agricultural land (application ref Y/20/18/OUT), the Inspector noted that although adjacent land was used for the growing of crops, there was no evidence that the site itself would in future be so used. The Inspector stated that whilst this does not in itself justify the loss of the land, it does act to reduce the level of environmental and economic harm that would be caused by its development. The Inspector therefore considered the loss of the grade 2 agricultural land to represent only moderate harm. Overall, the Inspector decided that the benefits of the proposal including the economic & social benefits alongside the contribution to the housing land supply shortfall outweighed the moderate harm to the loss of the grade 2 land. The appeal was therefore allowed. This appeal decision shares many similarities with this application and it is considered that a similar conclusion can be reached.

Policy SO DM1 then states if development is permitted by the policy, the applicant should submit mitigation measures and a soil resources plan for the site. The applicant has provided an agricultural land appraisal & soil resource plan. The latter details measures to retain and protect the existing high quality soils on the site during construction and to then spread these soils across the site to be used for proposed landscaping, gardens and other grassed areas. This satisfies the remaining parts of policy SO DM1 and necessitates a condition to ensure that the soil mitigation measures are followed in order to ensure the best soils are retained.

On this basis, although the loss of the grade 2 agricultural land does represent harm, there is no conflict with Policy SO DM1 as it allows for the harm to be outweighed where the need is greater.

FLOODING AND DRAINAGE:

According to mapping on the Environment Agency's website, the vast majority of the site is designated as Flood Zone 1 (low risk). The section of Shripney Road along the site frontage is designated as Flood Zone 2 (medium risk) and this slightly extends into the site and corresponds with the landscaping shown on the illustrative layout plan. The ditch which marks the site boundary in the south east corner is designated as Flood Zone 3 but does not extend into the site itself. The site is shown in the Council's Strategic Flood Risk Assessment (SFRA) as being potentially partly flood zone 3a by the year 2061 and fully zone 3a by 2115.

ALP policy W DM2 refers to the sequential test, Flood Risk Assessments and mitigation. Policy ECC SP1 states development must be located & appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding.

Policy W DM3 (Sustainable Urban Drainage Systems) states: "To increase the levels of water capture and storage and improve water quality, all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process." BNDP policy ES2 requires surface water management measures for development proposals to ensure that the risk of flooding both on-site and downstream is not significantly increased.

Government guidance states a sequential site assessment is required where a site is at high risk of current or future flooding. Para 158 of the NPPF states the sequential approach should be used in areas known to be at risk now or in future from any form of flooding. Para 155 NPPF states the development 'should be made safe for its lifetime without increasing flood risk elsewhere.' Para 33 (Reference ID: 7-033-20140306) of the associated Planning Practice Guidance states it should not normally be necessary to apply the sequential test to development in proposals in flood zone 1 (and with a low probability of flooding from rivers or the sea) unless the flood risk assessment indicates there may be flooding issues now or in the future (for example by climate change).

The applicant has provided a Flood Risk Assessment (FRA) which includes a Sequential Site Assessment. The Sequential Assessment concludes there are no reasonably available alternative sites within the defined area of search defined. This has been accepted and the proposal passes the sequential test.

In respect of current flood risk, the FRA states no residential properties will be proposed in flood zones 2 or 3 and aside from new hard surfacing to the site access, the land use in these areas will be soft landscaping in line with the existing topography. Notwithstanding, the FRA also includes details of how the proposal would satisfy the exceptions test within the NPPF:

- the proposal will provide wider sustainability benefits to the community through the provision of much needed residential properties and thus assist with the Council's housing land supply shortfall;
- whilst the vehicular access may be subject to flooding, residents can also exit the site on foot through the footpath at the SW corner where ground levels are higher and there is no ditch; and
- residential occupiers will also be encouraged to sign up to the EA's Flood Warning Scheme to make sure that they receive advanced notice of anticipated flood events.

The FRA considers surface water drainage and states this will be achieved by attenuating the site through permeable paving with a granular subbase. The FRA concludes there will be no increase in flood risk to downstream receptors following the development.

There is no objection to the application from either County or District drainage engineers. There is concern the strategy does not consider the use of open drainage features however, these are matters for the detailed reserved matters application and/or the discharge of drainage conditions. There is no in principle objection and crucially, no concern that the development will increase the flood risk elsewhere.

It is considered the proposal complies with ALP policies ECC SP1, W DM2 & W DM3 and with BNDP policy ES2.

CHARACTER AND DESIGN:

Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use

of building materials and hard and soft landscaping to reflect the local area. In terms of density, D DM1 requires that housing makes 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. The policy requires the scale of development keep within the general confines of the overall character of a locality.

ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. BNDP policies ES1, ES5, HDQ2 and HDQ5 are all relevant. Policy ES1 states that: "New development which would have an effect on the appearance or character of the surrounding area should be of a high-quality design and should contribute to local character by creating a sense of place appropriate to its location". Policy ES5 requires that building design contribute positively to the historic character of Bersted. Policy HDQ2 states that "Proposals for new housing must ensure that the new homes are well connected to the surrounding area and visually integrated with their surroundings." Furthermore, HDQ5 requires that new housing is of a high quality and is designed to reflect the local character.

Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." Para. 122 states that planning decisions should support development that makes efficient use of land but the desirability of maintaining an area's prevailing character and setting should be considered.

The National Design Guide (September 2019) forms part of the Government's collection of planning practice guidance. Paragraphs 20-21 of the Design Guide explain how good design should pay regard to place and context and that 'a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. Part 2 of the Guide sets out ten characteristics for good design, namely Context, Identity, Built form, Movement, Nature, Public spaces, Uses, Homes and buildings, Resources and Lifespan.

The application is outline and does not seek the approval of layout, external appearance, scale or landscaping. Although an indicative layout is provided it is not possible to determine the application on the basis of this. It would be appropriate to assess whether residential development in this location would be acceptable in the context of the character of the Shripney area.

The site sits on the east side of Shripney Road and is flanked to both the north and south by low density residential development. On the west side of the road there is further residential development which is mixed but predominantly of a higher density. The development has a density of up to 26 dwellings per hectare (dph) inclusive of open space and this is not excessive. It should be noted that The Cottage site to the north (BE/63/17/OUT) has permission for 20 dwellings at a density of 27.8dph.

There will undoubtedly be a change to the character of Shripney Road in this location with the loss of this open field, however, the illustrative scheme proposes open space and landscaping along this frontage which would soften views of the new houses. The illustrative scheme shows landscaping to the eastern boundary in order to soften views from the adjacent farmland.

The Design & Access statement suggests that housing along the east boundary would be no greater than 2 storeys and that any instances of 2.5 or 3 storey development would be located centrally in the site. In general, the indicative layout suggests a spacious scheme with a good provision of open space and landscaping which reflects what might be appropriate on the edge of a settlement.

The proposal is considered to comply with the ten characteristics of good design in the National Design

Guide in that:

1. Context - The site is in a sustainable location and in an area characterised by existing residential development with no clear design or vernacular. The proposal will be developed to respect the surrounding built development and the wider landscape;
2. Identity - The scheme will be developed at the detail stage to ensure that it respects and harmonises as far as possible with the surrounding built development;
3. Built Form - The scheme will be developed at the detail stage to facilitate linkages with Shripney Road, have a legible layout and reflect basic 'secure by design' principles;
4. Movement - The scheme will be developed at the detail stage to provide improved pedestrian routes and road crossings to encourage pedestrian movements and access to existing bus stops. It will deliver a clear pattern of streets that is safe and accessible for all;
5. Nature - The high value trees and landscape planting will be retained and reinforced with new planting wherever possible. Wildlife enhancements will be provided to encourage on site biodiversity;
6. Public Spaces - Public open space will be provided and development will include a range of dwellings and tenures including affordable housing to ensure the development is socially inclusive;
7. Uses - The scheme will be developed to integrate a mix of housing tenures and types to suit people at all stages of life;
8. Homes & Buildings - The dwellings will be well-related to external amenity and public space and built to the national internal space standards;
9. Resources - The layout will be developed to pay regard to the need to maximise solar gain and prevent overlooking & overshadowing. The houses will be built to a high standard of sustainable construction; and
10. Lifespan - The houses will be built to last using high quality materials and will allow for future home working/other changes in personal circumstances. There may be some lifetime homes in the mix.

The proposal results in a change to the character of Shripney Road in this location, but the change does not result in significant harm to the character of this part of Shripney and, on the grounds of density and character, the proposal would not conflict with development plan policies.

HIGHWAYS AND PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. In respect of highway safety, it states: "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."

In respect of parking, T SP1 states: "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 addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards the provision of a joined-up cycle network and Public Rights of Way network.

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "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."

As set out elsewhere, the scheme proposes to improve upon the existing vehicular access from Shripney Road and also provide a separate pedestrian only access to link into existing footway to the south. The scheme proposes new crossing points on both Shripney Road and Shripney Lane. Finally, there will be changes to the existing splitter island on the A29 with a new northbound right turn lane into the site and improvements to the existing southbound right turn lane into Shripney Lane.

As set out in the consultation section WSCC Highways have comprehensively assessed the proposals and that changes have been made to enable WSCC to confirm that they have no objections and the access is safe & suitable.

As layout is a reserved matter and there are no details as to the size of the houses or the exact form of parking provision, it is not appropriate to consider parking provision at this time. Instead compliance with the Arun Parking Standards SPD will be considered at the reserved matters stage.

County Highways do not consider that the proposals have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (para 109), and there are no transport grounds to resist the proposal. On this basis, the proposal accords with the relevant development plan policies.

TREES:

Arun Local Plan policy ENV DM4 states that "Development will be permitted where it can be demonstrated that trees protected by a Tree Preservation Order(s), (TPO) identified as Ancient Woodland, in a Conservation Area or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity".

Policy ES6 of the BNDP states that: "Development that damages or results in the loss of ancient trees/trees of arboricultural and amenity value or loss of significant ground cover and habitat will be resisted. Development proposals must be designed to retain wherever possible ancient trees or trees of good arboricultural and amenity value. Proposals should be accompanied by a tree survey that establishes the health and longevity of any affected trees and a management plan to demonstrate how they will be so maintained."

The Councils Tree Officer has not responded to the application. However, as layout is a reserved matter, and in approving this application, the Council would not be sanctioning any damage to trees in the site, it is not considered necessary for this advice to be received. It would be appropriate for the Tree Officer to be involved at the reserved matters stage. The most important trees have been protected by a Tree Preservation Order.

On this basis the development complies with the relevant policies but that a more thorough analysis will be required at the reserved matters stage.

BIODIVERSITY:

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

There are no policies in the BNDP relevant to ecology but para 175 of the NPPF states: "If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative

site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

The application is accompanied by a Preliminary Ecological Appraisal Report, a Bat Activity Survey report, a Further Bat Activity Survey report and a Hazel Dormouse Survey report. These documents have been appraised by the Councils ecologist who raises no objection to the development. A number of mitigation measures will be secured by conditions.

Subject to mitigation measures secured by planning condition, the development accords with ALP policy ENV DM5 and with the guidance in the NPPF in relation to the impact on protected species and the potential for the scheme to protect existing habitats where possible and to provide enhancements. The enhancements together with the retention of existing hedgerows/trees combine to provide an overall net gain in site biodiversity.

RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires 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." Policy QE SP1 states the Council will ensure that development does not have a significantly negative impact upon residential amenity. It is necessary to have regard to para 127 (f) of the NPPF which states that planning policies and decisions should ensure that developments create places that have a high standard of amenity for existing and future users.

The Council has an emerging Design Guide which has completed its consultation stage (09/01/20 to 21/02/20) and which sets out guidance on garden sizes and interface distances between houses.

It is not possible to make a detailed assessment of residential amenity as layout, scale and appearance are reserved matters. The indicative layout does set all houses in from boundaries and it can be reasonably concluded that the two neighbouring houses will have their amenities protected.

Subject to a more detailed consideration of privacy issues at the reserved matters stage, it is not considered there would be conflict with policies D DM1, QE SP1 or para 127 of the NPPF.

AFFORDABLE HOUSING:

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The Councils Housing Strategy and Enabling Officer requires that 14 affordable dwellings be secured with a tenure split of 11 rented and 3 intermediate homes. This affordable housing provision will be secured by a S.106 legal agreement and on this basis, the proposal will accord with policy AH SP2.

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 requires that housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision.

The Councils supplementary planning document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement for 3,238m² worth of on-site public open space (POS) and an on-site equipped play facility of 557m². The Councils Landscape Officer raises no objections to the outline application or to the illustrative layout. The on-site POS and play will be secured through a S.106 Agreement together with the relevant management & maintenance regime.

It is not appropriate to provide on-site playing pitch or indoor sport/leisure provision on a site of this size and it not possible to secure any off-site contributions for such through a Section 106 Agreement as this site is liable for CIL. The Council will be able to make a bid for a portion of the CIL payments collected to contribute to such provision elsewhere in the district. The proposal accords with ALP policy OSR DM1.

SUPPORTING INFRASTRUCTURE:

Arun Local Plan policy INF SP1 states: "The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers and users of the development and the existing community" and "Any on-site provision or financial contribution required to address unacceptable impacts must meet the statutory tests for planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010."

The introduction of CIL it is no longer possible to secure financial contributions for off-site projects through a Section 106. This development is CIL liable and will be subject to a rate of £100 per square metre to be collected upon the commencement of development.

Infrastructure providers such as WSCC and the NHS can make a bid for a portion of the CIL payments collected to spend on their own projects. The Parish Council will be provided a portion of the CIL receipts. These payments go towards providing the infrastructure that the district needs to support existing and future development. On this basis, there is no conflict with ALP policy INF SP1.

SUMMARY:

The principle of development on this site is contrary to the policies in the development plan. These policies have reduced weight as the Council are not able to demonstrate an adequate supply of housing land. The proposal represents sustainable development and the NPPF presumption in favour of sustainable development is engaged. It is vital to consider additional sustainable housing developments to contribute to housing land supply given the current severe shortfall and to improve housing delivery rates.

This site has existing residential development on three sides and is close to both the Built-Up Area Boundary to the south (North Bognor Regis) and to a site with extant outline permission for dwellings to the north. The site allows for occupants to walk, cycle or take a bus to access nearby shops, services and places of employment. It is a logical choice for residential development. The development would alter the character of this part of Shripney Road, but it is not considered this would be result in any significant harm.

There are no any other issues as highlighted above which warrant a refusal on grounds of principle or access. Matters of design will be considered at the reserved matters stage.

The recommendation to approve with conditions is subject to a S.106 agreement which at the time of writing, has not yet been signed. It is requested that delegated authority be granted for the approval of planning permission, to the Group Head of Planning for a decision to be issued once the legal agreement has been signed.

If the Section 106 is not signed within 4 months, it is agreed that the application shall be refused for the following 2 reasons:

(1) In the absence of a signed Section 106 agreement, the development fails to make any affordable

housing provision and is thereby contrary to the aims and objectives of the National Planning Policy Framework (in particular paragraphs 62-64) and policy AH SP2 of the Arun Local Plan.

(2) In the absence of a signed Section 106 agreement, the development makes no provision for on-site public open space or children's play equipment (and no provision for maintenance of such either) and is thereby contrary to the aims and objectives of the National Planning Policy Framework (particularly paragraphs 96-101), policy OSR DM1 of the Arun Local Plan and the Council's supplementary planning document "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020).

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This decision will be granted in accordance with a Section 106 agreement relating to:

- (1) Affordable Housing - Up to 14 dwellings with a tenure split of 75% rented and 25% intermediate housing. To be provided not later than 50% occupation of the development.
- (2) On-site Local Play - A Local Equipped Area of Play (LEAP) to be provided on the site together with either a management plan (if to be private) or a £30,000 contribution (if adopted by the LPA).
- (3) On-site Public Open Space (POS) - Provision of sufficient on-site POS together with either a management plan (if to be private) or a £54,664 contribution (if adopted by the LPA).

CIL DETAILS

The development will be subject to a CIL contribution to be determined at the future reserved matters application stage.

RECOMMENDATION

APPROVE WITH SECTION 106 AGREEMENT

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

- (a) Layout;
- (b) Scale;
- (c) Appearance; and
- (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 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

3 The development including the access hereby approved shall be carried out in accordance with the following approved plans:

DLA.1948.L.02 Rev S04 "Application Boundary" (Location Plan);
 1845-07 "Site Access - Access Composite";
 1845-09 Rev B "Proposed Access Arrangements and Shripney Road Pedestrian Crossing Improvements";
 1845-10 Rev B "Proposed Access Arrangements and Pedestrian Crossing Improvements";
 1845-TR04 Rev A "Refuse Swept Path Analysis - Revised Site Access Arrangement"; and
 1845-TR07 Rev B "Shripney Lane Improvements - Swept Path Analysis - 10.98m Rigid Vehicle".

Reason: For the avoidance of doubt and in the interests of amenity, road safety and the environment in accordance with policies QE SP1, D DM1, T SP1, T DM1 and C SP1 of the Arun Local Plan.

4 The preparation and development of the site must be carried out in accordance with the protection and mitigation measures as set out within the submitted Soil Resource Plan within the document "Appraisal of Agricultural Land Quality and a Soil Resource Plan" by Reading Agricultural Consultants and dated March 2020. The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction process.

Reason: In accordance with Arun Local Plan policy SO DM1 and the National Planning Policy Framework.

5 The site should be continually managed from the date of the decision in order to ensure that the site remains unsuitable for reptiles. If this is not possible then a precautionary approach

should be taken within the site at the point of development commencement with regards to reptiles.

Reason: In accordance with the NPPF and policy ENV DM5 of the Arun Local Plan.

- 6 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

Reason: In order to secure on site renewable energy in accordance with national planning policy, in accordance with policy ECC SP2 of the Arun Local Plan.

- 7 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 (who shall consult with West Sussex County Council and the Councils Environmental Health Officers). 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:

- An indicative programme for carrying out of the works;
- Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- 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);
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- 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 including decorative displays and facilities for public viewing, where appropriate;
- 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),
- Measures to control the emission of dust and dirt during construction; and
- A scheme for recycling / disposing of waste resulting from demolition and construction works.

Reason: In the interests of the safety/amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & general amenities of the area and in the interests of highway safety in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the National Planning Policy Framework. 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 staff.

- 8 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved

in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter 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 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.

- 9 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

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. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 10 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.

- 11 Prior to the commencement of construction works, details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management / maintenance) and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policy W DM1 (2) (b) of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the foul water drainage system prior to commencing any building works.

- 12 No development shall commence until a mitigation method statement has been submitted to and approved in writing by the Local Planning Authority to provide details of how the existing hedgerows are to be retained, protected and enhanced. There must be a 5m buffer zone in place secured by fencing around the hedgerows during construction. The development shall thereafter proceed in accordance with the approved hedgerow protection and enhancement measures.

Reason: Bats and Dormice use the hedgerows for foraging, commuting and habitat and therefore in accordance with the NPPF and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because the hedgerow protection scheme must be in place prior to construction starting.

- 13 No development shall take place until a wildlife enhancement/mitigation plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved enhancement and mitigation measures. The Plan shall provide details as appropriate but including the following:

- Any trees removed should be replaced at a ratio of 2:1;
- Filling any gaps in tree lines or hedgerows with native species;
- Gaps included at the bottom of any fences/walls to allow movement of small mammals across the site;
- Wildlife pond;
- Wildflower meadow planting used;
- Bat bricks are integrated into any buildings facing south/south west and positioned 3-5m above ground;
- A variety of bird boxes to be installed on site within the trees and new buildings;
- Grassland areas managed to benefit reptiles; and
- Log piles placed on site.

Reason: In accordance with the NPPF and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because some of the mitigation/enhancement measures may need to be installed on the site during the works of construction.

- 14 Prior to the commencement of the development hereby approved, a scheme shall be submitted to demonstrate that the internal noise levels within the residential units will conform to the "Indoor ambient noise levels for dwellings" guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014. The scheme shall also demonstrate that the external noise levels within the curtilage of residential units will conform to the "Design criteria for external noise" upper guideline value of 55 dB LAeq,T as specified within section 7.7.3.2 of BS 8233:2014. Details shall be compiled by a competent acoustician on sound insulation and noise reduction for buildings and shall be submitted to and approved in writing by the Local Planning Authority. The scheme should take into account the correct number of air changes required for noise affected rooms. The works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the dwellings and be permanently retained as fit for purpose thereafter.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031.

- 15 Prior to the commencement of the development hereby approved an acoustic report assessing the impact of the electricity substation on the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The report shall address the issue of noise (including low frequency noise) and vibration from the station to ensure that there is no adverse effect to residential properties. The scheme shall ensure that the low

frequency noise emitted from the substation is controlled so that it does not exceed the 'Low Frequency Criterion Curve' for the 10 to 160 Hz third octave bands inside residential accommodation as described in the DEFRA funded University of Salford Manchester guidance document entitled 'Procedure for the Assessment of Low Frequency Noise Complaints' (NANR45 Rev.1 - December 2011). Any approved mitigation measures shall thereafter be provided in accordance with the approved details prior to occupation of the dwellings and be permanently retained as fit for purpose thereafter.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031.

- 16 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.

- 17 No part of the development shall be first occupied until visibility splays of 2.4 metres by 124.2 metres to the south and 2.4 metres by 120 metres to the north have been provided at the proposed site vehicular access onto Shripney Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

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

Reason: To encourage and promote sustainable transport in accordance with policies T SP1 & T DM1 of the Arun Local Plan and the National Planning Policy Framework.

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

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 20 Noise from any on-site pumping stations shall not exceed 45dB LAeq (15mins) with no tonal components evident at the boundary of the nearest noise sensitive property. When assessed by a competent acoustic engineer, the Vibration Dose Value (VDV) shall not exceed the applicable 'low probability of adverse comment' level for the test environment in question (i.e.

residential buildings, offices, workshops) contained within BS 6472-1:2008 (Guide to evaluation of human exposure to vibration in buildings - Part 1: Vibration sources other than blasting) inside the nearest property. A test or prediction of the noise levels and a test or estimation of the expected vibration environment to demonstrate compliance with the levels shall be undertaken within 3 months of the development being implemented and then submitted to the Local Planning Authority for approval in writing. Any approved mitigation measures shall thereafter be provided in accordance with the approved details and be permanently retained as fit for purpose thereafter.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031.

- 21 Prior to the occupation of any part of the development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1.

- 22 Prior to the occupation of any part of the development, full details of new external lighting shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011). The scheme shall 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.

Prior to occupation, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in the scheme are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed within the application scheme. 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), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 23 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework and policy QE DM4 of the Arun Local Plan.

- 24 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.
- 25 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 percolation tests must be carried out in accordance with BRE365, 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 40% 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 regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.
- 26 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.
The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.
- 27 INFORMATIVE In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 03/12/19) as available on the Councils website.
- 28 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.
- 29 INFORMATIVE: The Reserved Matters submission should include an air quality assessment and details of mitigation as required. The applicant should follow the Air Quality & Emissions Mitigation Guidance for Sussex (2019), available at: <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n14025.pdf&ver=14269>. This countywide adopted guidance states that where a major sized development is proposed a number of checklists should be followed in order to determine the likely impact of the proposed

development on air quality. The intention of the guidance is to identify any air quality impacts through an impact assessment and ensure the integration of appropriate mitigation into a scheme at the design stage, so the damage costs on health can be properly mitigated. The air quality impact assessment can follow the procedures contained within the Institute of Air Quality Management (IAQM) Guidance entitled: 'Land-Use Planning & Development Control: Planning For Air Quality' (January 2017), available at: <http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>.

- 30 INFORMATIVE: The landscape details referred to in Condition 1 shall include:
- a full hard and soft landscape scheme detailing species choice, position, actual quantities, densities and size at time of planting. This should be plotted in plan and list form and in relation to the trees and vegetation to be retained so that a clear picture of the proposals can be seen;
 - details of all existing trees and hedgerows on the land indicating which are to be retained and which removed;
 - full details of the position, design, materials, height and type of boundary treatments to be provided; and
 - a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens.
- 31 INFORMATIVE: Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 1 shall include a housing mix which sets out a range of range of house types and tenures and is specific to Bersted. The scheme should demonstrate how the development addresses the needs of current and future households in the Bersted area. The scheme shall also ensure that 25% of any 1, 2 or 3 bed dwellings included as part of the development are delivered to Lifetime Home Standards (or the equivalent current standard).
- 32 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.
- 33 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 the New Connections Services Charging Arrangements documents which is available to read on the SW website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 34 INFORMATIVE: 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.
- 35 INFORMATIVE: The applicant is required to obtain all appropriate consents from 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.
- 36 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to:

(1) Affordable Housing

14 dwellings with a tenure split of 75% rented and 25% intermediate housing. To be provided not later than 50% occupation of the development.

(2) On-site Local Play

A Local Equipped Area of Play (LEAP) to be provided on the site together with either a management plan (if to be private) or a £30,000 contribution (if adopted by the LPA).

(3) On-site Public Open Space (POS)

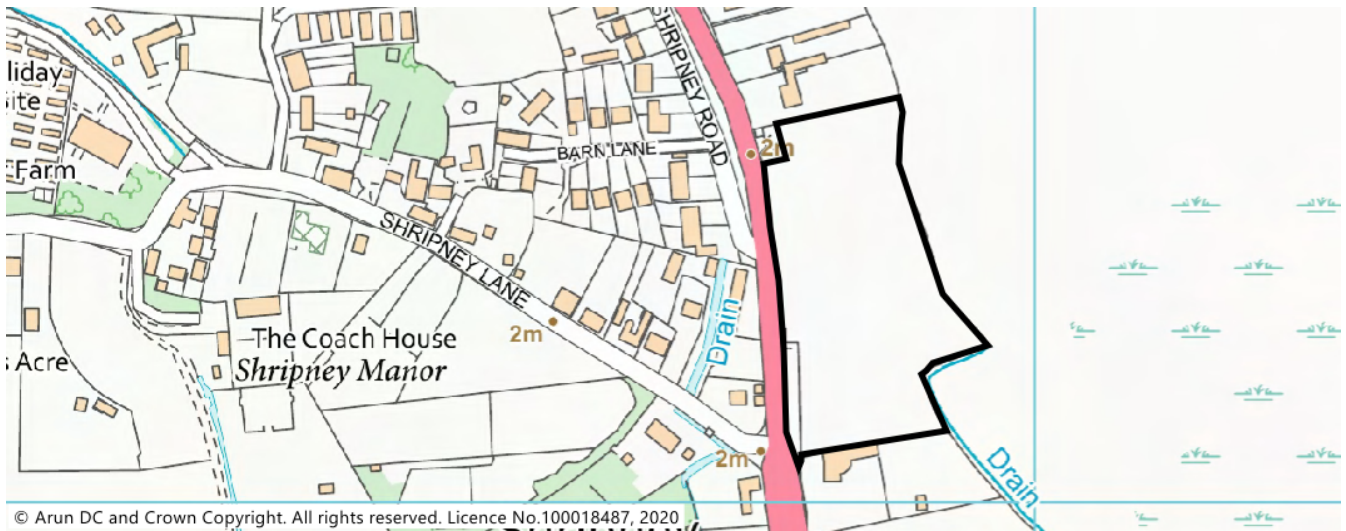
Provision of sufficient on-site POS together with either a management plan (if to be private) or a £54,664 contribution (if adopted by the LPA).

37 INFORMATIVE: In addition to the Section 106 Legal Agreement, this application would also be liable for CIL in accordance with the Councils CIL Charging Schedule available to view at: <https://www.arun.gov.uk/cil>.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

BE/109/19/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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Financial obligation(s) summary or change	Trigger Point	Amount	Due to (ADC, WSCC, NHS, other)	Destination/project	5% or £15,000 for related projects	Spend by restriction
Maintenance of on-site Public Open Space	Within 2 months of completion of POS	Either be private (in which case subject to a management plan) or if adopted by the LPA then £54,664 contribution	ADC (Sue Howell)	n/a	n/a	n/a
Maintenance of on-site LEAP	Within 2 months of completion of LEAP	Either private (in which case subject to a management plan) or if adopted by the LPA then £30,000 contribution	ADC (Sue Howell)	n/a	n/a	n/a

NON-FINANCIAL Obligation Summary	Trigger Point	Due To (ADC, WSCC, Other)	Department/Officer to Confirm Compliance
Affordable Housing - 30% (14) affordable homes on-site. Confirmed with the Housing Strategy & Enabling Manager to be a tenure split of 75% rented (11 dwellings) and 25% intermediate housing (3 dwellings).	To be provided not later than 50% occupation of the development.	ADC	Housing - Arjan De Jong
On-site Public Open Space and a LEAP		ADC	Landscape – Sue Howell
Where the developer intends to keep some of the estate roads private, we will require provisions in any s106 agreement to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.	N/A	WSCC	WSCC

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PLANNING APPLICATION REPORT

REF NO: FG/8/20/PL

LOCATION: Eastlands
Littlehampton Road
Ferring
BN12 6PB

PROPOSAL: Erection of 1 No. equestrian dwelling & retention of 1 No. gazebo & 2 No. carports. This application is a Departure from the Development Plan & may affect a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposal is to construct a new 3 bed dwelling to be used in association with the running of an equestrian business.

The dwelling would be of a U shape and would have a width of 26.5 metres with the two arms of the U projecting 11.4 metres with the body of the house having a depth of 5.7 metres. The height of the house to eaves would be 2.7 metres and to the ridge 5.2 metres.

The application also proposes to retain two existing car ports and a gazebo within the proposed residential curtilage.

SITE AREA 0.4 hectares.

TOPOGRAPHY Predominantly flat.

TREES None affected by the proposed development.

BOUNDARY TREATMENT Site is bordered by post and rail ranch style fencing painted dark brown with approx. 6 metre tree hedging surrounding the site. The surrounding equestrian farm is bordered by a mixture of post and rail fencing and further 6 metre hedging.

SITE CHARACTERISTICS The site is an enclosed landscaped area adjacent to a large stable block and horse menage on an equestrian farm. The site is to be used for permanent residential use with a grassed area, 2 existing car ports and a gazebo within the curtilage of the site.

CHARACTER OF LOCALITY Vineyards to south. Highdown Hill and Gardens to north.

RELEVANT SITE HISTORY

FG/84/15/PL	Temporary stationing of 1 No. residential caravan for 3 years.	Refused 25-08-15 Appeal: Allowed+Conditions 21-09-16
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FG/84/15 - An appeal granted permission for the temporary stationing of a mobile home on the site and the two car ports and gazebo. The matter is discussed below in the background information section of the Conclusions section of the report.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Objection:

- There is no residential unit on the land at present.
- Appeal already dismissed for erection of a dwelling.
- Need for a dwelling has not been demonstrated.
- Isolated stable building was granted permission on the basis that no residential dwelling would be required (FG/84/09).
- Dwelling could be accommodated elsewhere locally.
- Proposed property is not of a size that would be seen as essential for purpose proposed.
- Harm to Strategic Gap.
- Proposal conflicts with Local and National Policy.

8 letters of objection:

- No need for a dwelling.
- Harm to strategic gap.
- Refused on appeal already.
- Could affect use of the public footpath.
- Could open up area to residential development.
- Out of character in the countryside.
- Luxury house not a rural workers dwelling.

6 letters of support:

- Need for dwelling to look after livestock.
- Support local agricultural businesses.
- Site maintains local public footpath.

COMMENTS ON REPRESENTATIONS RECEIVED:

Issues raised addressed in the Conclusions section of the report below.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

South Downs National Park

Parks and Landscapes

Arboriculturist

WSCC Strategic Planning

Environmental Health

Ecology Advisor

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways - No objection subject to conditions.

South Downs National Park - No objection.

Ecologist - No objection subject to conditions relating to bats/birds on site.

Drainage Engineers - Surface water drainage to be determined under building regulations.

Environmental Health - No comments.

Agricultural consultants - No objection. Need for agricultural dwelling established and previous and future financial soundness of the equine business examined and accepted.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
 OUTS BUILT AREA
 RIGHT OF WAY

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
HDM3	H DM3Agricultural forestry and horticultural Rural dwellings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
LANDM1	LAN DM1 Protection of landscape character
SDSP3	SD SP3 Gaps Between Settlements
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

[Ferring Neighbourhood Plan 2014 Policy 1A](#)

Ferring Neighbourhood Plan 2014 Policy 7

A Spatial Plan for the Parish
 Land north of Littlehampton Road, encouraging of existing rural businesses

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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.

The relevant policies of the Ferring Neighbourhood Plan have been taken into account.

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 the proposed development is necessary for the purposes of equestrian use of the site and would have an acceptable impact on the surrounding landscape.

OTHER MATERIAL CONSIDERATIONS

The material consideration in this case that warrants a decision otherwise than in accordance with the Development Plan and/or legislative background is that the development is necessary for the purposes of agriculture - the breeding and care of horses.

CONCLUSIONS

PLANNING HISTORY

The principal element of the planning history relates to an appeal decision of 21st September 2016 where (FG/84/15/PL) a temporary 5 years stationing of a residential caravan was granted planning permission. The inspector concluded that the scale and nature of the enterprise proposed gave rise to an essential need for a worker to live on the site and that the existing approved equestrian building and the extensive tree screening around the perimeter of the site would screen the dwelling from wider public view.

Subject to a sufficient period (3 years) of documented successful operation of the equestrian enterprise in its proposed form the Inspector considered that a permanent dwelling would be acceptable.

PRINCIPLE

Policy C SP1 "Countryside" of the Arun Local Plan states that residential development in the countryside outside the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. Policy 1A of the Ferring Neighbourhood Plan seeks to resist development outside of the built up area boundary unless it would accord with development plan policies.

The site lies outside the Built-Up Area Boundary where, in line with Policy C SP1 development will be acceptable in principle if it is in accordance with other policies in the Plan which refer to a specific use or type of development.

Policy H DM3 of the Local Plan sets out the criteria for need for a rural workers dwelling. A functional need has been established for full time workers. The rural activity concerned has now been established for at least three years and been profitable with a clear prospect of remaining so. No other buildings are available for conversion to residential use. The size of dwelling is considered reasonable for a workers family dwelling and is site such that it is well related to the functional need.

Further more the appeal decision for application FG/84/15/PL established that a dwelling to be used in association with the equestrian use on site was acceptable subject to evidence showing that the business was a going concern for a period of 3 years.

VIABILITY ASSESSMENT

A 3 year period has now elapsed since the successful appeal decision and the applicant has submitted this application for a permanent dwelling along with 3 years accounts which allege that the equestrian use is a viable agricultural business that has been profitable in the latter years.

The financial information submitted to support the preceding 3 year viability of the equestrian business has been assessed by an independent agricultural financial consultant, appointed by the Council. The independent agricultural financial consultant has accepted both the need for the agricultural dwelling and the financial soundness of the business going forward.

The 3 years accounts from the equestrian businesses show a steady and rising level of profit over the three years to April 2019. The information submitted also demonstrates that the business can support a mortgage to pay for the costs of building the new property.

A 3 bedroomed home is considered an acceptable size for a rural workers dwelling and the dwelling is right next to the stable block where the horses to be cared for are located. So as to ensure the dwelling is only for the purposes of running an accompanying business an agricultural (equestrian) occupancy condition would be added to any final approval.

The site is also located within a gap between settlement governed by Policy SD SP3 where Development will only be permitted within the gaps if (amongst others) it would not undermine the physical and/or visual separation of settlement and would not compromise the integrity of the gap.

The dwelling would be located on an enclosed site and would not have a significant impact on the character of the surrounding area. In accordance with the Inspectors report referred to above and is not considered to undermine the visual separation of settlements or compromise the integrity of the settlement gap. The development could not be located elsewhere because of the agricultural need to locate the development on the equestrian unit. The amount of development is considered sufficient for a home to support a rural business and therefore accord with policy SD SP3 of the Arun Local Plan.

Policy 7 of the Ferring Neighbourhood Plan addresses development north of Littlehampton Road which includes this site. Developments are supported if they;

- i Minimise visual impacts on the countryside.
- ii. New buildings are located as part of the existing clusters of buildings.
- iii. Screened within its wider setting of the National Park.
- v. Development will only be permitted in exceptional circumstances.

The building is considered to have a limited impact on the surrounding landscape as it is set within the frame of the existing stable building and with a strong landscaped border and is for an exceptional circumstance necessary for the equestrian use of the site.

The principle of development is therefore considered acceptable.

DESIGN

Local Plan policy D DM1 requires that the Council have regard to certain aspects. Furthermore, policy D SP1 Design states that development has to be designed in such a way that it reflects its immediate setting in terms of layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

The proposed design of the house would be a bungalow set behind the bulk of equestrian building when viewed from the South Downs National Park and Highdown Hill. In addition the existing landscaping would minimise the impact of the development from other vantage points including from a public right of way to the west of the site.

The design of the dwelling itself is considered to be of an acceptable appearance, size and is shown to incorporate timber framed features, weatherboarding and clay tile roof giving it a rural character.

If the need for a permanent dwelling is accepted it follows that the car ports and gazebo designed originally for use of the dwelling should also be acceptable. Their design incorporating tiled hipped roofs with oak beam structural timbers are in the style of the proposed bungalow.

The proposed development is considered to accord with the emerging Arun Design Guide in that the materials of construction and style of the design would suit the character of the rural location of the dwelling.

INTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan sets internal space standards for a 3 bed single storey dwelling would be 95 sq.m. with the dwelling proposed providing approx. 145 sq.m. of internal space such that the proposed dwelling would comply with policy D DM2 of Arun Local Plan.

LANDSCAPE IMPACT

The proposed dwelling could potentially have an impact on the South Downs National Park. Due to the low height of the dwelling, its location set with an existing group of buildings and surrounding landscaping the development is considered to conserve views into and out of the National Park and the proposal therefore complies with policy LAN DM1 of the Arun Local Plan in this respect.

RESIDENTIAL AMENITY

Arun District Local Plan Policy D DM1 states at part 3. Impact that new development should have minimal impact to users and occupiers of nearby property and land. The proposed development would be separated by a minimum of 100 metres from any other dwellinghouse and therefore would not have any adverse impacts on the residential amenity of any neighbouring properties and would enjoy a high standard of residential amenity itself.

The dwelling would therefore comply with policy D DM1 of the Arun Local Plan relating to residential amenity.

HERITAGE IMPACT

Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 states that the decision as to whether or not to grant planning permission, for development which affects a listed building or its setting must have regard to the desirability of preserving the building or its setting. Section 72 of the same act applies special regard to the desirability of the preservation of the character and appearance of Conservation Areas.

Paragraph 189 of the National Planning Policy Framework (NPPF) requires such information to be provided in order to assess the impact of the proposal upon these assets. Whilst in this instance no heritage Statement has been submitted, it is considered that the proposed development does not cause harm to the Conservation Area or the Listed Building at Highdown House, and as such, the proposal should be determined in accordance with the relevant sections of the Development Plan.

The siting of the proposed house is such that it will not harm important views into and out of the Conservation Area and Listed Building. This is largely due to the distance of approximately 230 metres from the heritage assets, the low rise design of the proposal, and the significant screening present around the site.

The proposed development accords with HER DM1 and HER DM3 of the Arun Local Plan, and the relevant sections of the NPPF, in that it can be demonstrated that the proposal has no impact upon the Listed Building, or the Conservation Area.

HIGHWAYS

The proposed scheme would use the existing access to the property and would incorporate 2 existing car ports and associated parking areas. WSCC Highways have made no objection to the scheme subject to conditions requiring that car parking is laid out and retained as approved and cycle storage areas are incorporated as approved.

The scheme complies with the Arun Parking Standards Design guide in that it would provide a minimum of 4 car parking spaces where the standard requires 2 spaces for a 6 habitable roomed dwelling in zone 2 of the parking standards map. The scheme is considered to accord with policy T SP1 of the Arun Local Plan.

DRAINAGE

The surface water drainage of the site is considered to be acceptable and subject to it complying with building regulations raised no objection from the Council's surface water drainage engineers. The scheme is considered to accord with policy W DM3 of the Arun Local Plan and policy 10 of the Ferring Neighbourhood Plan.

ECOLOGY AND TREES

The hedgerows on site are used for commuting and foraging of bats and the nesting of birds. Planning conditions relating to the installation of bird and bat boxes and requiring a lighting scheme sympathetic to bats have been applied and as such the proposed scheme is considered to comply with policy ENV DM5 of the Arun Local Plan. There are no trees on the site and therefore no damage can be done to tree resources.

SUMMARY

The proposed development is considered to comply with the Local Development Plan and is recommended for approval subject to the following conditions:

HUMAN RIGHTS ACT

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

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This is a CIL Liable development. It is located in Zone 3 and as a result a CIL amount of £18400 is payable unless the applicant subsequently applies for an exemption subject to the requirements of the CIL Regulation 2010 (as amended).

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Proposed dwelling - Dwg.no. OV/DB/CE/01A dated 18/12/2019.
Parking Plan - Dwg.no. SD/1 dated 02/03/2020

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 Prior to occupation of the dwellings details of any external lighting for the site shall be submitted to and approved by the Local Planning Authority and should 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. The development shall proceed in accordance with the approved details and any further external lighting shall be subject to the prior permission of the Local Planning Authority.

Reason: In the interests of protected species in the locality in accordance with policy ENV DM5 of Arun District Local Plan.

- 4 The occupation of the residential unit shall be limited to a person solely or mainly working at

the equestrian centre at Eastlands.

Reason: In the interests of preserving the residential unit for agricultural/equestrian purposes in accordance with policy C SP1 of the Arun Local Plan.

- 5 Prior to occupation of the dwellings details of a bird box and bat box to be attached to the approved and/or trees within the grounds of the property shall be submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason: In the interests of protected species in the locality in accordance with policy ENV DM5 of Arun District Local Plan.

- 6 Prior to occupation of the dwelling, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling 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), TSP1 and ECCSP2 of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 7 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details as submitted. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use in accordance with policy T SP1 of the Arun Local Plan.

- 8 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with submitted details.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with policy T DM1 of the Arun Local Plan..

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

- 10 INFORMATIVE: The surface water drainage proposals of the site shall be in accordance with the Building Regulations as agreed by Building Control.

- 11 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

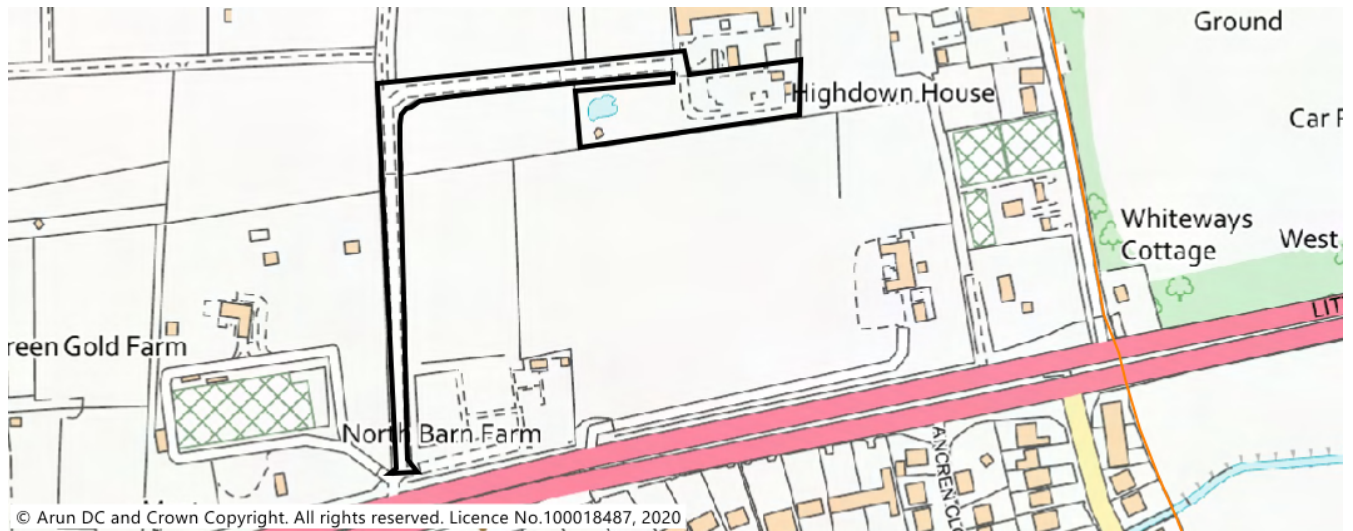
- 12 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the

2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

FG/8/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: FG/152/19/PL

LOCATION: 40 Little Paddocks
Little Paddocks
Ferring
BN12 5NJ

PROPOSAL: Erection of 2 x 3 bed detached chalet bungalows with associated parking and amenity space including the demolition of the existing house and garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to demolish an existing single storey bungalow, and erect 2 x 2 storey dwellings with 3 bedrooms each.
	The proposed number 39 Little Paddocks measures approximately 10m by 10m, with the roofspace being used as accommodation by way of four dormers, with one on every roof slope. The proposed number 40 Little Paddocks measures approximately 6m by 15m, with dormers on its Eastern and Western roof slopes.
SITE AREA	Approximately 647sq.m.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	33 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Whilst it is noted that there is a Tree Preservation Order within the area, none of the trees covered by this order are on the application site.
BOUNDARY TREATMENT	The site is bordered by mature foliage, and fencing to a height of approximately 3.8m, and 1.8m respectively.
SITE CHARACTERISTICS	The site comprises a bungalow, enclosed by mature foliage. The bungalow is accessed from its South Western side.
CHARACTER OF LOCALITY	The area is populated by a mixture of detached dwelling styles and types.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Objection:

- This is an overdevelopment of the site which is harmful to local character.
- Inadequate on site car parking that cannot be accommodated on roads.

45 letters of objection from 30 households (including Ferring Conservation Group):

- The proposal would result in an unsafe access onto the road network.
- The proposal is an overdevelopment which is out of character with the area.
- The dwellings will impact negatively on wildlife.
- Insufficient infrastructure to support an additional dwelling.
- The proposals would result in overlooking of adjacent dwellings.
- The drainage system is overloaded, the proposal will lead to further flooding.
- It is out of character with an area recognised as an 'Area of Special Character' in the Ferring Neighbourhood Development Plan.
- Result in additional traffic.

COMMENTS ON REPRESENTATIONS RECEIVED:

All relevant planning comments made are addressed in the Conclusions section of the report. The area is not a designated Area of Special Character in the Neighbourhood Plan. The Neighbourhood Plan included a statement that it would seek for Arun District Council to designate Little Paddocks as an Area of Special Character but this is not listed within the Local Plan as such. The potential for designation was not progress further than Phase 1, therefore, further work is required.

CONSULTATIONS

Arboriculturist

WSCC Strategic Planning

Environmental Health

Parks and Landscapes

Engineering Services Manager

Engineers (Drainage)

Arboriculturist

Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection subject to conditions.

W.S.C.C. Highways - No objection subject to conditions.

Arun District Council Engineers - No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Whilst construction management conditions are not normally applied for small scale residential development such as this one, in this case the local highway environment requires protection and such a condition is therefore considered to be necessary. All other conditions suggested by Environmental Health are not considered to be necessary for such a development.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP2	ECC SP2 Energy and climate change mitigation
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary

Ferring Neighbourhood Plan 2014 Policy 1A A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

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 the proposed development is considered to have no significantly harmful impact upon the character of the locality, or the residential amenities of neighbouring dwellings sufficient to justify to refusal of the application.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

In this case, the key policies are D SP1, D DM1 and T SP1 of the Arun Local Plan. Additionally, Policy 1a of the Ferring Neighbourhood Development Plan.

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.

Policy D DM1 sets out 15 aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

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.

Policy 1A of the Ferring Neighbourhood Development Plan states that proposals within the Built Up Area Boundary will be supported, subject to accordance with other relevant development plan policies.

DESIGN AND VISUAL AMENITY

Arun Local Plan policy D DM1 lists a series of 15 factors that development must comply with - these include character, impact and public realm.

It is 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.

In terms of density, D DM1 requires that housing makes 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. The policy requires the scale of development to keep within the general confines of the overall character of a locality.

The proposed development is considered to represent a proposal that appears in keeping with the general pattern, site coverage and scale of the existing development in the area. The dwellings are positioned over 8m from the Northern boundary of the site, and over 4m from the Western boundary of the site. Whilst there will clearly be a change in character as a result of the proposals, it is not considered that this would be so significantly negative that would justify a refusal of the application bearing in mind factors such as the varied character of the area and the retention of the mature boundary treatments to the plot.

The proposed dwellings are separated from each other by a gap of approximately 2m, which is not an uncommon side-to-side relationship for the locality. There is a proposed site coverage which is reasonably comparable to those within the area, with an average percentage coverage being approximately 26%. The proposed dwellings would be 27% and 36% respectively. Whilst the value for no. 40 is notably higher than that of the area, this is predominantly due to its form being designed as to allow for sufficient private amenity area, and separation distance from the street scene. The proposed development is considered to be in accordance with the guidance within the Arun Design Guide, in that the building lines of the proposed dwellings are informed by those within the locality and the pattern of the development appears to reflect the characteristics of the area described in more detail below.

Little Paddocks is host to a wide variety of dwellings, with varying scales, designs and appearances. There is a mixture of two storey, 1.5 storey and bungalows visible from the application site. There is also a wide variety of materials visible within the locality of the host dwelling, with both contemporary materials, and more classic styles evident.

The design of the proposed dwellings are considered to contribute to this varied character. The proposed development is considered to be designed as such to demonstrate accordance with the Arun Design

Guide, which details how corner buildings should be designed in order to not cause harm to the area. This includes the proposals use of the building lines within the area to create a consistent frontage along both the Northern and Western aspects of the application site. Furthermore, the application uses the fenestration of the proposed dwellings in order to allow for natural surveillance of the area.

The application site is bordered to its Northern and Eastern boundary by a low 1m fence with hedging and mature foliage. This foliage contributes to the character of the area, which acts as a corridor between the South Paddock, and the North Paddock. As a result of the scale of the foliage, large portions of the proposed development will be screened from the public realm. Due to the foliage's contribution to the locality, and its help in screening the proposed development from the public realm, a condition can be applied to ensure that this foliage is retained in perpetuity, unless otherwise agreed in writing.

The proposal is considered to have respect for the character, and appearance of the area in accordance with policies D SP1 and D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including the need to have minimal impact to users and occupiers of nearby property and land. This means avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. Regard should also be had to paragraph 127 of the NPPF which requires an acceptable level of residential amenity for existing and prospective occupiers.

The proposed development is not considered to result in any harmful impact upon the residential amenities of neighbouring dwellings, by way of overbearing or overshadowing impact. This is due to the separation distance between the proposed dwellings, and the nearby existing dwellings. The closest neighbour, to the East of the application site, is not considered to be harmfully overshadowed by the proposed no. 39. This is due to the fact that the proposed dwelling is only 2.5m high, when 1m away from this boundary.

With regard to potential for loss of privacy to adjacent occupiers, the proposed development is not considered to give rise to a harmful impact on the privacy of adjacent occupiers. The proposed dwelling no. 40 features windows on all of its first floor elevations, however, to the East and South, where there is potential for harmful impact, these windows are obscure glazed.

The proposed dwelling no. 39 has first floor windows on all elevations and to the East and West, these are obscure glazed. To the South, the window has potential to give rise to a loss of privacy to the occupiers of 41, and 42 Little Paddocks. As such, it will be conditioned that this window be obscure glazed, and fixed to be non-opening, below 1.7m from internal floor level. This is considered to mitigate the potential for harm on the residential amenities of the neighbours to the South. Furthermore, the other windows of this dwelling are not considered to result in a loss of privacy, as they are either obscure glazed, or face towards the street scene.

The site, and the proposed dwellings would provide an adequate living environment for future occupiers.

The Arun Design Guide includes guidance which residential gardens should conform with. Residential gardens of new developments should be 10.5m long, and be 50sqm in their area. The proposed no. 39 has a private amenity area to its Southern elevation, which is 77sqm in its area, however, it is not 10.5m in its length. The same can be said for no. 40, which has an amenity area to the North totalling 96sqm in its area, but it is 8.8m deep. Some of these areas include enclosed amenity areas to the front of dwellings which is typical within the area. There are concerns relating to the impact the retention of the foliage may have on the amenity area size of #40 Little Paddocks, whilst the foliage may result in a

decrease in usable area of the private amenity area, it is not considered so significant a reduction as to cause the area to reduce below that required by the Arun Design guide. Furthermore, foliage is considered to be commonplace in external amenity areas, and in some instances, may be deemed to have merit to the quality of the application site.

Whilst it is noted that the proposed development does not conform to the standards set out in the Arun Design Guide, there are material considerations which outweigh this conflict. The amenity areas are appropriately sized when compared to those in the locality, as the majority of dwellings have similar gardens to that proposed. Furthermore, there are substantial local amenity areas that can be used for recreation, like the 'North Paddock', which is across the road from the application site. In addition Ferring sea front can be found nearby with significant green swards.

It is noted that no 40 would project beyond the rear elevation of no. 39, which has potential to have a harmful impact upon this private amenity area. However, it is not considered to result in harmful overbearing impact, in that the area projecting past the Southern elevation is a small section of the dwelling which slopes away from the boundary, before achieving its maximum height. When adjacent to the boundary between the proposed dwellings, no. 40 is at its eaves height, of approximately 2.4m when 1m away from the boundary. As such, it is not considered to result in an overbearing impact.

The proposed development is considered to be in accordance with D DM1(3), D DM4(c) and QE SP1 of the Arun Local Plan.

TRANSPORT, PARKING AND HIGHWAY SAFETY

The application has been assessed by County Highways who consider that the proposed development would not give rise to a 'severe' impact upon the operation of the highway network as per paragraph 109 of the NPPF.

With regard to parking within the development, the Arun District Council Parking Standards Supplementary Planning Document anticipates a demand of 2 spaces per dwelling. Each dwelling provides two hardstanding spaces which meets this demand as well as a garage. Additionally in line with policy that requires that all new dwellings provide electricity charging points for cars a suitably worded condition will be included.

The proposal is therefore considered to be in accordance with policy T SP1 of the Arun Local Plan.

INTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires acceptable levels of internal space as per the Nationally Described Space Standards. 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 proposed dwelling is suitable for residential use.

The dwellings have floor areas and an internal layouts depicting; 2 storey, 3 bedroom, for 5 person occupation. The required space standard is 93m². The proposed dwelling named no.39 Little Paddocks has an internal area of 117.17m² including the internal garage, when this is removed, it becomes 102.47m². The proposed dwelling no.40 Little Paddocks has an internal area of 121.19m², when the internal garage is subtracted from this, it becomes 103.5m². Therefore, the dwelling accords with the standards.

ECOLOGY AND TREES

The application site is currently a residential garden. Whilst the footprint of built form within the application site does increase, it is not to such a degree that it unacceptable impact on the ecological value of this garden.

Comments are awaited from the Council's ecologist and tree officer which may suggest mitigation measures by, for example, the retention of existing trees. The report will be updated once these are received.

Furthermore, the foliage bordering the site, as referenced above, is set to be retained, which is considered to help mitigate any potential for ecological and tree harm.

SUMMARY

The proposed development is considered to be in accordance with the relevant policies within the Arun Local Plan, and for the reasons outlined above. As such, the proposal is considered to be acceptable and approval is recommended subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Site Location Plan - RS18.54.SP01 - Nov 19
- Proposed Block Plan - RS18.54.BP01C - Nov 19
- Proposed Ground Floor Plan - RS18.54.SL05A - Jan 2020

- Proposed First Floor Plan - RS18.54.SK06A - Jan 2020
- Proposed Roof Plan - RS18.54.SK04B - Jan 2020
- 39 Proposed Plans and Elevations - RS18.54.PL05H - Aug 2019
- 40 Proposed Plans and Elevations - RS18.54.PL04J - Aug 2019

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 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and 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.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D 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 The dwellings shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the houses will incorporate decentralised, renewable and low carbon energy supply systems and use sustainable construction methods. The approved scheme shall thereafter be implemented prior to occupation of the dwelling 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.

- 7 Unless otherwise agreed in writing, the existing landscaping on the Northern and Western boundaries of the application site shall be retained in perpetuity as existing on the site.
- Reason: In order to prevent harm upon the character of the locality, in conflict with D DM1 of the Arun Local Plan.
- 8 No 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 noisy work on Sunday or Bank Holidays.
- Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.
- 9 Details shall be submitted to and approved by the Local Planning Authority of acoustic fencing and associated tree and shrub planting along the boundary between the two dwellings, and bordering the application site. The dwellings shall not be occupied until such acoustic fencing and associated tree and shrub planting has been installed/planted in line with the approved details and retained as such in perpetuity.
- Reason: In the interests of the environment of the development, in accordance with Arun Local Plan policies D DM1 and QE DM1.
- 10 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 parking purpose.
- Reason: To provide car-parking space for the use, in accordance with T SP1 of the Arun Local Plan.
- 11 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.
- Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies, including T SP1 of the Arun Local Plan.
- 12 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide the following details:
- a) An indicative programme for carrying out of the works;
 - b) The parking of vehicles of site operatives and visitors;
 - c) Loading and unloading of plant and materials, including permitted times for deliveries;
 - d) Storage of plant and materials used in constructing the development;
- Reason: To protect the local highway amenity of the area in accordance with Policy TS SP1 of the Arun Local Plan.
- 13 **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 percolation tests must be carried out in accordance with BRE365, 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 40% 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.

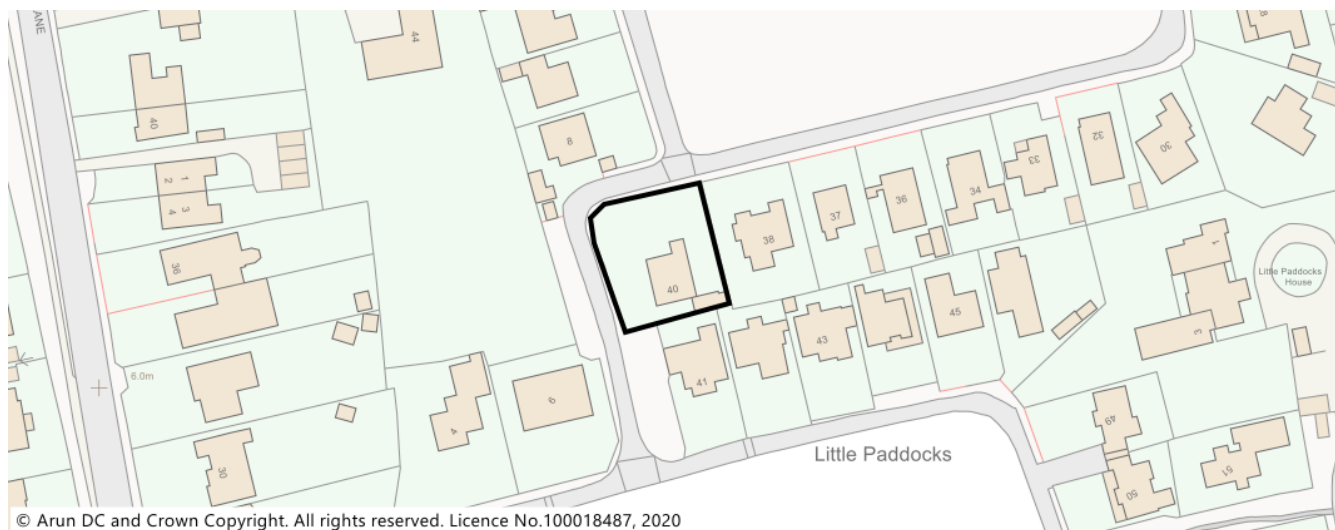
Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 14 INFORMATIVE: 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 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.
- 15 INFORMATIVE: 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 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.
- 16 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.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

FG/152/19/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/51/20/PL

LOCATION: The Look And Sea Centre
Surrey Street
Littlehampton
BN17 5AW

PROPOSAL: Change of use of upper 2 floors from the existing mixed use to 6 No. suites for tourist accommodation (C1 Hotels). This application may affect the setting of a listed building & may affect the character & appearance of the Littlehampton (River Road) Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application proposes the change of use of the upper 2 floors of the Look & Sea Centre to 6 tourist accommodation suites. The rooms are proposed to be serviced.

The ground and third floors are proposed to remain unchanged and are not part of this application.

There would be 1 x 2 No. bedrooms and 2 x 1 no. bedroom on each of the first and second floors. The units are intended to be solely for accommodation purposes, with no living areas or kitchen facilities provided. The applicants intention is for the premises to operate as a hotel, with a remote reception.

The schedule of accommodation would be as follows:
Units 1 and 4 have a floor area of 21.45m² (1 bed)
Units 2 and 5 have a floor area of 21.85m² (1 bed)
Units 3 and 6 have a floor area of 27.35m² (2 bed)

The existing first floor currently comprises an entrance lobby, meeting/function/exhibition room, office, and associated storage space. The second floor has a meeting/function/exhibition room. They have been vacant since August 2018.

No external alterations or extensions are proposed as part of the development.

The existing 3 car parking spaces will remain unchanged.

SITE AREA 0.02 hectares.

BOUNDARY TREATMENT At ground floor mainly open with some railings around part of outside seating area and entrance to restaurant.

SITE CHARACTERISTICS Four storey high building comprising:

Ground floor in restaurant (A3) use.
 First and second floor as described above.
 Third floor a Tourist Look Out view point.

CHARACTER OF LOCALITY

The surrounding area is mixed, predominantly characterised by terraced and flatted residential development. Buildings are varied in their heights and design; although typically two and three storeys.

The Lifeboat station is opposite adjacent to the walkway and slipway. There are a number of Listed Buildings in the vicinity including nos 59 and 61 Surrey Street opposite the access to the east and further afield along River Road.

RELEVANT SITE HISTORY

LU/49/09/	Change of use from public walkway to restaurant additional outside seating area and modification to outside seating terrace (substitution for approved application LU/156/08/)	ApproveConditionally 17-04-09
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objection:

- The applicant has failed to demonstrate that the facilities are surplus to requirements in line with Policy OSR DM1 of the Arun Local Plan.
- Reference to the provision of a Visitor Information Point to support tourism is absent from the application.

2 No Objection:

- The fact that the whole building was a community asset originally must not be forgotten.
- Would like to see the viewing tower retained.
- The building originally was supposed to be for community benefit as part of the East Bank riverside development. There has been no separate marketing exercise carried out for the upper floors.
- There is opportunity to ensure some continuation of community use by ensuring that the top floor viewing tower continues to have public access as a tourist feature for the Town.
- How will access be gained when the ground floor cafe is shut and how many of them are fully accessible?
- How will the accommodation be operated and marketed as tourist lets?
- Conditions to ensure that tourist letting is maintained are suggested.

Additional comments from the applicant Arun District Council Property and Estates Officer:

- As the freeholder of the premises this proposal will deliver high quality additional tourist accommodation in the town and provide additional employment which will complement the operation of the newly refurbished larger restaurant below.

- For this business to remain viable it is essential for the upper floor of the premises to deliver sufficient financial return to support the market rent for the whole premises.
- The leaseholder has taken time and effort to engage with many local groups in a variety of ways. It is evident that community group use is already very successfully taking place.
- The intention of the leaseholder is for the viewing tower to remain open to the public so this aspect of the premises is also an asset that will remain available in the town.

COMMENTS ON REPRESENTATIONS RECEIVED:

The viewing tower is unaffected by the proposal and will remain to be used by the public. However, like the ground floor this part of the building, does not form part of this application.

Policies OSR DM1 (Open Space, sport & recreation) of the Arun Local Plan and Policy 6 (Residential development involving the loss of community facilities) of the Littlehampton Neighbourhood Plan are not relevant to this application since the use of the building which forms part of this proposal comprises a tourist facility and office/function rooms which were commercial in nature and were not specifically for use by the local community as a community facility. Further, residential uses referred to in Policy 6 are not proposed.

To ensure the tourism use of the premises is adhered to a condition is suggested to restrict the maximum length of any one stay within the units to 28 days.

CONSULTATIONS

- Conservation Officer
- Estates Manager
- Economic Regeneration
- WSCC Strategic Planning
- Environmental Health
- Environment Agency

CONSULTATION RESPONSES RECEIVED:

Arun District Council Economic Regeneration - Support:

- Keen to see the Look and Sea Centre back in full use.
- Support development that adds to the good quality tourism offer.
- Would like to see it clearly mentioned in the application that the 'Tower' remains accessible to the public.

County Highways - No Objection:

- An increase in vehicle trips would not be detrimental to highway capacity or safety with the proposed change of use.
- 3 parking spaces are existing and proposed to be retained, whilst this may fall short for the proposed 6 units, there is public parking within meters of the site. There are also a variety of sustainable travel options available within close proximity of the site.

Environment Agency Objection

- No Flood Risk Assessment (FRA) submitted.

Environmental Health - No Objection subject to imposition of conditions relating to Construction

Management Plan and hours of operation.

COMMENTS ON CONSULTATION RESPONSES:

Whilst the Environment Agency have objected, the agent has advised that an FRA is to be imminently submitted. Members will be advised of comments thereof from the Environment Agency.

The conditions requested by Environmental Health are not considered to be necessary.

POLICY CONTEXT

Designation applicable to site:
 Within Built Up Area Boundary
 Within Economic Growth Area
 Adjacent to Listed Building
 Adjacent to Conservation Area
 Flood Zones 2 and 3

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
WDM2	W DM2 Flood Risk
TOUDM1	TOU DM1 Tourism related development
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
EMPSP2	EMP SP2 Economic Growth Areas
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
TSP1	T SP1 Transport and Development
TSP2	T SP2 Littlehampton to Arundel Green Link

[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 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.

The relevant policies in the Littlehampton Town Council neighbourhood plan have been taken into account in the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that there would be no materially adverse effect on residential amenity or the character of the area. The tourist use of the site would help to secure the future of the building and thereby the vitality of this part of Littlehampton.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that when considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposal is considered compliant in that no external changes are proposed and the activity levels generated would not be significant in relation to the use of the premises as a whole and the previous use.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

BACKGROUND

The development proposals relate solely to the first and second floors of the application building. The use of the upper floors have historically been ancillary to the main use of the ground floor as a visitor centre, restaurant, shop and Youth Hostel residential facility.

Up until August 2018, the first and second floor areas of the building comprised meeting/function rooms, an exhibition centre as well as office and storage space. These areas, which are the subject of this application, are now vacant.

The proposal is for conversion of the first and second floors to a hotel (Use Class C1). The accommodation would be made up of a mixture of 6 No. one and two bedroom units, which would comprise bedroom and bathroom facilities only. The hotel would operate with a remote reception and provide the opportunity for meals to be taken in the restaurant below. The units would be serviced.

PRINCIPLE

The application site is located within the established built-up area boundary, where the principle of new development is accepted, subject to compliance with other policies in the plan. The key policy considerations in the determination of this application are policies TOU DM1, TOU SP1, T SP2, D DM1, D SP1, HER DM1, HER DM3, W DM2, T SP1 and EMP SP2 of the Arun Local Plan and policies 1 and 2 of the Littlehampton Neighbourhood Plan.

Policy D DM1 sets out 13 design aspects which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Layout, and Scale. Policy D DM2 relates to internal space standards.

Policy D SP1 of Arun Local Plan relates to design and seek that all development proposals make efficient use of land and reflect the characteristics of the site and local area in their layout, landscaping, scale, massing, character and materials.

Policies HER DM1 and HER DM3 seek to protect and where possible enhance the setting of listed buildings and conservation areas. Policy TOU DM1 relates to visitor accommodation and TOU SP1 encourages sustainable tourism development.

Policy T SP1 of Arun Local Plan seeks to ensure development provides safe access on to the highway network, provides mitigation, does not adversely impact on residential amenity, contributes to highway improvements and promotes sustainable transport. Policy T SP2 relates to a new strategic green link which is proposed between Littlehampton and Arundel, adjacent to the River Arun.

Policy EMP SP2 of Arun Local Plan seeks to direct leisure use to the area to promote its vitality. Policy OSR DM1 refers to protection of community facilities and policy 6 of Littlehampton Neighbourhood Plan seeks to prevent residential development which involves the loss of community facilities unless relocation has been satisfactorily implemented..

Policy WDM2 of Arun Local Plan refers to development in flood risk areas and outlines 6 criteria against which development will be assessed.

Policy 1 of Littlehampton Neighbourhood Plan refers to the presumption in favour of sustainable development. Policy 2 concentrates economic related development within the built up area boundary.

TOURISM

Policy TOU DM1 of the Arun Local Plan relates to Tourism related development. The first section relates to visitor accommodation and is supportive of development which is likely to attract visitors provided it:

- Is accessibly located;
- Is accompanied by workable and realistic travel plans;
- Addresses visitor management issues;
- Achieves good design.

The proposal meets these requirements as given its town centre location it is sustainably located and easily accessible by public transport. The design of the building is not altered and the accommodation will be managed by the applicant.

The second part of the policy refers to change of use of existing visitor attractions which will not be granted planning permission where a loss of a visitor offer would result unless it is demonstrated that the use is no longer required and the site is unlikely to be reused or redeveloped for visitor purposes.

To demonstrate these requirements, the Council will require that:

- An alternative visitor uses have been fully explored;
- An appraisal indicating that the use is no longer viable;
- Evidence that the site has not been made deliberately unviable;
- There is evidence of the suitability of the site to accommodate the alternative use.

The proposal is compliant with these policy requirements as set out in the following paragraphs.

Policy TOU SP1 states that sustainable tourism development will be encouraged where it protects as well as promotes tourism assets which include waterfronts such as the coast and river. This site is ideally located to meet these requirements being adjacent to the river and close to the seafront.

The proposed small-scale hotel facility will result in additional accommodation to serve tourists coming to the local area. The provision of additional visitor accommodation in this location would provide suitable facilities to accommodate out of season occupation, provide income to the town from additional visitors to restaurants and shops and additional jobs for local people servicing the accommodation. It is ideally located to make use of the existing riverside walk and footpaths and cycleways in the wider area.

Although outside of the application site and this application, the applicant has given a commitment that the current lookout tower will remain accessible to the public. The lookout tower is one of the biggest attractions of these premises.

Given the location of the site on the outskirts of Littlehampton Town Centre, in a highly sustainable location, close to bus routes, the railway station and cycle routes, it is considered that the change of use of the upper floors of the building to a small scale hotel would be appropriate. For the reasons set out above the proposal would represent an acceptable form of development, which would be compliant with policies TOU SP1 and TOU DM1 of the Arun Local Plan and policies 1 and 2 of the Littlehampton Town Neighbourhood Plan.

IMPACT ON ECONOMIC GROWTH AREA

The site lies within the Littlehampton Growth Area. Policy EMP SP2 seeks to direct retail, leisure and office use development to the area in order to promote its vitality, viability and regeneration. This proposal would increase the number of visitors to the Town and in turn would add to additional retail activity and footfall.

The Council's Estate Officer has advised that the upper floor past use was not commercially sustainable which resulted in the the demise of the previous occupiers. The proposal would provide an opportunity for all year round employment for local people and an important additional revenue income to allow the use of the ground floor of the premises to remain in use and would increase visitor numbers to the town.

Although the proposal would replace the previous visitor attraction, it does not currently exist and it did not bring in sufficient revenue to economically bolster the revenue of the ground floor use. This proposal meets the aim of the policy by providing hotel accommodation and increasing visitor numbers and the existing viewing tower, which as a local attraction, is unaffected. Indeed, it is intended that access to the public would be free which is likely to increase visitor numbers.

The provision of additional or enhanced commercial and leisure activities, including small scale retail, hotel, restaurant and possibly a visitor/exhibition centre is specifically referred to in Policy EMP SP2. The rooms are small scale tourist accommodation and therefore meet these requirements.

CHARACTER AND VISUAL AMENITY

Arun Local Plan policies reiterate Section 12 of the NPPF in that policy D SP1 of the Arun Local Plan requires all development proposals 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. Policy D DM1 sets out a 15 point criteria against which development is assessed.

Paragraph 127 of the NPPF makes clear that planning decisions should ensure developments (a) will function well and add to the overall quality of the area, (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, (c) sympathetic to local character

including the surrounding built environment (while not preventing or discouraging appropriate innovation or change (such as increased densities), (d) establish a strong sense of place, (e) optimise the potential of the site to accommodate and sustain an appropriate mix of development; and (f) create places with a high standard of amenity for existing and future users.

The proposal will provide small scale tourist accommodation and there is an existing Youth Hostel use in part of the subject building (outside the red line of the application, and therefore unaffected the proposed change of use). This establishes that visitor accommodation is acceptable in this location and the proposal will complement this existing adjacent use.

The proposal does not include any external alterations to the building and the use would be in keeping with adjacent residential uses in the area and in keeping with the character and appearance of the area in compliance with policies D SP1 and D DM1 of the Arun Local Plan and paragraphs 127 and 131 of the National Planning Policy Framework.

IMPACT ON THE SETTING OF THE CONSERVATION AREA AND LISTED BUILDINGS

The River Road Conservation Area adjoins the site to the north east and there are a number of Listed Buildings within the vicinity of the site.

Paragraph 189 of the NPPF requires submission of a heritage statement which describes the significance of any heritage assets affected, including any contribution made by their setting. This should be proportionate to the development proposed. The agent has made reference to the impact on the setting of the Conservation Area and setting of Listed buildings in the planning statement and given the nature of the application which refers to change of use only, this is considered to be acceptable.

Paragraph 190 requires Local Planning Authorities to consider the significance of any heritage asset (including the setting) that may be affected by the proposals, taking into consideration available evidence and any necessary expertise. This should then be considered when assessing the impact of a proposal upon a heritage asset, to avoid any conflict between the heritage assets conservation and any aspect of the proposal.

Due to the proposal relating to a change of use of the building only with no external or internal changes it is considered the change of use will not harm the character or appearance of the conservation area, or the setting of neighbouring Listed Buildings.

The proposal would not cause harm to the significance of the heritage assets or their setting in compliance with policies HER DM1 and HER DM3 of Arun Local Plan.

RESIDENTIAL AMENITY

Policy D SP1 of the Arun Local Plan requires development proposals to derive from a thorough site analysis and context appraisal. Policy D DM1 of the Arun Local Plan requires development to have minimal impact to users and occupiers of nearby property and land. Further, Policy QE SP1 of the Arun Local Plan requires all development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity.

Paragraph 117 of the NPPF requires that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 127(f) of the NPPF states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking

into account the likely effects (including cumulative effects) of pollution on living conditions, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Paragraphs 117, 123(c) and 127(f) are consistent with Arun Local Plan policies in that they seek to deliver appropriate development without being to the detriment of existing residential amenities.

The use of the building will not significantly increase noise to neighbouring properties.

The proposal is not expected to result in increased comings and goings to what is potentially the case for the uses that are permitted on the site. Considerable noise and activity could be generated from a tourist, conference and meeting room facility. Further, the site is on an edge of town centre location within an established residential area and the proposed use would therefore be entirely appropriate and would bring both social and economic benefits.

The focus of the proposed accommodation will be to the front south side of the building, which adjoins the road and River Arun. The closest residential properties are positioned to the west side of the site, which will be set away from the main element of the proposal. The area closest to this nearby flatted development will retain the lift and lobby area, as existing.

The units are designed as hotel room accommodation for holiday occupation and do not include any cooking or lounge facilities. It is anticipated that meals would be eaten in the restaurant below or elsewhere in the Town. The size of the units is acceptable on the basis that they are not related to permanent residential and the proposal would be fully compliant with Policies D SP1 and D DM1 of the Arun Local Plan.

PARKING AND GREEN LINK

Policy T SP1 of the Arun Local Plan is compliant with paragraphs 103 and 109 of the NPPF and requires development to reduce the need to travel by car by identifying opportunities to improve access to public transport and give priority to pedestrian and cycle movements and have access to high quality public transport facilities. Policy T DM1 of the Arun Local Plan requires that all new development be located within easy access of established public transport service(s) and existing and pedestrian cycle networks.

Paragraph 103 of the NPPF states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 109 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.

The proposal utilises the existing parking spaces at the site which total 3 and there is the nearby Surrey Street car park (79 no. spaces and free parking from 6pm until 8am). The application site is also located within a highly sustainable location, close to the mainline Littlehampton railway station and numerous bus stops within walking distance.

County Highways have no objection to the proposal and have advised that the current use for meeting/function rooms is a material consideration when assessing the proposed vehicle trip generation. They considered that there would no increase in vehicle trips that could be detrimental to highway capacity or safety with the proposed change of use. The highway in this location is also protected in terms of highway safety with double yellow lines to stop any parking in undesired locations.

The proposal is ideally positioned to utilise the existing riverside walk and in the long term the riverside green link to Arundel when this is provided in accordance with policy T SP2. The link seeks to encourage more integrated transport travel (such as cycling) and recreation and use of the corridor as both a

commuter and recreational route.

The proposed development would therefore accord with Policy T SP1 and T DM1 of the Arun Local Plan and paragraphs 103 and 109 of the National Planning Policy Framework.

FLOODING

The site lies within Flood Zones 2 and 3 and the building is therefore at risk of flooding. A Flood Risk Assessment has been provided in support of the application. Paragraph 164 states that "applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 50". This refers to the need for a site-specific flood risk assessment to be provided for all development in Flood Zones 2 and 3.

The structure exists and the tourism uses would be above ground floor level and would not be occupied on a permanent basis. Paragraph 155 of the NPPF states that "inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere". This proposal accords with that guidance it does not result in increased flood risk elsewhere.

The proposal meets the requirements of policy W DM2 of Arun Local Plan in that there is no need for a sequential test, the submitted Flood Risk Assessment demonstrates that the development will be safe, the sustainability benefits to the wider community are clear, mitigation measures and evacuation plans are included and no new site drainage is necessary.

CONCLUSIONS

The proposal will be in keeping with neighbouring development and would not detract from the established character and appearance of the adjacent Conservation Area, nor cause demonstrable harm to the residential amenities of any neighbouring property and would add to the available tourist accommodation. The proposal would accord with the aims and objectives of the relevant national and local policy and guidance. The application is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Location, Block and Site Plan drg 1.00
- Proposed Floor Plans drg 2.03
- Existing Ground Floor Plan drg 1.02
- Proposed First Floor Plan drg 1.03

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

3 The proposed units shall not be occupied by any persons for a total period exceeding 28 days. The owner shall maintain a register of occupiers for each calendar year which shall include:

- 1) The full names, occupation, permanent address and contact telephone numbers of all of the person(s) occupying the premises; and
- 2) The start and end date of the stay and the purpose of the stay. It shall be made available for inspection by the Local Planning Authority at any time, and a copy of the register shall be supplied to the Local Planning Authority at the end of each calendar year.

Reason: The site is located where a community use existed and the change of use to tourist accommodation is only acceptable on the basis that it brings in additional income and visitors to support the part use of the ground floor for community use in accordance with policies TOU SP1 and TOU DM1 of the Arun Local Plan.

4 **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.

BACKGROUND PAPERS

The documents relating to this application can be viewed on the Arun District Council website by going to <https://www.arun.gov.uk/weekly-lists> and entering the application reference or directly by clicking on [this link](#).

LU/51/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

- A/129/19/CLP**
Received: 26-03-20
- Broadlees Dappers Lane Angmering
- Lawful development certificate for the proposed development at Broadlees, Dappers Lane, Angmering as shown on drawing reference number 1877-HIA-ZZ-XX-DR-A-01002 Rev P5 comprising buildings 1 - 3 as authorised by permission A/27/16/PL (dated 7th February 2017) and the care home authorised by permission A/114/18/PL (dated 28th May 2019 as a replacement for building 4 authorised by permission A/27/16/PL.
- Written Representations***
- PINS Ref:** APP/C3810/X/20/3245827
-
- A/146/19/PL**
Received: 02-03-20
- Land rear of 1 The Heathers Arundel Road Angmering
- Demolition of existing storage building & erection of a 3-bedroom chalet bungalow with associated parking & landscaping. This application affects a Public Right of Way.
- Written Representations***
- PINS Ref:** APP/C3810/W/20/3245004
-
- AL/42/19/PL**
Received: 03-02-20
- Nyton House Nyton Road Westergate
- Construction of a 10 No. bedroom dementia unit with attached covered walkway in the grounds of Nyton House Care Home and including the conversion of an existing garage into a staff day room, the erection of a new garage with laundry room, garden store & external bin store, demolition of various outbuildings and sections of wall and the re-landscaping of the existing garden areas. This application affects the setting of a listed building.
- Written Representations***
- PINS Ref:** APP/C3810/W/19/3242332
-
- AL/43/19/L**
Received: 03-02-20
- Nyton House Nyton Road Westergate
- Listed building consent for the construction of a 10 No. bedroom dementia unit with attached covered walkway in the grounds of Nyton House Care Home and including the conversion of an existing garage into a staff day room, the erection of a new garage with laundry room, garden store & external bin store, demolition of various outbuildings and sections of wall and the re-landscaping of the existing garden areas.
- Written Representations***
- PINS Ref:** APP/C3810/Y/19/3242340
-
- AL/62/19/PL**
Received: 04-02-20
- Land Rear of Sundown Littleheath Road Aldingbourne
- 1 No. new dwelling. This application is a Departure from the Development Plan.
- Written Representations***
- PINS Ref:** APP/C3810/W/19/3241407
-
- AW/131/19/T**
- 12 Hunters Close Aldwick Estate Aldwick

Received: 12-07-19 Reduce height by 8m to 1 No. Lombardy Poplar tree.
Written Representations
PINS Ref: APP/TPO/C3810/7494

AW/228/19/HH
Received: 24-02-20 44 Aldwick Fields Aldwick
Re-siting of boundary wall.
Written Representations
PINS Ref: APP/C3810/D/19/3239651

BE/112/19/PL
Received: 09-03-20 Land adjacent to 12 Plover Close Bognor Regis
1 No dwelling (resubmission following BE/65/19/PL)
Written Representations
PINS Ref: APP/C3810/W/20/3245956

BE/135/17/PL
Received: 06-05-20 Shripney Garden Caravan Site Shripney Lane Bersted
Continuance of use without compliance with condition 4 imposed under BE/151/11/ relating to occupancy.
Public Inquiry
PINS Ref: APP/C3810/W/18/3214487

BE/69/19/OUT
Received: 06-01-20 The Cottage Shripney Road Bognor Regis
Outline planning application with all matters reserved except access for up to 31 No. houses and flats with car parking, landscaping and associated infrastructure & access off Shripney Road (A29), all following the demolition of the existing dwelling & outbuildings - This application is a Departure from the Development Plan
Written Representations
PINS Ref: W/4000456

BE/79/19/PL
Received: 14-02-20 Land Adjacent to Walnut Tree Cottage Shripney Lane Shripney
Single-storey bungalow on land adjacent to Walnut Tree Cottage & reinstatement of double garage to Walnut Tree Cottage from annexe/holiday let - This application may affect the character and appearance of the Shripney Conservation Area
Written Representations
PINS Ref: APP/C3810/W/20/3244778

BR/233/19/PL
Received: 09-03-20 77 Aldwick Road Bognor Regis
Part change of use of ground floor & formation of a first floor rear extension to create 2 No self-contained studio flats with associated refuse/ recycling & cycle store (resubmission following BR/63/18/PL).
Written Representations
PINS Ref: APP/C3810/W/20/3245777

BR/347/19/T
Received: 20-03-20 4 Pinewood Gardens Bognor Regis
Fell 1 No. Liquid Amber tree
Informal Hearing

BR/73/19/PL

Received: 09-03-20

Land To East Of Royal Norfolk Hotel Aldwick Road Bognor Regis

Erection of 3 No. terraced residential dwellings, garden/cycle storage sheds & associated parking utilising the existing access (resubmission following BR/214/18/PL). This application affects the setting of a listed building & affects the character & appearance of The Steyne, Bognor Regis Conservation Area.

Written Representations

PINS Ref: APP/C3810/W/20/3244777

CM/25/19/PL

Received: 04-03-20

Kents Yard Brookpit Lane Climping

Change of use of barns to 3 No dwellings (resubmission following CM/24/18/PL). This application may affect the setting of a listed building.

Written Representations

PINS Ref: APP/C3810/W/20/3245756

CM/53/19/PL

Received: 04-03-20

Kents Yard Brookpit Lane Climping

Change of use of barns to 3no dwellings - Resubmission of CM/25/19/PL

Written Representations

PINS Ref: APP/C3810/W/20/3245757

EG/22/19/OUT

Received: 20-03-20

Boweries Barnham Road Eastergate

Outline application with some matters reserved for the erection of 28 No. dwellings, access, landscaping & associated works (re-submission following EG/42/18/OUT).

Written Representations

PINS Ref: APP/C3810/W/20/3246409

EP/148/19/PL

Received: 10-03-20

Scorton 9 Lime Tree Close East Preston

Application for variation of condition no.2 imposed on planning permission EP/52/18/PL relating to amended internal layout & external appearance of plots 4, 5, 6 & 7 and alterations to external layout and landscaping.

Written Representations

PINS Ref: W/4000721

EP/74/19/HH

Received: 05-02-20

2 Hillview Crescent East Preston

Hip to barn hip extension & single storey rear extension.

Written Representations

PINS Ref: APP/C3810/D/20/3244501

FG/141/19/PL

Received: 02-03-20

Elm Lodge Tamarisk Way Ferring

Erection of 1 No detached chalet style dwelling with integral garage; demolition of existing conservatory & porches & erection of single storey side extension & part single/part two storey side extension to Elm Lodge (resubmission of FG/220/18/PL).

Written Representations

PINS Ref: APP/C3810/W/20/3245781

FG/74/19/PL

Received: 24-02-20

Highdown Industrial Park Littlehampton Road Ferring

2 No. commercial B1/B8 use buildings with associated car parking, access & refuse storage This application is a Departure from the Development Plan.

Written Representations

PINS Ref: W/4000626

LU/255/19/HH

Received: 03-03-20

33 Potters Mead Littlehampton

Construction of two storey side extension and associated works

Written Representations

PINS Ref: APP/C3810/D/19/3243882

LY/11/18/CLE

Received: 10-03-20

Arundel Vineyard Church Lane Lyminster

Lawful development certificate for the existing use of land as ancillary to the residential property of Arundel Vineyard & not as a commercial vineyard.

Written Representations

PINS Ref: APP/C3810/X/19/3220163

LY/8/18/PL

Received: 17-03-20

Arundel Vineyard Church Lane Lyminster

Change of use from Vineyard to garden amenity area serving Arundel Vineyard (resubmission following LY/19/17/PL).

Written Representations

PINS Ref: APP/C3810/W/19/3220136

LY/9/18/PL

Received: 17-03-20

Arundel Vineyard Church Lane Lyminster

Application for Continuance of use without compliance with condition 2-occupation imposed under LY/16/02/, condition 3-occupation imposed under LY/3/04/ & condition 3-occupation imposed under LY/25/04/ (resubmission following LY/20/17/PL).

Written Representations

PINS Ref: APP/C3810/W/19/3220132

Y/103/18/PL

Received: 19-02-20

10 Acre Field North of Grevatts Lane Yapton

Single Chapel Crematorium with car parking, landscape works, surface water drainage features & associated highway improvements. This application is a Departure from the Development Plan.

Written Representations

PINS Ref: W/4000394

ENF/505/12/

Received:

Hales Barn Farm Arundel Road Norton West Sussex

Written Representations

PINS Ref: APP/C3810/C/18/3212055

ENF/403/17

1 Bala Crescent Felpham

Received:

Written Representations

PINS Ref: APP/C3810/C/20/3247417

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