



Public Document Pack

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

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

e-mail: committees@arun.gov.uk

Committee Manager Carrie O'Connor (Ext 37614)

16 July 2020

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held on **Wednesday 29 July 2020 at 1.00 p.m.** 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'.

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 31.1 and those who are entitled to speak will be duly notified by the Planning Department of the process to be followed.*

Members: Councillors Bennett (Chairman), Ms Thurston (Vice-Chair), B Blanchard-Cooper, Bower, Charles, Coster, Edwards, Mrs Hamilton, Kelly, Lury, Mrs Pendleton, Roberts, Tilbrook, Mrs Warr and Mrs Yeates

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.

4. **MINUTES**

(Pages 1 - 8)

To approve as a correct record the Minutes of the meeting held on 24 June 2020 (attached).

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

DEFERRED ITEM

6. **BN/18/20/PL FORMER BROOKS NURSERY, EASTERGATE** (Pages 9 - 10)

7. **FP/258/19/PL 107 FELPHAM WAY, FELPHAM PO22 8QB** (Pages 11 - 12)

PLANNING APPLICATIONS

8. **AL/34/20/PL NORTON FARM HOUSE, NORTON LANE, ALDINGBOURNE PO20 3NH** (Pages 13 - 26)
9. **BR/55/20/PL ABBOTS LAWN, SYLVAN WAY, BOGNOR REGIS PO21 2RS** (Pages 27 - 38)
10. **CM/16/20/PL LANGFORD, HORSEMERE GREEN LANE, CLIMPING BN17 5QZ** (Pages 39 - 46)
11. **P/46/20/PL LAND TO NORTH AND SOUTH OF SUMMER LANE, PAGHAM PO21 4NG** (Pages 47 - 56)
12. **P/116/19/OUT LAND ADJACENT TO SEFTER SCHOOL HOUSE, SEFTER ROAD, BOGNOR REGIS PO21 3EE** (Pages 57 - 76)
13. **R/91/20/PL 6 MANOR ROAD, RUSTINGTON BN16 3QT** (Pages 77 - 88)
14. **R/92/20/PL 6 MANOR ROAD, RUSTINGTON BN16 3QT** (Pages 89 - 98)
15. **Y/42/20/PL THE CRICKETS, HOE LANE, FLANSHAM, YAPTON PO22 8NT** (Pages 99 - 108)
16. **Y/105/19/PL STAKERS FARM, NORTH END ROAD, YAPTON BN DU** (Pages 109 - 122)
17. **Y/121/19/PL THE STEDDLES, NORTH END ROAD, YAPTON BN18 0DT** (Pages 123 - 146)

PLANNING APPEALS

18. **LIST OF APPEALS** (Pages 147 - 150)

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 :

Neil Crowther (Ext 37839) email neil.crowther@arun.gov.uk

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](#)

DEVELOPMENT CONTROL COMMITTEE

24 June 2020 at 2.30 pm

Present: Councillors Bennett (Chairman), Ms Thurston (Vice-Chair), Bower, Charles, Coster, Edwards, Mrs Hamilton, Kelly, Lury, Oppler (Substitute for Mrs Warr), Mrs Pendleton, Roberts, Tilbrook and Mrs Yeates

62. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Blanchard-Cooper and Mrs Warr.

63. DECLARATIONS OF INTEREST

Planning Application LY/4/20/PL – Councillor Roberts declared a prejudicial and personal interest as he lived in a close by neighbouring property and the proposed barn would be a few hundred metres away. He assessed that a member of the public with a knowledge of the relevant facts would reasonably regard that as to be significant so as to likely prejudice his judgement. He stated that he would therefore take no part in the discussion or remain in the meeting or take part in the vote.

Planning Application BE/109/19/OUT – Councillor Mrs Yeates stated that, following on from comments made at the previous meeting and for clarification and transparency purposes only, she wished to advise that she did not have any interest in the two Bersted items on the agenda. However, as she had declared a personal interest in this application at the previous meeting, she would redeclare that here for consistency.

64. MINUTES

The Minutes of the meetings held on 26 May and 3 June 2020 were approved by the Committee as a correct record and would be signed by the Chairman as soon as possible following the Council's resumption of normal working.

65. BE/109/19/OUT LAND EAST OF SHRIPNEY ROAD & SOUTH OF HADDON HOUSE, SHRIPNEY ROAD, BERSTED PO22 9NW

(Prior to consideration of this application, Councillor Mrs Yeates redeclared her personal interest and remained in the meeting and took part in the debate and vote)

BE/109/19/OUT – 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 and appearance of the Shripney Conservation Area, Land east of Shripney Road & south of Haddan House, Shripney Road, Bersted

Development Control Committee - 24.06.20

The Committee had received a report on the matter, together with the officer's written report update detailing:-

- Amendment to refusal reason 3
- As no Section 106 Agreement had been signed, two additional reasons for refusal to be agreed
- An update was provided in respect of the two Arun DC Climate Mapping from the Strategic Flood Risk Assessment plans to take account of river and sea defences to mitigate and reduce the risk of flooding.

In considering the matter, both the Planning Team Leader and the Group Head of Planning reminded Members that this application had been voted upon at the previous meeting to not accept the officer recommendation to approve and that Members had voted to refuse the application on the grounds proposed by Councillor Coster. The only matter for discussion was for the Committee to agree the reasons for refusal (as amended above), based on the debate at that meeting. It was therefore stressed that the application itself should not be discussed further or additional issues put forward as reasons for refusal.

Councillor Coster, who had proposed that the application be refused, stated he was happy with the reasons for refusal but asked that reason 1 include reference to Policies TSP1 and TDM1 of the Arun Local Plan and Paragraph 110 and 122 of the NPPF.

In the course of discussion, some Members expressed their concern that the application had been refused as they felt the decision was unsafe and they would therefore be voting against the recommendation to approve the reasons for refusal. A recorded vote was requested.

The Committee

RESOLVED

That the reasons for refusal be approved as detailed in the report and the officer report update and subject to inclusion of Policies TSP1 and TDM1 of the Local Plan and Paragraph 110 and 122 of the NPPF in reason 1.

As a recorded vote had been requested, Councillors Bennett, Coster, Mrs Hamilton, Lury, Oppler, Ms Thurston and Mrs Yeates voted FOR (7); Councillors Bower, Charles, Kelly, Mrs Pendleton and Roberts voted AGAINST (5); and Councillors Edwards and Tilbrook ABSTAINED (2).

66. BN/18/20/PL FORMER BROOKS NURSERY, EASTERGATE

Public Speakers: Mr J. Gateley, David Wilson Homes
Mr B.Barbary, Objector
Mr J. Donabie, Objector

BN/18/20/PL – Variation of condition 15 imposed under EG/29/13 relating to condition 15 to change the foul drainage scheme from Sewage Treatment Plant to Pumping Station with associated drainage works, Former Brooks Nursery, Eastergate

The Committee received this report and the officer's written report update detailing:-

- Additional objections and the officer's response
- Changes to conditions, i.e. condition 1 deleted; condition 2 to become condition 1 and as amended in the report update; condition 3 to become condition 2

Having presented the detail of the report and in response to the representations from local residents, the Planning Team Leader advised that the points that had been raised reflected existing issues. It was important to note that the applicant had been working with Southern Water with regard to the connection point and Southern Water was ultimately responsible for ensuring that the network would be suitable. In addition, the Environment Agency had raised no objection.

In discussing the matter, Members expressed concerns about the proposal in light of the problems experienced in the area over a long period of time and felt that more detail was required. Southern Water had just started work in the vicinity of the Barnham main road and it was felt it was unclear what effect that would have. It was proposed and duly seconded that the matter should be deferred for further information.

Having listened to the ensuing comments of Members, the Group Head of Planning advised that it appeared that what was being proposed was in fact the need for an alternative scheme to come forward. He advised that Members should be determining what was on the table and, if that was felt to be unacceptable, they should be refusing the application. The application should not be deferred in order for an entirely different scheme to come forward as that should be a new planning application.

However, in the course of further debate, it was felt that information should be required of Southern Water as to whether the scheme could be connected to the Barnham main road sewer once the current repairs being undertaken was completed. There was a reluctance to refuse at this stage. The Committee therefore

RESOLVED

That the application be deferred for further information from Southern Water.

Development Control Committee - 24.06.20

67. WA/48/19/RES LAND TO THE EAST OF FONTWELL AVENUE, FONTWELL AVENUE, FONTWELL

Public Speaker: Walberton Parish Council, Supporter
Cllr Dendle, Ward Member, Supporter
Dandara, Applicant

WA/48/19/RES – Approval of Reserved Matters following outline permission WA/22/15/OUT comprising 400 new homes (incl. affordable), 360sqm of retail space (A1 to A3), 152sqm of community space (D1 to D2 & including retention & refurbishment of 12sqm ‘Old Smithy’), demolition of remaining buildings to Arundel Road along with public open space, LEAP, MUGA, allotments, car & cycle parking, drainage & associated works. This site also lies within the parish of Barnham & Eastergate, Land to the East of Fontwell Avenue, Fontwell Avenue, Fontwell

The Committee received a comprehensive presentation from the Principal Planner on the detail of the application and explained why it was being recommended for refusal for the four reasons outlined in the report.

In response to the representations heard, a Member question was asked that if the application was refused would it mean going back to the beginning, with the potential for costs for the Council and the applicants, and whether, if it was deferred, it could still be refused in the future? The Group Head of Planning advised that there would be costs for the applicant because it would involve either a new or redesigned scheme. From the Council’s perspective, any appeal could be defended so he was quite comfortable with the recommendation in front of Members. He confirmed that if the matter was deferred it could be refused in the future. However, he did point out that officers had spent a lot of time with the applicants and there was still not an acceptable scheme on the table and that a refusal would be the best way forward.

In turning to the debate, Members did express views that the application should not be refused at this time and that the exceptional circumstances of the pandemic had in part contributed to the delays that had been experienced. The Group Head of Planning advised that, if a deferral was the preferred option, then certainly a time limit for the autumn should be set to make it very clear to the applicants that the proposal would be determined at that time.

Having been formally proposed and duly seconded, the Committee

RESOLVED

That the application be deferred until the October 2020 meeting pending more work to be undertaken by the applicant on the design of the scheme.

The Chairman then called a short adjournment to the meeting to allow a comfort break.

68. P/40/20/DOC LAND NORTH OF SEFTER ROAD AND 80 ROSE GREEN ROAD, PAGHAM

PA/40/20/DOC – Approval of details reserved by condition imposed under ref P/134/16/OUT relating to Conditions Nos 9 – arboricultural method statement; 15 – ecology; 20 – employment & skills plan; 28 – energy & conservation; 30 – archaeological; 32 – noise; 33 – electric vehicle charging; and 34 – retention of WW2 Infantry section post, Land North of Sefter Road & 80 Rose Green Road, Pagham

Having received a report on the matter, the meeting had been advised that this application had been withdrawn from the agenda.

69. LY/4/20/PL BROOMHURST FARM, LYMINSTER ROAD, LYMINSTER BN17 7QW

Public Speakers: Mr Harriott, Applicant
Mr Clark, National Farmers' Union, Supporter

(Prior to consideration of this application, Councillor Roberts had declared a personal/prejudicial interest and was placed in the waiting room and did not take part in the debate and vote.)

LY/4/20/PL – Erection of steel framed storage barn, Broomhurst Farm, Lyminster Road, Lyminster

Having received a report on the matter and following a brief debate, the Committee

RESOLVED

That the application be approved as detailed in the report.

70. LU/370/19/PL 49 HORSHAM ROAD, LITTLEHAMPTON BN17 6DB

LU/370/19/PL – Demolition of existing outbuilding and stair access to first floor flat. Erection of a rear extension to existing retail unit, creation of new rear stairwell with access to new first floor office and flat, 49 Horsham Road, Littlehampton

Having received a report on the matter and a comprehensive presentation from the Planning Team Leader on the detail of the application, the Committee

RESOLVED

That the application be approved as detailed in the report.

71. FP/258/19/PL 107 FELPHAM WAY, FELPHAM PO22 8QB

Development Control Committee - 24.06.20

FP/258/19/PL – Conversion, alteration & extension to provide 1 No. Class A1 Shop Unit, 1 No. Flexible Use Commercial Unit Classes A1,A2 and B1, a health centre or clinic (and no other uses within Class D1) or Beauty Therapist/Nail Bar only (sui generis) & 3 No. flats together with secure cycle & refuse storage facilities (resubmission following FP/32/19/PL), 107 Felpham Way, Felpham

Having received a report and a presentation from the Planning Team Leader on the detail of the application, the Committee participated in some debate on the matter.

Whilst acknowledging that the proposal in itself was acceptable, comment was made that the lack of parking within the site was of serious concern as it was disputed that there was adequate on street parking in the immediate vicinity. To park on Felpham Way, with a mini roundabout, pedestrian crossing and entrance and exit to a garage all within very close proximity was felt to be hazardous and dangerous. Poor amenity was also cited as a concern and, whilst that was addressed by the Planning Team Leader, his comments relating to the existing use and parking in comparison to what was being proposed was not sufficiently severe as to warrant refusal of the application did not allay Members concerns regarding parking.

A suggestion was made that could the land at the back of the site not be included within the site to provide parking for the development? Having received confirmation that that land was within the ownership and control of the applicant and shown by the blue edge, it was proposed and duly seconded that the applicant be requested to redesign the scheme to bring that land within the red edge of the application and show how parking and turning could be achieved. If that was agreed with the applicant, the application would then be reconsulted on with the Parish Council, County Council and neighbours. The Planning Team Leader did highlight that the applicant would have the option to not agree to that proposal, in which case the application would be brought back to the next available meeting for determination as it stood.

The Committee therefore

RESOLVED

That the application be deferred to enable adequate parking and turning to be included within the red edge of the site.

72. BE/137/19/RES THE COTTAGE, SHRIPNEY ROAD, BOGNOR REGIS PO22 9PA

Public Speaker: ECE Planning on behalf of the applicant

(In consideration of this application, Councillor Mrs Yeates stated that, in her role as Chairman of Bersted Parish Council's Planning Committee at the time, she had previously heard an earlier application in January 2018 which related to this one. She did not think she necessarily had a prejudicial interest due to the time lapse but acknowledged that it could be seen that she had as she had expressed her opinions at

that time in relation to the earlier application – she would therefore take no part in the debate or vote on the matter and, as this was a virtual meeting, was subsequently placed in the waiting room whilst it was considered.)

BE/137/19/RES – Application for approval of phase 2 reserved matters following outline permission BE/63/17/OUT (as amended by BE/131/18/PL) for 20 No. dwellings, The Cottage, Shripney Road, Bognor Regis

The Committee received a comprehensive presentation from the Planning Team Leader on the detail of the report, together with the officer's written report update setting out the following:-

- Additional Parish Council response of objection
- Council's Tree Officer's response and addition of two further conditions
- Council's Drainage Engineer's response
- New/amended conditions – Condition 1 updated to show revised landscape drawings
- Conditions 2 & 3 added in response to Tree Officer's requirement
- Condition 7 added to require future approval of materials as originally omitted

In opening the discussion, the provision of car ports rather than garages was welcomed and it was proposed that a condition should be added to any approval to require the removal of Permitted Development Rights (PDR) to ensure they remained as car ports rather than be converted to garages in the future.

Following Member comment with regard to the design of the development being unsympathetic to the character of the area and drainage concerns, the Planning Team Leader addressed these at the meeting. He also stated that, should Members so wish, Condition 13 could be duly amended to include "no car port attached to a dwelling can be amended or altered in any way", which was formally proposed and seconded.

The Committee turned to the amendment to amend the wording of Condition 10 (as set out in the agenda and prior to addition of conditions detailed in the update report) to not allow changes to car ports and, on being put to the vote, was declared carried. The Committee then

RESOLVED

That the application be approved as detailed in the report and the officer report update, subject to amendment of new Condition 13 to include wording to not allow changes to car ports.

Development Control Committee - 24.06.20

73. LIST OF APPEALS

In receiving and noting the list of appeals that had been received, the Committee was advised by the Group Head of Planning that the appeal on Planning Application BE/69/19/OUT for up to 31 houses at the same site as the last application on the agenda, had been allowed and which followed a previous appeal that had been dismissed.

(The meeting concluded at 5.58 pm)

Report following a request for further information, negotiations or consultation

REF NO: BN/18/20/PL
LOCATION: Former Brooks Nursery
Eastergate
PROPOSAL: Variation of condition 15 imposed under EG/29/13/ relating to condition 15 - to change the foul drainage scheme from Sewage Treatment Plant to Pumping Station with associated drainage works.

Committee resolved on 24th June Committee that information should be required of Southern Water as to whether the scheme could be connected to the Barnham main road sewer once the repairs being undertaken was completed. The application is being returned to Committee for further consideration in light of comments from Southern Water. Additional comments received are also reported.

In response officers contacted Southern Water for comment and have provided the following:

"A scheme to look at providing reinforcement for this development is currently being progressed through our section 98 requisition process and the outline design is with our engineering team.

The applicant has confirmed the design and construction of the pumping station, together with the section of rising main within the site boundary, will be undertaken by the developer. The final circa 45m of rising main and connection to the existing public sewer is to be undertaken by SWS under the S98 mechanism, due to the need to cross third party land. The developer has proposed a connection to manhole SU95043802 on Elm Grove South to the east of the site but other locations are being considered.

The final point of connection will be determined as the design progresses and this will form part of the wider design for the Lidsey Waste Water Treatment Works catchment. The growth design study has commenced but no completion date has been identified at this point in time and at present I do not know when this will be decided."

"The work being carried out in Barnham Road is Southern Water. CBUL are repairing a sunken manhole in the middle of the road due to a large dip, that was put into place a long time ago by a developer.

Below is the official breakdown from operations -

Emergency works, carriageway has sunk: excavation required to repair collapsed sewer and break out existing manhole chamber & rebuild. Closed from the junction of Downview Road to the junction of Elm Grove with works taking place outside no. 99 Barnham Road."

The agent has taken the opportunity to provide the following information:

The Barnham Road works are to repair a faulty/collapsed manhole - and being done in liaison between Southern Water and Highways. This is a coincidence and not related to any wider upgrade works to the system, and is not related to/affected by proposals or changes to the flow in the system.

The reason a connection from the new housing can be made now, where it couldn't originally, is because of New Connection Charging which changes the requirements for infrastructure upgrades. Internal modelling has been able to identify that there is sufficient capacity in the existing system, in terms of how

many properties can connect into the system, and if any upgrade work needs to be done will be carried out by Southern Water.

An assumption raised at Committee, following public representations, was that we are proposing an "8 inch" rising main to connect to the one on Elm Grove which is 6 inches/150mm. This led to incorrect claims being made that the latter could not accommodate what is being pumped into it. The proposal is an 85mm diameter rising main, and connects in the proposed discharge manhole. There is no "non-return valve" on the system - what has been shown is an air valve, located at the highest point along the run of the rising main to vent air only. This is located with a brick structure. The scheme does not discharge into the Rife, all foul discharges into the southern Water treatment plant. This is an improvement on the treatment plant, the outfall from which produced unsatisfactory results.

Measures for safeguarding and safe release into the sewage system:

1. Pumping station will have installed a telemetry monitoring system allowing Southern Water to monitor the system on a 24/7 basis. Any failures in the system, or issues with storage in the chamber, will be alerted via the telemetry system linked to Southern Water's operation office (which is also monitored 24/7). This is a standard installation for adopted pumping stations.
2. Pumping station has 24hr storage capacity. This in provides a further safety in the unlikely event of serious failure. It provides Southern Water ample response time to attend the site.
3. The discharge of the foul sewage from the pumping station to the network will be timed, using telemetry, to pump at off-peak time; this will helps minimise peak flow levels and keep these well within carrying capacity.
4. The discharge from the development is an enclosed solution, removing the potential for smells and potential breakdown. The discharge into the Southern Water network has received a S106 consent to discharge, and have confirmation there is sufficient capacity to take additional plots from the development.

Elm Grove South Residents Association:

A statement from Elm Grove South Residents Association has been received and requests it is sent to Southern Water and to be lodged on the BN/18/20/PL planning file and a copy sent to Neil Crowther.

The Residents Association endorse Dr.Mason's questions and look forward to Southern Water's full and detailed response. Once the questions have been answered to ours and the ADC Members' satisfaction, we will look forward to the application's timely re-appearance at a planning committee session.

One letter of objection.:

Cannot understand Southern Waters response to the question of why this cannot be connected to Barnham Road. It is being ignored. Barnham Road is closed East of Upton Brooks to fix a collapsed sewer so this could have been done at the same time! The developer are being allowed to avoid their responsibilities agreed at the time, no doubt to free up additional land to build on. This Council needs to mandate the original conditions are met and not bend the rules when it suits some ones pocket.

Recommendation:

The recommendation remains unchanged from the previous Committee agenda with report update.

Report following a request for further information, negotiations or consultation

REF NO: FP/258/19/PL

LOCATION: 107 Felpham Way
Felpham

PROPOSAL: Conversion, alteration & extension to provide 1 No. Class A1 Shop Unit, 1 No. Flexible Use Commercial Unit Use Classes A1,A2 and B1, a health centre or clinic (and no other uses within Class D1) or Beauty Therapist/Nail Bar only(Sui Generis) & 3 No. Flats together with secure cycle & refuse storage facilities (resubmission following FP/32/19/PL).

This application was deferred from the 24th June Committee due to a request by members that the land at the back of the site which is in the ownership and control of the applicant and shown by the blue edge be brought in the red edge and show how parking/turning could be achieved. If that was agreed the application would be re-consulted with the Parish Council, County Council and neighbours.

The Planning Team Leader highlighted the applicant had the option to not agree to the proposal, in which case the application would be brought back to the next available meeting for determination.

The applicant was given the opportunity to amend the site boundary but declined to do so and wishes the current application to be reported back to Committee unaltered on 29th July. Therefore additional consultation is not needed.

This page is intentionally left blank

PLANNING APPLICATION REPORT

REF NO: AL/34/20/PL

LOCATION: Norton Farm House
Norton Lane
Aldingbourne
PO20 3NH

PROPOSAL: Sub-division of existing building to create 1 NO. 1- bed dwelling & construction of 4 bay oak framed outbuilding as a garage. This application affects the character & appearance of the Norton Lane, Norton Conservation Area & affects the setting of a Listed Building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION It is proposed to convert the extension into a self-contained 1 bed dwelling to single unit of residential accommodation. A connecting door will be retained between dwellings.

Externally few changes would be required. To the east elevation, a new entrance door and porch would be constructed to provide access from the south courtyard. To the west elevation, a window would be replaced by a pair of French doors.

A detached oak framed 4 bay car port is proposed providing space for the applicants vehicles/hobby of mechanical engineering. This building would be roofed in hand made tiles to match the adjacent building with larch feather edge weatherboarding. Access would be through gates off Old Dairy Lane.

SITE AREA 0.72 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 3 dwellings per hectare.

BOUNDARY TREATMENT Boundaries consist of a brick/flint wall with hedge above, brick wall and timber fence panels.

SITE CHARACTERISTICS Detached, three storey, brick/flint, Grade II listed farm house to the west of Norton Lane. The property is in spacious grounds, with a gravel driveway to the front and garage, enclosed by a brick/flint wall and hedge to the frontage with Norton Lane. The property has a conservatory and at the rear/side there is an L-shaped single storey 1990s extension, which has brick and flint elevations and a tiled hipped roof.

CHARACTER OF LOCALITY Semi-rural character, with mix of dwellings and farmland, on the outskirts of Norton. To the east and west there is open farmland. To the north there is a scattering of dwellings and to

the south a collection of dwellings off Old Dairy Lane and a number of small work units in the former Norton Dairy.

RELEVANT SITE HISTORY

AL/35/20/L	Listed building consent for the sub-division of existing building to create 1 No. separate 1-bed dwelling & construction of 4 bay oak framed outbuilding as a garage room & garage/workshop.	
AL/46/06/	Conversion and extension of outbuilding to ancillary residential use.	Refused 14-07-06
AL/101/05/	Conversion and extension of outbuilding to ancillary residential use	Refused 22-11-05

Site history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

No objection SUBJECT TO a restriction that the dwelling is to be used by the applicant's family members only (and restriction to remain in place in event applicant sells the property), and no use for commercial or holiday lets to be permitted.

1 letter of objection:

- Red line boundary on location/site plan incorporates part of my title/ownership. No notice served.
- Seek clarity on if this is an application for additional separate dwelling or ancillary to the main house.
- Plans show a building (that is curtilage listed) that would have to be demolished to allow for the new carport. Question whether Council's Conservation and Listed Building Officer has been consulted.
- Plans do not show vehicular access to proposed car port.
- Trees and scrubs will have to be removed.

COMMENTS ON REPRESENTATIONS RECEIVED:

- Given that no condition is to be applied restricting the use of the 1 bed dwelling as ancillary to the main dwelling, and essentially the Parish Council objects without such a restriction, the application must be decided at Committee.
- An amended location/site plan has been provided showing the vehicular access off Old Dairy Lane and through the existing double gates to the site.
- No significant trees/hedges will need to be removed as a result of the proposals for the new building.

CONSULTATIONS

Engineering Services Manager
 Engineers (Drainage)
 Conservation Officer

CONSULTATION RESPONSES RECEIVED:

CONSERVATION OFFICER:

No objection. The application is considered to not cause harm to the significance of the heritage assets or its/their setting. Recommend condition to secure details of the garden boundary, hard landscaping, and new joinery and their treatments.

DRAINAGE ENGINEER:

No objection subject to condition. The application is in the Lidsey Treatment Catchment. Surface water drainage design should be carefully considered. Infiltration must be fully investigated.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in Conclusion section.

POLICY CONTEXT

Designation applicable to site:
 Outside Built-Up Area
 Countryside
 Grade II Listed Building
 Norton Lane Conservation Area
 Lidsey Water Treatment Works Catchment Area
 Minerals Consultation Area

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
QESP1	QE SP1 Quality of the Environment
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk

WDM3 W DM3 Sustainable Urban Drainage Systems

Aldingbourne Neighbourhood Plan 2016 POLICY EH1	Resist development outside
Aldingbourne Neighbourhood Plan 2016 POLICY EH7	Renewable and Low Carbon Energy
Aldingbourne Neighbourhood Plan 2016 POLICY GA1	Promoting Sustainable movement
Aldingbourne Neighbourhood Plan 2016 POLICY GA3	Parking and new development
Aldingbourne Neighbourhood Plan 2016 POLICY H1	New housing or altering dwellings
	Quality of Design
Aldingbourne Neighbourhood Plan 2016 POLICY H8	Dwellings must have adequate private or shared amenity.
	Outdoor space
Aldingbourne Neighbourhood Plan 2016 POLICY H9	Items to consider e.g. - bin stores
	Attention to detail

SUPPLEMENTARY POLICY GUIDANCE:

SPD11 Arun Parking Standards 2020

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 Aldingbourne Neighbourhood Plan have been considered in the assessment 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 conflicts with relevant Development Plan policies in that it would result in development in the countryside outside of the defined settlement boundary in conflict with Arun Local Plan policies SD SP2 and C SP1 and Aldingbourne Neighbourhood Plan policy EH1.

OTHER MATERIAL CONSIDERATIONS

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

section.

CONCLUSIONS

PROPOSAL & PRINCIPLE:

The Development Plan comprises the Arun Local Plan (ALP), the West Sussex Waste and Minerals Plans, and the Aldingbourne Neighbourhood Plan (ANP).

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". Since the Neighbourhood Plan was made in 2016, and the Local Plan was adopted in 2018, any conflict would be resolved in favour of the latter.

Policy C SP1 (Countryside) of the ALP 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. The proposal does not relate to any of the uses/types of development which justify a countryside location. Policy EH1 of the ANP states that proposals for development outside of the built-up area boundary, that do not accord with development plan policies in respect of the countryside, will be resisted unless it is for essential utility infrastructure, where the benefits outweigh any harm, and it can be demonstrated that no reasonable alternative sites are available.

As the site is outside the BUAB, in the designated Countryside, and the sub-division of the existing property would result in 1 new dwelling, the proposal conflicts with the Development Plan, ALP policies SD SP2 and C SP1 and policy EH1 of the ANP.

Other Material Considerations:

(1) The Council's Current Housing Land Supply

The Council's Authority Monitoring Report (AMR) was considered at the Planning Policy Local Plan Sub-Committee on the 18th June and showed the Council could no longer demonstrate a 5-year Housing Land Supply (HLS) as is required by the NPPF. The 2017/18 AMR showed there was currently a 4.7 year supply. The AMR for 2018/19 which was presented at December 2019's Planning Policy Sub-Committee shows that the HLS was 3.7 years. A recent appeal decision cites the Council as having a 2.9 year supply.

The Council's Action Plan (June 2019) makes a series of recommendations to boost housing delivery. This includes use of the 'presumption in favour of sustainable development' until such time as a 5-year housing land supply is re-established. It recommends applications be invited from landowners and developers on 'deliverable' HELAA sites to re-establish a 5 year HLS.

(2) NPPF's Presumption in Favour of Sustainable Development

Paragraph 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

ALP Policy SD SP1 states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will work to secure development that contributes to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

Para 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 is more than 2 years old. Therefore, the presumption in favour of sustainable development is unaffected by the Neighbourhood Plan.

The proposal for 1 new dwelling meets the economic objective, in terms of providing a small level of employment for the construction industry undertaking the internal and external works, contributing to Council Tax receipts and local spending. This provides benefit to the local economy and weighs in the schemes' favour. The proposal meets the social objective, making a contribution of 1 new home to the housing supply. CIL receipts could be used to contribute towards infrastructure, providing further benefit to the local community. This social benefit weighs in the schemes' favour.

The site is in a relatively environmentally sustainable location (from a transport perspective) in just over 1km walking or cycling distance to shops, services and facilities in Westergate village, which offers bus routes towards Barnham railway station. Whilst the private car would be required for longer distances, residents would not need to rely on a car to be able to live comfortably at this location.

Para 11(d) of the NPPF states permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. The addition of this 1 bed dwelling in the countryside, reasonably close to local facilities and services would satisfy the NPPF's definition of sustainable development. The benefits arising from the proposal have been noted above and would not be outweighed by the adverse impact of the permanent residential use in the open countryside. For this reason, the application benefits from the presumption in favour of sustainable development.

Conclusion on Matters of Principle:

The principle of development, in the countryside outside the BUAB, is contrary to policies in the Development Plan. Due to the Council's lack of housing land supply, the NPPF 'presumption in favour of sustainable development' is engaged. There are no adverse impacts (as set out in the sections below) which would significantly and demonstrably outweigh the benefits of the proposal.

VISUAL AMENITY & CHARACTER:

Policy D SP1 of the ALP states development should seek to make efficient use of land but reflect the characteristics of the site and local area. ALP policy D DM1 looks at aspects of form and design quality, including; character, attractiveness, innovation, residential amenity impact, adaptability, density, scale, trees and crime prevention. ALP policy D DM4 sets out the policy with regard to alterations and extensions to existing buildings. This includes that extensions and alterations appear visually subservient to the main building and sympathetically relate to and are visually integrated with the existing building in terms of siting, scale, form, massing, design and materials. It also requires that the extension or alteration does not compromise the established spatial character and pattern of the place but is instead a positive addition. Policy H1 of the ANP requires that proposals for extending or altering existing dwellings should be of a high quality design that reflects the local character and reinforces local distinctiveness.

The proposal involves the sub-division of a property and the conversion of an existing extension into a separate 1 bed dwelling. There would be few external alterations required to facilitate the conversion to a separate dwelling. To the east elevation, a window would be replaced with a new entrance door and an entrance porch would be constructed to provide access from the courtyard of the main house. To the west elevation, a window would be replaced by a pair of French doors. The north and south elevations

would remain unchanged. A detached oak framed 4 bay car port, roofed in hand made tiles to match the existing adjacent building with larch feather edge weatherboarding is proposed.

External alterations to the extension are only readily visible from in the boundary of the site, given the extensions location in the plot and boundary treatments. External alterations would be minor, would sympathetically relate to the existing building and would maintain the appearance of the building and area. The detached oak-framed garage would be set away from the road frontage, and only partially visible from Old Dairy Lane, and replace outbuildings (greenhouse and log cabin). It would be set away from the listed building and is of an appropriate scale, design and materials to a rural setting.

The proposals maintain the appearance of the existing building, reflects the character of the area, and would maintain the intrinsic character and beauty of the countryside and landscape.

HERITAGE ASSETS:

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, 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." Section 72(1) of the same Act states:

"In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

Local Plan policy HER SP1 advises that designated heritage assets, including listed buildings and Conservation Areas (and their settings), will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance. Policy HER DM1 requires proposals affecting statutorily listed buildings to protect, and where possible enhance, the setting of the building. Policy HER DM3 requires that proposals preserve or enhance the character and appearance of Conservation Areas.

Paras 189-196 of the NPPF sets out requirements for development affecting designated heritage assets (listed buildings and Conservation Areas) and their settings, including the need for applicants to describe the significance of any heritage assets (and setting) affected, the LPA to consider the impact of the proposal on the significance of heritage assets and take into account other factors, that great weight should be given to an assets conservation, that any harm or loss of significance requires clear and convincing justification, and where 'less than substantial' harm would be caused this should be weighed against the public benefits.

Norton Farm House is Grade II listed. The Conservation Officer has raised no objection to the proposals, subject to conditions.

The subdivision of the extension and associated alterations affects a late C.20 extension which is located to the side of the main listed building. It is noted that the interior of the extension will not significantly alter and in any case it would be affecting modern fabric only. Externally, a window would be replaced with a new entrance door and a new entrance porch would be constructed to provide access from the south courtyard and a window would be replaced by a pair of French doors on the west elevation. Such alterations will affect the modern fabric only and not harm any historic fabric, and their success will depend upon the quality of construction and appearance.

The car port is generally acceptable in scale, form, design and materials and would have a traditional appearance. The use of hand-made tiles for the roof to match the listed building and the use of oak-framing and larch feather edge weatherboarding and barn-like appearance would be suitable in the

grounds of the listed building and in a rural setting. The removal of the outbuildings to facilitate the car port is acceptable in heritage terms, due to the temporary nature and age of these structures and that they do not contribute to the significance of the heritage asset.

The alterations are minor and sympathetic and maintain the character and appearance of the Conservation Area.

The proposals, subject to conditions, would not result in harm to the significance of the heritage assets or their setting. The proposals would accord with the NPPF, the Planning (Listed Buildings and Conservation Areas) Act 1990, and ALP policies HER SP1, HER DM1 and HER DM3.

RESIDENTIAL AMENITY:

Policy D DM1 of the Local Plan states development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. QE SP1 states the Council requires development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity. Policies QE DM1, DM2 and DM3 are concerned with noise, light and air pollution. The Arun District Council Design SPD provides detailed guidance for development, including with regard to matters of amenity. Para 127 (f) of the NPPF states development should have a high standard of amenity for existing and future users.

External alterations to the extension do not result in an impact on neighbouring outlook and light levels nor increased overlooking to neighbouring properties or compromise the privacy of the applicants property, given the existence of these openings and their orientation, boundary treatments and separation distances to nearest properties.

There would not be a significant increase in activity or general noise and disturbance as a result of the creation of this additional dwelling, it would continue in residential use, its openings and access face would inwards into the site away from neighbours and is screened by existing boundary treatments.

The 4-bay garage building would be sited at the side/rear of the main farm house just inside the boundary, adjacent to Old Dairy Lane. It would be approx. 16m from the nearest neighbouring property. Due to its single storey scale and lack of openings on the southern boundary, it would not result in any harm to the outlook, light or privacy of neighbouring occupants including at the applicants property.

QUALITY OF ACCOMMODATION:

Policy D DM2 of the ALP states that internal spaces should be of an appropriate size and that the national Technical Housing Standards provide guidance. National guidance advises that a 1 storey 1 Bed 2 Person house the minimum Gross Internal Area is 60sqm. The plans indicate the property has a GIA (not including car port) around 115sqm. This exceeds minimum internal space standards complies with policy D DM2. The accommodation is well laid out and provides built-in storage and a good quality of outlook and light levels to future occupants.

There are no specific policies in the ALP or adopted guidance with regard external spaces. Policy H8 of the ANP states new dwellings must include an outdoor amenity space of adequate size and quality, either as a private garden or shared amenity area. Para H.04 of the emerging Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space.

The unit would enjoy shared use of the large grassed outdoor amenity space to the rear of Norton Farm House complying with ALP policy H8 and emerging ADC Design Guide.

HIGHWAYS & PARKING

Para 108 of the NPPF states in assessing 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 of the NPPF which states: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with WSCC guidance on parking provision. Arun District Council adopted its own Parking Standards SPD (Jan 2020). Policy GA3 of the ANP requires that proposals must include adequate parking consistent with the standards set out at the time. Para 106 of the NPPF refers to maximum parking standards for residential and non-residential development. Policy T SP1 and T DM1 support the inclusion of sustainable modes of transport. Policy GA1 of the ANP seeks to promote sustainable modes of transport.

The site plan shows the vehicular access would be off Old Dairy Lane and through existing double gates in the south boundary. Given it would be off an existing access road and through an existing access point, the access is suitable and safe would not have a severe impact on the operation of the highway and highways safety.

The ADC Parking SPD requires a minimum of 2 car parking spaces for a 1 bed property in this location (Parking Behaviour Zone 2), and 1 cycle parking space on site. The plans include a new 4-bay detached garage which is sufficient for the proposed 1 bed unit. There exists a large driveway and garage serving the main farm house. The plans do not indicate cycle parking, however, undercover and secure cycle parking could be included in the garage or workshop/store. Electric Vehicle charging points at a rate of 1 charging point per house with a garage or parking space should be provided. Conditions will be applied to secure the on-site car parking spaces, cycle parking and EVCP. There are walking/cycling routes in the vicinity and bus routes from Westergate to Barnham railway station.

Subject to conditions, the proposals has an acceptable impact on parking, highways and transport, in accordance with the NPPF, policies T SP1 and T DM1 of the ALP, and policies GA3 and GA1 of the ANP.

FLOODING/DRAINAGE:

ALP policy W DM2 sets out the requirements for development in areas at risk of flooding, including; the need for the sequential test, an FRA, adaptation and mitigation measures, flood warning and evacuation plans and site drainage plans. ALP policy W DM3 states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems. These features may include green roofs, permeable driveways, soakaways, water harvesting such as water butts. Policy EH5 of the ANP requires that new development would not give rise to overall level of flood risk in the area, and makes provision for appropriate surface water and foul water drainage requirements arising from the development.

The site is in Flood Zone 1 (low risk of flooding). No FRA or flood mitigation measures are required in this regard. The site is in the Lidsey Water Treatment Catchment Area where foul and surface water drainage needs to be carefully considered as per policy W DM1. The site already connects to an existing drainage system and the proposal is for conversion of the existing with no change to the foul drainage.

The Drainage Engineer raised no objection subject to a condition.

With regard to foul water drainage, given the building is in residential use it is considered likely foul water would be disposed of via the existing connection to the public sewer. An informative will be added reminding the applicants of their responsibility to gain formal consent from Southern Water for any new connection to the public sewer.

As the only new building is the car port it is not considered necessary to impose the suggested condition. The application has an acceptable impact on drainage and would not increase the risk of flooding, in accordance with the NPPF, ALP policies W DM2 and W DM3 and policy EH5 of the ANP.

SUMMARY:

The provision of a new home in the conflicts with policies in the Development Plan. Given the Council's 5 year Housing Land Supply position the 'presumption in favour of sustainable development' is triggered under paragraph 11(d) of the NPPF. Para 11(d)(ii) of the NPPF makes clear that permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'. The development has been assessed against the Framework taken as a whole and it has been demonstrated there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal.

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 application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply).

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Location Plan and Block Plan (11913.01), received 30/06/2020
- Ground Floor Plan Existing & Proposed (11913.02), received 07/07/2020
- Roof Plan (11913.03), received 27/04/2020
- Existing and Proposed Elevations (11913.04), received 07/07/2020

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with the NPPF, policies of the Arun Local Plan and the Aldingbourne Neighbourhood Plan.

- 3 Prior to commencement of development, detailed drawings at an appropriate scale (e.g. 1:10 or 1:50) of the joinery and treatment of the new doors, windows, entrance porch and garage building must be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in strict accordance with the details thereby approved.

Reason: To protect the significance of the listed building and preserve the character and appearance of the Conservation Area, in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, and policies HER SP1, HER DM1 and HER DM3 of the Arun Local Plan. It is necessary for this to be a pre-commencement condition to ensure the details of the alterations and new garage building would be appropriate prior to construction works.

- 4 No commencement of development shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the setting of the Listed Building in accordance with the NPPF and policies D DM1, D SP1, HER SP1, HER DM1 and HER DM3 of the Arun Local Plan. It is necessary for this to be a pre-commencement condition to ensure the materials and finishes would be appropriate prior to construction works.

- 5 Prior to construction of the garage building hereby approved, a site plan showing details of the hard landscaping to serve the new garage showing the extent and proposed materials must be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in strict accordance with the details thereby approved.

Reason: To protect the significance and setting of the listed building in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, and policies HER SP1 and HER DM1 of the Arun Local Plan.

- 6 Prior to the installation of any new boundary treatment/s for the new dwelling, detailed drawings at an appropriate scale (e.g. 1:10 or 1:50) and showing the proposed materials and finishes must be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in strict accordance with the details thereby approved.

Reason: To protect the significance and setting of the listed building in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, and policies HER SP1 and HER DM1 of the Arun Local Plan.

- 7 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 NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable in the form of an Energy Statement of how this is to be achieved (including details of physical works on site, sustainable construction methods, energy conservation and energy efficiency measures and renewable energy sources), shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy, reduce energy use, and ensure the development is sustainable, in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan.

- 8 No part of the development shall be first occupied until a minimum of 1 covered and secure cycle parking space has been provided on in the existing workshop/store or new garage building. The cycle space/s shall thereafter be permanently retained in good working condition.

Reason: To provide alternative travel options to the use of the car, in accordance with policies T SP1 and T DM1 of the Arun Local Plan and policy GA1 of the Aldingbourne Neighbourhood Plan.

- 9 No part of the development shall first be occupied, until the provision of facilities to enable the charging of electric vehicles has been installed (within the new garage building). 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.

- 10 **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.

- 11 **INFORMATIVE:** A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

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](#).

AL/34/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

PLANNING APPLICATION REPORT

REF NO: BR/55/20/PL

LOCATION: Abbots Lawn
Sylvan Way
Bognor Regis
PO21 2RS

PROPOSAL: Proposed first and second floor extensions.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

It is proposed to extend the building as follows:

- Single storey office extension on west side of front projection;
- First floor hipped roof extension over existing single storey front projection to add 4 new bedrooms;
- Second floor accommodation in the main roof to provide 9 new en-suite bedrooms and a lounge;
- Two additional parking spaces alongside the western boundary;
- Ground floor bedroom next to the laundry changed to a training room; and
- New windows including roof level dormers to the corresponding new accommodation.

The changes to the main roof will increase the height to approx. 9.6m. The existing is part 8.5m and part 7.3m. The first floor extension above the forward projection will be approx. 7.1m high. The applicant is also proposing two additional visitor parking spaces within the front car park

SITE AREA

0.2 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

There are significant trees on and off site which could be affected by the proposals. It is proposed to remove 6 trees (T5-10 in the schedule) and undertake pruning to T1 a Lime tree. The new car parking spaces will be under the canopy of a large Lime tree just inside the front western boundary.

BOUNDARY TREATMENT

1.8m high walling to front and sides. There is a part wall/part fence to the rear plus dense tree planting.

SITE CHARACTERISTICS

Care home of mixed height but predominantly two storeys with a tiled roof of pitches and hips. Many extensions have been added (one and two storey) including single storey front projection. Landscaped gardens to front/rear. Access from Sylvan Way leads to a parking area of 10 spaces. The site frontage is 38m long and has unrestricted on-street parking

along its length (save for the width of the access).

CHARACTER OF LOCALITY

Predominantly residential. Houses opposite are mainly two storeys and have windows in the gable end at second storey. There are houses to the rear in Elfin Grove.

RELEVANT SITE HISTORY

BR/316/18/PL	Single storey extension to west elevation.	ApproveConditionally 31-01-19
BR/314/18/PL	Front 1st floor extension over residents lounge to provide 4 No. bedrooms & link extension.	ApproveConditionally 28-10-19
BR/134/17/PL	Rear 1st floor extension & new 2nd floor under new tiled roof to provide 10No. bedrooms & lounge area	ApproveConditionally 31-08-17
BR/63/14/	Rear 1st floor extension and new 2nd floor under new tiled roof to provide 10 No bedrooms and lounge areas	ApproveConditionally 09-07-14

The proposal seeks permission for various extensions, which have been previously approved by other applications.

BR/134/17/PL (resubmission of BR/63/14/) allowed 9 bedrooms and a lounge in a new second floor, a 2 bed first floor extension at the rear and the widening of the car park access. This permission expires on the 31 August 2020.

BR/314/18/PL allowed a 4 bedroom first floor extension above the front projection. It was approved with a Tree protection plan and relevant conditions. This permission expires on the 28 October 2022.

BR/316/18/PL allowed a single storey office extension on the west side of the front projection. This permission expires on the 31 January 2022.

The application is an amalgamation of these three but with a loss of 1 bedroom on the ground floor to provide a new meeting/training room area and without the 2 bedroom first floor extension approved by BR/314/17/PL. The application represents a net loss of 3 bedrooms compared to what has planning permission. The proposals are very similar in design but the new roof design has 1 less dormer (replaced by a velux) in the south elevation than BR/314/17/PL. In addition, two secondary bedroom windows (one per flank elevation) have been removed from the new first floor of the forward projection.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Object - plans result in overdevelopment and have an adverse effect on the area due to the increase in noise, traffic and pressure on parking.

18 letters of objection:

- (1) Details of tree works added late;
- (2) Loss of privacy to neighbours (from east/west facing windows & works to trees) and loss of light;
- (3) Noise disturbance from residents & traffic movements;
- (4) Insufficient parking provision leading to on-street parking conflicts;
- (5) Applicant should fund off-street parking permits for existing residents on Sylvan Way;
- (6) No parking for contractors;
- (7) Commercial development not in keeping with residential area;
- (8) Difficult to believe that no new staff will be employed;
- (9) Planning notice put up in wrong location twice then removed; and

COMMENTS ON REPRESENTATIONS RECEIVED:

The Town Council comments are noted and considered in the report conclusions. The following comments are offered in response to the resident objections:

- (1) Although additional copies were added in June, the Tree Protection Plan and Tree Schedule did form part of the original submission and are on the website (03/03/20). The statement was added later but this is the same as submitted with BR/314/18/PL and did not represent new information;
- (2) & (3) Residential amenity issues/ noise are considered in the conclusions but the only new east/west facing windows are on the flanks of the first floor extension of the forward projection which is centrally sited and some distance from neighbours. New dormers and velux windows face either north or south. Only minor works are proposed to 1 Lime Tree and these were allowed by BR/314/18/PL;
- (4) This will be considered in the report conclusions;
- (5) This is not considered to be reasonable or relevant to the impacts of the proposal;
- (6) Construction impact is temporary and contractors could park on the road to the front of the site without causing conflict to other road users;
- (7) Noted however, this is an existing commercial care home;
- (8) Noted;
- (9) Accepted. This was rectified and neighbours allowed 21 days from the posting of the 3rd notice. It is unfortunate the notice on Sylvan Way was removed; and

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
WSCC Strategic Planning
Arboriculturist

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - no objection and recommend no conditions. State that:

- No highways objections raised to previous applications;
- Sylvan Way is subject to a 30mph speed limit;
- No recorded injury accidents within the vicinity of the site in the last 5 years;

- No anticipated highway safety concerns with any increase in vehicle movements;
- No additional parking provision is proposed to serve the extension but no loss of any spaces;
- As stated in the application, no additional staff will be employed as part of the extensions;
- There are no parking standards for care home uses but visitor & staff parking would likely be required;
- Parking restrictions prohibit on-street parking in places detrimental to highway safety; and
- Recommend that the applicant clarify why no additional parking is proposed.

ADC DRAINAGE ENGINEERS - no objection and state no conditions requested.

COMMENTS ON CONSULTATION RESPONSES:

WSSC HIGHWAYS - The applicant advised that no extra staff will be employed at the care home also that visitor times are staggered as per health and safety legislation. Notwithstanding, the applicant has acknowledged the concerns of residents and suggested a proposal to add two additional parking spaces for visitors and these are now included in the application plans.

ADC TREE OFFICER - The Councils Tree Officer will be providing a response which will be reported to the Committee by a report update. In the meantime a TPO (TPO/BR/2/20) has been served on two trees (Yew & Lime) at the front of the property.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
No Public Sewer;
Provisional TPO/BR/2/20; and
PD Restriction.

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
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
TSP1	T SP1 Transport and Development
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
HDM2	H DM2 Independent living and care homes
ENVDM4	ENV DM4 Protection of trees
SDSP2	SD SP2 Built-up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY 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.

There are no relevant policies in the Bognor Regis Neighbourhood Development Plan.

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 extensions by reason of their size and position would not cause demonstrable harm to the character or appearance of the area or the amenities of the neighbouring properties and the increase in bedrooms would not require an increase in the number of parking spaces.

OTHER MATERIAL CONSIDERATIONS

It is material that the proposal is effectively an amalgamation of three previous approvals all of which are still valid and could, subject to the discharge of pre-commencement conditions, still be implemented.

CONCLUSIONS**PRINCIPLE:**

The site lies in the built up area boundary where development is acceptable in principle as per policy SD SP2 of the Arun Local Plan (ALP) provided it accords with other policies of the Local Plan covering such issues as character/design, highway safety/parking, residential amenity and noise pollution.

ALP policy SD SP1 states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)."

Para 61 of the NPPF states housing needed for different groups in the community should be assessed and reflected in planning policies and this should include housing for older people. ALP policy H DM2 reflects this and sets out that extended independent living and care homes will be permitted where applications can demonstrate that the following criteria are adhered to and where the proposal is consistent with all other Local Plan policies:

- (a) The scheme is located within the Built Up Area Boundary (BUAB) if it is a new facility;
- (b) The scheme shall be easily accessible either by foot or public transport, to community and social facilities e.g. shops, post offices, healthcare, community facilities;

- (c) The design of the scheme shall be such that it can be easily adapted to the varying needs of the users of the scheme;
- (d) The design and scale of the scheme shall be appropriate to the local context;
- (e) Amenity space shall be provided; and
- (f) Overall, the scheme should be located where it would support and encourage the continuation of a healthy, active lifestyle.

In response:

- (a) The proposal is for the extension/expansion of a facility in the BUAB;
- (b) The site is in a sustainable location with potential for trips by staff/visitors from the surrounding area to be made on foot, cycle or bus. There is a railway station in the centre of Bognor Regis;
- (c) The scheme is designed in the interests of the potential users of the accommodation;
- (d) This report concludes the design and scale of the scheme is appropriate to the site context;
- (e) The site already provides a good amount of external amenity space; and
- (f) The site is appropriately located such that it supports a healthy lifestyle enabling residents (if able) to walk in the local area.

In comments from June 2019 from an other application for care home accommodation (AL/42/19/PL), WSCC People Services stated:

- Local analysis indicates that overall demand for different types of care from 2014 to 2034 is estimated to rise by 67% in West Sussex;
- This translates to a projected additional demand in the County for 9,707 residential care home beds and 6,720 nursing beds;
- It is anticipated that Arun will experience the largest rise in demand in West Sussex across all care types due to the projected increase of people over the age of 75 within the district and long term care which is projected to grow by an estimated 72% by the year 2034; and
- This projected increase would suggest that the number of residential care services will need to increase in Arun in excess of 2000 new residential placements by the year 2034.

The proposal is acceptable in principle having regard to ALP policies SD SP1, SD SP2 & H DM2.

CHARACTER & DESIGN:

ALP Policy D DM1 requires that 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. ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. ALP policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. These generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

The building is a mixture of roofs that add to the visual appearance of the building. The new larger main roof is mainly formed of a single plane which is uncomplicated, set in from the flanks and is broken up by two gables and dormer windows on the front and by the subservient first floor forward projection.

Although the increase in height means there is conflict with D DM4 as it is not subservient to the existing, the height increase is not significant in the context of what is an existing large building with significant bulk & mass. The building is set well back from Sylvan Way and there are a considerable number of

trees to the front, rear and on the western side which help to screen it and diminish views from Sylvan Way. It is not considered that the extension will be seen as dominating in the street scene or overdevelop the site.

The ground floor office extension and first floor extensions to the existing forward projections are considered to be modest additions which would only have a minor impact on the street scene.

The proposal complies with ALP policies D DM1 & D SP1. There is conflict with part (b) of D DM4 but this is not sufficient to justify refusal given the screening, set back distance and the planning history.

RESIDENTIAL AMENITY:

Policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy D DM4 (c) requires that extensions/alterations: sympathetically do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity". Regard should also be had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

The nearest dwelling to the rear in Elfin Grove lies 25m from the site boundary and there are significant trees on the boundary. There will be no significant adverse effect on these properties by reason of overbearing, loss of light or from overlooking. The same situation exists to the front to properties on Sylvan Way which are 45m from the main building and 31m from the front of the forward projection.

The east elevation to Orchard Gardens has no additional windows and the closest part of the main roof is hipped back then flat before the roof rises to accommodate the second floor accommodation. It is not considered that this results in significant adverse effect on the amenities of the neighbours. The west elevation to Courtney Lodge has no additional windows and similarly, the roof is hipped back, with a flat area and then another height increase.

Whilst residents of the new second floor accommodation will be able to look diagonally out of windows and potentially have views across adjacent land, this is not unusual and reflects the situation with existing first floor windows and also windows on other existing buildings with the street.

New east/west facing windows are proposed at first floor above the forward projection (1 on the east & 1 on the west) and these look west across the front of Courtney Lodge and east into the rear gardens of Knowle and 1 The Orchard Close. There will be around 13m between these windows and the neighbouring gardens to the east. The distance to the west is greater at 15m.

On BR/314/18/PL (which previously approved this first floor extension), 2 windows per flank elevation were shown and a condition was imposed to ensure that the secondary window on the east facing elevation was obscure glazed. In a change to the previous application, officers have secured an amendment to remove both secondary windows leaving only 1 first floor window on each first floor flank elevation and thus reducing any sense of overlooking.

For the above reasons, the proposal is in accordance with ALP policies D DM1 & QE SP1.

NOISE POLLUTION:

ALP policy QE DM1 requires proposals for new noise generating development must demonstrate there

are no suitable alternative locations for the development and provide a noise survey. This is not new noise generating development and it is not considered that the new bedrooms will have a materially greater harmful effect on neighbouring residents. No concerns were raised in relation to this on the previous applications.

It is not considered that a refusal on grounds of noise could be justified and the proposal accords with ALP policy QE DM1.

PARKING PROVISION & ACCESS:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states: "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 and also seek to contribute to the improvement of such routes & facilities.

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 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."

There are no changes to the access and WSCC do not consider there to be any highway safety concerns associated with the potential for an increase in vehicle movements.

The Arun Parking Standards SPD does not contain specific rules on parking for care homes. WSCC considered the proposed increase of 13 bedrooms (net loss of 3 versus to that approved) alongside the existing parking provision, the maintenance of current staffing levels and comprehensive parking restrictions in the area which prevent parking in unsafe locations. WSCC recommend the applicant clarify why no additional parking is proposed - in response 2 additional spaces are proposed.

As WSCC raise no objections, as there are no actual parking standards to consider and as 2 extra spaces are being provided, it is not considered that a refusal on parking grounds can be justified or sustained on appeal. The site's sustainability credentials are discussed elsewhere. The proposal accords with policies T DM1 & T SP1 of the ALP and with the guidance on highway safety in the NPPF

SUMMARY:

It is not considered the proposals will have an adverse effect on the residential and visual amenities of the area or on the safety and capacity of the local highway network. The additional 13 bedrooms meet a demand for this type of accommodation. The proposal is considered to be acceptable and it is recommended that planning permission be approved subject to the conditions set out below.

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 application is not CIL Liable therefore no developer contributions are to be sought.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Location and Block Plans;

Proposed Ground Floor Plan, Proposed North and South Elevations (December 2019 - as amended June 2020);

Proposed First Floor Plan, Proposed East and West Elevations (Rev A);

Proposed Second Floor Plan (December 2019); and

Proposed Extra Parking Spaces.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1, D SP1, H DM2, T SP1 & QE SP1 of the Arun Local Plan.

- 3 All activity at the site is to be carried out in strict accordance with the Arboricultural Method Statement by The Sussex Tree Company LLP, dated September 2019 and the included Appendix 6 Tree Protection Plan (dwg. no. STC-TPP-V1).

Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-

COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan dwg. no. STC-TPP-V1.

A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Planning Authority's Tree Officer.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area and policy ENV DM4 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to verify the fitness of protective fencing and ground protection measures prior to commencement of the proposed works.

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

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

- 5 Any tree pruning considered essential to enable the agreed development must meet the requirements of BS3998:2010 Tree work - Recommendations:

- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010
- Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reason: In the interest of continued health and vitality of trees and to accord with current industry guidelines and sound arboricultural practice and to comply with policy ENV DM4 of the Arun Local Plan.

- 6 No part of the extensions shall be occupied until the two additional car parking spaces shown on the part block plan received on the 18th May 2020 (on our website dated 11/06/20) have been provided. These spaces shall thereafter be retained at all times for their designated purpose.

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

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

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

- 8 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority

has acted positively and proactively in determining this application by 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.

BR/55/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

PLANNING APPLICATION REPORT

REF NO: CM/16/20/PL

LOCATION: Langford
Horsemere Green Lane
Climping
BN17 5QZ

PROPOSAL: Variation of condition 2 imposed under CM/64/19/PL to substitute House Type F floor plans & House Type F elevations.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application relates to the changes to the plans condition (2) to include a change to floor and elevation plans of house type F (Plot 8) located to the rear of the site.

The roof in the approved application had technical and future maintenance issues. The application proposes a revised design incorporating a more traditional approach.

The first floor now proposes to accommodate 3 bedrooms, not 2, and the ground floor has lost a bedroom, but has a study. Previously there were 3 habitable rooms at ground floor (living, kitchen/dining/ bed) and 2 beds at first floor, now there are 3 habitable rooms at ground floor (living, dining/kitchen and study) and 3 beds at first floor.

The previous permission related to the provision of 9 dwellings. The site is the same as approved and the design, layout and position of other houses is unaltered.

BOUNDARY TREATMENT The site is well screened to its northern boundary by vegetation/tree planting. The site is set back by a grass verge along the north boundary of Horsemere Lane. Boundary treatments to the east of the site comprise a mix of close timber boarded fencing and vegetation. Following the preparatory removal of unprotected trees, the west boundary comprises a mix of timber fence and hedgerow. This is comparable to the southern aspect of the site.

SITE CHARACTERISTICS Single storey dwelling. The dwelling sits close to the east boundary and abuts Haven to the east. The site is long, deep and linear in nature. The built development is situated forward on the site, with a substantial set back from the road. Whilst this layout is characteristic of nearby plots, these plots are undergoing substantial change due to planning consents.

CHARACTER OF LOCALITY Rudford Industrial Estate and Ford Aerodrome Strategic Development Site (SD8) to the north. To the south are some

dwellings off Appletree Way. The wider southern locality is characterised by Strategic Development Site SD10.

RELEVANT SITE HISTORY

CM/64/19/PL	Residential development comprising 2x3-bedroom bungalow, 2x3-bedroom houses, 2x2-bedroom houses 3x4-bedroom houses along with access and parking following demolition of existing dwelling - Departure from the Development Plan.	App Cond with S106 05-03-20
-------------	---	--------------------------------

REPRESENTATIONS

Climping Parish Council- Objection:

- Loss of Privacy.
- Unacceptable retrograde step.

5 Objections

- Fence has been damaged.
- Devaluation of property.
- Length of the proposed house runs the whole length of adjacent boundary, within feet of boundary fence. This is very intrusive, and will obliterate light.
- Object to trees being planted in proximity to boundary. These will be a nuisance.
- House appears to be 1m from the boundary wall.
- To avoid the technical/maintenance issues with a flat roof a pitched roof bungalow could have been considered.
- Proposal is now for a larger house.
- Outlook adversely affected.
- Dwelling will create additional noise.
- First floor windows face directly onto adjoining garden.

COMMENTS ON REPRESENTATIONS RECEIVED:

- The footprint of the proposed dwelling has not increased.
- The amended dwelling form will not result in a material increase in noise generated adjacent to neighbouring dwellings.
- The proposal does not add any additional first floor windows in the south or east elevation other than roof lights.
- The indicative proposed boundary screening has previously been approved and is controlled by a landscaping condition.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:

- Outside Built up Area Boundary
- Area of Special Advertisement Control
- WSCC Mineral Consultation Areas

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
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WMDM1	WM DM1 Waste Management

Clymping Neighbourhood Plan 2015 Policy CPN11	Quality of Design
Clymping Neighbourhood Plan 2015 Policy CPN14	Traffic and the Environment
Clymping Neighbourhood Plan 2015 Policy CPN8	Protection of Trees and Hedgerows
Clymping Neighbourhood Plan 2015 Policy CPN9	Protection of Natural Habitats

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun 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 Clymping Neighbourhood Plan have been considered.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no adverse effect either visual or residential amenity.

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 principle of development has been approved under CM/64/19/PL. The application relates to alterations listed in the description. All other matters relating remain unaltered.

The key policy consideration in the determination of this application are D SP1 (Design), D DM1 (Aspects of Form and Design Quality) and QE SP1 (Quality of the Environment) of the Arun Local Plan 2011-2031. These policies seek to ensure that development:

- Minimises the impact on neighbouring land/residents.
- The design is adaptable and appropriate in design and scale.

Climping Parish Neighbourhood Plan (CMNP)

Policy CPN 11 of the Climping Neighbourhood Plan states development must be of a high quality design and protect and enhance local character as assessed by the Clymping Character Assessment. Policy CPN 11 sets out an 8 point criteria against which development should be assessed and reiterates the contents of the NPPF in that development proposals of poor design that fail to take the opportunities available for improving local character and quality of an area and the way it functions will not be permitted and seek to ensure that development by way of appearance and design are appropriate to their location.

DESIGN AND VISUAL AMENITY

Policies D SP1 and D DM1 of the Arun Local Plan require development proposals to make efficient use of land but reflect the characteristics of the site and local area in their layout, mix, scale, massing, character, materials, finish and architectural details. Policy D SP1 requires development proposals to have derived from a thorough site analysis and context appraisal. Policy D DM1 of the Arun Local Plan requires development proposals to have regard to character, appearance/attractiveness, density and scale.

Paragraph 127 of the NPPF requires decisions to ensure developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Paragraph 130 of the NPPF makes clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The layout of the site and density is unaltered by this proposal and has been approved.

The dwellings feature a mixture of bungalows and two storey dwellings. This mix is consistent with the Arun Local Plan requirement to provide a mix of housing across new residential development sites. The development provides 2b 4p dwellings at the lower end, up to 4b 8p dwellings at the upper end. The provision of an additional bedroom on this plot does not alter significantly alter the approved housing mix.

The design of the dwellings feature dual pitched roofs with a number of hips. The effect of these design features is that the roof pitches and features allow for sunlight to serve the development; without the built form dominating the skyline. This is consistent with the nearby developments found in the locality and reiterates the wider character of the area. The design alterations to this plot do not adversely impact on the design of the development as a whole.

The development makes efficient use of land and reflects characteristics of the site and local area, in accordance with paragraphs 127 and 130 of the NPPF and Policies D SP1 and D DM1 of the Arun Local Plan and Policy CPN 11 of the Climping Neighbourhood Development Plan.

INTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal space standards to be an appropriate size to meet the requirements of all occupants and their changing needs.

Internal spaces of the dwelling has been assessed against the Nationally Described Space Standards which are used to assess acceptable spaces under Policy D DM2. The internal space of 131sqm exceeds the minimum threshold for a 2 storey 3b 6 person dwelling of 102sq m. The development accords with Policy D DM2 of the Arun Local Plan.

NEIGHBOURING AMENITY

Policy QE SP1 of the Arun Local Plan requires 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 127(f) of the NPPF requires planning decisions to create places with a high standard of amenity for existing and future users.

Prior to approval of CM/64/19/PL following discussions with the applicant over concerns regarding overmassing and privacy, Plot 8 was revised to comprise a chalet bungalow form; omitting the first floor south facing windows which were considered harmful. The height was reduced and a flat roof section introduced. The two storey mass was clustered to its northern elevation. The setting forward of the 2 storey mass provided greater separation to the dwelling to the SE and the pitch of the rear element ensured access to light would not be infringed. The changes proposed shift the dwelling away from the side boundary slightly providing a 2m gap to the boundary and have reduced the length of the dwelling in relation to the boundary. It has a length of 11m and an eaves height of 3.6m with a ridge height of 7.1m. These dimensions are sufficient to ensure no materially adverse over bearing impacts result to neighbouring dwellings. There are no first floor windows in the rear (south) or side (east) elevation of the dwelling. The rooms are served by rooflights in this part of the roof and these have cill heights above 1.7m. No material loss of privacy would therefore result to adjoining properties.

Whilst it is acknowledged that the outlook of nearby adjacent residential properties would change, such a change would not be demonstrably harmful for the purposes of residential amenity.

On the basis of the above assessment, the development would accord with paragraph 127 of the NPPF and Policies QE SP1 and D DM1 of the Arun Local Plan. Permitted development rights for extensions and alterations were removed by condition as part of the earlier approval.

HIGHWAYS, TRANSPORT AND PARKING

Arun District Council Parking Standards the development requires 22 spaces and 9 cycle spaces. The applicant's cycle parking and car parking met the standard and were considered acceptable.

Layout and parking are not altered by this proposal. The applicant has previously demonstrated sufficient splays can be achieved.

TREES

The impact on trees is not altered by this proposal and the development would still accord with Policy ENV DM4 of the Arun Local Plan.

LANDSCAPING/BIODIVERSITY

The applicant previously provided a full landscaping scheme which has been assessed by the Council's Landscape and Tree Officers. The submitted landscape plan is not altered by this proposal and provides net gains for landscape which would in turn allow for subsequent net gains in terms of biodiversity in accordance with paragraphs 127, 153 170(d), 174(b) and 175(d) of the NPPF, Policy CPN 8 of the Climping Neighbourhood Plan and policies D SP1 and ENV DM5 of the Arun Local Plan.

SUMMARY

This proposal relates to changes to the design of one of the approved plots only. These changes have no materially adverse impact on the scheme as a whole and are acceptable in terms of the impact on residential amenity and character. The application is recommended for approval 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.

SECTION 106 DETAILS

The previous permission secured £10,000 in funding towards the provision of the footpath which would be made payable prior to the occupation of the first dwelling. .

CIL DETAILS

This application is not CIL liable given that it is only the design of one of the approved dwellings which is being altered.

RECOMMENDATION

APPROVE CONDITIONALLY

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

Location Plan

Proposed Elevations 190725/HT-F1-EL

Proposed Floor Plans 190725-HT-F1-FP

Comparative House Type F1 Floor Plans 190725/HT-F1-FP RevA

Comparative House Type F1 Elevations - 190725/HT-FT-EL RevA

Site Layout - 190725/SL-01 Rev M

Street Scene Sections -190725/SS-01 Rev D

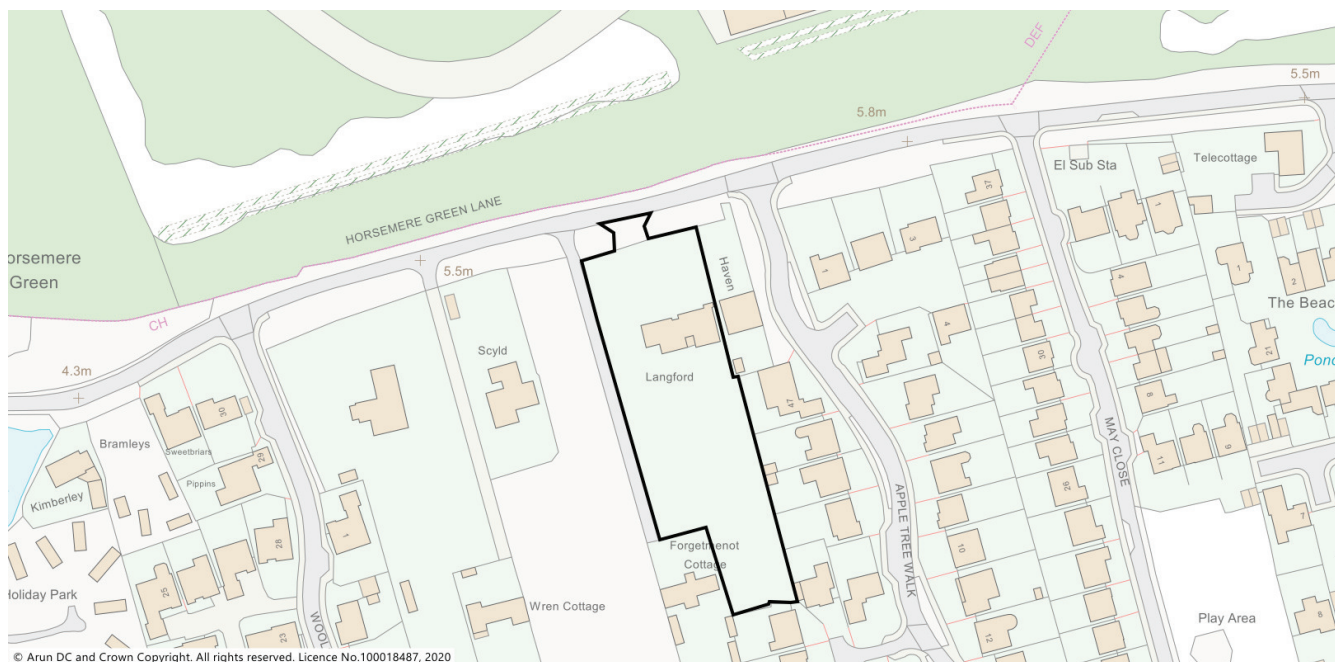
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 2 INFORMATIVE: This permission relates to the variation of condition 2 of CM/64/19/PL only. The applicant is advised and reminded that the planning conditions attached to CM/64/19/PL remain in force and must be complied with. This decision only relates to the variation of Condition 2 of that planning permission.
- 3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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](https://www.arun.gov.uk/weekly-lists) and entering the application reference or directly by clicking on [this link](#).

CM/16/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

PLANNING APPLICATION REPORT

REF NO: P/46/20/PL

LOCATION: Land To North And South Of
Summer Lane
Pagham
PO21 4NG

PROPOSAL: Variation of condition 13 imposed under P/70/19/RES relating to temporary relaxation of planning hours from approved Monday to Friday 8AM-6PM & Saturday 8AM-1PM to Monday to Thursday 8AM-9PM, Friday 8AM-6PM (no change) & Saturday 8AM-4PM until 13th May 2021.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks permission to temporarily vary the existing hours of working condition. The existing condition states:

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 works taking place on Sunday or Bank Holidays. Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

The applicant proposes to change this to allow work to take place between 08:00 and 21:00 hours (Monday to Thursday), 08:00 to 18:00 hours (Fridays) and 08:00 to 16:00 hours (Saturdays) with no works taking place on Sunday or Bank Holidays. This will be a temporary change until the 13th May 2021.

It should be noted that it was originally proposed to extend the hours to allow work between 8am and 9pm Monday to Saturday but the applicant has made concessions to finish earlier on a Friday and Saturday in order to give residents a period of respite.

BOUNDARY TREATMENT

The northern boundary is defined by a ditch with a circa 1.8m high timber fence on the other side and there is a hedgerow/low fencing bordering a small paddock to the north west/the Mill Farm Residential Park Home estate. To the east the site is bordered by broken hedgerow and timber fencing to rear gardens of Brooks End/Sylvia Close. The southern boundary is similar with fencing and hedgerows. divided hedgerows and post and rail fencing. The remainder of this boundary abuts Summer Lane. The site is split in two by third party land stretching north from Summer Lane and this is also

bordered by fencing and hedgerows. The part of the site to the west of this is currently open to Summer Lane and to the adjoining land to the west. The parcel of land to the south of Summer Lane is open on its north, west and southern boundaries. The east is bounded by a village hall, open space and garden boundary fences associated with existing properties.

SITE CHARACTERISTICS

The site covers two separate parcels of land both to the north of Summer Lane, with a separate parcel of land to the south and the latter is to be Public Open Space (POS).

The site is split in two by third party owned land projecting north from Summer Lane. The western parcel is mainly agricultural land whilst the eastern parcel is informal scrub land. To the west of the site the land is bordered by arable land which continues in a westerly direction. To the east of the housing site are the rears of dwellings associated with Brooks End and Sylvia Close, and there are a number of residential properties and Pagham United Reformed Church which face the proposed POS area. Land to the north is dominated by the newly built Crayfern development and by Mill Farm Park Home estate.

Summer Lane comprises a road and a public footpath (FP100) providing access to a small number of large, detached properties arranged in a linear formation on the north side. Summer Lane continues in a westerly direction where it provides access to a small number of isolated properties, but it is more regularly used as a footpath.

The eastern parcel is overlooked by houses along Summer Lane, at the ends of Brooks and Sylvia Closes and situated within the Crayfern site to the north. The western parcel shares a boundary with the dwelling known as Meadow Sweet and a further dwelling located behind (itself associated with a builders workshop unit). The mobile homes to the north west are all single storey but do have a view out into the existing fields.

CHARACTER OF LOCALITY

Despite its relatively close proximity to Pagham the site has a rural feel owing to the nature of the site and the large expanse of open countryside to the west. It sits on the very western edge of the settlement, the extent of which generally follows the line of Pagham Road. The only exception to this is the Mill Farm Estate which lies to the north of the site which comprises a large residential park homes estate; this encroaches into an area of former countryside. Dwellings to the south along Summer Lane are detached properties of individual appearance. Properties to the east within Brooks End and Sylvia Close comprise a mix of detached and semi-detached dwellings.

RELEVANT SITE HISTORY

P/70/19/RES	Approval of reserved matters following outline consent P/58/15/OUT for 90 No. dwellings. Also seeking to address the terms of planning conditions 6 (Phasing), 8 (ecology), 9 (Surface Water), 12 (Vehicular Access), 15 (Parking), 18 (Travel Plan), 20 (Landscape Management), 24 (Parking Control), 25 (Dwelling Parking) and 26 (Materials).	ApproveConditionally 28-02-20
P/58/15/OUT	Outline application with some matters reserved for the erection of 90 No. dwellings with associated access & open space. This is a Departure from the Development Plan.	App Cond with S106 30-09-16

This site has a valid planning permission for development with 90 new dwellings with associated parking, road/footway provision, open space, landscaping, drainage features and ancillary works.

REPRESENTATIONS

Pagham Parish Council object for the following reasons:

- (1) The proposed hours are anti-social when the profile of residents is properly considered;
- (2) Residents right to quiet enjoyment of their gardens would be severely compromise;
- (3) Unacceptable levels of noise and dust would be generated despite the measures suggested by the developer;
- (4) Their health and mental wellbeing must be a priority when considering this application;
- (5) The Council lacks confidence that the site contractors would abide by the extended rules, leading to further misery for residents.

In addition, 12 letters of objection raising the following material planning considerations:

- (a) Site is next door to 271 homes at least 50% of which are occupied by over the 60's;
- (b) Increased noise & dust pollution to residents;
- (c) This extension could increase health risks to persons vulnerable to Covid-19;
- (d) The Government have said that the temp extension of working hours will be reviewed when the need for social distancing on building sites diminishes therefore this extension is no longer needed; and
- (e) Instead, the contract completion date should be extended.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments and the concerns of the Parish Council and residents are noted and the report conclusions considers the harm to the amenities of existing residential properties.

The Government may have said that measures will be reviewed however Part 3 of the Business and Planning Bill which was released on 30/06/20 proposes the formalisation of advice on temporarily extending the hours of work on construction sites and proposes that Local Planning Authorities will only

have 14 days to consider such requests. This Bill is not yet law but clearly sets out the Government's current intentions.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC ENVIRONMENTAL HEALTH - No objection. Confirm that there are no current noise investigations relating to the site. Recommends that the applicant has regard to the relevant details stipulated in the approved Construction Environmental Management Plan and the Extended Hours Management Plan. Also recommend that periods of respite from the building works for the occupants of neighbouring dwellings are incorporated into this application.

COMMENTS ON CONSULTATION RESPONSES:

In response, the applicant suggested that work finish at the approved time of 6pm on Fridays. Environmental Health officers stated that this proposal seems reasonable and again noted that there were no noise complaints relating to the site.

DEVELOPMENT PLAN POLICIES

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

QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution

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.

On the 24th June 2020, the "Pagham Development Management Plan 2019-2026" was published under regulation 14. It is therefore necessary, in accordance with paragraph 48 of the NPPF, to have regard to this draft Neighbourhood Plan as a material planning consideration. However, the weight to be attached to the Plan is a matter of judgement for the decision maker. The plan contains 11 policies but none are relevant to the impacts of additional working hours on the amenities of local residents.

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 impact on residential amenity due to the increase in the working hours will only be temporary and is mitigated by the requirements of the Extended Hours Management Plan and the proposed respite periods.

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

PROPOSAL & PRINCIPLE:

This application is in response to the Written Statement of the Secretary of State for the MHCLG dated 13/05/20 which stated that:

- Where developers require longer term or more significant changes to working hours, they should apply to the local planning authority to temporarily amend a condition or a construction management plan;
- Applicants should consider potential impacts and put forward mitigation measures;
- Local Planning Authorities should respond speedily and sympathetically and engage positively with applicants to find solutions;
- The Government recognises the need to mitigate the impact that any temporary relaxation of working hours could have on local residents and businesses therefore requests should be proportionate and should not involve working on Sundays or bank holidays;
- Local Planning Authorities should not refuse requests to extend working hours until 9pm, Monday to Saturday without very compelling reasons for rejection;
- Applications should only be refused where there are very compelling reasons such as significant impact on neighbouring businesses or uses which are particularly sensitive to noise, dust or vibration, which cannot be overcome through other mitigation, or where impacts on densely populated areas would be unreasonable.

In addition, as noted above, the Government has recently released the Business and Planning Bill which proposes the formalisation of advice on temporarily extending the hours of work on construction sites. This proposes that Local Planning Authorities will only have 14 days to consider such requests. This Bill is not yet law but clearly sets out the Government's current intentions in respect of assisting the construction industry.

It is proposed to temporarily increase the construction working hours at the site until the 13th May 2021. Construction work would thus occur between 08:00 and 21:00 hours (Monday to Thursday), 08:00 to 18:00 hours (Fridays) and 08:00 to 16:00 hours (Saturdays) with no works taking place on Sunday or Bank Holidays.

The applicant has provided an Extended Hours Management Plan which is viewed as an addendum to the Construction Phase Environmental Management Plan (CPEMP) approved by ADC on the 29th May 2020 against condition 16 of P/58/15/OUT. The new Plan sets out that in addition to the requirements of the CPEMP, the following measures will be adhered to:

- No heavy plant or noisy tools / machinery to be operated beyond the hours of 6pm;
- Material deliveries to and from the site will be limited to the hours of 8am and 5pm;

- Advanced notice of planned works during the extended hours will be provided in advance and on a weekly basis via site notice board, group email and to the Parish Council;
- All power tools will have dust bags;
- Works on Saturdays or evenings will be low impact, low risk, low noise, no dust and will be away from the site boundaries;
- All works until Autumn/Winter will be external after which it will be internal works;
- Deliveries would be avoided on a Saturday or evenings where possible;
- Lighting will be low level and a silent generator used if required

IMPACTS ON RESIDENTIAL AMENITY:

Arun Local Plan (ALP) policy QE SP1 states that the Council will ensure that development does not have a significantly negative impact upon residential amenity. ALP policy QE DM1 is not relevant as it only relates to either new residential development close to existing noise sources or new noise generating development and the current proposal is not development. Policy QE DM2 sets out that outdoor lighting should use light levels that are the minimum required for security and working purposes. Policy QE DM3 is also not relevant as it refers only to the air pollution impacts of new major developments or industrial development.

It is acknowledged that local residents are deeply concerned about the impact of these additional working hours on their amenities. However, it is considered that the proposed mitigation measures in the "Extended Hours Management Plan" are such that the extended hours will not give rise to significant impacts during these extended periods. It is also considered positive that the applicant has agreed to changes to their original proposal to finish at 4pm on Saturday and 6pm on Friday. In respect of lighting, the mitigation measures make it clear that lighting will be the minimum required and that no floodlighting will be used.

The Councils Environmental Health Officers are its technical advisers on matters of pollution and they have assessed the application and found it to be acceptable. It should also be noted that even with these extended hours, Environmental Health will retain their powers to investigate any pollution based complaints and take their own action if necessary.

It is therefore considered that the proposal is in accordance with policies QE SP1, QE DM1, QE DM2 and QE DM3 of the Arun Local Plan on a temporary basis until 13/05/21.

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 This permission will expire on the 13th May 2021 after which the new conditions imposed by this planning permission shall cease to apply and instead the working hours specified by condition 13 imposed under P/70/19/RES will again apply.

Reason: The Local Planning Authority would not normally grant permission for such working hours and is only doing so due to the current circumstances (the impact of Covid-19 on the construction industry) and in accordance with the Written Statement of the Secretary of State for the MHCLG dated 13/05/20.

- 2 The extended hours of working set in condition 3 below shall only be carried out in accordance with the "Extended Hours Management Plan" (30/06/20) and there shall be no deviation from this plan.

Reason: For the avoidance of doubt and in the interests of the amenity of local residents in accordance with policy policies QE SP1, QE DM1, QE DM2 & QE DM3 of the Arun Local Plan.

- 3 No construction/demolition activities shall take place, other than between 08:00 to 21:00 hours (Monday to Thursday), 08:00 to 18:00 hours (Fridays) and 08:00 to 16:00 hours (Saturdays) with no works taking place on Sunday or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with policy policies QE SP1, QE DM1, QE DM2 & QE DM3 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 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.

- 5 **INFORMATIVE:** All of the conditions imposed on P/58/15/OUT and P/70/19/RES shall remain in force (unless already discharged) except for condition 13 imposed under P/70/19/RES which is temporarily replaced by condition 3 above. Conditions 1 and 2 are new and relate solely to this temporary change to the working hours.

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](#).

P/46/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

This page is intentionally left blank

PLANNING APPLICATION REPORT

REF NO: P/116/19/OUT

LOCATION: Land adjacent to Sefter School House
Sefter Road
Bognor Regis
PO21 3EE

PROPOSAL: Outline application with all matters reserved, except for access, for the erection of 4 No. semi-detached 3-bedroom houses & 2 No. detached 4-bedroom houses with associated access, parking & gardens. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Outline application, with all matters reserved except for access, for the erection of 4 semi-detached 3-bed houses & 2 detached 4-bed houses with associated access, parking & gardens. An indicative layout has been provided but layout is a reserved matter. The site is outside the Built-up Area Boundary and in the designated Countryside.

SITE AREA 0.266 hectares.

RESIDENTIAL DEVELOPMENT DENSITY 23 dwellings per hectare.

TOPOGRAPHY Predominantly flat.

TREES There are significant off-site trees.

BOUNDARY TREATMENT Scattered trees/hedgerows along boundaries except the east boundary by the highway which has a grass verge and hedgerow.

SITE CHARACTERISTICS An unused parcel of land (former builders yard) on the boundary of the Pagham built up area.

CHARACTER OF LOCALITY Mixture of rural and residential. To the southwest, west and northwest the site adjoins existing housing and to the east there is Sefter Road and open farmland beyond that. To the south, the site adjoins a strategic housing site allocated in the Arun Local Plan. To the south of that site is Hook Lane.

In September 2019 P/30/19/OUT was granted for this housing site for up to 300 homes, an 80 bed care home, up to 4000sq.m of Class D1 uses, including a primary school and associated infrastructure.

No relevant planning history.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

OBJECTION:

- The site lies outside the defined built up area and in the countryside so the development with housing is, as a matter of principle, in direct conflict with ALP 2018 Policies SD SP2 Built-up Area Boundary and C SP1 Countryside.
- Lawful use of land is agricultural (as defined in the Act) and the site constitutes high grade agricultural land. The applicant provided no evidence as to why the lawful use of the site is no longer possible so that the development is, as a matter of principle, in direct conflict with ALP 2018 Policy SO DM1 Soils.
- The applicant provided no evidence to demonstrate that satisfactory foul and surface water drainage can or will be provided in a manner that will safeguard water quality in the Pagham Harbour Ramsar.
- Parts of the site are in or adjoin land shown on the EA maps as being in ZONE 2 and 3. No flood risk assessment has been provided and there is no detail provided regarding the drainage (surface water or foul).
- The applicant failed to demonstrate the proposals can be or will be undertaken in accordance with ALP 2018 Policy ENV DM2 Pagham Harbour.
- The site lies in the Rural Area for the purposes of the Pagham Village Design Statement 2007.
- The proposal fails to demonstrate that access can or will be achieved in accordance with ALP 2018 Policy T DM1 Sustainable Travel and Public Rights of Way or that vehicular access/egress between the site and the public highway can be achieved safely.
- PPC conclude the proposals do not accord with relevant policies in the development plan and the applicant has provided no evidence to suggest there are material considerations to indicate a decision otherwise than in accordance with the same.

3 letters of objection:

- Direct conflict with relevant Development Plan policies.
- Conflict with Local Plan policy ENV DM2 - fails to make developer contributions to mitigate impact of development in Pagham Harbour area.
- Located in a Green Infrastructure Strategic Gap between Bognor Regis and Chichester. This gap should be preserved.
- CIL documents fail to demonstrate the necessary CIL contributions will be made in accordance with the statutory CIL provisions.
- Road safety issues with access and existing Sefter Road/Pagham Road junction which has had many accidents due to poor visibility. LHA have done desk top study, failed to take this into consideration and there is conflict between WSCC and ADC as to whether S106 monies will be able to upgrade this junction.
- Concerns regarding overlooking and loss of privacy due to site being at higher level. Devalue property.
- Concerns regarding surface water drainage and flooding issues. Watercourse at capacity, additional pressure for this development, plus Hook Lane and Sefter Road development not sustainable.

COMMENTS ON REPRESENTATIONS RECEIVED:

These comments are provided in response to the consultation response from Pagham Parish Council:

- i. The development conflicts with ALP policies SD SP2 and C SP1 since the site is outside the BUAB in the Countryside, where development is not permitted unless certain exception tests are met. There are other material considerations which warrant a decision not in accordance with the Development Plan.
- ii. The proposal results in the loss of/moderate harm to Grade 2 Agricultural Land, and would conflict with ALP policy SO DM1. However, there are other material considerations which warrant a decision not in

accordance with the Development Plan.

iii. The requirement for a foul drainage/surface water scheme form conditions of this decision.

iii. The applicant entered into a s106 agreement to make a financial contribution towards the maintenance of the Pagham Harbour.

iv. Details of the detailed layout, design and landscaping will be secured at reserved matters stage.

v. The draft Pagham Neighbourhood Plan has just been published for pre-submission consultation and is to be attributed very little weight. The Local Green Space designated in the draft PNP does not include the application site.

vi. The Local Highways Authority (WSCC) confirmed that, subject to conditions, the access would be suitable, safe and would not result in a severe impact on highways safety or operation of the network.

vii. Outline applications are not CIL liable. CIL forms would be required and CIL would be chargeable on permission being granted at reserved matters stage.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Ecology Advisor

Arboriculturist

Natural England

Environmental Health

CONSULTATION RESPONSES RECEIVED:

ADC ENVIRONMENTAL HEALTH: No objection, recommend conditions.

WSCC HIGHWAYS: No objection to type of access licence/visibility splays. No evidence to suggest existing or new access would operate unsafely. Do not consider proposal would 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. Conditions are recommended.

ADC DRAINAGE ENGINEER: No objection subject to conditions/informative to ensure development is adequately drained and does not increase flood risk elsewhere. Consult EA if sewer treatment plant is proposed.

ENVIRONMENT AGENCY: EA not consulted on non-major applications which include non-mains foul water drainage (e.g. private sewer treatment plants). Provide standing advice for LPAs on minor applications.

ADC TREE OFFICER: In the absence of a Tree Survey and Constraints Plan unable to fully support the scheme. Applicants need to employ a qualified Arboriculturist to undertake a Tree Survey and provide an Arboricultural Impact Assessment to include a Tree Survey Schedule, Root Protection Area Schedule and a Tree Constraints Plan. Any future application would need to have an AIA and an Arboricultural Method Statement inclusive of a Tree Protection Plan.

ECOLOGY ADVISOR: No objection. Recommend conditions.

NATURAL ENGLAND: No objection. Subject to the appropriate financial contribution being secured,

Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

WSCC S106 CONSULTATION RESPONSE: In terms of access management contributions the sum of £5,226 has been agreed towards the cost of delivering measures to avoid, or mitigate to an acceptable level, the harm caused to Pagham Harbour.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and are addressed in the Conclusions section of this report.

POLICY CONTEXT

Designation applicable to site:
 Outside Built Up Area Boundary
 Pagham Harbour Zone B
 Sefter Farm Minerals Consultation Area

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
LANDM1	LAN DM1 Protection of landscape character
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
SDSP1	SD SP1 Sustainable Development
CSP1	C SP1 Countryside
SODM1	SO DM1 Soils
WMDM1	WM DM1 Waste Management
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
INFSP1	INF SP1 Infrastructure provision and implementation

Joint Minerals Local Plan 2018:

Joint West Sussex M9 Safeguarding Minerals

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
SPD11	Arun Parking Standards 2020

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 draft Pagham Neighbourhood Plan (PNP) was publicised for pre-submission consultation (Reg.14), from 29-6-2020 - 7-8-2020. The Plan contains eleven policies; one of which seeks to designate large parts of the strategic site allocation in the Local Plan, which is adjacent to the site, as a Local Green Space. Given the recent publication of the PNP and its draft form, it can be attributed exceptionally limited weight at this time (NPPF para 48). Policies in the draft PNP are considered in the Conclusion.

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 relevant Development Plan policies in that it would result in development in the countryside outside of the defined settlement boundary. The development would also lead to the loss of the best and most versatile agricultural land. This would be in conflict with Arun Local Plan policies SD SP2, C SP1 and SO DM1.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan and/or legislative background as detailed in the Conclusion section.

CONCLUSIONS**PROPOSAL & PRINCIPLE:**

The Development Plan comprises the Arun Local Plan and the West Sussex Waste and Minerals Plans. There is no made Neighbourhood Plan. The site is in the designated Pagham Neighbourhood Area and the 'Pagham Neighbourhood Plan 2020-2030' is published for pre-submission consultation (Reg. 14). Its policies will be referred to in this report, although they will be attributed exceptionally limited weight, given its recent publication (Reg. 14 status), its conflict with the NPPF, amount of consultation, and lack of

general conformity with the Local Plan policies.

ALP policy SD SP2 seeks to focus development within the Built-Up Area Boundary (BUAB), subject to compliance with other relevant Development Plan policies. Policy C SP1 (Countryside) of the ALP 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. The proposal does not relate to any of the uses/types of development which justify a countryside location. Policy 1 of the PNP sets out an amended BUAB (compared to 2015) and seeks to direct development to land in the Built Up Area boundary. Policy 2 of the PNP seeks to limit and strictly control development in the countryside. The site is not located in the amended BUAB shown in Policy 1.

As the site lies outside the BUAB, in the designated Countryside the scheme conflicts with the Development Plan, ALP policies SD SP2 and C SP1 (and Policies 1 and 2 of the PNP).

Other Material Considerations:

(1) The Council's Current Housing Land Supply

The Council's Authority Monitoring Report (AMR) was considered at the Planning Policy Local Plan Sub-Committee on the 18th June and showed the Council could no longer demonstrate a 5-year Housing Land Supply (HLS) as is required by the NPPF. The 2017/18 AMR showed there was currently a 4.7 year supply. The AMR for 2018/19 which was presented at December 2019's Planning Policy Sub-Committee shows that the HLS was 3.7 years. A recent appeal decision cites the Council as having a 2.9 year supply.

The Council's Action Plan (June 2019) makes a series of recommendations to boost housing delivery. This includes use of the 'presumption in favour of sustainable development' until such time as a 5-year housing land supply is re-established. It recommends applications be invited from landowners and developers on 'deliverable' HELAA sites to re-establish a 5 year HLS.

(2) NPPF's Presumption in Favour of Sustainable Development

The NPPF is a material consideration in determining planning applications. As the Council cannot demonstrate a 5-year HLS, paragraph 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is triggered. Where development policies are out of date (including for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites) planning permission will 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.

(i) does not apply to this determination as the site does not lie in a protected landscape and is not or near a protected heritage asset that would be significantly affected. The part (ii) test, adverse impacts, are considered in detail in the proceeding sections and concluded upon under the final 'Summary' section.

Para 8 of the NPPF sets out three objectives of sustainable development; economic, social and environmental. Para 9 of the new NPPF says these three objectives should be delivered through the preparation and implementation of plans and the application of policies in this framework. "They are not criteria against which every decision can or should be judged"

The proposal for 6 dwellings meets the economic objective, in terms of providing the opportunity for employment during construction and contributing to local income/spending. This provides benefit to the local economy and weighs in the schemes' favour. There is potential for an economic cost due to the loss of Agricultural Land. The land is not currently used for agriculture and there is no immediate prospect of this taking place.

The proposal meets the social benefit, making a contribution of 6 homes to the housing supply.

The site is in a relatively environmentally sustainable location (from a transport perspective) given the short distance to bus routes (on Pagham Road) which enable access to Bognor Railway station, and walking and cycling distance to local shops, services and education and health facilities (in Rose Green and Nyetimber). Pedestrians could benefit from road/footpath improvements which were part of the approval for the adjacent site P/30/19/OUT. Whilst the private car would be required for longer distances, residents would not need to rely on a car to be able to live comfortably at this location.

Para 11(d) of the NPPF states permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. The proposals would represent sustainable development and, when assessed against other policies (set out in this report), would not present any adverse impacts that would significantly and demonstrably outweigh the benefits of the provision of 6 homes. For this reason, the application benefits from the presumption in favour of sustainable development.

Conclusion on Matters of Principle:

The principle of development, in a countryside location outside the BUAB, 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.

The proposal represents sustainable development and the NPPF 'presumption in favour of sustainable development' is engaged. The trigger means the Local Plan needs to be weighed in the balance with other material considerations and that the Plan stops being the key consideration. There are no adverse impacts (set out below) which outweigh the benefits of the proposal and so the proposal benefits from the presumption in favour of sustainable development. This, and other material considerations set out 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.

LOSS OF AGRICULTURAL LAND:

Policy SO DM1 of the ALP advises the use of Grades 1, 2 & 3a agricultural land for development not associated with agriculture, horticulture or forestry will not be permitted, unless certain tests are met. Policy 9 of the PNP supports proposals that ensures the retention, continued and efficient use of agricultural land for food production and will resist proposals that lead to the loss of land to other uses or reduce its ability to continue in agricultural use, unless the proposal accords with Policy 2.

DEFRA land classification mapping suggests the land is classified as Grade 2 (Very Good Quality).

The proposals to develop this land is not permitted by ALP Policy SO DM1 unless certain tests are met. The proposals would not be justified by reason of meeting tests (a-c) of SO DM1. Tests (d-g) of SO DM1 state development will not be permitted unless certain issues are addressed. The supporting text to the policy (para 11.1.6) states that 'the Council requires that a planning application on agricultural land falling within Grades 1, 2 and 3a of the Agricultural Land Classification, which involves permanent loss of one hectare or more, shall be accompanied by a Report on the agricultural land to include its economic

status, an assessment of the land's environmental and other benefits, a plan demonstrating how the soils and soil qualities are to be conserved and where development is proposed mitigation measures for the loss of soils.'

The application site is less than 1 hectare and the applicant has not submitted a sustainability/options appraisal, mitigation strategy nor soil resources plan. During the determination period, the applicants provided a Land Use and Soil and Agricultural Land Quality Report (July 2020). This sets out mitigating factors including; the small size of the land, its irregular shape, its location as an isolated parcel of land which has not been linked to farmland or farming for many years, the current/previous use of the site as non-agricultural land (former builders yard) and its subsequent contaminated ground conditions/poor land quality. The applicants have provided a Land Contamination Report (Feb 2020), and confirmed the mitigation measures set out in the Contamination Report would be undertaken, which includes bringing top and sub soil back onto the site and undertaking substantial soft landscaping i.e. showing soil will be preserved and incorporated into a Productive Green Environment.

It is acknowledged the proposal results in moderate harm to Grade 2 agricultural land but that this is outweighed by the benefits of additional housing supply, and when taken in the context that the land is not currently in agricultural use, its current ground conditions/land quality, and that the documents setting out mitigation measures and that soil will be preserved and used in the new scheme. Refusal based on the loss of agricultural land would therefore not be justified in this case. A planning condition will be added to secure the preservation of soils on site for future use.

VISUAL AMENITY AND CHARACTER:

Policy D SP1 of the ALP states development should seek to make efficient use of land but reflect the characteristics of the site and local area. ALP policy D DM1 looks at aspects of form and design quality. Arun District Council Design SPD (due for adoption in 2020) provides detailed design guidance for developments in the District. There are no relevant design policies in the PNP, although Policy 1 makes reference to the development guidelines set out in the Pagham Village Design Statement (2007).

Para 127 of the NPPF states that "Planning policies and decisions should ensure 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 taken into account. Para. 170 of the NPPF states decisions should protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside.

The application is outline, with all matters reserved except access. Although an indicative layout is provided it is not possible to determine the application on the basis of this. It is appropriate to make an assessment of whether residential development would be acceptable in the context of the character of this part of Pagham. The site is adjacent to the north edge of the settlement boundary, with farmland beyond.

Regard must be had to the approval for P/30/19/OUT. This part of Pagham will change as a result of this development. Within this context, on the edge of the settlement boundary, existing properties nearby, and with a major development scheme adjacent, the proposals would not result in significant harm to the visual amenity and character of the area nor the character and beauty of the countryside and landscape.

The layout shows a buffer planted area to the east boundary along Sefter Road and additional landscaping along the south boundary was part of P/30/19/OUT. The site would be set back away from Pagham Road. This planting would soften the appearance of the development in the street scene. The

indicative layout suggests a spacious scheme with properties of an appropriate footprint/density with good provision of open space and landscaping reflecting an appropriate edge-of-settlement approach.

The proposal would not result in significant harm to the character of this part of Pagham and, on the grounds of density and character, the proposal would not conflict with ALP policies D SP1, D DM1 or LAN DM1 or the NPPF in this respect. Matters of detailed layout, scale, external appearance and landscaping would be considered in the future under reserved matters application/s.

RESIDENTIAL AMENITY:

Policy D DM1 of the Local Plan states new development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. QE SP1 states the Council requires development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity. The Arun District Council Design SPD provides detailed guidance for development, including with regard to matters of amenity. Para 127 (f) of the NPPF states development should have a high standard of amenity for existing and future users.

It is not possible to make a detailed assessment of residential amenity, since layout, scale, external appearance and landscaping are reserved matters. Although a layout is provided it is not possible to determine the application on this basis. The layout and scale suggests there would be no significant impacts on outlook or light levels to neighbours and could be designed in such a way, with window positioning/type and boundary screening, so as to avoid harmful overlooking.

Environmental Health raise no objection but recommend conditions to control hours of construction, external lighting scheme, Electric Vehicle Charging Point provision (to reduce noise, light and air pollution). The only conditions which will be added to this permission is hours of construction and external lighting scheme, as the condition for EVCP would be added at reserved matters stage.

Subject to more detailed consideration of privacy issues at a reserved matters stage, it is considered there would not be a conflict with ALP policies D DM1, QE SP1, QE DM1, QE DM2 and QE DM3 or para 127 of the NPPF.

HIGHWAYS, TRANSPORT AND PARKING:

Para 108 of the NPPF states in assessing specific applications for development it should be ensured that (b) safe and suitable access to the site can be achieved for all users. Para 109 of the NPPF 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.

Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with WSCC guidance on parking provision. The Council adopted its Parking Standards SPD (Jan 2020). Para 102 of the NPPF requires development proposals to pursue opportunities to promote walking, cycling and public transport uses. Policy T SP1 and T DM1 support the inclusion of sustainable modes of transport.

The site is on Sefter Road, a 'C' Classified Road which is subject to a 60 mph speed limit. A speed survey was conducted in proximity of the site and the applicant provided visibility splays for the access which WSCC are satisfied with. A kerb radii of 6m and access width of 6m is shown and tracking has been supplied for a range of vehicles (including worse case scenario a refuse truck) and WSCC are satisfied with the details. Inspection of Sussex Police data shows over the past 5 years there has been a

recorded injury collision in the vicinity of the site, but that the Police do not consider this was a result of the presence of the existing access or road layout, as was down to other factors. There is no evidence to suggest the existing access is operating unsafely or that the new access would operate unsafely. WSCC do not consider the proposed access presents a highways safety concern.

In terms of the quantum and layout of vehicle and cycle parking to serve the development, this would need to be assessed at reserved matters stage. Although a layout is provided it is not possible to determine the application on the basis of this. The ADC Parking SPD (2020) requires 14 car parking spaces (2 spaces per 3 bed and 3 spaces per 4 bed) and of 8 cycle parking spaces (2 per property) in this location (Parking Behaviour Zone 2). Provision would need to be made for disabled/visitor parking and Electric Vehicle Charging Points (EVCP). It appears there would be sufficient space to provide the necessary vehicle and cycle parking. At the reserved matters stage, the LHA have made some recommendations with regard the required vehicle and cycle parking layouts.

WSCC does not consider this proposal would 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 that there are no transport grounds to resist the proposal, subject to a number of conditions being imposed should outline permission be granted.

FLOODING & DRAINAGE:

ALP Policy W DM1 of the Arun Local Plan requires sufficient water supplies be provided prior to occupation. ALP policy W DM2 sets out the requirements for development in areas at risk of flooding, including; the need for the sequential test, an FRA, adaptation and mitigation measures, flood warning and evacuation plans and site drainage plans. ALP policy W DM3 states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems. These features may include green roofs, permeable driveways, soakaways, water harvesting such as water butts.

The site is in Flood Zone 1 (low risk of flooding). The site is in 20m of an existing watercourse and is located in the Lidsey Water Treatment Catchment Area where surface water drainage needs to be carefully considered and infiltration investigated in the first instance.

No details have been provided regarding drainage. The applicant stated that surface water will be disposed of via an existing watercourse rather than a sustainable drainage system. The Council's Drainage Engineer commented this is not appropriate without investigation into whether or not infiltration may be viable on the site, as surface water drainage design should follow the hierarchy of preference. Should infiltration be proven to be unviable (following winter infiltration testing and groundwater monitoring in agreement with the Council's Drainage Engineers) the applicant will need to gain Land Drainage Consent to discharge flows to the existing watercourse. This will require works to be completed to the watercourse. Following consultation from the Ecology Officer, it is necessary for a mitigation strategy for water voles to be completed before works take place. There are no foul sewers in the vicinity of the site. If a sewer treatment plant is proposed for foul drainage the Environment Agency must be consulted. There have been recent reports of possible contamination of the land and the neighbouring watercourse from foul water.

The Council's Drainage Engineer raised no objection subject to conditions to ensure the development is adequately drained and does not increase flood risk elsewhere. ADC Drainage recommended consulting the Environment Agency (EA) if proposals include sewer treatment plant. The applicant has confirmed the intention is to install a sewer treatment plant on site. The EA advises that a Foul Drainage Assessment (FDA) is required to include justification for non-connection to mains sewer to allow the LPA to assess whether the site is in a location where it may be reasonable to connect to a mains sewer and

whether non-mains foul drainage is suitable. A planning condition will be added requiring an FDA and the matter finalised via a reserved matters application regarding layout. Details of surface water drainage and foul water disposal will need to be assessed at reserved matters stage when details of the layout and hard and soft landscaping are provided.

MINERALS SAFEGUARDING:

The site is in a sharp sand and gravel Mineral Safeguarding Area. In accordance with policy M9 of the West Sussex Joint Minerals Local Plan (2018), proposals for non-mineral development within the Mineral Safeguarded Areas will not be permitted unless under certain criteria, which includes when prior extraction is proposed and when the overriding need for development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practical or feasible.

Investigation into the viability of prior extraction of the mineral at the site prior to development would usually be requested. In this case, given the proximity of the strategic housing site allocation and its recent permission, for 300 new homes, any use of this site for minerals extraction would appear unrealistic. The need for development of homes overrides the safeguarding of minerals on the site.

LANDSCAPING:

Para 127(b) of the NPPF requires planning decisions ensure developments are visually attractive as a result of effective landscaping. Policies D DM1 and D SP1 of the Arun Local Plan is consistent with paragraph 127 of the NPPF in that it requires the Council to have regard to hard and soft landscaping when assessing development proposals. Policy D SP1 of the Arun Local Plan also requires development proposals to reflect the characteristics of the site and local area in their landscaping.

It is not possible to make a detailed assessment of landscaping, since it is a reserved matter. Although a layout is provided it is not possible to determine the application on this basis. The layout shows a buffer planted area to the east boundary on Sefter Road and additional landscaping on the south boundary was part of P/30/19/OUT. Planting would soften the appearance of the development in the street scene. The indicative layout suggests a good provision of open space and landscaping. This matter would be assessed in full at reserved matters stage.

The site is not within a proposed Local Green Space in the Reg 14 Neighbourhood Plan.

TREES:

Policy ENV DM4 seeks to protect trees with TPOs, identified as Ancient Woodland, in Conservation Areas, or contributing to local amenity. The PNP refers to the importance of retaining trees/hedges.

The applicant provided a Tree & Hedgerow Report and Method Statement. The trees/hedges are on the boundary and the applicant confirms these will not be affected by development and all buildings, parking/access can be accommodated outside Root Protection Areas in or adjacent to the site. The Council's Trees Officer states there are significant trees off-site which could be adversely affected by the development. With the exception of one large roadside tree, there are few trees of obvious constraint to a sympathetic development. Off-site trees to the south have high growth potential and obvious landscape/screening value. It is possible that their roots will overlap the site and must be considered individually in any subsequent Tree Survey. With so much of the site free of significant vegetation, it is expected that a layout would avoid conflict between trees and construction. Retained trees should be afforded room to allow future growth without constraint. The Tree Survey data in the Report and Statement is not comprehensive and has not been prepared by an Arboricultural Consultant.

It is not possible to make a detailed assessment of the impact on trees since detailed layout and landscaping are reserved matters, and only the principle and access is being considered under this application. The Trees Officer confirmed the principle of development as is certainly achievable without undue detriment to retained on/off-site trees, subject to further Arboricultural Reports including a Method Statement & Tree Protection Plan. It is appropriate that these requirements are added as a condition at outline stage. This matter would then be assessed in full at reserved matters stage.

BIODIVERSITY:

Para 170(d) of the NPPF requires decisions to contribute and enhance the natural and local environment by providing net gains for biodiversity. ALP policy ENV DM5 states development shall seek to achieve a net gain in biodiversity and protect existing habitats on site. Paras 170, 174 and 175 of the NPPF indicates that developments should aim to protect or enhance, minimise impacts, and provide net gains to biodiversity. Net Biodiversity Gain is an important aspect of the Environment Bill and the NPPF. Development needs to avoid impacts on legally protected species, and where this is not possible, mitigation or compensation will be necessary and a Licence from Natural England may be required.

The applicant provided an Environmental Impact Assessment with the application. The Council's Ecology Advisor raised no objection subject to conditions. Conditions will be added, with the exception of the requirement for biodiversity enhancements which would be addressed and conditioned if required at reserved matters stage. This matter would be assessed in full at reserved matters stage and conditions added accordingly.

PAGHAM HARBOUR:

Policy ENV DM2 requires residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area.

The site is in Zone B of Pagham Harbour and it is necessary to apply this requirement for a financial contribution. The net increase in 6 new units results in a requirement for a contribution of £5,226. This has been secured by a s106 agreement (16th January 2020). The proposals complies with Local Plan policy ENV DM2 and protects the area of Pagham Harbour SPA and Ramsar. Natural England confirm that, subject to the appropriate financial contribution being secured, they are satisfied the proposal will mitigate against the potential recreational impacts of the development on the protected sites.

COMMUNITY INFRASTRUCTURE CONTRIBUTIONS:

Policy INF SP1 of the Local Plan states: 'The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development (including the necessary infrastructure set out in the Infrastructure Delivery Plan) to meet the needs of occupiers and users of the development and the existing community'.

The CIL amount would be based on floor areas of the houses which would be detailed/calculated at reserved matters stage. Subject to CIL contributions, the proposals would be acceptable in terms of infrastructure provision and impacts, and would accord with Arun Local Plan policy INF SP1.

SUMMARY:

Given the Council's 5 year Housing Land Supply position the 'presumption in favour of sustainable development' is triggered under paragraph 11(d) of the NPPF. Para 11(d)(ii) of the NPPF makes clear that permission should be granted unless 'any adverse impacts of doing so would significantly and

demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'. The development has been assessed against the Framework taken as a whole and it has been demonstrated there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

A S106 access management contribution the sum of £5,226 has been agreed towards the cost of delivering measures to avoid, or mitigate to an acceptable level, the harm caused to Pagham Harbour.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

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

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

2 The development hereby permitted shall be begun either before the expiration of 5 years from

the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

3 The development hereby approved shall be carried out in accordance with the following approved plans insofar as they relate to the matters being approved by the application:

- Location Plan 2019/26/02
- Block/Site Layout Plan 2019/26/01 Rev A
- Proposed Site Access Arrangements 01
- Proposed Site Access Visibility Splay 02
- Proposed Site Access TR02
- Proposed Site Access TR03
- Proposed Site Access TR04

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

4 Prior to commencement of development, the preservation of the soil on site (to include bringing top and sub soil back onto the site post-decontamination and incorporating the soil into the soft planting and tree/hedge planting) must be undertaken in accordance with the mitigation measures set out in the following document:

- Site Investigation-Land adjacent to Sefter School House (undertaken by Constructive Evaluation, dated 03/02/2020)

Reason: To ensure that soils of high grade agricultural land are preserved as a resource, in accordance with policy SO DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that soils are preserved prior to construction works commencing.

5 No construction 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 working activities on Sunday or Bank Holidays.

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

6 The use of the access shall not commence until visibility splays of 2.4 x 94m and 2.4 x 120m have been provided at the proposed site vehicular access onto Sefter Road in accordance with plans and details submitted to the Local Planning Authority. The splays shall be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of highways safety, in accordance with the NPPF and policies T SP1 and T DM1 of the Arun Local Plan.

7 The use of the proposed access shall not commence until the Existing Access has been closed off in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highways safety, to accord with the NPPF and policies T SP1 and T DM1 of the Arun Local Plan.

- 8 The use of the car parking space(s) shall not commence until the vehicular access has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highways safety, to accord with the NPPF and policies T SP1 and T DM1 of the Arun Local Plan.

- 9 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 construction works.

- 10 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 SP1, 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.

- 11 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 SP1, 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.

- 12 Development shall not commence until full details of the proposed foul water disposal, in the

form of a Foul Drainage Assessment (FDA), are submitted to and approved in writing by the Local Planning Authority. The FDA is to include the applicant's justification for non-connection to the mains public sewer, and details of the proposed sewer package treatment plan, and the means of discharge.

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. It is considered necessary for this to be a pre-commencement condition to ensure that the foul water disposal scheme are agreed before construction commences.

13 Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

2. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Note: Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents and future occupants of the dwelling in accordance with Policy QE DM4 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that any contaminated land is appropriately remediated prior to construction works commencing.

14 Prior to commencement of development, the applicants will need to employ the services of an Arboricultural Consultant to carry out a tree survey exercise and then prepare an Arboricultural

Impact Assessment (AIA) which must be inclusive of; a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule' and a 'Tree Constraints Plan'. An Arboricultural Method Statement (AMS) must also be prepared, inclusive of a Tree Protection Plan, defining which trees are to be retained and which trees are to be removed and how they would propose to protect the retained trees and if necessary mitigate any adverse impact on the root systems of these trees - thus complying with the recommendations of BS5837:2012. These Reports must be submitted to and approved in writing by the Local Planning Authority, prior to commencement of development.

Reason: To ensure adequate protection of trees and hedgerows on or near the site, in the interests of amenity and local wildlife, and in accordance with policy ENV 4 of the Arun Local Plan. It is necessary for this to be a pre-commencement condition to ensure that trees and hedgerows are protected as necessary prior to construction works commencing.

- 15 Prior to commencement of development, a buffer strip (of 5m) with protective fencing around the existing watercourse/ditch bank must be installed and maintained in situ for the duration of the construction works. If any works need to take place in this area a full Mitigation Strategy to protect water voles will be required to be submitted to approved in writing by the Local Planning Authority before such works commence.

Reason: To protect local wildlife and protected species, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to ensure adequate protection of wildlife and protected species is in place prior to commencing any construction works.

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

Reason: To protect local wildlife and protected species, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 17 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.

- 18 INFORMATIVE: Section 278 Agreement of the 1980 Highways Act - Works within the Highway The Local Highways Authority (LHA) advises the applicant to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant should note that it is an offence to undertake any works within the highway prior to the agreement being in place.

- 19 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The 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.

20 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.

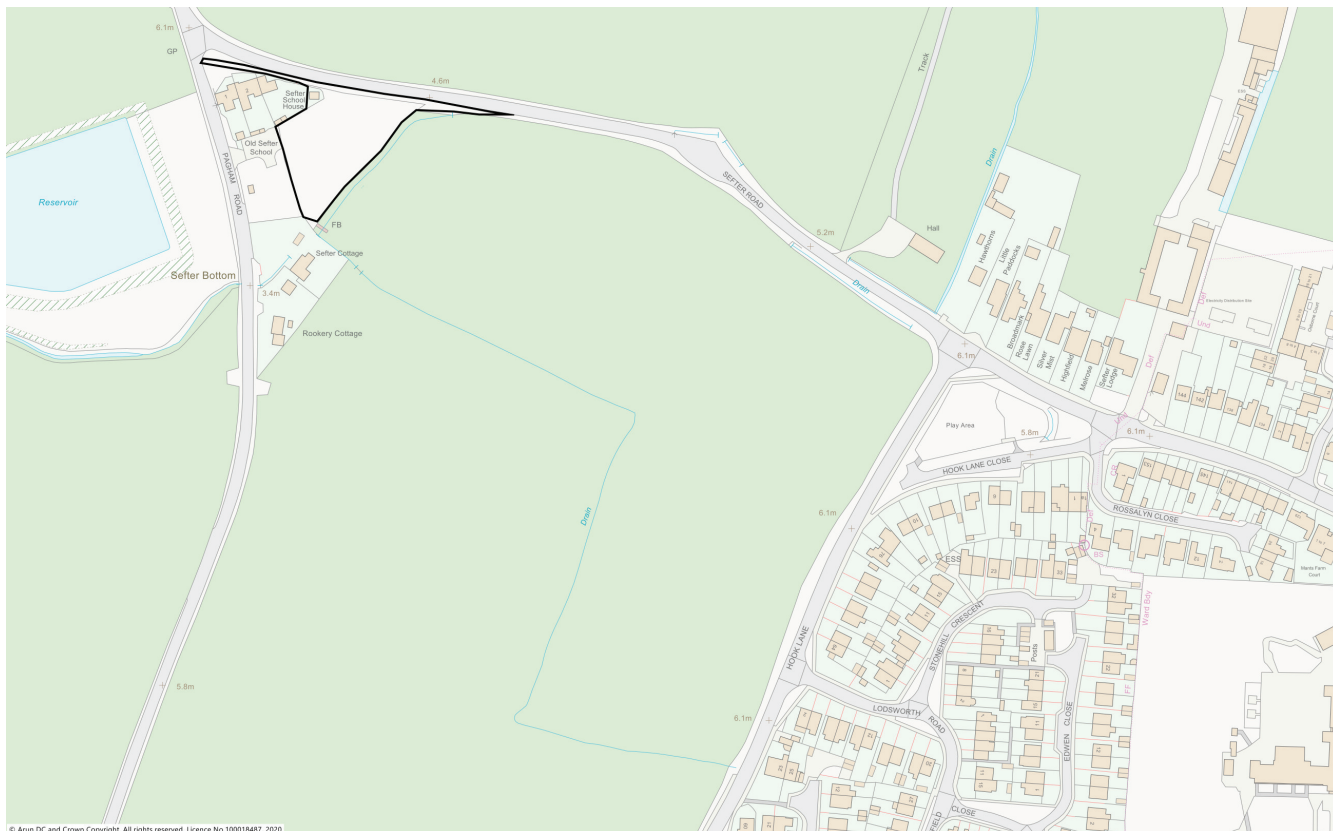
21 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement (dated 16th January 2020) relating to a financial contribution of £5,226 towards the Pagham Harbour Access Management Mitigation Measures.

22 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

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)

P/116/19/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

This page is intentionally left blank

PLANNING APPLICATION REPORT

REF NO: R/91/20/PL

LOCATION: 6 Manor Road
Rustington
BN16 3QT

PROPOSAL: Demolition of existing garage & store on existing dwelling & erection of 1 No detached bungalow to rear.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application proposes the erection of 1 x 3 no. bedroom bungalow, to be positioned to the rear of No. 6 Manor Road, following the demolition of an existing garage & store to the existing dwelling, It would have a ridge height of 5.2m, width of 13m and length of 14m.

Materials proposed are white timber effect cladding to the gable feature, with stock bricks to the elevations. The roof would comprise grey slates tiles.

The existing westerly crossover would be modified and slightly repositioned. The proposed access would be provided along the western boundary, leading to a turning/ parking area for the proposed dwelling. Acoustic fencing to the boundaries of the new plot adjoining the driveway and parking area in addition to new planting/buffers are to be provided. There would be ample space for at least 2 cars to park in front of the new bungalow.

An area of private residential garden is proposed to the rear of the site measuring 194 sqm. The host dwelling would be retained with a rear garden of 165sqm.

SITE AREA 0.13 hectares

RESIDENTIAL DEVELOPMENT DENSITY 15 dwellings per hectare

TOPOGRAPHY Predominantly flat.

TREES None of any significance affected by the proposed development.

BOUNDARY TREATMENT Fencing to approx. 1.8m height. Hedging to rear to approx. 5m.

SITE CHARACTERISTICS The application site comprises private amenity space associated with an existing single storey bungalow and would involve the removal of the existing garden shed in the corner of the rear garden and the demolition of an attached garage to

create a vehicular access to the side of the host property.

CHARACTER OF LOCALITY

The character of the locality is predominantly residential and is characterised by detached and semi-detached single storey bungalows and two storey houses. At the entrance to Grafton Close the bungalows have limited curtilages.

RELEVANT SITE HISTORY

R/268/19/PL	Demolition of existing garage & store on existing dwelling & erection of 1 no. four-bed chalet style dwelling (re-submission of planning ref: R/72/19/PL).	Refused 12-03-20
-------------	--	---------------------

R/72/19/PL	Demolition of existing garage & store on existing dwelling & construction of 2 new dwellings in rear garden.	Refused 06-09-19 Appeal: Dismissed 17-04-20
------------	--	--

R/268/19/PL related to a detached 4 bedroom chalet style bungalow. The proposed dwelling was designed as a chalet bungalow with first floor residential accommodation contained within the roof space. The application included a double garage measuring 8.2m by 6.2m with a pitched roof with a ridge height of 4.22m and access to the side of the existing dwelling.

The application was refused at development control committee for the following reason:
"The proposal will not result in a form of development that will enhance the quality of the environment contrary to policy QE SP1 of the Arun Local Plan."

This decision is now the subject of a current Planning Appeal which is under consideration by the Planning Inspectorate.

This application seeks to address this reason for refusal by reducing the scale and height of the dwelling by providing a more traditional style bungalow with no first floor accommodation. The detached garage has been deleted.

REPRESENTATIONS

Rustington Parish Council - Objection

- The proposal would have an adverse effect on the visual amenities and quiet enjoyment of the neighbouring properties.
- Would set a precedent.

15 Objections(including 9 standard letters)

- Overdevelopment of the site which could set a precedent.
- Adversely affects residential amenity.
- Another similar application has been refused on appeal.
- The proposed development does not take into account the already limited on-street parking in Manor Rd and could compromise the access of emergency vehicles.
- If this proposal to build at single storey level is approved at a later date permission might be granted to extend upwards resulting in a serious loss of privacy to neighbours.

COMMENTS ON REPRESENTATIONS RECEIVED:

The proposed dwelling is a sufficient distance from neighbouring properties to have no adverse impact on residential amenity and there would be no adverse impact on character or visual amenity. The addition of windows in the roof which could adversely impact on neighbouring residential amenity are proposed to be controlled by condition.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection. Due to the scale, location and type of application no conditions are requested. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations.

Ecology Officer - No Objection. Enhancements requested.

County Highways - Awaited.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary

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
TSP1	T SP1 Transport and Development
QESP1	QE SP1 Quality of the Environment

[Rustington Neighbourhood Plan 2014 Policy 2](#) Housing Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

RDS	Rustington Design statement by Rustington Parish Council
-----	--

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 Rustington Neighbourhood Plan has been made and Policy 2 'Housing Design' is considered to be relevant to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would not result in development which is out of character with the established pattern and character of the area and would provide adequate standard of residential amenity for future occupiers of the site and neighbouring properties.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

The development plan in the determination of this application consists of the Arun Local Plan and the Rustington Neighbourhood Development Plan.

Policy D DM1 of the Arun Local Plan 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 DSP1 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.

Policy 2 of the Rustington Neighbourhood Development Plan states that development proposals will be supported providing that their scale, density, massing, height, landscape design, layout and materials reflect and enhance the established character of the area.

The recent Inspector's decision in relation to application R/72/19/PL for 2 dwellings to the rear of 6 Manor Close refers to the provision of adequate rear amenity space to serve 2 dwellings and that the design reflected the mixed design and form of the wider area.

DESIGN AND VISUAL AMENITY

The plot is considered to be of a reasonable size being readily comparable with other properties along Manor Road. Adjacent properties in Grafton Close and Campbell Road, to the rear, are considerably smaller in size with some properties having only approximately 38.25 sqm for rear garden space (5 Grafton Close). The proposed dwelling is situated off an access driveway, which is located to the side of the existing residential development, and as such would not have a significant presence within the street scene of Manor Road.

The type of dwelling reflects the height and footprint of adjacent properties which comprise bungalows in Grafton Close and 2 storey dwellings to the rear. The siting, design and materials are considered to have an acceptable impact upon the established character and pattern of development within the locality of the site in compliance with polices D SP1 and D DM1 (1) of the Arun Local Plan and Policy 2 of Rustington Neighbourhood Plan.

The dwelling would be located in line with 2, 3 and 4 Grafton Close with materials on the elevations which comprise white timber effect cladding and a grey slate roof white render on both the garage and house and as such would reflect those on number 9 Manor Road. The proposed materials for the roof are grey colour which would be acceptable in a residential area such as this.

The reduced scale and height of the proposed bungalow (previously chalet style), and the more traditional appearance, combine to ensure that this development will be discrete and sensitive to the local environment. It will be barely perceived from any public viewpoint, with existing development and boundary treatments ensuring that there will be no impact on the streetscene.

This application proposal would appear wholly in keeping with neighbouring development and would not detract from the established character and appearance of the surrounding area. The proposal will result in a form of development which will contribute positively to the quality of the environment in compliance with policy QE SP1 of the Arun Local Plan.

The proposed dwelling will have a rear garden depth of 9m which is below the standard 10m referred to in the emerging Arun Design Guide, but is reflective of other garden depths in the locality and is therefore considered acceptable. The area of the garden measures approximately 194 sqm. Garden areas are also identified to the front and sides of the proposed dwelling. 164 sqm is retained as rear garden for the existing property which would be adequate to serve the bungalow. Paragraph 8 of the Inspector's decision for R/72/19/PL for 2 dwellings to the rear states "the dwellings would provide adequate amenity space to the rear for future occupants."

The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 40 of the National Design Guide states 'Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones.' Paragraph 41 advises that well-designed development proposals are shaped by an understanding of the context that identifies opportunities for design as well as constraints upon it. This is proportionate to the nature, size and sensitivity of the site and proposal. The proposed design, layout, plot size and form of the proposal would reflect the design and plot size of other dwellings in the area. The adjacent Close is dominated by single storey built form but other properties in Manor Road are 2 storey. This chalet style development reflects this grain of development. The proposal meets the above criteria.

RESIDENTIAL AMENITY

The proposed single dwelling is located to the rear of the site, behind the host dwelling and away from neighbouring boundaries. The separation distance between the proposed property and the side boundaries would be 3.4m to the west and 3.5m to the east. A 9m rear garden depth is provided. The separation distance to the rear elevation of No.6 to the front of the site is 22m. All first floor accommodation is now omitted.

As per the previous application, this proposal involves the creation of a new driveway along the western boundary. The provision of the driveway was not specifically referred to in the reason for refusal and as

such was considered acceptable when the previous application for an additional dwelling was considered.

The use of the access to serve the new dwelling, which would be adjacent to the boundary with Manor Road, would result in noise and disturbance from vehicle movements associated with the development which would have an effect on the residential amenities of the occupiers of the adjacent dwelling. This access is 4.4m wide and the applicant is proposing to provide acoustic fencing on the boundary. The amount of traffic and activity proposed would reflect that associated with a single dwelling. Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering new development including: (3) Impact - which seeks to prevent unacceptable noise and disturbance." and policy QE SP1 requires all development to contribute positively to the quality of the environment and ensure it does not have a significantly negative impact upon residential amenity.

The properties which would be impacted most by intensification and extension of the access driveway are 4 Manor Road to the west and the host dwelling. It is accepted that there is already access down part of the side of no 6 to the garage and that no 6 also has a driveway and garage on the side. The proposal will extend the driveway past the two existing houses and result in new vehicle movements to and from the new house including by delivery vehicles. The driveway is proposed to be 4.4m wide where it passes between no 6 and the fence to no 4.

This would allow 1m space to the host dwelling and 0.7m to the other side boundary with 4 Manor Road for new acoustic fencing to be erected and verge planting on both sides of the driveway which would reduce any disturbance by way of noise to an acceptable level. This will be secured by way of proposed condition 6.

A recent appeal decision in Bersted BE/102/18/PL for a single dwelling to the rear of the host property with access to the rear similarly located to that proposed was dismissed on 20-09-2019 on the basis that in the absence of precise details to control noise and disturbance impacts alongside the new dwelling access drive, it had not been satisfactorily demonstrated that material harm would not be caused to the living conditions of the occupiers of adjoining properties and the proposal would not accord with policies D DM1 and QE SP1.

The access width in the appeal case was 2.7m. In addition, the side elevations of both the host dwelling and the neighbouring dwelling included windows. That would not be the case with the proposals for No.6 where the garage would be removed the doorway to the kitchen would be bricked up, and the kitchen and lounge would be served by front and rear facing existing windows respectively. The Bersted case provided a driveway width of just 2.74m between the side boundaries (in this case it is 4.4m). The Inspector noted that this would allow "around 0.5m space for landscape planting. I am not satisfied that there is room to provide planting and/or acoustic fencing would adequately mitigate the harmful impact of engine noise and car lights on that property".

Whilst there is only 4.37m between the side elevation of the new dwelling and 2 Grafton Close the proposal is not considered to have any materially adverse overshadowing or overbearing effects as the property has a pitch that runs approximately in line with the proposal and at a height of 5.2m (0.8m lower than the previous application). The proposed bungalow is to have a ridge height which is comparable with that of the existing dwelling at 2 Grafton Close thus not resulting in any materially adverse overbearing impacts.

The Council is applying the Technical housing standards - nationally described space standard. The proposals would provide a bungalow with a gross internal floor area of 132.47sqm. The standard for a 3-bed/6 person single storey dwelling is 95 sqm. The proposed development would therefore be fully compliant with Policy D DM1(1) of the Arun Local Plan and guidance set out within the Government's

'Technical Housing Standards'.

This proposal does not include the addition of a detached garage to the front of the new dwellinghouse. This has been omitted to provide more space around the development and separate cycle storage is now provided on the western side boundary. The proposal allows provision for private amenity space, the garden depth for the existing dwelling is 10m and for the proposed is 9m. This is below the 10.5m distance referred to in Arun Design Guide, but given the overall garden size is considered acceptable. The garden area of the proposed dwelling has increased from 133 sqm (R/268/19/PL) to 194 sq m and the host dwelling garden size remains unaltered at 165 square metres.

Due to the scale, location and design of the dwelling it is not considered to cause any unacceptable levels of over shadowing, overbearing or overlooking and as such it complies with the relevant policies in D DM1 and DSP1 of the Arun Local Plan.

HIGHWAY AND PARKING CONSIDERATIONS

The addition of a single 3 bedroom dwelling would not result in a significant increase in the amount of traffic created in the area and would not have a 'severe' impact upon the operation of the highway network. The proposal incorporates cycle parking and two parking spaces. The proposal would generate a parking demand of 2 spaces and such provision meets the recently adopted Arun parking standards for a 3 bedroom dwelling in this location. One cycle parking space would also be required which would take place within the area indicated on the site plan. It is suggested that a condition requiring provision of a car charging point is imposed in accordance with the requirements of policy T SP1 of Arun Local Plan.

The plans are no different (in terms of the access and parking arrangements for the existing property) to that considered and accepted by the Highway Authority with the previous application. The parking for the existing house is shown on the proposed site plans (1:200 scale) for both schemes, and this is within the red line as confirmed by the submitted Location (1:1250) and Block Plans (1:500). The access to the new bungalow is being slightly repositioned from the existing (again this was shown on the previous application), and this is as annotated on the site plan (1:200), so as to provide the visibility splay required by the Highways Authority. This did not form a reason for refusal with regard to the previous refusal on the site R/268/18/PL.

IMPACT ON WILDLIFE

The site does not fall within or is adjacent to any designated sites of biodiversity or geological importance. The application includes a Preliminary Ecology Report which identified that no Protected Species were present on the site and notes that the garden area has been cleared of most vegetation.

Policy ENV DM5 (Development and biodiversity) requires developments to seek to achieve a net gain in biodiversity and incorporate a range of ecological enhancements. The following recommendations within the report aim to enhance the biodiversity on site post development to provide a net gain in biodiversity in line with this policy:

- New roosting opportunities created by integrating bat boxes/ tubes in the new dwelling;
- New tree, shrub and herb planting including native species of value to wildlife;
- Green walls created using trellis on new and existing fences and on the side of new buildings;
- Where possible, fencing adapted to be made hedgehog-friendly on site by creating a hole at the base.

To ensure biodiversity gain in accordance with policy ENV DM5 the suggested mitigation is suggested to be controlled by way of imposition of a condition.

SUMMARY

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

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 application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

The site lies in CIL Zone 4. The 1 new dwelling is CIL Liable providing 57.94 sqm net gross internal floor space.

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 DS/6MANORNEW/06
- Block DS/6MANORNEW/07
- Proposed Street Scene
- Existing Elevations

- Existing Floor Plans
- DS/MANOR6NEW/03 Proposed Elevations and Floor Plan
- Proposed Site Plan

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

- 3 The use of the car parking spaces shall not commence until such time as the vehicular access has been constructed in accordance with the approved site plan and no part of the development shall be first occupied until the car parking and vehicle turning areas have been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space In the interests of road safety for the use in compliance with policy T SP1 of Arun Local Plan.

- 4 No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Manor Road in accordance with the approved plans. These visibility splays shall thereafter be 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 compliance with policy T SP1 of Arun Local Plan.

- 5 No windows shall be constructed within the south elevation of the roof at first floor level without the prior permission of the Local Planning Authority.

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

- 6 No development above damp proof course (DPC) level shall take place until details of acoustic fencing to the side boundaries of the access have been submitted to and approved by the Local Planning Authority and the new dwelling shall not be occupied until the approved acoustic fencing has been erected. The fencing shall be retained in perpetuity.

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

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

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

- 8 No part of the development shall be occupied until the ecological enhancements identified in the Preliminary Ecology Report together with additional enhancements have been provided on site in accordance with details to be submitted to and approved by the Local Planning Authority. The additional enhancements comprise:

- Filling any gaps in tree lines or hedgerows with native species.
- Log piles onsite.
- Two hedgehog nesting boxes included on the site
- Gaps are included at the bottom of the fences to allow movement of small mammals across the site.

Reason: In the interests of biodiversity in accordance with Policy ENV DM5 of Arun Local Plan.

- 9 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), T SP1 and ECCSP2 of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 11 INFORMATIVE: The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:
<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

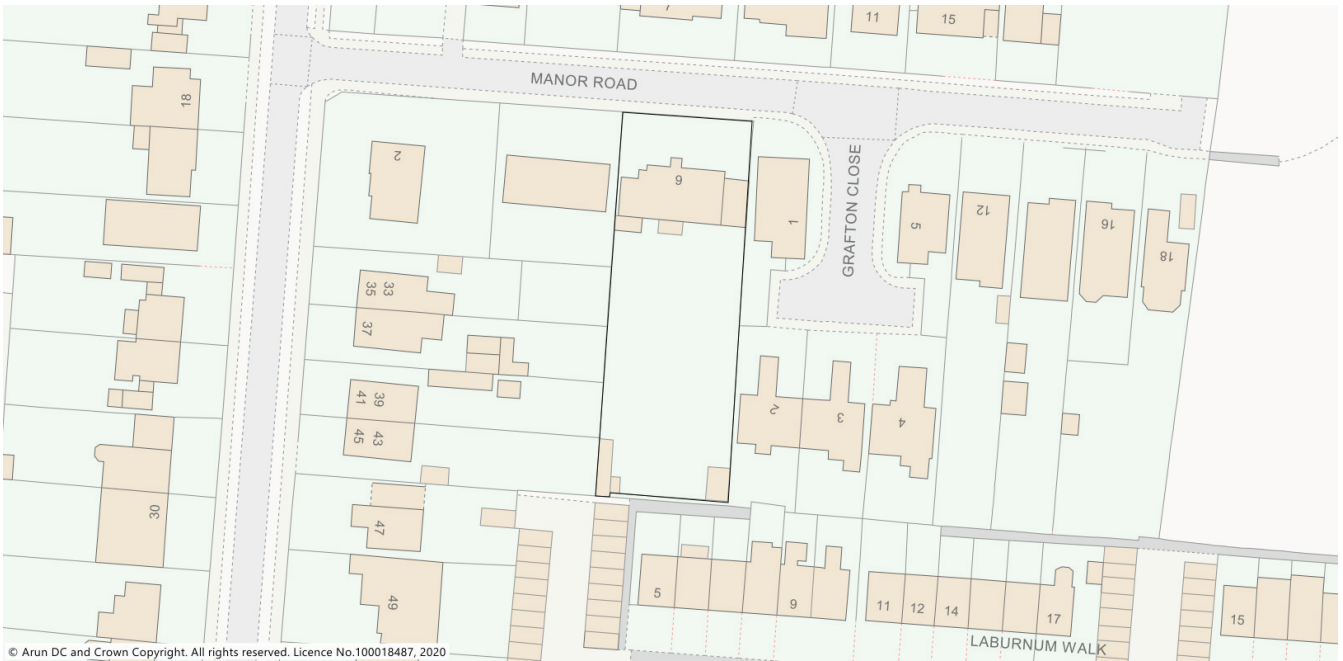
<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/>

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

- 13 INFORMATIVE: The dwelling is a minimum of 50 metres away from Manor Road. Vehicular access for fire appliances should be available within 45m of the furthest point of each dwelling. The applicant is advised that they may need to demonstrate that a fire appliance can access, operate and turn on site in an emergency in order to meet building regulations; mitigation measures such as sprinklers may need to be installed should this not be achievable.

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](#).

R/91/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

PLANNING APPLICATION REPORT

REF NO: R/92/20/PL

LOCATION: 6 Manor Road
Rustington
BN16 3QT

PROPOSAL: Demolition of existing garage & store on existing dwelling & erection of 2 No detached bungalows to rear.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks permission for the erection of 2 x 2 bedroom, detached bungalows on land to the rear of 6 Manor Road, following demolition of a garage and store. They have a floor area of 11.4m by 7.6m and a ridge height of 5.1m.

Materials are brick plinth with render finish above to the elevations. The roofs comprise grey slates tiles.

The existing westerly crossover would be modified and slightly repositioned. The access would be provided along the western boundary, leading to a turning/ parking area for the proposed dwelling. Acoustic fencing to the boundaries of the new plot adjoining the driveway and parking area in addition to new planting/buffers are to be provided. There would be space for at least 2 cars to park in front of each new bungalow.

An area of private residential garden is proposed to the rear of the dwellings measuring 82 sqm. The host dwelling would be retained with a rear garden of 165sqm.

SITE AREA 1323 sq m

RESIDENTIAL DEVELOPMENT DENSITY (NET) 76 dwellings per hectare

TOPOGRAPHY Predominantly flat.

TREES None of any significance affected by the development.

BOUNDARY TREATMENT Fencing to approx. 1.8m height. Hedging to rear to approx. 5m.

SITE CHARACTERISTICS The site consists of private amenity space associated with a residential property and would involve the removal of the garden shed in the corner of the rear garden and the demolition of a garage to the side of the dwelling to create a vehicular access to the side of the host property.

CHARACTER OF LOCALITY The character of the locality is predominantly residential and is characterised by mainly detached and semi-detached bungalows. At the entrance to Grafton Close the bungalows

have limited curtilages.

RELEVANT SITE HISTORY

R/91/20/PL	Demolition of existing garage & store on existing dwelling & erection of 1 No detached bungalow to rear.	
R/268/19/PL	Demolition of existing garage & store on existing dwelling & erection of 1 no. four-bed chalet style dwelling (re-submission of planning ref: R/72/19/PL).	Refused 12-03-20
R/72/19/PL	Demolition of existing garage & store on existing dwelling & construction of 2 new dwellings in rear garden.	Refused 06-09-19 Appeal: Dismissed 17-04-20

REPRESENTATIONS

Rustington Parish Council - Objection

- Adverse effect on the visual amenities and quiet enjoyment of neighbouring properties.
- Over-development of the site.
- Conflict with Policy 2 of Rustington Neighbourhood Plan.
- Would compromise highway safety.
- Would set a precedent.

17 Objections (Including 9 standard)

- 2 dwellings have been refused at appeal. This proposal doesn't address the issues identified.
- Conflict with Arun Local Plan in respect of sustainability, privacy & enjoyment of existing residents.
- Detrimental impact on the immediate area & existing residents.
- Does not take into account that Manor Road, a busy narrow road, already has limited on-street parking for residents and additional traffic crossing the pavement is a hazard for any pedestrian.
- Unacceptable precedent.
- Conflict with the Rustington Neighbourhood Plan Policy 2 Housing Design.
- Would set a precedent.
- Emergency access to care home would be obstructed.
- Concerned about the noise and possible pollution from demolition of garage and during building with deliveries of materials.
- Acoustic fencing should be installed prior to commencement of development not occupation.
- Adverse impact of vibrations from building work on adjoining houses.
- Extensions in the roof area should be restricted by condition.

COMMENTS ON REPRESENTATIONS RECEIVED:

The proposal would not adversely compromise highway and parking provision is up to standard. Noise and disturbance, access for emergency vehicles, issues of vibration could either be adequately addressed by suitably worded conditions or could be more appropriately dealt with by other legislation.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Greenspace Officer - Awaited.

County Highways - Awaited.

Drainage Engineer - No Objection. Conditions suggested.

Ecology Officer - Awaited.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

Within the built up area boundary

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
TSP1	T SP1 Transport and Development
SDSP2	SD SP2 Built-up Area Boundary

[Rustington Neighbourhood Plan 2014 Policy 2](#) Housing Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

RDS	Rustington Design statement by Rustington Parish Council
-----	--

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 Neighbourhood Development Plan

The Rustington Neighbourhood Plan has been made and policy 2 'Housing Design' is considered to be relevant to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with relevant Development Plan policies in that it would result in dwellings which would adversely affect the character and spatial pattern of development in the locality.

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 development plan in the determination of this application consists of the Arun Local Plan and the Rustington Neighbourhood Development Plan.

Policy D DM1 of the Arun Local Plan 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 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. Development proposals should have been derived from a thorough site analysis and context appraisal.

Policy QE SP1 of the Arun Local Plan sets out that all development should contribute positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents to the District.

Policy 2 of the Rustington Neighbourhood Development Plan states that development proposals will be supported providing that their scale, density, massing, height, landscape design, layout and materials reflect and enhance the established character of the area.

The recent Inspector's decision (R/72/19/PL) for 2 dwellings raised the following issues;

- Dwellings extremely close to each other
- Poor living environment for future occupants because of obscure glazed bedroom windows
- If first floor windows were not obscure glazed, inadequate amenity of rear gardens would result
- Design acceptable
- Adequate amenity space
- Area suitable for residential development in principle

Following refusal of the previous scheme the dwellings have been reduced in height, first floor

accommodation deleted, a more traditional design incorporated and the layout amended to provide more space around the dwellings.

DESIGN AND VISUAL AMENITY

The bungalows would be located to the rear of the site. When compared with the previous scheme for 2 houses, the application proposes increased separation distances to side boundaries, and slightly between the two new bungalows. The result is a slightly better relationship with neighbouring properties but not a significant increase in the perception of space. Given the size, shape and position of the application site the proposals still do not reflect the spatial layout and established character of the locality as required by policies D SP1 and D DM1 of the Local Plan. For the reasons set out below the changes made are not considered to overcome the harm identified by the appeal Inspector.

The distance to the rear boundary from the dwellings has been reduced by this proposal. The dwellings are situated off the access road, behind existing residential development. This form of development was noted by the Inspector, but was not a reason for the appeal being dismissed. However, the structures by virtue of the layout and site coverage would introduce residential development in a form which is out of character.

The appeal Inspector for R/19/PL commented:

"The dwellings would be sited extremely close to each other and the boundaries of the site, essentially filling the entire width with built form."

The proposal has not been sufficiently amended to address this concern. The dwellings still have limited space around and between them and most of the width of the site is occupied by built form as it was in the previous scheme. All the accommodation is provided at ground floor which has meant that the footprint of the dwellings is little altered. It is considered that given the shape and size of the plot the proposed development is cramped and does not integrate successfully in terms of layout with existing residential development. It lacks adequate recognition of site context and reflection of the character of surrounding development in conflict with policies D DM(1) and D SP1 of Arun Local Plan.

The dwellings each have 2 parking spaces and a rear garden depth of 7.8m. Rear garden areas measure approximately 82 sqm. A small garden area is identified to the front of the dwellings. 165sqm is retained as rear garden for the existing property which would be adequate to serve the bungalow.

Although plot sizes are relatively small, by virtue of the plot size of adjacent properties in Grafton Close and Campbell Road, to the rear, the sizes would be readily comparable with those adjoining the site to the east and south. Although 1 Grafton Close has a very limited rear garden area and the rear garden areas for the plots exceed this size the appeal Inspector noted: "The dwellings would provide a larger area for residential amenity than the existing dwellings within Grafton Close. However, those properties have direct street frontage which increases the level of space around them generally, this is in contrast to the proposal before me which I have considered on its own merits."

The type of dwelling is compatible with those adjoining the site which comprise bungalows in Grafton Close and 2 storey dwellings to the rear and the design and materials are considered to have an acceptable impact upon the established character within the locality of the site in compliance with policies D SP1 and D DM1 (1) of the Arun Local Plan and policy 2 of Rustington Neighbourhood Plan.

RESIDENTIAL AMENITY

The development is to the rear of 6 Manor Road as well as to the side of 2 Grafton Close. The dwellings have a relatively low ridge height of 5.1m and the height of the dwellings combined with the distance to site boundaries is not considered to result in any materially adverse overbearing impacts to neighbouring properties. There are no first floor windows proposed in the dwellings.

The dwellings are set back further on the site than the previous proposal, but retain an adequate space to site boundaries which is no longer considered to adversely affect future occupiers. The proposal makes limited, but reasonable provision for private amenity space. The rear garden depths are less than 10.5m metres, and have been reduced from the earlier refused scheme from 8m to 7.8m, but given the similar overall size of the rear garden areas of 82sqm which is very similar to the 83sqm previously proposed they are acceptable. The appeal Inspector had no issue with the overall size of the rear gardens. It was noted that the space around the dwellings differed from adjoining neighbouring gardens in that there was limited side and front garden area available to serve the dwellings and this has increased in this proposal. The distance to the boundaries has altered from 0.9m to 1.4m and the frontage of the dwellings now includes a small front amenity garden area rather than an a hard surfaced area used solely for parking and turning. The proposal therefore accords with policy QE SP1 in that it would not have a negative impact on the residential amenity of future occupiers

The Council is applying the Technical housing standards - nationally described space standard. The proposals provide 2 no. bungalows, each with a gross internal floor area of 74.08sqm. The standard for a 2-bed/4 person single storey dwelling is 70sqm. The development would be fully compliant with Policy D DM2 of the Arun Local Plan and guidance in the Government's 'Technical Housing Standards.

The use of the access to serve the dwellings, which would be adjacent to the boundary with Manor Road, results in noise and disturbance from vehicle movements associated with the development which have an effect on residential amenities of the occupiers of the adjacent dwelling. This access is 4.4m wide and the applicant is proposing to provide acoustic fencing on the boundary. The amount of traffic and activity proposed would reflect that associated with 2 dwellings. Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering new development including: (3) Impact - which seeks to prevent unacceptable noise and disturbance." and policy QE SP1 requires all development to contribute positively to the quality of the environment and ensure it does not have a significantly negative impact upon residential amenity.

The properties which would be impacted most by intensification and extension of the access driveway are 4 Manor Road to the west and the host dwelling. It is accepted there is already access down part of the side of no 6 to the garage and that no 6 has a driveway and garage on the side. The proposal will extend the driveway past the two existing houses and result in new vehicle movements to and from the new houses including by delivery vehicles. The driveway is proposed to be 4.4m wide where it passes between no 6 and the fence to no 4.

This would allow 1m space to the host dwelling and 0.7m to the other side boundary with 4 Manor Road for new acoustic fencing to be erected and verge planting on both sides of the driveway which would reduce disturbance by way of noise to an acceptable level. This could be secured by condition.

A recent appeal decision (BE/102/18/PL) for a single dwelling to the rear of the host property with access to the rear similarly located to that proposed was dismissed on 20-09-2019 on the basis that in the absence of precise details to control noise and disturbance impacts alongside the new dwelling access drive, it had not been satisfactorily demonstrated that material harm would not be caused to the living conditions of the occupiers of adjoining properties and the proposal would not accord with policies D DM1 and QE SP1.

The access width in the appeal case was 2.7m. In addition, the side elevations of both the host dwelling and the neighbouring dwelling included windows. That would not be the case with this proposals where the garage would be removed the doorway to the kitchen would be bricked up, and the kitchen and lounge would be served by front and rear facing existing windows respectively. The Bersted case provided a driveway width of just 2.74m between the side boundaries (in this case it is 4.4m). The

Inspector noted this would allow "around 0.5m space for landscape planting. I am not satisfied that there is room to provide planting and/or acoustic fencing would adequately mitigate the harmful impact of engine noise and car lights on that property".

Whilst there is only 1.4m between the side elevation of the new dwelling and 2 Grafton Close the proposal is not considered to have any materially adverse overshadowing or overbearing effects as the property has a pitch that runs approximately in line with the proposal and at a height of 5.1m (0.8m lower than the previous application). The proposed bungalow is to have a ridge height which is comparable with that of the existing dwelling at 2 Grafton Close thus not resulting in any materially adverse overbearing impacts.

Further the access did not previously form a reason for refusal and was found acceptable by the appeal Inspector.

PARKING AND TURNING

The westerly crossover would be modified and slightly repositioned. The access would be provided along the western boundary, leading to a turning/ parking area for the proposed dwellings. Acoustic fencing to the boundaries of the new plot adjoining the driveway and parking area in addition to new planting/buffers are to be provided. There would be ample space for at least 2 cars to park in front of each new bungalow (minimum of 4 spaces in total).

The host dwelling would retain its easterly crossover and garage, and hardstanding area to front. This provides ample parking provision for the retained property of No.6.

The addition of 2 bungalows would not result in a significant increase in the amount of traffic created in the area and would not have a 'severe' impact upon the operation of the highway network. The proposal incorporates cycle parking and four parking spaces. The proposal would generate a parking demand of 4 spaces and such provision meets the recently adopted Arun parking standards for 2 x 2 bedroom dwellings in this location. Two cycle parking space would also be required which would take place within the area indicated on the site plan. It is suggested that a condition requiring provision of 2 car charging points could be imposed in accordance with requirements of policy T SP1 of Arun Local Plan.

The plans are no different (in terms of the access and parking arrangements for the existing property) to that considered and accepted by the Highway Authority with the previous application. The parking for the existing house is shown on the proposed site plans (1:200 scale) and this is in the red line as confirmed by Location (1:1250) and Block Plans (1:500). The access to the bungalows is slightly repositioned from the existing (again this was shown on the previous application), and this is as annotated on the site plan (1:200) so as to provide the visibility splay required by the Highways Authority. This did not form a reason for refusal with regard to R/72/19/PL and the Inspector had no issue with the arrangement.

IMPACT ON WILDLIFE

The site does not fall in or is adjacent to any designated sites of biodiversity or geological importance. The application includes a Preliminary Ecology Report which identified that no Protected Species were present on the site and notes that the garden area has been cleared of most vegetation.

Policy ENV DM5 (Development and biodiversity) requires developments to seek to achieve a net gain in biodiversity and incorporate a range of ecological enhancements. The following recommendations within the report aim to enhance the biodiversity on site post development to provide a net gain in biodiversity in line with this policy:

- New roosting opportunities created by integrating bat boxes/ tubes in the new dwelling;
- New tree, shrub and herb planting including native species of value to wildlife;

- Green walls created using trellis on new and existing fences and on the side of new buildings;
- Where possible, fencing adapted to be made hedgehog-friendly on site by creating a hole at the base.

To ensure biodiversity gain in accordance with policy ENV DM5 the suggested mitigation could be controlled by condition.

SUMMARY

It is considered that the dwellings would give rise to unacceptable adverse harm to the residential amenities of future occupiers and would not be sufficiently in keeping with the character and spatial pattern of development in the locality. The proposal is considered to be in conflict with policies D SP1, QE SP1 and D DM1(1) of the Arun Local Plan and the application is recommended for refusal.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application is CIL Liable. Developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply). The site is in CIL zone 4 and 2 new dwellings are CIL liable providing 73.63sq m net gross internal floor area.

RECOMMENDATION

REFUSE

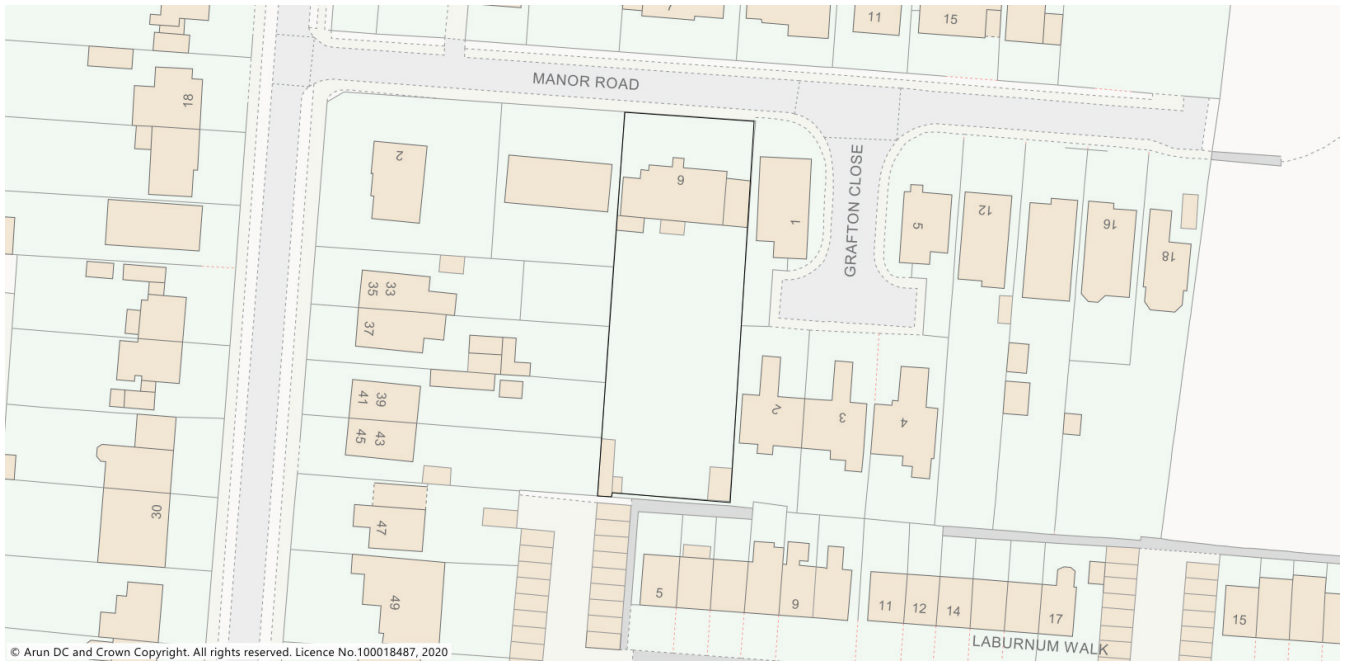
- 1 Given the design of the dwellings and size of the site the proposed dwellings would appear cramped and out of keeping with the spatial layout and character of the locality contrary to policies QE SP1, D DM1 and D SP1 of the Arun Local Plan.
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of 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 with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

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)

R/92/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

PLANNING APPLICATION REPORT

REF NO: Y/42/20/PL

LOCATION: The Crickets
Hoe Lane
Flansham
Yapton

PROPOSAL: Extension & alterations to main dwelling & conversion & extension of existing annexe to 2 No. holiday letting units (resubmission following Y/117/19/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks alterations to the dwelling which include increasing the height, width and depth. The application seeks to alter an annexe to form a detached building forming 2No. holiday lets.

BOUNDARY TREATMENT Dwarf brick wall with piers approximately 1m in height to the front, approximately 1.5-2m high fence supplemented with dense tree planting/vegetation to the north, east and west.

SITE CHARACTERISTICS The site is on the northern of Hoe Lane and contains a two storey detached two bed dwelling set in landscaped curtilage. The original garage has been extended and converted to provide annexe accommodation and car port linked to the host property via a covered porch.

CHARACTER OF LOCALITY The site forms part of a low density residential development in the hamlet of Flansham which consists principally of houses, converted farm buildings and paddocks screened to the highway by hedgerows and mature trees. Although generally street fronted, there is an informality of layout where space between buildings is important. The area has a mature verdant character.

Hoe Lane is a cul-de-sac off a roundabout on the A259 Bognor Regis Relief Road. To the south of the is recent and extensive residential development. The hamlet of Flansham grew up around two historic farmsteads with linear development along Hoe Lane.

RELEVANT SITE HISTORY

Y/117/19/PL Extension & alterations to main dwelling and extension and conversion of existing annexe to three holiday letting units (resubmission following Y/74/19/PL). Refused 18-03-20

Noted. An application was refused in March 2020 for similar works however it proposed 3 holiday lets.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council - Objection

- Overdevelopment.
- The holiday lets is a departure from the existing structure size and proportions.
- Parking does not sufficiently demonstrate the 7 spaces proposed are adequate for the site.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in conclusion.

CONSULTATIONS

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

Arboriculturist

Economic Regeneration

Environmental Health

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Southern Water - Include standard informative relating to connection to the sewerage system.

ADC Engineers (Drainage) - The site falls in the Lidsey Catchment. Apply standard condition.

Environmental Health - No objection but recommend a condition relating to hours of construction work.

WSCC Highways - The applicant is to retain existing access and no alterations are proposed. Arun Parking Standards require 3 parking spaces for a property of this size and 4 spaces and a double garage are proposed. This sufficient for demand. The holiday lets have 1 allocated space each. The guidance does not give advice on space for holiday lets however with 1 space per bedroom. PROW must be maintained. The LHA does not consider the proposal would have an adverse impact on the highway.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Outside built up area boundary

Lidsey Catchment

DEVELOPMENT PLAN POLICIESArun 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
CSP1	C SP1 Countryside
QESP1	QE SP1 Quality of the Environment
TOUDM1	TOU DM1 Tourism related development
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
TSP1	T SP1 Transport and Development
DDM2	D DM2 Internal space standards
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM1	W DM1 Water supply and quality

Yapton neighbourhood plan 2014 Policy BB1

Built-up Area Boundary

Yapton neighbourhood plan 2014 Policy PK1

Parking standards for new residential development

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.

Yapton Parish Council has a made Neighbourhood Plan.

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."

There is conflict with the Yapton Neighbourhood Development Plan (YNDP) in respect of its location within the countryside but the proposal is considered to comply with all other relevant Development Plan policies in that it would not have a materially adverse impact on the residential amenities of nearby properties or on the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in

accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site is outside of built up area. Policy C SP1 states that development in the countryside will only be permitted where it relates to certain criteria including where in accordance with another policy of the Plan. Extensions & alterations are permitted in principle by policy D DM4. In addition, policy TOU DM1 sets out that holiday accommodation in the countryside is appropriate if small scale. It is also considered that although, the change of use of the annex is a form of development, as the accommodation is already in a residential use, the change would not be inappropriate development within the countryside. Therefore, there is no conflict with policy C SP1.

Policy D SP1 relates to design in that development should reflect the characteristics of the site and local layout in relation to various characteristics, respond to locally distinctive patterns of development and respect, improve and enhance the existing surrounding environment.

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 the locality

Policy TOU SP1 seeks that sustainable tourism development will be encouraged where it protects and enhances the natural and built environment of Arun and policy TOU DM1(2) states that tourism related development in the countryside will demonstrate that it is required and is compatible with its countryside location and is sensitively designed to minimise potential impact on the countryside.

Yapton has a made Neighbourhood Plan with Policy BB1 of relevance. The policy states that development outside of the BUAB will not be permitted unless it is in accordance with one of four criteria. The proposal does not comply with these categories. However, it should be noted that section 38 (5) of the Planning and Compulsory Purchase Act 2004 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 YNDP and the Arun Local Plan, should therefore be resolved in favour of the latter.

DESIGN AND VISUAL AMENITY

The proposal seeks extensions and alterations to the dwelling and the addition of holiday lets. The property is a two storey detached dwelling which reduces to single storey forming an annexe and car port. The buildings will alter with the single storey element detaching from the host dwelling and increasing to 1 storey with pitched roof forming 2 holiday lets. The dwelling remain two storey although extend in width and depth.

Alterations to the dwelling include an increased ridge height by around 0.9m and as a result the alteration is not considered a subservient addition. The dwelling will increase in width to the west at 6.2m, part consisting of an attached garage which has been reduced in height from the refused application. The rear will increase in depth by around 3m. Whilst the dwelling increases in scale, it is well integrated and sympathetic in appearance to the property and is not considered overdevelopment for the site.

The single storey annexe and car port to the east side of the dwelling will be replaced with a detached

building forming 2 holiday lets. This is situated around 1m to the east of the host dwelling.

The building will have a barn hip roof with low level eaves. This has been reduced slightly in height and in width by approximately 3.3m from the previous application and the reduction improve its appearance in the street scene reducing its massing and increasing the separation to the boundary. The detached building appears appropriate in scale which is smaller than that of the host dwelling.

The development is set back from the front boundary by around 16m which helps to reduce its dominance upon the area and there is existing vegetation to the south-east which would provide some screening of the dwelling.

The proposal increases the visual impact the property has in the street scene however it is appropriate to the size of the site and for its setting and due to the design and siting of the development, it is not considered to result in adverse impact upon the spatial pattern or character of the area. With regard to the above, the proposal would comply with policies C SP1, D SP1, D DM1, D DM4, TOU SP1 and TOU DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposal increases the footprint and height of the development. However with around 3.4m retained to the east boundary and 1.2m to the west boundary, it is considered sufficient to ensure there no adverse overbearing or overshadowing impacts upon amenity.

Due to its siting the proposal is not considered to have an adverse impact on occupiers of nearby properties by way of overshadowing, overbearing or overlooking due to the separation distances between neighbouring properties and accords with D DM1 and QE SP1 of the Arun Local Plan.

HIGHWAY ISSUES

Arun Local Plan policy T SP1 seeks to ensure 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.

Arun Parking Standards (2020) dictate that a dwelling of this size in this location requires at least three car parking spaces and the proposal complies with this. The proposal provides 4 spaces for the dwelling including a double garage and an additional space for each holiday let. Parking requirements for holiday lets are one parking space per bedroom and this requirement has been demonstrated.

Footpath 147 runs along this part of Hoe Lane. It is likely that the PROW (Public Right of Way) may be affected by an increase in vehicular traffic either before or after development completion. It is noted that public use of the PROW takes precedent over private vehicular traffic and further consent must be sought for any alterations to this.

The proposal in a sustainable location in walking distance of local shops, amenities and bus stops. WSCC Highways consider parking provision sufficient for anticipated demand and do not consider the proposal has unacceptable impact on highway safety. The proposal complies with TSP1 of the Arun Local Plan and PK1 of the Yapton Neighbourhood Plan and there are no transport grounds to resist the proposal.

SURFACE WATER DRAINAGE

The site falls in the Lidsey Wastewater Treatment Catchment Area. ALP policy W DM1 only requires a drainage impact assessment where a non-mains solution is proposed. The applicant has stated in their Foul Drainage Statement that the property and annexe currently drain to the mains drainage system and that there will be no change to this. Neither the Council's drainage engineers nor Southern Water raise

any objections.

CONVERSION TO HOLIDAY LETS

The Arun Local Plan indicates support for new tourism development which is appropriate to its location. The policies place the emphasis on development that respects established spatial and pattern of the place, sensitive and appropriately integrated into its landscape setting, which forms the dominant feature in the countryside, where the proposed development is located. Policy TOU SP1 of the ALP supports tourism which is compatible with its countryside location and is sensitively designed to minimise potential impact on the countryside.

The two holiday units are considered appropriate in relation to its size on the site and appear integrated in its landscape setting due to the design, which appears subordinate to the host dwelling.

The use of 2 holiday lets by reason of their size are not deemed to adversely increase the intensification of the site, which is located in a sustainable location in walking distance to local shops.

Previously refused application (Y/117/19/PL) raised concerns regarding parking dominating the front of the property and its countryside setting. This has been addressed through the addition of a garage to the host dwelling and the reduction of 1 holiday let. There are now 4 spaces located to the east and west sides of the site, which are visually partially restricted via existing planting. This reduces the visual impact on the area and is now considered acceptable.

The use of holiday lets are considered acceptable and accord with relevant policies.

CONCLUSION

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

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply).

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 Site Plan - P104
- South West and North East - P103
- Proposed North West and Roof Plan - P102
- Proposed South East and First Floor Plan- P101
- Proposed Ground Floor Plan - P100
- Location and Block Plan - P105
- Bin Storage Statement

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 part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and D DM1 of the Arun Local Plan.

- 5 No part of the development shall be first occupied until covered and secure cycle parking

spaces have been provided in accordance with 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.

- 6 Notwithstanding the provision of Part C, Class C3 Dwelling House to the Schedule of the Town and Country Planning (Use Classes) Order 1987, (or any order revoking or re-enacting that order), the detached building shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order, without the prior permission of the Local Planning Authority. The property 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 outside the settlement boundary where the provision of dwellings is only acceptable if justified on agricultural grounds or are required for a purpose for which a countryside location is necessary and in accordance with policies TOU SP1, TOU DM1 and DDM1 of the Arun Local Plan.

- 7 No construction 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 working activities on Sunday or Bank or Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adoption Arun Local Plan 2011 - 2031

- 8 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737555.

- 9 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.

- 10 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.

Y/42/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

PLANNING APPLICATION REPORT

REF NO: Y/105/19/PL

LOCATION: Stakers Farm
North End Road
Yapton
BN18 0DU

PROPOSAL: Conversion of & alterations to existing barns to create 3 no. dwellings, erection of car barns & stores, a replacement pump house, demolition of barn & associated landscaping & parking - This application may affect the character and appearance of Main Road/Church Road Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Conversion of three barns into dwellings with parking and landscaping. The proposal involves the demolition of a shed, built in the 20th century with no historic merit to accommodate a shared surface driveway with soft landscaping.
SITE AREA	0.56 hectares.
BOUNDARY TREATMENT	Flint wall on the south-western boundary and low flint wall to the north-east bounding the area of Stakers Farmhouse. 3m high red brick wall to The Croft.
SITE CHARACTERISTICS	Series of barns situated that provide storage for Stakers Farmhouse, a Grade II listed Georgian building. These barns are typically constructed in a mix of timber, flint and red brick with later additions such as blockwork walls having been introduced internally as the uses has evolved over time. There is an area of hardstanding to the front (west) and a small enclosed yard to the rear.
CHARACTER OF LOCALITY	Predominantly residential with a mix of dwelling types/size. The site forms part of the Main Road and Church Road Conservation Area and is adjacent to the listed Stakers Farmhouse. A Right of Way runs through the site from North End Road providing access to Langmeads Farm to the north of the site.

RELEVANT SITE HISTORY

Y/106/19/L	Listed building consent for conversion of & alterations to existing barns to create 3 no. dwellings, erection of car barns & stores, a replacement pump house, demolition of barn, associated landscaping & parking.
------------	--

Y/33/17/PL	2No. detached dwellings. This application affects the setting of a Listed Building & the Character & Appearance of the Yapton (Main Road) Conservation Area.	Refused 13-09-17
Y/80/10/	Erection of 2 detached dwellings and double garage and provision of 4 additional street parking spaces.	Refused 09-12-10
Y/29/10/	Erection of 6 dwellings comprising 3 x 3 bed terraced houses, 2 x 3 bed semi-detached dwellings & 1 x 4 bed detached dwelling. Erection of bin/cycle stores, construction of private drive & provision of parking for up to 12 cars. Erection of small section of replacement front boundary wall.	Refused 05-07-10

Appeal: Withdrawn
28-03-11

Y/33/17/PL for 2. detached dwellings to the north of farmhouse was refused due to the introduction of an alien pattern of development which diminishes the significance of the listed building and conservation area.

Y/80/10 for 2 dwellings on greenfield land south-western from the Farmhouse was refused due to inadequate visibility at the access point to serve the development.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

An objection:

- Wish to ensure that a truly sympathetic approach is adopted with any development of these important agricultural buildings in terms of setting.
- Object on grounds of Highways. The parking situation frequently blocks visibility splays to and from the entrance.
- The introduction of a third dwelling causes unnecessary over intensification for a sensitive set of historic farm buildings with a insufficient provision of amenity space for Barn 3.

COMMENTS ON REPRESENTATIONS RECEIVED:

- Amended plans have been required to ensure the historic and architectural features present in the buildings and their curtilage will be retained.
- WSCC Highways do not consider the proposal would have 'severe' impact on the operation of the highway network and state: 'We are aware that parking does occur along North End Road, especially during pick up and drop off time at the nearby school. There are no restrictions in place to deter parking however. Whilst it is not inconceivable that this development could add to on-street parking demands, given the number of parking spaces proposed the likelihood of additional on-street parking as a result of this proposal should be reduced.'

CONSULTATIONS

Engineers (Drainage)
 Engineering Services Manager
 Engineers (Coastal Protection)
 Building Control
 Southern Water Planning
 Conservation Officer
 WSCC Strategic Planning
 Parks and Landscapes
 Environmental Health
 Historic England
 Arboriculturist
 Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

CONSERVATION OFFICER: The repurposing of flint flooring is acceptable and details of how it is to be used will be required by condition. I am concerned regarding the proposals for the walling and the timber ceiling/first floor which are important features of the space, especially in the ground floor area - they should be retained. It could be that some of the walls remain as exposed brick, whilst others are covered with appropriate plaster. Details would need to be provided. As the agent states, the existing timber first floor could be retained as a feature on the ground floor space with new insulation and floor finishes dressed on top in the first-floor area. Further details can be secured via condition. The success of the scheme depends on the quality of the materials used, and landscaping etc as well as minor design details such as the position of windows/doors in their openings. Materials and details can be conditioned.

ENGINEERS: No objection subject to conditions and informative.

ENVIRONMENTAL HEALTH: No objection subject to condition and informative.

Ecology Comments: With regards to bats, the applicants should be aware a Natural England Protected Species License will be required prior to works taking place. The lighting scheme will need to take into consideration the presence of bats by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. A condition should be used to ensure this. The precautionary mitigation for reptiles is acceptable. Biodiversity Net Gain, as demonstrated, should be conditioned.

SOUTHERN WATER: No objection subject to informative.

WSCC - Highways Authority: no objection, subject to condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Lidsey Treatment Catchment
 Built-Up Area Boundary
 Listed Building
 Conservation Area Main Road/Church Road
 Class B Road

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
ENVDM5	ENV DM5 Development and biodiversity
HERDM3	HER DM3 Conservation Areas
SDSP1	SD SP1 Sustainable Development
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
HDM1	H DM1 Housing mix
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
TSP1	T SP1 Transport and Development
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment

<u>Yapton neighbourhood plan 2014 Policy BB1</u>	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E8	Conservation Areas
Yapton neighbourhood plan 2014 Policy E9	Listed Buildings and Buildings or Structures of Character
Yapton neighbourhood plan 2014 Policy H1	Housing requirement
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
-------	-----------------------------

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 Yapton Neighbourhood Development Plan have been taken into account in determining this application: BB1 (Built up Area Boundary), E8 (Conservation Areas), E9 (Listed Buildings and Buildings or Structures of Character) and PK1 (Parking Standard for New Development).

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The site forms part of Stakers Farmhouse Estate within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan provided it accords with other policies of the Local Plan covering such issues as the change of use, protection of a historic environment, visual/residential amenity, highway safety and parking.

Policy BB1 of Yapton Neighbourhood Plan stresses that in a rural parish such as Yapton, it is particularly important that development is directed to appropriate locations and that sprawl is avoided.

Regard should be had to policy SD SP1 of the Arun Local Plan which states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework."

The site is located centrally in Yapton and allows for sustainable travel in a relatively short walking distance. Outside of the site are footways which lead north and south. The area benefits from street lighting. Bus stops are to the east, one in North End Road and the second further along the B2233 which is served with a shelter. There are bus services from Yapton Village Hall further east. The nearest rail service is 1.2 miles North West of Bonhams Field in Barnham, this is reachable by bus (16 mins).

The NPPF supports the effective and efficient use of land for sites in the built up area but advises new housing should be well integrated with and should complement neighbouring buildings and the local area

in terms of scale, density, layout and access.

Para 118 (d) of the NPPF states "Planning policies and decisions should: promote and support the development of under-utilised land and buildings ...". Para 87 remarks: "When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

The Council cannot currently demonstrate an NPPF compliant 5 year supply of housing land and it is important to boost housing numbers in the district. The proposal accords with policies SD SP1 and SD SP2 of the Arun Local Plan.

HERITAGE ASSETS:

The barns are in the setting of a Grade II Listed Building within a Conservation Area. HER SP1 states designated heritage assets including Listed Buildings and their settings and Conservation Areas will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance. HER DM1 remarks that proposal affecting statutory Listed Buildings will be required to protect and where possible enhance the setting of the building and HER DM3 stresses that development which adversely affects the setting, character, appearance of or views in to and out of a Conservation Area will be refused.

It is necessary to consider guidance in the NPPF which sets out several steps when considering impact on heritage assets. Para 189 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 190 requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that may be affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is any harm and if so, whether this is 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (as set out in paras 193-196).

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 or, as the case may be, the Secretary of State 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.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in the exercise of planning functions, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The barns, subject of this proposal, are mid 19th century outbuildings of the listed Stakers farmhouse and they are considered to be curtilage listed, given their age and association with the main farmhouse. The site is located within the Yapton-Church Road and Main Road Conservation Area.

The conversion of barns of architectural and historic value which have been under-utilised, and not used for their original purpose in the recent past and some areas have consequently deteriorated in condition. The changes provide appropriate conservation work to revitalise the structure together with some alteration and refurbishment. Amended drawings show the conversion retains those historic and architectural features present in the buildings and conversion work would be undertaken without

unacceptably altering the appearance and character of the buildings. The amended proposal avoids the creation of a suburban style curtilage and subdivision of open courtyard. The proposal would not adversely affect the setting of the adjacent Listed building. It would not result in buildings of urban appearance. It does not detract from the rural appearance and character of the buildings which contribute to the rural setting. The Conservation Officer shares the opinion that the application is considered to cause less than substantial harm to the significance of the heritage assets or their setting at lower end in accordance with paragraph 196 of the NPPF (2019). Therefore the public benefits that the development may achieve should be considered which include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long-term conservation

The potential impact of the proposed conversion of the historic group of outbuildings would be outweighed by the benefits of bringing these unused structures back into use since without regular use and maintenance they would quickly deteriorate and fall into ruin and resulting in their loss. This appropriate new use would ensure their future and retain and would preserve and enhance the setting of the adjacent Listed Building and the character and integrity of the Conservation Area. In addition, the proposed conversion would provide three new dwellings whilst preserving the existing fabric and historic value of these historic barns.

The concerns of the Conservation Officer regarding walling/timber ceiling are addressed pursuant to a conditions.

The development satisfies requirements of NPPF, Section 66(1) and 72(1)of the Planning (Listed Building and Conservation Areas) Act 1990 and policy HER DM1 and HER DM3 of the Arun Local Plan.

CHARACTER AND DESIGN

Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area.

ALP policy D SP1 "Design" requires development to make efficient use of land and reflect local character. Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was published under consultation until 21 February 2020. Part N.O1 deals with Building Conversion and insists that continuation of the original use of agricultural buildings should be pursued wherever possible. Where this is not possible, sensitive conversion can be a successful way of securing their future. Conversions must protect the original character and appearance of buildings through careful use of considerate materials, preservation of distinctive features and minimal internal and external alterations.

Barn 1 consists of a larger corner element with two lower single storey barns; the two storey element comprises features which are some of the most attractive within the barns. These features include flint flooring, exposed brick walls, timber ceiling and stall dividers. They should be retained and addressed pursuant to condition. Barn 2 is the main barn in the farm with a large opening addressing the courtyard and is characterised by flint/brick quoin detailing with a number of ventilation slits in each elevation; the barn has a double height space with exposed timber rafters. The main group (barn 1 and 2) forms a U shaped plan around a central courtyard and comprises a mix of single and two storey elements. All historic features, including exposed roof trusses, should be retained and treated accordingly. A stand-alone single storey barn 3 abuts the southern boundary and is principally constructed from timber.

All openings would remain. The applicant has been advised to avoid any new openings on primary elevations with one exception - an insertion of three small conservation style roof-lights in the northern roof plane of barn 2. One roof-light would be inserted to the southern roof plane of barn 2. Two roof-lights

would be inserted to the western roof plane of two storey element of barn 1. A limited number of openings are proposed on the rear elevations of barn 1 and 2. A new door opening is proposed to the rear (north west elevation) with a timber door installed. The existing structural posts and timber to the two storey barn would be retained and exposed with the windows installed behind them. A timber framed casement window will be installed in the new opening and framed by brick quoins to the single storey element (barn 1 north-western elevation). A new timber framed entrance would be introduced in the existing opening to the courtyard (north-east) elevation with an opening reinstated in the central part of the south-west elevation to accommodate timber framed windows. A car barn with 2 parking spaces (replacing barn 4) and a small outbuilding abutting the north boundary with The Croft are proposed using timber construction with traditional detailing found in existing barns. The application includes a replacement pump house for the Farmhouse pool to replace the poor quality timber shed.

The works result in subtle changes and improvements to the external appearance whilst preserving the special architectural characteristics and qualities, bearing in mind the improvement and enhancement of the site in an appropriate manner maintaining simplicity and enhancing the buildings' character and integrity. As the Conservation Officer pointed out 'the success of such a scheme will depend upon the quality of the materials used, and landscaping etc as well as minor design details such as the position of the windows and doors which should be set back in their openings.'

RESIDENTIAL AMENITY

Policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy D DM4 requires that extensions/alterations: sympathetically do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. Regard should be had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users. Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

The conversion of barns, due to more than substantial separation distance between the Farmhouse and barns and neighbouring dwellings to the north, and given the nature of the buildings with limited openings have a minimal impact to users and occupiers of nearby properties considered to result in adverse harm upon the neighbouring amenity by way of overshadowing, overbearing or overlooking and as such accords with D DM1 and QE SP1 of the Arun Local Plan.

COMPLIANCE WITH INTERNAL FLOOR SPACE STANDARDS

The proposal involves the conversion of three barns into three habitable dwellings: 2 x 4 Bed and 1 x 3 Bed. The dwellings relate to gross internal floor spaces of approx. 195.4m² for barn 1, 236.4m² for barn 2 and 110.6m² for barn 3 which exceed considerably the minimum gross internal floor areas requirement for a single storey dwellings as set out in the Nationally adopted space standards. (95m² for 3 bed 6 person, 108 m² for 4 bed 7 person and 117 sqm for 4 bed 8 person dwelling).

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This stresses the design of homes should provide clear delineation of public and private spaces; incorporating a 'public front' and private 'back' to the rear of the site, providing private gardens. There is a sufficient provision of private rear gardens for barn 1 and 2. Barn 3 is provided with an insufficient amenity space. Given the proposals are for a conversion, there is a recreation ground to the east from the site in a walking distance and the historic nature of the site this would be acceptable. The proposal complies with policies D DM1 & D DM2 of the Arun Local Plan, the Arun Design Guide and NPPF guidance.

HIGHWAYS & PARKING:

Arun Local Plan policy T SP1 seeks to ensure 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 T DM1 requires that development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

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."

Parking Standards Supplementary Planning Document, (Jan 2020) requires that all new houses with a driveway and garage will be required to provide active EV charging points (in accordance with current ADC Vehicle Infrastructure Study (2017)). All other development will need to provide EV charging points in 20% of parking spaces from the date of adoption of this SPD. This approach reflects that taken by the WSCC GPND and responds to the Government's declaration of a 'Climate Emergency' and future regulations on decarbonising the transport sector.

16 parking spaces are provided (11 for the dwellings, 1 visitor space and 4 additional spaces for the existing farmhouse). Two spaces will be allocated for electric vehicle charging with the rest having the infrastructure installed for charging points to be provided at a later date. Cycle parking is provided in secure stores and a dedicated store for Barn 3. Each barn has its own external bin store located conveniently to the main access for ease on collection days.

The provision of charging points is not in accordance with the Parking Standard requirement (20% of total spaces to be an active point) therefore a condition is recommended. The provision of parking spaces is acceptable.

The proposal accords with policy T SP1 of the Arun Local Plan, Arun Parking Standards (SPD) and NPPF guidance.

SUMMARY:

There is no in principle objection to residential use development on this site in the built up area and the proposal complies with development control criteria concerning protection of historic environment, highway safety, change of use, internal space standards, character and residential amenity. It is considered the application is acceptable in all regards and should 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 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:

Dwg No 6797-LOC01 'Location Plan
 Dwg No 6797-BLOC01 'Block Plan'
 Dwg No 6797-PL-001 Rev D 'Proposed Site Plan'
 Dwg No 6797-PL-002 Rev H 'Proposed Ground Floor Site Plan'
 Dwg No 6797-PL-010 Rev F 'Proposed Plans Barn 1'
 Dwg No 6797-PL-011 Rev H 'Proposed Plans Barn 2'
 Dwg No 6797-PL-012 Rev E 'Proposed Plans Barn 3'
 Dwg No 6797-PL-020 Rev F 'Existing & Proposed Elevations Barn 1'
 Dwg No 6797-PL-021 Rev E 'Existing & Proposed Elevations Barn 2'
 Dwg No 6797-PL-022 Rev F 'Existing & Proposed Elevations Barn 3'
 Dwg No 6797-PL-023 Rev F 'Proposed Car Barn and Outbuilding'
 Dwg No 6797-PL-024 Rev F 'Proposed Street Scenes'
 VISUAL STRUCTURAL REPORT dated 26/07/2019, Document Reference: 19-211

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

- 3 No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority. The works must not be executed other than in complete accordance with these approved details. Drawings (to an appropriate scale) and/or statements should be submitted which describe:

- How and where the flint flooring and stall dividers within the two-storey element of Barn 1 are to be retained and re-used within the site
- how the exposed brick walls, timber ceiling and timber first floor within the two-storey element of Barn 1 are to be retained and incorporated into the new space

Reason: To enable the Local Planning Authority to exercise the necessary statutory control over works likely to affect the character of the Listed Building in accordance with the NPPF and policies HER DM1 and HER SP1. This is required to be a pre-commencement condition for an assurance that these attractive features will be treated accordingly and will be retained.

- 4 No development shall take place unless and until a) details of the repurposing of the flint flooring; how it is to be used within the site, b) details of material used, c) details of any external colours/surface treatments, d) details of the brick bond, e) details of the proposed joinery and f) details of the position of the windows and doors in their openings (as indicated on the plans) have been submitted to and approved by the Local Planning Authority and implemented in accordance with the approved details.

Reason: To enable the Local Planning Authority to exercise the necessary statutory control over works likely to affect the character of the Listed Building in accordance with the NPPF and policies HER DM1 and HER SP1. This is required to be a pre-commencement condition for an assurance that the architectural value of these historic barns will be retained.

- 5 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.

- 6 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 works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

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

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

Reason: To provide car parking space for the use in accordance with policy T DM2 of 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 the approved site plan. This facility shall thereafter be retained at all times for their designated purpose.

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

- 9 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.

- 10 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 NPPF) 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, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan.

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

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

- 12 Development shall proceed in accordance with the Ecological Impact Assessment (Oct 2019), submitted with this application. A Natural England Protected Species License will be required for the works, and this will need to be obtained prior to any works taking place. As a precautionary approach conversion works to the buildings should be undertaken by hand with careful stripping of the internal and external roof space in the presence of a suitably qualified ecologist. If a bat is found all works must stop and Natural England consulted. Temporary roosting opportunities must be made available by installing bat boxes within the trees onsite prior to any construction works. As a precautionary approach the roofing felt should be used and breathable roof membrane or fibrous materials should be avoided.

Reason: To safeguard the ecology of the area, and in the interests of bats/birds to ensure that a habitat remains for them during and after development in accordance with policy ENV SP1 of Arun Local Plan.

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

National Planning Policy Framework.

- 14 INFORMATIVE: 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.
- 15 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.
- 16 INFORMATIVE: The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.
- 17 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.
- 18 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

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)

Y/105/19/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

PLANNING APPLICATION REPORT

REF NO: Y/121/19/PL

LOCATION: The Steddles
North End Road
Yapton
BN18 0DT

PROPOSAL: Demolition of existing dwelling & outbuildings & erection of 11 No. dwellings (net increase 10 units), access, landscaping & associated works.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposal is for 11 two storey dwellings (9 detached, 2 semi-detached) with improvements to the access. Plots 4, 5, 9 & 10 have single garages and plots 1, 2, 3, 8 & 11 have car ports. All houses have on-plot parking spaces. A cycle store is shown in each rear garden but no elevational details of are provided. The layout includes 3 visitor spaces. Boundaries will be formed by hedging and fencing. A new section of pavement is shown along half of the site frontage and this will be secured through a s.278 highway agreement.

SITE AREA 0.45 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 24 dwellings per hectare

TOPOGRAPHY Predominantly flat.

TREES Small/medium-sized trees of low quality and landscape value to be felled to achieve the layout.

BOUNDARY TREATMENT 3m hedge to front, 1.8m stone walls to sides and ranch fencing to rear with vegetation and trees.

SITE CHARACTERISTICS Detached dwelling with single storey side extension and modern editions. Large detached, traditional greenhouse to side and large rear/front garden. Set well back from road with shingle driveway. Flint and red brick walls with tiled roof. Well screened from road with only views available at the site entrance.

CHARACTER OF LOCALITY Rural location, outside built up area boundary, small amount of detached houses on large plots with mature trees. The properties are set back from the road with off street parking and gardens to front.

Located on the west side of North End Road in close proximity to the settlement policy boundary of Yapton, in an edge of village location and forming a linear pattern of development fronting North End Road. There are bus services along North End Road. Yapton has two GP surgeries, a pharmacy, two

churches, a village hall and playing fields, a primary school and a small selection of shops.

RELEVANT SITE HISTORY

Y/29/78/B	Conversion Of Barn Into Dwellinghouse And Garage	Passed 19-06-78
-----------	--	--------------------

The building is on the Council's historic Tithe maps (1836). It is clear from the planning history that it was a barn which was converted to a dwelling after 1978 (the applicant's heritage statement suggests this was in the 1980's) and has been extended on a few occasions.

To the east, lies Clay Farm which benefits from Y/83/19/OUT for 33 dwellings. To the south lies land to the north of the Yapton Primary School, allocated in the Yapton Neighbourhood Development Plan for residential development and benefits from Y/88/18/OUT for 38 dwellings Further north is land known as "Land at Street Buildings" which has an outline permission for 45 dwellings (Y/49/17/OUT).

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

Object. Deeply concerned at losing large single dwelling plots to small housing schemes. Cannot see how to get around this unless the original house is retained and housing placed in the grounds.

1 letter of objection:

No obvious reason for house to be demolished and replaced by 11 dwellings - detrimental to locality.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. These issues are considered in the report conclusions.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

Environmental Health

WSCC Strategic Planning

Arboriculturist

Parks and Landscapes

Ecology Advisor

NHS Coastal West Sussex CCG

Sussex Police-Community Safety

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - no objection subject to the imposition of a condition and an informative.

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

WSCC DRAINAGE & FLOOD RISK - no objection. State that:

- Current surface water mapping shows that the site is at low risk from surface water flooding;
- Area of development shown to be at high risk from groundwater flooding based on current mapping but this does not mean the site will suffer flooding;
- No ordinary watercourse in close proximity to the site; and
- No records of historic surface flooding within the confines of the proposed site.

WSCC HIGHWAYS - objected due to inadequate information. Further information was submitted, including a Stage 1 Road Safety Audit & Designers Response, WSCC recommend conditions.

ADC DRAINAGE ENGINEERS - no objection subject to imposition of conditions.

ADC HOUSING STRATEGY & ENABLING MANAGER - no objection as number of dwellings does not trigger the Councils affordable housing policy.

ADC ENVIRONMENTAL HEALTH - no objections but request several conditions.

ADC TREE OFFICER - no objection subject to the imposition of conditions.

ADC LANDSCAPE OFFICER - no objection subject to the imposition of a landscaping condition.

COUNCILs ECOLOGIST - no objection subject to further bat survey. Mitigation/enhancement measures required, hedgerows must be retained and protected during development, the site should be checked for hedgehogs prior to commencement and there needs to be a net gain in biodiversity.

COMMENTS ON CONSULTATION RESPONSES:

COUNCILs ECOLOGIST - The final bat survey is booked in for 6th July and the report will be issued to the Local Planning Authority. This will be reviewed by the Council's ecologist and reported to the Committee. This needs to be resolved prior to determination and so cannot be subject to a condition. Biodiversity enhancement details have been received and agreed by the Councils ecologist.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary;
Lidsey Treatment Catchment Area;
Class B Road;
CIL Zone 3; and
Area of Special Control of Adverts.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERSP1	HER SP1 The Historic Environment
HWBSP1	HWB SP1 Health and Wellbeing
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Yapton neighbourhood plan 2014 Policy BB1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy H1	Housing requirement
Yapton neighbourhood plan 2014 Policy H3	Dwellings appropriate for the needs of older people
Yapton neighbourhood plan 2014 Policy E3	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E4	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E5	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities

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.

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

The relevant policies within the Yapton Neighbourhood Development Plan have been considered in the preparation of this report.

Section 38 (5) of the Planning and Compulsory Purchase Act 2004, 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 Yapton Neighbourhood Development Plan and the Arun Local Plan should be resolved in favour of the latter.

Yapton Parish Council are working on a review of the Neighbourhood Plan, but have not reached the Regulation 18 stage in this process.

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 relevant development plan policies in that it would result in development outside of the defined settlement boundary in the Arun Local Plan & the Yapton Neighbourhood Development Plan (YNDP) and does not provide a Drainage Impact Assessment as required by policy W DM1 of the Arun Local Plan.

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.

CONCLUSIONS

PRINCIPLE:

The development plan for the Arun District currently comprises the Arun Local Plan 2011-2031, the Yapton Neighbourhood Development Plan (November 2014) and the West Sussex Waste and Minerals Plans.

However, section 38 (5) of the Planning and Compulsory Purchase Act 2004 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 YNDP and the Arun Local Plan, should therefore be resolved in favour of the latter.

Development policies that relate to the supply of housing in the Local Plan (C SP1, SD SP2) have reduced weight as Arun cannot demonstrate an adequate supply of housing land (only 2.9 years). Policies in the YNDP that relate to the supply of housing (BB1, H1) have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

Para 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. Criteria (a) to (d) are not 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:

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 NPPF. It will work to secure development that contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

The site is in a sustainable location in walking/cycling distance of a range of shops, services, health and education facilities. Bus services enable access to Barnham railway station. Whilst the private car could be required for longer distances, future residents would not need to rely on a car to be able to live comfortably.

Policy C SP1 "Countryside" states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal. As this site is outside the BUAB, it is in the countryside and the scheme would conflict with ALP policy C SP1.

Yapton Neighbourhood Development Plan (YNDP):

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

The YNDP includes a BUAB drawn round the edge of the settlement of Yapton which, save for allocations in the YNDP, broadly compared with that provided by the 2003 Local Plan. The BUAB in the ALP is different having been amended to include Yapton strategic allocation SD7, the approved development on the corner of North End Road & Yapton Road (Y/1/17/OUT), the approved development on North End Road towards Maypole Lane (Y/49/17/OUT) and the approved development on land east of North End Road (Y/80/16/OUT). The site is outside of the BUAB and classified as countryside.

Policy BB1 states development outside of the BUAB will not be permitted unless in accordance with 4 listed criteria. Criteria 1-2 & 4 are not relevant to the proposal but number 3 is where the development relates to additional allocations for housing land in accordance with policy H1.

Policy H1 allows for a buffer of up to an additional 20% of the ALP housing requirement of 100 dwellings for the Yapton Neighbourhood Plan area. This 20% has been achieved through applications such as Y/1/17/OUT (56 dwellings), Y/44/17/OUT (70 dwellings), Y/49/17/OUT (45 dwellings), Y/80/16/OUT (100 dwellings), Y/18/20/PL (6 dwellings) and Y/83/19/OUT (33 dwellings).

Above and beyond this 20%, the policy states further housing development will only be permitted if it can be demonstrated that either the expected child yield would not result in the Yapton CE Primary School

exceeding the maximum number of children permitted or that appropriate modifications and/or extensions to the School can be delivered at the developer's expense. The applicant has not provided justification in respect of this matter but any approval would be subject to CIL and therefore, it would be possible for a portion of the required payment to go towards the funding of school improvements.

The National Planning Policy Framework (NPPF):

The NPPF is an important material consideration in determining planning applications. As discussed below under "Other Material Considerations", the Council cannot demonstrate a 5-year Housing Land Supply (HLS) and para 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

In this instance, this means 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. The part (ii) test will be applied at the end of this report.

The site location is environmentally sustainable in that it possible to walk, cycle or take a fairly regular bus service to access nearby shops, services, schools, places of employment and other facilities and that these are all within an appropriate distance such that it is not necessary to travel by car. It is acknowledged the development results in a loss of trees and some garden wildlife habitat. A landscaping scheme will secure replanting at a rate of 2 for every 1 lost and this alongside the wildlife enhancement measures are considered to offset any impact on the existing biodiversity. The proposal could help to support the local community by providing 11 family sized homes, CIL receipts could be used to contribute towards local infrastructure including the primary school as such, there could be a further benefit to the local community.

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 Current Housing Land Supply (HLS) Position

On 12 February 2020, following appeal APP/C3810/W/19/3236911 a Planning Inspector considered the authority was able to demonstrate a 2.9 years HLS. The Council will update its position in December 2020. The Council needs to consider the effects of Covid-19 on the economy and housing market and it is not likely that the Council will be able to demonstrate a 5 year HLS by December.

The Council's Action Plan (June 2019) makes a series of recommendations 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 is re-established and the HLS is progressed through plan making. It recommends the Council consider inviting applications from landowners/developers on 'deliverable' HELAA sites to re-establish the 5 year housing land supply. The site is not in the HELAA. However, the release of further land for housing helps to maintain delivery rates and this may have to include sites outside the built up area boundary. It would be preferential if such sites were located close to the edge of the BUAB and in sustainable locations which minimise the need to use the private car.

(2) Site Location

Although classified as countryside the land is in the residential curtilage of a dwelling and is classed as previously developed land. The site borders a dwelling to the north and on the opposite side of the road to the east. There is committed development to the west (for 33 dwellings) and south (38 dwellings). Further south is Stakers Farm with permission for 70 dwellings and further north/north west are land at Street Buildings (45 dwellings) & land to the South of Ford Lane/East of North End Road for up to 100 dwellings.

With the development of these sites there would be very limited harm to the character of the countryside if the site was developed. It is not enough to simply refuse an application on the grounds of being in the countryside without there being some form of demonstrable harm to the character or beauty of the countryside.

Conclusion on Matters of Principle:

This application should not be determined as being unacceptable in principle and that the development of this countryside site can be considered acceptable subject to assessment of whether the proposal represents sustainable development and whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

HERITAGE:

The Steddles is on the Council's historic Tithe maps produced in response to the Tithe Commutation Act 1836. The dwelling may have historic significance and whilst not statutorily or locally listed, should be considered as a Non Designated Heritage Asset.

ALP Policy HER SP1 states that development likely to prejudice heritage assets including Non-Designated Heritage Assets (NDHA) and their settings will be refused. It is also necessary to consider relevant policy guidance in the NPPF which sets out several steps when considering the impact on heritage assets.

Para 189 requires applicants describe the significance of the heritage assets affected, including any contribution made by their setting. Para 190 requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that may be affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal (either no harm, less than substantial harm or substantial harm). Para 197 requires that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The applicant provided a Heritage Assessment that sets out that the house at the Steddles was converted from a barn in the 1980's and has been extensively extended, re-modelled and fenestration altered to create a large detached dwelling. The assessment considers that by virtue of the incremental extensions and changes to the property, any original features or character of the building have been eroded and the property appears wholly domestic. Furthermore, the grounds surrounding the property have taken on a residential character and use, mainly laid to lawn with domestic outbuildings. The Assessment concludes The Steddles no longer contributes to the historic character of the surrounding area and has very limited value as a non-designated heritage asset.

The assessment considers surrounding heritage assets and notes the presence of a nearby Grade II Listed building (The Old Cottage) however, this is around 200m to the north east and there are several residential properties inbetween. The assessment does not consider that the development would affect the setting of that Listed Building.

The proposal results in the total loss of this NDHA. However, the historical significance of the asset has been lost by the addition of extensions granted over the years and external changes to the setting. As such, there is no conflict with ALP policy HER SP1 or the guidance in the NPPF.

HIGHWAY SAFETY & 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 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."

The advice of WSCC Highways is summarised above and it is clear that they consider that the access arrangements are safe & suitable and that the traffic impact of the development will not be significant. An independent Road Safety Audit (RSA) has been carried out and the accompanying Designer Response (DR) comments set out how these situations will be mitigated or resolved. WSCC Highways have reviewed the RSA and the DR comments and have no objections. It is noted that many of the issues will be picked up at the detailed S.278 stage.

WSCC Highways do not consider that the proposals would 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 that there are no transport grounds to resist the proposal.

The Council recently adopted a Parking Standards Supplementary Planning Document (SPD). This sets out a need for 24 allocated spaces and 2.2 (so 2) visitor spaces. The layout shows a total of 29 spaces including 3 visitor spaces. Plots 4, 5, 9 & 10 also have single garages but these appear to be under the required dimensions of 3x6m and so are counted as zero spaces. Nevertheless, the parking provision exceeds the requirements.

YNDP policy PK1 is relevant in respect of car parking and states that 3 bed houses need to have 2 spaces each and 4 bed houses need to have 3 spaces. These are the same standards as in the SPD and therefore there is no conflict with this policy.

ALP policies T SP1 T DM1 require development to reduce the need to travel by car and give priority to pedestrian and cycle movements. The site is located on a road with bus stops and it is possible to walk south to the Primary School or southeast into the centre of Yapton. The proposal shows new pavement along half the frontage. The block plans show a cycle storage shed to the rear of each dwelling which have sufficient space for cycle storage but as suggested by WSCC a condition will be added to ensure this. To accord with Policy T SP1 of the Arun Local Plan, the Arun Parking Standards SPD require a single cycle space for 1/2 bedroom houses and 2 spaces for 3+bed houses.

The proposal accords with the development plan policies and the guidance on highway safety within the NPPF.

CHARACTER AND DESIGN:

Policy D DM1 of the Arun Local Plan requires that 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. 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. There are no relevant design policies in the YNDP.

Para 127 of the NPPF states "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 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. Para. 130 states planning permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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 proposal is for eleven houses, 2 no. 4-bed, 7 no. 3-bed and 2 no. 2-bed dwellings on a plot of previously developed land measuring 0.45 hectares. The scale of the development is responsive to the site's surroundings with a site density of 24 dwellings per hectare. This compares well with surrounding built/committed developments:

- Clays Farm - 19.8 dwellings per hectare.
- Land N of Yapton Primary School - 23.1 dwellings per hectare.
- Land East of North End Road (on the front of the Business Park) - 25 dwellings per hectare.
- Land South of Ford Lane/East of North End Road - 29 dwellings per hectare.
- Land at Street Buildings - 24 dwellings per hectare.

The development includes detached and semi-detached houses with varying roof forms and complimentary materials palette. Two properties are to the east of the access road, with three to the south and the remaining five properties forming a linear pattern to the west. Properties to the south have gardens orientated facing south, with the northern properties orientated east-west.

The architectural approach focuses on a traditional design with a simple appearance and a materials palette reflective of houses in the local area with either buff or red facing brick work, tile hanging to the gables and upper floors, and grey or red tiled roofs. Plot 1 has active frontages to North End Road and the access road internal to the site, with development informally following the T-shaped road layout. The elevations show the dwellings would vary between 8.5 metres and 9.2 m high. Roof forms vary from

gable to hipped, with plots 4 & 5 featuring cat slide roofs, which adds variety and interest to the street scene and reduces mass/bulk. The ridge height accords generally with built form in the vicinity.

House designs and site layout has led to a well-proportioned scheme, where plots compare favourably with nearby properties, and provide appropriate scale of development consistent with the surrounding form of residential development and provide much needed housing in the district without resulting in harm to the character of the area.

In this context, it is not appropriate to conclude the development harms the character and appearance of the locality. The proposal does not result in significant harm to the character of this part of Yapton and, on grounds of density, design/character, the proposal would not conflict with relevant development plan policies.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Regard should be had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users. ALP policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

The Council's emerging Design Guide completed its consultation stage (09/01/20 to 21/02/20) and sets out guidance on interface distances between houses. Distances between dwellings are given as:

Back to Back: min. 21m between habitable rooms of properties or to existing buildings;
 Back to Side: min. 14m between habitable rooms and side gable of adjacent property;
 Front to Front: min. 16m between habitable rooms of properties facing each other; and
 Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.

There are no standards given for either front to side or front to back and in these instances.

The location of the linear rows of houses achieves good sized gardens and appropriate separation distances between dwellings. Separation distances between the development and existing dwellings is sufficient to prevent overlooking or overshadowing of neighbouring properties. To the north-east St Mary's Vicarage is separated from plot 10 by a distance of approximately 25 metres and unacceptable overlooking or over shadowing would not occur. There are no properties to the south that would be affected by the proposals. Due to the orientation of the properties in the development and the separation distance across the access road overlooking in the site would also not occur. There are not yet firm layout proposals for the Clays Farm development to the west.

It is not considered the proposal would cause harm to the amenities of existing neighbouring occupiers or to those of the future occupiers of the development.

SPACE STANDARDS

ALP policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". The following is a breakdown of the proposed homes:

Plot	Unit Type	Internal Space	National Standard
------	-----------	----------------	-------------------

1 & 2	- 2S/3B6P	- 117.7m2	- 102m2
3	- 2S/3B/6P	- 117.3m2	- 102m2
4 & 5	- 2S/3B/5P	- 120m2	- 93m2
6 & 7	- 2S/2B/4P	- 87.7m2	- 79m2
8	- 2S/3B/6P	- 117.3m2	- 102m2
9	- 2S/4B/8P	- 135.1m2	- 124m2
10	- 2S/4B/8P	- 150.2m2	- 124m2
11	- 2S/3B/6P	- 117.7m2	- 102m2

There are no policies in the ALP relating to garden sizes but emerging Arun Design Guide sets out standards for garden sizes for houses consisting of a private rear garden min. 10.5m in depth; and a private front garden min. 2m in depth. All properties have sufficient front gardens but there is a shortfall in the depth of some rear gardens as follows: 1 & 2 - approx. 9m; and 3 - approx. 9.5m; 4, 5, 6, 7 & 8 - approx. 9m.

Notwithstanding, the 10.5m distance is partly to ensure a 21m back-to back distance between houses and there are no instances of this in the development. Gardens are at least as wide (sometimes wider) as they are deep and a good standard of amenity is provided. A condition removing permitted development rights for outbuildings and rear extension will be imposed to ensure any future applications for such can be determined with regard to the amount of amenity space.

SURFACE WATER DRAINAGE:

The site does not lie in an area at risk from flooding from rivers or from surface water flooding.

Policy W DM2 of the ALP ("Flood Risk") is therefore not relevant. 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." YNDP Policy E11 requires developments be designed and constructed to minimise the overall level of flood risk in the parish; and provide appropriate surface water drainage.

WSCC and ADC Drainage Engineers do not object subject to the imposition of a number of conditions should permission be granted. Therefore, there is no conflict with the relevant policies.

FOUL WATER DRAINAGE:

The site falls in the Lidsey Wastewater Treatment Catchment Area. ALP policy W DM1 states that a drainage impact assessment is required for all major development and this has not been provided. However, it should be noted that the Councils planning application validation list only requires a Lidsey Foul Water Environmental Assessment Statement in cases where non-mains drainage is proposed and this application proposes a connection to mains drainage. It is also noted that Southern Water do not raise any objection and are content that foul drainage be agreed through a planning condition. Therefore, although there is conflict with policy W DM1, it is not considered that a refusal on this matter could be justified.

LANDSCAPE & TREES:

Para 127(b) of the NPPF requires that decisions ensure that developments are visually attractive as a result of effective landscaping. Policies D DM1 and D SP1 of the Arun Local Plan is consistent with paragraph 127 of the NPPF in that it requires the Council to have regard to hard and soft landscaping when assessing development proposals. Policy D SP1 of the Arun Local Plan also requires

development proposals to reflect the characteristics of the site and local area in their landscaping.

ALP 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.

YNDP policy E4 states development sites should retain well-established features of the landscape, including mature trees and species-rich hedgerows. New tree planting will be required to mitigate any significant loss.

The Council's Landscape Officer has no objections subject to a detailed landscape scheme to be conditioned. The Council's Tree Officer raises no objections on the basis that trees to be lost are small to medium-sized garden trees of low quality/landscape value. As trees to be removed are low quality and as these houses contribute to the Councils HLS shortfall, it is considered that their loss can be sustained with regards to policy ENV DM4.

The proposal complies with ALP policies D DM1, D SP1 & ENV DM4 and with YNDP policy E4.

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)."

YNDP policy E3 seeks to prevent the loss of natural habitat except where mitigation measures ensure the integrity of the habitat or where the habitat is relocated to a site within 500m of the existing. 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 which the Councils ecologist has reviewed. The report recommends a further bat roost survey be carried out and the ecologist advised this must be carried out prior to the determination of the application. An update on this will be provided before the Development Control Meeting.

In respect of biodiversity net gain, the ecologist sets out enhancements that should be provided but requested that full details of these be provided. The applicant has provided an ecological enhancement plan setting out proposals to provide compost & log piles, holes in fences for hedgehogs/small mammals to pass through, hedgehog houses, rough grassland, 3 types of bird box/nest and bat boxes. These measures will be enforced through a condition. The Councils ecologist stated these details meets policy ENV DM5.

Although it is accepted trees are to be felled, the scheme is judged, to provide a biodiversity gain. The proposal complies with the NPPF para 175, with ALP policy ENV DM5 and YNDP policy E3. It is recommended that conditions be imposed to ensure that the site hedgerows are protected, ensure that hedgehogs/small mammals are not adversely affected by site construction and ensure that biodiversity enhancement measures are implemented.

SUMMARY:

This application considers the development of 11 dwellings on land in the curtilage of a dwelling. The

principle of development is contrary to policies in the development plan but 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 and maintain/improve housing delivery rates.

This site was not put forward for consideration in the HELAA assessment but it is surrounded on three sides by built or committed residential development and is in close proximity to other recent approvals for residential development.

The material considerations set out in this report are such that in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, a decision can be taken other than in accordance with the development plan.

There are not any other issues as highlighted above which warrant a refusal and the proposal 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.

SECTION 106 DETAILS

Enter Summary of Details of the Section 106

CIL DETAILS

This is a CIL Liable development. It is in Zone 3 and a CIL amount of £100,000 is payable unless the applicant applies for 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:

Plot 11 0019 Rev A; PV House 11 0019 Rev 03; House 1 plans 0004 Rev P03; House 1 elevations 0005 Rev P03; House 4 and 5 plans 0008 Rev P03; House 4 elevations 0009 Rev P03; House 5 elevations 0010 Rev P03; House 8 plans 0013 Rev P03; House 8 elevations 0014 Rev P03; House 9 plans 0015 Rev P03; House 9 elevations 0016 Rev P03; House 10 plans 0017 Rev P03; House 10 elevations 0018 Rev P03; House 11 elevations 0014 Rev P03; and Indicative drainage layout 0021 Rev P02.

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

- 3 The development must be carried out in accordance with the "Proposed Ecological Enhancement Plan" (drawing SDL-MHA-00-XX-DR-A-0023 Rev P0). The enhancements and mitigation measures shown on the drawing shall be implemented in full and permanently retained and thereafter maintained as fit for purpose.

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

- 4 No construction activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works on Sunday or Bank Holidays.

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

- 5 No development (including vegetation/ground clearance) shall take place unless and until the site has been thoroughly searched for hedgehogs and any hedgehogs or other small mammals that are found should be relocated away from the construction site into surrounding habitats.

Reason: To safeguard resident hedgehogs & small mammals in accordance with Policy ENV DM5 of the Arun Local Plan and the NPPF. It is necessary for this to be a pre-commencement condition because the commencement of development could result in harm to any such animals living within the site.

- 6 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 use the hedgerows for foraging and commuting 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.

- 7 All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact Assessment & Method Statement, Ref: 1892, 15 December 2019.

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

Reasons: To comply with BS5837 and policy ENV DM4 of the Arun Local Plan to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

- 8 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 a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan.

- 9 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert or other designated competent person representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the (Tree) Retention and Protection Plan, dwg. no. 1892-02.

Reasons: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

- 10 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.

- 11 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.

- 12 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 in consultation with Southern Water (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 policies W DM1 and W DM3 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.

- 13 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 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 NPPF. 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.

14 Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A 'Preliminary Risk Assessment' which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
2. A 'Site Investigation Scheme', based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. Based on the 'Site Investigation Scheme' and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A 'Verification Report' providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of residents in accordance with Policies QE SP1 & QE DM4 of the Arun Local Plan. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

15 No development above damp-proof course (DPC) level shall take place until there has been

submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 16 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed 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 visual amenity and local character in accordance with policy D DM1 of the Arun Local Plan.

- 17 No development above damp proof course (DPC) level shall take place until details of all new screen walls and fences have been submitted to and approved by the Local Planning Authority and none of the approved dwellings shall be occupied until such screen walls/fences associated with them have been erected. The details to be provided shall also ensure that gaps are provided at the bottom of all boundary treatments in the locations indicated on drawing SDL-MHA-00-XX-DR-A-0023 Rev P01 to ensure that hedgehogs and other small mammals are able to move into/out of and around the development.

Reason: In the interests of amenity and of wildlife in accordance with policies D DM1 and ENV DM5 of the Arun Local

- 18 No development above damp proof course (DPC) level shall take place unless and until details are provided and approved in writing by the Local Planning Authority to show how at least two of the 1/2/3 bedroom houses will be delivered to meet M4(2) and M4(3) of the Building Regulations 2010 (as amended). These particular dwellings shall thereafter be delivered in accordance with the approved details and these shall be maintained in good working condition thereafter.

Reason: To ensure that part of the development allows for residents to remain in their own homes over the course of their lifetime in accordance with policy H3 of the Yapton Neighbourhood Plan.

- 19 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.

- 20 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The spaces so provided shall be retained in perpetuity.

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

- 21 No part of the development shall be first occupied until the vehicle parking (including the garage and car ports) and turning spaces have been constructed in accordance with the approved plan. These parking spaces, car ports and garages shall thereafter be retained for their designated use.

Reason: In the interests of road safety and to provide adequate on-site car parking & turning space for the development in accordance with Arun Local Plan policy T SP1.

- 22 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Plan and numbered 003 P06.

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

- 23 Prior to occupation of any 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 NPPF.

- 24 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.

- 25 Any tree pruning considered essential to enable the agreed development must meet the requirements of BS3998:2010 Tree work - Recommendations:

- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010
- Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In the interest of continued health and vitality of trees and to accord with current industry guidelines and sound arboricultural practice including policy ENV DM4 of the Arun Local Plan.

- 26 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 seek to conform with the recommendations within BS5489:1-2013 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.

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.

- 27 All bathroom, dressing room and toilet windows hereby approved shall be glazed with obscured glass and permanently retained thereafter.

Reason: To protect the amenities and privacy of existing and future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 28 No windows (other than those shown on the plans hereby approved) shall be constructed in the first floor flank elevations of any of the dwellings hereby approved without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of existing and future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 29 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) there shall be no rear extensions or outbuildings constructed in the curtilages of plots 1-8 unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To maintain adequate private amenity space in accordance with policy D DM1 of the Arun Local Plan.

- 30 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) there shall be no alterations to any of the approved car ports within the site (plots 1, 2, 3, 8, 11) unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To maintain an adequate supply of parking spaces within the development in accordance with policy T SP1 of the Arun Local Plan.

- 31 **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.

- 32 INFORMATIVE: This application is liable for CIL in accordance with the Councils CIL Charging Schedule available to view at: <https://www.arun.gov.uk/cil>.
- 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 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.
- 35 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.
- 36 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.
- 37 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.
- 38 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555.
- 39 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> and a surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist>. The latter should be submitted with a Discharge of Conditions Application.

- 40 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.

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](#).

Y/121/19/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

Appeals Awaiting a Decision

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/51/19/PL

Received: 29-06-20

Springfield and land to rear Hook Lane Aldingbourne

Demolition of the existing dwelling & erection of 3 No 2-bed, 3 No 3-bed & 4 No 4-bed dwellings, access, landscaping & associated works.

Written Representations

PINS Ref: APP/C3810/W/20/3249051

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

AL/75/19/PL

Received: 29-06-20

Bridge Cottage Lidsey Road Bognor Regis

Construction of 8 no. dwellings, alterations to access and associated works.

Written Representations

PINS Ref: APP/C3810/W/20/3248659

AW/131/19/T

Received: 12-07-19

12 Hunters Close Aldwick Bay Estate Aldwick

Reduce height by 8m to 1 No. Lombardy Poplar tree.

Written Representations

PINS Ref: APP/TPO/C3810/7494

AW/232/19/OUT

19 & 21 Nyewood Lane Aldwick

Received: 29-06-20	Outline application with all matters reserved for demolition of 19 & 21 Nyewood Lane & erection of up to 20 No 1bed & 3 No 2bed flats. Written Representations PINS Ref: APP/C3810/W/20/3253787
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/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 PINS Ref: APP/TPO/C3810/7809
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 3 no 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

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

LU/297/19/PL

Received: 22-05-20

Land to rear of 141 Wick Street Littlehampton

1 No. new dwelling (resubmission following LU/84/19/PL).

Written Representations

PINS Ref: APP/C3810/W/20/3249014

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

Arundel Vineyard Church Lane Lyminster

Received: 17-03-20

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/211/16

Received:

Wisteria Heights Caravan Park (prev. Shripney Gardens) Shripney Lane Bersted West Sussex

Public Inquiry

PINS Ref: APP/C3810/C/19/3222033

ENF/115/17

Received:

44 Christchurch Crescent West Meads Aldwick

Written Representations

PINS Ref: APP/C3810/C/20/3249296

ENF/66/18

Received:

Wivenhoe House Main Road Yapton W Sussex

Written Representations

PINS Ref: APP/C3810/C/20/3247854