



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)

20 August 2020

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held virtually via Zoom on **Wednesday 2 September 2020 at 2.30 pm** and you are requested to attend.

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: *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.*

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>>

A G E N D A

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officer should make their declaration by stating:

- a) the application they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial
- c) the nature of the interest
- d) if it is a prejudicial or pecuniary interest, whether they will be exercising their right to speak to the application

3. VOTING PROCEDURES

Members and Officers are reminded that voting at this Committee will operate in accordance with the Committee Process 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 - 10)

To approve as a correct record the Minutes of the meeting held on 29 July 2020.

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

PLANNING APPLICATIONS

6. **BN/39/20/PL, LAND ADJACENT TO TARS FARM HOUSE, CHURCH LANE, BARNHAM PO22 0DB** (Pages 11 - 34)

7. **EP/67/20/PL, LAND ADJACENT TO 45 THE RIDINGS, EAST PRESTON BN16 2TW** (Pages 35 - 44)

8. **F/15/20/WS, FORD CIRCULAR TECHNOLOGY PARK, FORD ROAD, FORD BN18 0XL** (Pages 45 - 60)
9. **FG/6/20/PL HANGLETON FARM LIVERY STABLES, WADARS ANIMAL RESCUE CENTRE, HANGLETON LANE, FERRING BN12 6PP** (Pages 61 - 74)
10. **LU/149/20/PL, LITTLEHAMPTON WAVE, SEA ROAD, LITTLEHAMPTON BN16 2NA** (Pages 75 - 82)

PLANNING APPEALS

11. **LIST OF APPEALS** (Pages 83 - 88)

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.

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

These meetings are webcast live.

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

DEVELOPMENT CONTROL COMMITTEE

29 July 2020 at 1.00 pm

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

The following Councillors were absent from the meeting during consideration of the matters referred to as indicated:- Councillor Blanchard-Cooper, Minute (Planning Application Y/105/19/PL); and Councillor Mrs Pendleton, Minute (Planning Application P/46/20/PL)

Councillors Huntley and Mr Worne were also in attendance for all or part of the meeting.

133. APOLOGY FOR ABSENCE

An apology had been received from Councillor Charles.

134. DECLARATIONS OF INTEREST

There were no declarations of interest made.

135. MINUTES

The Minutes of the meeting held on 24 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.

136. DEFERRED ITEM - BN/18/20/PL FORMER BROOKS NURSERY, EASTERGATE

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

This matter had been deferred from the meeting on 24 June 2020 for further information from Southern Water as to whether the scheme could be connected to the Barnham Main Road sewer once the repairs being undertaken there were completed. Members were advised of the response from Southern Water by the Planning Team Leader. A further response from Southern Water had been received earlier in the day which stated that their preferred connection point would be in Elm Grove South. Additional information had been provided by the developer to clarify issues of concern expressed by the Committee and comment from the Elm Grove South Residents Association and a further letter of objection were also detailed in the report.

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In discussing the matter, some Members expressed their disappointment that, whilst further information had been provided, it was not sufficient to address the concerns that had been expressed at the previous meeting. Barnham had been subject to flooding and sewage problems for a number of years and it was felt that this proposal would only exacerbate the situation. However, in the course of a full debate, legal and professional advice was given to the Committee that the applicant had adhered to the requirements of Southern Water and it would therefore not be appropriate to penalise them for that. Southern Water was the statutory authority and had raised no objection.

The Committee therefore

RESOLVED

That the application be approved as detailed in the report dated 24 June 2020.

137. DEFERRED ITEM - FP/258/19/PL 107 FELPHAM WAY, FELPHAM PO22 8QB

FP/258/19/PL – Conversion, alteration & extension to provide 1 No. Class A1 Shop Unit, 1 No. Flexible Use Commercial Unit Use Classes A1, A2 & 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

Due to the concerns of Members around the lack of parking within the site, this application had been deferred from the meeting held on 24 June 2020 as the Committee wished the applicant to be requested to bring the land within their ownership and control at the back of the site within the red edge of the application and to demonstrate how parking/turning could be achieved. However, the applicant had declined to amend the site boundary and wished the current application to remain unaltered and be determined as it stood.

In consideration of the matter, comment was made that the County Council ownership of the land to the front of the site and the fact it could not be parked on was an issue that needed to be resolved as it did not make sense. Whilst still having concerns with regard to parking provision for the proposal, the Committee

RESOLVED

That the application be approved as detailed in the report dated 24 June 2020.

138. AL/34/20/PL NORTON FARM HOUSE, NORTON LANE, ALDINGBOURNE PO20 3NH

AL/34/20/PL – 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, Norton Farm House, Norton Lane, Aldingbourne

Having received a report on this application and, following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

139. BR/55/20/PL ABBOTS LAWN, SYLVAN WAY, BOGNOR REGIS PO21 2RS

(Prior to consideration of this application, Councillor Mrs Warr declared a prejudicial/personal interest as she had considered and voted on the matter at a meeting of the Bognor Regis Town Council. She stated she would leave the meeting during its consideration and would be placed in the waiting room.

Under the Public Speaking Rules, a statement was read out on behalf of Councillor Stanley as Ward Member.))

BR/55/20/PL – Proposed first and second floor extensions, Abbots Lawn, Sylvan Way, Bognor Regis

In presenting this report, the Planning Team Leader provided a verbal update on comments that had been received from the Tree Officer, who was of the view that there were two options in relation to addressing the parking issues in relation to trees, (i) to take car parking away; or (ii) add appropriate conditions to any permission to ensure there was adequate control to mitigate any harm. Members were directed to the agenda where conditions relating to the trees had been recommended to ensure details were received as to how the trees would be protected during the building works.

Members participated in a lengthy discussion which centred around concern for the possible loss of trees; the impact of the proposal on residential amenity of nearby properties; and a request for the provision of a cycle rack. The Planning Team Leader addressed all the issues raised and the Committee then

RESOLVED

That the application be approved as detailed in the report.

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140. CM/16/20/PL LANGFORD, HORSEMERE GREEN LANE, CLIMPING BN17 5QZ

Public Speakers: Mr C. Humphris, Climping Parish Council
Cllr Mr Worne, Ward Member

CM/16/20/PL – Variation of Condition 2 imposed under CM/64/19/PL to substitute House Type F floorplans & House Type F elevations, Langford, Horsemere Green Lane, Climping

The Planning Team Leader presented this report, together with a written officer report update which advised that comparative plans had been submitted to aid identification of the differences between the approved scheme and what was now being proposed; additional objections received; and officer comment. Members were advised that Condition 2 should be amended to note that the Comparative House Type F1 Floor Plans and Elevations should refer to Revision B rather than Revision A.

The Committee was advised that, following approval of Planning Application CM/64/19/PL for 9 dwellings in March 2020, the only change that was being sought was the siting of one dwelling, changes to the roof and the addition of a bedroom to a 3 bed unit. The footprint would be reduced and, whilst the bulk of the roof would increase, the dwelling would be taken back from the boundary and so would not be overbearing. Velux windows had been introduced to the roof to prevent overlooking. The proposal was recommended for approval.

Members considered the application and concerns were raised that the application had previously been approved and the amendments now being put forward were an attempt to change that. Comment was made that the quality, design and increase in height would have a detrimental impact on the residents in Apple Tree Walk. The Planning Team Leader advised that the increase in height was not significant and the dwelling would be set back further into the plot and so would not be overbearing.

As a suggestion was put forward that the matter should be deferred as it was felt it should be re-advertised, officer advice was given that this application had been subject to full consultation. When subsequent amendments came in on any application, officers had to take a view whether to reconsult and, in this instance, a clarification plan only had been received to illustrate the difference in roof height and there was therefore no obligation to reconsult with the Parish Council. The usual process had been adhered to absolutely so there was no reason to re-advertise.

The Group Head of Planning urged Members to concentrate on the changes between what had previously been approved and what was being proposed. The roof ridge had been moved away and was less deep; the windows were to non-habitable rooms and would not be seen and so the impact of the proposal would actually be less than what had previously been approved.

However, the Committee did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason:-

“The changes to plot 8 will, by virtue of the increase roof height, result in an overbearing and unneighbourly to the property to the rear in Apple Tree Walk, in conflict with Policy DM1 of the Arun Local Plan.”

The Chairman then called a short adjournment to the meeting.

141. P/46/20/PL LAND TO NORTH AND SOUTH OF SUMMER LANE, PAGHAM PO21 4NG

Public Speakers: Mr P. Atkins, Pagham Parish Council
Mr P. Collins, Objector
Mr P. Drury, Applicant
Cllr Huntley, Ward Member

P/46/20/PL – Variation of condition 13 imposed under P/70/19/RES relating to temporary relaxation of planning hours from approved Monday to Friday 8 am – 6 pm & Saturday 8 am to 1 pm to Monday to Thursday 8 am to 9 pm, Friday 8 am to 6 pm (no change) & Saturday 8 am to 4 pm until 13 May 2021, Land to north and south of Summer Lane, Pagham

The Committee received this report, together with the officer's written report update reaffirming reference to the Business & Planning Bill detailed in the report and a verbal update that two further letters of representation received raised similar issues to those set out in the agenda. The Planning Team Leader advised that there must be compelling reasons to refuse the requirement set out in the Ministerial Statement and the applicant had submitted an Extended Hours Management Plan which illustrated that there would not be significant impacts during those extended periods. Whilst Environmental Health had assessed the proposal and found it to be acceptable, they would retain their powers to investigate any pollution based complaints and take their own action if necessary.

In considering the matter, Members expressed reservations that the developer would adhere strictly to the extended hours and that it would be difficult to police and take the necessary action when breaches occurred. The Planning Team Leader stated that should any complaints be received and breaches of the conditions had occurred then enforcement action would be taken. Environmental Health also had powers to act under its own legislation.

It was suggested and duly voted on and agreed that the expiry date for the extension of hours be amended from 13 May 2021 to 13 November 2020 due to the serious concerns aired that the residential amenity of neighbouring properties would be adversely affected. Members were reminded that the Business & Planning Bill had

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come into effect and that there was a fixed end date for that of no later than 1 April, which would allow the developer to apply under that piece of legislation.

The Committee

RESOLVED

That the application be approved, subject to the end date being amended to 13 November 2020.

142. P/116/19/OUT LAND ADJACENT TO SEFTER SCHOOL HOUSE, SEFTER ROAD, BOGNOR REGIS PO21 3EE

P/116/19/OUT – 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 and gardens. This application is a Departure from the Development Plan, Land adjacent to Sefter School House, Sefter Road, Bognor Regis

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

143. R/91/20/PL 6 MANOR ROAD, RUSTINGTON BN16 3QT

Public Speakers: Mr Morris, Objector
Mr Rodway, Agent

(Councillor Bennet declared a personal interest as a member of Rustington Parish Council. He stated he was not present when the matter was discussed at a meeting of the Parish Council.)

R/91/20/PL – Demolition of existing garage & store on existing dwelling & erection of 1 No. detached bungalow to rear, 6 Manor Road, Rustington

In presenting this application, the Planning Team Leader reminded Members that a previous application had been refused in March 2020 and what was now before Members had been modified to take account of the comments made at that time. An officer report update had also been provided which set out the detail of an additional objection received.

The Committee welcomed the amended proposal and felt that it was more in keeping with the character of the area but wished to add a further condition to prevent changes to the roof to allow loft conversions, the addition of dormers, and the building of a garage within the site. The Planning Team Leader advised that that would be reasonable and would prevent overlooking; however, he asked that authority be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman, to provide the necessary wording as he did not have it to hand. The Committee agreed and

RESOLVED

That the application be approved as detailed in the report and subject to the addition of a condition removing permitted development rights relating to changes to the roof, dormers and a garage, the wording to be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman.

144. R/92/20/PL 6 MANOR ROAD, RUSTINGTON BN16 3QT

Public Speakers: Mr Morris, Objector
Mr Rodway, Agent

(Councillor Bennet declared a personal interest as a member of Rustington Parish Council. He stated that he was not present when the matter was discussed at a meeting of the Parish Council.)

R/92/20/PL – Demolition of existing garage & store on existing dwelling & erection of 2 No. detached bungalows to rear, 6 Manor Road, Rustington

Having received a report on the matter and following consideration, the Committee

RESOLVED

That the application be refused as detailed in the report.

145. Y/42/20/PL THE CRICKETS, HOE LANE, FLANSHAM, YAPTON PO22 8NT

Y/42/20/PL – Extension & alterations to main dwelling & conversion & extension of existing annexe to 2 No. holiday letting units (resubmission following Y/117/19/PL), The Crickets, Hoe Lane, Flansham, Yapton

The Planning Team Leader presented this report, together with the officer's written report update detailing a representation received from a nearby occupier and, following brief comment, the Committee

RESOLVED

That the application be approved as detailed in the report.

146. Y/105/19/PL STAKERS FARM, NORTH END ROAD, YAPTON BN DU

Public Speaker: Mr Daines, Agent

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Y/105/19/PL – Conversion of & alterations to existing barns to create 3 No. dwellings, erection of car barns & stores, a replacement ump house, demolition of barn & associated landscaping & parking. This application may affect the character and appearance of Main Road/Church Road Conservation Area – Stakers Farm, North End Road, Yapton

The Committee received a presentation from the Planning Team Leader on the detail of this application, together with a written officer report update advising on receipt of a Statutory Declaration in respect of the barns and outbuildings.

Following consideration of the proposal, the Committee

RESOLVED

That the application be approved as detailed in the report.

147. Y/121/19/PL THE STEDDLES, NORTH END ROAD, YAPTON BN18 0DT

Public Speakers: Ms Simmons, Agent
Cllr Mrs Worne, Ward Member

Y/121/19/PL – Demolition of existing dwelling & outbuildings & erection of 11 No. dwellings (net increase 10 units), access, landscaping & associated works, The Steddles, North End Road, Yapton

The Planning Tea Leader presented this report, together with the officer's written report update detailing:-

- Results of the bat survey and resultant additional pre-commencement condition and informative

The Committee was advised that the existing dwelling was a non designated heritage asset. However, its historical significance had been lost due to the addition of extensions granted over the years and external changes to its setting and, as such, there was no conflict with policy or the guidance in the NPPF (National Planning Policy Framework). In addition, the application site was now surrounded by development.

In considering the matter, a view was expressed that the location was not sustainable and the loss of a non designated heritage asset was unacceptable. The Group Head of Planning reminded Members that they had granted planning permission for a site immediately adjacent to this site so it would be extremely difficult to make an argument that that site was sustainable but this site was not.

Following further comments from Members relating to pathways; highways issues; and CIL contributions, the Committee

RESOLVED

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

148. LIST OF APPEALS

The Committee received and noted the appeals that had been received.

(The meeting concluded at 5.58 pm)

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PLANNING APPLICATION REPORT

REF NO: BN/39/20/PL

LOCATION: Land adjacent to Tars Farm House
Church Lane
Barnham
PO22 0DB

PROPOSAL: Erection of 4 No dwellings & associated works. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION It is proposed to develop this site with 4 detached, four bed houses each with attached double garage and two on plot spaces in front of the garages. The site plan shows an attenuation drainage feature on the west side, new timber fencing/brick walls, block paving, granite sett rumble strips and bin stores. The landscaping drawing indicates 11 new trees, hedges and areas of wildflower planting. The TPO tree is retained alongside the access drive. The access point is retained but improved by removing the entrance steps and piers at the southern extent of the access to accommodate a 4.5m kerb radius.

SITE AREA 0.46 hectares.

RESIDENTIAL DEVELOPMENT DENSITY 9 dwellings per hectare.

TOPOGRAPHY The site slopes down significantly away from the level of Church Lane and bottoms out at the location of a small stream beyond the site boundary which runs roughly northeast/southwest. Beyond this stream, the land rises up again towards the edge of Barnham.

TREES There are some small trees along the southwestern boundary but of most importance are the two large trees on the boundary with Fircroft, one of which (a Pedunculate Oak) is protected by TPO/BN/1/18.

BOUNDARY TREATMENT A hedge varying in height between 1 and 3m to "Fircroft" to the northeast and a part close boarded fence, part hedge to the Cottage Piggeries to the southwest. There are no current boundaries for the north-western & south-eastern extents of the site.

SITE CHARACTERISTICS Land to the northwest of Tars Farmhouse, a large sloping grassed field used for horse pasture with an access drive on the north-eastern side. The site excludes the existing house & gardens, a stable building in the northwest corner and a car parking area at the western end.

CHARACTER OF LOCALITY

Rural location with open fields to the west. Church Lane has a mix of detached properties of various styles and designs. Barnham railway station and other buildings forming part of Barnham/Eastergate are visible to the far northwest. There are three adjoining residential properties. Tars Farmhouse has two storeys and is side on to the site. It has some flank windows. Fircroft is two to two and a half storeys with principal windows looking over the site. The Cottage Piggeries to the south which has a large new house close to the road (on the same building line as the adjacent Birchwood House) with no first floor flank facing windows and a mobile home at the western end.

RELEVANT SITE HISTORY

BN/11/14/	Conversion of existing agricultural buildings to form 7 No stables, a farm office/tack room and 1 No foaling box.	ApproveConditionally 04-06-14
EG/64/12/	For a change of use for 33 acres of land adjacent to Tars Farmhouse from Agriculture to Agriculture and Equestrian. The construction of a 50m x 30m outdoor training arena (Menage) for the schooling of horses and ponies.	ApproveConditionally 16-04-13
BN/30/10/	Erect a new stable block, tack room and hay store (re-submission of BN/25/10/)	ApproveConditionally 02-02-11

A pre-application enquiry (February 2018) concerning the redevelopment of a larger part of this site with 8 houses. The stable block was to be retained with a reconfigured parking area. Advice given concluded that permission would be refused for the following reasons:

- Its location within the countryside coupled with the fact that the Council can demonstrate an NPPF compliant 5 year housing land supply and that the proposal is not small scale and thus does not accord with policy H2 of the BENDP;
- The scale and density of the proposed development in comparison to the character of this semi-rural location;
- The potential for harm arising from the current layout to the TPO Oak Tree; and
- The potential for harm to the local landscape.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Barnham & Eastergate Parish Council

Barnham & Eastergate Parish Council object on the grounds of:

- (a) Site not allocated in Neighbourhood Development Plan (NDP) and was not considered in the NP Review as it was considered unsuitable;
- (b) Part of an area being put forward for designation as an Area of Special Character or to be added to the Conservation Area in part of Church Lane;
- (c) Conflict with NDP policies ES5 (Design) , ES6 (Character) & ES7 (Heritage Sites)
- (d) Major concerns re the traffic impact on an already over-used access road; and
- (e) This will set a precedent for further development.

16 letters of objection raising the following material planning considerations:

- (1) Increase in traffic creating disruption for existing road users;
- (2) Increased road safety issues particularly as no footway along Church Lane;
- (3) The Traffic monitoring equipment did not fully capture the usage of the Lane;
- (4) Increased flooding of Barnham Rife due to surface water runoff;
- (5) Church Lane regularly floods;
- (6) Proposed houses are substantial and will have a significant visual impact;
- (7) Harm to rural character;
- (8) Harm to heritage of Church Lane/Barnham;
- (9) Harm to wildlife using the site & adjacent Rife;
- (10) Increased noise & air pollution from new vehicle movements;
- (11) No need for further housing in the Barnham & Eastergate area;
- (12) This will lead to further development of Tars Farm with access from Marshall Close; and
- (13) Will set a precedent for further development of applicants land and other large gardens in the area.

COMMENTS ON REPRESENTATIONS RECEIVED:

In response to the Parish Council:

- (a) this is noted and the principle of development is considered in the report conclusions;
- (b) It is noted there is a proposal for some form of heritage designation in this area but more work is required to justify this before the Council can either designate a new Area of Special Character or propose an extension to the Conservation Area. This could be considered by the NDP review but won't happen for a while and will involve a full assessment of the area and consultation. The Council tried to refuse residential development of a site in Flansham (Yapton) on the grounds of harm to the area as a heritage asset (despite no designations). Although the appeal (ref APP/C3810/W/19/3236911 - Y/20/18/OUT) was dismissed, costs were awarded against the Council in respect of the heritage concerns;
- (c) these policies are considered in the conclusions. For the above reasons, policy ES7 is not relevant;
- (d) highways issues are considered in the report conclusions; and
- (e) every application is determined with regard to its own merits therefore the presence of other development in the local area does not necessarily mean that additional development will go ahead.

In respect of the resident objections, points (1), (2), (4) - (7), (9) & (10) are considered in the report conclusions, points (8) & (12) - (13) are responded to above and the other points are considered below.

- (3) Noted - this has been accepted by WSCC Highways and no objections are offered in respect of this point; and
- (11) There is a significant housing land supply shortfall in the District with the Council able to demonstrate 2.9-years out of the required 5. Land needs to be found for additional housing preferably in sustainable locations where people have the ability to walk or cycle to access facilities.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Arboriculturist

Southern Water Planning

Parks and Landscapes

Ecology Advisor

Environmental Health

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - No objection subject to an informative regarding the foul sewer connection.

WSCC HIGHWAYS - Advise no objection subject to conditions. Detailed comments on the website but in summary:

- Church Lane is a low trafficked, unclassified road subject to a 30-mph speed limit;
- The applicant proposes to improve the current access without altering the access dimensions and the proposed works are considered to be an improvement on the existing situation;
- A 7-day road speed survey determined that the road speeds in the Northbound direction are 26.6 mph and the southbound direction are 28 mph;
- Visibility splays of 2 x 36m (N) 2 x 54.4m (S) are proposed and these are acceptable;
- No record of accidents in the vicinity of the site access;
- Comment that there is a 4 parking space shortfall but that a refusal on this basis would be difficult to defend;
- Garages and parking bays are of sufficient size;
- On-site turning is provided but it is not clear if this is suitable for fire access; and
- No waste provision is indicated and this should be clarified.

ADC DRAINAGE ENGINEERS - Recommend conditions. State that:

- The Flood Risk Assessment summarises site investigations including groundwater monitoring and infiltration testing;
- This shows that groundwater is too high & infiltration rates so low as to make infiltration unviable;
- Therefore attenuation with a restricted discharge to the Barnham Rife is the most appropriate surface water drainage strategy;
- The proposed open storage basin will provide an adequate level of water treatment; and
- The applicant will need to apply for an Activity Permit from the Environment Agency to gain permission to discharge to the Barnham Rife.

ADC ENVIRONMENTAL HEALTH - No objections. Recommend conditions regarding contamination, noise protection measures (due to the railway), odour protection (due to the stables), electric vehicle charging and construction management.

COUNCILS ECOLOGIST - No objection subject to receipt of details of biodiversity net gain. Request conditions to cover lighting, protection/enhancement of hedges, 5m buffer zone to the Rife, reptile mitigation measures, nesting birds, measures to ensure safety of badgers during construction and

checking the site for hedgehogs before construction commences.

COMMENTS ON CONSULTATION RESPONSES:

WSSC HIGHWAYS - In respect of servicing, the submitted Transport Statement (TS) states that the existing access already accommodates HGV movements associated with the equestrian use at the rear of the site. Further, that the proposed development has been tracked for refuse vehicles. This is demonstrated by a drawing in the TS. The Council will seek to obtain advice from its waste authority and report this to the Committee by update. In respect of the parking shortfall, it is the Planning Authority's opinion that there is only a shortfall of 0.8 spaces so not 4 as advised by County. This is also set out in the conclusions section.

COUNCILs ECOLOGIST - It is not possible to impose a condition to protect birds nests as this is covered by separate legislation and fails to meet the 6 tests as per para 55 of the NPPF. A condition preventing works within 5m of the Rife is not necessary as the site is at least 15m from the Rife with an existing car parking area in between. The applicant provided an ecological enhancement plan and the Ecologist states this demonstrates biodiversity net gain and should be conditioned.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Lidsey Treatment Catchment Area;
Area of Special Control of Adverts;
TPO/BN/1/18;
CIL Zone 3; and
Current/Future Flood Zones 1.

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
HDM1	H DM1 Housing mix
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
HWBSP1	HWB SP1 Health and Wellbeing
LANDM1	LAN DM1 Protection of landscape character
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution

QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

<u>Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1</u>	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES2	Water courses
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES4	Protection of open views
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES8	Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES11	Energy efficiency of new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA1	Connection to sustainable transport
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H2	Windfall sites
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H3	Housing mix
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H6	Attention to detail
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H7	Drainage for new housing

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
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POLICY COMMENTARY

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

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

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 results in development outside of the defined settlement boundary in the Arun Local Plan and therefore conflicts with this plan. However, there is no conflict with the Barnham and Eastergate Neighbourhood Development Plan as this allows for small scale infill development across the plan area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan as detailed in the conclusion section.

CONCLUSIONS**PRINCIPLE:**

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 BENDP that relate to the supply of housing (H2) has 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 as the walking/cycling route to the railway station in the centre of Barnham is about 600m. There are schools and shops in this location. Buses stop on the Yapton Road enabling access to Yapton, Walberton, Westergate, Eastergate, Barnham and Bognor Regis. 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.

Barnham and Eastergate Neighbourhood Development Plan (BENDP):

The BENDP was made in July 2014 on the basis of saved policies in the 2003 Arun Local Plan and the draft policies in the 2014 publication version of the emerging Arun Local Plan. The BENDP does not set a built up area boundary and policy H2 simply states that "Permission will be granted for small residential developments on infill and redevelopment sites within the parishes subject to the policies of this plan being met." The policy does not define what is considered small and the proposal would be in accordance with this policy and therefore that there would be no conflict with this policy.

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.

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

There is no question that (i) does not apply to this determination as the site does not lie in a protected landscape. The part (ii) test will be applied at the end of this report.

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

The Council's Action Plan (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 release of further land for housing will help 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.

This site (ref 45) is shown in the 2019 HELAA and considered to be developable and suitable in principle for future housing potential because of its accessibility to facilities, job opportunities & public transport and because there are no insurmountable constraints.

(2) Site Location

Although classified as countryside, the site is immediately adjacent to a dwelling (Tars Farm House) and there are further dwellings and their curtilages on two sides. There is an extant permission for a further dwelling (to replace a mobile home) at the rear of the adjacent Cottage Piggeries site.

Conclusion on Matters of Principle:

The principle of development is contrary to the policies in the development plan. The policies of the 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. Although there is no conflict with the BENDP, those policies that relate to the supply of housing have even less weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

This application should not be determined as being unacceptable in principle and 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.

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 respect of parking, T SP1 states: "The Council will support transport and development which: Incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking". In addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes, contribute to the improvement of such routes &

facilities and contribute towards the provision of a joined-up cycle network and Public Rights of Way network.

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The advice of WSCC Highways is summarised above and it is clear that they raise no objections and 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, the proposal is not contrary to the NPPF (para 109), and 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 12 allocated spaces (3 x 4) and 0.8 visitor spaces. The layout shows a total of 16 allocated spaces but this is reduced down to 12 as 8 of the spaces are garages. There is no visitor parking provision shown and as such, there is an under provision of 0.8 parking space.

Policy GA4 of the BENDP states that "Development proposals will be supported only if they include the maximum level of off-street parking consistent with the current standards under the Local Plan. Developments that reduce the amount of off-street parking currently available will only be supported if they make enforceable provision for equivalent off-street parking nearby. Parking spaces provided in connection with such proposals will be required to be made available in perpetuity."

The proposal is in conflict with both the Arun Parking Standards SPD and BENDP policy GA4. As the shortfall is not significant and as the actual visitor requirement is not a whole space (with nothing in the SPD to say this be rounded up), it is not considered that permission should be refused on this basis.

ALP policies T SP1 & T DM1 require development to reduce the need to travel by car and give priority to pedestrian and cycle movements. As discussed elsewhere, this site is in an accessible location. It is indicated that cycles will be stored in double garages and a condition will be imposed to ensure this. To accord with Policy T SP1 of the Arun Local Plan, the Arun Parking Standards SPD requires 2 spaces for 3+bed houses.

The proposal accords with development plan policies and the guidance on highway safety in the NPPF.

DESIGN, CHARACTER & VISUAL AMENITY:

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. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality.

ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. BENDP policies ES5 (Quality of design), ES6 (Contribution to local character), ES8 (Buildings should be designed to reflect the three-dimensional qualities of traditional buildings), H4 (Integration of

new housing into surroundings) and H6 (Attention to detail) are all considered to be relevant. These set out requirements for high quality design, the early integration of building features & details and development that reflects the design & character of surroundings.

Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and (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)."

The scheme has been designed to ensure it is in keeping with the character of Barnham and that it responds positively to the edge of settlement setting. The previous pre-application enquiry for 8 dwellings was turned down partly on the grounds that the scale & density of the development was not in character with the surrounding spacious/low density character of the semi-rural location.

The applicant has taken this advice on board and proposed a spacious low density scheme of 4 dwellings which reflects the character of the surroundings. The dwellings are consistent in form and appearance with each dwelling being both symmetrical and balanced in elevational profile. The proposal includes bays and gables to create a degree of variation to reflect the informal nature of the layout. The proposal includes two distinct forms of dwellinghouse:

- Plots 1 & 4 have a fully hipped main roof with twin forward projecting gables. The recess formed between the gables is covered by a mono-pitched roof to create a central porch; and
- Plots 2 & 3 also have a fully hipped main roof with a centralised projecting bay over two storeys.

The dwellings are traditional in character which is achieved through the use of appropriate materials and architectural detailing.

The development will not harm the character and appearance of the locality and does result in significant harm to visual amenities of the site/surroundings. The proposal complies with the 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.

The houses are well spaced out and easily achieve these distances. The placement of houses ensure

sufficient spacing to existing adjacent dwellings. New hedges are proposed to gardens which screen out views at ground floor level and mitigate noise disturbance. The proposal does not cause harm to the amenities of neighbouring occupiers or to those of the future occupiers of the development and the proposal is in accordance with the relevant policies.

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". It is therefore necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will be suitable for residential use.

The homes are have two storeys with 4 bedrooms accommodating up to 7 people per house. As such, the requirement would be 115m². All homes have a floor area exceeding 200m² (200.5m², 200.5m², 214m² & 219m²) therefore all exceed the required standard.

There are no policies in the ALP relating to garden sizes. The 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 more than sufficient front/rear gardens and there is no need to restrict permitted development rights for outbuildings and rear extensions.

SURFACE WATER DRAINAGE & FLOODING:

Notwithstanding concerns of local residents, according to Council records, the site does not lie in an area at risk from current or future flooding. The nearby Rife is at high risk of flooding but due to topography, the site is not affected by this. Church Lane is noted as being at risk of surface water flooding but again this does not impinge on the site.

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." BENDP Policy ES1 requires that development reduce the overall level of flood risk in the area and that conditions be imposed to ensure an effective surface water drainage scheme.

The Council's Drainage Engineers do not object subject to the imposition of conditions to ensure that any surface water from the site does not adversely affect flooding in the Rife or on Church Lane. On this basis, there is no conflict with the relevant policies.

LANDSCAPE & TREES:

Para 127(b) of the NPPF requires decisions ensure that developments are visually attractive as a result of effective landscaping. Policies D DM1 and D SP1 of the Arun Local Plan are consistent with paragraph 127 of the NPPF in that they require 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: "Development will be permitted where it can be demonstrated that trees protected by a Tree Preservation Order(s), (TPO) identified as Ancient Woodland, in a Conservation Area or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity unless development:

- a. Would result in the removal of one or more trees in the interests of good arboricultural practice. This shall be demonstrated by the developer following the advice of a suitably qualified person which shall be guided by BS 5837 (2012). Details of any advice received having regard to BS 5837 (2012) shall be submitted, in writing, as part of a planning application; or
- b. Would enhance the survival and growth prospects of other protected trees;
- c. The benefits of the proposed development in a particular location outweigh the loss of trees or woodland, especially ancient woodland."

Policy ES10 of the BENDP states: "Development that damages or results in the loss of ancient trees or trees or hedgerows of arboricultural and amenity value will not be supported. Development proposals must be designed to retain ancient trees or trees or hedgerows of good arboricultural and amenity value. A minimum buffer of at least 15 metres in width should be maintained between ancient woodland and any development boundary; Proposals should be accompanied by a survey that establishes the health and longevity of any affected trees or hedgerows and a management plan to demonstrate how they will be so maintained; Plans for tree planting on new developments of more than 3 dwellings or commercial developments over 300 square metres must anticipate the effects of climate change."

The existing TPO tree is not directly affected. The road layout adjacent to it remains the same but is to be re-laid and this will be carried out using a no-dig construction method and a cellular confinement system placed just above ground level. No other trees are affected by the proposals. The proposal includes a landscape scheme which has a sufficient level of detail to not warrant the imposition of a landscaping condition. 11 new trees are proposed as well as hedges and wildflower planting. Standard tree protection conditions are to be imposed to ensure the development proceeds in accordance with the Tree Protection Plan.

The submission includes a Landscape & Visual Impact Assessment which concludes that:

- The development results in landscape effects ranging from 'no adverse or significant landscape effects' to 'a minor adverse but insignificant landscape effect';
- The development results in visual impacts ranging from 'no adverse or significant' to 'moderate adverse but insignificant';
- There are no significant landscape or visual effects arising from the development; and
- Although the proposals seek to develop a green field site, there is the infrastructure and capacity to integrate the development into the landscape in a way that offers improvements.

As no trees are to be removed, as the TPO Oak tree is to be protected, as there will be no significant landscape impact and as a landscaping scheme has been provided, it is considered that their the proposal complies with ALP policies D DM1, D SP1 & ENV DM4 and with BENDP policy ES10.

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)."

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 and a separate Water Vole

Survey Report and the Council's ecologist has reviewed these and advises of no objections subject to conditions to secure various mitigation measures.

In respect of biodiversity net gain, the ecologist sets out enhancements that should be provided but requested that details of these be provided. The applicant provided an ecological enhancement plan setting out proposals to provide bird boxes, bird & bat bricks, hedgehog houses, hedgehog holes in boundary treatments, log piles and various landscape treatments. These measures will be enforced through a condition. The Council's ecologist raises no objection subject to conditions being imposed.

The scheme provides a biodiversity gain and the proposal complies with the NPPF para 175 and with ALP policy ENV DM5. It is recommended conditions be imposed to ensure hedgerows are protected, that lighting proposals do not adversely affect bats, that reptiles/badgers/hedgehogs/small mammals are not adversely affected by construction and biodiversity enhancement measures are implemented.

CLIMATE CHANGE/SUSTAINABLE CONSTRUCTION:

ALP policy ECC SP2 requires that new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change. The application does not set out any response to these policies. Conditions will be imposed to (a) require electric vehicle charge points and (b) details of measures to achieve energy efficiency measures. On this basis, it is considered that the proposal complies with policies ECC SP1 and ECC SP2.

THE NPPF PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT:

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. Para 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental objectives should be sought jointly and simultaneously through the planning system. The following is an assessment of the benefits and costs associated with the proposal.

The site is environmentally sustainable in that it is possible to walk, cycle or walk then take a bus to access nearby shops, services, schools, places of employment, a railway station & other facilities and that these are all within an appropriate distance such that it is not necessary to travel by car.

The development results in the loss of a grassed field. The application proposes 11 new trees, new hedges, wild flower planting and other ecological enhancement measures to offset any impact on the existing biodiversity.

The proposal could help to support the local community by providing 4 family sized homes to help meet future needs. CIL receipts could also be used within the Parish Council area to contribute towards local infrastructure needs therefore, there could be a further benefit to the local community.

Para 11 (d) of the NPPF sets out the application of the 'presumption' for sustainable development which is triggered where the Council's policies most important for determining the application are out-of-date. This 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.

This report finds no significant adverse impacts associated with the proposal and there are significant benefits to take account of. Therefore the presumption in favour of sustainable development is engaged.

SUMMARY:

This application considers the development of 4 dwellings on land associated with an existing dwelling and equestrian business. 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 considered in the HELAA to be developable and suitable in the future for residential development. It is also surrounded on three sides by built or committed single residential dwellings.

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.

CIL DETAILS

This is a CIL Liable development. It is located in Zone 3 and as a result a CIL amount of £146,700 is payable unless the applicant subsequently applies for an exemption subject to the requirements of the CIL Regulation 2010 (as amended).

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Location Plan dwg 2.29 Rev B;
 Site Plan dwg 2.20 Rev B;
 Landscape Proposals Planting dwg 2009-TF-00-00-DR-L-1001 Rev 02;
 Plots 1 & 2 Proposed Floor Plans dwg 2.21;
 Plots 3 & 4 Proposed Floor Plans dwg 2.22;
 Elevations Plot 4 dwg 2.23;
 Elevations Plot 2 dwg 2.24;
 Elevations Plot 3 dwg 2.25;
 Elevations Plot 4 dwg 2.26 Rev A;
 Garages Plots 1 & 3 Floor Plans and Elevations dwg 2.27; and
 Street Scenes dwg 2.28.

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 Clearance of the site should only be conducted during the period of the year that reptiles are active (Mid March to Mid October) and supervised by an ecologist. Any vegetation to be removed shall be cut down to 10cm prior to any works taking place. Any dead wood, or rubble piles should be dismantled by hand and relocated elsewhere on the site.

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

- 4 The development must be carried out in accordance with the submitted "Ecological Enhancement Plan" and "Ecological Enhancement Specification" both received 06/08/20. The enhancements and mitigation measures shown on the drawing shall be implemented in full prior to occupation of any of the houses and permanently maintained as fit for purpose.

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

- 5 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 work on Sunday or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

- 6 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.

- 7 No development shall commence until an acoustic assessment has been undertaken to determine the impact of noise from the nearby railway line. The results of the assessment and details of a scheme of mitigation measures necessary to ensure an appropriate level of aural amenity within habitable rooms and in garden areas shall be submitted and approved in writing by the Local Planning Authority. The assessment shall demonstrate that the internal noise levels within the residential units will conform to the "Indoor ambient noise levels for dwellings" guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details. The assessment and mitigation scheme shall be compiled by a competent acoustician on sound insulation and noise reduction for buildings. The scheme should take into account the correct number of air changes required for noise affected rooms.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan. This is required to be a pre commencement condition because it is necessary to ensure that noise mitigation measures are built into the construction of the houses.

- 8 No development shall commence until an odour assessment has been undertaken to determine the impact of odour from the nearby livery stables and other rural activities. The results of the assessment and details of a scheme of mitigation measures necessary to ensure an appropriate level of amenity within habitable rooms and garden areas shall be submitted and approved in writing by the Local Planning Authority. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details. The assessment shall be conducted by a suitably qualified odour assessor and be carried out in line with the Institute of Air Quality Managements 'Guidance on the assessment of odour for planning.'

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan. This is required to be a pre commencement condition because it is necessary to ensure that odour mitigation measures are built into the construction of the houses.

- 9 All activity at the site is to be carried out in strict accordance with: - Arboricultural Implications Assessment and Method Statement, Ref: 181087-AIA (27/02/19).

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.

- 10 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place 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. ECO 3 (Appendix 1 of the Arboricultural Implications Assessment and Method Statement, Ref: 181087-AIA, 27/02/19).

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.

- 11 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.

- 12 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.

- 13 No development shall commence until details of fencing (including erosion guards) set 5m back from the edge of the Rife have been submitted to and approved in writing by the Local Planning Authority. The approved fencing shall thereafter be implemented in accordance with the approved details and retained in good working order throughout the construction of the development site.

Reason: Water voles use the Rife and therefore this is 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 Rife must be protected prior to construction starting.

- 14 The use of the access for the new dwellings shall not commence until visibility splays of 2 x 36 metres (Northbound) & 2 x 54.4 metres (Southbound) have been provided at the proposed site vehicular access onto Church Lane in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The splays shall be maintained and kept free of all obstructions over a height of 0.9 metre above adjoining carriageway level or as otherwise agreed.

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

- 15 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.

- 16 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 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

- 17 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.

- 18 None of the houses shall be first occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwellings and any approved renewable energy supply systems shall be permanently retained & maintained in good working order 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.

- 19 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.

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

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.

- 21 There shall be no occupation of the new dwellings until the vehicular access serving the development has been upgraded in accordance with the approved site plan.

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

- 22 No part of the new development shall be first occupied until the garages and car parking spaces have been constructed in accordance with plans to be submitted to and approved in writing by the Local Planning Authority. These spaces shall always thereafter be kept for their designated use.

Reason: To provide car-parking spaces for the development in accordance with Arun Local Plan policy T SP1 and the National Planning Policy Framework.

23 No part of the new development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car use in accordance with Arun Local Plan policy T SP1 and the National Planning Policy Framework.

24 No part of the new development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall always thereafter be kept for its designated use.

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

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

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the 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 During the construction phase, any trenches within the site must be either covered with something rigid overnight or a means of escape made available and all hazardous chemicals must be securely stored away so animals cannot access them.

Reason: To safeguard badgers and other small mammals in accordance with Policy ENV DM5 of the Arun Local Plan and the NPPF.

28 All bathroom 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.

29 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.

- 30 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.
- 31 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>.
- 32 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.
- 33 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.
- 34 INFORMATIVE: The Local Highways Authority (LHA) advises the applicant 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 the permission of a Vehicle Crossover (VCO) licence. Please see the following link on details pertaining to the licence application process: <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-application-form/>
- 35 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

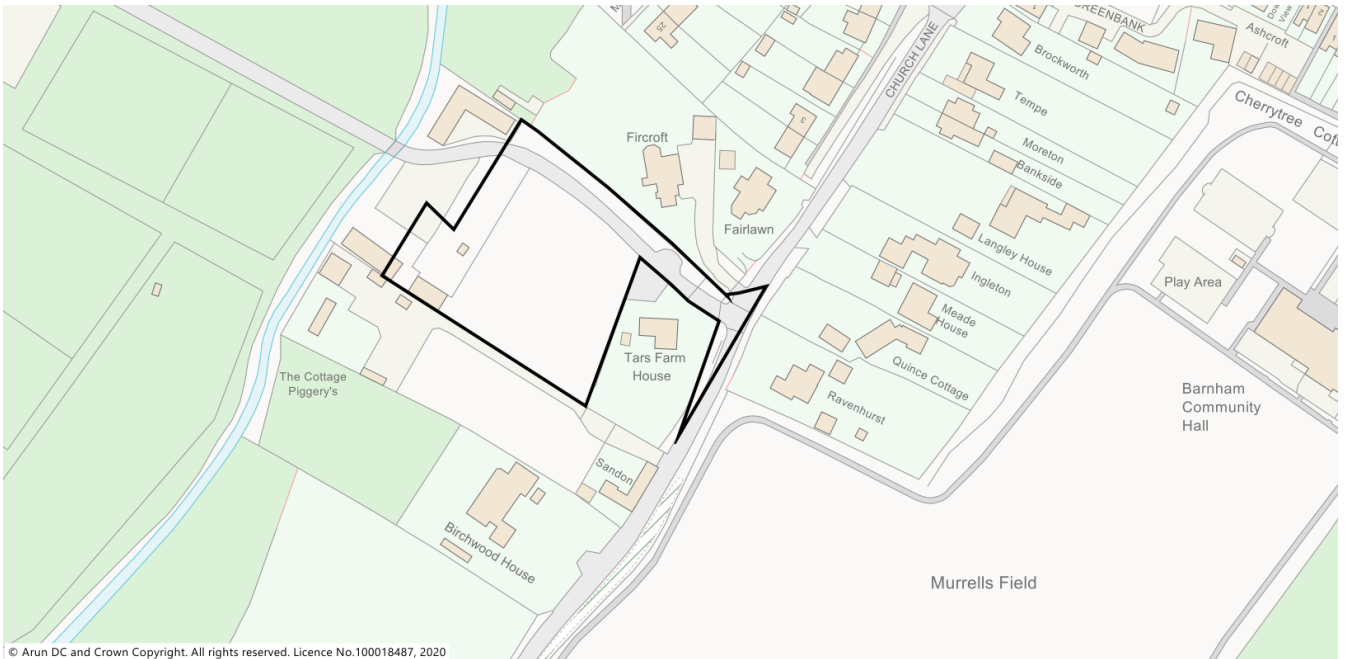
between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 36 **INFORMATIVE:** This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

BACKGROUND PAPERS

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

BN/39/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: EP/67/20/PL

LOCATION: Land adjacent to 45 The Ridings
East Preston
BN16 2TW

PROPOSAL: 1 No. detached house & formation of associated new access.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The construction of a 6 bedroomed detached dwelling in the garden area of an existing dwelling. A two storey property with accommodation also proposed in the roofspace.
SITE AREA	1155 sq.m.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	9 dwellings per hectare.
TREES	Some tree loss is proposed to facilitate access onto the site. Those proposed to be removed are of relatively low quality and those of higher quality fronting the site are to be adequately protected.
BOUNDARY TREATMENT	2 metre close boarded fence and mature planting to southern, eastern and western borders.
SITE CHARACTERISTICS	A side garden of a large detached house with extensive grounds.
CHARACTER OF LOCALITY	A residential area in East Preston. The immediate locality largely comprises large 2 storey dwellings evenly spaced with no uniform character.

RELEVANT SITE HISTORY

EP/111/12/	Demolish 1 house (60 Sea Lane); partially demolish 1 house (45 The Ridings); construct 3 detached houses; alterations and extensions (45 The Ridings)	App Cond with S106 05-07-13
EP/129/16/PL	Demolition of existing dwellings & creation of 2 No 4 bed detached houses & 2 No 5 bed detached houses	ApproveConditionally 04-01-17

There is relatively recent planning history of approvals for new residential development on the site. The most recent EP/129/16/PL being granted by the Development Control Committee for the demolition of 45 The Ridings and construction of two houses along the frontage of The Ridings.

There have been a series of planning permission (at least 8 separate permissions) dating back to 1986 for a dwelling on this plot.

REPRESENTATIONS

East Preston Parish Council

Objection:

- Insufficient parking spaces.
- Too large/cramped appearance.
- Plans incorrectly annotated.
- Exceeds two storeys and therefore contrary to neighbourhood plan.

6 letters of objection from neighbouring properties raising the following points:

- Inadequate parking.
- Large house not in keeping.
- Traffic Management Plan required.
- Overlooking.
- Too small a space for two 6 bed roomed houses.
- Possible harm to trees.
- Loss of garden contrary to village design statement.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Wrong annotation to plan as raised by the Parish Council to be corrected.

Issues raised addressed in Conclusions section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Drainage - No objection. Development should be in accordance with building regulations.

WSCC Highways - No highway safety concerns. Sufficient space within the site for three car parking spaces.

ADC Tree Officer- No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

WITHIN BUILT UP AREA BOUNDARY.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
QESP1	QE SP1 Quality of the Environment

SDSP2	SD SP2 Built-up Area Boundary
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
TSP1	T SP1 Transport and Development

East Preston Neighbourhood Plan 2014 Policy 1	Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 2	Design in Character Area One

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
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POLICY COMMENTARY

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

Policies EP1 and EP2 of the Neighbourhood Plan are considered relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that the proposed scheme is of an acceptable design in character with surrounding dwellinghouses and it would not cause a significant detriment to residential amenity of neighbouring properties.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

In this case, the key policies are D DM1 and D SP1 of the Arun Local Plan. Additionally, Policies 1 and 2 of the East Preston Neighbourhood Development Plan apply.

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 SP1 - Design requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of its character and

design.

Policy 1 of the East Preston Neighbourhood Development Plan sets out general principles for development within the Parish. Part (i) relates to the scale, density, massing, height, landscape design, layout and materials of development proposals, and how proposals must reflect and enhance the established character of the area.

Policy 2 of the East Preston Neighbourhood Development Plan sets out the criteria for development within Character Area One. These ensure that proposals preserve the character of the street scene, and resist any increases in density that would alter this character. It also seeks to avoid apartment block development, and protect the view from the beach.

DESIGN

The design of the new house would be broadly similar to the existing dwelling 45 The Ridings and as such would fit in with the neighbouring dwellinghouses and with the character of the area. The streetscene is formed of evenly spaced dwellings which this new dwelling would match by infilling an existing large gap. The property 45 The Ridings has an unusually large side garden fronting onto the road. To develop this garden will bring the site in keeping with most development along the Ridings in terms of separation of dwellings.

There would be limited development within the roofspace with a single dormer window on the rear elevation which would not compromise the general appearance of the dwelling as a two storey property.

The development would accord with the Arun Design Guide chapter P 'Infill Development' in that the development would respect the established pattern of building height, scale, plot width, boundary treatment and building line along the edge of the plot, and continue the rhythm of the street by repeating key elements such as chimneys, porches, windows and doors.

The development is therefore considered to comply with policies D DM1, D SP1 of the Arun Local Plan and Policy 1 & 2 of the East Preston Neighbourhood Plan.

SPACE STANDARDS

The new dwelling would have an internal floor space of 318 sq.m. which is well in excess of the nationally described space standards for a six bedroomed 3 storey dwelling (138 sq.m.).

The rear garden would be 30 metres in length which would adequately provide sufficient external space for the dwelling and is in keeping with what is found elsewhere in the area and comply with guidance within the Arun Design Guide.

RESIDENTIAL AMENITY

The proposed house would have only obscure glazed bathroom windows along its side elevations facing the side elevations of 45 and 49 The Ridings at first floor level. The obscure glazing of these windows would be secured by condition.

The development would not project forward, nor would it project beyond the rear of the adjoining dwelling, 45 The Ridings and therefore would not lead to overshadowing or significant loss of light to that dwelling. The new dwelling would be 10 metres to the north of 49 The Ridings and therefore again would not cause an overbearing impact or loss of light to that dwelling.

The impact on residential amenity of neighbouring properties would be acceptable and in accordance with policy D DM1 of the Arun Local Plan.

PARKING AND TRANSPORT

The proposed new access point is considered, by West Sussex County Council Highways Department, to be acceptable on safety grounds. It is also worth remembering that there have been numerous permissions over the past 25 years for a single dwelling on this plot. None of these have yet to be implemented.

The proposed driveway and turning space shown has the potential for the provision of 3 car parking spaces which meets the requirements of the Arun Parking Standards Supplementary Planning Document.

The Local Highway Authority (LHA) note that the dimensions of the proposed integral garage do not match that set out in Manual for Streets (MfS) for a single car garage. Notwithstanding this, the LHA is satisfied that the plans demonstrate adequate parking provision.

The proposal is considered to comply with policy T SP1 of the Arun Local Plan.

TREES

A number of lower quality trees would be removed to provide access to the site. However the majority of the best quality trees would be retained in this scheme. Subject to conditions the Council's Tree Officer is satisfied to recommend approval for the scheme.

SUMMARY

The development is considered to be in character with surrounding development and to have an acceptable impact on neighbouring properties and 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.

CIL DETAILS

This application is CIL Liabe 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 Floor Plans, Roof Plan, Elevations Dwg.no. 935/PO1 Rev B dated Mar 2020
 Site Location and Block Plans Dwg.no. 935/PO2 dated April 2020
 Proposed Site Layout Dwg.no. 935/PO5 dated April 2020

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

- 3 No part of the development shall be first occupied until 3 car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

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

- 4 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls (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 building.

Reason: To achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 5 All the windows at first floor level in the south and north elevations of the building shall at all times be and remain glazed entirely with obscure glass and fixed shut up to 1.7m from finished ground floor level.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policy D DM1 of the Arun Local Plan.

- 6 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be 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 in compliance with policy T DM1 of the Arun Local Plan.

- 7 No part of the development shall be first occupied until an electric vehicle charging space has

been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies in compliance with policy T SP1 of the Arun Local Plan.

- 8 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 will be inspected to verify it is '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. TPP 03, Sept. 2016.

- 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.

Reasons: 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 needs to be a pre commencement condition so as to ensure that trees are adequately protected in accordance with policy ENV DM4 of the Arun Local Plan.

- 9 All activity at the site is to be carried out in strict accordance with: - Arboricultural Method Statement, David Archer Associates, April 2020.

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.

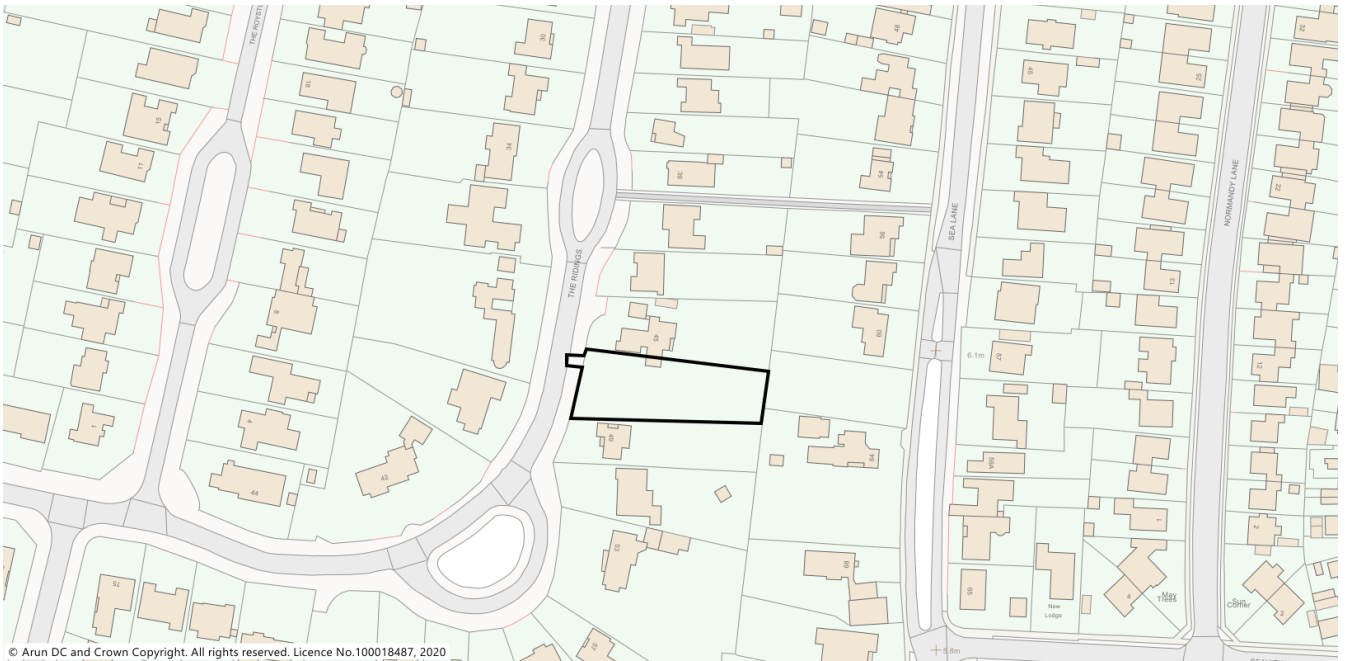
Reasons: To ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area in accordance with policies D DM1 and ENV DM4 of the Arun Local Plan.

- 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: The applicant is advised to contact the proprietor of the privately maintained lane to obtain formal approval for the proposed access works.

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](#).

EP/67/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: F/15/20/WS

LOCATION: Ford Circular Technology Park
Ford Road
Ford
BN18 0XL

PROPOSAL: Demolition of existing buildings and structures and construction and operation of an energy recovery facility and a waste sorting and transfer facility for treatment of municipal, commercial and industrial wastes, including ancillary buildings, structures, parking, hardstanding and landscape works. This application is a County Waste Matter will be determined by West Sussex County Council.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application is a "county matter" that will be determined by West Sussex County Council. The County Council has consulted Arun District Council as a statutory consultee and will need to consider any representations, which are made in response, as material considerations to be taken into account before determining the application.

It is a full application seeking planning permission for the construction and operation of an Energy Recovery Facility (ERF) and a Waste Sorting and Transfer Facility (WSTF). The ERF building would be located in the eastern half of the site and would feature one waste bunker, one combustion chamber, one turbine and one stack. It would also include education, administrative and welfare facilities. The WSTF would be located in the western half of the site. Other buildings and structures ancillary to the ERF and WSTF include a gatehouse, weighbridges, air cooled condensers, electricity transformer, pump houses, storage tanks, staff and visitor parking and internal roads. Bunds and landscape planting would be located along the site boundary to screen the lower part of the buildings and the activity on the site at ground level.

The ERF would be capable of treating 275,000 tonnes of non-recyclable waste each year from homes and businesses across West Sussex and neighbouring counties, which would generate 28MW (net) electricity. The site already benefits from planning permission for an ERF alongside a waste transfer facility that is currently operational. The extant permission is for a facility that would handle up to 200,000 tonnes of waste per annum. The proposed development would increase this amount by 75,000 tonnes per annum. The

ERF would sit within the existing site boundary, with access via the recently opened new entrance at Ford Road. Existing buildings on the site would be removed, making way for the ERF and supporting buildings including a replacement for the current waste transfer station.

The site currently has planning permission for 120 HGVs to enter and exit the site Mondays to Fridays and 60 HGVs to enter and exit the site on Saturdays (with HGV routing south towards the A259). It is proposed that these limits would remain in place during operation of the proposed ERF and WSTF.

The stated benefits of the project include:

- Creation of 56 new permanent jobs and safeguarding 24 existing permanent jobs
- Treatment of a total of 295,000 tonnes of waste a year at the ERF and WSTF
- Power for around 68,000 homes
- £230m inward investment for the region
- Opportunity to provide heat and power for local homes
- Provision of apprenticeship, graduate recruitment and management training schemes
- Provision of educational outreach programmes.

The application comprises a comprehensive set of plans, drawings and documents, including an Environmental Statement.

SITE AREA

7.11 Hectares

SITE CHARACTERISTICS

The site is partly used as a waste transfer station and is partly vacant. The waste transfer station building is located towards the centre of the site and portacabins, parking spaces, weighbridge and containers associated with this operation are situated to the west. There are two vacant former hangar buildings in the north of the site and a large area of hardstanding is situated in the south and east of the site.

CHARACTER OF LOCALITY

The site is surrounded by agricultural land on all sides apart from the south and south west, where the adjacent land use is sport and recreation (playing pitches). The 'Flying Fortress' (indoor children's play area) and the 'Arun Sports Arena' (indoor five-a-side football facility) lie beyond the playing pitches to the south west. The Ford Wastewater Treatment Works lies beyond to the south. To the west are industrial units and residential properties beyond. There are further residential properties in Ford Lane and Rodney Crescent to the north and east respectively.

RELEVANT SITE HISTORY

treatment facility. This is a County Matter and will be determined by West Sussex County Council. 21-01-14

F/12/18/WS New access road - This application is a County Matter No Objection
Waste Application & will be determined by West Sussex 23-07-18
County Council (EIA)

For clarification:

F/19/13 - Planning permission (WSCC/096/13/F) was granted by West Sussex County Council on 9 January 2015 for the development and operation of a waste treatment facility at the site. Permission was granted subject to a s.106 agreement controlling hours, volumes and routing of HGVs.

F/12/18/WS - Planning permission (WSCC/027/18/F) was granted by West Sussex County Council on 15 August 2019 for a new access road at the site and the existing s.106 agreement was varied.

REPRESENTATIONS

This planning application is due to be discussed at a special meeting of the Ford, Yapton & Clymping Advisory Group on 25th August 2020.

COMMENTS ON REPRESENTATIONS RECEIVED:

The views of the Ford, Yapton & Clymping Advisory Group will be included in a subsequent update report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH: No objection in principle to this application.

Noise - The noise report should take account of the fact that residential development is proposed on a large proportion of the site the subject of application F/4/20/OUT. Conditions are recommended to secure the use of only white sound reversing alarms on site and deliveries to the site during specified hours in both the construction and operational phases.

Lighting - The lighting scheme should be reviewed.

Air Quality - (i) Mitigation measures need to accord with the Air Quality and Emissions Mitigation Guidance for Sussex (2020). (ii) It is unclear how opportunities for improving cycle and pedestrian connections have been included in the design. (iii) Electric vehicle charge points should be included for staff parking and vehicles that are used on site should be electric where possible.

Odour - Not satisfied that the EIA has adequately evidenced that odours will not be a problem at sensitive receptors close by. Additional information has been requested.

Dust - A condition requiring the submission of dust management plans to cover both the

demolition/construction phase and the operational phase is recommended.

Environmental Permitting - This is a matter for the Environment Agency.

Contaminated Land - The use of model conditions is recommended to deal with the risks associated with contaminated land.

ENVIRONMENTAL SERVICES & STRATEGY MANAGER:

The proposed development has no direct impact on the Council's role as a Waste Collection Authority. It appears that the rationale for the expansion is to meet the growing local commercial demand for waste disposal. This expansion may provide WSCC as the Waste Disposal Authority with additional local disposal options moving forward. It would appear that there is a carbon footprint reduction benefit in the local treatment of waste, which would otherwise have to be transported further to alternative sites across the country. This can only be viewed as a positive.

CLEANSING OPERATIONS MANAGER:

The proposed development will not have an impact on the household waste collection service. The final destination of municipal waste is determined by West Sussex County Council as the waste disposal authority.

PARKS AND LANDSCAPES:

"The proposed energy recovery, waste sorting and transfer facility is considerable in size and massing and will sit well above the existing skyline. There is some existing vegetation on the boundary of the site and along nearby field boundaries, but the images provided demonstrate this will have little effect in screening views of the building structure, both near and distant. The coastal plain does not provide the natural landform which would assist in delivering a more elevated, enhanced screening solution."

The presence of the waste facility has the potential to impact greatly on existing dwellings, the proposed housing development (F/4/20/OUT), the enjoyment of the public open space and use of the adjacent sports facilities.

A substantial landscape scheme should be integral to the development but the restricted size of the site does not allow the space required for a robust and effective scheme to be implemented.

ARBORICULTURIST:

The arboricultural submissions are comprehensive and the proposed development is achievable without detriment to existing on and off-site trees.

The illustrative layout does not provide confidence that the installations will be adequately screened from the surrounding future strategic development. The selection of native tree species of potential stature and longevity that will grow to enhance the local landscape is welcome, but far more undisturbed ground is required around them to ensure they can realise their potential. This can be said for the soft landscape proposals on all boundaries.

ENGINEERING SERVICES MANAGER: "Normal drainage requirements" expected.

ECONOMIC REGENERATION: "Economic Development has no comments".

PLANNING POLICY TEAM:

The site is identified in WSCC and SDNPA's Waste Local Plan 2014 (WLP) as a strategic waste allocation (Policy W10). Its development is guided by specific principles set out in paragraph 7.3.9 of the WLP.

The site is surrounded on all sides by a strategic housing allocation (SD8) in the Arun Local Plan 2011-2031. The housing allocation is currently the subject of an application for outline planning permission for 1500 dwellings (F/4/20/OUT). Therefore, a coordinated approach will be needed in relation to the following:

- Addressing the cumulative transport impacts (Policies T SP1, T DM1 & T SP3)
- Connecting walking and cycling routes (Policies T SP1 & QE DM3)
- Connecting the energy and heat with local users (NPPF Paras. 150 & 151)
- Avoiding or mitigating air pollution (Policy QE DM3)
- The impact on the landscape (Policy LAN DM1)
- Adapting to the effects of climate change (Policy ECC SP1)
- Proposals to upgrade the Ford Waste Water Treatment Works to facilitate growth
- Opportunities to enhance biodiversity (Policy ENV SP1)
- Recycling and recovery of materials on site (Policy WM DM1)
- The impact upon heritage assets (HER SP1).

CONSERVATION OFFICER:

The 1948-51 hangars on the site can be considered as non-designated heritage assets. The heritage assessment identifies that the hangars have been significantly altered and are therefore of limited significance, whereas many of the other assets listed above are identified as of high significance.

The proposed development will be visible from Place Farm (Atherington House, Ford Place, Southdown House and The Lodge). It will be "a prominent and intrusive addition to part of the remaining rural setting of the listed building which will result in a permanent substantial adverse effect, which is significant".

The scale of the proposal and the impacts identified in the heritage assessment mean that it will have an impact on the heritage assets. The impact will vary according to the location and nature of the individual assets. Based upon the assessment, it would appear to be at least less than substantial harm in accordance with paragraph 196 of the NPPF and potentially substantial in some cases.

COMMENTS ON CONSULTATION RESPONSES:

Responses noted. The Planning Services Team at West Sussex County Council will have consulted the South Downs National Park Authority, Natural England, Environment Agency, Southern Water, Sussex Police, Network Rail, and their own Highways Officers, Drainage Engineers and Ecology Advisors. The consultation with Arun District Council specifically requested the views of the Environmental Health Officer. The Environmental Health Officer's full comments have already been sent to West Sussex County Council.

POLICY CONTEXT

Designation applicable to site:

- County Waste Local Plan Strategic Waste Site Allocation
- Inside the Built-up Area Boundary
- Surrounded on all sides by Strategic Housing Allocation SD8 Ford

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change

ENVDM4	ENV DM4 Protection of trees
ENVSP1	ENV SP1 Natural Environment
HERDM1	HER DM1 Listed Buildings
LANDM1	LAN DM1 Protection of landscape character
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
QEDM2	QE DM2 Light pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
TSP3	T SP3 Safeguarding to Main Road Network
WMDM1	WM DM1 Waste Management

[West Sussex Waste Local Plan 2014:](#)

West Sussex W10 Strategic Waste Allocations
West Sussex W11 Character
West Sussex W12 High Quality Development

[Ford Neighbourhood Plan 2019 Policy EE10](#)

Ford Neighbourhood Plan 2019 Policy EE3
Ford Neighbourhood Plan 2019 Policy EE7
Ford Neighbourhood Plan 2019 Policy EH1
Ford Neighbourhood Plan 2019 Policy EH2
Ford Neighbourhood Plan 2019 Policy EH4
Ford Neighbourhood Plan 2019 Policy EH8

Quality of Design of commercial buildings
Protection of existing businesses
Sustainable Commercial Buildings
Protection of trees and hedgerows
Renewable Energy
Surface water management
Light Pollution

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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CONCLUSIONS

This is a "county matter" application that will be determined by West Sussex County Council (WSSCC). Arun District Council (ADC) is a consultee only, whose role is not to decide the application. The following sets out ADC's proposed response to WSSCC.

PRINCIPLE & KEY POLICIES

Apart from the access road and a small piece of land to the north west, the application site is designated as a Strategic Waste Allocation in the West Sussex Waste Local Plan (April 2014) (Policy W10 and Policy Map 1). Policy W10 states that such sites are acceptable, in principle, for the development of waste management facilities for the transfer, recycling and/or recovery of waste. The Policy adds that proposals must accord with the policies of the plan and satisfactorily address the development principles

set out in the supporting text.

The principles set out in paragraph 7.3.9 of the plan are:

- development of the site is to be comprehensive;
- a comprehensive landscaping scheme is required;
- assessment of the impact on the listed buildings to the north and possible mitigation;
- archaeological mitigation if substantial new ground excavations are required;
- assessment of impacts on the aquifer and possible mitigation;
- assessment of impacts on the amenity of users of public rights of way and possible mitigation and enhancement;
- assessment of the impact (transport, noise, odour) on the amenity of dwellings to the north east and south west and possible mitigation;
- the cumulative impacts of traffic, noise and odour on the environment and local communities to be satisfactorily addressed, taking into account all existing, permitted, allocated, or proposed development in the wider area;
- assessment of the possible closure of the existing access north of Rodney Crescent and the use of an alternative access to the site from Ford Road (now completed);
- assessment of the impact of additional HGV movements on highway capacity and road safety and possible mitigation; and
- a routing agreement to ensure vehicles enter and exit via Ford Road to the south and not to or from the A27 to the north. Access via Rollaston Park/B2233 for HGVs should also be prevented. (The latter is achieved through use of the new access.)

These development principles are considered further below.

Among the policies of the plan, Policy W11 requires proposals to protect and, where possible, reinforce the character of the surrounding area, Policy W12 requires development to be of high quality and Policy W19 seeks to protect and, where possible, enhance public health and amenity.

The Policies Map of the Arun Local Plan 2011-2031 identifies the main part of the site as a Strategic Waste Site Allocation, due to it being allocated in the West Sussex Waste Local Plan. Policy WM DM1 of the Arun Local Plan 2011 states that "there will be a general presumption against any development which may harm or prejudice the operation of existing and allocated waste facilities and infrastructure".

The access road passes across the Strategic Housing Allocation (SD8) that surrounds the application site. Policy H SP2c of the Arun Local Plan states that the Ford Strategic Allocation will provide at least 1,500 dwellings over the plan period.

Both the application site and the Strategic Housing Allocation are within the defined built-up area boundary, where Policy SD SP2 states that development will be permitted subject to consideration against other policies of the local plan.

For this specific type of development, the NPPF requires opportunities to be identified for co-locating potential heat customers and suppliers (Para. 151).

National Planning Policy for Waste (NPPW) seeks to ensure that waste management facilities are well-designed, so that they contribute positively to the character and quality of the area in which they are located (Para. 7). It requires waste planning authorities to consider a list of factors, bearing in mind the type and scale of the envisaged waste management facility. These factors include:

- Protection of water quality and resources and flood risk management;
- Landscape and visual impacts;

- Nature conservation;
- Conserving the historic environment;
- Traffic and access;
- Air emissions including dust;
- Odours;
- Noise, light and vibration; and
- Potential land use conflict.

While ADC is not the waste planning authority, these headings would be appropriate to use in its response.

PROTECTION OF WATER RESOURCES AND FLOOD RISK

ADC's Engineering Services Manager has raised no objection to the proposed development. The location of the site within a high vulnerability zone of a principal aquifer and potentially high groundwater levels mean that sustainable urban drainage systems (SUDS) are not a practical option for dealing with surface water runoff. Therefore, it is proposed to be directed into cellular storage tanks prior to being discharged at greenfield runoff rates into a land drain to the east of the site.

LANDSCAPE AND VISUAL IMPACTS

The NPPF requires development to be sympathetic to its landscape setting (Para. 127c). Protecting and enhancing valued landscapes is to be pursued in decision making (Para. 170a). Great weight is to be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues (Para. 172). It is important to note that major development not only within, but adjacent to a National Park could have a significant impact on the qualities for which it was designated.

The proposed ERF building would be 176.5m long and 134.2m wide (including roof overhang). The highest part of the roof would be 51.22m above ground level. An 85m high flue stack would be situated at the southern end of the building. The previously approved building was approximately 120m x 70m and 22m in height, with two flue stacks of 50m height. Therefore, the proposed building is significantly larger.

The WSTF building would be 150.1m long and 64.5m wide (including roof overhang). The highest part of the roof would be 19.67m above ground level.

The landscape and visual effects of the proposed development are considered in Chapter 12 of the Environmental Statement and in paragraphs 105-119 of the Non-technical summary (NTS).

Paragraph 106 of the NTS describes the site and its surroundings as follows:

"The proposed site is within an established area of industrial land uses, on a former airfield. There are no landscape or national natural heritage designations within the immediate local area. However, the South Down National Park boundary does lie 2.2 km to the north of the site and there are listed buildings, two conservation areas (at Yapton) and a scheduled monument at Climping, within 1.5 km of the site. The older part of Arundel defined by the conservation area and with a concentration of listed buildings and Arundel Castle (scheduled monument) lies approximately 4.4 km to the north east. While there are no public rights of way across the site, there are a number in the vicinity, with one adjacent to the northern boundary. There is no significant vegetation on the operational part of the site. Vegetation in the outlying area of the site to the north west will remain as existing. Vegetation outside the site, but located adjacent to the site boundary, is likely to be maintained."

Paragraph 110 notes that, within a 1.5km radius of the site, the proposals will be visible from some local housing areas, some public rights of way, local roads, some local workplaces and some views in the setting of heritage features. From the wider area (between a 1.5km and 4.5km radius) visibility will be

from some public rights of way in the surrounding agricultural land, some transport links and some of the edges of more distant settlements including rising ground at Arundel. Beyond a 4.5km radius, visibility is predominantly from elevated areas of the South Downs National Park and from parts of the A259 that bridge the railway line near Bognor Regis.

Paragraph 111 argues that the building design "respects local character and includes strong references to the local heritage of the site, including the form of the main ERF building, which reflects the aeronautical history of Ford Airfield, an earthy colour palette for the cladding, use of traditional flint walling panels inspired by the local landscape, and features that reflect the alignment of the Arundel-Portsmouth canal".

Paragraph 112 states that new native structure planting along the boundaries of the site and new tree planting within the site will be substantially greater than the current vegetation on site and will assist with screening some of the ground level activities.

Paragraph 113 states that the character of the site will remain industrial, but the scale will be altered through the introduction of taller structures than the existing. It adds, however, that the quality of the design and material will improve the overall character and distinctiveness of the site and that this will be beneficial.

Paragraph 114 notes that the proposals will influence the character of the North of Yapton Coastal Plain within which Ford Airfield is located. Although the landscape character area is already influenced by existing industrial development, the size and scale of the proposals will increase the extent of visual influence of industrial elements in the landscape into some areas with currently little or no view of industrial buildings. In those areas already influenced by existing industry, the scale of industrial elements will be greater than is currently experienced.

Paragraph 115 acknowledges that the scale and height of the ERF building and stack will also result in some degree of influence on the other landscape character areas more distant from the site and also influence the setting of some parts of the South Downs National Park. It states: "These effects mainly arise from the introduction of an uncharacteristic feature of industrial character into landscapes that are predominantly rural, or landscapes that currently have only limited and smaller scale industrial influences". The assessment of the significance of effects on the South Downs National Park concludes that the effects will be moderate to substantial.

Paragraph 117 notes that for residential receptors and public rights of way users in the local area up to 1.5km from the proposals, the visual effects will be mostly moderate-substantial. For receptors in the range 1.5km - 4.5km from the site, the visual effects will be mostly moderate, except for those receptors located within the more sensitive rural areas north of the site, including parts of the South Downs National Park in and around Arundel, where the significance of visual effects will be moderate-substantial.

Paragraph 119 concludes: "Whilst the quality of the architectural appearance of the development is subjective, as a strong sculptural form in high quality materials that reflects its cultural context, it may be regarded as a positive, large scale landmark that can be accommodated in the expansive flat landscape and within the wider setting of the South Downs National Park." That view is not shared by ADC officers.

The proposed planting on the boundaries and within the site, described in paragraph NTS.112, is considered unlikely to provide effective screening. The Council's Leisure and Landscape Officer advised that a substantial landscape scheme should be an integral part of the development, but the restricted size of the site does not allow the space required for a robust and effective scheme to be implemented. The Council's Tree Officer made a similar comment that more ground would be needed to enable trees

to realise their potential.

The proposed layout plan and the proposed masterplan for the site show the extent of built development that is proposed to be crammed onto the site with a negligible amount of space to provide soft landscaping and/or a buffer with the Strategic Housing Allocation. The site is considered to be too small to satisfactorily accommodate the scale of the proposed development.

The Design and Access Statement explains that the building design is made up of a number of key components. It states that a lower level 'plinth' relates to the scale of the hangars while the upper part of the building is described as "two dynamic and contrasting interlocking 'wings' which would celebrate the site's historical links with aviation". It argues that the latter assists in breaking up the size of the ERF.

The external materials would be a mixture of coated aluminium, steel and glazed cladding systems and some flint walling. The statement claims that "contrasting silver grey and coppery earthy colours are appropriate in blending the building with its surroundings". It adds that the design of the stack is played down in its form and colour, being left as a slender column to minimise its appearance against the sky.

The applicant acknowledges that due to the scale of the proposed building and the setting it would be impossible for it to be hidden. It would clearly remain a large feature within the landscape. It was therefore seen as an opportunity to create "a confident piece of architecture, a landmark within its setting".

However, officers are not convinced that the proposed building has been designed in the way best to mitigate its visual impact. The Design and Access statement says that a 'form follows function' approach was the starting principle for the building design. That is clearly evident in the submitted proposal which remains utilitarian in its appearance. More elegant forms of this type of building can be found elsewhere (e.g. Ardley, Cardiff and Leeds), one of which has embraced green living walls to mitigate its visual impact (Leeds). It is also noted that the proposed colours for the cladding are remarkably similar to an existing ERF building located in an industrial area in the City of Peterborough, where the surroundings are very different in character from those currently found at Ford.

NATURE CONSERVATION

WSCC has already consulted its own ecologist, who has raised no objection subject to measures to enhance the ecological value of the site being secured and detailed in a Landscape and Ecological Management Plan.

CONSERVING THE HISTORIC ENVIRONMENT

ADC's Conservation Officer has noted that the scale of the proposal and the impacts identified in the heritage assessment mean that it will have an impact on the heritage assets. The impact will vary according to the location and nature of the individual assets. Based upon the assessment, it would appear to be at least less than substantial harm in accordance with paragraph 196 of the NPPF and potentially substantial in some cases. WSCC, as decision-maker, will need to consider whether the public benefits of the proposal outweigh that harm.

TRAFFIC AND ACCESS

Access to the proposed development would be via the recently opened service road from Ford Road to the east.

It is proposed that the ERF would operate 24 hours a day, seven days a week, except during periods of annual maintenance. The majority of deliveries and collections would be made between 06:00 and 20:00 hours Mondays to Fridays and 08:00 and 18:00 hours on Saturdays.

The WSTF would also operate from 06:00 to 20:00 Mondays to Fridays and 08:00 to 18:00 hours on Saturdays. No waste processing would take place on Sundays. WSCC as local highway authority has examined the proposals and requested further information in respect of:

- A safety audit;
- Vehicle figures during phase 3 of the construction;
- The impact of the development on A259/Church Lane during the construction phase peak period and network peak;
- The impact of the development on the site access with the Ford Market proposals during the construction phase peak period and network peak; and
- The opportunities identified in the Walking, Cycling and Horse-Riding Assessment Report (WCHAR).

The Planning Supporting Statement specifies that the average daily operational HGV movements are forecast to be 109 each way (i.e. 218 HGV movements in total). Peak HGV movements are forecast to be 120 each way (i.e. 240 HGV movements in total).

The statement adds: "All vehicles will use the existing access road, Ford Road south and the A259. There is an existing s106 (deed of variation) dated 13 August 2019 that addresses the routing of HGVs to and from the site, in the context of the extant planning permission. This agreement also addresses limits on the number of HGVs leaving and entering the site and the hours within which they can do this; the recording of HGVs and reporting to WSCC; and the ability to request alternative routing by prior approval in some circumstances.

The applicants do not propose any changes to the agreed HGV movements or routing arrangements. The applicants are willing to enter into a new s106 agreement to secure the HGV routing, and consider that the number and timing of HGV movements can be addressed in planning conditions."

While there are no proposed changes to the number of HGV movements, there is uncertainty whether the size of some of the vehicles would need to increase in order to transport the higher quantity of waste that would be processed.

AIR QUALITY

Operators of waste incinerators are required to monitor emissions to ensure that they comply with specified limits for a range of pollutants. Under the Environmental Permitting Regulations, the operator is required to apply for an Environmental Permit from the Environment Agency (EA). The Environmental Permit will set out the operating requirements that must be complied with to protect the environment and public health.

The supporting statement explains that emissions from the flue would be continuously monitored using a continuous emission monitoring system and reported in accordance with the EA's requirements for operation of the facility. Additionally, periodic monitoring would be undertaken of pollutants that are not able to be monitored continuously.

Public Health England's risk assessment is that "modern, well run and regulated municipal waste incinerators are not a significant risk to public health. While it is not possible to rule out adverse health effects from these incinerators completely, any potential effect for people living close by is likely to be very small. This view is based on detailed assessments of the effects of air pollutants on health and on the fact that these incinerators make only a very small contribution to local concentrations of air pollutants.

The Environmental Health Officer has commented that (i) mitigation measures need to accord with the Air Quality and Emissions Mitigation Guidance for Sussex (2020), (ii) it is unclear how opportunities for

improving cycle and pedestrian connections have been included in the design, and (iii) electric vehicle charge points should be included for staff parking and vehicles that are used on site should be electric where possible.

A condition requiring the submission of dust management plans to cover both the demolition / construction phase and the operational phase is recommended.

ODOURS

The Environmental Health Officer is not currently satisfied with the evidence that odours would not be a problem at sensitive receptors close by. It has been noted that the Environmental Statement states there are no receptors of high sensitivity within 200m of the development. However, there are houses proposed to be built on land adjacent to this site.

A planning condition is recommended requiring dust management plans for both the demolition / construction phase and the operational phase.

NOISE

It is noted that the majority of equipment with potential to create noise would be accommodated inside the main ERF and WSTF buildings. Two-metre high bunds with three-metre high acoustic fences at the site boundaries would also help to reduce noise. Additionally, the site layout has been designed to feature a one-way vehicle circulation system, reducing the need for reversing vehicles and reversing alarms.

The Environmental Health Officer has considered the acoustic report and has drawn attention to the need for the report to consider residential properties over a large proportion of the site the subject of application F/4/20/OUT and has questioned why Ford Prison wasn't considered as a noise sensitive receptor. Conditions have been recommended permitting only the use of white sound reversing alarms on the site and a restriction on delivery times to the site, both for the demolition/construction phase and also during the operational phase.

While Chapter 14 of the Environmental Statement considers the possible noise effects should the proposed development the subject of application F/4/20/OUT be granted, an assessment has not been provided for the wider strategic allocation. The document states: "No development proposals exist for this area at the time of writing and therefore a robust assessment cannot be provided."

LIGHTING

The Institute of Lighting Professionals - Guidance Notes for the Reduction of Obtrusive Light - Table 1 recommends that local planning authorities specify zones for the control of exterior lighting. The Design and Access Statement (Section 5.8) states that lighting has been designed in accordance with the environmental lighting zone E3/E4 (suburban/urban). The Environmental Health Officer disagrees and considers E2/E3 (rural/suburban) more appropriate and that the lighting should be reconsidered accordingly. Given the location and the requirement of Policy QE DM2 to minimise light pollution, the Environmental Health Officer's view is supported.

POTENTIAL LAND USE CONFLICT

Several matters (visual impact, noise, air quality and odour) have already been identified where there is potential for conflict between the proposed development and the surrounding strategic housing allocation.

A further impact arising from the scale and height of the proposed buildings is overshadowing. Page 35 of the design and access statement shows clearly the length of shadows that the building would cast over adjoining land. Some of this land comprises part of the Strategic Housing Allocation and has the

potential to be blighted by the proposed development.

SUMMARY

Arun District Council welcomes the safeguarding of existing employment, new jobs, training and educational opportunities that the proposed development has the potential to offer. It also welcomes the possibility to provide heat and power to local homes and businesses. The Council would encourage discussions between the applicant and potential users of the heat and power in the vicinity of the site, particularly the opportunity for the housing, education facilities and employment on the adjacent Ford strategic allocation.

The proposal will treat non-recyclable waste which would otherwise have gone to landfill or to treatment facilities further afield, which is not sustainable long-term. The movement of waste up the waste hierarchy and away from landfill is supported. The recovery and treatment of waste is preferable to the continued disposal of waste to landfill sites. The Council supports the contribution that this facility would make towards this objective, provided that there is a proven need for the facility to achieve net self-sufficiency for waste management in West Sussex.

The Council recognises that the proposal doesn't seek to increase HGV movement over that already agreed and this is welcomed, provided that a renewed traffic management plan is put in place to ensure that agreed routes and delivery times are adhered to. Any cumulative traffic impacts should also be fully assessed, and appropriate mitigation provided.

However, it is recognised that the proposed building and stack are of a size and scale which cannot be completely screened. The impact on the landscape, both locally and in relation to the views from the South Downs National Park, is considered to be unacceptable. A new 'landmark building' on the coastal plain will only be supported if it is of the highest quality in terms of design and appearance. This has not been demonstrated or that the building and stack size is the minimum required for the building to function. Whilst the National Design Guide is focussed mainly on housing development, the principles of good design should be applied to ensure that the form, scale and appearance of the building and materials used, are all of the highest quality. The landscaping of the site as a whole will be important to ensure that there is an appropriate relationship between this site and the Local Plan strategic allocation that surrounds it. The proposed soft landscaping in this application is inadequate.

There are some outstanding concerns in relation to noise, air quality, odour and lighting. The Council require that the Ford strategic allocation is considered fully in this application, as the health and well-being of future residents, as well as existing residents, is important. Likewise, the Ford strategic allocation Masterplan and outline application needs to consider the waste management proposal to ensure that the uses can co-exist in the future without detriment to the amenity of residents or the operation of the waste facilities.

RECOMMENDATION:

For the reasons set out above, it is recommended that an OBJECTION be raised to the proposal.

Should West Sussex County Council be minded to grant planning permission, Arun District Council would request the imposition of conditions to secure the following:

1. The use of only white sound reversing alarms for vehicles on the site;
2. Deliveries to the site during specified hours only in both the construction and operational phases;
3. Mitigation measures to accord with the Air Quality and Emissions Mitigation Guidance for Sussex (2020);
4. Improved cycle and pedestrian access;

5. The use of electric vehicles on the site where possible;
6. Dust management plans to cover both the demolition/construction phase and the operational phase;
7. A scheme to deal with the risks associated with contaminated land; and
8. A comprehensive landscaping scheme.

RECOMMENDATION

OBJECTION

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)

F/15/20/WS - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: FG/6/20/PL

LOCATION: Hangleton Farm Livery Stables
Wadars Animal Rescue Centre
Hangleton Lane
Ferring

PROPOSAL: Development of Animal Rescue Centre, to include new buildings for reception, training & education, cattery, kennels & associated ancillary accommodation, conversion of existing barn into staff accommodation along with driveways, car parking & landscaping. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The development proposed is to expand the existing WADARS animal rescue centre to include the following:</p> <p>New Build</p> <ul style="list-style-type: none">- Main reception building 13.5 metres by 10.8 metres by 4.4 metres in height.- education and training building 13.2 metres by 10.5 metres by 4.4 metres in height.- 2 x cattery intake buildings 13 metres by 4.4 metres by 2.5 metres in height.- Store room 4.5 metres by 4.5 metres.- Canine rehoming building 20 metres by 13.5 metres by 4 metres in height.- Canine Intake building 15.5 metres by 13.5 metres by 4 metres in height.- Canine Isolation building 12 metres by 5 metres by 3.8 metres in height.- 5 x dog runs 10 metres by 5 metres.- Wildlife building 10.7 metre by 12 metres by 3.8 metres in height. <p>Conversion of an existing building to staff accommodation measuring 10.5 metres by 5.5 metres by 5.5 metres in height.</p>
SITE AREA	6 hectares.
TOPOGRAPHY	Gently sloping upwards for south to north.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	A variety of fence types tot the side and front of the property. Open agricultural fields to the east and north east.
SITE CHARACTERISTICS	The site is a former livery stables now with planning permission converted to use as an animal rescue centre.

CHARACTER OF LOCALITY

The site is located towards the northern end of a country lane of sporadic development on the lower slopes of Hangleton Hill. The site is not particularly discernible in its own right at any distance due to the wide range of other buildings, uses and screening in the locality.

RELEVANT SITE HISTORY

FG/101/18/PL	New cattery for animal rescue centre. This application is a Departure from the Development Plan.	ApproveConditionally 09-08-18
FG/128/13/	Alterations and change of use of buildings B through to K from equestrian/agricultural to animal rescue centre.	ApproveConditionally 15-01-14
FG/129/13/	Internal alterations and partial change of use of main building (Building A) from equestrian/agricultural to animal rescue centre comprising offices at ground floor and associated staff accommodation at first floor level.	App Cond with S106 01-10-14

Planning permission has been granted and implemented to run the site as an animal rescue centre to include the kennelling of dogs and staff accommodation by planning permissions FG/128/13 & FG/129/13.

Application FG/128/13/ granted permission for the change of use of 8 equine stable blocks amounting to 84 stables for accommodation for cats, dogs and other small animals. Many of these equine stable blocks have now been demolished and it is proposed to new build the new accommodation in this application.

This application proposes an extension of the use of kennelling for dogs from 2 buildings approved by FG/128/13 to 3 buildings in this case. One of those buildings is now proposed abutting the boundary with the neighbouring equestrian centre to the north.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Whilst appreciating the good work done by WADARS object on the following grounds;

- The canine units will create an unacceptable noisy environment to neighbouring residential and equine uses.
- Additional traffic created will conflict with public footpath/bridleway on Hangleton Lane and use of car dealership on the Littlehampton road.
- Flooding. Arun Council drainage engineers conditions should be imposed if approved.

88 representations of support:

- Good work done by charity.
- Traffic outside peak hours.
- Provide employment opportunities.
- Benefit to flooding from Swale and removal of concrete.
- Benefit to education and training.
- Improve carbon footprint of Wadars as need to travel less.
- Appropriate use for countryside/strategic gap.
- Planting will encourage wildlife.

27 representations of objection plus a petition of 52 signatures objecting to the dog kennels by the riding school:

- Noise report does not include the impact on Reynards Nursery 134 metres from the kennels and a further dwelling which is 104 metres from the kennels.
- Noise pollution from dog kennels on residential properties.
- At such close proximity noise pollution from dogs will have a dangerous impact on horses/riders at neighbouring equestrian business.
- Odour pollution in summer.
- Flooding from Wadars.
- Danger from increased traffic.
- Built form will impact on openness of area.
- Inadequate consideration of biodiversity.
- Unsustainable materials.
- No attempt to integrate and support biodiversity.
- Residential element not acceptable.
- Dispute findings of noise report.

COMMENTS ON REPRESENTATIONS RECEIVED:

Condition 5 of FG/128/13 specified that no more than 24 dogs should be kept at the site. Other issues raised are addressed in the Conclusions section of the report below.

Additional information from the applicant

Whilst there are 21 kennels shown (3 in isolation unit and 9 in each of the intake and rehoming units) the isolation unit would take a dog from any of the other two units as this would be a dog that would develop a serious illness whilst at the centre which means that at full capacity the centre would hold 20 dogs.

The applicant has also confirmed that the previous consent allowed for 24 kennels.

CONSULTATIONS

- Ecology Advisor
- Parks and Landscapes
- Economic Regeneration
- Engineering Services Manager
- Engineers (Drainage)
- WSCC Strategic Planning
- WSCC Strategic Planning
- Surface Water Drainage Team
- Environmental Health

Arboriculturist
 WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

West Sussex County Council Highways - No objection subject to conditions. Whilst trips to the site will increase the Local Highway Authority does not consider that the proposal would have an unacceptable impact on highwaysafety or result in 'severe' cumulative impacts on the operation of the highway network in conflict with the Naional Planning Policy Framework paragraph 109.

WSCC Lead Local Flood Authority - No objection. The area of the proposed development is shown to be at moderate risk from groundwater flooding based on current mapping and means that the site will not suffer groundwater flooding.

ADC Drainage - No objection subject to conditions.

ADC Environmental Health - No objection subject to conditions. The applicants submitted noise assessment report is considered to be satisfactory.

CDC Ecology Advisor - No objection subject to mitigation conditions.

ADC Economic Development - Support. Economic Development are keen to see additional jobs, work experience and volunteering opportunities in the District.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
 OUTSIDE BUILT UP AREA
 RIGHT OF WAY

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
LANDM1	LAN DM1 Protection of landscape character
QEDM3	QE DM3 Air Pollution
ENVDM5	ENV DM5 Development and biodiversity
EMPDM1	EMP DM1 Employment Land: Development Management
HDM4	H DM4 Conversion of rural buildings for residential use
QEDM1	QE DM1 Noise Pollution
SDSP3	SD SP3 Gaps Between Settlements
TSP1	T SP1 Transport and Development

WDM2 W DM2 Flood Risk

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

A Spatial Plan for the Parish

Ferring Neighbourhood Plan 2014 Policy 7

Land north of Littlehampton Road, encouraging of existing rural businesses

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.

Policies 1A and 7 are considered relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that the use of the premises has planning permission to be run as an animal care centre and the design of the proposed new buildings have an acceptable impact on the character/appearance of the area/strategic gap. The use of kennelling in closer proximity to the neighbour to the north as compared with previous permission would not unacceptably impact their residential amenity/business.

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 use of the site for the care of animals is considered to be an acceptable use as recognised by previous planning permissions FG/128/13 and FG/129/13 which have been implemented. The proposed development however proposes a reorganisation and some new buildings within the site following the demolition of a number of the barns approved to be converted by earlier permission.

Policy SD SP3 requires that development in the settlement gaps should retain the separate identities of Worthing and Ferring in this case and prevent coalescence of settlements. Development will only be permitted within the gaps if it would not undermine the physical and/or visual separation of settlements,

would not compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development and cannot be located elsewhere.

The development is not considered to undermine the physical and /or visual separation of settlements nor compromise the integrity of the gap. The only new building that extends the built form well into open fields to the east of the approved site is the proposed wildlife building. The other three new kennelling buildings are located within the established corridor of buildings and structures at the WADARS centre and Equestrian Centre to the north. The wildlife building would be viewed against the backdrop of other buildings in the area and on its own is not considered to compromise the integrity of the gap as required by policy SD SP3 of the Arun Local Plan.

The new buildings as a whole, due to their location and design, would not have significant impact on the setting of the South Downs National Park, approximately 460m to the north of the site, in compliance with policy LAN DM1 of the Arun Local Plan which requires that attention be paid to that setting. The policy requires that development must have special regard to the conservation of the setting of the National Park. It is considered that the building would not compromise, either individually or cumulatively the character or integrity of the settlement gap and, for the same reasons, the proposal would not have a significant impact on the setting of the National Park. They therefore accord with policy SD SP3 and LAN DM1 of the Arun Local Plan.

Policy 7 of the Ferring Neighbourhood Plan addresses development north of Littlehampton Road which includes this site. Developments are supported if they minimise visual impacts on the countryside, new buildings are located as part of the existing clusters of buildings and are screened within its wider setting of the National Park. As described above the new buildings are located within the existing cluster of buildings at WADARS and equestrian centre and due to built development to the north, the buildings would be screened within its wider setting of the National Park and as such comply with policy 7.

Paragraph 83 of the NPPF states that sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings will be supported.

BARN CONVERSION

Arun Local Plan policy H DM4 requires that conversion to residential use is part of a proposed business use, is capable of being converted without major rebuilding, will not have an unacceptable impact on the rural character of the area and the additional traffic can be safely accommodated.

The conversion of the barn for residential use complies with policy H DM4 and EMP DM1 (7) in that the residential use would be 'a subordinate part of a scheme for business re-use;' In addition the barn is proposed to be converted without significant alteration or extension and will not have an adverse impact on the rural character of the area nor generate any significant additional traffic.

DESIGN

Policy D SP1 Design states that development has to be designed in such a way that it reflects its immediate setting in terms of layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

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 as it only applies to the conversion of the barn for residential use 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 building, its neighbours and the locality.

The design of the buildings is utilitarian providing the necessary facilities to care for animals. There is no particular type of built development in the immediate boundaries with a mixture of single storey agricultural buildings to the north and single storey light industrial structures to the south at the immediate boundaries to the site. The height and scale of the new proposed buildings would be well within the height and scale of surrounding buildings in particular the large barns of the equestrian centre to the north.

There would be a new road linking the front of the site to the wildlife centre at the back of the site. The road would be within the envelope of buildings and would not have a significant impact on the wider landscape. Part of the plan is to convert an existing barn into residential accommodation which would be of an acceptable design with no significant external changes.

The proposal is considered to comply with policies D DM1, D DM4 and D SP1 with respect to design.

RESIDENTIAL AMENITY

The site has residential neighbours to the north, south and west located at varying distances from the site. Hangleton Lane separates the site from residential properties to the west. The additional noise to be generated by the proposal has been quantified by way of a noise report and found to be acceptable by Arun Environmental Health officers. The noise report has been conducted to industry standards by a suitably qualified acoustic company.

The report states that 'noise modelling software was used to predict sound levels arising from the newly introduced 3 dog-kennels at the East of the site, which incorporated previously measured sound data for dog barking and animal boarding sites.' It goes on to say 'the noise modelling software assessed four scenarios as worst cases with all kennels occupied and 4 of the 5 external exercise yards in use (daytime only). The scenarios considered daytime uses with all kennel doors open and exercise yards used, doors closed with exercise areas used and night time without any external exercise yards being used. The night time assessment considered both LAeq and LAmx values to determine how dog barking might be perceived at the receptor locations.'

It concludes that 'the design of the new kennels, their distance from receptors and the mitigation measures being proposed, that the noise impact from the new kennels remains well below measured background sound levels. Uncertainty and context, in line with the requirements of BS4142:2014 have been stated and discussed within the report.'

Given the above there is no reason to disagree with the Council's Environmental Health view that the report is acceptable and the proposed new buildings will not result in undue disturbance to neighbours and neighbouring uses by way of noise and disturbance.

A concern has been raised that the noise associated with the new dog kennelling buildings will cause serious harm to the operation of Hangleton Farm Equestrian Centre. In particular the use of the outdoor sand horse riding area which will be 5 metres from the nearest kennel. This is the isolation area kennel which is likely to be sparingly used where dogs will only go there if they become sick and will remain inside at all times.

The submitted noise report sets out a number of operational measures which are designed to keep the barking from the dogs to acceptable levels and thereby the impact on neighbouring occupiers. Sound proofing materials are proposed for all three kennels and a condition will be imposed that prior to their use by dogs samples of materials to be used will be submitted with a sound reducing specification that

will be assessed by Council officers before it is agreed.

The impact on neighbouring residential occupiers is therefore acceptable and accords with policies D DM1, D DM4 and QE DM1 with respect to residential amenity.

HIGHWAYS AND PARKING

Policy T SP1 states that 'the Council will ensure that development: provides safe access on to the highway network; contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network'

The parking demand will rise from 20 spaces to 34 spaces. The total provision would be 42 spaces which would exceed requirements. A cycle rack is proposed in addition. The scheme is not considered to cause an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

The proposal, subject to conditions, is therefore considered to comply with policy T SP1 of the Arun Local Plan.

ECOLOGY

Policy ENV DM5 states that 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).

The applicants have supplied a phase 2 ecology survey and a further bat survey which found no evidence of bats roosting on site. The Council's ecology adviser has accepted these reports subject to a number of mitigation measures included in proposed planning conditions. The proposal is considered to comply with policy ENV DM5 of the Arun Local Plan.

FLOODING AND DRAINAGE

A flood risk assessment has been submitted which demonstrates that there would be no unacceptable impact on flooding as a result of the development. Drainage officers have raised no objection to this assessment subject to conditions. The proposal is therefore in accordance with policy W DM3 of the Local Plan and Policy 10 of Ferring Neighbourhood Plan.

EMPLOYMENT

Policy EMP DM1 (3 & 6) sets out the development management criteria applicable to new economic development, including its expansion as is the case here, outside the built-up area. The proposal would allow the reorganisation of the site to provide 4 new commercial buildings in an area where a business use has already been approved.

In positively encouraging the regeneration and renewal of employment sites the policy states planning permission will be granted for appropriate sized extensions of an existing employment site, if it would not result, as is the case here, in an unacceptable intensification of use of the public access and takes into account landscape context and neighbouring residential properties. It also refers to being accessible by public transport and a satisfactory relationship with neighbouring uses and the surrounding area.

In this case the proposal is not in conflict with this policy as the proposal is considered to have an acceptable impact on the landscape context, neighbouring residential properties and its relationship with other neighbouring uses is also found to be acceptable. It is also accessible by public transport.

CONCLUSIONS

For the above reasons the proposed development is considered to comply with relevant policy the application is therefore recommended for approval subject to the following conditions:

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION**APPROVE CONDITIONALLY**

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

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

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

Sie Plan Dwg.no. 306/02 Rev A gated Oct 2019
 Barn Conversion Proposed Plans Dwg.no. 306/10 dated Oct 2019
 Reception Education Proposed Plans Dwg.no. 306/03 dated March 2019
 Education Elevations Dwg.no. 306/05 dated July 2019
 Reception Elevations DWg.no. 306/04 dated July 2019
 Cattery Proposed Plans Dwg.no. 306/08 dated June 2019
 Wildlife Proposed Plans Dwg.no, 306/07 dated June 2019
 Kennels Dwg.no. 306/06 dated Oct 2019
 Store Proposed Plans Dwg.no. 306/11 dated March 2020

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

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

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

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

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

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

Reason: To provide adequate on-site car parking and turning space for the development in

accordance with policy T SP1 of the Arun Local Plan.

- 7 Prior to the occupation of the 3 new dog kennels details of materials to be used for their construction together with expected sound attenuation specification shall be submitted to, and approved in writing by the Local Planning Authority. Details agreed shall be implemented and retained in perpetuity thereafter.

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

- 8 The number of dogs within the three new kennels (canine intake, canine rehoming and canine isolation units as shown on drawing 306/02 Revision A) shall not exceed 20 at any one time and there shall be no more than one dog at any one time within the canine isolation unit.

Reason: To safeguard the amenities of nearby residents in accordance with policy QE DM1 of the Arun Local Plan.

- 9 Noise mitigation measures as set out in the Acoustic Associates Sussex Ltd Noise Assessment Report dated 22/05/2020 shall be implemented and retained in perpetuity for the lifetime of the development.

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

- 10 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

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

- 11 An ecological enhancement scheme shall be submitted to and approved by the Local Planning Authority. The agreed scheme shall be implemented prior to the occupation of the new proposed uses and thereafter retained in perpetuity. The following measures shall be included as enhancements to the scheme:

- Any trees removed should be replaced at a ratio of 2:1.
- Wildflower meadow planting should be used.
- filling any gaps in tree lines or hedgerows with native species.
- Bat and bird boxes installed on the site
- Grassland areas managed to benefit reptiles.
- Log piles onsite.
- Gaps are included at the bottom of any fences to allow movement of small mammals across the site.
- A hedgehog nesting box included on the site.

Reason: In order to achieve a net biodiversity gain in accordance with policy ENV DM5 of the Arun Local Plan.

- 12 No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type, mounting height, aiming angles and luminaire profiles). The approved scheme shall be installed, fully assessed by a competent individual when operational to ensure no light creep/bleed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area/the environment and the wildlife/local residents from light pollution in accordance with policy QE DM2 of the Arun Local Plan.

- 13 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.
Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.
- 14 INFORMATIVE: 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.
- 15 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
- 16 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.
- 17 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.
- 18 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>

- 19 INFORMATIVE: The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a copy of an asbestos register for each property in their portfolio. As the proposed development is being renovated to residential, the Council need to be satisfied that if any asbestos previously identified is still present, it is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure. A copy of the asbestos register, and any remedial strategy (where appropriate), must be provided in writing to the Local Planning Authority prior to any works commencing.

BACKGROUND PAPERS

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

FG/6/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: LU/149/20/PL

LOCATION: Littlehampton Wave
Sea Road
Littlehampton
BN16 2NA

PROPOSAL: Installation of a 4m high timber sculpture shaped in the form of 3 No. waves, fixed to a concrete base. This application is not CIL Liable (Zero Rated) as 'all other development'.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This is a Regulation 3 application submitted by Arun District Council.

The proposal is for an artwork totem sculpture to identify the location of the recently completed Littlehampton Wave Leisure Centre.

The structure comprises a wooden sculpture on a concrete plinth base, which sits 200mm above ground level, designed as 3 waves descending in height from 4m closest to the seafront to 3.3m to the north.

Each wave would have a width of 0.4m and a separate base of 1m by 5m. The base plinth is 4m long by 1.8m wide.

The timber used to produce the wave sculpture was salvaged from the pool hall in the former leisure centre before demolition.

It is not currently intended to be illuminated. There will be no signage on the Totem and the main sign on the building is illuminated. However, allowances have been made to include ducting and there is power nearby should this be desired at a later stage.

Planting will be incorporated around all sides of the totem base to provide screening which will be an extension of the existing planting on site using the same species e.g. grasses etc.

The slab needs to be the size it is, in order to provide enough space for the large fixings that the sculpture will attach to and accommodate the twisting of the sculpture bases.

TOPOGRAPHY

Predominantly flat. The site slopes down towards the

	swimming centre.
BOUNDARY TREATMENT	1m high ranch style fencing along back edge of pavement enclosing grassed area.
SITE CHARACTERISTICS	The site is located along the southern road frontage of the recently completed replacement swimming centre within the landscaped area. The car park and main vehicular entrance to the swimming centre are located to the west.
CHARACTER OF LOCALITY	Coastal seafront location opposite beach.

RELEVANT SITE HISTORY

LU/314/16/PL	Proposed development of new Leisure Centre Facility (Use Class D2) and demolition of existing Leisure Centre Facility and Sports Dome, including modifications to the existing car parking arrangement, landscaping and associated works.	ApproveConditionally 04-01-17
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REPRESENTATIONS

Littlehampton Town Council
No Objection.

4 Objections:

- The proposed structure will do nothing to identify the Wave complex and may confuse motorists.
- As a public work of art it is bland and lacks any element of great design.
- At 4 metres high it is out of keeping and not sympathetic to its surroundings.
- It is not a good use of space.
- The landscaped area in front of the building is an appropriate vista fronting the new building and it does not need a sculpture at all.
- The structure proposed, being made of wood, would be susceptible to vandalism and would degrade so close to the sea and require significant ongoing maintenance over time.
- The proposal represents an example of poor public consultation.

COMMENTS ON REPRESENTATIONS RECEIVED:

The initially submitted application lacked detail and further information has now been submitted to more accurately depict the appearance of the proposed structure. Details of planting has been included around the base to ensure that it is assimilated into its surroundings.

The structure would make a positive contribution to the appearance of the area.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Landscape Officer - No Objection subject to the incorporation of planting at base level.

- Refreshing to see artwork used in the landscape instead of signage which will give an instant visual representation aid to passers-by. The proposals need to be at such a scale due to the openness of the location and in order for it to provide a meaningful statement in this setting.
- Good sustainable and ethical material choice, having been salvaged from the previous pool building, interesting form, clever association and link between the seascape and the associated building.
- The slab base work will be blended into the existing landscape by extending planting to the existing scheme.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:
 Within Built Up Area Boundary
 Flood Zone 2/3
 Public Open Space

DEVELOPMENT PLAN POLICIES

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

- OSRDM1 Protection of open space, outdoor sport, comm & rec facilities
- DDM1 D DM1 Aspects of form and design quality
- DSP1 D SP1 Design
- QESP1 QE SP1 Quality of the Environment

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

Littlehampton Neighbourhood Plan 2014 Policy 16 Open Spaces

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.

Policy 1 (Presumption in Favour of Sustainable Development) and Policy 16 (Open Space) within Littlehampton Neighbourhood Plan are considered relevant to determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality, it would provide beneficial artwork to the community and would not significantly impact on the provision and availability of the public open space.

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 Littlehampton 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, Public realm and Public art.

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, character, materials, finish and architectural details.

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 16 of the Littlehampton Neighbourhood Development Plan states that there will be a presumption against development proposals on any accessible open space in the town.

VISUAL AMENITY AND CHARACTER

The sculpture will be located at the southern end of the avenue path which connects Littlehampton Wave to Sea Road, to be visible from the road and to pedestrians walking along the promenade. The former leisure centre could be identified from a distance, by way of the prominent brick pier at the front of the building and served to draw attention to approaching vehicles. The new Littlehampton Wave is set further back from the road therefore the intention is to introduce a totem feature to signpost its location. While it is not intended to incorporate signage or wording on the totem, there will be a positive connection with its location at the top of the access path and in particular its wave design, which reflects the coastal setting and name of the new leisure centre. The proposal in this location, would provide a good visual link and use in wayfinding.

The site is situated close to the seafront in a prominent and elevated position. It would be readily visible along Sea Road and would enhance the appearance of the seafront by adding a piece of artwork of appropriate scale and design which would be in keeping with the character of the area. It would add to local distinctiveness emphasising the presence of the swimming centre and the coastal location. The proposal would therefore accord with policy D DM1(1) and D SP1 of Arun Local Plan. The position of the sculpture close to the pedestrian access to the swimming centre from the seafront would ease navigation to the new swimming centre by providing a local landmark in accordance with policy D DM1(11). Part 12 of this policy refers to the incorporation of public art into schemes where there is capacity to do so. The proposed sculpture would add visual interest to the seafront and its size and design are appropriate for its setting. It would positively contribute to the public realm which is accessible to all. The development would have a beneficial impact on leisure and recreational facilities by clearly identifying and sign posting the existing swimming centre to residents and visitors in accordance with policy QE SP1.

Further landscape provision of grasses and coast tolerant species to mirror the existing scheme are to be incorporated in the immediate surrounds of the slab base work so as to assimilate it into the surrounding

landscape. The type of planting used will be controlled by condition.

RESIDENTIAL AMENITY

The proposal would not be located near to residential dwellings and would therefore have no adverse impact on amenity by reason of over bearing impacts in accordance with policy D DM1(3) of the Arun Local Plan.

IMPACT ON OPEN SPACE

The proposal is located on the edge of the open space where the use of the space as a whole is less impacted. The structure relates to the recreational use of the site and provides a cultural landmark which will benefit the community and compensate for the loss of open space at this point. It therefore accords with policy OSR DM1 of the Arun Local Plan and Policy 16 of the Littlehampton Neighbourhood Plan.

CONCLUSION

Given the position and design of the sculpture and that it would enhance the appearance of the area attracting visitors and assisting in recognition of the new swimming centre, the proposal would accord with planning policy. It is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

amended).

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

Proposed Elevations and Layout Plan 04051404 revC

Totem Sketch

Location Plan

Block Plan

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 Within 4 months of installation of the sculpture all planting within the approved landscaping shall be carried out in accordance with the details shown on the submitted Totem Planting Plan L400/203/4. Any plants which within a period of 5 years from the completion of the 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 and ENV DM4 of the Arun Local Plan.

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

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)

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APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

AL/27/20/PL

Received: 13-08-20

Springfield Hook Lane Aldingbourne

Demolition of the existing dwelling & construction of 2 No. 2-bed, 3 No. 3-bed & 4 No. 4 bed houses including access, landscaping & associated works (resubmission following AL/51/19/PL).

Written Representations

PINS Ref: APP/C3810/W/20/3256210

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**
Received: 29-06-20
19 & 21 Nyewood Lane Aldwick
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
- BN/24/20/PL**
Received: 07-08-20
Tile Barn Farm 32 Hill Lane Barnham
Erection of 1 No. dwelling & formation of new vehicular access. This application is a Departure from the Development Plan.
Written Representations
PINS Ref: W/4001228
- 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 3no dwellings - Resubmission of CM/25/19/PL

Written Representations

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

EG/22/19/OUT

Received: 20-03-20

Boweries Barnham Road Eastergate

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

Informal Hearing **22-09-20**

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/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/W/20/320163

LY/8/18/PL Arundel Vineyard Church Lane Lyminster
Received: 17-03-20 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

M/62/19/PL 177 Middleton Road Middleton-On-Sea
Received: 05-08-20 Construct an additional dwelling house along Sundale Lane to rear of 177 Middleton Road.
Written Representations
PINS Ref: W/4000893

Y/103/18/PL 10 Acre Field North of Grevatts Lane Yapton
Received: 19-02-20 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/ Hales Barn Farm Arundel Road Norton West Sussex
Received:
Written Representations
PINS Ref: APP/C3810/C/18/3212055

ENF/211/16 Wisteria Heights Caravan Park (prev. Shripney Gardens) Shripney Lane Bersted West Sussex
Received:
Public Inquiry
PINS Ref: APP/C3810/C/19/3222033

ENF/115/17 44 Christchurch Crescent West Meads Aldwick
Received:
Written Representations
PINS Ref: APP/C3810/C/20/3249296

ENF/66/18 Wivenhoe House Main Road Yapton W Sussex
Received:

Written Representations

PINS Ref: APP/C3810/C/20/3247854

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