



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)

18 September 2020

DEVELOPMENT CONTROL COMMITTEE

A meeting of the **Development Control Committee** will be held on **Wednesday 30 September 2020 at 2.30 p.m.** and you are requested to attend.

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

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

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

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

PLEASE NOTE THAT THE ORDER OF THE AGENDA MAY BE ALTERED AT THE DISCRETION OF THE CHAIRMAN AND SUBJECT TO THE AGREEMENT OF THE MEMBERS OF THE COMMITTEE

PLEASE ALSO NOTE THAT PLANS OF THE APPLICATIONS DETAILED IN THE AGENDA ARE AVAILABLE FOR INSPECTION AT THE COUNCIL'S PLANNING RECEPTION AT THE CIVIC CENTRE AND/OR ON LINE AT www.arun.gov.uk/planning<<http://www.arun.gov.uk/planning>>

AGENDA

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

Members and Officers are reminded to make any declarations

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

Members and officer should make their declaration by stating:

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

3. **VOTING PROCEDURES**

Members and Officers are reminded that voting at this Committee will operate in accordance with the Committee Process as set out in the Council's adopted Planning Local Code of Conduct for Members and Officers at Part 8 of the Constitution. A copy of the Planning Local Code of Conduct can be obtained from Planning Services' Reception and is available for inspection in the Members' Room.

4. **MINUTES**

(Pages 1 - 6)

To approve as a correct record the Minutes of the meeting held on 2 September 2020 (attached).

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

PLANNING APPLICATIONS

6. **P116/19/OUT - LAND ADJACENT TO SEFTER SCHOOL HOUSE, SEFTER ROAD, BOGNOR REGIS PO21 3EE** (Pages 7 - 30)
7. **FG/73/20/PL - EASTLANDS, LITTLEHAMPTON ROAD, FERRING BN12 6PB** (Pages 31 - 36)
8. **BN/57/19/RES - LAND EAST OF FONTWELL AVENUE, FONTWELL AVENUE, FONTWELL BN18 0SB** (Pages 37 - 52)
9. **AB/75/20/PL - 55-57 HIGH STREET, ARUNDEL BN18 9AJ** (Pages 53 - 62)

10. **AW/197/20/PL - THE FORMER SHIP INN, ALDWICK STREET, ALDWICK PO21 3AP** (Pages 63 - 74)

PLANNING APPEALS

11. **APPEALS** (Pages 75 - 80)
12. **SUBMISSION OF WEST BERSTED MASTERPLAN FRAMEWORK FOR ENDORSEMENT** (Pages 81 - 96)

OFFICER REPORT UPDATES

Will be circulated at the meeting.

BACKGROUND PAPERS

In the case of each report relating to a planning application, or related matter, the background papers are contained in the planning application file. Such files are available for inspection/discussion with officers by arrangement prior to the meeting.

Members and the public are reminded that the plans printed in the Agenda are purely for the purpose of locating the site and do not form part of the application submitted.

Contact Officers :

Neil Crowther (Ext 37839) email neil.crowther@arun.gov.uk
Daniel Vick (Ext 37771) email dan.vick@arun.gov.uk
Juan Baeza (Ext 37765) email juan.baeza@arun.gov.uk
Claire Potts (Ext 37698) email Claire.potts@arun.gov.uk

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

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

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

These meetings are webcast live.

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

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DEVELOPMENT CONTROL COMMITTEE

2 September 2020 at 2.30 pm

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

173. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Edwards.

174. DECLARATIONS OF INTEREST

Planning Application LU/149/20/PL – Councillor Mrs Yeates declared a prejudicial interest as the proposal came under the remit of her portfolio as Cabinet Member for Community Wellbeing.

Planning Application BN/39/20/PL - Councillor Ms Thurston declared a personal interest as a member of Barnham & Eastergate Parish Council.

175. MINUTES

The Minutes of the meeting held on 29 July 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.

176. BN/39/20/PL, LAND ADJACENT TO TARS FARM HOUSE, CHURCH LANE, BARNHAM PO22 0DB

Public Speakers: Barnham & Eastergate Parish Council
Mr G. Fields, Objector
Mr P. Barry, Agent

(Prior to consideration of this application, Councillor Ms Thurston had declared a personal interest and remained in the meeting and took part in the debate and vote.)

BN/39/20/PL – Erection of 4 No. dwellings & associated works. This application is a departure from the Development Plan, Land adjacent to Tars Farm House, Church Lane, Barnham

The Committee received a report on the detail of this application from the Principal Planner, together with an officer report update which provided additional information relating to refuse collection; surface water drainage from the site; and the need for an additional condition in respect of the control of new ground and floor levels across the site.

Development Control Committee - 2.09.20

In considering the proposal, the Committee participated in a full debate. Some Members expressed their opposition as it was felt that the rural character of the area would be lost; the lane was not suitable for the additional traffic that would be generated; the sloping nature of the plot was of concern; doubts were expressed about the drainage measures to be put in place; and comment was made that the requirement for an odour assessment and mitigation measures to address the odour from the nearby stables was not practical.

However, other Members acknowledged that the Council's position with regard to the current 5 year Housing Land Supply deficit meant that all housing development in the district was needed to address the shortfall. Regret was expressed that, whilst there were issues with the proposal, there were no planning reasons to refuse it. The Principal Planning Officer was commended for his work on the application and for the comprehensive conditions that would be attached to any approval.

The Principal Planning Officer addressed issues raised by Members in the course of the debate, following which the Committee

RESOLVED

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

177. EP/67/20/PL, LAND ADJACENT TO 45 THE RIDINGS, EAST PRESTON BN16 2TW

Public Speaker: Mr P. Brown, Supporter

EP/67/20/PL – 1 No. detached house & formation of associated new access, Land adjacent to 45 The Ridings, East Preston

Having received a report on the matter, Member concern with regard to overlooking was addressed by the Planning Team Leader and the Committee then

RESOLVED

That the application be approved as detailed in the report.

178. FG/6/20/PL HANGLETON FARM LIVERY STABLES, WADARS ANIMAL RESCUE CENTRE, HANGLETON LANE, FERRING BN12 6PP

Public Speakers: Mr G. Fox, Objector
Mrs K. Osborne-Shaw, Objector
Mrs J. Toben, Applicant
Mrs T. Cadman, Supporter

FG/6/20/PL – 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, Hangleton Farm Livery Stables, Wadars Animal Rescue Centre, Hangleton Lane, Ferring

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

- Comments from the National Park Authority and suggested additional condition relating to the use of external lighting
- The applicant's request that condition 8 be amended to delete reference to the isolation unit and that the number of dogs to be housed there did not exceed 1
- An additional drawing and information submitted by the Agent detailing boundary fencing and the extent of green metal fencing between the kennels
- No new points had been raised in additional representations received since publication of the agenda
- Officer response to the foregoing and amended condition sheet

In opening up the debate, a Member suggestion was made that a site visit might be appropriate in light of comments from the objectors but, during the course of consideration, this was not supported as there were no animals at the site at the present time. Officer clarification was given that the applicant did already have planning approval for the kennelling of dogs at the site and permission was in place for them to be exercised outside.

A further suggestion was made that any permission might be time limited to enable the matter to be revisited to address any adverse issues that might arise. However, the Group Head of Planning was of the view that that would be unreasonable as the charity would have to make a substantial investment for the work to be carried out.

Member comment was made that what was being proposed would be purpose built and the measures being put in place should not cause nuisance. The Committee therefore

RESOLVED

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

179. LU/149/20/PL, LITTLEHAMPTON WAVE, SEA ROAD, LITTLEHAMPTON BN16 2NA

Development Control Committee - 2.09.20

(Prior to consideration of this application, Councillor Mrs Yeates had declared a prejudicial interest and left the meeting so took no part in the debate or vote.

In the course of discussion, Councillor Blanchard-Cooper declared a personal interest as he knew the sculptor through a separate project he was involved in. He remained in the meeting and took part in the debate and vote.)

LU/149/20/PL – 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”, Littlehampton Wave, Sea Road, Littlehampton

In presenting this report, together with the officer’s written report update detailing an additional representation received and the officer response, the Planning Team Leader reminded the Committee that this was a Council application.

The Committee considered the proposal and, whilst welcoming the principle for an artwork at the front of Littlehampton Wave, this particular design was unanimously rejected as it was felt it did not represent waves and its angular nature would provide an opportunity for the youth to use it as a climbing frame.

Following consideration, the Committee did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason:-

The sculptures, by reason of their design will have an unacceptable adverse impact on the character and appearance of the area in conflict with policies DSP1 and DDM1 of the Arun Local Plan.

180. F/15/20/WS, FORD CIRCULAR TECHNOLOGY PARK, FORD ROAD, FORD BN18 0XL

F/15/20/WS - 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 and will be determined by West Sussex County Council, Ford Circular Technology Park, Ford Road, Ford

The Principal Planner presented the detail of this proposal, together with the officer’s written report update setting out the steer that had been put forward by the Yapton, Ford and Clymping Advisory Group meeting held on 25 August 2020. The Advisory Group had supported the officer recommendation to object but wished reasons for the objection, as set out in the officer update, to be forwarded to West Sussex County Council.

In discussing the matter, very strong views were expressed that this application was not acceptable and the views of the Yapton, Ford and Clymping Advisory Group were supported. It was also proposed and agreed that a further reason be added to the objection relating to this Council's strategic sites allocation in the Local Plan and the Arun Strategic Transport Assessment, the wording being: -

The proposal would be detrimental to the Local Authority's ability to deliver on the strategic sites detailed in the Adopted and therefore statutory Local Plan, both in terms of the quantum of housing and the Arun Strategic Transport assessment.

Particular issues raised in the debate centred around: -

- This site had an existing planning permission for a recycling plant and that had been taken into account by the Planning Inspector when considering Arun's Local Plan for adoption. The strategic allocations across the District had been agreed and this proposal would be detrimental to those, particularly in Ford. Who would want to build or live so close to such a development?
- The Transport Assessment undertaken by Arun had assumed that the existing planning permission for a recycling plant would be implemented, therefore if the proposal on the table went through that assessment would have to be revisited. The Arun Transport Study: Waste Site Allocation Transport Addendum 2014, Paragraph 2.3.2 was quoted and it was highlighted that that was a Policy Statement of the County Council, which they now appeared to be disregarding.
- Noise pollution; light pollution; harmful emissions; heavy traffic movements; the size of facility which would cause damage to the immediate landscape, including the South Downs National Park and the coastal plain.
- The Council had already accepted that a waste facility would be built on the site but what was now being proposed would cause irreparable damage to the District's tourism.
- The County Council had chosen not to go ahead with a site which already had planning permission and, furthermore, the site at Horsham had been passed at appeal. Two sites were therefore available and it was unacceptable that Ford should now be considered suitable to be the destination for the waste for the whole of the South East of England.
- It had been stated that the energy to be produced would be going to the National Grid and a proposal to sink cables all the way to Chichester would not be practical or economically viable.
- The highway infrastructure was totally inadequate to support the proposal and any such facility needed to be much closer to A roads and major routes. Comment was made that routing agreements were in place between County Highways and local businesses to ensure traffic used the A259 to go east and west to protect areas such as Arundel. A facility such as this proposal would normally be situated with a 360 degree access, which Ford clearly did not have.
- The environmental statement needed to more strongly support the objection in respect of key emissions; night noise; underlying noise of fans, etc; the detrimental impact of nitrous oxide; and the inadequate flue cleansing mechanism that was proposed.

Development Control Committee - 2.09.20

- It was suggested that a site with a good rail network would be more suitable.

Early in the debate it had been formally proposed and seconded that, should the County Council be minded to approve the application, then Arun District Council would apply to the Secretary of State to call-in the application. It was confirmed that would be added as a separate recommendation to the Council's response to West Sussex County Council.

The Committee then

RESOLVED – That

- (1) An objection be raised based on the officer's report, the comments from the Yapton, Ford and Clymping Advisory Group, the issues raised by Members and the following additional reason:-

The proposal would be detrimental to the Local Authority's ability to deliver on the strategic sites detailed in the Adopted and therefore statutory Local Plan, both in terms of the quantum of housing and the Arun Strategic Transport assessment; and

- (2) Should the County Council be minded to approve the application, then Arun District Council would apply to the Secretary of State to call-in the application.

181. LIST OF APPEALS

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

(The meeting concluded at 5.40 pm)

PLANNING APPLICATION REPORT

REF NO: P/116/19/OUT

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

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

SITE AND SURROUNDINGS

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

SITE AREA 0.266 hectares.

RESIDENTIAL DEVELOPMENT DENSITY 23 dwellings per hectare.

TOPOGRAPHY Predominantly flat.

TREES There are significant off-site trees.

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

SITE CHARACTERISTICS An unused parcel of land (former builders yard) on the boundary of the Pagham Built-up Area.

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

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

No relevant planning history.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

Pagham Parish Council: OBJECTION.

- The site lies outside the defined built up area and in the countryside so development with housing is, as a matter of principle, in direct conflict with ALP 2018 Policies SD SP2 Built-up Area Boundary and C SP1 Countryside and emerging Pagham Neighbourhood Plan policies 1 and 2.
- Lawful use of land is agricultural (as defined in the Act) and the site constitutes high grade agricultural land. The applicant provided no evidence as to why the lawful use of the site is no longer possible so that the development is, as a matter of principle, in direct conflict with ALP 2018 Policy SO DM1 Soils.
- The applicant provided no evidence to demonstrate that satisfactory foul and surface water drainage can or will be provided in a manner that will safeguard water quality in the Pagham Harbour SPA/Ramsar.
- NE requested an AA be undertaken and this has not been done. AA needs to assess impact of surface and foul water discharge on the Pagham Harbour Ramsar.
- Concerns about impact of contaminated land and contaminated water draining into water courses which then drain into Pagham Harbour Ramsar.
- Parts of the site are in or adjoin land shown on the EA maps as being in Zone 2 and 3. No flood risk assessment has been provided.
- The applicant failed to demonstrate the proposals can be or will be undertaken in accordance with ALP 2018 Policy ENV DM2 Pagham Harbour.
- The site lies in the Rural Area for the purposes of the Pagham Village Design Statement 2007 and there is no evidence to show the proposals can or will be carried out in a manner which accords with the criteria set out for Rural Areas in the PVDS.
- The proposal fails to demonstrate that access can or will be achieved in accordance with ALP 2018 Policy T DM1.
- Site is part of a proposed Local Green Space as set out in the emerging Neighbourhood Plan.
- Tree Officer comments make clear proposals fail to demonstrate compliance with ALP 2018 policy ENV DM4 Protection of trees.
- Application of presumption in favour of sustainable development is flawed. Site is unsustainably located in transport terms, the application of policies in the NPPF relating to the protection of habitat sites provide clear reasoning for refusing the application, and that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

3 letters of objection:

- Direct conflict with relevant Development Plan policies.
- Conflict with ENV DM2 - fails to make developer contributions to mitigate impact of development in Pagham Harbour area.
- Located in a Green Infrastructure Strategic Gap between Bognor Regis and Chichester. This gap should be preserved.
- CIL documents fail to demonstrate the necessary CIL contributions will be made in accordance with the statutory CIL provisions.
- Road safety issues with access and Sefter Road/Pagham Road junction.
- Concerns regarding overlooking and loss of privacy to Sefter Cottage due to site being at higher level.
- Concerns regarding surface water drainage/flooding issues.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the Conclusions. These comments are provided in response to responses from Pagham Parish Council:

- i. The development conflicts with ALP policies SD SP2 and C SP1 as the site is outside the BUAB in the Countryside, where development is not permitted unless certain exception tests are met. There are other material considerations (lack of a 5 year housing land supply, NPPF's presumption in favour of sustainable development) to be weighed in the balance with the Development Plan.
- ii. The proposal results in the loss of/moderate harm to Grade 2 Agricultural Land in conflict with ALP policy SO DM1. However, there are other material considerations (Council's lack of a 5 year housing land supply, NPPF's presumption in favour of sustainable development) to be weighed in the balance with the Development Plan. A soil preservation scheme forms a condition of this decision.
- iii. The requirement for a foul drainage/surface water scheme form conditions of this decision. EA flood maps show that, although adjacent, none of the site is in Flood Zones 2 or 3 and there is no need for a FRA. An AA has been undertaken and concludes that, subject to mitigation measures (SAMM tariff payment, land remediation/CMP conditions), there would be no adverse effect on the integrity of the protected sites i.e. Ramsar/SPA. The applicant entered into a s106 agreement to make a financial contribution towards the maintenance of Pagham Harbour SPA and Ramsar. Natural England have confirmed that the use of conditions to secure land remediation and Construction Management Plan including avoidance of contamination of water courses will be adequate to restore the site and ensure any risk of water contamination is avoided. The AA concluded no need to create new accessible green spaces near or adjacent to the site, given the small number of houses proposed, that there are other such spaces in the area before the harbour, and spaces secured under planning at the adjacent site. EA, WSCC, Southern Water, Natural England were consulted regarding concerns about water pollution. WSCC LLFA confirmed they are not responsible for matters relating to water pollution and is a matter for the Local Authority's Environmental Health and the EA. ADC EH confirmed the need for full 4-stage potentially contaminated land condition to be applied. EA confirmed that Council need to take the advice of Environmental Health.
- iv. The draft Pagham Neighbourhood Plan has been published for pre-submission consultation and is to be attributed exceptionally limited weight. It is a matter for decision makers to decide how much weight should be attributed to emerging plans. Para 48 of the NPPF states that LPAs may give weight to relevant policies in emerging plans according to; the stage of preparation of the emerging plan, the extent to which there are unresolved objections to relevant policies in the emerging plan, the degree of consistency of the relevant policies in the emerging plan to the NPPF. Notwithstanding this, the Local Green Space designated in the draft PNP does not include the site.

CONSULTATIONS

- Engineering Services Manager
- Engineers (Drainage)
- WSCC Strategic Planning
- Ecology Advisor
- Arboriculturist
- Natural England
- Environmental Health

CONSULTATION RESPONSES RECEIVED:

ADC ENVIRONMENTAL HEALTH: No objection, recommend conditions restricting hours of construction, and requiring details of external lighting scheme and Electric Vehicle Charging Point provision, and land contamination remediation.

WSCC HIGHWAYS: No objection to type of access licence/visibility splays. No evidence to suggest

existing or new access would operate unsafely. Do not consider proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (para 109), and there are no transport grounds to resist the proposal. Conditions are recommended to secure the accepted visibility splays at the proposed site access, and requiring the use of the proposed site access to not commence until the existing site access has been closed off, and the use of the car parking spaces to not commence until the proposed site access has been constructed in accordance with plans and details.

ADC DRAINAGE ENGINEER: No objection subject to conditions/informative requiring investigation into winter infiltration testing/groundwater monitoring and use of SUDs, full details of a surface water drainage scheme, details of any discharge to watercourses and need for Land Drainage Consent, a maintenance manual for the surface water drainage system. These ensure the development is adequately drained and doesn't increase flood risk elsewhere. Consult EA if sewer treatment plant proposed.

ENVIRONMENT AGENCY: EA not consulted on non-major applications which include non-mains foul water drainage (e.g. private sewer treatment plants). Provide standing advice for LPAs on minor applications. EA advised to refer to Environmental Health advice regarding land contamination and water pollution matters.

ADC TREE OFFICER: In the absence of a Tree Survey and Constraints Plan unable to fully support the scheme. Applicants need to employ a qualified Arboriculturist to undertake a Tree Survey and provide an Arboricultural Impact Assessment (AIA) to include a Tree Survey Schedule, Root Protection Area Schedule and a Tree Constraints Plan. If any development overlaps RPAs, then an Arboricultural Method Statement (AMS) to include a Tree Protection Plan will be required. Any future application would need to have an AIA submitted (and an AMS if appropriate).

ECOLOGY ADVISOR: Comments 29/01/20 - recommend conditions to protect bats, nesting birds and water voles. If any works need to take place in the ditch area on site, then a full mitigation strategy for water voles will be required. In line with Policy ENV DM5 of the Local Plan, information on Biodiversity Net Gain needs to be provided as part of the application prior to determination. Though some biodiversity enhancements have been recommended in the EIA (Dec 2019) further information needs to be provided to demonstrate what will be included within the scheme.

Comments 10/08/20 - Satisfied the water vole condition (which references potential requirement for full mitigation strategy) meets all ecology requirements, satisfied with biodiversity enhancements proposed so far (Biodiversity Enhancement Statement, prepared by E Lawrence Planning, received 07/08/20). As part of a future Reserved Matters application the applicants will need to provide more information (e.g. Biodiversity Net Gain site plan) for this.

NATURAL ENGLAND:

Comments (14/02/20) - application results in net increase in residential accommodation so impacts on the coastal SPA and Ramsar sites may result from increased recreational disturbance. LPA has measures in place to manage potential impacts through an agreed strategic solution (SAMM tariff). Subject to the appropriate financial contribution being secured, NE are satisfied the proposal will mitigate against the potential recreational impacts of development on protected sites. Notwithstanding this, NE's advice is that the development and the use of measures to avoid/reduce the likely harmful impacts from it may need to be formally checked and confirmed by the Authority, as the competent Authority, via an appropriate assessment (AA) in view of the European site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Comments (11/05/20) - amendments to original application unlikely to have significantly different impacts on the natural environment than the original proposals.

Comments (26/08/20) - given contaminated land issues, then construction impacts should be added to the AA, with mitigation measures being the Construction Management Plan and land remediation conditions. CMP should include reference to surface water quality and measures to avoid contamination of watercourses on or near the site to protect local ecology and residents.

Comments (09/09/20) - concur with the AA findings (will not result in any adverse effect on the integrity of the sites), providing all mitigation measures proposed are appropriately secured in any permission.

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

COMMENTS ON CONSULTATION RESPONSES:

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

POLICY CONTEXT

Designation applicable to site:
 Outside Built Up Area Boundary
 Strategic Gap between settlements (Bognor Regis and Chichester)
 Pagham Harbour Zone B
 Sefter Farm Minerals Consultation Area

DEVELOPMENT PLAN POLICIES

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

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
LANDM1	LAN DM1 Protection of landscape character
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
QEDM2	QE DM2 Light pollution
QEDM4	QE DM4 Contaminated Land
SDSP1	SD SP1 Sustainable Development
CSP1	C SP1 Countryside
SDSP3	SD SP3 Gaps Between Settlements
SODM1	SO DM1 Soils
WMDM1	WM DM1 Waste Management
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

WSP1	W SP1 Water
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
INFSP1	INF SP1 Infrastructure provision and implementation

[Joint Minerals Local Plan 2018:](#)

Joint West Sussex M9 Safeguarding Minerals

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The draft Pagham Neighbourhood Plan (PNP) was publicised for pre-submission consultation (Reg.14), from 29-6-2020 - 7-8-2020. The Plan contains eleven policies; one of which seeks to designate large parts of the strategic site allocation in the Local Plan adjacent to the site as a Local Green Space. Given the recent publication of the PNP and its draft form, it can be attributed exceptionally limited weight at this time. It is a matter for decision makers to decide how much weight should be attributed to emerging plans. Para 48 of the NPPF states that LPAs may give weight to relevant policies in emerging plans according to; the stage of preparation of the emerging plan, the extent to which there are unresolved objections to relevant policies in the emerging plan, the degree of consistency of the relevant policies in the emerging plan to the NPPF. Policies in the draft PNP are considered in the Conclusions.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 70(2) of Town and Country Planning Act 1990 (as amended) provides that

(2) In dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

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

"If regard is to be had to the development plan for the purpose of any determination to be made under

the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal conflicts with relevant Development Plan policies in that it results in development in the countryside outside of the defined settlement boundary. The development leads to the loss of the best and most versatile agricultural land in conflict with Local Plan policies SD SP2, C SP1 and SO DM1.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PROPOSAL & PRINCIPLE:

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

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

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

In this case, there are other material considerations (set out below) to be weighed in the balance with the policies contained within the Development Plan.

Other Material Considerations:

(1) The Councils Current Housing Land Supply

The Authority Monitoring Report (AMR) was considered at the Planning Policy Local Plan Sub-Committee on the 18th June and showed the Council could no longer demonstrate a 5-year Housing Land Supply (HLS) as required by the NPPF.

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

ALP policy SD SP1 states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It states this presumption will not be applicable where development requires an Appropriate Assessment or where consideration of the need for one is being undertaken.

This site is related to the SPA and Ramsar at Pagham Harbour and an Appropriate Assessment has been undertaken to assess the impacts on these protected habitats. According to ALP policy SD SP1, therefore, the presumption in favour of sustainable development would not apply.

The NPPF is a material consideration in determining applications and due to the Council's lack of a 5-year HLS, and the development policies being out of date, para 11 (d) of the NPPF the 'presumption in favour of sustainable development' is triggered. Part (i) applies to this determination as the site relates to a protected area (habitat sites i.e. Ramsar and SPA, as listed in Footnote 6 and para 176 of the NPPF).

Para 177 of the NPPF states:- the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

The proposal for 6 dwellings meets the economic objective, providing the potential opportunity for; employment during construction, making a contribution to local income/spending, New Homes 'bonus' and Council tax receipts. This would provide benefit to the local economy and weighs in the schemes favour. There is potential for an economic cost due to the loss of Agricultural Land. The land is not currently used for agriculture and there is no immediate prospect of this taking place. The proposal meets the social objective, making a contribution of 6 homes to the housing supply. The site is in a relatively environmentally sustainable location (from a transport perspective) given the short distance to bus routes (on Pagham Road) which enable access to Bognor Railway station, and walking and cycling distance to local shops, services and education and health facilities (in Rose Green and Nyetimber). Pedestrians could benefit from road/footpath improvements from the approval for the adjacent site P/30/19/OUT. Whilst the private car would be required for longer distances, residents would not need to rely on a car to be able to live comfortably at this location.

Conclusion on Matters of Principle:

The principle of development, in a countryside location outside the BUAB, is contrary to policies in the Development Plan. The policies of the Arun Local Plan (ALP) that relate to the supply of housing have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land.

The proposal represents sustainable development (in accordance with NPPF para 8) and since the AA concluded the project would not adversely affect the integrity of the habitats site (in accordance with NPPF para 177), the NPPF's para 11d 'presumption in favour of sustainable development' applies. The trigger means the Local Plan needs to be weighed in the balance with other material considerations and that the Development Plan stops being the key consideration. The application of policies in the NPPF that protect areas (in this case, habitats sites SPA/Ramsar) of particular importance do not provide a clear reason for refusing the development proposed. For this reason, in accordance with NPPF para 11(i) the application benefits from the presumption in favour of sustainable development and, in principle, permission should be granted. This, and other material considerations set out above, combine to outweigh the conflict with the policies of the Development Plan and serve to allow for the principle of the application to be supported.

LOSS OF AGRICULTURAL LAND:

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

reduce its ability to continue in agricultural use, unless the proposal accords with countryside Policy 2.

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

The proposals to develop this land is not permitted by ALP Policy SO DM1 unless certain tests are met. The proposals would not be justified by reason of meeting tests (a-c) of SO DM1. Tests (d-g) of SO DM1 state development will not be permitted unless certain issues are addressed.

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

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

VISUAL AMENITY AND CHARACTER:

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

ALP policy SD SP3 seeks to protect Gaps between settlements, to protect their generally open and undeveloped nature to prevent coalescence between settlements. Development in these areas will only be permitted where a number of tests are met.

Para 127 of the NPPF states that "Planning policies and decisions should ensure developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." Para. 122 states that planning decisions should support development that makes efficient use of land but the desirability of maintaining an area's prevailing character and setting should be taken into account. Para. 170 of the NPPF states decisions should protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside.

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

The site is adjacent to the north edge of the settlement boundary, with some residences nearby and the

site being located in a small 'cluster' of dwellings, with farmland beyond. Regard must be had to the approval for P/30/19/OUT (300 dwellings and care home). This part of Pagham will change as a result of this development. Within this context, on the edge of the settlement boundary, existing properties nearby, and with a major development scheme adjacent, the proposals would not result in significant harm to the visual amenity and character of the area nor the character and beauty of the countryside and landscape.

The site is located within a Strategic Gap between settlements (Bognor Regis - Chichester) as set out in policy SD SP3 and the policy map of the Local Plan. Development is only permitted within these gaps where it would meet certain tests. It is concluded that given the site is on the very edge of the Gap and is a self contained small area of land, it and the adjacent strategic housing site which has permission for 300 homes, then the development of 6 homes here would not undermine the physical and/or visual separation of settlements, would not compromise the integrity of the Gap. As such, the proposals are considered to comply with the tests in policy SD SP3 for development in settlement Gaps.

The indicative layout shows a buffer planted area to the east boundary along Sefter Road and additional landscaping along the south boundary was part of P/30/19/OUT. The site would be set back away from Pagham Road. This planting would soften the appearance of the development in the street scene. The indicative layout suggests a spacious scheme with properties of an appropriate footprint/density with good provision of open space and landscaping reflecting an appropriate edge-of-settlement approach.

The proposal would not result in significant harm to the character of this part of Pagham and, on the grounds of density and character. Matters of detailed layout, scale, external appearance and landscaping would be considered in the future under reserved matters application/s.

RESIDENTIAL AMENITY:

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

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

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

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

HIGHWAYS, TRANSPORT AND PARKING:

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

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

The site is on Sefter Road, a 'C' Classified Road which is subject to a 60 mph speed limit. A speed survey was conducted in proximity of the site and the applicant provided visibility splays for the access which WSCC are satisfied with. A kerb radii of 6m and access width of 6m is shown and tracking has been supplied for a range of vehicles (including worse case scenario a refuse truck) and WSCC are satisfied with the details. There is no evidence to suggest the existing access is operating unsafely or that the new access would operate unsafely. WSCC do not consider the proposed access presents a highways safety concern.

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

WSCC does not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (para 109), and there are no transport grounds to resist the proposal, subject to a number of conditions (to secure the visibility splays, closure of existing access) being imposed should outline permission be granted.

FLOODING & DRAINAGE:

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

The site is in Flood Zone 1 (low risk of flooding). The site is within 20m of an existing watercourse. There have been recent reports of possible contamination of the land and the neighbouring watercourse from foul water.

The applicant stated that surface water will be disposed of via an existing watercourse rather than a sustainable drainage system. The Council's Drainage Engineer commented this is not appropriate without investigation into whether or not infiltration may be viable on the site, as surface water drainage

design should follow the hierarchy of preference. The Council's Drainage Engineer raised no objection subject to conditions to ensure the development is adequately drained and does not increase flood risk elsewhere, as follows: requiring investigation into winter infiltration testing/groundwater monitoring and use of SUDs, full details of a surface water drainage scheme, details of any discharge to watercourses and need for Land Drainage Consent, a maintenance manual for the surface water drainage system.

There are no public foul sewers in the vicinity of the site. The applicant has confirmed the intention is to install a sewer treatment plant on site. ADC Drainage have recommended consulting the EA if an on-site sewer treatment plant is proposed for foul drainage. The EA standing advice for minor applications with non-mains drainage is that a Foul Drainage Assessment (FDA) is required to include justification for non-connection to mains sewer to allow the LPA to assess whether the site is in a location where it may be reasonable to connect to a mains sewer and whether non-mains foul drainage is suitable. A planning condition will be added requiring an FDA and the matter finalised via a reserved matters application regarding layout.

Details of surface water drainage and foul water disposal will also need to be assessed at reserved matters stage when details of the layout and hard and soft landscaping are provided.

LAND CONTAMINATION AND WATER QUALITY:

Policy QE DM4 promotes and will permit the use of previously developed land subject to evidence being provided, prior to any development, to show that unacceptable risk from contamination will be successfully addressed through remediation.

Policy W SP1 requires that the Council will seek to enhance the quality of the water environment which supports a range of habitats and ecosystems.

It appears that the site was formerly used as a commercial builders yard. During the course of the determination period of the current application, the agent has submitted a Land Contamination Report (Feb 2020) and Land Use & Soil and Agricultural Land Quality Report (July 2020). This shows the contaminated ground conditions/poor land quality of the site currently. The Council's Environmental Health Officer has requested that the full 4-stage potentially contaminated land condition is added to the decision. This is a pre-commencement planning condition requiring any necessary remediation of the land to be undertaken prior to any site works and construction.

With respect to water pollution and water quality, the addition of planning conditions requiring a Surface Water Drainage Scheme, Foul Drainage Assessment, details of any discharge to watercourses etc., a Construction Management Plan which includes specific reference to avoiding contamination of watercourses, and land remediation measures will ensure that watercourses and the coast (including Pagham Harbour SPA/Ramsar) are adequately protected from water pollution and that a good level of water quality is maintained.

MINERALS SAFEGUARDING:

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

Given the site is below 0.5 hectares in size and the proposed development is for less than 10+ units, WSCC Minerals Authority would not need to be consulted as it does not meet their consultation threshold.

and there is no need for a Mineral Resource Assessment, since the economic viability of mineral extraction is assumed to decrease as the site area decreases. It is for the LPA to determine if prior extraction is practical/viable and whether the need for the mineral outweighs the need for housing. In this case, given the proximity of the strategic housing site allocation and its recent permission, for 300 new homes, any use of the application site for minerals extraction would appear unrealistic. The need for development of homes overrides the safeguarding of minerals on the site.

TREES:

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

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

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

BIODIVERSITY:

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

The applicant provided an Ecological Impact Assessment (Dec 2019) with the application. The Council's Ecology Advisor raised no objection on ecology grounds and recommended conditions to protect bats, nesting birds and water voles. In initial comments they confirmed that, in line with Policy ENV DM5 of the Local Plan, information on Biodiversity Net Gain needs to be provided as part of the application prior to determination, and although some biodiversity enhancements were recommended within the EIA, further information was needed to demonstrate what would be included in the scheme. Since those comments the applicant submitted a Biodiversity Enhancement Statement (Aug 2020) and the Council's Ecology Advisor confirmed the enhancements are acceptable and that as part of a Reserved Matters application the applicants will need to provide further information (e.g. Biodiversity Net Gain site plan). A condition has been added requiring the enhancements set out in the EIA and BES to be implemented, and that further information will need to be submitted to and approved by the LPA at reserved matters

stage to ensure the development delivers a Net Biodiversity Gain.

PAGHAM HARBOUR SPA/RAMSAR:

Policy ENV DM2 requires residential developments in a 400m to 5km influencing distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area in order to mitigate against recreational disturbance impacts on the European protected SPA/Ramsar sites at Pagham Harbour.

The site is in Zone B of Pagham Harbour. Natural England confirmed that the LPA has measures in place (SAMM tariff) to manage these potential recreational disturbance impacts and that, subject to the appropriate financial contribution being secured, NE are satisfied the proposal will mitigate against the potential recreational impacts of the development on protected sites. Notwithstanding this, NE's advice is that the development and the use of measures to avoid/reduce the likely harmful impacts from it may need to be formally checked and confirmed by the Authority, as the competent Authority, via an appropriate assessment in view of the European site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). NE advise it is a matter for the Authority to decide if an appropriate assessment is necessary in light of the CJEU ruling, and that NE must be consulted on any appropriate assessment the Authority make. NE have comment that, given the land contamination issues that have since come to light, construction impacts should be added to the Appropriate Assessment, with the mitigation measures being the Construction Management Plan and land remediation conditions. The CMP should include reference to surface water quality and measures to avoid contamination of watercourses on or near the application site to protect local ecology and residents.

The Authority undertook a Habitat Regulation Assessment/Screening and an Appropriate Assessment (September 2020), in accordance with the requirements of the Conservation of Habitats & Species Regulations 2017 (as amended). The AA considers the loss of the land to residential development would not result in a loss of supporting habitats for relevant bird species, that without mitigation the recreational disturbance from increased population/visitors would be an impact but that this could be mitigated against by the payment of the SAMM tariff, and without mitigation land contamination and construction impacts could impact water quality and the relevant bird species but that this could be mitigated against by the requirement for land remediation and Construction Management Plan planning conditions. The AA concludes that, with mitigation, the development, in combination with other plans and projects, would not have an Adverse Impact on the integrity of the European protected sites. Natural England confirm that they concur with the appropriate assessment findings, providing all mitigation measures proposed are appropriately secured in any permission given.

Subject to a financial contribution of £5,226 for the 6 dwellings which has been secured through a S106 agreement (16th January 2020) and subject to conditions requiring a CMP and land remediation, the proposals would protect the Pagham Harbour SPA/Ramsar in compliance with the legislation and Local Plan policy ENV DM2.

COMMUNITY INFRASTRUCTURE CONTRIBUTIONS:

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

The CIL amount would be based on floor areas of the houses which would be detailed/calculated at reserved matters stage. Subject to CIL contributions, the proposals would be acceptable in terms of

infrastructure provision and impacts, and would accord with Arun Local Plan policy INF SP1.

SUMMARY:

There is a conflict with Development Plan policies with regard to development outside the BUAB in the countryside. Given the Council's 5 year Housing Land Supply position the 'presumption in favour of sustainable development' is triggered under paragraph 11(d) of the NPPF. The development has been assessed against policies in the NPPF that protect areas of particular importance (including SPAs and Ramsars) and it is concluded the application of these policies does not provide a clear reason for refusing the development. As such, the 'presumption in favour of sustainable development' applies and the principle of development in this countryside location is accepted. Subject to conditions (and S106), the proposals has an acceptable impact with regard to highways, loss of agricultural land, visual and residential amenity, flooding and drainage, land contamination and water quality, minerals safeguarding, landscaping, trees, biodiversity, and Pagham Harbour protected habitat sites.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

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

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

beginning with the date of this permission:-

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

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

- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

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

- Location Plan 2019/26/02
- Block/Site Layout Plan 2019/26/01 Rev A (approved in so far as it relates to access)
- Proposed Site Access Arrangements 01
- Proposed Site Access Visibility Splay 02
- Proposed Site Access TR02
- Proposed Site Access TR03
- Proposed Site Access TR04

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

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

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

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

- 5 No construction activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no noisy working activities on Sunday or Bank Holidays.

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

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

level or as otherwise agreed.

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

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

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

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

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

- 9 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any construction works.

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

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 11 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of

financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with polices W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 12 Development shall not commence until full details of the proposed foul water disposal, in the form of a Foul Drainage Assessment (FDA), are submitted to and approved in writing by the Local Planning Authority. The FDA is to include the applicant's justification for non-connection to the mains public sewer, and details of the proposed sewer package treatment plan, and the means of discharge.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with polices W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the foul water disposal scheme are agreed before construction commences.

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

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

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

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

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

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

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved

verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

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

- 14 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:-

An indicative programme for carrying out of the works;
Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
The parking of vehicles of site operatives and visitors;
Loading and unloading of plant and materials, including permitted times for deliveries;
Storage of plant and materials used in constructing 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 Regulations Orders);
Measures to control the emission of dust and dirt during construction;
A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.
Measures to avoid contamination of ditches/watercourses on or near the application site.

Reason: To protect the amenity of local residents, water quality and local ecology, in accordance with Policies QE SP1, QE DM1, QE DM2, QE DM3, QE DM4, W SP1, W DM1, ENV DM2 and ENV DM5 of the Adopted Arun Local Plan. This condition is required to be pre-commencement so the protection of the amenity of local residents as a result of the construction works is ensured prior to the start of construction works.

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

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

- 16 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 wildlife / local residents from light pollution, in accordance with legislation, the NPPF and policies D SP1, D DM1, LAN DM1, ENV DM5, QE SP1 and QE DM2 of the Arun Local Plan.

- 17 Prior to commencement of development, a buffer strip (of 5m) with protective fencing around the existing hedging must be installed and maintained in situ for the duration of the construction works.

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

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

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

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

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

- 20 The biodiversity enhancements set out in the EIA (prepared by Lizard, dated 18/12/19) and the Biodiversity Enhancement Statement (prepared by E Lawrence Planning, received 07/08/2020) must be implemented. Further information (to include an annotated site plan showing siting, scale and nature of proposed biodiversity enhancement measures) will be required to be submitted to and approved by the Local Planning Authority at reserved matters stage.

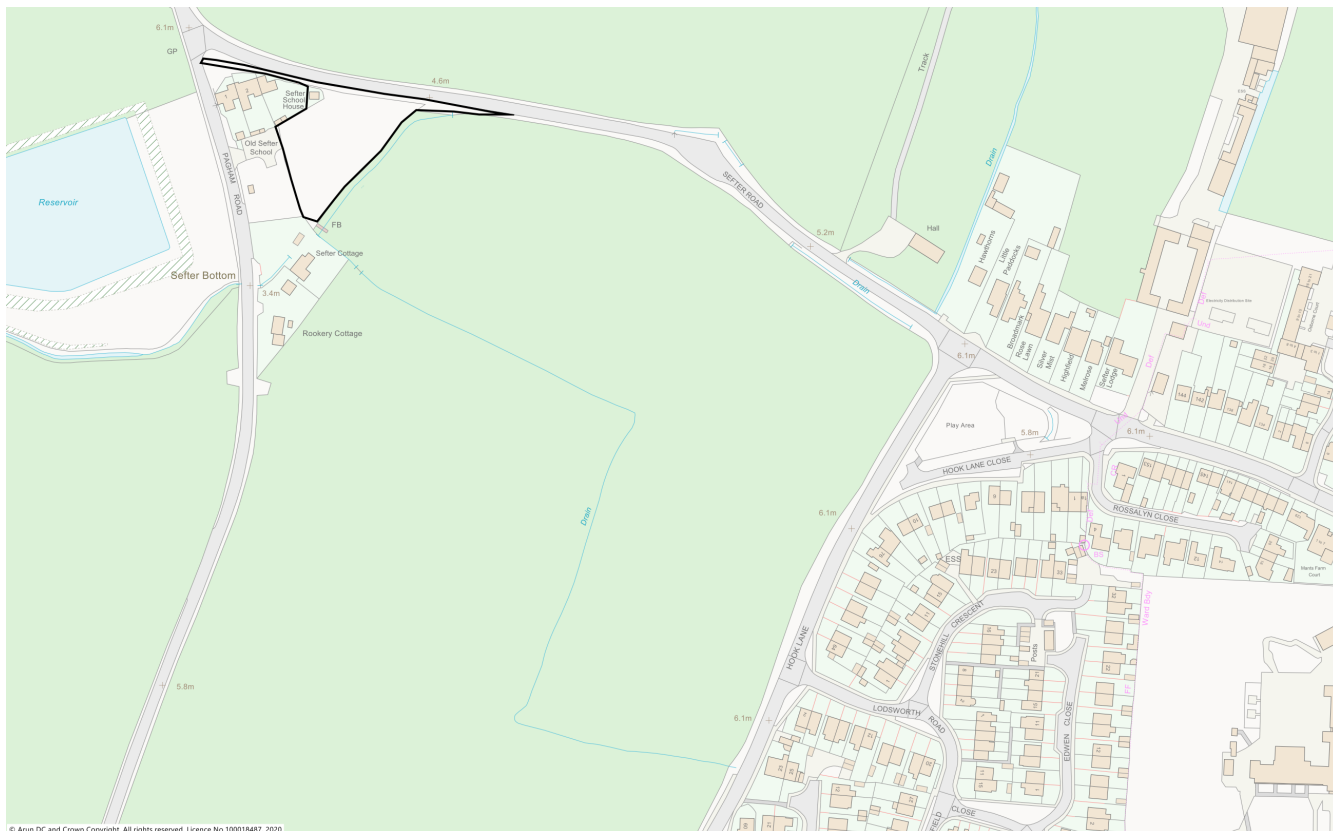
Reason: To ensure the proposals would result in a Net Biodiversity Gain, in accordance with the Environment Bill and policy ENV DM5 of the Arun Local Plan.

- 21 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 22 INFORMATIVE: Section 278 Agreement of the 1980 Highways Act - Works within the Highway The Local Highways Authority (LHA) advises the applicant to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant should note that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 23 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.
- 24 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.
- 25 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement (dated 16th January 2020) relating to a financial contribution of £5,226 towards the Pagham Harbour Access Management Mitigation Measures.
- 26 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

BACKGROUND PAPERS

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

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



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PLANNING APPLICATION REPORT

REF NO: FG/73/20/PL

LOCATION: Eastlands
Littlehampton Road
Ferring
BN12 6PB

PROPOSAL: Variation of Condition 4 approved under FG/8/20/PL for the condition to read 'The occupation of the dwelling shall be limited to a person or persons solely or mainly working, or last working, at the equestrian centre at Eastlands, or a widow or widower of such a person, and to any resident dependants'.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

Condition 4 approved under FG/8/20/PL reads as follows:

'The occupation of the residential unit shall be limited to a person solely or mainly working at the equestrian centre at Eastlands.

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

It is proposed to amend this condition to include the words 'or last working'. The implication of this will be that the current occupiers could remain occupying the dwelling after they have ceased working at the equestrian centre.

SITE AREA 0.4 hectares.

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

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

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

RELEVANT SITE HISTORY

FG/8/20/PL Erection of 1 No. equestrian dwelling & retention of 1 No. gazebo & 2 No. carports. This application is a Departure from the Development Plan & may affect a Public Right of Way. ApproveConditionally 04-06-20

REPRESENTATIONS

Ferring Parish Council - Objection. Dwelling should only be to support equestrian business and for no other reason.

2 letters of objection.
 Permission solely granted to maintain equestrian centre.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in conclusions section of this report.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:
 OUTS BUILT AREA
 RIGHT OF WAY

DEVELOPMENT PLAN POLICIES

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

HDM3 H DM3Agricultural forestry and horticultural Rural dwellings

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

A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

POLICY COMMENTARY

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

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

The relevant policy of the Ferring Neighbourhood Plan has been taken into account and are listed elsewhere in the report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal conflicts with policy H DM3 (g) of the Arun Local Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan. These are that the existing condition is not considered to be necessary and reasonable as required by the National Planning Policy Framework (NPPF) paragraphs 55 and 56. The requested amendment is reasonable in that it would allow the applicant and any of his dependants with security of tenure of the dwelling.

CONCLUSIONS

PRINCIPLE

The principle of erecting a dwelling on the site has been established by the approval of FG/8/20/PL. The application proposes to vary that permission by varying condition 4 which relates to occupation of the dwelling by the agricultural worker. The only matter to be determined by this application is whether to grant a variation of condition 4 as proposed.

The proposal is contrary to the development plan because policy H DM3 does not specifically allow for a person last working in the agricultural enterprise or their spouse and dependents to occupy the dwellinghouse separate to the applicant.

The issue to consider is whether the proposal would comply with paragraphs 55 and 56 of the NPPF which require that planning conditions must be necessary and reasonable in all other respects.

NPPF AND POLICY H DM3

It would be unreasonable to prevent occupation of the dwellinghouse in the event of illness, injury and other forms of unemployment of the operator of the equestrian enterprise as this would require the occupier to vacate the property and find alternate accommodation when that may not be practical. In addition, it would be unreasonable to deny the spouse and dependents of the applicant the ability to occupy the house in the event of his death. Hence the proposed re-worded condition is both necessary and reasonable and compliant with paragraphs 55 and 56 of the NPPF.

The key phrase in the condition is 'last working in'. This phrase and the condition as a whole is a model condition from circular 11/95 which is retained as government guidance. For this reason the condition as a whole is considered acceptable.

Policy H DM3 (g) of the Arun Local Plan stipulates that the occupation of agriculturally tied dwellings must be only limited to a person solely or mainly employed in the locality in agriculture or forestry.

To limit the dwelling in this way is contrary to the requirements of the NPPF and paragraphs 55 & 56.

SUMMARY

The re-worded condition does not separate the occupier of the dwelling from having a connection to the equestrian use but does allow for a reasonable and necessary security of tenure for himself and dependants for the future occupation of the dwelling and is therefore recommended for approval.

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

- 1 The occupation of the dwelling shall be limited to a person or persons solely or mainly working, or last working, at the equestrian centre at Eastlands, or a widow or widower of such a person, and to any resident dependants.

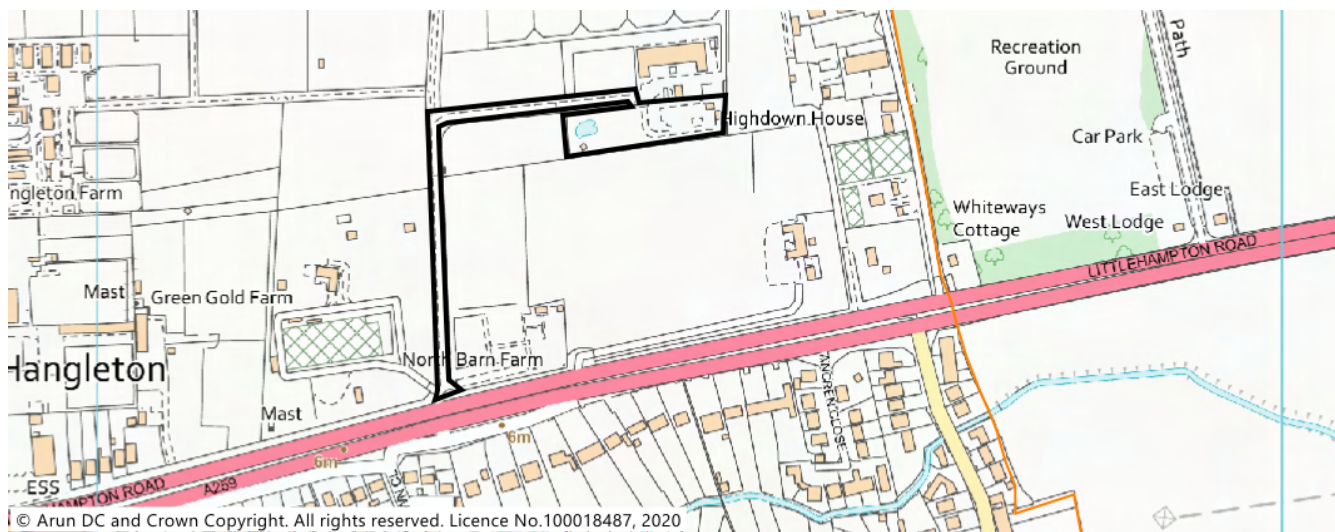
Reason: In the interests of preserving the residential unit for agricultural/equestrian purposes in accordance with policy C SP1 of the Arun Local Plan.

- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by 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.
- 3 **INFORMATIVE:** This approval amends condition number 4 of FG/8/20/PL only. All other conditions of FG/8/20/PL remain in force.

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.

FG/73/20/PL - Indicative Location Plan (Do not Scale or Copy)
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PLANNING APPLICATION REPORT

REF NO: BN/57/19/RES

LOCATION: Land East of Fontwell Avenue
Fontwell Avenue
Fontwell
BN18 0SB

PROPOSAL: Approval of reserved matters for 3785sqm of light industrial floorspace (Class B1 (b)/(c)) following the grant of WA/22/15/OUT.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application seeks approval of reserved matters following the grant of outline planning permission (WA/22/15/OUT) by the Secretary of State on 13 July 2017 for on land east of Fontwell Avenue, Fontwell.

Approval is sought for the appearance, landscaping, layout and scale of the light industrial (Class B1(b)/(c)) element. The application does not include the residential, retail, community and public open space elements of the development. These are currently the subject of a separate application (WA/48/19/RES).

SITE AREA 1.48 ha (approx.)

TOPOGRAPHY The land falls in a south-westerly direction from 30m above ordnance datum (AOD) in the north-eastern corner to 24m AOD in the south-western corner.

TREES The north-western corner of the site contains Sycamore (x22), Field Maple (x6), Holly (x2), Holm Oak (x1), Hawthorn (x7), Elderberry (x4), Ash (x3), Monterey Pine (x1), Scots Pine (x1) and Corsican Pine (x5) trees. There is also an individual Corsican Pine tree located towards the centre of the site. These trees are the subject of a Tree Preservation Order (TPO/EG/1/14).

Most of the trees are proposed to be retained and incorporated in the development. Some would be lost to facilitate safe vehicular access to the site from Arundel Road, as approved at the outline stage.

BOUNDARY TREATMENT The western and northern boundaries of the site are characterised by well established trees and vegetation. There is a hedgerow adjacent to the first residential property on the south side of Arundel Road. The eastern boundary continues southward across an open field, but it is not defined by any physical feature on the ground. Similarly, the southern boundary crosses an open field and is not defined by any

SITE CHARACTERISTICS	<p>physical feature on the ground.</p> <p>The site lies to the east of the Fontwell Park racecourse, Travelodge and Fontwell Avenue, to the south of the A27 Fontwell Services and Arundel Road, to the west of Fontwell village and to the north of fields that have been allocated for housing development. The site comprises open land, used primarily for grazing and equestrian activities in the past, with boundary trees and vegetation and an individual tree near the centre.</p>
CHARACTER OF LOCALITY	<p>To the north of the site lies the A27 Fontwell Services and Arundel Road. The service area includes fast food restaurants, a motel and a petrol filling station with a small supermarket. To the east lies Fontwell village. There are currently open fields to the south, which have been allocated for housing development. To the west lies Fontwell Park racecourse, Fontwell Park Travelodge and a public house/restaurant, all on the opposite side of Fontwell Avenue.</p> <p>The South Downs National Park (SDNP) is located to the north, beyond Fontwell Services, on the other side of the A27. The Sussex coast lies approximately 7.24km (4.5 miles) to the south.</p>

RELEVANT SITE HISTORY

WA/22/15/OUT	<p>Outline application with some matters reserved to provide up to 400 No. new dwellings, up to 500 sqm of non-residential floorspace (A1, A2, A3, D1 and/or D2), 5000 sqm of light industrial floorspace (B1 (b)/(c)) & associated works including access, internal road network, highway works, landscaping, selected tree removal, informal & formal open space & play areas, pedestrian & cyclist infrastructure utilities, drainage infrastructure, car & cycle parking & waste storage. This application is a departure from the Development Plan & also lies within the parish of Eastergate.</p>	<p>Called In by DCLG/SD 20-01-16</p> <p style="text-align: right;">Appeal: Allowed+Conditions 13-07-17</p>
WA/1/19/PL	<p>Variation of condition 24 following the grant of WA/22/15/OUT (APP/C3810/V/16/3143095) to read 'No more than 150 units hereby permitted shall be occupied for more than two years lapse from the date of first occupation of the development (whichever is sooner) until the completion of the improvements to the A/27/A29 Fontwell Roundabout shown on Drawing Number 1186-05 REV A - Proposed Roundabout Improvements'. This application also lies within the parish of Eastergate.</p>	<p>ApproveConditionally 10-04-19</p>

COMMENTS ON PLANNING HISTORY

The outline planning permission (WA/22/15/OUT) was granted by the Secretary of State subject to obligations in a s.106 agreement and subject to 27 conditions.

Condition 1 requires details of the layout, scale, appearance and landscaping (the reserved matters) to be submitted to and approved in writing by the local planning authority before any development begins and the development to be carried out as approved. These details, as they relate to the light industrial (Class B1(b)/(c)) element of the development, are the subject of this application. Access was considered previously and approved by the Secretary of State.

At the time of preparing this report, there is a current application (WA/48/19/RES) seeking approval for the appearance, landscaping, layout and scale of the residential, retail, community and public open space elements of the development.

Condition 5 requires details of a scheme of phasing for the construction of the dwellings, associated highways and public areas to be submitted to and approved in writing by the local planning authority before development takes place. As well as identifying the order of commencement and completion of each phase, the scheme is required to identify the curtilage of the main commercial area of the development. There is no specific requirement for the curtilage of the main commercial area of the development to be approved before an application is made for the approval of reserved matters. However, it follows that if the current application is approved, a future application for the approval of details reserved by Condition 5 will need to show the same curtilage.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

Barnham & Eastergate Parish Council

BARNHAM & EASTERGATE PARISH COUNCIL - Object

- No objection in principle to commercial units on the site, which will help with employment opportunities in the area. Major concerns in two areas;
- Building considered to be too high and not an attractive design, even for an industrial unit;
- Categorical assurances needed that chemicals used within the factory setting will not be able to find their way into the local water supply.

WALBERTON PARISH COUNCIL - No objection

- The colour of the brickwork should be in keeping with other nearby properties to ensure that it blends in with the local environment.

OTHERS

12 representations have been received from 7 individuals; all objecting. The following issues have been raised:

- This is the wrong location for a factory;
- Additional traffic movements on the Fontwell Roundabout;
- Protection of drinking water will be put at risk by this factory;
- Dormice are present on the site and there has been no habitat survey or application for a licence from Natural England;

- More pollution, litter and parking problems in the village;
- The work is unlikely to benefit local people or the local economy;
- The proposed development, with its "very elevated profile", does not sit well within a rural setting;
- The additional carbon footprint created by this factory is not justified;
- Unacceptable to include a factory in a residential setting;
- Nuisance from noise;
- Odour from manufacturing processes and vehicle emissions;
- Unacceptable appearance and inadequate landscape and visual impact assessment;
- Risk of future intensification;
- Need to accommodate the turning movements of HGVs;
- Detrimental to the semi-rural appearance of Barnham and Eastergate Parish;
- Contrary to policies VE6 (Protection of watercourses), VE7 (Surface water management) and VE8 ('Unlit village' status) of the made Walberton Neighbourhood Plan;
- The applicant's operations fall within use class B2 rather than B1(c).

COMMENTS ON REPRESENTATIONS RECEIVED:

The representations are noted and are considered as appropriate in the Conclusions section of this report.

CONSULTATIONS

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

CONSULTATION RESPONSES RECEIVED:

WSCC Highways Authority: No objection is raised to the application, subject to three conditions to deal with the provision of car parking spaces, electric vehicle charging spaces and covered and secure cycle parking spaces.

West Sussex Fire and Rescue: Currently, the nearest hydrant is 290 metres away. The supply of water for firefighting for commercial premises should be within 90 metres. A condition to secure the provision of an additional hydrant is recommended.

Southern Water: The submitted plans show proposed tree planting within the standoff distance from public drainage apparatus. There are restrictions on proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Attention is drawn to Southern Water's published guidance.

Natural England: "Has no comments to make on this application". The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

ADC Ecology Advisor:

- Satisfied with the information submitted in relation to the landscaping;
- No information has been submitted about the lighting strategy. The lighting scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

ADC Leisure & Landscape Officer: The application proposes a well thought out and comprehensive landscaping scheme with trees, hedges, native planting, shrubs, grasses and buffer edge. The proposed scheme contains a good mix which will provide softening/screening improving the setting, more so over time as the planting matures. The scheme is adequately detailed with quantities and size at time of planting, providing trees which will add instant impact, a species mix including both deciduous and evergreen which will add good biodiversity benefit to the site.

ADC Tree Officer: Objection. Insufficient information has been submitted with the application in the form of an Arboricultural Impact Assessment, including a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule' and a Tree Constraints Plan.

ADC Drainage Engineer: The application site is within the Lidsey Catchment. Recommended the imposition of a pre-commencement condition requiring full details of the proposed surface water drainage scheme to be submitted to and approved in writing by the LPA and no building to be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the approved details. A plan has also been requested showing a 10m buffer around the proposed attenuation pond as it may need to be made shallower to ensure there is some depth of cohesive material above the chalk to reduce the risk of contamination of the groundwater aquifer.

ADC Economic Development: Fully supported the original application and support remains.

ADC Environmental Health Officer: Raised questions about the content of a Construction Management Plan included with the original submission. The submitted Plan was subsequently withdrawn as a Construction Management Plan is the subject of a separate condition (No.19) on the outline planning permission (WA/22/15/OUT). EH have no comments on the revised plans.

COMMENTS ON CONSULTATION RESPONSES:

The consultation responses are noted and are considered as appropriate in the Conclusions section of this report.

POLICY CONTEXT

Designations applicable to site:
Policy H SP2c Fontwell (SD6) Strategic Allocation
Built-up Area Boundary
Sharp Sand and Gravels Minerals Safeguarding Area (MSA)
Lidsey Waste Water Treatment Works Catchment Area

DEVELOPMENT PLAN POLICIES

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

DDM1 D DM1 Aspects of form and design quality

DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
LANDM1	LAN DM1 Protection of landscape character
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1A	SD SP1a Strategic Approach
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM3	W DM3 Sustainable Urban Drainage Systems

[Barnham & Eastergate Neighbourhood Plan 2014](#) POLICY EE3 Support for new commercial uses

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10 Trees and hedgerows

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 GA4 Parking and new development

PLANNING POLICY GUIDANCE:

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

POLICY COMMENTARY

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

While the site lies within the designated Minerals Safeguarding Area and the Lidsey Waste Water Treatment Works Catchment Area, the policies related to these subjects are not directly relevant to the reserved matters the subject of this application.

The Barnham and Eastergate Neighbourhood Development Plan 2014-2029 was made on 16 July 2014. The outline planning permission (WA/22/15/OUT) was granted in the context of this neighbourhood plan.

Relevant Neighbourhood Plan policies have been taken into account and are addressed in the Conclusions section of this report.

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 site forms part of a strategic housing allocation inside the built-up area boundary.

As originally submitted, the proposal had negative effects in terms of its appearance and layout. However, these issues have been addressed through the submission of revised plans which accord with the policies of the Local Plan and with the NPPF.

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

A masterplan for the Fontwell strategic allocation has not yet been endorsed by the Council. However, the outline application (WA/22/15/OUT) was accompanied by an illustrative layout showing employment land in the north-west corner of the site, with a separate means of access from Arundel Road and a pedestrian/cycleway link to the proposed housing land to the south.

The principle of the development of this site became established with the grant of outline planning permission (WA/22/15/OUT) by the Secretary of State on 13 July 2017. Access to the site, from Arundel Road, was considered as part of the outline application and was also approved (Drawing numbered 1186-02 Rev. D).

The issues to be considered under the current application are matters of detail and relate to the appearance, landscaping, layout and scale of the light industrial (Class B1(b)/(c)) element.

Policy EE3 of the Barnham and Eastergate Neighbourhood Plan 2014-2029 also supports development for Class B1 uses (including light industry), where the impact on surrounding residential and community amenity is acceptable and other policy considerations are complied with.

LAYOUT

Policy D SP1 of the Arun Local Plan 2011-2031 requires all development proposals to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy D DM1 states that the Council will have regard to various aspects of form and design quality when considering proposals for development, including layout both in terms of movement and legibility.

The application proposes closure of the existing site access on the northern boundary and the construction of a new access to the east on Arundel Road, in accordance with the plan approved at the outline stage (Drawing numbered 1186-02 Rev. D).

The proposal is to construct two buildings in the eastern half of the site. A larger L-shaped building

(Building A) is located to the north and a smaller rectangular shaped building (Building B) is located to the south. The buildings would be surrounded by a paved surface to enable the movement and parking of vehicles. The main car parking areas would be laid out to the east of the buildings and in the south-western part of the site. A smaller car parking area would be provided in the north-western corner of the site. Cycle parking provision would be provided adjacent to the latter. A landscape buffer would be formed along the eastern and southern boundaries, while the northern and western boundaries would be enhanced. The proposed planting would be native trees and shrubs and areas of wildflower meadow. A SuDS attenuation pond is proposed to be formed to the west of Building A.

The illustrative masterplan that accompanied the outline planning application showed a pedestrian/cycleway link from the proposed housing development to the south, through the southern boundary of the employment site and towards the proposed building/s. The proposals the subject of this reserved matters application contain no direct pedestrian or cycle link with the proposed adjoining housing development for reasons of site security and safety. However, the proposed housing layout for the adjoining land includes a pedestrian and cycle link to a position on Arundel Road, approximately 60 metres east of the approved access to the employment site, which is considered to be acceptable.

PARKING

Policy T DM1 of the Local Plan states that proposals for all new development must make provision for cycling and pedestrian facilities, including sufficient secure parking and changing/showering facilities at places of work. Policy GA4 of the Barnham & Eastergate Neighbourhood Development Plan states that development proposals will be supported only if they include off-street parking consistent with the current standards under the Local Plan.

Arun District Council's Parking Standards Supplementary Planning Document (SPD) January 2020 states (in paragraph 4.6) that it is the responsibility of the developer to provide evidence that adequate facilities are provided on site for the proposed use, including cycle parking, changing and storage facilities. The guidance (in Table 4.1) is that for B1 Business floorspace, vehicular parking provision should be 1 space per 30 sq. m, while cycle parking provision should be 1 space per 150 sq. m for staff and 1 space per 500 sq. m for visitors. This would necessitate the provision of a total of 127 car parking spaces and 34 cycle parking spaces.

20% of the car parking spaces are expected to be provided with active electric vehicle charging points, while ducting is to be provided for the remainder.

The submitted Block Plan (numbered WM/627/500) shows a total of 127 car parking spaces, of which 5 would be suitable for use by disabled people. Twenty six spaces are annotated as being provided with electric vehicle charging points. The plan also shows 34 cycle stands, in two blocks of 17, adjacent to the parking area in the north-western corner of the site. From the details contained in the hard and soft landscaping scheme, it is clear that the cycle stands would be convenient, covered and secure. The proposed parking provision accords with Policies T SP1 and T DM1 of the Local Plan, Policy GA4 of the Neighbourhood Plan and the Parking Standards SPD.

tracking plans have been included among a set of revised plans and confirm that the proposed layout is able to satisfactorily accommodate the movements of both a fire tender and a refuse collection vehicle.

SCALE

Policy D DM1 (14) of the Arun Local Plan 2011-2031 states: "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement".

The proposed Building A would be 60.8m long and 24.8m wide (for most of its length). It would be 7.4m in height. The proposed Building B would be 30.8m long and 24.8m wide. It would also be 7.4m in height. The proposed buildings would be constructed into the existing slope of the site using cut and fill techniques, as illustrated in the submitted Site Sections.

Building A would be approximately 34m from the boundary of the nearest existing dwelling on the south side of Arundel Road, as well as being at a lower level. Building B would be approximately 11m (at its nearest point) to the southern boundary of the site, beyond which it is currently proposed (WA/48/19/RES) to provide a parking courtyard for two blocks of apartments.

While the light industrial buildings would be significantly larger than the existing or proposed houses on adjoining land, having regard to their distance from the boundaries and the local topography, the scale is considered to be appropriate.

The height of the proposed buildings is considered to be reasonable and partly reflects the need to accommodate a mezzanine. If the height was lower, it is likely that a greater footprint would be needed to deliver the same amount of floorspace and less space would be available for soft landscaping.

It is considered that the proposed development complies with Policy D DM1 (14) of the Arun Local Plan.

APPEARANCE

Policy D DM1 of the Arun Local Plan 2011-2031 requires proposals to "demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area". Similarly, Policies ES5 and ES6 of the Barnham & Eastergate Neighbourhood Development Plan require all new development to be of a high-quality design and to make a positive contribution to the character of the area.

The National Design Guide states that well-designed places contribute to local distinctiveness by:

- adopting typical building forms, features, materials and details of an area;
- drawing upon the architectural precedents that are prevalent in the local area, including the proportions of buildings and their openings;
- using local building, landscape or topographical features, materials or planting types;
- introducing built form and appearance that adds new character and difference to places;
- creating a positive and coherent identity that residents and local communities can identify with.

The Arun District Design Guide SPD Consultation Draft also contains guidance on building design. Section J.01 deals with form and character. Its overall objective is to "respect the existing landscape and townscape by creating buildings with a form and character that reflects and enhances the distinctive architectural qualities of the surrounding area".

The original application proposed buildings that were very simple and functional in appearance. Their form was box-like. The walls were proposed to be clad in one material - a white coloured insulated panel system. With the exception of the entrance foyer/showroom in Building A, openings on the ground floor of the buildings were limited to roller shutters and fire escape doors only. At first floor level, a band of black aluminium framed windows was proposed on all external elevations.

The revised proposal is for two buildings that would be clad largely in multi-stock facing bricks of a type that includes plum and purple hues and a medium grey coloured insulated panel system. The roofs would be clad with anthracite grey coloured steel panels. The window and door frames would be in dark

grey aluminium and the doors would be finished in a medium grey colour. The design of Building A also features a distinctive canopy, themed on a Formula 1 rear spoiler, at the main entrance.

The revised proposals feature buildings that are less stark in their appearance. The introduction of brick reflects one of the more common materials used in the area. The combination of brick at a lower level and insulated panels above gives the proposed buildings greater horizontal emphasis, which helps to reduce their perceived height and will enable them to sit more comfortably in the local landscape. A canopy was considered to be necessary to identify the main entrance to Building A and the applicant has responded with a highly distinctive feature that conveys something of the nature of the business as well as adding an interesting detail to the building.

It is now considered that the appearance of the proposed buildings accords with Policy D DM1 of the Local Plan and Policies ES5 and ES6 of the Neighbourhood Plan.

Condition 6 of the outline planning permission (WA/22/15/OUT) requires a schedule of materials and finishes to be used for the external walls and roofs of the proposed buildings to be submitted to and approved in writing by the local planning authority prior to the commencement of construction. The precise choice of brick and colour of the steel panels will be agreed through the discharge of that condition.

TREES

Policy ENV DM4 of the Local Plan states: "Where there are existing trees on or adjacent to a development site, developers shall be required to provide, land and tree surveys, a tree constraints plan and an arboricultural impact assessment to include a tree protection plan and arboricultural method statement Policy ES10 of the Neighbourhood Plan also seeks to protect trees or hedgerows of arboricultural and amenity value.

A limited number of trees would be lost to facilitate safe vehicular access to the site from Arundel Road. This was considered and approved at the outline stage.

The Landscape Management Plan, dated 7 February 2020, refers (in paragraph 1.3) to an arboricultural impact assessment having been undertaken. This is that which was undertaken at the outline stage because the current application did not include a full arboricultural impact assessment with the original submission. An up-to-date tree survey and assessment was requested but was not received until 8 September 2020. The Tree Officer has been re-consulted and his comments will be included in an update.

LANDSCAPING

Condition 8 of the outline planning permission (WA/22/15/OUT) states: "The landscape details referred to in Condition 1 shall include a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens. The landscape management plan shall be implemented in accordance with the approved details."

A landscape management plan dated 7 February 2020, prepared by Lizard Landscape Design and Ecology, has been submitted in support of the application. The plan includes objectives, management and maintenance schedules, as required by Condition 8.

In addition to the landscape management plan, the application is accompanied by a hard and soft landscape general arrangement plan, detailed planting plans, a detailed plant schedule and specification,

hard and soft landscape specification and a landscape and visual appraisal statement.

The landscaping scheme includes a planted buffer, which is a minimum of 5 metres in depth, along the eastern and southern boundaries where the site adjoins existing and proposed residential development. This forms part of a wider strip of planting needed to provide a suitable screen between the employment and residential uses; the absence of which was one of the main concerns raised in relation to the proposals the subject of application WA/48/19/RES.

In regard to the comments of Southern Water, the landscaping scheme proposes tree planting on the eastern and southern boundaries rather than in proximity of the sewer, which runs close to and parallel with the site's northern boundary.

The proposed landscaping scheme is considered to be acceptable and in accordance with Policy D DM1 of the Arun Local Plan 2011-2031.

OTHER MATTERS

Decentralised Energy

Condition 22 of the outline planning permission (WA/22/15/OUT) requires at least 10% of the energy supply of the development to be secured from decentralised and renewable or low-carbon energy sources.

The application is accompanied by a Decentralised Energy Statement, which explains that 574 Solar PV panels will be installed on the roof of the proposed buildings, capable of producing well above 10% of the estimated electricity requirement of the development. The panels would be installed during construction of the buildings and would be operational on completion of the development.

The proposal therefore accords with Policy ECC SP2 of the Arun Local Plan 2011-2031.

Drainage

Condition 12 of the outline planning permission is a pre-commencement condition requiring full details of the proposed surface water drainage scheme to be submitted to and approved in writing by the local planning authority as part of a separate application. The condition also precludes the occupation of any building until the complete surface water drainage system serving the development has been implemented in accordance with the approved details.

From the submitted block plan, there is sufficient space to be able to provide a 10m buffer around the attenuation pond. Full construction details of the pond will be taken into consideration when assessing the application to discharge the condition.

Ecology

Condition 17 of the outline planning permission deals with the submission and approval of a detailed ecological enhancement scheme. An Ecological Mitigation and Enhancement Scheme, dated February 2020, was considered and approved under application WA/25/20/DOC. The scheme takes account of the presence of protected species, mentioned in the representations above.

Condition 20(d) of the outline planning permission requires details of all lighting fittings within the commercial area of the development to be submitted to and approved in writing by the local planning authority prior to construction. The potential impact on bats will be taken into consideration when

assessing the application to discharge that condition.

Traffic Generation

The traffic that is likely to be generated by the proposed development was fully considered at the outline stage. It is not specifically related to the reserved matters the subject of this application and does not need to be considered in this report.

Nevertheless, it is noted that Condition 20 of the outline planning permission limits the hours during which commercial vehicles can operate to and from and within the site.

Noise

Condition 21 of the outline planning permission requires a scheme to be submitted to and approved in writing by the local planning authority for the control of noise emanating from the commercial area of the development, prior to the commencement of the commercial part of the development.

Use

The description of the development, for which outline planning permission was granted, refers specifically to light industrial floorspace in use class B1(b)/(c). This is use for all or any of the following purposes:

- (b) for research and development of products or processes, or
- (c) for any industrial process,

The applicant seeks approval of the reserved matters (appearance, landscaping, layout and scale) for development within this use class, in accordance with the outline planning permission. The application must be decided on this basis. There is no proposal to use the site for purposes within use class B2 General industrial.

RECOMMENDATION

Subject to no adverse comments being made by the Tree Officer on the recently submitted arboricultural impact assessment, it is recommended that the application be approved with the conditions listed below.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

Access to some parts of the proposed buildings may not fully meet the needs of disabled people.

SECTION 106 DETAILS

Planning obligations related to the proposed development are contained in a s.106 agreement completed at the outline stage.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans, drawings and documents:

RA/032/50 Rev A - Site Plan
 WM/627/500 Rev 7 - Block Plan
 49326/5501/001 Rev C - Vehicle Tracking 12m Refuse Vehicle
 49326/5501/002 Rev B - Vehicle Tracking Fire Vehicle
 WM/627/11 Rev 2 - Unit A Plan and Section
 WM/627/12 Rev 4 - Unit A Elevations
 WM/627/14 - Unit A Roof Plan
 WM/627/21 Rev 1 - Unit B Plan and Section
 WM/627/22 Rev 2 - Unit B Elevations
 WM/627/24 - Unit B Roof Plan
 WM/627/501 - Site Sections
 LLD1773-LAN-DWG-100 Rev 06 - Hard and Soft Landscape General Arrangement
 LLD1773-LAN-DWG-200 Rev 04 - Detailed Planting Plan Infrastructure Planting
 LLD1773-LAN-DWG-201 Rev 03 - Detailed Planting Plan Ornamental Planting
 LLD1773-LAN-DWG-202 Rev 03 - Detailed Planting Plan Ornamental Planting
 LLD1773-LAN-REP-001 - Landscape Management Plan
 LLD1773-LAN-SCH-001 Rev 4 - Detailed Plant Schedule and Specification
 LLD1773-LAN-SPE-001 - Hard and Soft Landscape Specification

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 2011-2031.

- 2 Prior to any construction works taking place, details showing the proposed location of 1 No. fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. No industrial building shall be occupied unless and until the approved hydrant or storage facility has been installed and connected to a water supply that is appropriate in terms of both pressure and volume for the purposes of firefighting.

Reason: In the interests of safety and amenity and in accordance with policy INF SP1 of the Arun Local Plan 2011-2031.

- 3 No part of the light industrial development shall be first occupied until the car parking provision and electric vehicle charging points have been constructed in accordance with the approved block plan (WM/627/500 Rev 7). These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of adjacent highways in accordance with policies D DM1 and T SP1 of the Arun Local Plan 2011-2031.

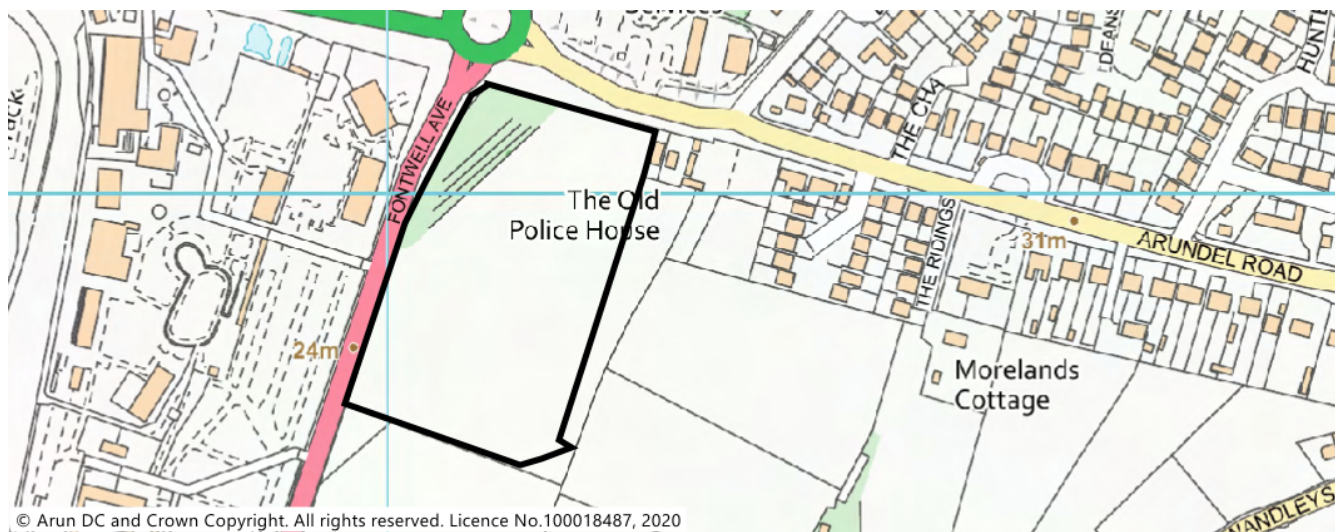
- 4 No part of the light industrial development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 and T DM1 of the Arun Local Plan 2011-2031.

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/57/19/RES - 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: AB/75/20/PL

LOCATION: 55-57 High Street
Arundel
BN18 9AJ

PROPOSAL: Conversion of existing mixed use space to 1 No. 1- bedroom flat. This application affects the character & appearance of the Arundel Conservation Area & affects the setting of a Listed Building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The proposal is retrospective and relates to conversion of a detached single storey building to a one bedroom flat.</p> <p>The alterations include the installation of doubles doors, a door/window in place of an existing window, a glazed covered way and a replacement spiral staircase.</p> <p>The dwelling would be accessed from the High Street via an existing passageway.</p>
BOUNDARY TREATMENT	<p>New fencing is proposed to enclose the unit. The unit currently has no boundary screening. It is integrated within the development of the former bank premises.</p>
SITE CHARACTERISTICS	<p>The site is part of a former Nat West bank which has been converted to residential uses to the rear at ground floor whilst retaining a business space to the site frontage. The building has a flat roof and brick elevations, some of which are painted.</p>
CHARACTER OF LOCALITY	<p>Town centre location. Predominantly retail and commercial uses at ground floor with residential/commercial uses above.</p>

RELEVANT SITE HISTORY

AB/39/19/PL	<p>Change of use at rear from A2 (Financial & Professional Services) to C3 (Dwelling Houses) & change of use at front from A2 (Financial & Professional Services) to A1 (Shops). This application affects the character and appearance of the Arundel Conservation Area.</p>	<p>ApproveConditionally 18-10-19</p>
AB/48/17/PL	<p>Conversion of a mixed use space into a new ground floor one bedroom apartment with guest annex including demolition of fire escape corridor walls & regularisation for consent for new stud work for partition wall. This</p>	<p>ApproveConditionally 19-06-17</p>

application affects the character & appearance of the Arundel Conservation Area.

AB/48/17/PL granted planning permission for conversion of the unit to annexe accommodation subject to condition 4 which stated :

'The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of the Ground Floor Apartment as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN7 and DEV19 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.'

This proposal amends the internal layout, includes some external alterations and provides a separate direct access to High Street and provides external amenity space. It does not involve the loss of any part of the building previously approved and the only increase in the floor area is the provision of a glazed covered way.

REPRESENTATIONS

Arundel Town Council - Objection:

- This is a retrospective application.
- In the past conversion was approved as an annexe only with the use as a separate dwelling prevented by condition.

5 Objections:

- Application form is completed incorrectly as not all owners notified.
- Application is retrospective.
- The proposal must be considered to be overdevelopment if it is not an annexe.
- Effective sound-proofing is required where the conversion abuts other properties.
- Concern regarding the restricted current and future access to fire escape route which is and will be the entrance to the said proposed dwelling. Currently this has been blocked.
- Drainage and sewerage capacity is insufficient.

COMMENTS ON REPRESENTATIONS RECEIVED:

This proposal is different from the original permission as the unit now has a separate access onto High Street and the accommodation provided means that it is capable of being used independently. It provides adequate external and internal amenity space in accordance with policy and is not reliant on shared facilities with the other ground floor residential unit.

The proposal is not considered to be overdevelopment as it accords with adopted internal space standards and provides independently accessible external space.

The change from an annexe to a self contained unit of accommodation would have no material impact on drainage and sewage capacity.

Sound proofing and integrity of roofing material would be controlled by building regulations.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection. A submitted photograph shows an air conditioning unit in very close proximity and pointing directly towards the windows of the planned dwelling. This has the potential to negatively affect the residential amenity of any future occupiers by causing noise and vibration issues.

Conservation Area Advisory Panel - No Objection.

The proposal is considered to comply with the relevant paragraphs of the National Planning Policy Framework and policies contained in the Arun Local Plan relating to the protection and enhancement of conservation areas.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The agent has subsequently confirmed that the air conditioning unit has been removed.

POLICY CONTEXT

Designation applicable to site:
 Within built up area boundary
 Grade 2 Listed Building
 Conservation Area

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
RETSP1	RET SP1 Hierachy of Town Centres
TSP1	T SP1 Transport and Development

[Arundel Neighbourhood Plan 2018-2031 AR7](#) Arundel Town Centre

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.

Policy AR7 of Arundel Neighbourhood Plan is relevant and has been taken into account.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that there would be no materially adverse effect on visual or residential amenity or the character of the area.

Where the building is located in a Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act states:

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

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

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building or the character and appearance of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site is located within the built up area boundary and the principle of conversion of the existing building to residential use, albeit as an annexe only, has already been accepted and approved.

In this instance the main criteria against which the application will be assessed is as per policies D DM1, D DM4, DSP 1, HER DM1, HER DM3 and HER SP1 of the Local Plan, the Nationally Prescribed Space Standards, NPPF and policy AR7 of Arundel Neighbourhood Plan.

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 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.

Policy HER DM1 sets out criteria which proposals which affect Listed Buildings must meet in order to be acceptable. These include preservation or enhancement of the building and its setting. Policy HER DM3 seeks to ensure that development will only preserve or enhance the character of the Conservation Area or its setting. Policy HER SP1 states that planning permission will be granted for development that conserves or enhances the historic environment.

Policy RET SP1 of the Local Plan and Policy AR7 of Arundel Neighbourhood Plan support proposals to consolidate and strengthen the vitality and viability of Arundel Town Centre.

SITE HISTORY

Approval was granted under reference AB/48/17/PL for the conversion of this space into a one bedroom guest annexe, subject to a condition that it remained ancillary to the main unit. The reason for imposing the condition was to prevent an over-intensive use of the site and prevent an unsatisfactory relationship between independent dwellings.

The amended layout of the unit provides a separate, independent and acceptably sized curtilage which results in a satisfactory relationship between the units and provides adequate amenity space for a one bedroom flat.

IMPACT ON VISUAL AMENITY AND CHARACTER OF THE AREA

There is no material increase on the impact of the proposal on visual amenity or, the character and appearance of the area beyond that already previously approved as the physical changes are largely internal.

The external changes included within this application relate to the installation of french doors to the bedroom together with the infilling of one bedroom window. One of the windows to the study will be replaced with a door/window under the same opening. The existing vertical means of escape ladder will be replaced with a spiral staircase adjacent to the bedroom. New fencing will be installed to separate the dwelling from the other ground floor flat. The new doors and door/window will be in timber and all the existing Crittall windows will be retained. Precise details of the materials to be used for the conversion will be controlled by condition when the listed building consent application is considered.

It is recognised that the proposal is no longer for ancillary accommodation, but the unit now does not share any accommodation with the host property.

The building has no site frontage to High Street and is hidden from public view by other taller buildings. The external changes included in this application are not readily visible in the street scene and have no detrimental impact on the appearance or design of the building in compliance with relevant development plan policies.

RESIDENTIAL AMENITY

The unit is surrounded by other development, but the location of the unit reflects the tight grain of other development in the locality and similar interrelationships are present to the rear of other units in High Street.

The unit does not overlook any neighbouring properties and has access to external amenity space. The floor area is also limited which would limit the number of occupiers at any one time. The pedestrian access to the unit is existing.

A new boundary treatment comprising oak fencing is to be installed to provide private external amenity space to the unit. This courtyard area measures 4.5m wide by 2.2m at its minimum depth.

The emerging Arun Design Guide requires amenity spaces to be of an appropriate size and shape to be usable and enjoyable with balconies having a minimum of 3sqm of usable space clear from door swings and be able to accommodate a table, chairs and space for planting. The courtyard area complies with this guidance.

The proposal would provide have no materially adverse impact on the residential amenity of neighbouring properties or future occupiers and therefore accords with policy D DM1 of Arun Local Plan.

INTERNAL SPACE STANDARDS

In terms of the residential amenity of occupiers the proposal accords with the Nationally Described Space Standards. The internal layout provides a 1 bedroom flat.

The floor area of the study room is small (2.7m by 2.5m) and cannot be considered as a second bedroom. In order to provide one bedspace, a single bedroom should have a floor area of at least 7.5m² and is at least 2.15m wide.

A single storey 1 bedroom unit requires 50 sqm floor area for 2 person occupation. The internal floor area is 53 sqm. The proposal therefore provides satisfactory living environment for permanent occupation.

HIGHWAYS AND PARKING

Policy T SP1 states that the Council will ensure that development promotes sustainable transport and that it is designed to reduce the need to travel by car. Arun's adopted parking standards require for provision of one space.

No parking provision is provided for the development, but this is a small unit in a sustainable town centre location with easy access to public transport in the form of bus services and a nearby railway station. Cycle parking is proposed to be controlled by condition.

Notwithstanding the fact that no parking is provided and in light of the above the proposal would accord with policy TSP1 of Arun Local Plan in this respect.

IMPACT ON TOWN CENTRE

The site is located within Arundel town centre behind the Primary Retail Frontage. The proposal would provide an additional residential unit capable of long term permanent occupation which would support the vitality and viability of the town centre in accordance with policy RET SP1 of Arun Local Plan and Policy AR7 of Arundel Neighbourhood Plan.

IMPACT ON HERITAGE ASSET

The application includes a heritage statement in accordance with Paragraph 189 of the NPPF which requires applicants to describe the significance of any heritage assets affected. The level of detail should

be proportionate to the asset's importance. Paragraph 190 states that Local Planning Authorities are required to identify and assess the particular significance of any heritage asset that may be affected by a proposal taking into account any necessary expertise. The comments of the Conservation officer have been sought. There is no conflict between the heritage asset's conservation and any aspect of the proposal as set out below.

The building the subject of this application is located within the grounds of the Listed property and the building which is proposed to be altered is of little architectural merit. Given that the external changes to the building are the same style as existing fenestration details they would result in less than substantial harm to the adjacent Listed Building and its setting and the boundary treatment addition is minimal and non-permanent. This harm when weighed against public benefits is acceptable. The proposal to create an independent unit of accommodation secures its optimum viable use in accordance with para 196 of the NPPF.

There is no interdependence between the outbuilding and the host property. The proposal will sustain and enhance the heritage asset and put it to a viable use consistent with its conservation and maintenance in the long term. It does preserve important elements of the building such as critical windows which is supported.

The building is not readily visible within the conservation area and has little impact on the character or appearance of the area. There is therefore less than substantial harm to the heritage asset and the proposal ensures its conservation and accords with para 193 of the NPPF which states that great weight should be given to the heritage asset's conservation.

The proposal does not therefore adversely impact on the conservation of the heritage asset or its setting or result in harm and therefore accords with policies HER DM1, HER DM3 and HER SP1 of Arun Local Plan and the NPPF.

There is an associated Listed Building application reference AB/76/20/L awaiting determination. In the event of approval conditions will be imposed to ensure that the special visual amenity and overall character of the building is preserved.

CONCLUSIONS

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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply). The site falls within CIL Zone 2 and results in the creation of a flat with a floor area of 53 sq m. However in this instance the site has been 'in use', therefore, it is CIL Liable but no CIL is payable due due to existing floor area being netted off.

RECOMMENDATION

APPROVE CONDITIONALLY

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

Location

Block

Existing and Proposed Elevations 20/1413/03

Proposed Floor Plans 20/1413/02

Existing Floor Plans 20/1413/01

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

- 2 Within 3 months of the date of this decision a secure and covered cycle parking space shall be provided and constructed in accordance with details to be submitted to and approved by the Local Planning Authority. The approved details shall be retained in perpetuity.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of cycles in accordance with policy TSP1 of Arun Local Plan.

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

- 4 **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.

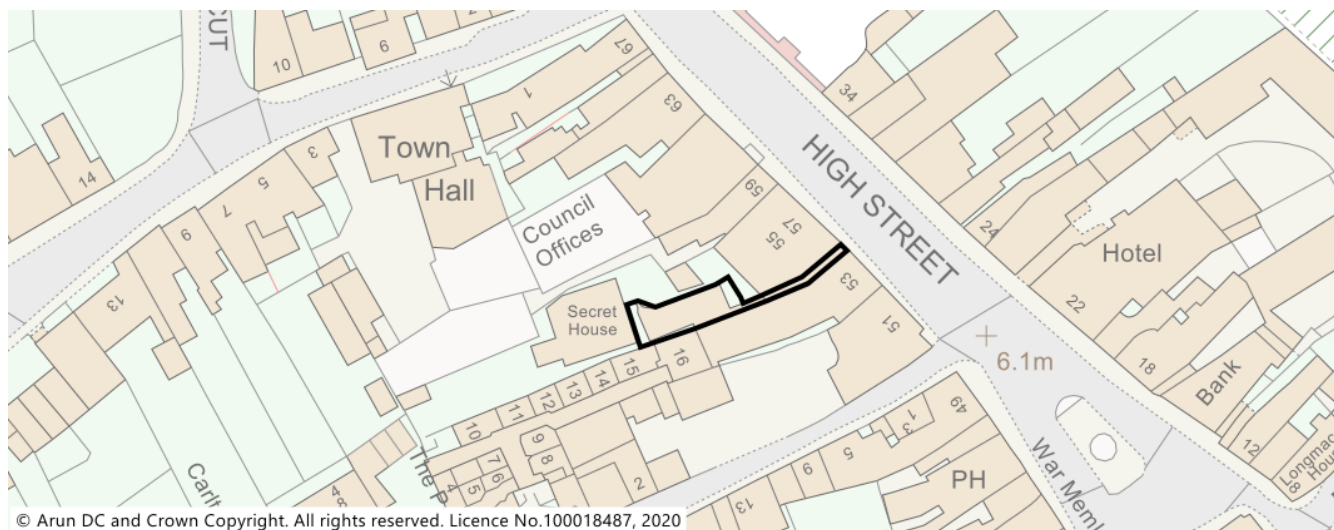
A copy of the asbestos register, and any remedial strategy (where appropriate), must be provided in writing to the Local Planning Authority prior to any works commencing.

- 5 **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.

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)

AB/75/20/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: AW/197/20/PL

LOCATION: The Former Ship Inn
Aldwick Street
Aldwick
PO21 3AP

PROPOSAL: Variation of conditions 8-concerning hours of deliveries & 10- types of vehicles making deliveries following AW/211/14/PL. This application is in CIL Zone 4 (Zero Rated) as 'other development'.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks permission to vary the existing conditions which specify the number of deliveries and the delivery hours. These conditions are as follows:

(8) There shall only be one delivery of newspapers/magazines between 06:00 and 08:00. The other two deliveries to the site shall be made between the hours of 07:00 and 21:30.

(10) There shall be no more than three deliveries to the site per day comprising of: (a) one newspaper/magazine delivery via a transit van or similar size vehicle of less than 7m in length; and (b) up to two deliveries by a larger vehicle (a rigid HGV up to 10.35m in length).

The proposed Delivery Management Scheme states:

- Maximum 4 deliveries per week from the One Stop Stores Limited Distribution Centres in Nursling typically to the existing roadside loading bay using articulated lorries with an overall length of 14.32m but occasionally 16.58m (no vehicle will exceed a gross train weight of 28 tonne);
- Maximum 6 deliveries per week from an combined Chilled & Frozen distributor to the existing roadside loading bay using an 18 tonne rigid vehicle (10.4m long);
- Maximum 6 deliveries per week from an outsourced Milk distributor to the existing roadside loading bay using 26 Tonne rigid refrigerated vehicles (11.4m long);
- Maximum 12 Deliveries a week (two per day, including local & regional supplies) from an outsourced Bread distributor to the existing roadside loading bay using 18 tonne rigid vehicles (10.4m long);
- Maximum 7 Deliveries a week from an outsourced News supplier to the car park using Transit vans; and
- All deliveries will take place between the hours of 7am - 9pm

with exception of the News supplier that will deliver to a holding box between the hours of 5am - 7am.

This application has been submitted to make minor changes to the delivery schedule and to provide clarity over vehicle movements in/out of the site. The changes to the schedule concern the chilled/frozen deliveries and mean less overall movements than the refused application but a greater number of larger vehicles. The following is a comparison of the changes.

AW/237/19/PL - 5 per week from 3.5t (refrigerated); 3 p/w from 18t (frozen); 5 p/w from 26t (refrigerated) - total chilled type 13 p/w.

AW/197/20/PL - 6 p/w from 18t (refrigerated/frozen); 6 p/w from 26t (milk) - total chilled type 12 p/w.

SITE AREA

0.11 Hectares.

RELEVANT SITE HISTORY

AW/237/19/PL	Variation of conditions imposed on planning reference AW/211/14/PL relating to condition 8 - delivery times & Condition 10 - delivery of goods serving the store in accordance to the Delivery Management Schedule	Refused 03-06-20
AW/211/14/PL	Change of use from Public House (Class A4 Drinking Establishment) to a Food Shop (Class A1 Retail), including the erection of a 39 sqm extension, an external freezer store, resurfacing and reconfiguration of the car park, installation of an ATM and all other associated works.	ApproveConditionally 17-12-14

Permission was granted for change of use from public house to a retail store in 2014 (AW/211/14/PL).

A previous application for the variation of conditions 8 & 10 was refused at the Development Control Committee in June 2020 for the following reason:

"The significant increase in the frequency of deliveries and the increase in the size of vehicles, would give rise to an increased level of safety risk to motorists, pedestrians and cyclists travelling along Aldwick Street by virtue of increased congestion. The proposals would therefore conflict with policy T SP1 of the Arun Local Plan and with the guidance in the NPPF."

REPRESENTATIONS

Aldwick Parish object with the following comments:

- The changes make no difference to residential amenities of neighbouring properties;
- Changes result in increased larger vehicles;
- Diagrams of vehicles passing delivery vehicles in the "delivery loading bay" omit to show the parking spaces opposite are often occupied by other cars;
- The reason for using larger vehicles is related to the distribution strategy not to the efficiency of local deliveries therefore in conflict with Arun Local Plan policy T SP1;
- Increased hazards for pedestrians; and
- Conflict with Aldwick Parish Council Parish Design Statement which identifies parking problems on Aldwick Street/Fish Lane and requires new parking provision be designed to cause minimum impact on the street scene.

One letter of support:

- Want the site cleaned up and restored into a useful use;
- A convenience store would be welcomed by many local people who can access on foot;
- The site does not create any problems; and
- If the application is not accepted, then likely that it will be replaced by residential dwellings.

Two letters of objection:

- (1) Harm to amenities of residents from noise and air pollution;
- (2) Illegal parking on double yellow lines outside the store;
- (3) Already an existing convenience store opposite;
- (4) Unclear how many deliveries proposed;
- (5) Unclear whether articulated or rigid vehicles;
- (6) Delivery Management Schedule shows more deliveries than the total; and
- (7) Deliveries to the store will be unsafe for pedestrians.

COMMENTS ON REPRESENTATIONS RECEIVED:

The following comments are made in response to the Parish Council objection:

- Environmental Health have no objection to the proposal. They previously considered the impacts of the delivery changes in respect of pollution (noise/air) would not result in harmful impacts to local residents. The changes proposed by this application would not materially affect the previous advice;
- Tracking plans show the full extent of the parking bays and it is not necessary for vehicles to be shown in these as it would make no difference to the tracking drawings B101 and B202. These drawings indicate some parked cars in these bays;
- Policy T SP1 requires development is designed to accommodate the efficient delivery of goods and supplies. Whether the changes are required for efficiency purposes or not, the site has permission as a retail store with parking area and delivery arrangements;
- WSCC Highways considered the impacts of the changes on the safety of all users of the highway and find no severe impact; and
- No new parking provision is proposed by this application.

The comments of the supporter are noted. The following comments are made in response to objectors:

- (1) Environmental Health officers previously considered that the impacts of the delivery changes in respect of pollution (noise/air) would not result in harmful impacts to local residents. The changes proposed would not materially affect the previous advice;
- (2) Vehicles parked on double yellow lines can be reported to the relevant authority;
- (3) Permission exists for retail so it is not possible to consider if retail is required here;

- (4) & (5) Notwithstanding the application form, this is made clear on the Delivery Management Scheme;
(6) It is acknowledged the Delivery Management Scheme stated there will be a total of 12 deliveries per week to the car park but that the 12 total is made up of only 7 newspaper deliveries. This has been corrected and the total now states 7; and
(7) WSCC Highways raise no objection on safety grounds.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - no objection with the following comments:

- The proposal is to allow for a higher number of deliveries to the store;
- Whilst numbers may vary this can be equated to around 4 main deliveries, and 1 newspaper delivery per day;
- The location for the loading and unloading will be directly outside the site on Aldwick Street, a 'C' classified 30mph road;
- The site benefits from double yellow lines, along the northern carriageway thus restricting parking and keeping this area clear for loading;
- The delivery entrance is located next to the unloading end of the vehicle which avoids the need for delivery drivers to use the highway to 'walk' pallets round to the front of the store;
- This will keep workers safe and reduce conflict with pedestrians;
- Swept path diagrams show a combination of movements and vehicle types to demonstrate that a rigid or articulated vehicle can load & unload in the highway without causing any significant harm to the operation of the highway network;
- The largest vehicle used in the delivery management plan would be an articulated vehicle with dimensions of 2.6m in width and up to 16m in length but this will only be used on rare occasions and given the street dimensions would still allow a car or refuse truck to pass freely;
- Based on the highway plan which shows the dimension of the road at three points, it is confirmed that a 2.6m wide articulated lorry parked on the highway would still leave 3.6m available for one vehicle to pass safely;
- Waiting in the highway for cars to pass, is a common occurrence and considered acceptable in most locations but is especially common outside busy locations such as shops. During busier periods where waiting may occur, as per the NPPF this would not cause any significant or severe highway issues; and
- The LPA may wish the delivery management schedule to be given a unique number and date to include in the condition in order to identify which schedule we are referring to.

ADC ENVIRONMENTAL HEALTH - no objection.

ADC ECONOMIC DEVELOPMENT - state no comments.

COMMENTS ON CONSULTATION RESPONSES:

WSCC HIGHWAYS - The Delivery Management Scheme has a specific date so it will not be confused with the one submitted with the previous application.

POLICY CONTEXT

Designations applicable to the site:

Within the Built Up Area Boundary;

Pagham Harbour Zone B;
 Class C Road;
 Tree Preservation Order;
 No Public Sewer;
 Asset of Community Value;
 Area of Special Character; and
 Building of Special Character.

DEVELOPMENT PLAN POLICIES

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

HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
RETDM1	RET DM1 Retail development
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD10	Aldwick Parish Design Statement
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POLICY COMMENTARY

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

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

There is currently no Aldwick Neighbourhood Development Plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that the changes to the delivery details would not have a materially adverse effect on the safety of the local highway, on the ability of customers to visit the site or on the amenities of nearby residential properties and people passing the site at any given time.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PROPOSAL:

The application seeks permission to vary the existing conditions which specify the number of deliveries and the delivery hours. These are as follows:

(8) There shall only be one delivery of newspapers/magazines between 06:00 and 08:00. The other two deliveries to the site shall be made between the hours of 07:00 and 21:30.

(10) There shall be no more than three deliveries to the site per day comprising of: (a) one newspaper/magazine delivery via a transit van or similar size vehicle of less than 7m in length; and (b) up to two deliveries by a larger vehicle (a rigid HGV up to 10.35m in length).

It is proposed to have these conditions referring to the submitted delivery scheme which sets out that:

- Maximum 4 deliveries per week from the One Stop Stores Limited Distribution Centres in Nursling typically to the existing roadside loading bay using articulated lorries with an overall length of 14.32m but occasionally 16.58m (no vehicle will exceed a gross train weight of 28 tonne);
- Maximum 6 deliveries per week from an combined Chilled & Frozen distributor to the existing roadside loading bay using an 18 tonne rigid vehicle (10.4m long);
- Maximum 6 deliveries per week from an outsourced Milk distributor to the existing roadside loading bay using 26 Tonne rigid refrigerated vehicles (11.4m long);
- Maximum 12 Deliveries a week (two per day, including local & regional supplies) from an outsourced Bread distributor to the existing roadside loading bay using 18 tonne rigid vehicles (10.4m long);
- Maximum 7 Deliveries a week from an outsourced News supplier to the car park using Transit vans; and
- All deliveries will take place between the hours of 7am - 9pm with exception of the News supplier that will deliver to a holding box between the hours of 5am - 7am.

PLANNING HISTORY:

During determination of the previous application, there was a request by members for an independent Road Safety Audit (RSA) and tracking diagrams to show what would happen if two refuse collection vehicles were travelling in opposite directions when a delivery was being made. These were provided and the RSA identified issues which the applicant responded to in a Designers Response (DR).

WSSC Highways reviewed the documents and raised no objections. It was considered all issues could be resolved through the discharge of condition 7 (Servicing Management Plan) or the S.278 Agreement process. The RSA and DR have not been resubmitted with this application but are available on AW/237/19/PL.

PRINCIPLE:

The store benefits from permission (AW/211/14/PL) granted in October 2014. This application is to be determined as to whether the change to the number and timing of deliveries adversely affects the safety & convenience of the local highway and the amenities of the local area.

HIGHWAY SAFETY:

ALP policy T SP1 seeks to ensure that 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."

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 existing permission allows for 21 deliveries per week (3 per day). The proposal is for 35 deliveries a week and this equates to 5 deliveries per day (an increase of 2). There will be a greater number of larger vehicle deliveries than before but that does not represent a significant or severe impact on the road network.

The application has been assessed by WSCC Highways who raise no objection to any implications of the proposal on highway safety, convenience or parking provision. They considered the potential of cars waiting to pass a HGV, loading/unloading in the highway, cars having to wait in the highway whilst a HGV reverses into the current car park and the number of vehicles, their sizes & delivery timings. AW/237/19/PL was not refused on the grounds of adverse impacts from noise and disturbance.

The proposal complies with ALP policy T SP1 as there is already safe access from/to the site, pedestrian improvements will be provided and enforced through a condition, goods & supplies can be safely delivered to the site and that visibility is good such that there will be no harm to any pedestrians walking along the northern side of Aldwick Street (although it should be noted that the pedestrian pavement is on the south side). The proposal accords with the NPPF as impact on the local highway would not be unacceptable or severe. The proposal accords with the policies of the development plan and the guidance within the NPPF.

AMENITY IMPACTS:

ALP policies QE DM1 (Noise Pollution) and QE DM3 are not relevant as no new noise or odour/fume generating development is proposed (vehicles are not considered to be development). However, ALP policy QE SP1 is important as it 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 store is permitted to open between 6am & 11pm and deliveries are currently allowed between 6am and 9.30pm. The change to these timings is to allow 1 delivery of newspapers per day in a transit van to an on-site holding box from 5am onwards. The addition of 1 vehicle between 5 and 7 a.m. is not considered significant and will not result in any noticeable impact in noise disturbance in the vicinity of the site. The Delivery Management Scheme states there will be no deliveries after 9pm, half an hour earlier than allowed by AW/211/14/PL.

Additional deliveries through the day result in noise disturbance and will increase engine fumes in the vicinity. Given the numbers of vehicles involved (5 vehicles - an increase of two per day), it is not

considered this will be a significant impact or one that will be particularly noticeable to local residents/people in the area particularly given the presence of a road alongside the site and other commercial properties opposite.

Environmental Health raise no objections and the number of deliveries is decreasing by 1 from the refused application, plus deliveries will finish half an hour earlier. The changes are such that there will not be a material increase in harm to local residents. The proposal complies with ALP policy QE SP1.

CONDITIONS:

As this is a variation of condition application, it is good practice to not only vary the conditions applied for (8 & 10) but to ensure any other conditions from the original decision which remain relevant are imposed again. There is case law which states that the Local Authority can at the same time amend/delete other conditions.

As the original permission was implemented, conditions 01 (time limit for implementation), 02 (plans condition), 04 (details of plant) and 05 (materials of the extension) are no longer relevant. Of the remaining original conditions, it is necessary to amend these slightly to ensure the reasons reflect the current development plan and to ensure the drainage condition is reworded to state "prior to occupation". Conditions 08 and 10 are amended to require the number and times of deliveries are in accordance with the approved version of the Delivery Management Scheme.

CONCLUSION:

The changes to the delivery arrangements are such that there will be neither conflict with the policies of the Local Plan / national planning guidance, nor material harm to highway safety or the amenities of local people. It is recommended permission be granted 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 shop premises shall not be occupied unless and until details of the window detailing (including details of the proposed resolutions) to the front elevation has been submitted to and approved by the Local Planning Authority and the new windows so approved shall be constructed in accordance with approved details and retained thereafter.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the character and appearance of this Building of Special Character in accordance with policies D DM1 and HER DM2 of the Arun Local Plan and the National Planning Policy Framework.

- 2 The shop premises shall not be occupied until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: 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.

- 3 Notwithstanding Part 7, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no extensions other than those approved by this application shall be erected without an application in that behalf to the Local Planning Authority.

Reason: To protect the amenities of the area and the character of the building in accordance with policies D DM1 and HER DM2 of the Arun Local Plan and the National Planning Policy Framework.

- 4 The timing of deliveries to the store shall be in accordance with the Delivery Management Scheme dated 10/09/20. There shall be no deviation from this Schedule other than with the written approval of the Local Planning Authority.

Reason: In the interests of the residential amenities of neighbouring properties in accordance with policies QE SP1, QE DM1 & QE DM2 of the Arun Local Plan.

- 5 The premises hereby permitted shall only be open to the public between the hours of 06:00 and 23:00.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun Local Plan policies QE SP1, QE DM1 & QE DM2.

- 6 Deliveries of goods to the store shall be in accordance with the Delivery Management Scheme dated 10/09/20 and the following accompanying tracking diagrams. There shall be no deviation from the Schedule other than with the written approval of the Local Planning Authority.

"Highway details with Vehicle Tracking: Articulated Delivery Vehicles" dwg B202;
"Vehicle Tracking: Rigid Vehicle" dwg B203

"Vehicle Tracking: Cars Passing Delivery Vehicles" dwg B204; and
"Vehicle Tracking: Refuse Trucks Passing Delivery Vehicles" dwg B205.

Reason: To safeguard the amenities of the neighbouring properties in accordance with policies QE SP1, QE DM1 & QE DM2 of the Arun Local Plan.

- 7 The shop premises shall not be occupied until such time as a Servicing Management Plan has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries in terms of location within the site and frequency (within the limits set by condition 06), and set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Plan.

Reason: to safeguard the operation of the public highway in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 8 Within 2 months of the variation of condition planning permission hereby granted, the applicant shall enter into negotiations with the local planning authority to identify a scheme of pedestrian improvements on Aldwick Street in the vicinity of the application site and once the scheme has been agreed in writing with the local planning authority, the applicant is required to enter into a Section 278 agreement with the local highway authority and implement the works in full within a timescale to be agreed.

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

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

- 10 INFORMATIVE: The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

BACKGROUND PAPERS

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

AW/197/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

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/117/19/HH
Received: 09-09-20
29 Westfield Bersted
Drop kerb to front of property with works to existing wall.
Written Representations
PINS Ref: D/4001054

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

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

FP/61/20/PL

Received: 02-09-20

10 Felpham Gardens Felpham

Demolition of 1 No. house & erection of 2 No. chalet style dwellings with garaging & car parking (resubmission following FP/274/18/PL).

Written Representations

PINS Ref: W/4001528

LY/11/18/CLE

Received: 10-03-20

Arundel Vineyard Church Lane Lyminster

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

Written Representations

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

<p>LY/8/18/PL Received: 17-03-20</p>	<p>Arundel Vineyard Church Lane Lyminster Change of use from Vineyard to garden amenity area serving Arundel Vineyard (resubmission following LY/19/17/PL). Written Representations PINS Ref: APP/C3810/W/19/3220136</p>
<p>LY/9/18/PL Received: 17-03-20</p>	<p>Arundel Vineyard Church Lane Lyminster Application for Continuance of use without compliance with condition 2-occupation imposed under LY/16/02/, condition 3-occupation imposed under LY/3/04/ & condition 3-occupation imposed under LY/25/04/ (resubmission following LY/20/17/PL). Written Representations PINS Ref: APP/C3810/W/19/3220132</p>
<p>M/62/19/PL Received: 05-08-20</p>	<p>177 Middleton Road Middleton-On-Sea Construct an additional dwelling house along Sundale Lane to rear of 177 Middleton Road. Written Representations PINS Ref: W/4000893</p>
<p>R/268/19/PL Received: 18-08-20</p>	<p>6 Manor Road Rustington Demolition of existing garage & store on existing dwelling & erection of 1 no. four-bed chalet style dwelling (re-submission of planning ref: R/72/19/PL). Written Representations PINS Ref: W/4001103</p>
<p>R/92/20/PL Received: 18-08-20</p>	<p>6 Manor Road Rustington Demolition of existing garage & store on existing dwelling & erection of 2 No detached bungalows to rear. Written Representations PINS Ref: W/4001478</p>
<p>Y/103/18/PL Received: 19-02-20</p>	<p>10 Acre Field North of Grevatts Lane Yapton Single Chapel Crematorium with car parking, landscape works, surface water drainage features & associated highway improvements. This application is a Departure from the Development Plan. Written Representations PINS Ref: W/4000394</p>
<p>ENF/505/12/ Received:</p>	<p>Hales Barn Farm Arundel Road Norton West Sussex Written Representations PINS Ref: APP/C3810/C/18/3212055</p>
<p>ENF/211/16</p>	<p>Wisteria Heights Caravan Park (prev. Shripney Gardens) Shripney Lane</p>

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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FRAMEWORK MASTERPLAN ENDORSEMENT REPORT

REF NO: SD3 WEST OF BERSTED

LOCATION: West of Bersted Strategic Development Site

PROPOSAL: Submission of West of Bersted Masterplan Framework for Endorsement

SITE AND SURROUNDINGS

DESCRIPTION OF PROPOSAL:

This Framework Masterplan has been prepared by Scott Brownrigg on behalf of the key landowners for the site. The site is allocated for development in the Arun District Council Local Plan (2018) for at least 2,500 homes, alongside infrastructure including a new primary school, community facilities, public open space, sports and retail provision.

The Framework Masterplan sets the broad design principles to deliver an integrated community which is set within a high-quality landscape and integrates appropriately with the existing settlement. It is intended to guide future planning applications coming forward on this allocated site.

The Framework Masterplan demonstrates how the requirements for the Site Allocation as set out in Policy H SP2a of the Local Plan can be delivered. These requirements include the building of at least 2,500 new homes, employment provision, a new primary school, plus a community hub which will include shops, a library and healthcare facilities. Sports provision in the form of a new 3G pitch and two pitches with associated facilities will be provided as minimum.

SURROUNDING AREA:

The West of Bersted site is located on the north west outskirts of Bognor Regis, approximately 3km to the north west of Bognor Regis town centre and 6km from Chichester town centre.

The South Downs National Park lies approximately 8km to the north, with the Chichester Harbour Area of Outstanding Natural Beauty (AONB) approximately 10km to the west. The site lies within the 5km buffer of the Pagham Harbour Special Protection Area.

The site is bounded by the A259 to the north east, the B2166 Lower Bognor Road to the south west and Chalcraft Lane to the south.

The site contains several Public Rights of Way (PROW) which pass through the allocation (PROW 134, 135, 136)

and 137), which provide a direct connection to New Barn Lane, Winston Crescent and Chalcraft Lane. These paths form part of the local pedestrian network of North Bersted and enable the movement of pedestrians throughout the local area.

SITE DESCRIPTION:

The land comprising the West of Bersted site allocation is rural in character and comprises agricultural fields and polytunnels within the north-eastern section.

Park Farm and associated reservoirs are located in the north west corner. Chalcraft Nursery and the adjacent Chalcraft Cemetery are accessed via Chalcraft Lane to the south east.

The overall site area measures 2.4km north to south and is approximately 1.2km wide east to west (at its widest point).

The site allocation lies within two parishes comprising Pagham and Bersted. The boundary line between the two runs along Chalcraft Lane. The Parish of Oving lies directly to the north and the Aldwick Parish boundary abuts the southern boundary of the site.

RELEVANT SITE HISTORY:

BE/81/20/OUT: Pending consideration

Outline application with some matters reserved for the development of 20 residential dwellings, 2,240 sqm of commercial space (Use Class A1, B1(b), B1(c) and B8), landscaping, access, parking and associated infrastructure.

PURPOSE OF THE FRAMEWORK MASTERPLAN

The Framework Masterplan does not seek to replace an outline planning application and endorsement of a Masterplan is the first step before an outline planning application is submitted.

The Framework Masterplan seeks to solely establish placemaking principles. It does not detail infrastructure delivery and timings; though indicative and preliminary scheduling has been provided. However, this is not binding and these matters will be considered at outline stage and through the lifetime of the delivery of the development. Only at the point of formally approving an outline consent would such matters become binding upon the Council.

Officers are reporting this Framework Masterplan to Members for endorsement. Officers consider that the placemaking principles set out in the document will allow for policy compliant planning applications to be delivered in latter stages of development. The development will achieve a high quality place which aligns with the aims and objectives of Arun District Council.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Following from the allocation of this Strategic Site allocation in the 2018 Arun Local Plan, work has been ongoing to provide a Framework Masterplan against which all subsequent detailed design proposals should accord. The Framework Masterplan ensures that development is not undertaken in a piecemeal fashion and as different applications come forward, reflecting the different land ownership interests, the development achieved will operate successfully as a functional whole.

The Framework Masterplan has been evolved as a result of ongoing discussions with both Officers at Arun District Council, key stakeholders and third party bodies and engagement with local residents. In agreement with Officers, the developers have undertaken the following process of engagement to evolve the Masterplan Framework:

- Pre-application meetings with ADC Officers and third party bodies including West Sussex County Council, Southern Water, Natural England etc...
- Advisory Group Meetings with nearby landowners, third party bodies, Officers at Arun District Council and Members of both Parish, District and County Councils
- Individual meetings with Parish Council Chairs
- Meeting with Key Stakeholders
- Public Engagement
- Local Residents Webinar

Pre-application meetings with Officers at Arun District Council were undertaken on the following dates which covered the following topics:

- 26 September 2019: Project inception meeting to discuss the overall planning strategy and programme
- 04 February 2020: Meeting of wider project team following appointment
- 12 March 2020: Meeting to present and discuss the initial Framework Masterplan proposals
- 30 April 2020: Green and blue infrastructure provision, ecology and biodiversity net gain
- 04 June 2020: Sustainable transport, local centre uses, infrastructure and phasing
- 23 June 2020: Structure of the Framework Masterplan document, public consultation strategy and Officer feedback from earlier June meeting

After each of these meetings Officers at ADC followed up with written feedback to ensure that the evolution of the Framework Masterplan reflected historical discussions on the site and was being developed in accordance with the local planning context.

The developers have engaged with the Arun District Council's West of Bersted Advisory Group meetings on the following dates, covering the following topics:

- April 2020: Video and audio recording of presentation (due to Covid-19 restrictions) was provided to the AG with Members of the Group provided with an opportunity to submit any queries/comments which were responded to by the project team. Presentation covered background information and work undertaken to that point
- May 2020: Video and audio recording of presentation with comments submitted. The presentation explained the proposed strategies developed to deliver the site specific green and blue infrastructure, ecological features present on the Site Allocation and the proposed strategy to ensure the proposals achieve a biodiversity net gain

- June 2020: Meeting conducted via video conferencing following ADC having technological facilities to undertake these via web host Zoom. A summary of the work undertaken was provided along with details on phasing, project timetable and consultation arrangements
- July 2020: Meeting followed the same format as the June 2020 meeting – presentation clarified comments received in the June 2020 meeting including those relating to highways, drainage, local centre uses, landscape/views and consultation

The developers have engaged with nearby Parish Council Chairs on the following dates via Microsoft Teams (due to Covid-19 restrictions):

- 07 July 2020: Aldwick Parish Council
- 10 July 2020: Bersted Parish Council
- 14 July 2020: Pagham Parish Council

The developers have met with key stakeholders, in addition to separate ADC Officer discussions, to assist with the evolution of the Framework. These meetings have included:

- West Sussex County Council (education)
- West Sussex County Council (transport)
- Coastal West Sussex Clinical Commissioning Group (on behalf of NHS estates)
- Environment Agency
- Southern Water
- Natural England
- Sport England

Following from these meetings, and in agreement with Officers at Arun District Council, a public consultation period took place over a three week period between 14 July 2020 and 04 August 2020. Due to social distancing requirements, a website was prepared which provided details on the proposals and an opportunity for people to send comments electronically via an online form or via email, was provided.

This public engagement included a leaflet drop to over 9,000 households prior to the consultation taking place which included details of the proposal, a pre-paid envelope to return comments on and a telephone number to contact the developers directly.

A notice was also placed on the noticeboard outside Bersted Parish Council which provided information on how residents could comment on the Framework Masterplan and where they could find further information. Bersted Parish Council also provided a link to the consultation on their own website and a Facebook page directing people to the website was also provided.

In recognition that some residents may not have ready access to the internet, and in agreement with Officers at ADC, the leaflet provided details of a contact in the developer's team who provided hard copies of consultation material. Less than 10 households took this opportunity up.

In devising the public consultation strategy, Officers at ADC and feedback from the Advisory Group meetings, highlighted that existing residents along Chalcraft Lane would be most affected. In response to this the developers set up a webinar specifically for these residents which was held during the three-week consultation period.

Letters were sent out to the identified households (320 in total) to invite them to the webinar which was held on 23 July 2020. The webinar was then posted onto the developer's consultation website on 24 July 2020 and made available for all members of the public and interested parties to view.

Following this comprehensive engagement strategy which was undertaken under the close scrutiny and ongoing feedback with Officers at ADC, the submission version of the Framework Masterplan was then finalised and submitted.

As part of the endorsement process, Arun District Council have consulted with members of the public for a 4 week period. Notices on the Council's website have been placed, social media channels have advertised this process and hard copies of notices have been placed in nearby Parish Council boards. A summary of the feedback received within this four week consultation period is provided below. Representations received after the 10th September will be reported to Committee as an Update.

REPRESENTATIONS RECEIVED:

Throughout the Framework Masterplan process representations have been received via Officers from Councillors Stanley and Oppler. These representations raised the following issues:

- Healthcare provision
- Management companies
- Bus service providers
- Width of residential roads/spine road
- Garage size dimensions
- Block paving finishes
- Parking provision across the development
- Discussions with the Post Office
- Public engagement

24 letters of objection have been received in the consultation period up to 10th September and the issues raised are summarised below:

- Infrastructure delivery
- Existing water table/flooding
- Traffic/Highways impacts
- Water supply
- Lack of need for housing
- Loss of agricultural land
- Habitats and biodiversity
- Capacity of sewerage utilities
- Lack of safe hacking routes for horses/equestrian uses
- Bridleway provision
- Change of view/outlook
- No need for a new school
- Jubilee Playing Field is designated Open Space in the Neighbourhood Plan
- Does not say what phase the school or doctors will be built
- Inadequate public consultation process

COMMENTS ON REPRESENTATIONS RECEIVED:

Matters relating to the loss of agricultural land was considered when the site was allocated in the Arun Local Plan. The Local Planning Authority is unable to control such matters as these at this stage in the process.

Arun District Council currently has a recognised need for additional housing in the District and is only able to demonstrate a housing land supply of 2.9 years. The delivery of a Strategic Site allocation will make a valuable contribution to an identified need for housing.

Concerns regarding the lack of a new school have been verified by West Sussex County Council's Education Team. They have confirmed that current primary school provision is at capacity and therefore the population increase will trigger the requirement for a new primary school.

The Framework Masterplan boundary does not propose built development over the Jubilee Playing Field and is retained as Open Space.

The former sections of this report details the comprehensive public consultation process which has been undertaken in agreement with Officers at Arun District Council.

Matters relating to infrastructure delivery, flooding/drainage, traffic/highways, water supply, sewerage capacity, bridleway provision, outlooks and phasing will be detailed in subsequent planning applications. The Local Planning Authority possesses controls to ensure that no planning permissions will be granted until satisfactory detail and information has been provided at the planning application stage to ensure these issues can be addressed. However, the Framework Masterplan demonstrates the principles which the developers consider to be acceptable. These are assessed in full below.

All other outstanding matters detailed above have been considered in full in the subsequent sections of this report.

POLICY CONTEXT

Designations applicable to the site:

- 2km Buffer of Bognor Reef Site of Special Scientific Interest
- Pagham Harbour Access Management Zone B
- Built-up Area Boundary (SD SP2)
- Strategic Housing Site Allocations (H SP2) – West of Bersted
- Archaeological Notification Areas (HER DM6) – Iron Age, Roman and Medieval Settlement Site, Bersted
- Archaeological Notification Areas (HER DM6) – Multi-Period Site, North Bersted, Bersted

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 – 2031:

H SP2 Strategic Site Allocations

PLANNING POLICY GUIDANCE:

NPPDG National Design Guide

CONCLUSIONS

PRINCIPLE:

The submitted Framework Masterplan document seeks to fulfil Policy H SP2 of the Arun Local Plan which requires ‘development proposals within the Strategic Site Allocations must be comprehensively planned and should have regard to a masterplan endorsed by the Council for the respective areas which incorporates high quality imaginative design giving a sense of place and a permeable layout.’

Policy H SP2 (ALP) sets out an (a) – (q) criteria against which development on the Strategic Site Allocations should come forward.

The emerging Arun District Council Design Guidance (page 124) makes clear that:

Strategic housing sites should incorporate an appropriately enhanced range of shops, employment, sports, community facilities, local services and affordable housing contributions to serve their population as well as those from surrounding areas, providing improvements to and linking with existing infrastructure and surrounding transport networks in a way that is appropriate to their scale and location.

Pages 124 – 125 sets out a 16 point criteria against which Masterplans should be assessed. This criteria summarises sections D – L of the Design Guide which provides detailed guidance on what Masterplans and their subsequent developments should achieve.

This detailed guidance and the resultant 16 point criteria have been considered in full continuously throughout the evolution of the Framework Masterplan. For the reasons set out in the subsequent sections of this report, Officers consider that the submitted Framework Masterplan satisfies these criteria, and the criteria set out in Policy H SP2, in full.

USE MIX:

Relevant Policies:

ALP EMP DM1: Employment Land – Development Management, ALP RET SP1: Retail Development, ALP RET DM2: Garden Centres, HDLP SDP 15: Integrated Employment Opportunities, HDLP SDP 19: Sports Facilities, BNDP EE1: Business Expansion, BNDP EE2: Retention of Employment Uses, BNDP EE3: Encourage a Diverse Range of Commerce in the Parish, BNDP EE4: Local Shopping Facilities & BNDP CLW4: Sports and Leisure Provision.

The Framework Masterplan details a mix of uses which comprises: 2,500 new homes, shops, services, community facilities, employment and a new primary school. The non-residential uses are predominantly clustered into smaller areas which has arisen from consultation with Officers throughout the pre-application process.

The central southern main local centre will provide for a village green, sports & leisure facilities, retail store with post office, possible community hall, café, potential healthcare – for example

a pharmacy, dental facilities, primary school comprising 3 form entry and early years with special education needs provision and a Tier 7 library.

The Framework Masterplan delivers an additional, subordinate, northern local centre which is smaller in nature. This will include a village green, retail store, café, care home, potential hotel and employment space.

Employment space is shown in the northern area which comprises approximately 6.5ha of employment space. There is a further smaller employment offering located towards the south east of the Strategic Site which comprises the redevelopment of the existing Chalcraft Nurseries site. Arun District Council's Development Management, Planning Policy and Business Development Teams have worked closely with the developers to ascertain an appropriate employment provision offering.

Throughout these discussions the Government introduced the provision of Class E into the Town and Country Planning (Use of Classes Order) 1987 on 01 September 2020. The effect of this amendment is that Class E will now consolidate retail shops, financial and professional services, restaurants and cafes, offices, research and development products, industrial processes, medical or health centres, creches, day nurseries or day centres and indoor sport and recreation, into a singular use class. The spirit of the Government's changes is to ensure flexibility across commercial floorspace within the UK and to allow the market to decide.

Whilst definitive uses have not been defined at this stage, the developers have confirmed this will be detailed in latter planning applications. The Local Planning Authority has assessed the quantum of land detailed in the provision and considers, owing to the site's location and other committed development within the District (i.e. Saltbox and ongoing regeneration work in Bognor Regis), and consider the quantum of development proposed is acceptable.

Officers would seek to restrict retail development in any subsequent planning applications (unless supported in full by a Retail Impact Assessment) in order to maintain the vitality of the existing town centres. This would also ensure new development would not undermine the ongoing work within the District in the regeneration of these areas.

HOUSING MIX:

Relevant Policies:

ALP H SP1: The Housing Requirement, ALP H DM1: Housing Mix, ALP AH SP2: Affordable Housing, HLDP SDP 6: Housing Mix, Density and Capacity, BNDP CLW1: Provision for the Elderly, BNDP HDQ1: Housing Site Allocations, BNDP HDQ2: Integration of New Housing and BNDP HDQ4: Affordable Housing.

The Framework Masterplan demonstrates that the site can accommodate the envisaged 2,500 dwellings within a comfortable development that delivers the appropriate quantum of infrastructure and public open space.

The Arun Local Plan housing mix policies (H DM1) requires developments of over 11 units or more to deliver a balanced mix of market and affordable dwelling sizes. The definitive mix of housing will be detailed within subsequent application stages. The Framework Masterplan emphasises that 'the suburban nature of the context of the site lends the Framework Masterplan to be a predominantly 2 storey domestic housing scale and the majority of

properties will be 2 storey. Increased heights to 3 and 4 storey will help define local centres and promote local legibility and strengthen the central community function of place.’

The submitted Framework Masterplan, which shows the indicative locations of housing around open spaces, provides certainty that a range of housing types and densities can be delivered where access to infrastructure and connections would be available.

The Framework Masterplan allows for a policy compliant (30%) provision of affordable housing to be delivered across the site which would equate, on the basis of a total dwelling yield of 2,500 units, of 750 dwellings towards the Council’s Local Plan requirement. The Council currently has 1021 open applications of the Housing Register of people requiring affordable housing. Within this register are 460 persons in the locality of Bognor Regis (including Felpham and Aldwick) who require affordable housing. The ongoing delivery of affordable dwellings will substantially respond to an identified need.

The Arun Local Plan policies require provision to be made for housing for the elderly. The development indicatively provides for a care home/sheltered housing provision within the District, located towards the southern and northern centres. Such locations, in principle, would provide policy compliance within subsequent planning application stages.

The Framework Masterplan highlights that ‘opportunities for self-build and community led housing will also be explored and consideration will be given to including an area dedicated to self-build plots as part of individual planning applications’. This approach is consistent with the approach advocated in the Arun Local Plan Policies and is therefore considered to be deliverable in nature.

HIGHWAYS AND ACCESS:

Relevant Policies:

ALP T SP1: Transport and Development, ALP T DM1: Sustainable Travel and Public Rights of Way, HLDP SDP1: Access and Strategic Movement, HLDP SDP4: Pedestrian and Cycle Links, HLDP SDP5: Centres and Walkable Neighbourhoods and BNDP GA1: Pedestrian and Cycle Connections.

The Strategic Site access from the north will be from two new points located towards the north east of the site. These points will link to the existing A259 road. The northern NE access is designed to facilitate traffic flows to Chichester and the southern NE access point is designed to serve flows going onto the North Bersted bypass used by traffic heading towards the Littlehampton, Arundel and Brighton localities. From the south, the site will be accessed from an enlarged Lower Bognor Road/ Chalcraft Lane roundabout.

Two second accesses will be located to the south east of the site onto Chalcraft Lane. The broad location of these junctions will be to the south of the existing Chalcraft Nurseries access. One access will comprise a right turn only junction upon exit and will solely serve the 250 units proposed on this parcel, the other will also be a local residential access. This access is likely to be reliant upon the new roundabout on the Lower Bognor Road/Chalcraft Lane junction to mitigate this additional traffic flow. Arun District Council will control the phasing and release of the 250 unit part of the site to ensure appropriate highways mitigation is in place to ensure no additional highways impacts onto Chalcraft Lane result.

These access points have been discussed with West Sussex County Council in ongoing pre-application discussions and provides a technical solution. However, Arun District Council will be encouraging the developers to consult the public and nearby residents in the progress of their individual planning applications to ensure anecdotal evidence and concerns are considered.

The primary route running through the site, more commonly known as the “spine road”, will be designed to accommodate two-way bus traffic with a 30 mph speed limit, with verges and footpaths on each side and a cycle route. Appropriate traffic calming measures will be introduced within the according applications to prevent concerns of the road becoming a ‘rat run’. However, this will need to be balanced with the purpose of the road which is to provide a direct connection to the A259 which provides a preferential route to Chalcraft Lane. Arun District Council, the developers and West Sussex County Council will work closely together in evolving the design of this road to ensure such concerns will be taken into account.

Officers have been in discussions with Stagecoach regarding bus service provision throughout the site. They have confirmed that the desire is to provide stops along the spine road only, which will ensure residents are no more than 400m walkable distance from a key bus route.

They have reiterated that providing an effective bus service relies upon direct, door-to-door services, so far as reasonably practicable. When a bus service takes longer or is more arduous than taking the private motor vehicle, then user preference sways towards private car usage. On this basis, there would be no functional rationale to providing services into subsidiary roads off the spine road. The site is well served by existing stops along Chalcraft Lane which allows for the 400m walkable distance to services at bus stops.

Bus services and bus stop provision will be initially funded by developers through a comprehensive S106 infrastructure package. Once provided through release of capital by the developers, bus stops will thereafter be maintained by Arun District Council. Services will be proportionately phased in, commensurate with population and infrastructure growth, to ensure capital expenditure released by the developers can be utilised for as long as possible.

PEDESTRIAN AND CYCLE ACCESS/PERMEABILITY:

Relevant Policies:

ALP T SP1: Transport and Development, ALP T DM1: Sustainable Travel and Public Rights of Way, HLDP SDP1: Access and Strategic Movement, HLDP SDP4: Pedestrian and Cycle Links, HLDP SDP5: Centres and Walkable Neighbourhoods and BNDP GA1: Pedestrian and Cycle Connections.

The Framework Masterplan proposes a strategy to integrate the Strategic Site with existing pedestrian and bicycle routes to ensure the site functions and operates as part of Bognor Regis. This approach towards ensuring wider connectivity was agreed, in principle, as being an acceptable basis to which future planning applications should accord within initial pre-application discussions.

The Framework Masterplan sets out that the network for pedestrians and cyclists will comprise a combination of:

1. Footpaths (including enhancement to the existing Public Rights of Way and new routes)

2. Footpaths plus separate cycle lanes
3. Footpaths and segregated cycle lanes
4. Shared-use pedestrian and cycle routes

The definitive materials and detailing of these routes will come forward in future planning applications as part of the delivery of this Framework Masterplan. However, this strategy provides a commitment to a network and hierarchy of connectivity across the site which accords with the Arun Local Plan policies.

Arun Local Planning policy requires priority to be first given to the cyclist. The hierarchy of routes, combined with their according connections, will allow for this to be delivered in subsequent planning applications.

FLOOD RISK AND DRAINAGE:

Relevant Policies:

ALP ENV SP1: Natural Environment, ALP W SP1: Water, ALP W DM1: Water Supply and Quality, ALP W DM2: Flood Risk, ALP W DM3: Sustainable Urban Drainage Systems, HLDP SDP21: Surface Water Management, HLDP SDP25: Integrated Water Management and BNDP ES2: Surface Water Management.

The Strategic Site features a high-water table as existing. Anecdotally, this has then been further exacerbated by periods of peak rainfall which has historically led to surface water storage across the site. This matter was raised throughout the engagement points with the developers throughout Advisory Group Meetings and pre-application meetings.

In response to this, the Framework Masterplan provides an indicative drainage strategy which will be confirmed once the outcome of winter groundwater monitoring and percolation testing has been undertaken.

However, through working with Arun District Council's Drainage engineers, the envisaged strategy will be predominately controlled using Sustainable Urban Drainage Systems (SUDS) where water can be stored and released at a lower, controlled rate, into the natural watercourse. The rate of release can be controlled through natural features and the use of man-made flow controls (such as hydro brakes).

The Framework Masterplan details that the required quantum of space can be provided to accommodate the required number of SUDS to ensure the predicted 40% allowance in surface water increases could be mitigated. This 40% predicted increase takes into account climate change allowances and future increases in hard surfacing that is associated with a development of this nature.

Due to the phased nature and long term build out of a development of this size, the Local Planning Authority has been stringent with the developers in ensuring that each phase will be capable of being adequately drained as an individual phase, but also have the functionality to operate as part of the wider whole.

The Framework Masterplan provides the Local Planning Authority with the appropriate controls to ensure that each parcel is adequately drained and works as a wider collective whole, whilst taking into account the 40% increase in water.

INFRASTRUCTURE DELIVERY AND PROVISION:

The Framework Masterplan is a placemaking based document and does not detail specific requirements regarding infrastructure provision. This matter is required for separate consideration at planning application stage.

However, to provide satisfaction that the detailed placemaking will be supported by the appropriate infrastructure, individual planning applications will all contribute towards on-site and/or off-site provision of highways, education, green infrastructure, libraries and sports pitches and utilities/service/suds.

Throughout the pre-application discussions Officers have been liaising with the appropriate service provider bodies to both ensure delivery and service provision of these infrastructure items.

The delivery of infrastructure will be subjected to a phasing plan which will be assessed and, subject to acceptability, subsequently approved as part of the outline planning application. This will ensure that infrastructure is delivered in line with new development to ensure it is available for those who need it, when they need it.

Funding for infrastructure will come from both committed projects where contributions have already been provided as part of existing planning applications. However, the majority of funding will come from developer contributions as part of the subsequent planning applications. The Strategic Site is CIL exempt which provides the District Council with the full scope of powers to require all necessary infrastructure contributions to ensure their delivery.

LANDSCAPE:

Relevant Policies:

ALP HWB SP1: Health & Wellbeing, ALP OSR DM1: Open Space, Sport & Recreation, HLDP SDP16: Landscape and Green Infrastructure, HLDP SDP17: A Rich Variety of Open Spaces, BNDP CLW4: Provision of Allotments, BNDP CLW6: Local Green Spaces, BNDP CLW7: Local Open Space and BNDP HDQ6: Outdoor Space.

The Framework Masterplan highlights that green space throughout the site will comprise several typologies including; parks & gardens, amenity open space, natural/semi-natural space, pitches and allotments. In addition to these will be a variety of play spaces.

Further, there will be additional key elements of the development that will contribute to the overall quantum of open space provision, including; a green edge to integrate the development with the existing rural/urban character, a green buffer running east to west horizontally through the site; two central areas of open space in the north and south that defines the two character areas and a series of green fingers which connect the site to the District's wider green infrastructure.

Within these spaces, the Framework Masterplan highlights several key views within the site. Specific viewpoints are identified which the subsequent planning applications will need to respect which safeguard views of both the South Downs National Park and Chichester Cathedral.

The Strategic Site allocation will move the current appreciation of the South Downs National Park setting from along Chalcraft Lane to the outer perimeter of the development. Throughout the pre-application discussions Officers have safeguarded a wellness trail running around the perimeter of the site. This will allow the South Downs National Park setting to be appreciated from a new point around the perimeter of the development. Within the detailed planning applications Officers will seek to secure visibility along the wellness trail to maintain the appreciation of the South Downs setting. This is in addition to the key views detailed in the Framework Masterplan which would be maintained in future planning applications.

The Framework Masterplan exceeds a policy compliant level of public open space as a whole. Accordance with this Framework which subsequent planning applications would be required to accord with, would secure this valuable contribution towards public open space for the District.

The Framework Masterplan sets out opportunities for using public open space and green infrastructure for the purposes of food production, including allotments, orchards and community gardens. This would seek to move the District towards a more self-sustaining nature.

The Arun Green Infrastructure Study advocates new green spaces to be linked to existing green spaces to establish a wider green network throughout the District. The provision of the green infrastructure detailed within the Framework Masterplan would allow for the delivery of integral elements to this network, in accordance with the Council's aspirations.

PHASING:

The Framework Masterplan sets out preliminary phasing which indicates when specific elements of infrastructure could be introduced, commensurate to the delivery of dwellings. All final phasing will be conditioned as part of a phasing plan submitted at outline stage.

Phase 1 (running total 500 dwellings)

Alongside the first 500 dwellings (Phase 1) would see upgrades to the A259/North Bersted Bypass and the enlarged lower Bognor Road/Chalcraft Lane roundabout in the south. Officers support the early delivery of these access points/junctions to facilitate development parcels along Chalcraft Lane.

Phase 2 (running total 700 dwellings)

Delivery of the spine road and land being made available for the school would be delivered after a further 200 dwellings (total 700 dwellings). The build out of the school would either be developer led or Academy Trust led, overseen by West Sussex County Council.

However, the land will be made available for this purpose and the subsequent delivery of the school will be funded by developer contributions and undertaken by developers or Academy Trusts. Funding will be in place and the existing primary schools in the nearby locality are at capacity. This context therefore ensures (so far as can be reasonably ensured) that delivery of the school will take place after the first 700 dwellings are released.

Officers support the early delivery of the spine road in Phase 2 which will provide much needed alleviation to existing traffic pressures along Chalcraft Lane. This early delivery will also have the additional benefit of providing access for construction traffic which will substantially reduce conflicts arising on the existing local road network.

Whilst not detailed in the preliminary phasing schedule submitted, Officers will require (in the subsequent application stage) land for sports pitches within Phase 2 dwelling release.

Phases 3 - 4 (running total 1,350 dwellings – 1,900 dwellings)

Phases 3 – 4 would see the provision of the southern local centre which would be brought online as the population grows from 1,350 dwellings to 1,900 dwellings. Officers consider this to comprise an appropriate point to introduce this commercial centre which will require a critical mass in population to ensure units do not become vacant.

Phases 5 – 7 (running total 2,100 dwellings to 2,500 dwellings)

The submission version of the Framework Masterplan seeks to introduce sports pitches in Phase 5 (2,200 dwellings); however, health and wellbeing benefits associated with this provision are multiple.

Officers therefore will therefore seek to bring this online from Phase 2 onwards, and not Phase 5 onwards, as land can be made available, construction can take place and developer funding will be in place to allow phased delivery of the sports pitches from an earlier stage.

Phases 5 – 7 will then see the remainder of the c. 500 dwellings constructed with the development build out period then ceasing in 2035.

The bulk of the infrastructure will therefore be delivered towards the first half of the development (Phases 1 – 3/4) which represents early delivery for developer funded infrastructure. Officers have worked at considerable length with the developers and relevant stakeholders/bodies to ensure infrastructure delivery can be both funded and delivered on site. This development will provide a betterment to both future and existing residents in the District.

Based on the Officer concerns with the preliminary phasing, specifically around the delivery of the sports pitches, we recommend that Section 9 of the Framework Masterplan be removed with endorsement contingent upon this deletion. Officers would be agreeing definitive phasing within an outline application and therefore adequate control is present within the subsequent stages to ensure this matter can be addressed through the according legal frameworks.

HEALTH AND WELLBEING:

Relevant Policies:

ALP HWB SP1: Health and Wellbeing, ALP OSR DM1: Open Space, Sport and Recreation, ALP INF SP1: Infrastructure Provision and Implementation, HLDP SP4: Pedestrian and Cycle Links, HLDP SDP5: Centres and Walkable Neighbourhoods, HLDP SDP12: Integration with Established Communities, HLDP SD19: Sports Facilities, HLDP SDP22: Infrastructure, BNDP GA1: Pedestrian and Cycle Connections, BNDP CLW2: Healthcare Facilities, BNDP CLW6: Local Green Spaces and BNDP CLW7: Local Open Space.

The Framework Masterplan supports the health and wellbeing objectives of the District Council by facilitating an indicative layout where most homes will be bounded by, or will have easy ready access to, public open space.

Access to local centres in the north and south of the development are made through the extensive network of footpaths and cycleways that will be delivered throughout the site,

promoting a pedestrian and cyclist first approach as advocated by local planning policy and best practice.

The development features a wellness trail around the perimeter of the site for use by pedestrians and cyclists which equates to approximately 5km in length. Both new and existing residents in the nearby locality will benefit from the provision of this new asset to the District.

In addition to the design and placemaking objectives, the Framework Masterplan will also support the delivery of infrastructure including 2 no. new grass pitches and a new all-weather pitch (constructed to 3G standard or equivalent) and indoor sports facilities.

Their positions, being central within the development as indicated by this Framework Masterplan, ensures it is within easy walking access of all residents and accessible by existing residents; providing a betterment to all.

BROADBAND/HIGH SPEED INTERNET PROVISION:

Relevant Policies:

ALP EMP DM1: Employment Land: Development Management, H SP2: Strategic Site Allocations, ALP INF SP1: Infrastructure Provision and Implementation, HLDP SDP22: Infrastructure, HLDP SDP29: Broadband, BNDP EE1: Business Expansion and BNDP EE6: Communications Infrastructure.

The Framework Masterplan makes a commitment, in the pursuit of supporting the commercial and community uses, to ensure schemes will be designed to access the highest level of broadband available at the time; subject to technical and economic viability.

Given the rising trend in working from home, and greater flexibility afforded to places of work, such an approach is supported by Arun District Council and the ongoing discussions with the Council's Business Development Team.

SUMMARY:

The Framework Masterplan sets out the vision for the delivery of the West of Bersted Strategic Site Allocation and sets the principles against which subsequent planning applications would be assessed.

This Officers report has considered the key principle issues against the according Local Plan, High Level Development Principles and Neighbourhood Plan policies. Based on the layout submitted and the principles contained within, the Framework Masterplan would deliver a development that is compliant with the Development Plan.

The Framework Masterplan allows for the provision of additional high quality, accessible open space to existing and future residents of the District and provide a betterment in terms of sports and leisure provision.

The Framework Masterplan supports the provision of additional commercial and employment floorspace within the Strategic Site allocation promoting this development's role in enhancing employment.

Subsequent development will deliver a further 2,500 homes within its lifetime which will provide for approximately 700 affordable homes to benefit the residents of the District.

Officers have worked closely with the developers throughout the pre-application period on the lead up to the submission of this Framework Masterplan document to ensure adherence with the local and national planning policy requirements and supplementary planning documents.

Subject to the deletions outlined in the earlier sections of this report we therefore recommend that the Framework Masterplan document should proceed to formal endorsement.

RECOMMENDATION

Subject to the deletions of Section 9 we therefore recommend that the 'Land at West Bersted Framework Masterplan Version for Endorsement August 2020 18723-SBR-ZZ-XX-RT-A-80204 Rev 12' should proceed to formal endorsement.

NEXT STEPS

Subject to endorsement of the Framework Masterplan the developers will then use this as the basis on which subsequent planning applications will be based.

The outline applications would be reliant upon technical assessments and studies being used to inform final detailed design which accords with the principles set out in this Framework.

The developers will be retaining dialogue with Officers at Arun District Council in the evolution of the outline application to ensure consistency with the placemaking principles set out in this document.

Officers and the developers will be continuing to liaise in further detail with the key stakeholders and consultees, including West Sussex County Council, as detailed designs are evolved. The developers will be undertaking further consultation with those bodies detailed in the former sections of this report and will be engaging with residents as the proposals develop.

The developers and Officers will continue reporting to the West of Bersted Advisory Group to ensure dialogue is maintained as detailed proposals develop.

The developers will undertake a further consultation period run by themselves. Then, upon the submission of the outline planning applications, the development proposals will be subject to a further 21 day consultation period run by Arun District Council.

Once any outline planning applications are approved, all detailed development will then be subject to a further series of Reserved Matters applications for individual parcels.