



Public Document Pack

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Committee Manager Carrie O'Connor (Ext 37614)

15 October 2020

DEVELOPMENT CONTROL COMMITTEE

A meeting of the **Development Control Committee** will be held on **Wednesday 28 October 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 - 8)

To approve as a correct record the Minutes of the meeting held on 30 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**

DEFERRED ITEM

6. **LU/91/19/PL VARIOUS SITES ALONG LITTLEHAMPTON PROMENADE BN17 5LF**

(Pages 9 - 10)

PLANNING APPLICATIONS

7. **AL/61/20/PL NYTON REST, NYTON FARM SHOP, NYTON ROAD, ALDINGBOURNE PO20 3TU**

(Pages 11 - 24)

8. **BN/50/20/PL LAND WEST OF FONTWELL AVENUE, FONTWELL AVENUE, EASTERGATE PO20 3RX**

(Pages 25 - 66)

PLANNING APPEALS

9. **LIST OF APPEALS** (Pages 67 - 72)
10. **OPTIONS FOR INTRODUCING FURTHER CONTROLS ON THE DEFINITION, NUMBER AND QUALITY OF HOUSES IN MULTIPLE OCCUPATION** (Pages 73 - 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 :

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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 or by accessing the Council's website at www.arun.gov.uk

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](#)

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DEVELOPMENT CONTROL COMMITTEE

30 September 2020 at 2.30 pm

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

Councillor Huntley was also in attendance for part of the meeting.

230. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Pendleton and Roberts.

231. DECLARATIONS OF INTEREST

Agenda Item 12 – Submission of West of Bersted Masterplan Framework for Endorsement – The following Councillors declared a personal interest for the reasons stated:-

Councillor Lury as a member of Bersted Parish Council and a member of the Bersted Advisory Group.

Councillor Mrs Yeates as a member of Bersted Parish Council and Chairman of the Bersted Advisory Group.

Councillor Edwards as the County Councillor for Bersted and as a member of the Bersted Advisory Group.

Councillor Mrs Hamilton as a member of Pagham Parish Council and that would apply to the Bersted site.

Planning Application AW/297/20/PL – Councillor Coster declared a personal interest and stated that he would make a statement at consideration of the item.

232. MINUTES

The Minutes of the meeting held on 2 September 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.

Member comment was made that, in respect of Minute 180 - Planning Application F/15/20/WS, the letters sent by officers on behalf of the Council to West

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Sussex County Council and to the Minister relating to the potential for a call-in were excellent and covered all the points raised by Members in the debate.

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

Public Speakers: Mr P. Atkins, Objector
Mr M. Josey, Objector
Mrs E. Lawrence, Agent
Cllr D. Huntley, Ward Member

P/116/19/OUT – Outline application with all matters reserved, except for access, for the erection of 4 No. semi-detached 3 bedroom houses & 2 No. detached 4 bedroom houses with associated access, parking and gardens. This application is a Departure from the Development Plan, Land adjacent to Sefter School House, Sefter Road, Bognor Regis

The Planning Team Leader presented this report and also provided the Committee with a verbal update report covering the following:-

- 25 further letters of objection had been received on the grounds of infrastructure, traffic, highways, drainage, loss of farmland, wild life, flooding and pollution, all of which had been addressed in the officer's report.
- A Councillor had raised the issue of local finance and the Planning Team Leader addressed this by referring to Sections 70 (2) and 70 (4) of the Town & Country Planning Act.

Whilst a raft of Member objections to the proposal were raised at the meeting it was acknowledged that, without support from statutory consultees, it would be difficult to justify any refusal and the Committee therefore

RESOLVED

That the application be approved as detailed in the report.

234. FG/73/20/PL - EASTLANDS, LITTLEHAMPTON ROAD, FERRING BN12 6PB

Public Speaker: Cllr S. Abbott, Ferring Parish Council

FG/73/20/PL – 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 dependents”.

The Planning Team Leader presented this report and confirmed that the variation to the wording of the relevant condition complied with planning guidance.

Members participated in a full debate as a number of concerns were expressed that the variation would compromise the original permission which had been for a dwelling house to support the running of the equestrian business. However, strong advice was provided by the Group Head of Planning that the wording was the standard wording set out in circular 11/95 which, as government guidance, was considered to be acceptable and to go against that would be unreasonable. Further advice was provided by the Planning Team Leader that, should the dwelling use no longer be tied to the business, a planning application would have to be submitted to delete the condition and so that matter would be considered at that time.

The Committee

RESOLVED

That the application be approved as detailed in the report.

235. BN/57/19/RES - LAND EAST OF FONTWELL AVENUE, FONTWELL AVENUE, FONTWELL BN18 0SB

Public Speaker: Ms E. Murphy, Agent

(In the course of consideration of this item, Councillor Ms Thurston declared a personal interest as a member of Barnham & Eastergate Parish Council.)

BN/57/19/RES – Approval of reserved matters for 3785sqm of light industrial floorspace (Class B1(b)(c) following the grant of WA/22/15/OUT, Land east of Fontwell Avenue, Fontwell Avenue, Fontwell

The Committee received a comprehensive presentation from the Principal Planning Officer, together with the officer's written report update which set out the detail of:-

- discussions that had been had regarding the retention of trees and resultant reduction in car parking provision;
- the size and precise location of the attenuation pond yet to be agreed
- a revised layout plan and consequential changes to the submitted landscaping scheme, including the planting of English oaks.
- Amendment to the recommendation that, if Members were minded to approve the application, the decision be delegated to the Group Head of Planning to approve following receipt of a satisfactory amended landscaping scheme and subject to the conditions set out in the officer's report, with the reference numbers of plans, drawings and documents updated accordingly.

In considering the proposal, the Principal Planning Officer was commended for his work, particularly on safeguarding the trees on the site, and Members welcomed the additional employment opportunities that would be generated by the applicant. The installation of 574 solar panels was applauded and, following a query with regard to

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odour, that was satisfactorily addressed by the Principal Planning Officer at the meeting, the Committee then

RESOLVED

That the application be approved and the decision be delegated to the Group Head of Planning following receipt of a satisfactory amended landscaping scheme and subject to the conditions set out in the officer's report, with the reference numbers of plans, drawings and documents updated accordingly.

236. AB/75/20/PL - 55-57 HIGH STREET, ARUNDEL BN18 9AJ

AB/75/20/PL – Conversion of existing mixed use space to 1 No. 1 bedroom flat. This application affects the character & appearance of the Arundel Conservation Area and affects the setting of a Listed Building, 55-57 High Street, Arundel

The Planning Team Leader presented this report, together with the officer's written report update which advised that 3 additional objections had been received. A verbal update was also provided that the Council's Conservation Officer was of the opinion that the proposal was acceptable as there would be less than substantial harm to a heritage asset.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

237. AW/197/20/PL - THE FORMER SHIP INN, ALDWICK STREET, ALDWICK PO21 3AP

(Prior to consideration of this application, Councillor Coster declared a personal interest and stated that he wished to make the meeting aware that he might have made observations or comments in connection with the application – these were the views he held at that time. However, he had an open mind about this item and he would listen and consider the relevant issues presented to the Committee and confirmed that he would reach his decision based on merit. He remained in the meeting and took part in the debate and vote.)

AW/197/20/PL – Variation of conditions 8 – concerning hours of deliveries and 10 - types of vehicles making deliveries following AW/211/14/PL. This application is in CIL Zone 4 (zero rated) as 'other development', The Former Ship Inn, Aldwick Street, Aldwick

The Planning Team Leader presented this report to the Committee, together with the officer's written report update which set out a representation from Aldwick Parish Council.

In considering the proposal, views were expressed that there was no significant difference to what had earlier been refused due to road safety issues and therefore the same conclusion must be reached. However, Member comment highlighted that a traffic survey and road safety reports that had been requested for the previous application had, as detailed in the report, been responded to by the applicant and County Highways had reviewed the documents and raised no objection. Other Members urged caution in moving towards a refusal as the case would certainly be lost at appeal.

Following further comment opposing any approval, the Committee

RESOLVED

That the application be approved as detailed in the report.

238. APPEALS

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

239. SUBMISSION OF WEST BERSTED MASTERPLAN FRAMEWORK FOR ENDORSEMENT

(Prior to consideration of this item, Councillors Edwards, Mrs Hamilton, Lury and Mrs Yeates had declared a personal interest and remained in the meeting and took part in the debate and vote.

Councillor Coster also declared a personal interest as he had attended a meeting of the West of Bersted Advisory Group and remained in the meeting and took part in the debate and vote.)

Prior to detailed consideration of this item, the Chairman read out a statement reminding the Committee that it was being asked to endorse the Framework Masterplan for the West of Bersted strategic allocation within the Arun Local Plan. It did not, and should not, include details relating to how infrastructure might be secured or delivered, i.e. highway mitigation measures or school provision, and greater detail relating to the layout, appearance, landscaping of the site, parking and housing design would all be considered when Reserved Matters applications came forward. He requested that Members focus their discussion solely on the overarching principles set out in the Framework Masterplan (FM). He then invited the Senior Planning Officer to commence his presentation.

The Committee received a full and comprehensive presentation on the detail of the FM from the Senior Planning Officer in tandem with the report included in the agenda and together with the officer's written report update which provided information relating to:-

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- Receipt of petition and 61 additional comments following expiration of the consultation period on 21 September 2020
- Objection from Councillor Stanley
- Receipt of consultation responses set out in the update
- Comment from the West of Bersted Advisory Group
- Amendments to the Framework Masterplan, as detailed in the update and which had been incorporated in the final submitted version for endorsement
- Amended recommendation to take account of the final submitted version

The Committee heard that the FM had been prepared to facilitate the development of at least 2,500 homes and associated infrastructure, including a new primary school, community facilities, public open space, sports and retail provision. The concept of the Masterplan layout was based on two character areas; one to the north (Character Area A), and one to the south (Character Area B). The northern area would be based on a grid layout and the southern area would be centred around the green space in an orbital layout.

The subsequent planning applications based on this document would deliver a comprehensive package of infrastructure and discussions were currently ongoing with the main key stakeholders involved in infrastructure provision. Officers would be reporting back to the Advisory Group Members regarding those discussions to ensure proposed delivery was considered and scrutinised by all. They were satisfied that the FM would allow a robust package towards infrastructure to be secured at the planning application stage.

In concluding his presentation, the Senior Planning Officer acknowledged that the developers had made appropriate concessions throughout the process to ensure the Masterplan aligned with the adopted Arun Local Plan. He stated that the submitted Framework Masterplan would enable both Officers and Members to robustly and comprehensively determine the detailed design of future planning applications on the site.

In opening up the debate, due to the Council's past experience, concerns were expressed around the actual delivery of the infrastructure required, particularly with regard to the provision of school and health facilities. It was stated that such provision **must** happen and it was advised that the Advisory Group too were of the view that health facilities had to be improved, with phasing not being acceptable. Member comments were made that the infrastructure providers should be represented on the Advisory Groups to ensure they were engaged early in the process, and that included County Highways as it was felt that highways matters needed to be addressed prior to reaching the planning application stage.

The Senior Planning Officer reassured Members that the issues raised had been noted and would be discussed with the relevant parties.

The Chairman thanked the Senior Planning Officer for his presentation and the Committee then

Subject to approval at the next Development Control Committee meeting

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RESOLVED

That the Land at West Bersted Framework Masterplan Version for Endorsement(update) 18723-SBR-ZZ-XX-RT-A-80204 Rev 13 be endorsed.

(The meeting concluded at 5.28 pm)

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Report following a request for further information, negotiations or consultation

REF NO: LU/91/19/PL

LOCATION: Various sites along
Littlehampton Promenade
Littlehampton

PROPOSAL: Change of use of parts of seafront for temporary food & drink outlets & other seaside uses together with associated temporary/portable structures & equipment for use by businesses associated with those outlets.

DEVELOPMENT CONTROL COMMITTEE (DCC) 26TH MAY 2020

This committee deferred the application so that the proposals be considered by the Littlehampton Regeneration Subcommittee.

Committee members in their discussion of the application expressed concerns relating to safety, the lack of detail being provided, the potential for restricted coach parking, rents in relation to such premium locations, the impact of a possible increase in day tripper numbers following the easing of lockdown restrictions due to the corona virus pandemic.

LITTLEHAMPTON REGENERATION SUB-COMMITTEE (LRSC)

The LRSC held its meeting on the 7th October. A copy of the report and printed minutes of the meeting have been forwarded to Development Control Committee members in advance of this meeting.

The LRSC resolved that it recommend to Development Control Committee that the planning application be approved and that restrictions be attached to the operational licenses ensure that the Riverside site only provides facilities relating to recreation and entertainment with no food or drink; and that the Banjo Road site will be restricted to food, but not alcohol, recreation and entertainment.

Members of the LRSC were made fully aware by officers at the meeting that Planning cannot impose conditions on the application to restrict the type of sales that it offers because there is no sound or robust planning reason for doing so. An Informative will be added to LU/91/19/PL to this end.

OTHER CONCERNS RAISED BY DCC 26 MAY

The size of the concessions, as explained by officers at the DCC 26 May, cannot be controlled by planning as the structures themselves do not require planning permission - it is only the use of the area to provide concessions that requires permission.

Again this can be an issue that could be controlled by the Property & Estates Department when awarding concessions.

Further research on coach parking figures has been carried out. The 2019 figures showed 5 days in July and 1 day in August when over 10 coach parking spaces were used with only 4 of these days being over 12 coach parking spaces being used. Banjo Road currently provides space for 20 coaches. It is proposed to retain 10 of these parking spaces. The parking profile for 2019 means that for future years 10 parking spaces is likely to cater for the majority of parking demand. Where it does not the overspill could be accommodated at the car park in the Leisure Centre.

CONCLUSIONS

The LRSC have shown their support, in principle, for this application. Planning permission is

recommended as per the attached report.

PLANNING APPLICATION REPORT

REF NO: AL/61/20/PL

LOCATION: Nyton Rest
Nyton Farm Shop
Nyton Road
Aldingbourne

PROPOSAL: Continued use of land for agricultural workers accommodation for a temporary period of 2 years comprising 14 No chalets, low level lighting, retention of existing hardstanding, utilisation of existing individual foul treatment plants and existing permitted access, and associated works. This application falls in CIL Zone 3 (Zero Rated) as 'other development'.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The site is one of the 4 permanent show persons plots approved by AL/47/14/PL and can lawfully be covered in hardstanding and have a certain number of caravans stationed on it. The applicant has chosen to station 14 chalets (hereafter called caravans) on the site, with 3 fire points and a washroom portable building. The site was completed in May 2020. Two of the caravans are for use by show persons (to act as site managers) and the other twelve by agricultural workers. Each caravan has three bedrooms and access to utilities. The caravans will be no higher than 3m from ground to roof.

The supporting statement mentions low level 'dwarf lighting' but there are no plans to show this. The site is accessed as per the existing arrangement from Nyton Road. The applicant has also now included provision within the layout for 4 parking spaces and a minibus drop off/pick up point.

SITE AREA 0.3772 hectares.

TOPOGRAPHY Predominantly flat.

TREES None affected by the proposed development.

BOUNDARY TREATMENT 2m high close boarded fencing to boundaries. There is an earth mound to part of the rear of the site.

SITE CHARACTERISTICS The development has been implemented and the site resembles what is described by the plans and set out in the "Description of Application" section above. Polytunnels, mobile homes and sheds shown on the proposed site plan are existing structures.

CHARACTER OF LOCALITY There are three permanent travelling show-persons plots on the adjacent land west, a further 11 such plots on land further to north west (approved by AL/107/18/PL in April 2019) and to

the east and south, the Aldingbourne Nurseries site (including Plymouth Brethren Church). To the north, is a large pony paddock. It is still considered appropriate to describe the area as rural.

RELEVANT SITE HISTORY

AL/23/17/DOC	Application for approval of matters reserved by condition imposed under AL/47/14/PL relating to condition No. 6 (Landscaping scheme), 7 (Plot boundary fences), 8 (Surface water drainage), 9 (Scheme to improve current site access) & 10 (Lighting)	DOC Part Approved 08-03-18
AL/47/14/PL	Change of use from agricultural land to provide 4 No permanent plots for travelling show people and a pony paddock. This application is a departure from the Development Plan.	ApproveConditionally 02-09-14

AL/47/14/PL was approved in September 2014 and allowed 4 No permanent plots for travelling show people with a pony paddock. Each plot was to be bordered by 2m high close boarded fencing with permeable hardstanding. The permission was subject to a condition limiting the occupancy of each plot to 1 household with no more than 8 mobile homes and 12 touring caravans stationed across 4 plots. Condition 6 (landscaping) is outstanding and the applicant has been reminded of the requirement to discharge this.

REPRESENTATIONS

Aldingbourne Parish Council object on the grounds that:

- (1) Loss of travelling show persons accommodation;
- (2) Countryside site so not in accordance with the development plan;
- (3) No clear evidence of an essential need for the agricultural workers accommodation;
- (4) No evidence as to whether the workers are required seasonally or all year round;
- (5) Not a sustainable location and therefore car reliant;
- (6) No information on level of occupation or trips to/from the site;
- (7) Parking needs to be clarified; and
- (8) Intensification of built development on this site leading to visual harm.

4 letters of objection raising the following concerns:

- (a) Visual harm to character & appearance of this rural area;
- (b) Harm to Conservation Area;
- (c) No on-site agricultural need;
- (d) Foul & Surface Water drainage issues;
- (e) Light pollution;
- (f) A29 here has no pavement/street lighting therefore not safe for pedestrians
- (g) Land is not previously developed;

- (h) Contrary to Aldingbourne Neighbourhood Plan;
- (i) Already hundreds of houses being built nearby;
- (j) The landowner is not the applicant; and
- (k) There are more than 14 caravans and the applicant is planning on putting in at least 40.

COMMENTS ON REPRESENTATIONS RECEIVED:

ALDINGBOURNE PARISH COUNCIL:

In respect of (4), there is no detail as to whether workers are required for a specific season, seasons or all year round. Given they will be bussed to nearby sites, it is likely they will be working on various agricultural operations over various seasons and so likely all or most of the year. The other matters will be discussed in the reports conclusions.

LOCAL RESIDENTS:

Items (a), (c), (f) & (h) will be considered in the report's conclusions

(b) Notwithstanding that the proposal is entirely within an existing fenced site, it is 322m from the Norton Conservation Area and 450m from the Church Road, Aldingbourne Conservation Area. As such there is no harm to the setting of these areas;

(d) Council drainage engineers raise no objection. The site has a foul sewer connection and the intensification of this is subject to separate Southern Water consent;

(e) The application mentions low level lighting but no details are provided. Details will be secured by condition;

(g) The site is part of an implemented permission for travelling show persons plots therefore has already been developed;

(i) Noted but the application does not require permanent residential dwellings;

(j) This is not required under the planning system; and

(k) There are no more on site than proposed. The applicant confirms no more are being delivered. Fire rules require 6m between caravans which reduces the amount of caravans that can be accommodated.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SOUTH DOWNS NATIONAL PARK AUTHORITY - object in regard to the degree of harm to the setting of the National Park landscape. Set out the following comments:

- the Council has a statutory duty to consider the Purposes of the National Park when making its determination. These being (1) to conserve & enhance the natural beauty, wildlife and cultural heritage of the area; (2) to promote opportunities for the understanding & enjoyment of the special qualities of the National Park by the public; and (3) to seek to foster the social and economic wellbeing of the local communities within the National Park;
- the Site is located within and surrounded by open countryside which has a close relationship to the boundary of the National Park, approximately 1,100 metres away to the north east, and consequently the setting of the National Park;
- the site and the wider area contributes to the undeveloped, rural and open character of the area, within the setting of the National Park;
- development within the setting of the National Park should positively contribute to ecosystem services and achieve environmental net gain;

- the hardstanding will detract from the natural, rural and undeveloped nature of the surrounding fields;
- the outbuildings, caravans and mobile homes will contribute to the suburbanisation and deterioration of the rural landscape, which is largely undeveloped and comprises large grazing/agricultural fields with defined hedgerows/tree lines;
- the site may also be visible from public rights of way in the vicinity (to the south west);
- in order to conserve the dark night skies within the National Park, lighting within its setting should be sensitive and positively respond to this designation; and
- there is no information on wildlife impact. This is of particular importance as the site falls within the 12km buffer of the Singleton and Cocking Tunnels SAC.

If the Local Planning Authority wish to grant permission it should consider additional landscaping, reducing the amount of hard surfacing, incorporating sustainable drainage systems to manage surface water runoff and seek to control lighting.

WSCC HIGHWAYS - request more information with the following comments:

- the plans show that the access width and gate set back is suitable.
- no visibility issues at the point of access onto Nyton Road and no personal injury accidents in the vicinity of the existing point of access within the past 5 years;
- the application states 18 car parking spaces are proposed but these are not shown;
- whilst access and routes in the site appear sufficient for these types of vehicles it is unclear how many workers will be accommodated and how many private car/minibus movements are anticipated;
- whilst there are some bus services running 500-600m of the site, there are no footways in this location to serve the bus stops and services to Chichester are infrequent;
- it is anticipated that trips will predominantly be by vehicle and thus the applicant should clarify how many cars/minibus trips are expected daily both to and from the site; and

ADC LANDSCAPE OFFICER - any comments to be reported at the meeting.

ADC DRAINAGE ENGINEERS - note that the existing hard standing has approval and has satisfied the surface water drainage condition in application AL/23/17/DOC. Therefore, request no conditions.

ADC ENVIRONMENTAL HEALTH - make no comments.

COMMENTS ON CONSULTATION RESPONSES:

SOUTH DOWNS NATIONAL PARK AUTHORITY - the site has a permitted use for the stationing of mobile homes for accommodation of travelling show persons. The permeable hardstanding has approval and there is similar existing development in the vicinity. Whilst the proposal is a more intensive use, it is not considered it results in significant adverse harm to the purposes of the National Park and the temporary use allows the local planning authority to review the impacts in 2 years.

WSCC HIGHWAYS - In response, the applicant has supplied an amended plan which includes 4 parking spaces and a minibus drop off/pick up point. Furthermore, a supporting letter dated 07/10/20 sets out the following additional information:

- No more than 3 people per agricultural worker chalet but likely a total occupancy of 30 people based on 6 no. chalets occupied by 2 no workers & 6 no. chalets occupied by 3 no. workers;
- There will be no spouses or children present on the site;
- No workers will have cars and therefore travel to agricultural sites will be by minibus (likely 17 seat capacity);

- 4 parking spaces are provided for visitors;
- Max of 2 minibus movements out and 2 minibus movements in per working day (which may include weekends);
- Visitor trips to the site are likely only in the evenings or on weekends when agricultural workers are on their free time. Therefore, likely 4 no. movements in and out by private cars;
- On a Saturday or Sunday there may be more social visits into and out of the site for those that remain on site over the weekend and this may result in perhaps an additional 4-8 no. car movements in and 4-8 no. out;
- Shopping will occur on trips back via minibus to the application site otherwise shopping trips will be made in workers free time and via local bus service or by cycle; and
- Parking for the two retained show person chalets will be alongside the particular chalet.

WSSC Highways have been asked to provide further comments based on the changes to the plan and the accompanying letter and any response from them will be reported at the Meeting.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;

CIL Zone 3;

Current/Future Flood Zone 1;

Within 12km of Singleton and Cocking Tunnels Special Area of Conservation; and

WSSC Mineral Consultation Area (Sharp Sand & Gravel).

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
HDM3	H DM3Agricultural forestry and horticultural Rural dwellings
HSP5	H SP5 Traveller and Travelling Showpeople accommodation
HWBSP1	HWB SP1 Health and Wellbeing
LANDM1	LAN DM1 Protection of landscape character
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Joint Minerals Local Plan 2018:

	Joint West Sussex M9 Safeguarding Minerals
<u>Aldingbourne Neighbourhood Plan 2016 POLICY EH1</u>	Resist development outside
Aldingbourne Neighbourhood Plan 2016 POLICY EH10	Unlit village status
Aldingbourne Neighbourhood Plan 2016 POLICY GA1	Promoting Sustainable movement
Aldingbourne Neighbourhood Plan 2016 POLICY GA3	Parking and new development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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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.

Policies of the Aldingbourne Neighbourhood Development Plan (ANDP) are considered in this report. Aldingbourne Parish Council are working on a new Plan which has been submitted for Regulation 14 consultation. In accordance with para 48 of the NPPF, it is necessary to have regard to it as a material planning consideration.

The emerging ANDP replaces one policy (H1), adds two new policies (EH1 2019 & EH2 2019) and amends a fourth (LC7). In the context of this report, it is relevant to note that policy H1 (housing design) is to be replaced with a housing allocations policy concerning two large sites in the area and that EH2 2019 sets policy for the Singleton and Cocking Tunnels SAC (albeit only for the development of greenfield sites - so not relevant to this application).

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with relevant Development Plan policies in that it proposes development in the countryside not in accordance with policy C SP1 or with any other policies in the Local Plan. The proposal results in a loss of existing Travelling Show persons accommodation in conflict

with policy H SP5. The temporary retention of this development would not result in significant or adverse harm to the landscape and character of the area, the safety of the local highway or the amenities of nearby occupiers.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the plan unless material considerations indicate otherwise. The development plan comprises the Arun Local Plan (ALP), the Aldingbourne Neighbourhood Development Plan (ANDP) and the West Sussex Waste and Minerals Plans.

ALP policy C SP1 states development in the countryside will only be permitted where it relates to certain criteria or is in accordance with other policies in the Plan which refer to a specific use or type of development. Policy H DM3 "Agricultural, forestry and horticultural rural dwellings" is relevant and so it is necessary to assess the proposal against its criteria.

ANDP policy EH1 states development will not be allowed outside of the built up area boundary except where it is in accordance with development plan policies in respect of the countryside. As such, the proposal would be in accordance with EH1 if it meets the criteria of ALP policy H DM3.

ALP policy H DM3 allows for temporary accommodation for seasonal horticultural workers but only in exceptional circumstances where there is clear evidence that the structures are absolutely essential for the provision of staff accommodation to facilitate the economic running of a farm or horticultural holding and subject to criteria.

The applicant does not refer to this policy in the supporting statement but there is a short statement as to need which is summarised below:

- Due to the Covid-19 Pandemic, there is a requirement for some 80,000 agricultural workers in the UK (source: www.fwi.co.uk/business/business-management/staff/coronavirus-uk-eases-restrictions-on-foreign-seasonal-workers); and
- The majority of these are likely to be required in the south of England.

This is not considered to make an exceptional case to demonstrate the need for these workers. The accommodation is not to assist with agricultural activities on the site and workers will be bussed to nearby locations. The applicant does not talk about alternative locations. Criteria (b) to (g) are met as is demonstrated by the report.

The Council recently dealt with applications for agricultural workers accommodation at Newlands Nursery, Pagham which were submitted due to the impending closure of accommodation at Bracklesham Bay. Given these applications were refused, it is likely that there is still demand in the area for new accommodation. This is illustrated by the fact that the caravans have already been sited and occupied by agricultural workers.

Nevertheless, the proposal does not accord with development plan policy concerning proposals in the

countryside. This conflict will need to be weighed against any material planning considerations.

IMPACT ON SPECIALIST ACCOMMODATION:

ALP policy H SP5 states permission will not normally be granted for development involving the loss of lawful accommodation for Gypsy and Travellers and Travelling Showpeople unless alternative provision is made to make good any loss.

The site has permission as a travelling show persons plot and can be occupied by one household unit. The proposal retains an existing mobile home in one corner of the site and includes two caravans occupied by travelling show persons who will act as on-site managers therefore there is not a total loss of the approved accommodation and the amount of show person accommodation will slightly reduce. This loss will not be permanent as permission is sought for two years. Whilst there is conflict with policy H SP5, it is not significant.

ACCESS & PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. It states: "The Council will support transport and development which: explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, T SP1 states: "The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking". Policy T DM1 requires development be located in easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards the provision of a joined-up cycle network and Public Rights of Way network.

ANDP Policy GA1 seeks to promote sustainable (non-car) forms of transport. It requires development to be located in places accessible to public and community transport. ANDP policy GA3 requires that parking be provided in accordance with the standards adopted at the time.

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 site is lawfully occupied as a travelling show persons site and the access serves a residential barn conversion (former Nyton Farm Shop). WSCC Highways raise no concerns with the existing access which has good visibility and has not been subject to any accidents in the last 5 years.

Whilst the nearest bus stops are 360/460m from the site entrance to the south east, this site is not considered to be a sustainable location for development as there is no pavement on Nyton Lane and no footpaths otherwise connecting the site. Cycling would be a viable option as it is not too far to Westergate however, it is considered that persons living on the site will be largely reliant on a vehicle to access places of work and facilities/services. The proposal conflicts with ALP policy T DM1 and with ANDP policy GA1.

WSSC Highways requested details of parking provision and likely movements to/from the site. The applicant has now provided a revised plan showing 4 visitor spaces plus has indicated that the two retained show person chalets will have their parking alongside.

The Arun Parking Standards SPD does not set out parking standards for caravans or agricultural workers accommodation and it is not appropriate to impose the residential standard (which would equate to 28 allocated spaces and 2 visitor spaces). It is not considered that car ownership amongst workers will be high and therefore the provision of the spaces indicated on the plan is appropriate. WSSC Highways have been asked to provide further comments based on the changes to the plan and the accompanying letter and any response from them will be reported at the Meeting.

The proposal conflicts with ALP policy T DM1 & ANDP policy GA1 but is in accordance with ALP policy T SP1. There is no conflict with the parking policies in the development plan.

LANDSCAPE & VISUAL IMPACT

Policy D DM1 requires development makes the best possible use of land by reflecting or improving upon the character of the site and the surrounding area, in terms of scale, siting, layout, density, building materials and landscaping. It states development is expected to incorporate existing and new tree planting as an integral part of proposals. LAN DM1 states "Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas".

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

The site is a part of a larger site with permission for 4 travelling show person plots. Each plot is fenced, has a mix of hardstanding and grass and can be occupied by mobile homes, touring caravans and other vehicles. Outside of these areas, the wider site has a large area of hardstanding and other built features. The site benefits from a dense tree screen along the southern and eastern boundaries to the adjacent Aldingbourne Nurseries site. The level of planting along the Nyton Road frontage is such that there are no views of the site.

The development is entirely single storey with no development higher than 3m and it will not be seen from nearby public viewpoints. It may be possible to view the site from higher ground to the North but at such a long distance, it is considered that the caravans will readily assimilate in the landscape particularly noting the approved show persons plots on site and the adjacent site to the west/northwest.

It is not considered additional landscaping is required. The landscaping condition on AL/47/14/PL remains outstanding and the submission of this (as requested) will assist with further greening of the site. Whilst not essential to the application, this would have a positive benefit on the landscape.

The proposal is not considered to result in harm to landscape character (including the setting of the National Park) or local visual amenity and is not in conflict with ALP policies D DM1 and LAN DM1.

RESIDENTIAL AMENITY:

Policy D DM1 requires the Council have regard to certain aspects when considering development

including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." Policy QE SP1 states the Council will ensure development does not have a significantly negative impact upon residential amenity.

The nearest bricks & mortar housing is 4 Aldingbourne Nurseries approx. 80m to the south east or 1 Aldingbourne Barn (former Nyton Farm Shop), some 64m to the north east. These are too far away to be affected. There are existing residential mobile homes on site and on adjacent plots and these are much closer. The single storey nature of the caravans/mobile homes and the existing 2m high screen fencing means there will be no direct line of sight to/from the site therefore no loss of privacy or loss of light. Therefore, there is no conflict with policies D DM1 or QE SP1 in respect of residential amenity.

LIGHT POLLUTION:

ALP policy QE DM2 states new outdoor lighting should not have any adverse impact on neighbouring uses or the wider landscape, particularly with regard to the South Downs International Dark Sky Reserve designation. Light levels should be the minimum required for security and working purposes. ANDP policy EH10 states proposals which detract from unlit environments of the Parish will not be supported and that new lighting will be required to conform to the highest standard of light pollution restrictions in force at the time.

The application discusses dwarf lights but provides no details. A condition should be imposed to secure these details. The fact that lighting is described as "dwarf" suggests it will be low level and not likely to be particularly noticeable in the night sky. The other show person plots on the wider site have a mix of 3m high column lights, gate mounted lantern lights and lights attached to the mobile homes. As such, the addition of new low level lighting will not result in a new source of light in the nightscape.

It is not considered that there is any conflict with ALP policy QE DM2 or ANDP policy EH10.

BIODIVERSITY:

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

ANDP policy EH6 states proposals must be designed to incorporate biodiversity and enhance ecological networks to contribute to the Government's target to halt the decline in biodiversity by aiming for a net gain for nature.

The site is in 12km of the Singleton and Cocking Tunnels Special Area of Conservation. Policy SD10 of the South Downs National Park Local Plan states that development proposals on greenfield sites or in close proximity to woodlands and hedgerows should ensure that key features (foraging habitat and commuting routes) are retained.

This site is not green field and is not adjacent to woodland although the south and east boundaries are marked with trees. The site has permission as a travelling show persons plot and the development does not result in loss of trees. The condition on lighting will be assessed to ensure lights are bat friendly. Therefore, there will be no harm to bats crossing the site or otherwise using nearby trees.

The application does not include measures to improve biodiversity but this is not reasonable as the site is not greenfield and has already been developed. The proposal does not improve biodiversity but is not

considered to result in any harm therefore, on balance it is in accordance with ALP policy ENV DM5 and ANDP policy EH6.

MINERALS:

The site is located in a Sharp Sand and Gravel Mineral Safeguarding Area defined by the West Sussex Joint Minerals Local Plan (2018). Policy M9 (b) states proposals for non-mineral development within the Minerals Safeguarded Areas will not be permitted unless: (i) Mineral sterilisation will not occur; or (ii) it is appropriate and practicable to extract the mineral prior to the development taking place, or (iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.

In respect of this site, given it already has permanent permission as a travelling show persons plot, it is not considered that extraction of minerals under the site would be possible. Such extraction is unlikely to be practical given the size of the site and the proximity of existing residential occupiers.

The proposal does not strictly comply with the criteria in Policy M9 but it is considered that the conflict should be afforded very low weight.

SUSTAINABLE DEVELOPMENT & NPPF PRESUMPTION:

Policy SD SP1 "Sustainable Development" states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Para 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Para 11 of the NPPF sets out the application of the 'presumption' for sustainable development which is triggered where the Council's policies most important for determining the application are out-of-date. The Council can demonstrate a Housing Land Supply (HLS) of 2.9 years and there is a significant shortfall and hence, its policies most important for determining applications for residential development are considered to be out of date.

To be able to benefit from the presumption, the proposal must be assessed as being sustainable development and this assessment should consider environmental, social and economic factors. As has been considered, the site is not sustainably located and access to/from the site will largely be reliant on a vehicle which will have some harm to the environment. There is a slight social impact in respect of the lowering of accommodation for travelling show persons. The accommodation of persons working on agricultural sites in the area will be positive to the economy. On balance, it is not considered the proposal represents sustainable development and the presumption is not triggered.

SUMMARY:

This proposal is contrary to development plan policy in respect of development in the countryside, development that is vehicle reliant and the slight loss of existing traveller and travelling showpeople accommodation. However, in respect of the countryside location, it is not considered this should automatically results in a refusal unless there is corresponding harm.

The report demonstrates there will be no visual harm to the landscape, on highway safety or on biodiversity. It is material that the applicant applied for a temporary 2-year permission and the accommodation is required to satisfy a pressing need for agricultural workers. This temporary permission means there will be no permanent harm to the countryside and no permanent loss of show person accommodation. It is considered that this material consideration allows for a decision to be taken

other than in accordance with the development plan.

It is recommended that permission is granted in accordance with 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 not CIL liable as caravans are excluded from the regulations.

RECOMMENDATION

APPROVE CONDITIONALLY

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

Location and Block Plan;
Proposed Site Plan ref 1483-02 Rev B; and
Proposed Sections ref 1483-04 Rev A.

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

- 2 The agricultural workers chalets shall cease to be occupied after 2 calendar years from the date of this permission. Thereafter, the chalets and other operational development hereby permitted shall be removed from the site and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, within 2 calendar months of the cessation of the use.

Reason: The applicant has requested a 2 year temporary permission and a permanent permission would not be in accordance with the Arun Local Plan, policies C SP1 and H DM3.

- 3 Within 2 months of the permission being granted, the approved car parking spaces shall be fully laid out and clearly marked out. Thereafter these areas shall not be used for any purpose other than for the parking of vehicles.

Reason: In the interests of ensuring sufficient vehicle parking and highway safety within the development in accordance with policy T SP1 of the Arun Local Plan.

- 4 Within 2 months of the planning permission being granted, the applicant shall submit full details of external lighting in use or required on the site to the Local Planning Authority for approval in writing. The details shall include the type of light appliance, the height and position of fittings, illumination levels and light spillage. The scheme should seek to conform with the recommendations within BS5489:1-2013 but minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and thereafter maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 5 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.

- 6 INFORMATIVE: The applicant is reminded that the landscaping scheme condition 6 imposed on AL/47/14/PL has not been agreed and therefore an application should be submitted to rectify this situation immediately.

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)

AL/61/20/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: BN/50/20/PL

LOCATION: Land west of Fontwell Avenue
Fontwell Avenue
Eastergate
PO20 3RX

PROPOSAL: Demolition of existing structures on-site & erection of 42 No. dwellings with access, parking, landscaping & associated works. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

42 dwellings consisting of 4 x 1 bed, 12 x 2 bed, 22 x 3 bed and 4 x 4 bed. 13 will be affordable homes. Included in the mix are 4 flats (in a two storey block) and 4 "Flat over Garage" (FOG) dwellings.

The site has a new vehicular access on the Fontwell Avenue frontage. This and the visibility splays require the removal of 13 category B trees and the hedgerow on Fontwell Avenue. A new section of footway will run south of the vehicular access and allow pedestrians to cross Fontwell Avenue via a new crossing island to the footway on the other side. Fontwell Avenue will be widened (using land on the west side of the road) to accommodate a new southbound right turn lane and the pedestrian island. There will be a pedestrian access to Level Mare Lane to the north (in the same position as the existing unmade vehicular access).

Additional hedgerow is to be removed on the south boundary due to the need for parking spaces. This and other tree loss will be compensated for through tree planting and new native hedge and shrub planting on site boundaries. The layout includes 3189m² of Public Open Space (POS) to include landscaping and play areas.

Parking is in the form of allocated spaces (64), garage spaces (22) plus unallocated visitor spaces (9). Cycle stores are not shown so will be subject to a condition (albeit that the 22 garage spaces are of the required dimensions to allow for cycle storage).

Two communal bin stores are shown but there are no elevations so will be covered by condition. Boundaries are to be a mix of timber fencing/brick walls as indicated by the plan in the Design & Access Statement. Hard surfacing is

permeable block paving, tarmac, concrete slab paving & resin bound gravel. Lighting is in the form of 4m and 6m column lights, details will be subject to a condition.

The Design & Access Statement refers to materials being predominantly red stock brick with plain clay tiles and painted brick on key buildings and some reconstituted slate roofing & weatherboarding.

SITE AREA	1.85 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	22.7 dwellings per hectare.
TOPOGRAPHY	The land gently slopes from Level Mare Lane (circa 18.6m AOD in the North-west corner down to Fontwell Avenue in the South-east at 16.3m AOD). Over a distance of some 195m this results in an approximate gradient of 1:85.
TREES	There are significant trees on boundaries but only 3 small trees in the site. The proposals protect and retain trees on the west side of the site (off-site), to the north boundary and in the south east corner.
BOUNDARY TREATMENT	1.4m high electric fence behind 2m high hedges/significant tree planting to boundaries. The south boundary has a mix of electric fence, wire fencing and a 4m high section of hedge.
SITE CHARACTERISTICS	The site comprises agricultural land currently grazed by horses in association with a private stables and manege at 1 Northfield Cottages. The site has an unmade vehicle access from Level Mare Lane on the northern boundary. There is an enclosed substation on the north boundary. Part of the site at the south end includes a section of a storage shed and metal containers.
CHARACTER OF LOCALITY	Rural in character with very few neighbouring residential properties. The area is not densely populated and is largely characterised by open agricultural land and fallow fields, some in equine use.

To the south is 1 Northfield Cottages with its own stable buildings, manege, large car park and ancillary buildings. Beyond this is 2 Northfields Cottages, a dwelling. To the west lies open fields. To the North, beyond Level Mare Lane is more open land including parts of the racecourse. To the east on the opposite side of Fontwell Avenue lies a mix of open land and dwellings.

The nearest dwellings are too far away such that there is no need to describe facing windows.

PLANNING HISTORY:

This site was subject to two pre-application enquiries in November 2017 for 52 dwellings and in October 2018 for 32 dwellings. Both were considered inappropriate although this was largely as a result of the Council being able (at that time) to demonstrate a 5-year Housing Land Supply.

REPRESENTATIONS

Barnham & Eastergate Parish Council object for the following reasons:

- (1) Application is premature as site was to be considered in Neighbourhood Plan Review;
- (2) Site is affected by flooding on the east side of the site;
- (3) Loss of trees and hedgerow;
- (4) No provision for access to public transport;
- (5) No provision for extensions to the footpath and cycle path network;
- (6) No land allocated for allotments; and
- (7) Breaches NP policy H3 in respect of % of 1 & 2 bedrooms.

Walberton Parish Council have objected on the grounds that:

- (a) Outside the BUAB and not allocated in the Development Plan;
- (b) Loss of agricultural land;
- (c) Loss of hedges and trees;
- (d) More information required as to biodiversity net gain;
- (e) Bats may be harmed;
- (f) Developer is capitalising on the impact of Covid-19 on the housing land supply;
- (g) Application is misleading in respect of HELAA reference and this should be afforded low weight;
- (h) Traffic safety issues with the new access;
- (i) Insufficient parking provision;
- (j) The Travel Plan is unsatisfactory;
- (k) Unsustainable location for development;
- (l) No provision for extra infrastructure;
- (m) Increased surface water runoff causing flooding elsewhere;
- (n) Southern Water have not responded regarding foul drainage; and
- (o) Lack of pre-submission public consultation.

21 letters of objection raising the following issues:

- (1) Site is not allocated in the Development Plan;
- (2) Increased traffic on A29 Fontwell Avenue;
- (3) No provision for extra infrastructure;
- (4) Loss of agricultural land;
- (5) Housing density is out of character;
- (6) Flooding;
- (7) Bus timetable provided in the supporting timetables is incorrect;
- (8) Harm to wildlife including bats, reptiles, birds, butterflies;
- (9) Unsustainable location - occupiers will not walk anywhere and instead just use cars;
- (10) Unconnected form of development;
- (11) Unfair ADC only accept comments online particularly as lack of newspaper coverage due to Covid;
- (12) Insufficient number of yellow notices;
- (13) Footway on eastern side of Fontwell Avenue is not wide enough;
- (14) Harm to rural character of Fontwell Avenue;
- (15) Loss of trees and vegetation;
- (16) Overlooking of houses on the opposite side of Fontwell Avenue; and
- (17) The HELAA should be afforded low weight.

COMMENTS ON REPRESENTATIONS RECEIVED:

The following comments are offered in response to the Barnham & Eastergate Parish Council objection:

- (1), (2), (3) and (4) are considered in the report conclusions;
- (5) It is not appropriate to require new foot or cycleway on the site frontage as there is nothing to the north or south that this would link to;
- (6) The Arun Open Space SPD requires contributions for allotment provision on sites of 52 dwellings or more therefore there is no requirement to make such provision on this site; and
- (7) Policy H3 states no more than 25% of dwellings should have 1 or 2 bedrooms whereas this development proposes 38%. This conflict will be discussed in the conclusions.

The applicant has made the following points in response:

- As part of the Neighbourhood Plan review, a site assessment report was produced on behalf of the Barnham and Eastergate Neighbourhood Plan Team and this considers the site to be "suitable for further consideration";
- It was not possible to agree with WSCC Highways to take access from Level Mare Lane therefore no way of avoiding the tree loss. This will be compensated by higher quality trees and hedgerow specimens;
- The site is sustainably located with facilities in walking distance and there is a bus stop on the opposite side of Fontwell Avenue;
- Proposal includes new pedestrian provision through the site from Fontwell Avenue/Level Mare Lane;
- Within the central POS, the planting scheme will include areas of edible varieties, including orchard species, berries and herb spices which can be picked by local residents; and
- Policy H3 is superseded by the more up-to-date Local Plan.

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

- (a), (b), (c), (g), (h), (j), (k) and (m) are considered in the report conclusions;
- (d) The applicant has provided an Ecology Enhancement Plan and accompanying specification and this has been accepted by our ecologist;
- (e) The proposal has been subject to wildlife surveys which have been appraised by the Council's ecologist who raises no objection subject to conditions;
- (f) Covid-19 is likely to have an impact on the Council's Housing Land Supply situation;
- (i) The Travel Plan has been agreed by WSCC Highways;
- (l) The application will be subject to a CIL contribution which will be used to fund infrastructure improvements. This is considered further in the report conclusions;
- (m) Flooding & drainage are considered in the report conclusions;
- (n) Southern Water commented on the 18th June 2020; and
- (o) There is no formal requirement to carry out pre-submission public consultation.

The following comments are offered in response to the resident objections:

- (1) - (4), (6), (8), (9), (14), (15) & (17) Refer to above responses;
- (5) Character and density are considered in the report conclusions;
- (7) The timetable can be easily checked online;
- (10) It is accepted that the development will not be connected to existing housing developments;
- (11) Noted;
- (12) 5 site notices were posted on Fontwell Avenue and 1 on Level Mare Lane;
- (13) It is accepted that it is of limited width;
- (16) Overlooking is considered in the report conclusions however the Council's standards require 21m

between two storey houses and the distance between the new dwellings and those on the opposite side of Fontwell Avenue is at worst, 26m.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY - no objection subject to conditions covering drainage (no infiltration to ground unless approved) contamination and foundation types.

HIGHWAYS ENGLAND - no objection on the basis that the application make an appropriate contribution to the A27 mitigations agreed in the adopted Arun Local Plan.

NATURAL ENGLAND - no objection

SOUTHERN WATER - no objection subject to condition and an informative.

SOUTH DOWNS NATIONAL PARK AUTHORITY - no objection. State that:

- The site is some distance from the South Downs National park and we have no comments to make in terms of direct landscape or visual impacts;
- Matters relating to biodiversity, dark night skies, and loss of minerals resources do potentially have impacts upon the SDNP or its setting;
- Development of the site would entail the removal of a section of hedgerow and young trees in order to create safe visibility splays. If this is essential, then these should be replaced by native hedgerow and tree species and a net gain in biodiversity should be secured;
- Lighting outside of the SDNPA can have a negative impact within it and a condition should be imposed to control the details of lighting.

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

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

- Current surface water mapping shows that the proposed site is at low risk from surface water flooding although the adjacent carriageway is shown to be at higher risk;
- Area of development shown to be at high risk from groundwater flooding based on current mapping but this does not mean the site will suffer flooding;
- The potential for ground water contamination within a source protection zone has not been considered by the LLFA;
- No ordinary watercourse in close proximity to the site; and
- No records of historic surface flooding within the confines of the site.

WSCC MINERALS & WASTE - no objection with the following comments:

- The site is located in an identified safeguarding area for Sharp Sand and Gravel and the proposed development would sterilise the mineral resource;
- The supplied Mineral Resource Assessment concludes that sand and gravel underlying the site has a high clay content, would require considerable processing, and thus is of a poor quality/unattractive for use by the mineral industry;
- It suggests that any substantive prior extraction of the mineral would require backfilling, which would likely render the site unsuitable for the proposed non-mineral development;

- Given the limited quantity of the resource at the site (<50,000 Tonnes), limited size of site that could not support the required processing infrastructure (<2ha), and poor quality of the material (high clay content), prior extraction is unlikely to be practicable;
- ADC need to be satisfied that there is an overriding need for the non-mineral development that outweighs the safeguarded resource as per Policy M9 (b) (iii) of the Joint Minerals Local Plan (2018);
- The site is in 350m of a safeguarded scrap vehicle waste site and ADC should be satisfied that the development would not prevent or prejudice the operation of this existing waste infrastructure as per Policy W2 of the West Sussex Waste Local Plan (2014); and
- ADC should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste.

WSCC HIGHWAYS - no objection subject to conditions. Comment that:

- In comments dated 29/07/20, requested further clarification and detail on the submitted Departure from Standard forms and that the proposed garage dimensions be enlarged to meet 3m by 6m.
- These forms have now been submitted and the garages amended.
- The revised forms now refer to DMRB CD 123 Rev 1 and traffic flows have been clarified as per day. It was also clarified that 85th percentile vehicle speeds at the time of the speed survey were a mixture of dry and wet weather and that the access has been designed to design speed of 70kph whereas the surveys revealed mixed weather speeds of 66kph;
- These forms have been fully reviewed by the WSCC Highway Design;
- It is considered that a robust design and visibility parameters have been applied;
- More information has been submitted in terms of mitigation/compensatory measures; and
- The proposal will not would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

PORTSMOUTH WATER - no objection provided all requested conditions (surface water drainage, foul drainage, construction management plan & no piled foundations) are imposed. Comment that:

- The site lies 151m south of a potable abstraction owned by Portsmouth Water and is located within the Source Protection Zone 1c (SPZ1c) for this Public Water Supply Source;
- Subterranean activities such as deep drainage solutions and/or piling may pose a risk to groundwater quality at the local public water supply source; and
- All measures to prevent pollution during and post construction are required in order to safeguard the local public water supply.

ADC DRAINAGE ENGINEERS - Advise no objection with standard pre-commencement conditions. Comment that:

- As the site lies in a source protection zone, infiltration to ground may not be possible and any discharge will need to be treated first;
- There are current issues with the drainage scheme, for example the lack of sufficient cover depth over soakaways;
- The applicant made improvements and the detail can now be left to pre-commencement conditions;
- Portsmouth Water and the Environment Agency will need to review the final drainage strategy prior to approval as a result of the source protection zone and the proximity of potable water abstraction borehole; and
- Should the applicant not accept these conditions we would object to and recommend refusal.

ADC HOUSING STRATEGY & ENABLING MANAGER - requires the 13 affordable dwellings be secured by S106 Legal Agreement with tenure split of 75% rented/25% intermediate housing with the mix being: 3 x 1 bed, 5 x 2 bed, 2 x 3 bed (rented) and 1 x 1 bed, 1 x 2 bed, 1 x 3 bed (intermediate).

ADC ENVIRONMENTAL HEALTH - no objection. Request conditions on noise/odour pollution, air quality, electric vehicle charge points, construction management, contamination and lighting.

ADC TREE OFFICER - proposal should be achievable in arboricultural terms with conditions but there are areas of concern and as such, cannot fully support the proposal:

- There is much to commend the layout in respect of no impact to the majority of trees along west and north boundaries;
- Disappointed in loss of the well-maintained native hedgerow/distinctly individual trees to the west boundary;
- If there is no alternative to this removal then mitigation must be ambitious and any planting scheme to be dominated by the selection of native tree species of potential stature (min. 10-15m ht.);
- Conflict between the location of protective fencing and carriageway turning point at SW corner of site will need to be addressed during any subsequent revision of the Tree Protection Plan;
- Note that no approved surface water drainage plan and consider this could result in further tree conflicts; and
- Have a concern with underground services in RPA of Trees 9 & 10 and requests that this be revised.

ADC LANDSCAPE OFFICER - no objection on landscape/open space grounds. Request a landscape condition. Note no details of drainage and state these should not be considered in POS areas.

COUNCIL ECOLOGIST - no objection subject to conditions to secure retention/enhancement of hedges, protection of retained hedges during construction, secure details of the lighting scheme, protection of badgers during construction, protection of birds nests and wildlife enhancement measures.

COUNCIL ARCHAEOLOGIST - no objection subject to condition. There is some potential for archaeological interest of local significance in the development area and adverse impact on it could be mitigated through the implementation of an appropriate scheme of archaeological investigation.

THE GARDENS TRUST - no objection and no conditions. State the site is a considerable distance away from the registered area of Denmans Garden and the intervening field and road boundaries are strong with mature trees. Denmans Garden itself has similar screening on its eastern margin. Hence the proposals are unlikely to affect the significance of Denmans Garden.

COMMENTS ON CONSULTATION RESPONSES:

HIGHWAYS ENGLAND - Highways England have been advised that this contribution cannot be secured through a Section 106 and they instead need to bid for monies from the CIL collected. As per the Highways England response it is not necessary to notify the Secretary of State of any decision that does not include such a contribution.

ADC DRAINAGE ENGINEER - The applicant has agreed to the standard drainage condition no. 10.

ADC TREE OFFICER - The applicant has made changes to the Tree Retention and Protection Plan and the proposed tree protection conditions have been updated. The Tree Officer has been invited to make further comments.

ADC LANDSCAPE OFFICER / TREE OFFICER - The lack of drainage detail is noted but can be agreed through a condition and if the applicant is unable to provide a scheme that does not take away POS space then it will not be possible to discharge the condition and the applicant may instead need to resubmit the application to re-agree the layout.

COUNCILs ECOLOGIST - It is not possible to impose a condition to protect birds nests as this is covered by separate legislation and would therefore fail to meet the 6 tests as per para 55 of the NPPF.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary (BUAB);

CIL Zone 3;

Area of Special Control of Adverts;

WSCC Mineral Consultation Area (Sharp Sand & Gravel);

Part within 500m of WSCC Waste Consultation Area (Sussex Recovery Centre, Fontwell Avenue);

Part within the Lidsey Treatment Catchment Area (eastern edge of the site);

Within 12km of Singleton & Cocking Tunnels SAC;

(Water) Source Protection Zone; and

Part 1:1000 year Surface Water Flood Zone (eastern edge of the site opposite Wandleys Lane junction).

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land

QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TELSP1	TEL SP1 Strategic delivery of telecomms infrastructure
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Joint Minerals Local Plan 2018:

Joint West Sussex M9 Safeguarding Minerals

West Sussex Waste Local Plan 2014:

West Sussex W2 Safeguarding Waste Management Sites

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES1

Applications for new development must meet the local drainage requirements

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES4

Protection of open views

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES5

Quality of design

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES6

Contribution to local character

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES8

Buildings should be designed to reflect the three-dimensional qualities of traditional buildings

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES10

Trees and hedgerows

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES11

Energy efficiency of new development

Barnham & Eastergate Neighbourhood Plan 2014
POLICY GA1

Connection to sustainable transport

Barnham & Eastergate Neighbourhood Plan 2014
POLICY GA2

Footpath and cycle path network

Barnham & Eastergate Neighbourhood Plan 2014
POLICY GA4

Parking and new development

Barnham & Eastergate Neighbourhood Plan 2014
POLICY H2

Windfall sites

Barnham & Eastergate Neighbourhood Plan 2014
POLICY H3

Housing mix

Barnham & Eastergate Neighbourhood Plan 2014

Integration of new housing into surroundings

POLICY H4

Barnham & Eastergate Neighbourhood Plan 2014 Outdoor space

POLICY H5

Barnham & Eastergate Neighbourhood Plan 2014 Attention to detail

POLICY H6

Barnham & Eastergate Neighbourhood Plan 2014 Drainage for new housing

POLICY H7

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. The relevant policies of the Barnham and Eastergate Neighbourhood Development Plan are considered within this report.

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 the relevant development plan policies in that it would result in development outside of the defined settlement boundary in the Arun Local Plan and is not a small scale development so does not comply with the Barnham and Eastergate Neighbourhood Development Plan. In addition, there is conflict with the Council's soils policy.

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

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

However, section 38 (5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Any conflict between the BENDP and the ALP, should therefore be resolved in favour of the latter.

Development policies that relate to the supply of housing in the Local Plan (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land (only 2.9 years). Policies in the BENDP that relate to the supply of housing (H2) have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

Para 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. Criteria (a) to (d) are not applicable because the Neighbourhood Plan was made over two years ago. The presumption in favour of sustainable development is unaffected by the Neighbourhood Plan.

The Arun Local Plan:

The key policy considerations in the determination of this application are considered to be H SP1, SD SP1 and C SP1 of the Arun Local Plan.

Policy H SP1 "The Housing Requirement" sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional non-strategic allocations being made across the District through reviews of Neighbourhood Plans and in cases where there is no up-to-date Neighbourhood Plan, through the publication of a "Non-Strategic Site Allocations Development Plan Document". However, it is no longer planned to prepare such a document and instead the Local Plan will be subject to a formal review. Barnham and Eastergate Parish are however working on a review of their Neighbourhood Plan.

Policy SD SP1 "Sustainable Development" states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will work to secure

development that contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

Whilst the site is rural in character and is some distance from the nearest settlement, it is roughly equidistant between the edge of the Eastergate BUAB to the south west (210m) and a large site known as "East of Fontwell Avenue" to the north east (280m). The latter has outline permission for 400 homes, up to 500m² of retail/community space, 5000m² of light industrial floorspace, public open space, play areas and allotments. This site will provide residential occupiers in the area with additional shops/facilities & places of employment thus potentially reducing car based journeys.

The applicant has provided a diagram in their Design & Access Statement which demonstrates that within a 800m (10min) walking distance of the site are bus stops, a shop/post office and a doctors surgery. In addition, there are bus stops within a 500m (6min) walking distance. There are further facilities in a 15 or 20min walking distance.

Whilst the private car could be required for longer distances, residents would not need to rely on a car for local journeys. The proposal includes a Travel Plan which is designed to encourage site users to travel by sustainable modes. Residents would be provided with a free £150 voucher towards cycling equipment/bus passes to be funded by the applicant.

Policy C SP1 "Countryside" 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. It is noted that none of these relate to the proposal. As this site lies outside the nearest BUAB it is categorised as being in the countryside and the scheme conflicts with ALP policy C SP1.

Barnham and Eastergate Neighbourhood Development Plan (BENDP):

The BENDP was made in July 2014 on the basis of the saved policies in the 2003 Arun Local Plan and the draft policies in the 2014 publication version of the emerging Arun Local Plan. The BENDP does not set a built up area boundary and policy H2 simply states that "Permission will be granted for small residential developments on infill and redevelopment sites within the parishes subject to the policies of this plan being met." The policy does not define what is considered small but in the context of the size of the site/number of units and the surrounding low density built form & semi-rural environment, it is not considered that this proposal would be considered small-scale. For this reason, it would be considered to conflict with policy H2.

The National Planning Policy Framework (NPPF):

The NPPF is an important material consideration in determining planning applications. As discussed below under "Other Material Considerations", the Council cannot demonstrate a 5-year Housing Land Supply (HLS) and para 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

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

Part (i) does not apply to this determination as the site does not lie in a protected landscape. The part (ii)

test will be applied at the end of this report.

Other Material Considerations:

The following is a discussion of material considerations which may indicate that the proposal should be determined other than in accordance with the development plan.

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

The Council will update its position in December 2020. The Council needs to consider the effects of Covid-19 on the economy and housing market and it is not likely that the Council will be able to demonstrate a 5 year HLS by December.

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

The Council's Action Plan (June 2019) makes a series of recommendations to boost housing delivery. This includes relying on the 'presumption in favour of sustainable development' until such time as the 5-year housing land supply is re-established and the HLS is progressed through plan making. It recommends the Council consider inviting applications from landowners/developers on 'deliverable' HELAA sites to re-establish the 5 year housing land supply. The release of further land for housing will help to maintain delivery rates and this may have to include sites outside the built up area boundary. It would be preferential if such sites were located close to the edge of the BUAB and in sustainable locations which minimise the need to use the private car.

This site (NEWEG2) is shown in the 2019 HELAA and considered to be available and suitable in principle for future housing potential, possibly in conjunction with adjacent sites, because of its accessibility to facilities, job opportunities and public transport, and because there are no insurmountable constraints.

Conclusion on Matters of Principle:

The principle of development is contrary to the local and neighbourhood policies in the development plan. The policies of the ALP that relate to the supply of housing have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land. Policies in the BENDP that relate to the supply of housing have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

This application should not be determined as being unacceptable in principle and the development of this countryside site can be considered acceptable subject to assessment of whether the proposal represents sustainable development and whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

PREMATURITY

Paras 48-50 of the NPPF explain how the limited circumstances in which it may be justified to refuse an application on the basis that it is premature. In particular para 50 states "Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or - in the case of a neighbourhood plan - before the end of the local planning authority publicity period on the draft plan." The revised BENDP has not been submitted for public consultation and it is not considered that a refusal on grounds of prematurity could be justified.

AGRICULTURAL LAND:

The application is accompanied by an Agricultural Land Classification Report which concludes that 97% of the site is Grade 3a (Good Quality) with the other 3% in non-agricultural use. The site is not currently used for agriculture and historic aerial photography back to 2001 does not evidence any form of arable use. The applicant advised the owner has not used it for agricultural purposes in the last 43 years. Instead, it has been used for the grazing and exercise of horses.

ALP policy SO DM1 considers soils. It states: "Unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term."

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

It is considered that the need for this development to boost the Council's severe housing land supply shortfall is such that the loss of the grade 3a agricultural land can be outweighed particularly as the land is not currently used for agriculture and there is no realistic possibility of it being so used. This echoes the approach taken by the appeal Inspector concerning the site at Clays Farm.

The policy makes it clear that in order to outweigh the loss of the agricultural land, the criteria (a) to (c) should be met. In this case, the applicant was requested to provide reports to cover these criteria but instead wrote to argue that:

- The HLS deficit outweighs the loss of agricultural land;
- The site area that comprises agricultural land amounts to just 1.5 hectares which would not be able to support viable agricultural activities in isolation;
- Arun benefits from having a high proportion of land that falls within the best and most versatile (BMV) classification grades. According to Defra estimates, around 64% of agricultural land in the Arun District is best and most versatile (Grades 1, 2 and 3a) compared to around 42% nationally;
- The development of the site would represent an insignificant reduction in agricultural land area in overall terms, particularly as this site falls at the lowest end of BVM scale; and
- Regard should be had to the Clays Farm appeal decision.

Notwithstanding the arguments presented, the application conflicts with criteria (a) to (c) and the need for the development cannot be considered to override the loss of the land in the context of the policy.

Policy SO DM1 then states that if development is to be permitted by the policy, the applicant should submit mitigation measures and a soil resources plan for the site. The applicant has not provided such a plan and instead this would be secured through a planning condition.

The application conflicts with policy SO DM1 as a whole and this harm will need to be weighed against the benefits of the development in respect of the final balancing exercise at the end of the report.

MINERALS SAFEGUARDING:

The site is located in a Sharp Sand and Gravel Mineral Safeguarding Area as defined by the West Sussex Joint Minerals Local Plan (2018). Policy M9 (b) states that proposals for non-mineral development within the Minerals Safeguarded Areas will not be permitted unless: (i) Mineral sterilisation will not occur; or (ii) it is appropriate and practicable to extract the mineral prior to the development taking place, or (iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.

The applicant provided a Mineral Resource Assessment and the Council has consulted with WSCC Minerals & Waste. Their comments are summarised in the consultations section. They do not consider that prior extraction is practicable and that the material is of a poor quality/unattractive for use by the mineral industry.

Notwithstanding, it is considered that the proposal would comply with criteria (iii) of the policy as there is an overriding need for new residential land development to counter the Council's current HLS deficit.

WASTE SAFEGUARDING:

The site is located within 350m of a safeguarded scrap vehicle waste site defined by the West Sussex Waste Local Plan (2014). Policy W2 of this Plan states that development should not prevent or prejudice the use of an existing waste management site. The site in question is currently in use as a car salvage centre. The application site is a significant distance away and there are residential uses in between. It is not considered there will be any impact and therefore no conflict with this policy.

HIGHWAY SAFETY & PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. In respect of highway safety, it states: "The Council will support transport and development which: explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

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

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site

can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The advice of WSCC Highways is summarised above and they are satisfied the proposal will not result in an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. Therefore, the proposal is not contrary to the NPPF (para 109), and that there are no transport grounds to resist the proposal.

The Council recently adopted a Parking Standards Supplementary Planning Document (SPD). This sets out a need for a total of 96 spaces (88 allocated & 8 visitor). The proposal is for 64 allocated parking spaces, 22 allocated garage spaces and 9 visitor spaces. As garages are treated as half a space each, the total provision is 84 and this is 12 short of the required total. The Parking Standards SPD allows for a 10% variation to be provided if a Travel Plan, travel incentive or public transport contribution is provided and there are no restrictions on where in the district this variation can be applied. The applicant provided a Travel Plan and new residents would be provided with a £150 voucher towards cycling equipment/bus passes. Therefore, a 10% reduction is acceptable and the proposal is only short by 2.4 spaces.

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

The proposal is in conflict with the Arun Parking Standards SPD and BENDP policy GA4. However, the shortfall is not significant and given the sustainable location of the site, it is not considered that permission should be refused on this basis.

ALP policies T SP1 & T DM1 require development to reduce the need to travel by car and give priority to pedestrian and cycle movements. As discussed elsewhere, this site is considered to be in an location that means its occupiers will not be car reliant. Cycle storage spaces will be provided and a condition will be imposed to ensure this. To accord with Policy T SP1 of the Arun Local Plan, the Arun Parking Standards SPD requires 1 space for 1 & 2 bed houses and 2 spaces for 3+ bed houses.

The proposal is considered to accord with the development plan policies and the guidance on highway safety within the NPPF.

HERITAGE:

The site is around 600m from Denmans Garden which is a Grade II Listed Park/Garden of Special Historic Interest in England. This is a material consideration in the determination of this application and the Council must consider the impact on the landscapes special character.

The site is some distance from the Garden and there is intervening development & land in between including a large car park associated with Global Technologies Racing and Fontwell Park. In addition, the northern boundary of the site onto Level Mare Lane is well screened by trees which are to remain. As such, the proposal is not considered to have any direct impact on the asset. There may be some indirect impacts if there is an increase in vehicle movements along Level Mare Lane, however, as the Level Mare Lane/A27 junction is not as attractive in road safety terms to the A29 roundabout (particularly in terms of getting onto the A27), it is not considered that any increase will be significant and therefore there will be no harm to the Grade II Listed Garden.

The Council has consulted with the Gardens Trust and they have not raised an objection.

HOUSING MIX:

ALP policy HDM1 provides for a mix of housing to meet local needs and requires that all housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. The policy does not prescribe a specific housing mix that must be met by individual applications, with the policy stating that each must be considered on its own merits. The policy preamble (12.2.4) acknowledges that the final mix will be negotiated on a site by site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

The 2012 SHMA was the subject of an update by GL Hearn in 2016 ("Updated Housing Needs Evidence", September 2016) in which paragraph 6.3 stated that the evidence highlighted a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. The 2016 update acknowledges at paragraph 6.10 that the analysis clearly shows the different profiles in the different broad tenures with affordable (rented) need being more heavily skewed towards smaller dwellings and market housing predominantly homes with three or more dwellings. Table 29 identifies a suggested broad mix housing by size and tenure for the District.

The proposed development comprises the following housing mix:

- 4 x 1 bed dwellings (10%);
- 12 x 2-bed dwellings (29%);
- 22 x 3-bed dwellings (51%);
- 4 x 4-bed dwellings (10%).

BENDP policy H3 states that no more than 25% of dwellings should have 1 or 2 bedrooms whereas this development proposes 39%. Policy H3 is therefore skewed towards the provision of larger houses and this is in conflict with the approach suggested by the more recent SHMA evidence. The mix is considered to accord with the SHMA approach and whilst there is conflict with policy H3 this has reduced weight due to it being an older policy.

LANDSCAPE & TREES:

ALP policy D DM1 states that development is expected to incorporate existing and new tree planting as an integral part of proposals. LAN DM1 states "Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas". D SP1 also requires development proposals to reflect the characteristics of the site and local area in their landscaping.

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

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

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

The site is some distance from the South Downs National park and the Park Authority do not consider that there will be any impact on its landscape or visual amenity. The Councils Landscape Officer raises no objections in respect of landscape impact. The submission also includes a Landscape Visual Appraisal with Impact Statement which concludes that:

- The site is well related to the settlement of Fontwell;
- The site is enclosed to the north, west and east by hedgerows and tree belts beyond the site's boundary. This boundary limits the physical and visual connection to the adjacent road corridors;
- To the west, the site is bound by pastoral fields and built form associated with Northfields Farm;
- To the south the site is located adjacent to Northfields Cottages;
- Sensitively located residential scale development within the site set within the retained and supplemented landscape framework would not significantly alter the character or amenity of the range of visual receptors;
- The development of this settlement fringe site forms a local extension to Fontwell;
- There are no significant overriding landscape constraints to the delivery of new homes on this site; and
- Whilst such delivery represents change, the change in is able to reflect the character of the local area.

The application proposes to remove 13 category B trees and the existing hedgerow along Fontwell Avenue in order to facilitate the new access. Additional hedgerow is to be removed along the southern boundary due to the need to put in new parking spaces.

The Tree Officer considers that that layout is positive in respect of there being no loss of or harm to the established trees to the northern and western boundaries. However, there is disappointment in terms of the loss of the trees along the Fontwell Avenue frontage and this can only be agreed on the basis that compensatory planting is significant. The Tree Officer advises that the proposal should be achievable in arboricultural terms with conditions but that he cannot fully support the proposal.

In respect of policies ENV DM4 and ES10, the proposal does not remove trees in the interests of good arboricultural practice or to enhance the survival & growth prospects of other trees. The loss of the category B trees is outweighed by the need for development to improve the Council's current housing land supply shortfall. None of the trees are considered to be ancient and none are currently protected.

Overall, it is considered that the proposal is in accordance with ALP policies D DM1, LAN DM1, ENV DM4 and with BENDP policy ES10.

BIODIVERSITY:

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

Para 175 of the NPPF states: "If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

The site is within 12km of the Singleton and Cocking Tunnels Special Area of Conservation. Policy SD10 of the South Downs National Park Local Plan states that development proposals on greenfield sites or in close proximity to woodlands and hedgerows should ensure that key features (foraging habitat and commuting routes) are retained.

The application is accompanied by an Ecological Impact Assessment Report, an Ecological Enhancement Plan and an accompanying specification. The latter two documents set out measures to offset the loss of the grassland habitat and trees/hedges. The Assessment includes the results of reptile and badger surveys. No protected species were found but it was noted that bats were likely using the trees and vegetation down the western boundary and mitigation, compensation and enhancement is proposed to ensure no significant harm.

The Council's ecologist raises no objections subject to various conditions to secure the protection & enhancement of retained hedges, details of new lighting, protection of badgers during construction and the proposed wildlife enhancement measures. The South Downs National Park Authority provide advice regarding biodiversity and raise no objections subject to new native landscaping to replace that which will be lost and wildlife enhancement measures.

It is considered the retention of the northern and western tree planting ensures there is no significant impact on the flight lines of bats crossing the site in accordance with South Downs policy SD10. The scheme provides a biodiversity gain and the proposal complies with the NPPF para 175 and with ALP policy ENV DM5.

CHARACTER & DESIGN:

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

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

ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. BENDP policies ES5 (Quality of design), ES6 (Contribution to local character), ES8 (Buildings should be designed to reflect the three-dimensional qualities of traditional buildings), H4 (Integration of new housing into surroundings) and H6 (Attention to detail) are all considered to be relevant. These set out requirements for high quality design, the early integration of building features & details and development that reflects the design & character of surroundings.

Paragraph 127 of the NPPF states "Planning policies and decisions should ensure that developments: (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or

change (such as increased densities)."

The emerging Design Guide completed its initial consultation period, has been modified in response to comments received and is subject to a further 4 week consultation in accordance with regulation 12b of the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended). This will end on the 14th October 2020.

The National Design Guide has full weight as a material consideration in the determination of this application. This states that achieving a well-designed place comes about through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials and their detailing. It sets out ten characteristics of beautiful, enduring and successful places: Context, Identity, Built Form, Movement, Nature, Public Spaces, Uses, Homes & Buildings, Resources and Lifespan.

The applicant provided a detailed Design and Access Statement (DAS) which includes an assessment of the scheme versus the emerging Design Guide and also refers to the characteristics set out in the National Design Guide. The DAS sets out the following key principles behind the layout/design:

- (1) Landscape led, with key views to the Western boundary maintained and housing pulled back from the Eastern boundary;
- (2) A green space forming the heart of the scheme with housing fronting onto it and informal play in it;
- (3) Viewpoints down Wandleys Lane addressed by the position and orientation of the buildings;
- (4) Native planting to the eastern boundary of the site will be reinforced to create a natural visual buffer along Fontwell Avenue;
- (5) The building lines on the site do not follow the geometry of the roads creating an informal semi-rural character.
- (6) Affordable homes to be in a mixture of forms (apartments and houses) and designed to be tenure blind;
- (7) The western edge maintained as a linear green space; and
- (8) An architectural approach is in keeping with West Sussex vernacular to create a sense of place based on the surrounding context in Fontwell and Eastergate.

It is considered that the layout as is visually interesting with different areas of open space, a variety of built forms and retention of much of the existing planting. The two ends of the site are denser than the centre but these areas have the best existing screening whilst the centre is clearly visible from Fontwell Avenue and the layout recognises this by directing such views to an area of open space with houses fronting onto it. This space will draw the eye and create a sense of place within the site. The northern and southern ends of the site do have a plethora on frontage parking however this is acceptable as these areas are screened from outside views.

The dwellings are considered to be appropriately mixed with different materials, roof heights, roof forms, window and door designs. Also included is a two storey apartment building and four FOG buildings which have a dwelling over a garage. The Design & Access Statement refers to materials being predominantly red stock brick combined with plain clay tiles but with painted brick on key buildings and some reconstituted slate roofing & weatherboarding. However, the exact materials will be controlled by condition. The dwellings are considered to reflect the local architectural vernacular

It is not considered that the development will harm the character and appearance of the locality and does result in significant harm to the visual amenities of the site/surroundings. The proposal is considered to comply with the relevant design policies.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Regard should be had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users. ALP policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

The Council's emerging Design Guide completed its consultation stage (09/01/20 to 21/02/20) and sets out guidance on interface distances between houses. Distances between dwellings are given as:

Back to Back: min. 21m between habitable rooms of properties or to existing buildings;
Back to Side: min. 14m between habitable rooms and side gable of adjacent property;
Front to Front: min. 16m between habitable rooms of properties facing each other; and
Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.

There are no standards given for either front to side, side to side or front to back.

Whilst on plan, the northern and southern ends of the site appear denser than the centre, this is largely due to the parking spaces being centralised in these areas. In fact, the majority of the proposed buildings are well spaced apart. The exceptions are as follows:

- Rear of no. 28 is only 11m to the side of no. 30;
- Rear of no. 1 is only 11m from the side of no. 2; and
- Rear of no. 15 only 7.5m from the side of no. 16.

The shortfall is acceptable in all three cases as each of three respective flank elevations have no first floor windows. Two further issues were identified during the determination: that the front elevation of the flatted building looks onto the rear gardens of plots 40-42; and that the rear of plot 12 looks straight onto the garden of no. 13. These were resolved through obscure glazed fixed shut first floor windows to the front of the apartment building (these windows serve kitchens & bathrooms); and by having plots 12 & 23 have roof lights rather than rear windows to their bathrooms.

It is not considered the proposal will cause harm to the amenities of future residential occupiers. The nearest existing dwellings are considered to be too far away such that the interface distances all far exceed the guidance in the Design Guide.

INTERNAL & EXTERNAL SPACE STANDARDS:

ALP policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will be suitable for residential use.

The submitted accommodation schedule (Rev P) provides a breakdown of the internal floor areas for all of the dwellings. This has been checked for accuracy but demonstrates that all of the dwelling meet or exceed the required internal floor space standards.

There are no policies in the ALP relating to garden sizes but the emerging Arun Design Guide sets out standards for garden sizes for houses consisting of:

- Private Rear Garden: min. 10.5m depth;
- Private Front Garden: min. 2m depth;
- Balconies: max. 2m beyond the building frontage, subject to minimum balcony to balcony distances of 17m. At least 3sqm of useable space; and
- Communal Shared Spaces for flats: minimum 40sqm plus 10sqm for each unit if not provided as balcony space.

The same accommodation schedule provides the rear garden lengths of each dwelling. This demonstrates that 62% of the houses have rear gardens of 10.5m or more. The exceptions being plot 2 which is 9m deep and plots 7, 8, 20, 21, 22, 25, 29, 30, 31, 32, 33 & 34 which are 10m deep. The 10m long garden instances are acceptable as the Design Guide is not yet adopted and even when adopted will be guidance not policy. The 10.5m distance is partly required to ensure a 21m back to back interface distance and none of the plots in question have a substandard back to back distance.

In respect of plot 2, it should be noted that this garden has a road to its rear and that it is as wide as it is deep therefore the rear garden space is not inadequate. Front garden depths are not provided by the schedule but it is not considered that the layout is inadequate in this regard.

The four FOG properties were subject to alteration through the course of the application such that the plans now show them to have 4.3m² balconies to the first floors. These respect the building to building interface distances in the Design Guide. The flats either have 11m deep side gardens (ground floor) or 4 m² balconies (first floor) and there is communal space to the front of the building.

Whilst there is some shortfall in the requirements of the emerging Design Guide, it is not considered that these result in any significant harm to the amenities of future residential occupiers.

WASTE MANAGEMENT:

ALP policy WM DM1 states that new residential development, will be permitted provided that it is designed to ensure that kerbside collection is possible for municipal waste vehicles.

The site plan and road layout have been tracked for a refuse vehicle swept path. The proposed refuse strategy is a mixture of kerbside collection, bin collection points and bin stores.

WSCC Highways have no objections to the ability of refuse vehicles to access and leave the site in a forward gear and therefore, the proposal is considered to comply with policy WM DM1.

NOISE & AIR POLLUTION:

ALP Policy QE DM3 requires that major developments are in easy reach of established public transport services, maximise provision for cycling & pedestrian facilities, include electric car charging points and contribute towards the improvement of the highway network. ALP policy QE DM1 states that residential development likely to experience noise from road must (a) be supported by a noise exposure category (NEC) assessment and designed to ensure that residents will not be adversely affected by noise; and (b) consider both the likely level of exposure at the time of application and any increase that might be reasonably expected in the foreseeable future.

The proposal includes a footpath onto Level Mare Lane in addition to a crossing point on the A29 from the site to the existing footway on the opposite side. The site is considered to be in a sustainable location situated between the edge of Eastergate and the new Fontwell development to the north. New residential occupiers will be able to walk, cycle or take a bus to access nearby facilities.

The application is supported by a noise impact assessment which considers noise both current and future. It proposes mitigation measures in the form of acoustic glazing to those properties closest to the A29 plus acoustic fencing to the affected gardens.

The Environmental Health officer raises no objections and request conditions be imposed to secure the noise mitigation measures, protect dwellings near the southern boundary from odours emanating from the equestrian uses, mitigate air pollution to the new dwellings, implement electric car charge points and control new lighting.

On this basis, there is no conflict with the relevant policies.

FLOODING, WATER POLLUTION & SURFACE WATER DRAINAGE:

Notwithstanding the concerns of residents, according to Council records, the majority of the site does not lie in an area at risk from current or future flooding. The exception is a small area along the frontage (broadly in front of plots 3-6) at risk from surface water flooding based on a 1:1000 year event. This is believed to be as a result of a watercourse along Wandleys Lane which enters a culvert under the A29 and which floods back onto Wandleys Lane/Fontwell Avenue in high rainfall events. This represents an extremely low risk and does not necessitate any mitigation measures. The Environment Agency raise no objections or request any flood prevention mitigation measures.

Policy W DM3 (Sustainable Urban Drainage Systems) states: "To increase the levels of water capture and storage and improve water quality, all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process." Policy W DM1 seeks to protect existing water supplies from foul & surface water discharges. BENDP Policy ES1 requires that development reduce the overall level of flood risk in the area and that conditions be imposed to ensure an effective surface water drainage scheme.

This application has seen considerable negotiation between the applicant and the Councils drainage engineers due principally to the source protection zone (SPZ) below the ground (this is a chalk aquifer) and the fact that groundwater levels in this area are very shallow meaning that infiltration has the potential to pollute the water supplies below ground. It is also noted that there are two water bore hole extraction points in the local area (one further north up Fontwell Avenue and the other at the western end of Level Mare Lane). As such, any infiltration has to be very shallow to avoid polluting the SPZ.

The Environment Agency state they will only agree to deep infiltration if the discharge is indirect, shallow infiltration has first been ruled out, the system is no deeper than is required to achieve soakage, pollution control measures are in place, a risk assessment has been provided and there are sufficient mitigating factors to compensate for the increased risk. Their position is that the application can be granted permission as long as conditions are in place to agree drainage post permission. They and Portsmouth Water request conditions to protect the SPZ including control of foundation details (approval of the use of piling) construction management and contamination.

The Council's Drainage Engineers have removed their holding objection and agree that the drainage layout can be reserved to a condition. This is condition 10 in the recommendation. The applicant will be reminded that should it not be possible to agree the drainage scheme by condition then they will need to re-apply in order to agree a new layout.

On this basis, there is no conflict with the relevant policies.

FOUL DRAINAGE:

The Lidsey Treatment Catchment Area designation only affects a part of the site and covers those dwellings which will be fronting the A29 (roughly plots 1-15 & 36-42). ALP policy W DM1 states that all major developments must demonstrate, that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development.

The policy requires a drainage impact assessment for sites in the Lidsey catchment area. This has not been provided however the Councils planning application validation list only requires a Lidsey Foul Water Environmental Assessment Statement in cases where non-mains drainage is proposed and this application proposes a connection to mains drainage. The application proposes to connect to the existing main sewer to the South East of the site using a gravity based system.

Southern Water raise no objections subject to a standard foul drainage condition. They do not request any restrictions on occupation of the dwellings.

Although there is some conflict with policy W DM1 concerning the lack of a drainage impact assessment, it is not considered that a refusal on this matter could be justified particularly as this designation affects less than half of the site.

ENERGY AND CLIMATE CHANGE:

ALP policy ECC SP2 requires that all new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. In addition, ECC SP1 requires that new development be designed to adapt to impacts arising from climate change. The application includes an Energy Statement which sets out full details of the proposed energy reduction strategy. This shows that the proposed development:

- will promote walking and cycling, and deter private car ownership;
- will minimise internal water consumption to 105 litres per person per day;
- will incorporate measures to maintain and improve site biodiversity, including retaining the existing boundary vegetation and including biodiverse planting;
- will reduce surface water runoff rates through the use of sustainable drainage measures, including permeable paving, soakaways;
- will minimise energy demand through the specification of low U-values, low air permeability and low thermal bridging to reduce heat loss;
- the site has been assessed on the basis of Air Source Heat Pump (ASHP) technology to serve the space and water heating demands of the proposed dwellings;
- however other technologies could be applied in the future e.g. PV, Ground Source Heat Pump and Solar to achieve the same results; and
- will exceed the ADC carbon dioxide emissions reduction requirements through on-site means alone, with a minimum 13.7% reduction in CO2 emissions.

Much of these are inherent in the design of the scheme or are covered by other conditions however a condition will be imposed to secure the energy efficiency/reduction measures. On this basis, it is considered that the proposal complies with policies ECC SP1 and ECC SP2.

AFFORDABLE HOUSING:

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The Councils Housing Strategy and Enabling Officer requires that 13 affordable dwellings are secured by a Section 106 Legal Agreement. This should comprise a tenure split of 75% rented and 25% intermediate housing with the mix being: 3 x 1 bed, 5 x 2 bed, 2 x 3 bed (rented)

and 1 x 1 bed, 1 x 2 bed, 1 x 3 bed (intermediate).

The site layout has been designed to be tenure blind between private and affordable units. The affordable units are clustered together in the north of the site (plots 30-42) which allows for easier maintenance by a Housing Association but the mews court approach is also reflected in the private housing areas to the south of the site which includes terraced housing and Flats Over Garage units (to provide passive surveillance of parking courts). The design philosophy is based on creating smaller more intimate spaces off of the primary and secondary access roads and this approach is not based on tenure.

The affordable housing provision will be secured by a S.106 legal agreement and on this basis, the proposal will accord with policy AH SP2. However, there is some conflict in that Policy AH SP2 also requires that large groupings of single tenure dwellings or property types should be avoided.

PUBLIC OPEN SPACE & PLAY:

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

The Councils supplementary planning document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement for 2,957m² of Public Open Space (POS) and play areas.

The layout includes 3189m² of POS which exceeds the requirements. This quantum includes green space, new landscaping, the footpaths along the western edge of the site and play areas. These spaces will also allow for biodiversity incorporation and the Councils Landscape Officer considers that the total offer meets the POS requirements for this development.

It is not appropriate to provide on-site playing pitch or indoor sport/leisure provision on a site of this size and it not possible to secure any off-site contributions for such through a S106 Agreement as this site is liable for CIL. The Council will be able to make a bid for a portion of the CIL payments collected to contribute to such provision elsewhere in the district. The on-site POS and play will be secured through a S.106 Agreement together with the relevant management & maintenance regime. The proposal therefore accords with ALP policy OSR DM1.

SUPPORTING INFRASTRUCTURE:

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

The introduction of CIL it is no longer possible to secure financial contributions for off-site projects through a Section 106. This development is CIL liable and the contribution of £394,300.00 (minus any relief subsequently applied for) will be collected upon the commencement of development.

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

SUSTAINABLE DEVELOPMENT & NPPF PRESUMPTION:

Policy SD SP1 "Sustainable Development" states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Para 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Para 11 of the NPPF sets out the application of the 'presumption' for sustainable development which is triggered where the Council's policies most important for determining the application are out-of-date. The Council can currently demonstrate a Housing Land Supply (HLS) of 2.9 years and as such there is a significant shortfall and hence, its policies most important for determining applications for residential development are considered to be out of date. To be able to benefit from the presumption, the proposal must be assessed as being sustainable development and this assessment should consider environmental, social and economic factors.

Although a countryside site, the site is sustainably located being as it roughly equidistant between the edges of two nearby Built Up Area Boundaries (BUAB). The site entrance is 350m from the edge of the BUAB to the south and 330m from the edge of the BUAB to the north (this being the edge of the Fontwell Avenue site approved for new residential dwellings, employment floorspace and non-residential floorspace).

It is considered that residential occupiers can realistically use alternative methods of transport to the car to access nearby shops, services and places of employment. These include walking, cycling and public transport. The applicant includes a travel plan which proposes that new residents be provided with a free £150 voucher towards cycling equipment/bus passes. The site's development results in a loss of trees and some other wildlife habitat (albeit limited in value), however the proposal will also include new tree planting and biodiversity enhancement measures.

The proposal includes 13 new affordable homes and a total contribution of 42 dwellings to contribute to the Councils current housing land supply shortfall and meet future needs. In addition, the on-site open space and play will be accessible by existing residents in the area and the addition of a pedestrian crossing on the A29 will benefit all local people.

The application includes a statement on likely economic benefits of the development which quantifies the impacts and includes references to new jobs and new spending by occupiers. This includes 58 direct construction jobs, 88 indirect & induced construction jobs, first occupation expenditure of £355,000, resident expenditure per annum of £1.15m, £77,000 additional Council Tax receipts and £75,000 in New Homes Bonus payments. Furthermore, CIL receipts could be used to contribute towards local infrastructure. This does need to be contrasted with the impact of the loss of the agricultural land but as noted elsewhere, the site has not been in an agricultural use for at least 43 years.

Members should note that that the New Homes Bonus and Community Infrastructure Levy are local finance considerations and as noted in the Development Plan Background section above, section 70(2) of Town and Country Planning Act 1990 (as amended) provides that local planning authorities should have regard to any local finance considerations, so far as material to the application.

On balance, it is considered that the proposal does meet the economic social and environmental aspects of sustainable development and therefore the presumption in favour of sustainable development is engaged. This states permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

This report finds no adverse impacts associated with the proposal and as already noted, there are significant benefits to take account of. Therefore, it is considered that as per the NPPF, the proposal should be approved.

SUMMARY:

There is some conflict with policies in the development plan concerning the development of a countryside site, loss of agricultural land, parking shortfall, shortfall in some gardens & interface distances, lack of a drainage impact assessment and the concentration of affordable homes. However, the policies of the development plan relating to the supply of housing have reduced weight as the Council is not able to demonstrate an adequate supply of housing land. The proposal represents sustainable development and the NPPF presumption in favour of sustainable development is engaged. It is vital to consider additional sustainable housing developments to contribute to housing land supply and maintain/improve housing delivery rates.

There are not any other issues as highlighted above which warrant a refusal and the proposal is therefore recommended for approval subject to the following conditions. Notwithstanding, if the Section 106 is not signed within 4 months, then the application shall be refused for the following 2 reasons:

(1) In the absence of a signed Section 106 agreement, the development fails to make any affordable housing provision and is thereby contrary to the aims and objectives of the National Planning Policy Framework (in particular paragraphs 62-64) and policy AH SP2 of the Arun Local Plan.

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

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (Right to respect private and family life), 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 section 106 Legal Agreement will be signed and will cover the following:

(1) Affordable Housing

13 dwellings consisting of 10 affordable rented dwellings and 3 intermediate dwellings. To be provided not later than 50% occupation of the development.

(2) On-site Local Play

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

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

Provision of on-site POS together with either a management plan (if to be private) or a £49,911 maintenance contribution (if adopted by the LPA).

CIL DETAILS

This is a CIL Liable development. It is in Zone 3 and a CIL amount of £394,300.00 is payable unless the applicant applies for exemption subject to the requirements of the CIL Regulation 2010 (as amended).

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

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

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

29662A 20 Rev D "Location Plan";
29662A 100 Rev V "Site Block Plan";
29662A 100 3 Rev B "Housetype: 1 Bed Affordable Apartment plans and elevations plots 36, 37, 38 & 39";
29662A 100 4 Rev B "Housetype: 1 Bed Affordable Apartment plans and elevations plots 36, 37, 38 & 39";
29662A 101 1 Rev B "Housetype: 2 Bed Affordable Plans & Elevations plots 31, 32, 33, 41, 42";
29662A 101 2 Rev B "Housetype: 2 Bed Affordable Plans & Elevations plots 31, 32, 33, 41, 42";
29662A 102 1 Rev B "Housetype: 3 Bed Affordable OP1 Plans & Elevations plots 30, 34 & 40";

29662A 102 2 Rev B "Housetype: 3 Bed Affordable OP1 Plans & Elevations plots 30, 34 & 40";
29662A 103 1 Rev D "Housetype: FOG Plans and Elevations 16 & 35";
29662A 103 2 Rev D "Housetype: FOG Plans and Elevations 16 & 35";
29662A 103 4 Rev D "Housetype: FOG Plans and Elevations 12 & 23";
29662A 103 5 Rev D "Housetype: FOG Plans and Elevations 12 & 23";
29662A 104 1 Rev B "Housetype: 2 Bed Private OP2 Plans & Elevations plots 13 & 14";
29662A 104 2 Rev B "Housetype: 2 Bed Private OP2 Plans & Elevations plots 13 & 14";
29662A 105 1 Rev B "Housetype: 2 Bed Private OP3 Plans & Elevations plot 20";
29662A 105 2 Rev B "Housetype: 2 Bed Private OP3 Plans & Elevations plot 20";
29662A 106 1 Rev B "Housetype: 3 Bed Private OP1 Plans & Elevations plots 8, 9, 10, 18, 19, 24, 25, 28 & 29";
29662A 106 2 Rev B "Housetype: 3 Bed Private OP1 Plans & Elevations plots 8, 9, 10, 18, 19, 24, 25, 28 & 29";
29662A 107 1 Rev C "Housetype: 3 Bed Private OP2 Plans & Elevations plots 1, 2, 3, 7, 11 & 27";
29662A 107 2 Rev C "Housetype: 3 Bed Private OP2 Plans & Elevations plots 1, 2, 3, 7, 11 & 27";
29662A 108 1 Rev C "Housetype: 3 Bed Private OP3 Plans & Elevations plots 5, 6, 21 & 22";
29662A 108 2 Rev C "Housetype: 3 Bed Private OP3 Plans & Elevations plots 5, 6, 21 & 22";
29662A 109 1 Rev C "Housetype: 4 Bed Private OP4 Plans & Elevations plots 4, 15, 17 & 24";
29662A 109 2 Rev C "Housetype: 4 Bed Private OP4 Plans & Elevations plots 4, 15, 17 & 24";
29662A 110 Rev B "Site Roof Layout Plan";
29662A 120 Rev B "Site Section A-A";
29662A 121 Rev B "Site Section B-B";
29662A 503 Rev C "Garage Floor Plans and Elevations";
020.0360.001 "Access Design";
020.0360.002 "Pedestrian Visibility Splays";
020.0360.003 "Access Tracking";
020.0360.006 Rev B "Level Mare Lane/Fontwell Avenue Junction Visibility Splays";
020.0360.009 "Vehicle Tracking";
020.0360.010 Rev A "Fire Tender Tracking";
020.0360.011 Rev A "Refuse Tracking";
020.0360.012 "Fontwell Avenue Tracking";
Schedule of Accommodation ref 29662A Rev P (12/08/20); and
Design & Access Statement May 2020, Ref F.

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

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

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

- 4 The development must be carried out in accordance with the Ecological Enhancement Plan ref LLD1544-ECO-DWG-001 and the accompanying Ecological Enhancement Specifications. The enhancements and mitigation measures shown on the drawing shall be implemented in full and permanently retained and thereafter maintained as fit for purpose.

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

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

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

- 6 No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. This is required to be a pre-commencement condition because the commencement of construction work could harm any archaeology within the site area.

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6.

- 7 No piling or any other foundation construction using penetrative methods shall be carried out other than with the express written consent of the local planning authority (who shall consult with the Environment Agency & Portsmouth Water). The development shall be carried out in accordance with the approved details.

A piling risk assessment and method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) should be submitted to and approved in writing by the local planning authority in consultation with Portsmouth Water.

It must be demonstrated that any proposed piling:

- a. Will not result in contamination of groundwater;
- b. Will not increase risk to drinking water supplies (including turbidity); and
- c. Will not deteriorate the transmissivity of the aquifer.

Reason: Piling or any other foundation designs using penetrative methods can pose a risk to potable water supplies from, for example, turbidity, mobilisation of historical contaminants, drilling through different aquifers and creation of preferential pathways. This condition is imposed in accordance with paragraph 109 of the National Planning Policy Framework and policies W SP1 & W DM1 of the Arun Local Plan. This is not strictly a pre-commencement condition as other means of foundations are available however, if piling must be used then these details must be agreed prior to commencement and this condition is required because otherwise the water supplies under the site could be adversely affected.

- 8 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with WSCC Highways, Portsmouth Water and the Councils Environmental Health Officers). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details pertaining to the following matters:

- An indicative programme for carrying out of the works;
- Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- Measures to minimise the noise (including vibration) generated by the construction process to include proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- All pollution mitigation measures to be adopted during the construction phase. This should include management of overland runoff, storage of hazardous materials, chemical and hydrocarbons on site and temporary drainage infrastructure to ensure that water resources are not put at risk from leaks or spillages;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- Measures to control the emission of dust and dirt during construction; and
- A scheme for recycling / disposing of waste resulting from demolition and construction works.

Reason: In the interests of the safety/amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & general amenities of the area and in the interests of highway safety in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, ENV DM5, QE DM3, W SP1, W DM1 and T SP1 of the Arun Local Plan and the NPPF. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

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

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage and to manage the quantity of foul sewage in order to minimise the risk to controlled waters & the public drinking water supply in accordance with policies W SP1, W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the foul water drainage system prior to commencing any building works.

- 10 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

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

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

- 12 All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact Assessment and Method Statement, Lizard Landscape and Design Ltd, Ref. LLD1544-ARB-REP-001, Rev. 00, March 2020 and the Tree Retention and Protection Plan, LLD1544-ARB-DWG-002 (Rev 04).

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

Reasons: To comply with BS5837 and policy ENV DM4 of the Arun Local Plan to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

- 13 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert or other designated competent person representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Retention and Protection Plan, LLD1544-ARB-DWG-002 (Rev 04).

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

Reasons: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area. This

is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

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

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan. This is required to be a pre-commencement condition because the approved measures may need to be built into the fabric of the buildings.

- 15 No development shall commence until either (a) an odour assessment has been undertaken to determine the impact of odour from the nearby riding school/manege or (b) evidence has been supplied to demonstrate that the equestrian livery use has ceased. If it is not possible to provide the information required by (b) then the results of the assessment and details of a scheme of mitigation measures necessary to ensure an appropriate level of amenity within habitable rooms and garden areas shall be submitted to and approved in writing by the Local Planning Authority. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details. The assessment shall be conducted by a suitably qualified odour assessor and be carried out in line with the Institute of Air Quality Managements 'Guidance on the assessment of odour for planning'.

Reason: To protect the amenity of local residents in accordance with Policy QE DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because the approved measures may need to be built into the fabric of the buildings.

- 16 Development shall not commence, other than works of site survey and investigation, until a Soil Resource Plan has been submitted to and approved in writing by the Local Planning Authority. This shall set out how the best and most versatile soils on the site are to be protected during construction and then recycled/reused in the new development layout. The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction and development of the site.

Reason: In accordance with Arun Local Plan policy SO DM1 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition to protect the best and most versatile soils on the site prior to the construction commencing.

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

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

- 18 No development above damp proof course (DPC) level shall take place until details of all new screen walls and fences have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls and fences associated with them have been erected.

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

- 19 No development above damp proof course (DPC) level shall take place until elevation details of the two proposed communal bin stores have been submitted to and approved by the Local Planning Authority and none of the houses/flats associated with these shall be occupied until the approved bin stores have been provided.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policies QE SP1 and WM DM1.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and local character in accordance with policy D DM1 of the Arun Local Plan.

- 21 Prior to the occupation of any part of the development, full details of new external lighting shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011). The scheme shall also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Prior to occupation, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in the scheme are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed within the application scheme. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 22 No part of the development shall be first occupied until such time as the vehicular access and associated highways works serving the development has been constructed in accordance with the details shown on the drawing titled ACCESS DESIGN and numbered 020.0360.001.

Reason: In the interests of road safety and in accordance with Arun Local Plan policy T SP1 and the NPPF.

- 23 No part of the development shall be first occupied until visibility splays of 2.4m by 107.5m have been provided at the proposed site vehicular access onto Fontwell Avenue in

accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in accordance with Arun Local Plan policy T SP1 and the NPPF.

- 24 No part of the development shall be first occupied until the car parking including garages have been constructed in accordance with the approved site plan. The car parking spaces hereby approved shall not be used for any purpose other than for the parking of vehicles and the garages shall not be used for any purpose other than the parking of vehicles and for domestic storage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of ensuring sufficient vehicle parking and highway safety within the development in accordance with policy T SP1 of the Arun Local Plan.

- 25 No part of the development shall be first occupied until covered and secure cycle parking spaces (or if in garages then details of storage racks) have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

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

- 26 No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority. The approved measures within the Travel Plan shall then be implemented in full and permanently retained thereafter.

Reason: To encourage and promote sustainable transport to accord with policies T DM1 and T SP1 of the Arun Local Plan.

- 27 The use hereby permitted shall include the sound insulation scheme, set out within sections 4.5, 4.6, 4.7, 4.8 & Figure 1 of the "Proposed residential development at land west of Fontwell Avenue, Eastergate, Road Traffic Noise Assessment" by Hepworth Acoustics Ltd (ref P20-188-R01v1, dated April 2020). Following implementation of the insulation scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out have achieved the "Indoor ambient noise levels for dwellings" guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014 and the "Design criteria for external noise" upper guideline value of 55 dB LAeq,T as specified within section 7.7.3.2 of BS 8233:2014. There shall be no occupation of the development until test results, demonstrating that the minimum sound insulation criteria has been achieved, have been submitted to and approved in writing by the local planning authority.

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

- 28 Prior to the occupation of any part of the development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such

information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

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

- 29 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

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

- 30 None of the FOG type dwellings (plots 12, 16, 23, 35) shall be occupied unless and until details of balcony screens/railings to these dwellings have been submitted to and approved by the Local Planning Authority. The approved screens/railings shall thereafter be implemented in accordance with the approved details and permanently retained in good condition.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and the amenities of nearby residential occupiers in accordance with policies D DM1 and QE DM1 of the Arun Local Plan.

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

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

- 32 Any deep pits, trenches or holes present on the site during construction works shall either be covered or have a secured plank within them to allow a means of escape for any animals.

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

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

and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being fully implemented before development in that phase recommences. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To ensure that risks from land contamination to drinking water supplies is controlled & mitigated and to protect the amenity of local residents in accordance with policies QE DM4, W SP1, W DM1 and W DM3 of the Arun Local Plan.

- 34 All bathroom, dressing room and toilet windows in the elevations of any of the buildings hereby approved shall be glazed with obscured glass and permanently retained so thereafter.

Reason: To protect the amenities and privacy of existing and future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 35 No windows (other than those shown on the plans hereby approved) shall be constructed in the flank elevations of any of the dwellings hereby approved without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of existing and future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 36 Notwithstanding the provisions of Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no fences, walls, gates or other means of enclosure (other than those specified on the approved plans) shall be erected on land forward of the primary or side elevations any of the approved houses, unless permission is granted by the Local Planning Authority on an application in that behalf.

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

- 37 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no rear extensions to plots 2, 20, 21, 22, 25, 29, 30, 31, 32, 33 & 34 shall be constructed or buildings shall be erected within the curtilage of the same plots unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the amenity of adjoining occupiers and maintain adequate private amenity space in accordance with policy D DM1 of the Arun Local Plan.

- 38 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.

- 39 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to

(1) Affordable Housing

13 dwellings consisting of 10 affordable rented dwellings and 3 intermediate dwellings. To be provided not later than 50% occupation of the development.

(2) On-site Local Play

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

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

Provision of on-site POS together with either a management plan (if to be private) or a £49,911 maintenance contribution (if adopted by the LPA).

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

41 INFORMATIVE: Portsmouth Water state that they would have no objection to piling at this location if the piles terminate within the Clay cover.

42 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.

Portsmouth Water have a presumption against deep bore soakaway disposal in this area as deep infiltration systems can provide a pathway for contaminants. Any contamination may pose a risk to groundwater underlying the site and to the surrounding potable supplies. If deep bore soakaway(s) are the proposed drainage solution, the application for the construction and installation should be accompanied by an adequate risk assessment demonstrating how the risk to groundwater would be mitigated in the proposed design.

43 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.

44 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. For further information please contact the Environmental Health Department on (01903) 737555.

- 45 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 02/06/20) as available on the Councils website.
- 46 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 47 INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to signage being installed. The applicant should be aware that a charge will be applied for this service.
- 48 INFORMATIVE: The applicant should note that this layout has been approved without full agreement in respect of drainage. If it becomes clear that drainage conditions cannot be agreed due to the layout not providing sufficient space for drainage or if it is necessary to use Public Open Space for drainage then a new application will need to be submitted as the Local Planning Authority will not be able to agree such changes through the Non Material Amendment process.

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/50/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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Financial obligation(s) summary or change	Trigger Point	Amount	Due to (ADC, WSCC, NHS, other)	Destination/ project	5% or £15,000 for related projects	Spend by restriction
Maintenance of on-site Public Open Space	Within 2 months of completion of POS	Either be private (in which case subject to a management plan) or if adopted by the LPA then £49,911 contribution	ADC (Sue Howell)	n/a	n/a	n/a
Maintenance of on-site LEAP	Within 2 months of completion of LEAP	Either private (in which case subject to a management plan) or if adopted by the LPA then £30,000 contribution	ADC (Sue Howell)	n/a	n/a	n/a
ADC Monitoring Fee	Commencement of Development	£2,700	ADC	n/a	n/a	n/a

NON-FINANCIAL Obligation Summary	Trigger Point	Due To (ADC, WSCC, Other)	Department/Officer to Confirm Compliance
Affordable Housing - 30% (13) affordable homes on-site. Confirmed with the Housing Strategy & Enabling Manager to be a tenure split of 75% rented (10 dwellings) and 25% intermediate housing (3 dwellings).	To be provided not later than 50% occupation of the development.	ADC	Housing - Arjan De Jong
On-site Public Open Space and a LEAP	-	ADC	Landscape – Sue Howell

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APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

A/32/20/PL

Received: 24-09-20

White Lodge Hangleton Lane Ferring

Erection of 1 No. detached low-profile bungalow with attached garage. This application is a Departure from the Development Plan & may affect a Public Right of Way.

Written Representations

PINS Ref: APP/C3810/W/20/3255546

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

AW/237/19/PL

Received: 17-09-20

The Former Ship Inn Aldwick Street Aldwick

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

Written Representations

PINS Ref: W/4001381

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. garage & formation of new vehicular access. This

application is a Departure from the Development Plan.

Written Representations

PINS Ref: W/4001228

BR/233/19/PL

Received: 09-03-20

77 Aldwick Road Bognor Regis

Part change of use of ground floor & formation of a first floor rear extension to create 2 No self-contained studio flats with associated refuse/ recycling & cycle store (resubmission following BR/63/18/PL).

Written Representations

PINS Ref: APP/C3810/W/20/3245777

BR/347/19/T

Received: 20-03-20

4 Pinewood Gardens Bognor Regis

Fell 1 No. Liquid Amber tree.

Informal Hearing

PINS Ref: APP/TPO/C3810/7809

BR/73/19/PL

Received: 09-03-20

Land To East Of Royal Norfolk Hotel Aldwick Road Bognor Regis

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

Written Representations

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

BR/75/20/HH

Received: 08-10-20

140 London Road Bognor Regis

Conversion of roofspace to habitable use to include a rear dormer and terrace, with front and side rooflights.

Written Representations

PINS Ref: APP/C3810/D/20/3256727

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 Page 69 22-09-20

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

M/62/19/PL

Received: 05-08-20

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

M/80/19/PL

Received: 23-09-20

Former Poultry Farm Land West of Yapton Road Middleton on Sea

Demolition of the existing structures & redevelopment to provide a new 66-bedroom care home (Use Class C2) arranged over two storeys together with associated access, car and cycle parking, structural landscaping and amenity space provision

Informal Hearing **25-11-20**

PINS Ref: W/4001151

P/58/19/PL

Received: 16-09-20

Rear of Inglenook Hotel 253-255 Pagham Road Pagham

Erection of 9 No. dwellings with associated access, parking, cycle & refuse storage & landscape design. This application is a Departure from the Development Plan & may affect the setting of a listed building.

Written Representations

PINS Ref: W/4001476

R/268/19/PL

Received: 18-08-20

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

R/92/20/PL

Received: 18-08-20

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

Y/103/18/PL

Received: 19-02-20

10 Acre Field North of Grevatts Lane Yapton

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

Written Representations

PINS Ref: W/4000394

ENF/505/12/

Hales Barn Farm Arundel Road Norton West Sussex

Received:

Written Representations

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

ENF/211/16

Wisteria Heights Caravan Park (prev. Shripney Gardens) Shripney Lane
Bersted West Sussex

Received:

Public Inquiry

PINS Ref: APP/C3810/C/19/3222033

ENF/115/17

44 Christchurch Crescent West Meads Aldwick

Received:

Written Representations

PINS Ref: APP/C3810/C/20/3249296

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AGENDA ITEM NO.

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF DEVELOPMENT CONTROL COMMITTEE ON 28 OCTOBER 2020

SUBJECT: Options for introducing further controls on the definition, number and quality of Houses in Multiple Occupation

REPORT AUTHOR: Kevin Owen, Planning Policy Team Leader

DATE: 26 August 2020

EXTN: x 37853

PORTFOLIO AREA: Planning

EXECUTIVE SUMMARY:

This report considers whether there is evidence (e.g. regarding impact on amenity) to support the case for the authority to introduce further controls on Houses in Multiple Occupation (HMO) from the planning perspective and what those options are (e.g. Article 4 Direction).

RECOMMENDATIONS:

That Development Control Committee recommends to Full council that: -

- 1) The Council undertake further research with housing services in order to establish robust evidence to determine the justification and role for designating Article 4 Direction(s) in Bognor Regis as a priority and to keep the matter under review for Littlehampton unless the work also confirms that there is sufficient justification to bring a further Article 4 Direction(s) forward at the same time.

PROPOSAL(S):

- 1.1 At the meeting of Full Council on 25 February 2020 a motion was received from the Liberal Democrat Group in accordance with Council procedure 14.1 and 14.2 which stated: -

“The Council is asked to support a request for officer to explore what options might exist for introducing further controls on the definition, number and quality of homes in Multiple Occupation and prepare appropriate reports for the relevant decision body of the Council.”

The reasons why such additional controls are considered necessary is that HMO's are often concentrated in clusters. These are areas that can often suffer from poor housing conditions and high levels of deprivation, crime and anti-social behaviour. Introducing further controls would be expected to contribute to an improvement in the social and economic conditions in the areas; a reduction in anti-social behaviour; an improvement in general housing conditions; and a reduction in the level of deprivation; and a reduction in crime."

- 1.2 The motion was debated and amended to delete the second paragraph and on being put to the vote it was carried.
- 1.3 This report considers the regulation of Houses in Multiple Occupation (HMO) from a planning perspective. A separate report is being considered at the Housing and Customer Services Working Group on 22 October which deals with the licensing regulation of HMOs and related evidence but the two reports cross refer. While there are some differences in the HMO definition for planning compared to licensing purposes, both require shared objective evidence on HMO impact on amenity upon the local community and the appropriate measures of control that can be justified and considered.

The Definition of HMO

- 1.4 The Government definition of a House in Multiple Occupation, commonly known as a HMO, is a property rented out by at least three people who are not from one 'household' (for example a family) but share facilities like the bathroom and kitchen. It is sometimes called a 'house share'.
- 1.5 Generally, HMOs are defined as either small HMOs (as above) or large. The planning definition set out in the Town and Country Planning (Use Classes) Order 1987 (as amended in October 2010) distinguishes between large and small HMOs: -
 - 'Small' HMOs of up to six people are C4 use class and can convert to C3 housing via permitted development;
 - 'Large' HMOs of seven or more occupants are 'Sui Generis' use class requiring planning permission;
- 1.6 The Council is considering whether there is evidence to justify bringing those HMOs that fall outside of planning regulation (i.e. C4 use class which enjoy permitted development rights) into the development management process through an appropriate mechanism (e.g. such as an Article 4 Direction - see section 1.10 below). Such a mechanism may be necessary where HMOs are generating amenity issues individually or cumulatively, within an area. This intervention would allow proper planning regulation though requiring the HMO to be determined following submitting a planning application. The effect of this could be to improve the standard and/or restrict the presence HMO development. For background, the adopted Arun Local Plan 2018 policy to regulate HMOs that are subject to planning permission, is set out in Appendix 1. The broader context for this issue is already significant at the national level and is described below.

House of Lords Select Committee Report: 'The Future of Seaside Towns'

1.7 In April 2019, the House of Lords Select Committee on Regenerating Seaside Towns and Communities published 'The Future of Seaside Towns' report to consider the regeneration of seaside towns and communities. Chapter 5 of the report looks at housing, wellbeing and the built environment.

1.8 Housing issues emerged as one of the most prominent concerns voiced by coastal towns including the impact of a proliferation of HMOs generating a number of social, economic and management challenges. Although not unique to coastal towns, they typically sustain high incidences of poorer housing stock often associated with HMO conversion arising from:-

- redundant tourism accommodation
- former hotels
- bed and breakfast accommodation

1.9 Much of the oversupply of the above stock in coastal towns is characterised by conversion to the private rented sector and HMOs. This is often achieved by maximising occupancy into smaller or shared units to maximise rental returns and is often at the expense of the quality and standard of accommodation. Such accommodation may be characterised by households on housing benefit and of a vulnerable/transient nature and a high dependency on social infrastructure.

1.10 An over concentration of such housing is perceived as a barrier to regeneration, investment and social cohesion, including blighting areas of seaside towns. The select committee published 38 recommendations. In particular, recommendation 20:-

"We recommend that the Government determines whether local authorities require additional powers to address the problems arising in areas with especially large numbers of HMOs. This determination should include the introduction of measures that enable local authorities to safeguard resources necessary for the enforcement of housing standards. (Paragraph 217)"

1.11 The Government's response was published in June 2019 and in response to this question, advised that local authorities already have flexibility through local financial settlements to improve community services backed by recently strengthened powers to regulate against proliferation of HMOs and/or poorer housing conditions through licensing and selective licensing, including enforcement and penalties. However, elsewhere in the response, the Government acknowledges the need for further work and coordination on the scale and impact of transient and vulnerable populations in and out of coastal areas.

1.12 This report therefore, focuses on the local evidence for imposition of Article 4 Directions. Licensing is covered in the separate report to the Housing and Customer Services Working Group.

Distribution of HMOs in Arun District

1.13 The Council keeps a public register of licensed HMOs in the District. The public register can be found on the Council's website: <https://www.arun.gov.uk/hmo>

1.14 Maps 1 – 5 in Appendix 4 show the location, distribution and main concentrations of all known HMO's in the District using the Council's register. These maps focus on Littlehampton and Bognor Regis as the main urban areas in the District which show that the main clusters/concentrations are firstly, within Bognor Regis, then Littlehampton and tend to correlate with the core (commercial centre/station, transport and town centre hub environments) although some relate to the seafront and riverside locations or older locations with town houses or property lending itself to conversion.

1.15 Data on Multiple Deprivation Index 2015 indicators for the Lower Layer Super Output Areas by Ward and housing areas in Arun, which most closely approximate these clusters, provide some contextual correlation to antisocial behaviour and social/physical living conditions e.g.: -

- Crime;
- Barriers to housing and services;
- Living environment etc.

1.16 However, analysis shows that very few LLSOA fall below the 5th decile for the above indicators (decile 1 being 10% most deprived in England and decile 2 next worst 10% etc) with the exception of :-

Bognor Regis

- Craigwell Aldwick East = 3 decile for barriers to housing and services;
- Felds Estate Aldwick East = 4 decile for barriers to housing and services
- Hotham = 2 decile crime; 3 decile barriers to housing services
- Hotham East - 2 decile crime; 2 decile barriers to housing and services
- London /road = 2 decile crime; 4 decile barriers to housing and services; 2 docile living environment;
- Glenwood Estate = 4 decile crime; 3 decile barriers to housing and services
- Gordon Avenue = 3 decile living environment
- Marine = 1 decile crime; 2 decile living environment
- Nywood Lane= 4 decile crime; 4 decile living environment
- Canada grove = 1 decile crime; 2 decile living environment
- Seafront = 1 decile crime; 1 decile living environment
- Elmer = 3 decile barriers to housing and services
- Orchard = 3 decile c rime
- Hampshire Avenue = 3 decile crime
- Annandale Avenue = 3 decile crime; 4 decile barriers to housing and services; 3 decile living environment
- Pevensey Road = 3 decile crime
- Gravits Lane = 4 decile crime
- Sportsground = 4 decile crime

Littlehampton

- Beach = 4 decile for crime

- Beach Norfolk Road = 3 decile crime; 4 decile barriers to housing and services; 1 decile living environment
- Brookfield = 3 decile barriers to housing and services
- North Beaumont = 2 decile barriers to housing and services
- Courtwick = 3 decile crime; 4 decile barriers to housing and services
- Clun Road = 2 decile crime; 4 decile barriers to housing and services 4 decile living environment;
- East Ham Road = 1 decile crime; 2 decile living environment
- River = 1 decile crime; 2 decile living environment
- Riverside rope walk = 1 decile crime; 3 decile barriers to housing and services; 1 decile living environment
- East Street = 3 decile crime
- Irvine Road= 3 decile crime; 3 decile barriers to housing and services; 1 decile living environment
- Broadmark west Rustington = 3 decile barriers to housing and services

Evidence in Arun District HMOs and Amenity

1.15 Available data (which is incomplete in 2018) from the Councils Private Sector Housing and Public Health department for 2018 and 2019 suggests the following. incidents of complaints in relation to HMOs received by the Council in relation to private sector housing and noise: -

Table 1: Incidents of Complaints

Year (1 st January – 23 December)	Private Sector Housing Complaints		Noise Complaints		Comment
		HMO		HMO	
2018	*		508	12	*Total unavailable due to IT system upgrade
2019	419	72	456	11	

1.16 HMOs may represent a low feature of private sector housing complaints. Noise in particular, appears to be a relatively low feature of HMO complaints in each year.

1.17 Further breakdown shows that in 2019 for private sector housing complaints, only 20 arose in Littlehampton of which only 3 in relation to HMOs (HMOs account for only 11 overall noise complaints). The balance appears to be mainly within Bognor Regis or elsewhere in the district.

1.18 While the available data from the /council’s monitoring systems is not comprehensive, the initial evidence suggests that there is some evidence of HMO related incidences of complaint although modest for noise, when compared to other forms of private sector housing and appears modest for Littlehampton compared to Bognor Regis or other areas. Other evidence available is considered below.

Further Evidence

Stock condition survey

- 1.19 Arun District Council along with 3 other West Sussex local authorities, obtained some limited Government funding to have a stock condition survey undertaken by the Building Research Establishment (BRE). This was a desktop based survey over a short time frame, reflecting the limited funding available.
- 1.20 The 2019 data survey is ward based and shows the number of dwellings in each ward (See Appendix 2 Stock Condition Survey 2019), broken down to owner occupied and private rented. It also shows how many properties have a Category 1 hazard indicator (if a hazard is a serious and immediate risk to a person's health and safety, this is known as a Category 1 hazard). It also shows the number of HMOs and how many are licensable in each ward. This data can only infer amenity issues where Wards have high category 1 incidences and a corresponding presence of high numbers of HMOs. The most significant comparisons for highest numbers are for Marine and River Wards.

District Wide Housing Stock Type and BRE Data

- 1.21 The extract of data (See Appendix 3) and conclusions of the licensing report to Housing and Customer Services Working Group (22 October), suggests that currently, the level of HMO representation in the private rented housing stock is 9% similar to the national picture. However, there is insufficient evidence of poor HMO housing stock condition, in relation to additional licensing and in relation to crime antisocial behaviour for selective licensing schemes.

Control options open to the Authority

- 1.22 The Adopted Arun Local Plan (2011-2031) sets out a policy for regulating HMO developments for those C3 class housing changes of use/conversions that require planning permission (i.e. excluding smaller C4 use HMOs which enjoy permitted development rights), in the interests of securing well balanced sustainable communities, with adequate parking and social infrastructure.
- 1.23 The policy strikes a balance recognising the contribution of HMOs to the economy particularly, as a source of housing for people on low incomes, those on benefit payments, students, seasonal workers and those starting off in the economy as young professionals. However, the policy also recognises that a large concentration of HMOs can have significant and potentially damaging impact on the amenity of a local area, such as noise and disturbance, generation of more refuse and a greater demand for off-street parking.
- 1.24 Three options are suggested below for the authority to consider. In selecting any option, the Council will need to satisfy itself that there is sufficient evidence to justify its approach because of the regulatory requirements of introducing planning statutory instruments and licensing control requirements as described below.

1. Article 4 Direction

- 1.25 Development Control Committee will be familiar with the application of Article 4 Directions under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the regulation of extensions and other changes to buildings within Conservation Areas. This instrument removes specified permitted development rights and can be applied to a defined area or to the whole of the authority area.
- 1.26 In relation to HMOs, this instrument would bring proposals for change of use/conversion of C3 housing to class C4 under the Development Managed process requiring a planning application and determination against policies and material considerations. Consequentially, planning fees would however, be forgone.
- 1.27 The National Planning Policy Framework (paragraph 53) requires the use of Article 4 Directions to be limited to situations where it is “necessary to protect local amenity or the wellbeing of the area” and they should not be used unless there is “clear justification” for doing so.
- 1.28 The National Planning Practice Guidance (PPG) further states that evidence is required to justify the purpose and extent of the Article 4 Direction, to demonstrate that such action is needed to protect local amenity or well-being of the area. The PPG also requires the potential harm that the Direction is intended to address to be clearly identified. Finally, it requires there to be a “particularly strong” justification if a Direction is to relate to a wide area (for example covering the entire area of a local planning authority).
- 1.29 Two types of Article 4 Direction can remove permitted development rights: -
- Procedure for article 4(1) 1. directions without immediate effect – requires a local advertisement giving 6 weeks’ notice (specifying the date the direction comes into force); including notice displayed at 2 locations in the affected area or on site; and notice to each affected owner/occupier if practicable; notice to the secretary of state; 21 day representation period; confirmation by the LPA of the date the direction comes into force taking into account representations (i.e. not earlier than 28 days from representation period and no later than 2 years
 - Procedure for article 4(1) 2. directions with immediate effect - the authority consider that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area; a draft direction is sent for approval by the secretary of state; following approval notice is advertise (and given to the secretary of state); and served on the owner or occupier (being the date the direction comes into force); the local planning authority must consider any representations made in response to the notices/advert in not less than 28 days and not more than six months; and give notice of the confirmation of the in the same way that it notified the making of the order.

3. Further Monitoring and Review

- 1.30 The incomplete monitoring picture makes any clear justification for intervention under either option 1 or 2 above circumstantial. While the clustering of HMOs is quite striking

in inner areas of Bognor Regis and Littlehampton – there is only modest evidence of amenity nuisance. Bognor Regis arguably, appears to show more issues comparatively, and should be prioritised for further evidence gathering to consider whether Article 4 Direction is justified. There is some evidence to support that Littlehampton is kept under review by planning and housing services, and to ensure that monitoring systems are enhanced and better coordinated on the amenity and regeneration implications of HMOs in the district. To act now without robust evidence may risk challenge and intervention by the secretary of state. At this unprecedented time of the Covid-19 virus pandemic – there are added risks, concerns and considerations. Further guidance may need to be sought from Government on the role of this housing sector in addressing amenity and regeneration issues but also in terms of overcrowding and on health, wellbeing as well as access to affordable accommodation.

Conclusion

1.31 There is sufficient evidence on clustering and contextual information on amenity and deprivation related issues to guide the Council to undertake further research in prioritising specific wards and areas in Bognor Regis. Planning should work together with housing services in order to establish robust evidence to determine the justification and role for designating Article 4 Direction(s) in Bognor Regis as a priority. The matter should be kept under review for Littlehampton unless the work also confirms that there is sufficient justification to bring a further Article 4 Direction(s) forward at the same time.

3. OPTIONS:

The following options are available to Members:

- To agree the report to ensure that effective measures to control and manage HMOs are evidence, justified and implemented accordingly;
- or not to agree the report and the risk that the ongoing and future management and regeneration of the seaside towns within Arun are undermined.

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		x
Relevant District Ward Councillors	x	
Other groups/persons (please specify):		x
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	x	
Legal		x

Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		

6. IMPLICATIONS:

There are no immediate implications for Arun District arising from this proposed response. However, further resource may be needed to progress the regulatory work and to ensure that work is commissioned in future to obtain appropriate evidence.

7. REASON FOR THE DECISION:

To ensure that planning policy and implementation is supported by robust evidence that will justify the appropriate form of regulation of development within Arun which can protect amenity and to ensure that residents are housed to an appropriate standard.

8. EFFECTIVE DATE OF THE DECISION: *Committee Services to insert*

9. BACKGROUND PAPERS:

Appendix 1: Planning Policy Background to Houses in Multiple Occupation

Appendix 2: Stock Condition Survey 2019

Appendix 3 Extract Housing and Customer Services Working Group Report (22 October 2020) - District wide Housing Stock Type and BRE Data

Appendix 4: Location, distribution and main concentrations of all known HMO's using the Council's register

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Appendix 1: Planning Policy Background to Houses in Multiple Occupation

Planning Background

The Arun Local Plan 2011-2031 (ALP) recognises the contribution of HMOs to the economy, particularly as a source of housing for people on low incomes, those on benefit payments, students, seasonal workers and those starting off in the economy as young professionals. It also recognises that a large concentration of HMOs can have significant and potentially damaging impact on the amenity of a local area such as noise and disturbance, generation of more refuse and a greater demand for off-street parking.

In determining applications for changes of use to HMOs, Policy H SP4 Houses in Multiple Occupation of the ALP is applied. This policy states that where planning applications for HMOs are not already covered by permitted development rights, they will be favourably considered where the proposals contribute to the creation of sustainable, inclusive and mixed communities and meet certain criteria. The criteria are that proposals do not adversely affect the character of the area including eroding the balance between different types of housing, including family housing; do not contribute to the generation of excessive parking demands or traffic in an area; and provide adequate areas of open space.

Policy H SP4 Houses in multiple occupation

Where planning applications for houses in multiple occupation (HMOs) are not already covered by permitted development rights, they will be favourably considered where the proposals contribute to the creation of sustainable, inclusive and mixed communities and meet the following criteria:

- a. Do not adversely affect the character of the area including eroding the balance between different types of housing, including family housing;
- b. Do not contribute to the generation of excessive parking demands or traffic in an area;
- c. Provide adequate areas of open space.

Appendix 2: Category 1 Housing Indicator by Ward

Ward Name	Stock Level	Dwelling Total	Category 1 Hazards Indicator	HMO	Licensable HMO	Ward Deprivation Rank (out of 23 wards in Arun)
Aldwick East	All Stock	2596				21
	Private Rented	200	12	20	6	
Aldwick West	All Stock	2979				18
	Private Rented	210	18	22	1	
Angmering and Findon	All Stock	4468				15
	Private Rented	799	65	70	21	
Arundel and Walberton	All Stock	3910				14
	Private Rented	527	76	55	17	
Barnham	All Stock	3631				19
	Private Rented	587	38	35	16	
Beach	All Stock	2337				8
	Private Rented	561	60	65	13	
Bersted	All Stock	3913				7
	Private Rented	704	47	58	14	
Brookfield	All Stock	2656				9
	Private Rented	369	19	23	6	
Courtwick with Toddington	All Stock	4276				3
	Private Rented	1273	68	90	5	

East Preston	All Stock	4092				17
	Private Rented	323	21	21	5	
Felpham East	All Stock	2620				22
	Private Rented	208	17	13	1	
Felpham West	All Stock	2826				13
	Private Rented	504	40	39	6	
Ferring	All Stock	2464				23
	Private Rented	224	12	9	4	
Hotham	All Stock	2924				5
	Private Rented	1172	72	127	17	
Marine	All Stock	3494				1
	Private Rented	1912	156	177	48	
Middleton-on-Sea	All Stock	2687				16
	Private Rented	298	16	16	2	
Orchard	All Stock	2895				6
	Private Rented	738	67	127	27	
Pagham	All Stock	3003				12
	Private Rented	217	13	18	5	
Pevensey	All Stock	2413				4
	Private Rented	435	24	61	7	
River	All Stock	4704				2
	Private Rented	1965	183	182	46	
Rustington East	All Stock	2823				11

	Private Rented	309	28	29	1	
Rustington West	All Stock	4166				20
	Private Rented	501	29	34	3	
Yapton	All Stock	2511				10
	Private Rented	387	26	39	9	

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Appendix 3 Extract Housing and Customer Services Working Group Report (22 October 2020) - District wide Housing Stock Type and BRE Data

Using the recent private sector housing modelling data obtained from the BRE, Table 1 below illustrates the housing stock across the district with approximately 1329 HMOs which is 9% of the total housing stock and 280 of these HMOs are licensable under the Governments mandatory scheme.

Table 1 – District Wide Housing Stock Type

Tenure	Dwelling Total
All Stock	74,388
Owner Occupied	53,130
Social	6,835
Private Rented	14,423
Houses in Multiple Occupation	1,329
Licensable Houses in Multiple Occupation (Mandatory Scheme)	280

The BRE data also identifies via modelling whether there are likely to be poor conditions, this is identified by whether a category 1 hazard as defined by the Housing Health and Safety Rating System is present, there is a fuel poverty indicator or there is disrepair. Table 2 shows this data specifically for HMOs.

Table 2. BRE Data - HMO Stock Condition

Type of Condition Identified	Number of HMOs	Percentage of HMO Stock
Category 1 Hazard as defined by the Housing Health & Safety Rating System	129	9.7%
Fuel Poverty Indicator	327	24.6%
Disrepair	19	1.4%

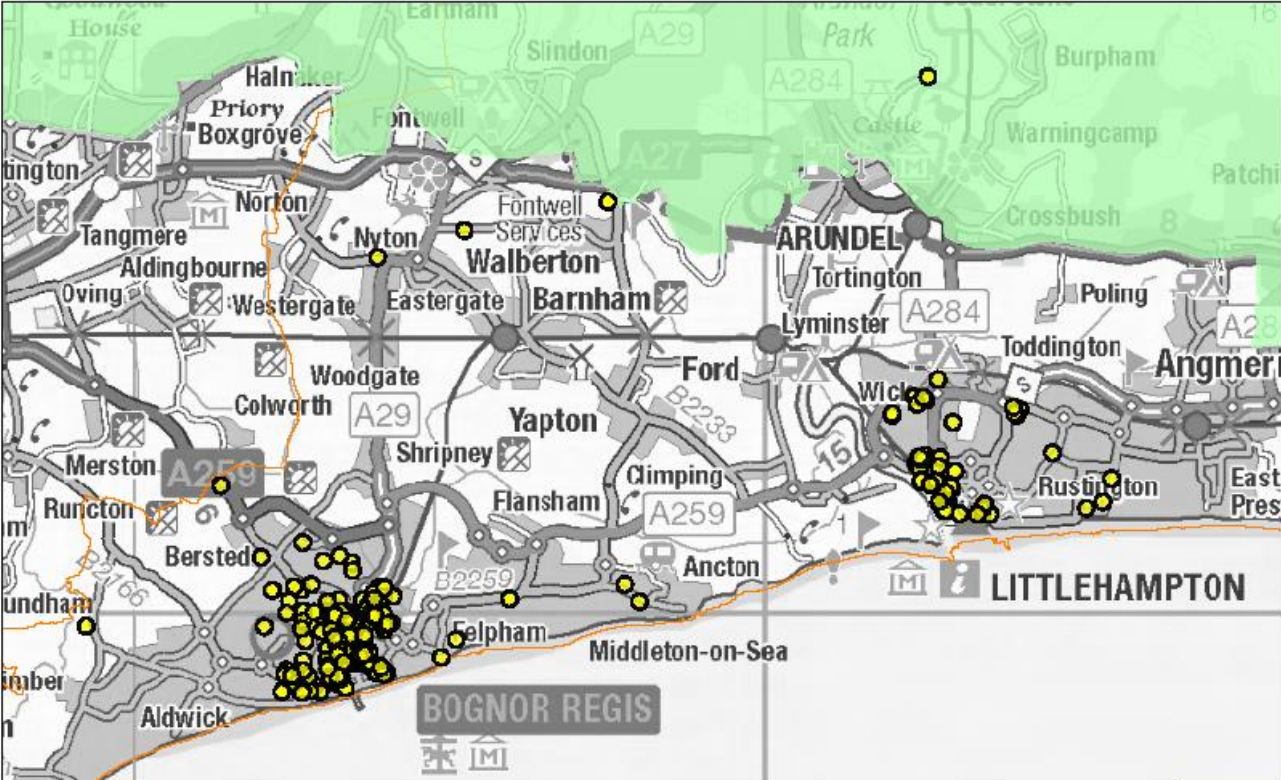
This data indicates that there is not a high percentage of poor conditions within the HMO stock.

Based on this initial information it is considered that there would not be sufficient data to robustly justify the poor conditions criteria for the additional HMO licensing scheme without further in-depth investigation and analysis.

Appendix 4: Location, distribution and main concentrations of all known HMO's using the Council's register

Whole District

Arun District Council Maps

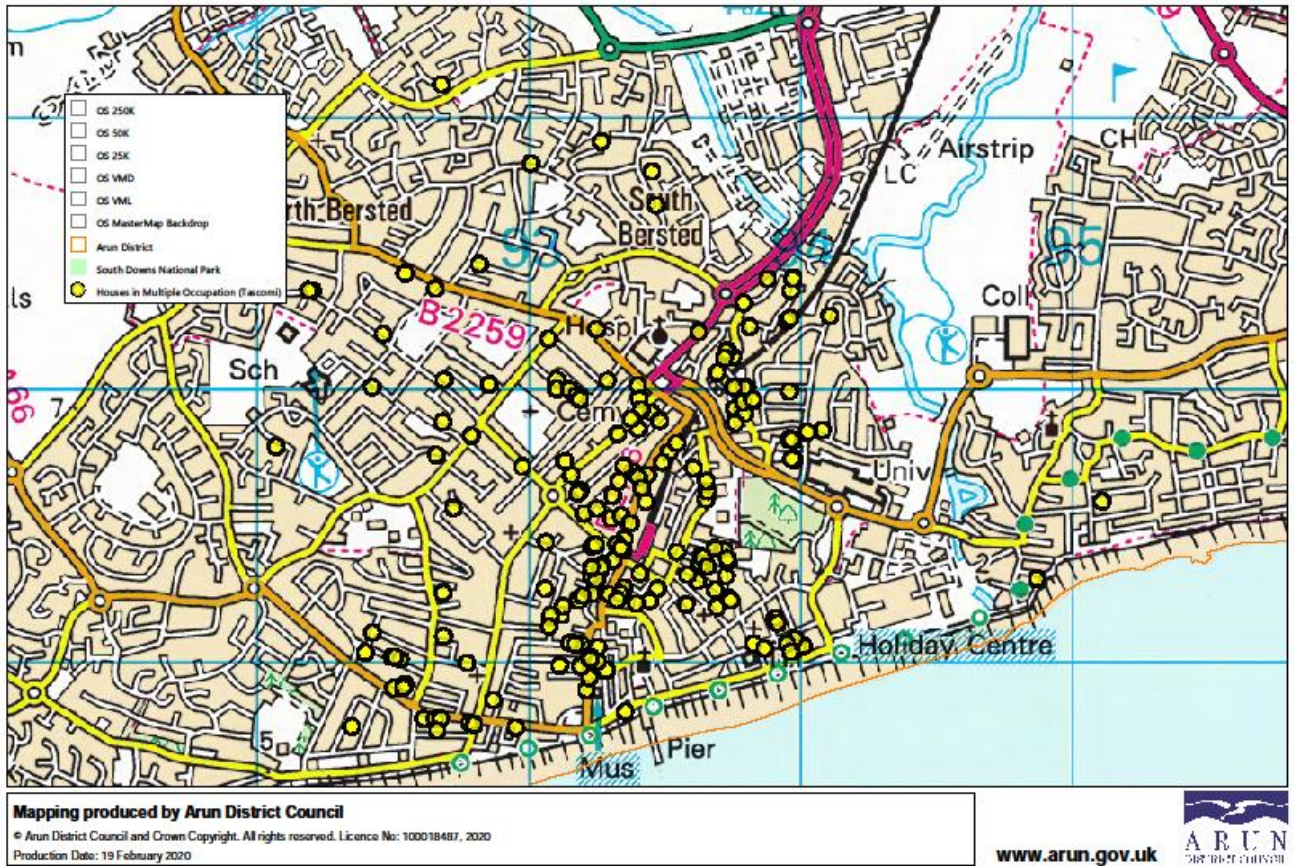


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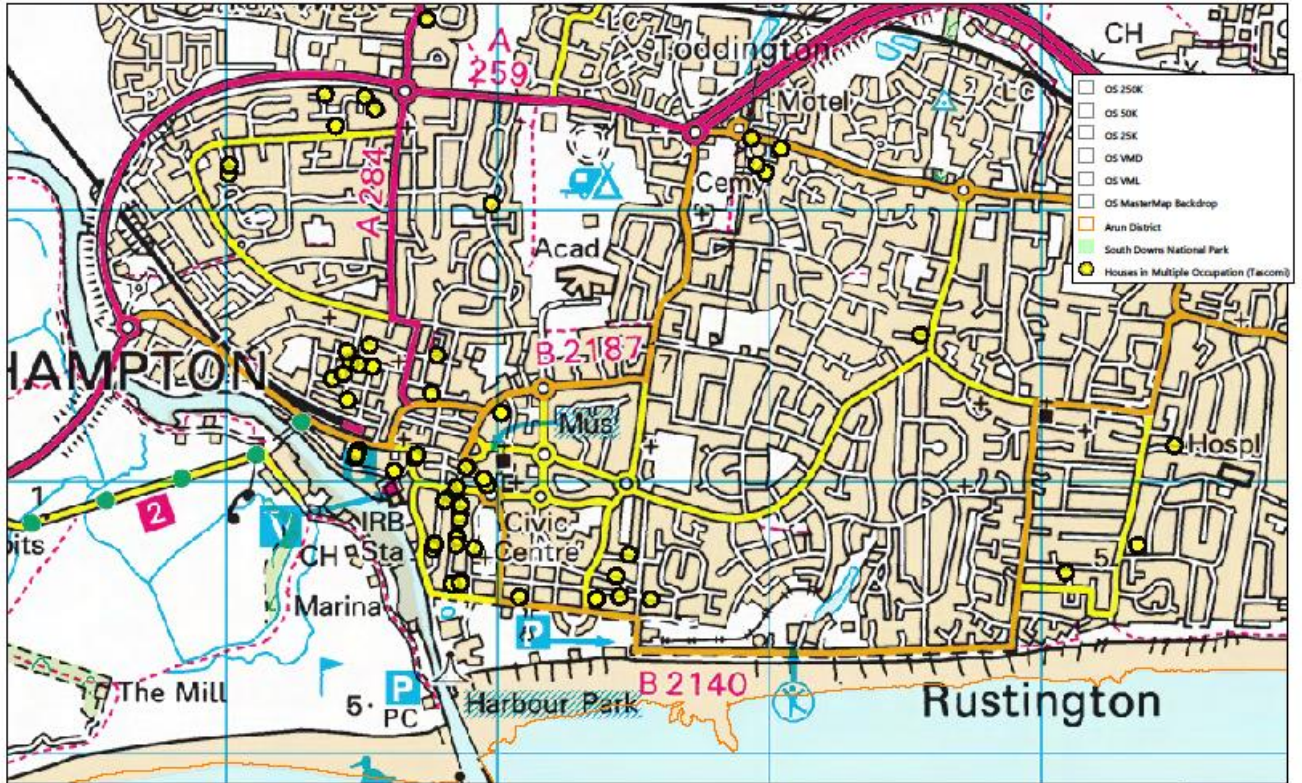
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Bognor Regis

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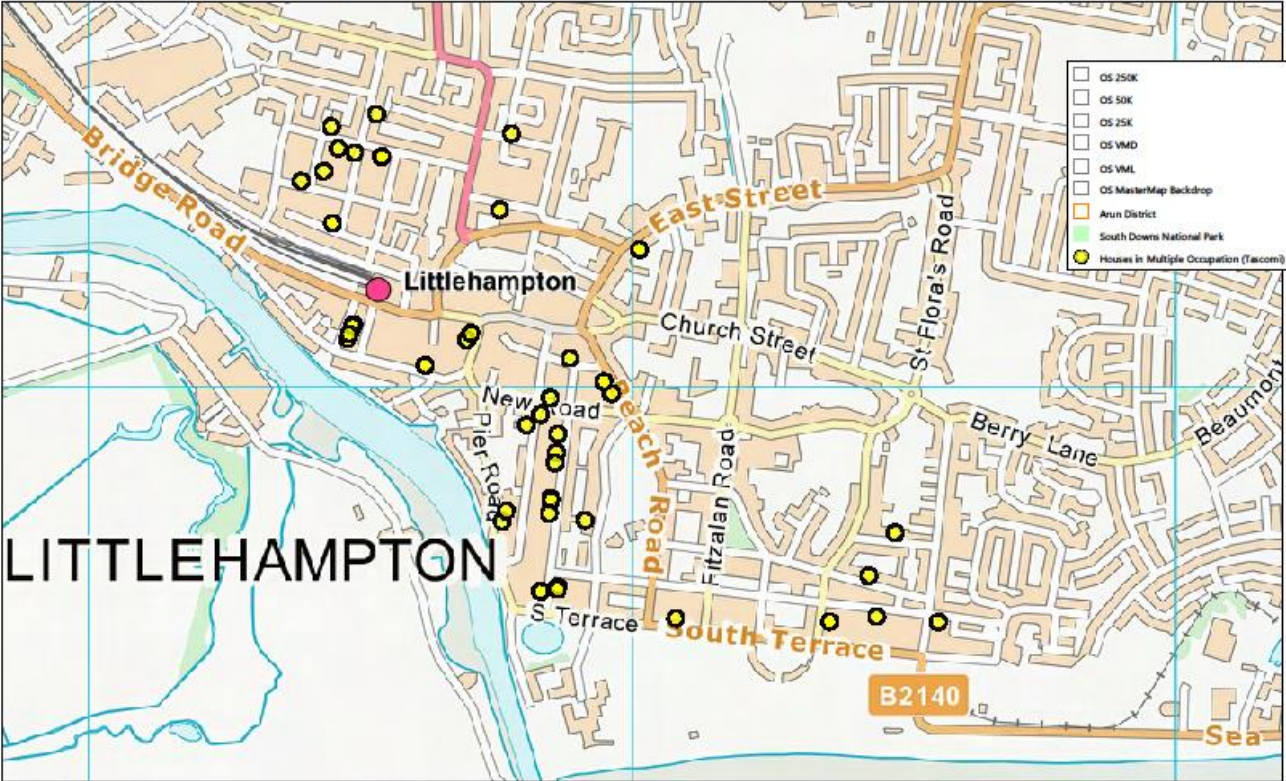


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