



# Public Document Pack

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Committee Manager Carley Lavender (Ext 37547)

21 December 2020

## DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held virtually on **Wednesday 6 January 2021 at 1.00 pm** and you are requested to attend.

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

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

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

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

**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)<<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 - 16)

To approve as a correct record the Minutes of the meeting held on 25 November 2020 and 2 December 2020.

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

#### **DEFERRED ITEM**

#### **PLANNING APPLICATIONS**

6. **A/109/20/RES LAND SOUTH OF WATER LANE, (Pages 17 - 52)**  
**ANGMERING**

7. **A/179/20/RES LAND SOUTH OF WATER LANE, (Pages 53 - 68)**  
**ANGMERING**

8. **AW/240/20/PL 17 NYEWOOD LANE, ALDWICK PO21 2QB** (Pages 69 - 80)
9. **FG/127/20/PL ONSLOW CARAVAN PARK, ONSLOW DRIVE, FERRING BN12 5RX** (Pages 81 - 92)
10. **FP/181/20/PL BEACHCROFT HOTEL, CLYDE ROAD, FELPHAM PO22 7AH** (Pages 93 - 104)
11. **LU/294/20/PL BROOKFIELD PARK AT HONEYSUCKLE CLOSE, LITTLEHAMPTON** (Pages 105 - 112)
12. **R/197/20/PL CROFT WORKS, 52 MILL LANE, RUSTINGTON BN16 3JN** (Pages 113 - 128)
13. **Y/99/20/PL BONHAMS FIELD, MAIN ROAD, YAPTON BN18 0DX** (Pages 129 - 142)

#### **PLANNING APPEALS**

14. **APPEALS** (Pages 143 - 146)

#### **OFFICER REPORT UPDATES**

Will be circulated at the meeting.

#### **BACKGROUND PAPERS**

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

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

Contact Officers :

Neil Crowther (Ext 37839) email [neil.crowther@arun.gov.uk](mailto:neil.crowther@arun.gov.uk)  
Daniel Vick (Ext 37771) email [dan.vick@arun.gov.uk](mailto:dan.vick@arun.gov.uk)  
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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.

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

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

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# Public Document Pack Agenda Item 4

Subject to approval at the next Development Control Committee meeting

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## DEVELOPMENT CONTROL COMMITTEE

25 November 2020 at 2.30 pm

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

Councillors Huntley (observing) was also in attendance for all or part of the meeting.

Apologies: Councillor Edwards

### 320. DECLARATIONS OF INTEREST

Planning Application WA/48/19/RES - Councillor Ms Thurston declared a prejudicial interest on the basis of predetermination as she had previously made statements in relation to this application.

### 321. MINUTES

The Minutes of the Development Control Meeting that was held on the 28 October 2020 were approved by the Committee and agreement was sought to sign the minutes as soon as practicably possible.

### 322. WA/48/19/RES - LAND TO THE EAST OF FONTWELL AVENUE, FONTWELL AVENUE, FONTWELL

*(Prior to the consideration of this application, Councillor Ms Thurston had declared a prejudicial interest and was placed in the virtual waiting room and so took no part in the debate or vote.)*

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

At its meeting on Wednesday 24 June 2020 the committee was presented with this application and it was resolved to DEFER a decision to enable more work to be undertaken by the applicant on the design of the scheme. Following discussions with officers, the applicants submitted a large number of revised plans, drawings and documents. The application was then subject to a further period of consultation and publicity, which ended on 8 October 2020.

The Principal Planning Officer presented the report update to the committee and advised Members that the revised plans were prepared in the context of a new design

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code that increased the number of character areas from 5 to 6. Each area now adopted a more distinctive design approach.

In the course of discussion, overall support for the proposals was clear. Some reservations were expressed with regard to the phasing of the development and the need for the public sewer network to be improved by Southern Water. It was explained that whilst the Council did not have the exact details of the required network reinforcement at the current time, it would be something that the Council would expect to be completed by Southern Water over a two-year timeframe.

The Committee

RESOLVED

That authority be delegated to the Director of Place or Group Head of Planning to approve the application subject to conditions as detailed in the report update following the expiry of 21 days from 18 November or a date that both Parish Councils have confirmed whether they propose to make any representations to the District Council, whichever is the sooner.

323. AL/64/20/PL - SPRINGFIELD, HOOK LANE, ALDINGBOURNE, PO20 3TE

*(Councillor Ms Thurston was readmitted to the meeting prior to the presentation for this item)*

Two Public Speakers

Mr John Gridley – Objector  
Ms Kerry Simmonds – Agent

AL/64/20/PL - Land at 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 & AL/27/20/PL

The Planning Officer presented the application and the report update to Members. He advised that the previous applications had been REFUSED on the basis of the trees in situ. The report update confirmed that the application now supplied the Tree schedule which had been omitted from the original report in the agenda. He further advised that there were a couple of minor conflicts with two policies, highlighting that there was no drainage impact assessment or no archaeological desk-based assessment but that these were outweighed by the benefit that would be made to the housing supply shortfall.

During the course of the debate Members stated that the application was much improved, they did voice their concern regarding the application in specific reference to road and traffic concerns for the site, however there was no legitimate planning reason for refusal.

The Committee

RESOLVED

That the application be approved subject to conditions as detailed in the agenda.

324. BN/50/20/PL - LAND WEST OF FONTWELL AVENUE, FONTWELL AVENUE, FONTWELL PO20 3RX

Two Public Speakers

Mr Andrew Munton – Applicant

Ms Maddi Simpson – Agent

BN/50/20/PL - Land West of Fontwell Avenue 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.

The Planning Officer presented the application for 42 new dwellings and the report update to Members. From the presentation it was highlighted that there would be some loss of trees and hedging to ensure good visibility for the new entrance access point. He advised that the application was contrary to the development plan policies, however it is believed that it is sustainably located and would assist greatly with the housing land supply shortage. He went on to advise Members that the drainage concerns had been resolved and were now acceptable to both Portsmouth Water and Environment Agency. Drawing Members attention to the update report that had been circulated prior to the meeting that highlights an error in the s106 on page 105 and proposes changes to conditions 2 and 31 as well as providing analysis of the impact of the emerging Barnham and Eastergate neighbourhood plan policies.

Throughout the debate Members were generally pleased to see an application with good green credentials, that had been well planned and thought through. Concerns were raised that the application was in conflict with the Barnham and Eastergate neighbourhood plan. The Planning Officer explained that there was a conflict with policy EE8, which supports retention of Equestrian businesses and conflict with the built up area boundary policy however the emerging neighbourhood plan also allocates this sites for residential development which he believed outweighed the two conflicts highlighted.

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## The Committee

### RESOLVED

That authority be delegated to the Director of Place to approve the application subject to conditions, as detailed in the report update, once the s106 has been completed

### 325. APPEALS

The Committee received a verbal update on three appeals from the Director of Place and then noted the remainder of the report.

### 326. BARNHAM EASTERGATE WESTERGATE (BEW) - SUBMISSION OF MASTERPLAN & FRAMEWORK FOR ENDORSEMENT

*(Prior to the consideration of this application, Councillor Mrs Yeates had declared a prejudicial interest and was placed in the virtual waiting room and so took no part in the debate or vote.)*

The Chairman reminded members that this was a high level framework masterplan for a site that is allocated within the Local Plan, the purpose of the master plan is to provide a vision and broad design principals for the site rather than details of how the infrastructure will be delivered it is not an opportunity to revisit the principals of the BEW allocation or the route of the A29 realignment. The recommendation included the submission of a phasing and delivery plan. Discussion should remain around the overarching principals set out in the framework masterplan.

The Senior Planning Officer advised Members that the masterplan would see a development of 4,300 homes whilst this was an increase the report did make clear previously that the originally reported 3000 homes was a minimum number. He gave a clear update on where the development was at in its process. He confirmed that the site would deliver a number of community facilities from nurseries to two schools, he confirmed that a mix of housing densities would be required across the site. The Northern portion of the A29 would be delivered by West Sussex County Council. The southern portion would be the first part of the substantive application for the site delivered. Due to the area around the Lidsey Rife being at higher risk of flooding, housing had been directed away from this area and drainage of the site works on the basis of a series of attenuation basins which would store water and result in a controlled discharge. Linear Park area had been planned to provide not only a defined feature for the site but also hydrological and ecological benefits to the district. Officers are satisfied that the framework masterplan would provide a flexibility for all eventualities and would allow a robust package towards infrastructure to be secured. In summary he stated that the framework masterplan had come from extensive discussions with developers and officers. Developers had made appropriate concessions throughout the process to



ensure alignment with the adopted Local Plan. It also established the principals against which planning applications would be submitted and when.

Members were complimentary to the “high quality” framework and had agreement that it would deliver the objective of the Local Plan. Concern was highlighted on the following;

- Traffic build up during the build
- Public Transport improvement needed
- Increase in number of homes
- Area for Bat habitat
- Clarity for the development of a footpath along the canal into the current bridleway

The Senior Planning Officer addressed some of the concerns discussed and advised Members that one of the reasons for phasing of the development was to ensure good management of the number of houses built but was a matter to be determined at a later time. In terms of biodiversity throughout the lifetime of the development the environmental bill would come into effect and as part of that it would net gains would be achieved, the aim was for at least 10% but the indicative surveys suggest that, that will be exceeded. He also confirmed the footpath that was raised was located at Chichester Canal and while he couldn't discuss in too much detail at this time as a future application would be submitted in relation to this, he confirmed more detail would be provided to Members at a later time.

The Committee

#### RESOLVED

that the ‘Barnham, Eastergate and Westergate Framework Masterplan Version for Endorsement November 2020’ be endorsed subject to the submission of a satisfactory Phasing and Delivery Plan being submitted to Officers for consideration and to be appended to the endorsed Framework Masterplan.

#### 327. OPTIONS FOR INTRODUCING FURTHER CONTROLS ON THE DEFINITION, NUMBER AND QUALITY OF HOUSES IN MULTIPLE OCCUPATION

The Director of Place provided members with an update on the report and explained that the restrictions were two-fold and split by the Licensing and Planning restrictions. He advised that the Housing & Customer Services Working Group had completed their review of the licensing restrictions and that what was being suggested to the Committee was that they should utilise the same research that was being undertaken by the Licensing team.

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Early in the debate the cost of the research was queried to ensure that value for money was achieved given that the report suggested the problem was a fairly small one. It was explained that the cost associated with the researched would be difficult to establish prior to the research being completed, the Planning Service and Private Sector had utilised as much information they could up to this point. The report sets out £30,000 and it was confirmed that costs were not currently expected to be more than that, however this could change. Members were reminded at this point that it was the view of Full Council that matters needed to be investigated further with decisions to be presented at Full Council in January 2021 for further discussion.

Concern was also raised in relation to the time that Officers would be able to commit to the work that needed to be done in light of ongoing workload. It was confirmed that whilst the focus currently was on reviewing the Local Plan that would present a challenge, however that was also a good reason to consider a Consultant to help complete the research. If further requests come forward, then the priority would be to complete core business.

It was also raised that the report was asking to look at Bognor Regis only and to keep Littlehampton under review and would it not be more cost effective to review both areas at the same time. It was confirmed that currently the data that had been reviewed had suggested that the work is likely to be centred around the Bognor Regis area. However, if further research showed that Littlehampton was also needed then this would be done.

Concerns regarding people being housed in clusters had demonstrated problems in specific areas and would the research completed be a further opportunity to address these issues that were ongoing. If the research was undertaken it was explained that it would be able to provide additional information that would help with this concern moving forward.

The Committee

RECOMMEND TO FULL COUNCIL that;

The Council undertake further research with Housing Services in order to establish 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.

(The meeting concluded at 4.32 pm)

DEVELOPMENT CONTROL COMMITTEE

2 December 2020 at 2.30 pm

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

Apologies: None.

336. DECLARATIONS OF INTEREST

Cllr Mrs Yeates made a declaration of predetermination for item 10 [Phase 1, A29 Realignment - ADC Response to WSCC Planning Application WSCC/052/20 (ADC Ref bn/126/20/WS)] based on comments she had made previously.

Cllr Ms Thurston declared a personal interest in item 10 [Phase 1, A29 Realignment - ADC Response to WSCC Planning Application WSCC/052/20 (ADC Ref bn/126/20/WS)] as a member of Barnham and Eastergate Parish Council.

Cllr Edwards declared a personal interest in item 10 [Phase 1, A29 Realignment - ADC Response to WSCC Planning Application WSCC/052/20 (ADC Ref bn/126/20/WS)] as a member of West Sussex of County Council.

337. M/68/20/PL - POULTRY FARM, 87 YAPTON ROAD, MIDDLETON ON SEA PO22 6DY

5 PUBLIC SPEAKERS

Ms Christine Johnson  
Mr Tim Kerss  
Mr Timothy Bell  
Mr Nik Smith – Agent  
Councillor Hayward – Ward Member

DEMOLITION OF THE EXISTING STRUCTURES & REDEVELOPMENT TO PROVIDE A NEW 66-BEDROOM CARE HOME ARRANGED OVER TWO STOREYS TOGETHER WITH ASSOCIATED ACCESS, CAR & CYCLE PARKING, STRUCTURAL LANDSCAPING & AMENITY SPACE PROVISION (RESUBMISSION FOLLOWING M/80/19/PL). THIS APPLICATION IS IN CIL ZONE 4 (ZERO RATED) AS 'OTHER DEVELOPMENT'. POULTRY FARM, 87 YAPTON ROAD, MIDDLETON-ON-SEA

Councillor Edwards was invited by the Chairman to ask his question prior to the presentation of the item. He asked based on the report update why were the Committee being asked to review this today, given that West Sussex County Council contributions were still being sought and he was unsure how the Committee would be able to come

to a decision while this was still outstanding. The Director of Place advised that his understanding was the unilaterally undertaking that the Council would normally seek is yet to be finalised. So, his advice was depending on the decision made by Members on this item, it may be a case to include in the recommendation that this unilaterally undertaking is completed before the decision notice was issued. Councillor Edwards was unhappy with this answer as he felt that the Committee should be presented with all the facts prior to making a decision.

The Planning Officer then presented his report to Members where he advised that further information had been received from the Agent in relation to the basement element of the application where he confirmed that the Ground Floor around the site would remain the same and there would be no area dug into, meaning that the overall height of the building would be reduced by lowering the ridge lines. He went on to explain that this application followed application M/80/19 that had been REFUSED and was now under the appeal procedure. He specified that in terms of this application the footprint, layout and number of bedrooms was the same as the previous refused application, the difference was on the north-western corner of the site where a basement was proposed to accommodate a plant room, laundry room, changing room, training room, kitchen and other ancillary rooms. This would allow the roof to be lowered sufficiently so that now the building would be similar to a previously approved application M/45/16PL. In terms of the Ash Trees, like the previously refused application, there is a suitable condition included in the application that meant that the trees would now be protected.

The Chairman then invited the Planning Officer to respond to the comments made by the public speakers. The Chairman then invited the Director of Place back to respond to Councillor Edwards earlier concerns. He referred Members to page 13 of the agenda that detailed the s106 agreement, the update that Councillor Edwards was referring too states simply that should Members decide to support the application, that it would be normal practice for this action to be delegated to the Director of Place to complete.

Members then took part in a full debate on the application where the following concerns were raised.

The first statement made by Councillor Mrs Pendleton who reminded the Committee that each planning application should be reviewed in its own right, and she was concerned at the references made to passed applications. It was also felt that the density was not sympathetic and would compromise the local setting. The 1.8-meter fence with locked gates were felt to be an eyesore. Lighting was believed to contribute to light pollution. Vehicles that would have to wait for a gate to be opened and the risks that would come with this. The detail of the 27 parking spaces that was included in the application as unsuitable. Concern was raised that the application was being built on a flood plain area, however this was confirmed by the Engineering Services Manager to be incorrect. He stated that the Environment Agencies flood risk map and it was not listed as being within flood zone 2 or 3. He also advised that while the ground water was high, the investigations that had been completed and now it was evident that a basement could be suitably constructed so it was water tight.

The Planning Officer then addressed the comment made by Councillor Mrs Pendleton regarding reviewing the application as a standalone. He explained that usually this would be normal practice and she was correct. However, 9 months ago a very similar application was refused by this Committee for specific reasons that had been detailed within the report and he reminded members that consideration should be given to the reasons for refusal should that be the decision made today and that it wouldn't be advisable to consider refusal for any additional reasons other than detailed on the previous application.

In turning back to the debate, the following questions were asked;

- What statistical info has been used in order for them to declare that the project is needed?
- Numerous non compliances with the local plan and the new NPPF
- If the Committee approve this app, what happens to the previous applications at appeal?

The Director of Place was then invited by the Chairman to respond to the questions asked. He firstly reiterated the Planning Officers advice that while Members were correct that usual practice is for applications to be considered in its own right, he agreed with the advice the Officer had given stating again that a similar application was rejected with only two grounds of refusal being sighted. That application had now been considered at appeal and the Council has presented its case only the previous week based on these 2 reasons only. He further stated that at this meeting Members were sighting a larger number of other issues that ultimately were not reasons for refusal when the previous application was in front of the Committee. He advised that as a Committee, members were responsible for the decisions they made, and he urged them to carefully consider if the issues being raised now would justify a refusal. The Planning Officer then referred members to page 9 of the agenda where it set out the need for this proposal.

The Debate resumed and discussion moved to a concern over recommendation no.22. where Members were of the opinion this should state prior to commencement of the works and not prior to occupation of the building. The Planning Officer advised that in relation to the basement and the need for air extraction as the Council was requesting that this work was to be completed prior to occupation, he believed that requesting this to be changed to state prior to commencement of works was not needed. As discussion progressed it was clear that Members were in support of changing the wording to recommendation no.22. As this was largely supported by the Committee the Planning Officer made this update to the recommendation during discussion, prior to the vote being taken.

In addressing final comments that had been raised during the debate the Director of Place stated that if Members were of the view that the changes in the application in front of them had not satisfied their previous reasons for refusal on the previous application then these could be reasons for refusal but they would still need to be justified. Responding to a question raised regarding the costs associated with an application going to appeal and being overturned he explained that costs could be

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awarded against the Council on the grounds of unreasonable behaviour e.g. unable to justify the decision that had been made. He stated that he believed that the costs would be very significant and reminded Members that they needed to act reasonably and consistently.

The Committee

RESOLVED

that the application be approved subject to conditions

338. LU/214/20/PL - EMPTY SUPERMARKET PREMISES, AVON ROAD, LITTLEHAMPTON BN17 6AT

1 Public Speaker

Susie Stephen - Agent

Demolition of existing buildings & redevelopment comprising 37 No. residential units (Class C3) & flexible commercial floorspace (Class A1, A2, A3 and/or D1) together with the provision of car & cycle parking, landscaping & associated works (resubmission following LU/3/19/PL). This application affects the setting of listed buildings & may affect the character & appearance of the East Street, Littlehampton Conservation Area. This application is in CIL Zone 4 (Zero Rated) as 'flats & other development'. Empty Supermarket Premises, Avon Road, Littlehampton

The Planning Officer updated members on the report update that had been circulated prior to the meeting. He first referred Members to recommendation no.22. that had been added relating to submission for fencing and walling details to ensure that the open space is retained as public space. There was also additional illustrative street scene detailing added to be shown to Members later on. A further change to the north-western corner of block one in relation to the concerns made by the Tree Officer, who is now satisfied with the application. A late representation had also been submitted in an attempt to overcome the reasons of refusal for a previous application. The proposal is for the current building to be demolished and replaced with 3 blocks of flats which amounts to a significant reduction in terms of footprint and height. These two changes alone were felt to be more in keeping with the surrounding area. There were some drainage issues with this area being prone to flooding, it was felt that whilst a sequential test had not been submitted and therefore was in breach of the flood risk policy, the opinion was that there were enough mitigating reasons given as to why flooding of the residential units won't take place. The area is located in the heart of Littlehampton Town Centre, an area of economic growth.

Members had a full debate on the application where the following comments were made. Would flint be used on both sides of the development and would it be real flint? It was confirmed by the planning officer that it would be real flint used and both sides of the development were planned for. The parking provision for the number of

flats was believed to be insufficient by some Members, however others made reference to local transport links being in close proximity to the development. Another Member referenced that electric charging points should be considered within the parking provision as it would be mandatory by 2030 that all vehicles are electric. There were also some concerns raised over the use and location of the flexible retail units within the development, however overall Members were supportive of the application.

The Planning Officer advised that the applicants are still working on the legal agreement so Members should consider delegating approval to the Director of Place once this agreement had been received.

The Committee

RESOLVED

that delegated authority be given to the Director of Place to:

- a. Authorise the execution and completion of the Section 106 Agreement;
- b. Grant planning permission subject to conditions and the Section 106 Agreement

The Chairman then called for an adjournment of the meeting at 16:42pm.  
The meeting was resumed at 16:52pm.

339. A/76/20/PL - LAND AT DAPPERS LANE, ANGMERING

4 Public Speakers

John Oldfield

Susan Bickell – statement read out by a member of the officer team

Rob Clarke – Applicant

Councillor Mike Clayden – Ward Member

Planning application for 84 No. dwellings, public open space, play areas, associated infrastructure & landscaping. This application affects a Right of Way. Land at Dappers Lane, Angmering.

The Planning Officer presented his report to Members where he advised that this application was the third site in the Angmering North strategic allocation. He explained that they had been working very closely with the Angmering Advisory Group over the last few months. He confirmed that the development complied with the Arun Design Guide. In terms of drainage for the development he explained that there had been a lot of objections from local residents regarding flooding, so a lot of work had been put in to the drainage plans for the area with proposed options including clearing out the ditch on the southern side, a whole new piped link to be fitted through St Margret's primary

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school to Arundel Road. He highlighted to members the 3 possible walking routes for students to get to school safely, he also confirmed that improvements would be made to the footway along Dappers lane to reduce safety risks. He further highlighted that the improvements to the current state of Dappers lane were much needed and made reference to a letter the Chairman had sent to West Sussex County Council on 01/12/2020, raising concerns about the condition of this lane.

The Planning Officer was invited by the chairman to address any comments made by the public speakers. He stated that in terms of the community land trust he confirmed they are on the list, but they do not want all the units they have been offered. In terms of affordable housing 30% provision had been allocated for this. In terms of drainage the conditions are outlined very clearly throughout the report and have been discussed at great length throughout meetings with the advisory groups. The West Sussex County Council, Principal Transport Planner was invited to comment regarding the footway. He stated the reason it was not requested that the application provides the whole length of the foot way was because there is another right of way route and this had been detail within the conditions of the application. He also advised that the main foot way link fell within the land north of Water Lane and therefore until that had been submitted and was available it was not a significant concern for this application.

Members then took part in the debate on the application where there was overall agreement that the improvements that had been made to the application were positive. However, there were concerns still regarding the pedestrian footways for public access. The Planning Officer confirmed that in terms of the footways there was one on the western side that was actually blocked up due to the A27. However, there was an underpass that could be used by pedestrians, cyclists and horse riders, so would not impair access. He explained that he had consulted Highways on this matter, and they had confirmed there were no issues with access. The West Sussex County Council, Principal Transport Planner confirmed that existing surveys showed that approximate 60 vehicles a day ignore the Highway Code in this area, and this had been reported and handed over to the Police for further monitoring and enforcement. This development would increase vehicles by 56 a day which was not considered as a severe increase.

A further concern was raised regarding the drainage pipe as it was believed that most of the water from the area was heading west towards the black ditch, there were concerns that as the village had flooded in the past so if it was being directed towards the black ditch that would be ideal to minimise any future flooding. This was confirmed as correct by the Engineering Services Manager.



The Committee

RESOLVED

that delegated authority be given to the Director of Place (in consultation with the Chairman and Vice Chairman) to:

- a. Authorise the execution and completion of the Section 106 Agreement;
- b. Grant planning permission subject to conditions and the Section 106 Agreement

340. BR/213/20/PL - FORMER ROYAL BAY CARE HOME, 86 ALDWICK ROAD, BOGNOR REGIS PO21 2PE

2 Public Speakers

Ms Sharples – Councillor for Bognor Town Council  
Ms Ruth Harding – Agent

Temporary change of use from Care Home (C2) to temporary accommodation for seasonal agricultural workers for 12-month period (re-submission following BR/138/20/PL). This application is in CIL Zone 4 (Zero Rated) as 'other development'. Former Royal Bay Care Home, 86 Aldwick Road, Bognor Regis.

The Planning Officer presented the application to Members he advised that the proposal was for the change of use from a care home to a temporary accommodation for seasonal staff. He referred members to a previous application that had been refused previously advising that the refusal reasons were detailed in the report. He requested that on page 100 of the agenda that this application was for temporary use only. Furthermore, he advised that the need for this proposal was that recently a temporary accommodation site in Chichester, Bracklesham bay had closed increasing the need for accommodation for seasonal workers within the area. He confirmed that transport for the workers would be via the communal bus provided for by the employer, the pickup times are from 6:30am in the mornings and employees have been requested to wait at the inside pickup point so as not to cause any disturbance to neighbours.

The Planning Officer was invited to comment on the points raised by the public speakers, he advised that health can be a material planning consideration, however the pandemic is clearly dealt with by other legislation and therefore should be considered appropriately by Members.

The Members then took part in the debate where the following comments were made:

- The growing need for C2 level care facilities had already been discussed earlier on in the meeting and based on that the discussion how can the Committee approve this application?

Development Control Committee - 2.12.20

- If the permission was given to approve this temporary license, when it comes up again, would the Committee not be able to reject it on the basis that it had been approved today?
- How would any Complaints be dealt with and if a breach was found who would Police it?

The Planning Officer advised that if any complaints were received, they would be dealt with and investigated. If a breach was found to have been made the Council could issue a breach of conditions. However, he also stated that it would be in the applicant's favour to ensure that their first 12 months were perfect with no issues reported.

The Committee

RESOLVED

That the application be approved subject to conditions

341. PHASE 1 A29 REALIGNMENT - ADC RESPONSE TO WSCC PLANNING APPLICATION WSCC/052/20 (ADC REF BN/126/20/WS)

*(Councillor Mrs Yeates left the meeting prior to this item commencing at 17:48)*

Land to the North of Eastergate and North-West of Barnham Arun District Council consultation response to WSCC planning application (WSCC/052/20) for Phase 1 A29 re-alignment scheme.

The Senior Planning Officer provided members with a presentation and advised that West Sussex County Council (WSCC) had now submitted their planning applications for the phase 1 of the A29 realignment. The route of phase 1 was agreed when the Local Plan was adopted. He confirmed that the road network would support around 11,400 new homes and 104,000 square meters of commercial development in the Arun District. Once delivered in full the road will provide the much-needed alleviation to congestion in the local road network. The layout of the scheme comprises two access points, one off Fontwell Avenue and the other off Barnham road with the implementation of a new roundabout with 3 access points. It is anticipated that the application for phase two would be received in mid Spring 2021.

The Committee

RESOLVED

That they endorse the Council's response to West Sussex County Council planning application WSCC/052/20 (ADC REF BN/126/20WS)

342. APPEALS

*(Councillor Mrs Pendleton left the meeting prior to this item commencing at 17:58)*

The Director of Place advised Members that the Council had received one further appeal in relation to land to east of the royal Norfolk hotel a proposal for the erection of 3 terraced buildings. Ultimately the inspector took the view that the proposal would not have an adverse impact on the historic assets and therefore granted the appeal.

The Chairman then thanks the Committee and Officers and wished them a Happy Christmas before bringing the meeting to an end.

(The meeting concluded at 6.05 pm)

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## REPORT UPDATE

Application No: A/109/20/RES

### Reason for the Update / Changes

Reason for Update/Changes:

A local resident has objected to the removal of the emergency access onto Weavers Hill. High Reach fire appliances have a larger turning circle and are for more difficult to manoeuvre on housing estates. There is insufficient off-road parking proposed for residents and visitors to ensure the single access road and the hammerhead are kept clear. Water for firefighting comes from Angmering's main system terminating in hydrants. During large fires, when fire crews draw water from a hydrant and supply more appliances than the water main can sustain, it would fail to supply the required amount of water. To avoid this fire crews would have to set into a second water metered area. This delay would increase damage due to fire and possibly loss of life.

Officers Comment:

Emergency access is available from High Street and Water Lane, consequently, it is not considered advantageous to have an emergency access from the Weavers Hill from the west because the roads in the centre of Angmering Village are narrower. Consequently, it would be more appropriate for the fire engines to access the site from the northern access on Water Lane and the southern access from High Street via Roundstone Lane.

Note: The changes to recommendation, conditions and/or reasons show under Officers Recommendation at the end of the attached report.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

## PLANNING APPLICATION REPORT

REF NO: A/109/20/RES

LOCATION: Land South of Water Lane  
Angmering

PROPOSAL: Approval of reserved matters following outline consent A/99/17/OUT for 175 No dwellings & associated infrastructure. This application may affect the setting of a listed building, may affect the character & appearance of the Angmering Conservation Area & falls within Strategic Site SD9, CIL Zone 1 (Zero Rated).

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	This application seeks approval of reserved matters for the
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erection of 175 dwellings, comprising 122 market houses and 53 affordable dwellings and associated works following the granting of outline planning permission (A/99/17/OUT). The reserved matters that are being applied for comprise appearance, scale, layout and landscaping.

A reserved matters application (A/179/20/RES) has also been submitted for the construction of an embankment, with a culvert, which would provide vehicular access over the Black Ditch at the northern end of the site.

Discharge of condition (DOC) applications have been submitted which cover surface water drainage and foul water drainage, ecology and the submission of a construction management plan; and DOC applications will be submitted relating to energy, noise and tree protection measures.

SITE AREA	9.0 ha
RESIDENTIAL DEVELOPMENT DENSITY	32.5 dwellings per hectare.
TOPOGRAPHY	Predominantly flat, although the site undulates northwards towards Water Lane, where it is crossed by the Black Ditch.
TREES	A number of trees on the site have been protected by a Tree Preservation Order following the submission of the outline planning application (A/99/17/OUT) in 2017.
BOUNDARY TREATMENT	The application site is located 800 metres to the east of Angmering village centre and is bounded by the A280 to the East, Weavers Hill to the west, the High Street to the South, and Water Lane to the north.
SITE CHARACTERISTICS	<p>The site forms part of what has been identified in the Local Plan as "Angmering North" - a strategic residential allocation for at least 800 new homes.</p> <p>The site comprises agricultural land in arable use and is situated to the south of Water Lane. The site is gently sloping from north to south with a steeper slope to a dip to the north as it joins Water Lane. The site is bounded by a mix of trees and hedgerows. The northern part of the site is within Flood Zone 2 (with an area of Flood Zone 3) and the eastern edge of the site is bounded by the A280. There are no designated heritage assets within the site.</p>
CHARACTER OF LOCALITY	<p>Angmering village centre is within 800 metres of the centre of the application site, accessed using Weavers Hill and Cumberland Road to the west of the site; and along High Street to the south of the site.</p> <p>The area is rural in character with the South Downs National Park to the north beyond the A27 and to the east side of the A280. The Angmering Conservation Area lies to the south west of the site, with listed buildings close to the site boundaries, including the Spotted Cow Public House and the</p>

Avenals Farmhouse (listed farmhouse). There is existing residential development to the south and west of the site and further residential development to the south, off Roundstone Lane.

There are residential areas immediately beyond the western and southern boundaries. To the south of the site is the Manor Nurseries development, which has reserved matters approval (A/38/18/RES) for 32 houses and to the north of the site is Land North of Water Lane which has outline planning permission (A/40/18/OUT) for 525 dwellings and for employment uses.

## **RELEVANT SITE HISTORY**

A/99/17/OUT	Outline application with some matters reserved (Access only) for development up to 175 No. residential dwellings, 12-03-19 public open space, play areas with associated infrastructure including roads, drainage & landscaping. This application affects the character & appearance of Angmering Conservation Area & the setting of Listed Buildings.	App Cond with S106
A/179/20/RES	Approval of reserved matters (appearance, layout & scale of access only) following A/99/17/OUT for a culvert & associated access over the Black Ditch providing access to the approved development. This application may affect the setting of a listed building & falls within Strategic Site SD9, CIL Zone 1 (Zero Rated).	

A reserved matters application (A/110/20/RES) was submitted for the construction of a bridge over the Black Ditch, but this application has been withdrawn.

## **REPRESENTATIONS**

### **ANGMERING PARISH COUNCIL**

#### **Object.**

- The proposed height, design and density of development would be out of keeping with this rural area.
- The house designs are featureless and out of character with surrounding properties.
- The apartments are totally out of keeping with any other property in the village.
- There are little differences, apart from external finishes, to distinguish one character area to another.
- The open space in the centre appears inadequate and does not function as a "village green".
- The area around the Black Ditch is unsuitable as recreational space due to the "boggy" ground.
- Insufficient information to establish whether there is adequate space for surface water drainage.
- The proposed bridge over the Black Ditch could be replaced with an embankment with a box culvert.
- There is the potential for flood risk in the area of the nearby Ecclesden Lane / A280 junction.
- At outline stage the LPA required a 10 metre' wide buffer of tree planting along the eastern boundary.

- This application shows a buffer that is less than 10 metres wide, and is further eroded by car parking.
- The width of the buffer must remain at a minimum of 10 metres over the whole eastern boundary.
- Where there is car parking the buffer should increase to 12.5 m so as not to compromise the width.
- APC opposes any significant vehicular use of the entrance on High Street adjacent The Spotted Cow.

Angmering Parish Council has submitted a second letter of objection:

- Many schemes, like this one, have been developed according to standardised and generic sets of design principles which lack innovation, character, quality and future adaptability.
- The Neighbourhood Plan documents on built form, density and character areas have been ignored.
- Very little of Angmering is anywhere near 35 dwellings per hectare.

Angmering Parish Council has submitted a third letter of objection:

The Parish Council supports Arun Engineer's suggestion (A/109/20/RES) to explore a culverted embankment option as part of the wider Angmering Flood Alleviation Scheme (FAS). It is expected that the replacement of the proposed bridge by a culverted embankment would require the submission of new hydraulic modelling data and a Flood Risk Analysis (FRA). There are serious deficiencies in the hydraulic modelling data used for reserved matters applications A/109/20/RES and A/110/20/RES.

Neither application provides convincing evidence that flood risk to others would not be increased. The impact of the encroachment of a new roundabout and a bridge onto the Black Ditch catchment (floodplain) would ultimately dictate the overall site layout and drainage strategy.

Angmering Parish Council was re-notified about the amended plans on Friday 6th November 2020 and has submitted two further letters objecting on the following grounds:

- The outline Landscape & Visual Impact Assessment informed the parameters plan but it is unreliable.
- The new LVIA was not influenced by the outline LVIA or the Arun LVIA submitted at the Examination.
- The new LVIA findings are different to the outline LVIA on the extent of the landscaped eastern buffer.
- The SDNPA was not involved in this application to ensure a landscape led development.
- The layout and landscape masterplans do not comply with the NPPF, or the Development Plan.
- The apartment building does not reflect the materials used in local barns e.g. Pigeon House.
- The housing development is not set back from the Conservation Area and the Listed Buildings.
- There are significant irregularities in the updated Heritage Compliance Statement.
- The Heritage Compliance Statement contradicts the LVIA.
- Layout is not based on the significance of the Heritage Assets highlighted in the Heritage Statement.
- Impact of noise and dust on the Spotted Cow is not considered in Construction Management Plan.

The Arun District Conservation Area Advisory Panel objected to the proposed development on the following grounds:

- The design of the development; over-development; and the negative impact on the Conservation Area and the South Downs National Park.

Twenty two letters of representation have been received from local residents objecting to the proposed development on the following grounds:

Prematurity:

- This application should be determined when there is certainty about the Land North of Water Lane.
- Layout and landscaping should not be determined until A/110/20/RES and site drainage is approved.

Lack of Infrastructure:

- There is neither the road or support service infrastructure to justify the development of 175 dwellings.

High Density:

- This is a very high-density development on the edge of Angmering.
- The high-density development is unacceptable in this location on the edge of Angmering.



Over-development:

- This proposal constitutes the over-development of an already congested village.
- This development would add to the destruction of what used to be a pleasant village to live in.
- The overall massing of the properties is hugely significant in this edge of village location.
- The new dwellings should have a low profile, simple aesthetic and high visual quality.
- The dwellings should be 1½ half storey ('Chalet style') dwellings.
- The proposed properties are much larger than anyone had anticipated.
- The overall design has changed from the outline stage to a standard, densely packed housing estate.
- This is a very poor-quality development by a very poor-quality developer.
- The proposed layout plan varies in a major, undesirable way with the plan submitted at outline stage.
- The layout includes additional housing in the south west corner and building heights have increased.
- The dwellings should not be higher than 8 metres ridge height; 11 metres is too tall.
- The outline plan showed an access road and 8 units next to Weavers Hill.
- The new plan shows 26 units next to Weavers Hill; 7 within metres of the houses in The Avenals.
- The design and appearance of the house on Plot 33 shows no sympathy with its surroundings.
- Development is concentrated in the north east corner of the site which is the highest part of the site.
- The concept of apartments at the entrance to the village is outrageous.
- Three storey apartments would create noise disturbance, light pollution and vehicle movements.
- The proposed development next to The Avenals would lead to overlooking and loss of privacy.
- Fencing is required along the boundary with The Avenals housing estate.
- Negative visual impact for residents on The Avenals; 12 houses are proposed on this boundary.
- The ugly, low budget designed apartments do not reflect the character of adjacent heritage assets.
- The apartments should be re-sited or reduced in height and provided with sufficient parking spaces.
- The proposed development has more in common with Swanbourne Park than this rural location.
- There are many new, empty houses on the market in Angmering ranging from £250K to £500K.

Materials Palette:

- The materials palette of the proposed scheme is new build urban in appearance.
- The materials palette is not in keeping with surrounding buildings or the local area.
- Flint, orange-red clay bricks and orange-red clay tiles should be used to reflect the area.
- The applicant has ignored the ADC Design Guide.

Impact on Conservation Area and Listed Buildings:

- The outline plan designated open space on the land abutting the Spotted Cow and Littleworth Cottage.
- The proposed layout shows 4 or 5 houses and estate road in close proximity to the Spotted Cow PH.
- The south west corner of the development is impinging upon the Conservation Area.
- The close proximity of Plot 33 in relation to the Malt House in the Conservation Area is unacceptable.
- This is a gateway into Angmering and it does not reflect the historic or rural qualities of the area.
- There would be a large visual impact on Avenals Farm/Barn, on the A280 and on Weavers Hill.
- The boundary with Avenals Farm/Barn should include brick & flint walls to match existing boundaries.
- The apartments would be overbearing and overlook Avenals Farm & Barn due to the height and mass.
- The proposed pedestrian access onto Weavers Hill would result in the destruction of a flint wall.

Landscaping:

- The landscape buffer to the east is less than 10 metres wide and is further eroded by car parking.
- The proposed landscaping is lacking in maturity and density.
- Boundary treatments should include timber post/rail fences, hedges and close boarded fences.
- The street lighting should be time restricted with dark periods from 23.00hrs.

Drainage and Flooding:

- The applicant has failed to follow the "Surface Water Drainage Proposals Checklist" required by ADC.

- Site levels are still to be agreed.
- The impacts ground level changes would have on the performance of the proposed basin is unknown.
- The proposed basin is close to Ecclesden Lane / A280 junction which has flooded since bypass built.
- It must be ensured the development does not increase the risk of flooding south east of the village.
- The development must not compromise off-site flood remediation works.
- Angmering, downstream of this development is at risk of flooding from the Black Ditch.
- An extensive scheme is required including flood storage in the A280 / Water Lane roundabout.
- Instead of a bridge proposed as part of application A/110/20/RES, a highway embankment/dam carrying a road at the same level as the bridge deck should be substituted; reducing flood risk overall.
- The layout plans may change once site levels, site drainage and flood exceedance routes are agreed.

**Traffic Congestion:**

- The proposed development would easily generate 300 cars.
- There are insufficient car parking spaces proposed including a lack of visitor spaces.
- Water Lane is already a "rat run" due to a lack of car parking spaces and excess cars.
- There is already daily congestion, delays and frustration on Water Lane with current levels of traffic.
- There are no safe footpaths / pavements along Water Lane.
- The access onto Water Lane has poor visibility.
- The site should not have vehicular access from High Street.
- During school time there is a constant flow of vehicles from 5.30 am to 7.30 pm along Weavers Hill.
- There are no sheds for garden equipment and bicycle storage.

**Archaeology:**

- No archaeological information has been submitted with the planning application.

**Biodiversity:**

- Has an ecological study of the effects of development on the water vole population been submitted?

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted and addressed in the 'Conclusions' section below.

<b>CONSULTATIONS</b>
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**CONSULTATION RESPONSES RECEIVED:**

**HIGHWAYS ENGLAND:**

No comments to make on this reserved matters application.

**LOCAL HIGHWAY AUTHORITY:**

No objection.

The comments made on the 11th August 2020 have been addressed through the revised plans. Carriageway widths have been increased to 4.8 metres. The access road serving plots 50-56 is now shown having a footway rather than shared surface. The development would provide cycle friendly streets; the north/south route would provide an alternate route for cyclists to use instead of the road. The provision of access for cyclists onto Weavers Hill is noted.

**WSCC FIRE & RESCUE SERVICE:**

No objection.

A planning condition is required to ensure all dwellings are within 150 metres of a fire hydrant for the supply of water for firefighting. Providing there is a main access route from the Weavers Croft end (i.e.

the northern end) and emergency access by the Spotted Cow PH (the southern end), this would be sufficient for the number of houses on the site. An additional access point from Weavers Hill would give quicker access to the section of houses by Weavers Hill and an alternative route out if a large incident were to occur; but the Fire and Rescue Service could not insist on this.

**WSSC MINERALS & WASTE PLANNING AUTHORITY:**

No objection.

The site is not within an identified mineral safeguarding area and no mineral safeguarding concerns were raised at the outline planning stage.

**SOUTH DOWNS NATIONAL PARK AUTHORITY:**

Object.

The proposed layout does not comprise a landscape-led development as was envisaged at the outline planning stage. The SDNPA was not consulted during the preparation of the reserved matters application. The layout lacks sufficient landscape screening along the eastern boundary of the site. The views out of the site towards the South Downs need to be reduced by the provision of additional screen planting. The eastern woodland buffer should be widened and the visitor parking spaces removed from it; and the planting plan include predominantly native species.

**SPORT ENGLAND:**

No objection.

**ADC HOUSING:**

No objection.

The revised tenure mix is acceptable as is the distribution of the affordable housing as set out in the substitute Tenure Layout Plan.

**SOUTHERN WATER:**

Object.

Construction over or within the stand-off distance of public water mains will not be permitted. Southern Water requests that this application is not determined until such time as the applicant produces a suitable layout.

**ENVIRONMENT AGENCY:**

No objection.

**ADC DRAINAGE:**

No objection.

Information such as groundwater monitoring at the basin is not available currently but the applicant is confident that the free volume can be provided. In addition if it is found that it is necessary to make wider changes such as to the pipe network or to provide additional storage these should be able to be provided within the proposed layout. Improvements to the design have been made, along with an acknowledged willingness to provide additional features should these be required at a later stage.

**ENVIRONMENTAL HEALTH:**

No consultation response has been submitted to this reserved matters application.

**ADC ARCHAEOLOGY:**

No objection.

The preservation of the archaeological interest will be secured through the condition applied to the outline planning permission as outlined in the site investigation approved in discharge of condition application A/28/20/DOC. This would involve further evaluation of some areas and second stage

investigation of concentrations of features such as the settlement in the southern part of the site, followed by publication of the results.

**ADC CONSERVATION OFFICER:**

There are no heritage assets on the site, but there are a number in close proximity to it, including Angmering Conservation Area, Cressingham Cottage and Barn or outbuilding to the South of Cressingham Cottage, Littleworth/Littleworth Cottage, Malt Barn Cottage The Malthouse, The Spotted Cow Public House, Weavers Cottage, Wayside Cottage, White House Cottage/Thatchers, The White House, Avenals Farmhouse, Pigeon House Farm, Ecclesden Manor and Manor Farmhouse. The site abuts two parts of the conservation area: Weavers Hill and the eastern end of the High Street. Consequently, there are a number of sensitive locations within the application site that are visible from the surrounding area, such as looking from Weavers Hill. The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (2019). As such, you will also need to consider the public benefits that the development may achieve as part of your assessment of the application, along with the contents the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

**ADC ECOLOGY:**

No objection.

The information submitted within the landscaping proposals are suitable and sufficient for this site.

**ADC GREENSPACE:**

No objection.

The amount of public open space needs to be confirmed. Two LAPs are proposed which is a reduction from the 6 approved at the outline planning stage. The proposed LEAP is well located in the centre of the site and provides space to allow a far better play offer than is proposed. In general, the detailed planting plans provide a well thought out scheme which is fitting for the location providing a good mix of native and ornamental trees and shrubs with suitable planting densities and size at time of planting. Native screening should be provided both as a buffer and for screening dwellings along the area of public open space abutting the Spotted Cow Public House. The size of the landscaped buffer along the eastern boundary of the site needs to be increased in width.

**ADC ARBORICULTURE:**

Object.

The arboricultural reports submitted with the outline planning application are out of date and limited to Tree Survey/Constraints Plan only. An up-to-date Tree Survey, Arboricultural Impact Assessment and Method Statement and Tree Protection Plan were requested. This up-to date information has been submitted as part of this reserved matters application.

**SUSSEX POLICE:**

No objection.

The development should be designed to Secured by Design standards. The LEAP and LAPs should be surrounded with railings with self closing gates. Communal parking must be within view of an active room within the adjacent dwellings. Ground planting should not be higher than 1 metre, with tree canopies no lower than 2.0 metres.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted and addressed in the 'Conclusions' section below.

<b>POLICY CONTEXT</b>
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Designation applicable to site:  
 Strategic Allocation in the Local Plan.  
 Within the Built-Up Area Boundary in the Local Plan.

## DEVELOPMENT PLAN POLICIES

### Arun Local Plan 2011 - 2031:

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
SDSP2	SD SP2 Built-up Area Boundary
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

### Angmering Neighbourhood Plan 2014 POLICY EH3 Flood Prevention

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD3 Housing Mix

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY EH1 Development in the Conservation Area

Angmering Neighbourhood Plan 2014 POLICY EH2 Protect the Landscape setting of the South Downs National Park

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design

Angmering Neighbourhood Plan 2014 POLICY HD7 Housing Density

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

Angmering Neighbourhood Plan 2014 POLICY TM2 Cycling Walking & Equestrian

## PLANNING POLICY GUIDANCE:

NPPDG National Design Guide

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD1	Open Space & Recreation Standards
SPD11	Arun Parking Standards 2020

**POLICY COMMENTARY**

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

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

The 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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan.

Relevant Angmering Neighbourhood Plan (NP) policies have been taken account of and are addressed in the Conclusions section of this report. The Angmering NP was made on 11th March 2015 and is therefore over 2 years old and therefore has limited weight.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The development plan for the Arun District currently comprises the Arun Local Plan 2011-2031, the Angmering Neighbourhood Development Plan (March 2015) and the West Sussex Waste and Minerals Plans.

However, section 38 (5) of the Act 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 Angmering NP and the Arun Local Plan, should therefore be resolved in favour of the latter.

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

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

Section 70(2) of TCPA 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.

The development is considered to comply with relevant Development Plan policies as the appearance, scale, layout and landscaping of the proposed residential development is in keeping with the approved Illustrative Masterplan approved at the outline planning stage (A/99/17/OUT) and the proposed level of landscaping and the proposed level of detailing of the houses in the 4 Character Areas would materially enhance the character and appearance of the adjacent residential estates off Weavers Hill, Cumberland Road and High Street, in Angmering.

#### OTHER MATERIAL CONSIDERATIONS

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

#### CONCLUSIONS

##### PRINCIPLE

The principle of residential development on this site was established when outline planning permission (A/99/17/OUT) was granted on 12th March 2019 for up to 175 dwellings, including up to 53 affordable dwellings (i.e. 30% affordable provision).

Angmering Advisory Group meeting:

A presentation was given at the Angmering Advisory Group meeting on 30th July 2020 where it was commented that the reserved matters application was still being validated prior to consultation. Concerns were raised with the block of flats in a prominent location in the north east corner of the site. The affordable housing appeared to be too clustered and needed to be pepper-potted around the site. It was confirmed that the areas of public open space excluded ponds. There was a discussion about contractor access from High Street to the south to construct the crossing over the Black Ditch at the northern end of the site; and the need to limit the time that contractors accessed the site from High Street.

##### ASSESSMENT

This reserved matters application seeks to deliver detached and semi-detached houses, maisonettes and an apartment building. Key issues to be considered are ones of detail and relate to the layout, scale, appearance and landscaping.

##### SCALE AND BUILDING HEIGHTS

The reserved matters application has been revised to comprise 2 storey dwellings predominantly measuring 4.9 metres high to the eaves and 9.25 metres high to the ridgeline of the roof. An apartment building located in the north east corner of the site would be 2 storeys.

The parameter plan includes buildings of 2 storeys and 2.5 storeys. The apartment building is in the area on the parameter plan shown as eaves of max 5.5 metres; the height of the eaves have been reduced accordingly, and the apartment building would measure 10.4 metres high to the ridgeline which is below the maximum 12.0 metre ridge height shown on the Parameters Plan. Accordingly, these building heights would comply with the Parameter Plans - Land Use and Building Heights (Drawing No. 1911/P02 Rev. I)

which was approved at the outline planning stage (A/99/17/OUT), which limited all development on the site to below 12.0 metres.

#### **DENSITY**

The reserved matters application includes the Parameter Plans (1911/P02 Rev. I) for Land Use and Building Heights and Density, which were approved at the outline planning stage (A/99/17/OUT) and were listed in Condition 4 of the Decision Notice.

The density shown on the parameter plan has two areas - one 'medium density' one 'lower density'. There is a need for differing densities across the site. The site layout includes differing densities across the site; and these densities are complied with in the proposed residential layout. The proposed density of 32.5 dwellings per hectare is below the 35 dwellings per hectare threshold set out in the parameters that were approved at the outline planning stage and the character areas contained therein have different densities across the site, which are predicated on the approved parameters plan.

#### **SITE LAYOUT**

Policy D DM1(1) of the Local Plan requires the development to "make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding areas, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping and design features".

Policy D SP1 of the Local Plan specifies that development should have been derived from a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness and usability, health and wellbeing and climate change); and the influence these objectives have on the form of the development.

#### **Housing Layout**

The Layout Plan (Drawing Number PLN-1-1101 Rev. AE) shows wherever possible the proposed houses facing onto the key landscape features including the areas of public open spaces and identifies the attenuation basin at the northern end of the site.

The orientation of the houses at the northern entrance to the site (i.e. Plots 1, 2, 3, 4 and 132) have been re-aligned into a crescent shape so that they face onto the road and the Black Ditch to provide a sense of arrival. The houses on Plots 16 and 45 on the central spine road at the entrance to the western part of the development have dual frontages, which ensures that the houses face onto the key junction, with an active frontage. The dwellings in the north east corner of the site have been re-orientated to front onto the Black Ditch.

The siting of the apartment building in the north eastern part of the site is a prominent location visually at one of the highest points of the site, especially as the site slopes down from north to south. The design of the apartment building has been revised, from three storeys to 2.0 storeys and it now has the appearance of a Sussex Barn with a barn hipped roof and cladding. The height of the apartment building is 10.4 metres high to the ridgeline. The re-designed apartment building is considered to be acceptable in this prominent location at the northern end of the site facing out towards Water Lane to the north and the A280 to the east. It was established by virtue of the parameters plan at the outline planning permission that buildings would project above the landscape buffer running along the eastern boundary of the site and would be visible when viewed from Highdown Hill, which is located within the National Park to the east of the application site. This was confirmed in the revised Landscape and Visual Impact Assessment which was submitted at the outline planning stage, which included views of the site from 5 viewpoints on Highdown Hill; and the parameters plan approved as part of the outline permission dwellings up to 2.5 metres high in this location.



It is considered that the layout and appearance of the northern boundary of the site is acceptable, taking a balanced view overall; the houses and the apartment building in the north east corner do not form a crescent of dwellings facing people arriving at the development, these dwellings face directly onto the Black Ditch; which it is considered is not of sufficient concern in itself to warrant a recommendation for refusal.

The western part of the site is close to Weavers Hill and to the heritage assets at Avenals Farm and Avenals Barn. Due to the nature and location of the various heritage assets and the potential for inter-visibility between them and the site, careful consideration has been given to the layout of the development in this location, and the layout of the individual houses. The reserved matters Layout Plan (Drawing Number PLN-1-1101 Rev. AE) proposes 27 dwellings in this western part of the site 2 of which would be semi-detached houses but the remaining dwellings would be detached. The Illustrative Layout Plan which accompanied the outline planning application (A/99/17/OUT) also comprised 28 dwellings, but the mix of houses included 8 terraced houses and 4 semi-detached houses; and 3 of the dwellings were sited end on to the boundary with the existing houses on The Avenals. It is considered that the number of dwellings proposed in the western part of the site, and the siting of these dwellings is acceptable.

The houses in the southern part of the site, adjacent to the Spotted Cow Public House, have been laid out in a crescent arrangement around an area of public open space and an infiltration basin, which it is considered forms an attractive gateway feature into the site from High Street for pedestrians and cyclists. The houses on Plots 143 to 146 have been re-positioned to face the attenuation basin to the rear of the Spotted Cow Public House. The size of the turning head, in close proximity to The Spotted Cow Public House has been reduced as the original proposal for the turning head was considered to be over-engineered. The proposed housing layout is considered to be in compliance with Policy HD6 of the Angmering NP.

#### Surface Water Layout

The Layout Plan (Drawing Number PLN-1-1101 Rev. AE) incorporates surface water features alongside public open space - i.e. blue and green space as an integral part of the site layout; and it has been established that there is adequate space within the proposed layout plan for surface water drainage. The surface water drainage strategy for the site, which has been accepted by the Lead Local Flood Authority and the ADC Drainage Engineers. The surface water drainage strategy for the site includes the provision of an attenuation basin at the northern end of the site and an infiltration basin in the south east corner of the site, together with swales, soakaways and permeable paving, in compliance with Policy W DM3 of the Local Plan and Policy EH3 of the Angmering NP.

#### Layout of the pumping station

The foul water drainage strategy is dealt with by condition imposed on the outline planning permission; but it would utilise the existing sewers on High Street and Weavers Hill. An on-site underground pumping station would enable the northern part of the site to drain to the south and go into the existing sewer on High Street. The underground pumping station has been re-located from its initial position along the north of the site, projecting out towards the Black Ditch, to a location behind the apartment building, which negates the need for a retaining wall or for the creation of an earth bank in front of the retaining wall, impinging on the belt of trees above the Black Ditch.

#### Layout of Public Open Space

The quantity of public open space which was approved under the Illustrative Masterplan at the outline planning stage (A/99/17/OUT) comprised 3.0 ha of green spaces including landscaping, public open space and surface water drainage. The area covered by the reserved matters application comprises 9.0 hectares of land, 3.4 ha of which are green spaces including landscaping, public open space and surface water drainage features. The quantum of public open space serving the proposed residential

development complies with Arun District Council's Open Space Playing Pitches, Indoor and Built Sports Facilities SPD.

The area immediately north of the Black Ditch area is classified as POS; it will not be fenced off and it would be accessible via the footway and cycleway on the road crossing that is to be provided with the culverted embankment, which is the subject of the separate reserved matters application (A/179/20/RES) to the public for general recreational use and is perfect for dog-walkers. There is a gradual slope down from the footway and cycleway to the adjacent POS, there is no steep gradient, and the land is useable as POS.

The reserved matters Layout Plan (Drawing Number PLN-1-1101 Rev. AE) identifies open space at the northern edge of the development, and centrally within the site, in accordance with the Outline Illustrative Masterplan and the Green Infrastructure Space Specification in the Section 106 Agreement.

In terms of open space / SUDs areas: 19,028m<sup>2</sup> of usable open space is proposed to be provided (excluding ponds, swales, stream/Black Ditch and buffers). A detailed breakdown is set out below:

- The Western POS comprises 1,890m<sup>2</sup> of usable open space
- The Central POS comprises 2,313 of usable open space
- The Southern POS comprises 3,697 of usable open space
- The Northern POS comprises 7,731 of usable open space
- Other POS comprises 3,397 of usable open space

There is a total of 19,028 of useable open space

The POS being provided on-site exceeds the policy requirement in the SPD of 12,320m<sup>2</sup> and it is considered to be acceptable.

#### Layout of Play Areas

The number of dwellings proposed at 175 triggers the need for an onsite Neighbourhood Equipped Area of Play (a NEAP) and at the outline planning stage the Local Planning Authority conceded it would accept LEAP in lieu of formal NEAP provision but that the LEAP would then have to provide across several levels but primarily on quality of play offer being provided. The Section 106 Agreement required the provision of six LAPs and one LEAP, informal open space, a central village green, a central north/south pedestrian and cycle link and SuDS attenuation basins; this conflict between the Section 106 Agreement is being dealt with by means of a Deed of Variation, which will be covered by a separate application which will be submitted after the determination of this reserved matters application. The Design and Access Statement which accompanied the outline planning application (A/99/17/OUT) set out a significant network of green infrastructure provision across the site including play areas (LAPs and a LEAP), informal recreation and visual amenity.

The reserved matters Layout Plan (Drawing Number PLN-1-1101 Rev. AE) identifies the provision of a 'Super LEAP' which comprises 4 LAPs and the LEAP on the central green space. The proposed 'Super LEAP' has play equipment spread out across the central green space. The layout of the 'Super LEAP' has been revised by the provision of quality, robust timber play equipment which, it is considered would provide a more robust, challenging play experience and be more inclusive. The initial plans included a kick about area alongside the 'Super LEAP', which has been removed from the revised layout plans. The revised layout plans now include pathways which were not included in the original layout plans. It is considered that the revised plans for the 'Super LEAP' located in the middle of the site would provide a robust play experience for children that would be accessible by pathways from the adjacent houses.

Six LAPS were approved at the outline planning stage. The proposed 'Super LEAP' is the equivalent of 4 x LAPs and a LEAP. A LAP is proposed in the western part of the site next to the Lych Gate on Weavers Hill, and the another LAP is proposed in the southern part of the site next to the attenuation basin

adjacent to the Spotted Cow Public House. The LAPs in the western and southern parts of the site are proposed to have play equipment provided in them, which is above and beyond the standard requirement for a LAP (i.e. LAPs are not usually provided with play equipment), but it is considered to be acceptable.

The Layout Plan shows a north-south pedestrian/cycle route which would link with the existing rights of way, which is considered to be acceptable. This route was a fundamental part of the Outline Illustrative Masterplan and the Green Infrastructure Space Specification in the Section 106 Agreement.

#### Landscaping Layout

The outline planning permission was predicated on a landscape-led development. The reserved matters application (A/109/20/RES) was accompanied by a Landscape Masterplan, a Landscape Management Strategy and detailed hard and soft landscaping drawings and open space plans; all of which have been revised over the course of the last 6 months.

Revised landscaping plans have been submitted proposing substantial amounts of landscaping along the northern edge of the site in the vicinity of the Black Ditch facing onto Water Lane.

The Design and Access Statement which accompanied the outline planning application (A/99/17/OUT) referred to the provision of a landscape buffer strip along the eastern boundary of the site measuring a minimum width of 5.5 metres and a maximum width of 9.0 metres. It was agreed at the outline planning stage (A/99/17/OUT) that the eastern boundary of the site was sensitive in visual terms from views of the site from Highdown Hill, which is located within the South Downs National Park.

The landscape buffer on the eastern boundary of the site needs to provide a dense and robust planting screen. A number of the trees that are proposed to be planted along the eastern boundary have been increased in size to extra heavy 14-16 and 16-18 girths to provide an impact but also at a size which would allow for establishment given adequate aftercare. The plans that were originally submitted with the reserved matters application included several sections where the landscape buffer on the eastern boundary was too narrow particularly adjacent to parking on Plots 167-171, 168-173, 172-175 and adjacent to the visitor parking bays; these areas fell below 2.0 metres in depth and needed to be increased in order for the buffer planting to be realised as designed. In addition to an increase in depth of buffer planting along this edge there was also the need to increase the tree size of the standard trees from the indicated 8-10cm and 10-12cm standards to extra heavy 14-16cm - 16-18cm girth trees. Revised plans have been submitted removing all but 2 of the visitor parking spaces from the eastern boundary of the site and re-locating them to ensure that a landscape buffer measuring 5.5 metres at its narrowest point and increasing up to 9.0 metre is created on this part of the site, to help to screen the views of the site from Highdown Hill, to the east.

The Illustrative Masterplan approved at the outline planning stage (A/99/17/OUT) detailed an avenue of trees along both sides of the central spine road which runs north/south through the development. Unfortunately, trees cannot be accommodated on both sides of the road due to the presence of underground services and drainage. The Layout Plan shows trees predominantly to the east of the central spine road at a heavy standard size and in much smaller numbers, which is considered to be acceptable due to the underground services and drains.

A substantial hedgerow buffer is proposed fronting Avenals Farmhouse and Farm Complex, comprising native hedge and tree planting; close boarded fencing would be provided on the eastern side of the proposed hedgerow buffer, i.e. on the side of the proposed housing, which it is considered would provide an attractive landscape buffer when viewed from Avenals Farm Complex. A native hedge and a mix of deciduous and evergreen feathered and standard trees is proposed on land to the rear of Plots 1-17 (western edge) and as a buffer and screen to Avenals Cottage and Farm, which are Listed Buildings. A

proposed service strip is located adjacent to this landscape buffer on the boundary which can be accessed from the north and the south, it is imperative that this service strip is provided and maintained as a maintenance access point to enable access and maintenance of this planting.

The boundary with Weavers Hill is to be enhanced by additional tree and hedge planting including 9 trees comprising extra heavy standard trees, standard trees, feature trees and street trees; all of which it is considered would increase the screening of the houses on the site when viewed from Weavers Hill. The Layout Plan shows a 2.5 metre wide buffer along the western boundary of the site with Weavers Hill. It is considered that the Layout Plan (Drawing Number PLN-1-1101 Rev. AE) shows a substantial landscape buffer adjacent to the western boundary along Weavers Hill abutting the Conservation Area; which is considered to be necessary to ensure that the proposed residential development fits into the surrounding landscape and does not have a detrimental visual impact on Angmering Conservation Area.

The revised landscaping plans provide enhanced screen planting in the area of public open space adjacent to the Spotted Cow Public House, with native species and tree planting at an appropriate size. The existing conifer hedge immediately behind the Spotted Cow Public House provides the only vegetative cover in this area, and it is considered that additional conifer tree planting should be provided within the site to compensate and form a screen should the existing conifer hedge within the grounds of the Spotted Cow Public House be removed in the future.

It is considered that the proposed additional tree and hedge planting along the boundaries of the site and within the site would ensure that this is a landscape-led development, in accordance with the outline planning permission.

#### Layout and Trees

An Arboricultural Survey, Arboricultural Method Statement, an Arboricultural Implications Assessment and a Tree Protection Plan were submitted with the outline planning application (A/99/17/OUT) in order to record the location, condition and value of the trees within the site. The Arboricultural Survey recommended that an arboricultural impact assessment be produced at the reserved matters stage. An up-to-date Arboricultural Impact Assessment (AIA) AR01 Rev. B (Ref. JBA 19-283) and an up-to-date Arboricultural Method Statement (AMS) AR02 Rev. B (Ref. JBA 19-283) have been submitted with the reserved matters application. The arboricultural impact assessment includes a schedule of trees to be retained and removed; it evaluates the likely effects of construction works on retained trees including post development pressures and provides recommendations on mitigation measures to be implemented; and it includes a Tree Retention Plan. The proposed layout plan does not affect any of the Oaks and the 5 Lime trees on the site that are subject to a Tree Preservation Order. It is considered that there would be no intrusion into tree Root Protection Areas by buildings, footpaths, access drives and roads in the revised layout plan (Drawing Number PLN-1-1101 Rev. AE). The Arboricultural Officer has been re-consulted on the up-to-date AIA and AMS and the revised layout plan and his comments will be included in an update.

#### Parking Layout

Parking provision is now informed by Arun District Council's Parking Standards SPD, January 2020. The proposed residential development includes the provision of 386 allocated parking spaces on the layout plan and in the Transport Statement, which is a shortfall of 9 parking spaces when compared with the recommendations in Table 3.1 of the Arun District Parking Standards SPD, January 2020. The Parking Standards say that a 10% variation in parking is acceptable when measures such as a Travel Plan are provided, which is the case here. The Layout Plan includes the provision of 48 visitor parking spaces; and the Parking Standards only require 35 visitor parking spaces (i.e. 20% of visitor parking spaces), consequently, there is an over-provision of 13 visitor parking spaces, which is considered to be acceptable. The proposed parking provision complies with the Parking Standards SPD and Policy HD8 of the Angmering NP.

The Layout Plan and the Transport Statement include the provision of bicycle storage in garages for 65 of the dwellings; a further 93 dwellings without garages would have garden sheds for the storage of bicycles; and the 17 apartments would be served by 3 secure cycle stores. Consequently, the proposed level of bicycle storage within the proposed development complies with the Arun District Parking Standards SPD, January 2020 and Policy TM2 of the Angmering NP, and is considered to be acceptable.

Electric Vehicle charging point strategy is to be submitted in a separate discharge of condition application in accordance with Condition 32 that was imposed on the outline planning permission.

The proposed provision of electric vehicle charging points on the site would need to comply with the requirements set out in paragraph 2.8 and Table 2.2 of the Arun District Parking Standards SPD.

#### Layout of the Culverted Embankment

The revised layout plan (Drawing Number PLN-1-1101 Rev. AE) includes the layout of the proposed culverted embankment which would be approved under the other reserved matters application (A/179/20/RES) on plans that will need to be approved with this application. The initial layout plans included the layout of the bridge which was covered by a separate reserved matters application, which was withdrawn. The siting of the culverted embankment and the road design works with the residential layout ensuring pedestrian and cycle connectivity northwards onto Water Lane and beyond to the Land North of Water Lane, which has outline planning permission for the development of 525 dwellings together with employment space.

For the sake of completeness, the layout of the proposed culverted embankment is provided with the layout for the residential development covered by this reserved matters application, but the detailed plans of the culverted embankment are provided in the separate application (A/179/20/RES).

#### Road Layout

The Design and Access Statement which accompanied the outline planning application (A/99/17/OUT) set out the indicative road hierarchy for the site, which is adhered to in the reserved matters layout (Drawing Number PLN-1-1101 Rev. AE), including three main street types within the development which would comprise the Primary Street running north-south through the site; a Secondary Street, which would link the residential blocks to the Primary Street; the Tertiary Street and the shared through drives which would be located within and to the edge of the perimeter blocks and would provide shared surface spaces for pedestrians and vehicles. The Layout Plan identifies pedestrian access being directly towards local facilities from the south of the site on High Street and to the west of the site at Weavers Hill and Cumberland Road.

#### Footway/Cycleway Layout

The Illustrative Masterplan which accompanied the outline planning application (A/99/17/OUT) highlighted an internal walking and cycling route within the site. Two pedestrian / cycle / emergency access points were proposed at the outline planning stage, one onto Weavers Hill and one onto the High Street. The reserved matters layout plan (Drawing Number PLN-1-1101 Rev. AE) clearly identifies the internal cycling route which runs from north to south through the site. The 3.0 metre' wide footway/cycleway access route southwards would exit the site onto the High Street. The Manor Nurseries residential site (which is subject to a reserved matter approval A/38/18/RES for 32 houses) includes the provision of footway improvements along High Street. The footway / cycleway running north-south through the site would need to link into Land to the North of Water Lane. This is not shown on the reserved matters layout plan (Drawing Number PLN-1-1101 Rev. AE) but it is shown on the General Arrangement Plan Rev. A that has been submitted as part of the reserved matters application (A/179/20/RES) for the culverted embankment.

The reserved matters Layout Plan does not show a 3.0 metre wide cycleway running east to west within the site, linking up with Weavers Hill; and the Local Highway Authority is satisfied with this. A 2.0 metre wide footway linking up the development with Weavers Hill, which is the maximum that can be accommodated within the tree constraints in this location and, it is considered sensible to retain the trees but allow cycles to use the 2.0 metre wide footway to get out onto Weavers Hill. The provision of signage asking cyclists to dismount so as to address safety concerns and mitigate any conflict between pedestrians and cyclists at this access point into the site from Weavers Hill is considered to be necessary and this would be dealt with by means of a discharge of condition application for Condition 11 which was imposed on the outline planning permission.

#### Layout of the Emergency Accesses

The emergency services vehicle' access into the site from High Street is identified, however the emergency services access from Weavers Hill is not shown on the reserved matters Layout Plan (Drawing Number PLN-1-1101 Rev. AE), but there is sufficient space available on the western boundary of the site with Weavers Hill, the access is 3.0 metres wide, to accommodate an access for the police and ambulances), which would be compatible with the requirements of Condition 11 of the outline planning permission. The flint wall on Weavers Hill would need to be widened to accommodate a fire engine at that point; which would have heritage implications for this length of wall. Given that emergency access is available from High Street and Water Lane it is not considered advantageous to have an emergency access from the west because the roads in the centre of Angmering Village are narrower. Consequently, it would be more appropriate for the fire engines to access the site from the northern access on Water Lane and the southern access from High Street via Roundstone Lane.

#### Layout and Acoustic Fencing

The Enclosure Layout Plan (Drawing No. PLN-1-1107 Rev T) has been revised to remove the line of acoustic fencing that was shown running along the internal estate road between the two parts of the housing development; which has been replaced by post and rail fencing. It was considered that the construction of an acoustic fence in this location would have had a detrimental visual impact on the setting of the listed buildings at Avenals Farm, Barn and Cottages and it would block the views from these heritage assets out across the fields towards High Street ,and it would have been contrary to Policy D DM1 of the Local Plan as it would have caused a significant loss of outlook for the existing residents of Avenals Farm.

#### Lighting Layout

The provisional location of lighting columns is provided on the submitted engineering drawings (General Arrangement) to make sure they work alongside the landscaping and highways layout. Further details (lux levels etc) would be submitted to discharge Condition 33, following approval of the proposed layout.

#### CHARACTER AND APPEARANCE

Policy HD4 of the Angmering NP says "new developments should seek to reflect local materials and features evident in the immediate surrounding area".

Policy HD5 of the Angmering NP says new developments should demonstrate how they have considered their impact on the surrounding area.

Policy HD6 of the Angmering NP says "proposals for new development should demonstrate high quality design, reflect local distinctiveness, and seek to incorporate local design features evident in buildings in the surrounding area".

The outline planning application (A/99/17/OUT) was accompanied by a comprehensive Design and Access Statement; and Condition 6 which was imposed on the outline planning permission required the reserved matters application to accord with the outline Design and Access Statement. The

comprehensive Design and Access Statement provided an analysis of the site area and the wider context, providing a character analysis of traditional Angmering. The Design and Access Statement included principles of development and it demonstrated how the design for the site evolved taking into account key opportunities and constraints. The Design and Access Statement specified that for the most part, buildings would be two storey, although there may be 2.5 storey buildings in key locations, which could act as focal buildings within a streetscene. Ridge heights would be kept to a maximum of 12 metres high. All of the proposed dwellings would be 2 storeys in height; and none of them would reach up to 12 metres high. The proposals included four main dwelling types: detached and semi-detached and terraced houses and apartments. Along the eastern boundary of the application site, which is the closest to the boundary of the South Downs National Park, a softer approach was proposed, with buildings not exceeding two storeys and being set back off the boundary behind a landscaped tree belt.

The Design and Access Statement which accompanied the outline planning application was comprehensive. The details have been picked up and followed through in the reserved matters application including the Illustrative Design Code for the four distinct character areas; together with typical illustrative elevations; however the Avenue Character Area introduces a contemporary appearance, which helps to provide a distinctive and different character area to the others, which is considered to be acceptable as it would introduce a modern element to the design and appearance of the overall development and give the appearance that the houses in this character area are the latest to be built on the fringe of Angmering. The Key Land Use Parameter plan and the other parameters which were approved at the outline planning stage (A/99/17/OUT) sought to ensure that the residential development on Land South of Water Lane, Angmering relate to both the immediate and wider context; and these parameters have been followed in full in the submitted reserved matters application.

The Illustrative Masterplan together with the Design and Access Statement which accompanied the outline planning application (A/99/17/OUT) included four distinct character areas (Sussex Village, Parkland Edge, The Avenue and South Downs View). The Design and Access Statement which has been submitted with this reserved matters application follows the Illustrative Masterplan and the comprehensive Design and Access Statement which was submitted at the outline planning stage in terms of adopting the four distinct character areas.

The Parkland Edge Character Area would be located at the northern end of the site facing the vehicular access from Water Lane, the Black Ditch and the attenuation basin. According to the reserved matters Design and Access Statement, the Parkland Edge Character Area would consist of houses with a range of red brick elevations or flint elevations with brick quoins; corbelled eaves; and brick headed courses to gables. The roofs of the houses in this character area would have red roof tiles or grey roof tiles; they would be predominantly gable and hipped roofs; with occasional chimneys to selected plots; and boxed eaves with white barge boards and fascias. It is considered that the proposed materials are appropriate in this character area and comply with the Policy HD4 of the Angmering NP. The dwellings that are proposed in the Parkland Edge Character Area would be two storey in height, and detached and semi-detached; with the car parking provided adjacent to the dwelling and behind the building line, which would comply with Policy HD6 of the Angmering NP in terms of housing layout and form. The siting of the parking spaces adjacent to the dwellings is considered to be acceptable as they would not be located in long rows along the front of the dwellings, which would look visually unattractive in the streetscene. It is considered that the materials proposed for the houses in the Parkland Edge Character Area would be appropriate and would help to provide a distinctive character to this part of the site. It is considered that the proposed materials are appropriate in this character area and comply with the Policy D DM1 of the Local Plan and Policies HD4 and HD6 of the Angmering NP.

The Avenue Character Area would form the central spine running through the development and would incorporate a cycleway running north/south, segregated from the road by a 2.4 metre grass verge. The houses in The Avenue Character Area were originally proposed to have either red / orange brick

elevations or full height blue boarding. Revised plans have been submitted replacing the orange bricks and the blue cladding with white cladding, which is considered to be more contemporary in appearance and consequently more appropriate in The Avenue Character Area. This contemporary theme in the Avenue Character Area is not in compliance with the Design and Access Statement which was submitted at the outline planning stage, but it is considered that this contemporary theme would enhance the development and create a distinctive modern look to the new estate. It is considered that the proposed materials, especially the white cladding, are appropriate in this character area and comply with the Policy HD4 of the Angmering NP. The roofs would be covered predominantly in grey roof tiles and occasionally houses would have red roof tiles; with boxed eaves and black barge boards and fascias. This Character Area would include detached and semi-detached houses, with a contemporary theme applied to the elevations, which is considered to be in accordance with Policy D DM1 and Policies HD4 and HD6 of the Angmering NP.

The Sussex View Character Area looks out eastwards towards Highdown Hill. The dwellings in the Sussex View Character Area would either have red brick elevations, with dark red feature brick detailing; or cream render with the course brick band at the height of the windows. The roofs would have red roof tiles or brown roof tiles; with predominantly hipped roofs, with boxed eaves, white bargeboards and fascias. "This Character Area creates a positive transition between the countryside and the built development" (Design and Access Statement, page 30). The dwellings in this Character Area would be traditional in style and predominantly for smaller households, comprising apartments, terrace and semi-detached houses and very occasionally detached dwellings. It is considered that the proposed materials and the appearance of the dwellings are appropriate in this character area and comply with Policy D DM1 of the Local Plan and Policy HD4 in terms of materials and Policy HD6 of the Angmering NP.

The Sussex Village Character Area is located in the western part of the development, in close proximity to the Conservation Area. The western part of this Character Area includes a LAP which is proposed to include play equipment, and the site entrance from Weavers Hill includes a lych gate, which is considered acceptable as it would enhance the appearance of the western boundary of the site. "This Character Area provides connectivity and transition (from Weavers Hill) and is tree lined to create a village feel" (Design and Access Statement, page 32). The Sussex Village Character Area is characterised by houses with red-multi brick elevations with contrasting red feature brick detailing; or flint with red brick detailing; or tile hanging to first floor with feature bands; or cream render to the ground floor of selected tile hung houses; three course saw-tooth brick band at window head; and chimneys to selected houses. The roofs would have red, grey or brown roof tiles; hipped and barn hipped roofs; and boxed eaves with white bargeboards and fascias. It is considered that the proposed materials are appropriate in this character area and comply with the Policy HD4 of the Angmering NP. This Character Area comprises predominantly detached houses but there are 4 semi-detached houses included in the mix. Car parking is provided on plot behind the building line. A semi-detached house that was proposed in the Sussex Village Character Area has been removed and it has been re-located in the Avenue Character Area, so that there is a detached dwelling on the plot in the Sussex Village, which is considered to be acceptable as it reduces the number of houses in this character area. It is considered that the proposed materials and the appearance of the dwellings are appropriate in this character area, next to Weavers Hill, and comply with Policy D DM1 of the Local Plan and Policies HD4 and HD6 of the Angmering NP.

A schedule of the proposed materials and detailing is set out on page 42 of the Design and Access Statement which was submitted with the reserved matters application (A/109/20/RES). The proposed materials schedule is considered to be acceptable as it would ensure that the dwellings in each of the Character Areas were visually distinctive and enhanced the appearance of the dwellings and highlighted the differences between the dwellings in the 4 different Character Areas; and the materials would be in compliance with Policy HD4 of the Angmering NP.



It is considered that the four character areas help to provide a mix of varying house types, sizes and styles; unified by some common characteristics and by the overarching landscape structure, in compliance with Policies D SP1 and D DM1 of the Local Plan and Policies HD4, HD5 and HD6 of the Angmering NP.

#### **DESIGN AND FORM OF BUILDINGS**

Policy D SP1 of the Local Plan requires "all development proposals should be of good quality and demonstrate a high standard of design". Policy HD5 of the Angmering NP also relates to the built form.

Paragraph 124 of the National Planning Policy Framework (NPPF) says: "the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".

Paragraph 16 of the National Design Guide states: "well-designed places and buildings come about when there is a clearly expressed 'story' for the design concept and how it has evolved into a design proposal. This explains how the concept influences the layout, form, appearance and details of the proposed development. It may draw its inspiration from the site, its surroundings or a wider context. It may also introduce new approaches to contrast with, or complement, its context. This 'story' will inform and address all ten characteristics. It is set out in a Design and Access Statement that accompanies a planning application."

The Arun Design Guide Supplementary Planning Document (SPD), is a draft with consultation undertaken in early 2020 with adoption expected later in the year. The guide promotes good design through setting out key design objectives including the development of a design rationale which should draw upon the results of a site appraisal in order to justify the reasoning behind key design decisions for the proposed development.

The Design and Access Statement which was submitted with the reserved matters application (A/109/20/RES) sets out how the proposed residential development accords with the provisions of the Arun Design Guide and explains how this has been achieved in terms of site appraisal and the development of a design rationale, within the parameters set out the outline planning stage (A/99/17/OUT). The Statement demonstrates how the proposed residential development accords with the National Design Guide and the emerging Arun Design Guide SPD.

The Design and Access Statement says "the architectural style is predominantly traditional with the wide uses of architectural details and building materials that are exhibited locally. This will be the guiding rationale for the development". (Design and Access Statement, 2020 page 9). The Design and Access Statement also sets out how the proposed development complies with the Building for Life criteria.

The design and layout of the proposed residential development was based on a Concept Plan, which is set out in the reserved matters Design and Access Statement, that recognises the constraints and opportunities and provides the framework for the detailed design work. It is considered that the Concept Plan has helped in the development of the design ethos for this residential development, to ensure that it complies with Policy HD5 in the Angmering NP..

#### **IMPACT ON THE SOUTH DOWNS NATIONAL PARK**

The statutory purposes of the National Park are:

- 1) to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and
- 2) to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public.

It is a duty of the LPA to assess the application carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. Paragraph 172 of the NPPF (July 2018) sets out the Duty of Regard for LPAs when dealing with planning applications within or affecting the setting of a National Park: "great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks". Policy HD5 of the ANP says: "New development must not adversely impact upon the landscape setting or views into or out of the South Downs National Park."

Policy LAN DM1 of the Local Plan says that "development within the setting of the South Downs National Park must have special regard to the conservation of that setting, including views into and out of the Park, and will not be permitted where there would be harmful effects on these considerations".

Policy EH2 of the Angmering NP says "new development within land adjoining the National Park, or that contributes to the setting of the Park, will be supported. It should not adversely affect the views into and out of the Park by virtue of its location or design."

Concerns about the visual impact of the proposed residential development on the South Downs National Park have been raised by SDNPA and APC. The Landscape and Visual Impact Assessment which was submitted at the outline planning stage informed the Parameters Plans and it was one of many considerations as part of the current reserved matters application. This is in addition to the approved Design and Access Statement with which this reserved matters application needs to be 'in general accordance' with. The proposed development has been assessed to ensure that it accords with both the Parameters Plans and Design and Access Statement approved at the outline planning stage.

The Committee Report for the outline planning application (A/99/17/OUT) considered visual impact before outline planning permission was granted, stating that built development is currently visible from Highdown Hill which is located in the National Park, to the east of the A280, and is an established part of the landscape character. The Landscape and Visual Impact Assessment, 2020, which accompanied the reserved matters application considers the site in the context of the proposal and the surrounding landscape and it is considered that the proposed materials, the scale (two storey development i.e. below the parameters allowed) and the landscaping around the site would help integrate the development into the surrounding landscape.

Revised plans have been submitted with the reserved matters application enhancing the quantum and depth of the landscape belts on the boundaries of the site, and there is landscaping within the site. The revised Landscape Masterplan (Drawing No. JBA 18109-SK01 Rev. J) comprises a comprehensive planting scheme along the boundaries and throughout the development, including both green and blue infrastructure. It is considered that the proposed landscape masterplanning of the site would ensure that this is a landscape-led development, in accordance with the approved parameters plans at the outline planning stage, to the satisfaction of the Local Planning Authority, in accordance with Policy LAN DM1 of the Local Plan and Policy EH2 of the Angmering NP.

#### RESIDENTIAL AMENITY

Section G.03 (Layout & Plot Size) of the Arun Design Guide states the need to: "create an appropriate layout for new development, integrating it with its surroundings. Clarity of layout should be achieved through the careful arrangement of buildings and spaces which should take priority over streets and car parking so that highways do not dominate."

The reserved matters Layout Plan (Drawing Number PLN-1-1101 Rev. AE) identifies houses on Plots 33

and 36-42 inclusive that are set back behind a 3-4 metre wide planted buffer along the boundary of the site with houses on The Avenals (i.e. 'Meadow End', 'Walnuts', 'Ty Gwyn', 'Harcourt' and 'The Malt House'). The revised Enclosure Plan (Drawing No. 1107 Rev. T) shows the provision of a 1.8 metre high close boarded fence along the boundary of the houses which would back onto the existing houses on The Avenals, which is considered to be acceptable in terms of providing privacy to the existing neighbouring residents. The rear elevation of the proposed dwelling on Plot 38 would be 23.0 metres from the rear elevation of the detached house ('Ty Gwyn') on The Avenals, which is the closest of all of the dwellings. A stand-off distance of 23.0 metres is considered to be acceptable and it is considered that this stand-off distance would not lead to overlooking or overbearing impacts or the undue loss of privacy for the existing residents of the houses on The Avenals. In addition, the houses in the western part of the development would be located more than 30 metres from the boundary of the site with Weavers Hill. Consequently, it is considered that the proposed residential development would be acceptable on the amenities of neighbouring properties along the western side of Weavers Hill in terms of there being no materially adverse overlooking or overbearing impacts given the distance to the site boundary and the siting of the proposed houses.

Initially a close boarded fence was proposed along the rear gardens of Plots 1 to 16 inclusive along the boundary of the site with Avenals Farm, Avenals Cottage, Avenals Barn and the Stables, with a 2.0 metre landscape belt on the eastern side of the close boarded fencing. It is considered that the proposed residential development needs to be screened visually from the existing dwellings at Avenals Farm so as to ensure that there is no loss of privacy for the existing residents. Revised landscaping plans have been submitted which propose the provision of the landscape belt directly facing Avenals Farm; and the provision of close boarded fencing to the east of the landscape belt. Provision has also been made on the Landscape Masterplan for a maintenance strip to be provided on land to the west of the landscape belt, within the application site. The provision of this maintenance strip within the site is considered to be necessary to ensure that the landscape belt is managed and maintained.

The southern boundary of the site with the Spotted Cow Public House on High Street would have a 10.0 metre wide landscaped amenity area, which would increase to 20.0 metres between the public house and the proposed houses on Plots 54, 55 and 63. Additional tree planting could not take place immediately adjacent to the existing hedge which runs along the boundary of the Spotted Cow car park as there is an easement which runs across the application site in this location. The width of the proposed landscaped amenity area is considered to be acceptable in this location and it forms an acceptable buffer between the proposed residential development and the Spotted Cow Public House.

The applicant has submitted a schedule of the internal space standards with the reserved matters application ensuring that the houses and the apartment building comply with the Nationally Described Space Standard (NDSS) table (Table 1).

Although there are no adopted standards on rear garden sizes in the Local Plan, the Arun Design Guide provides a standard garden size of 10.5 metres. The reserved matters Layout Plan (Drawing Number PLN-1-1101 Rev. AE) identifies that all of the rear gardens of the houses on the site measure at least 10.5 metres in length; this is to ensure adequate amenity space is provided. The apartment building (Block A) which accommodates Plots 159-167 and the adjacent maisonettes which are sited in the north east corner of the site include enclosed areas comprising private amenity space, which is in line with the requirements of the Arun Design Guide.

Consequently, it is considered that the proposed residential development complies with Policy D DM1(3) of the Local Plan and the Arun Design Guide in terms of the impact on neighbouring residential amenity.

#### AFFORDABLE HOUSING

The Section 106 Agreement which accompanied the outline planning permission (A/99/17/OUT) requires

50% of the affordable dwellings to be affordable rent and 50% to be shared ownership. To meet the requirements of the Council's Affordable Housing policy and the terms of the Section 106 Agreement, the housing mix has been amended to provide 53 affordable dwellings, which equates to 27 rented 26 intermediate.

The revised affordable housing mix comprises:

**Rented**

11 x 1 bed dwelling

10 x 2 bed dwelling

5 x 3 bed dwelling

1 x 4 bed dwelling

Total Rented: 27

**Intermediate**

6 x 1 bed dwelling

10 x 2 bed dwelling

8 x 3 bed dwelling

2 x 4 bed dwelling

Total Intermediate: 26

Consequently, the revised tenure mix complies with the Section 106 agreement.

The affordable dwellings are identified on the amended tenure plan (Drawing No. PLN-1-1104 Rev. T), in small clusters which are pepper potted throughout the development, which are considered to be appropriate, in accordance with Policy AH SP2 of the Local Plan. The apartment buildings on the site are affordable housing and there are no market apartments on the site. This is contrary to policy AH SP2 which requires affordable housing to be visually indistinguishable from market housing.

**HOUSING MIX**

The 2012 SHMA was the subject of an update in 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 GL Hearn 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. Policy HD3 of the Angmering NP refers to housing mix.

The proposed development comprises the following market (122 market dwellings) and affordable (53 affordable dwellings) housing mix:

- 17 x 1 bed dwellings;
- 35 x 2-bed dwellings;
- 78 x 3-bed dwellings;
- 45 x 4-bed dwellings.

The development comprises detached, semi-detached and terraced houses and 1 apartment building which provide for variety not only in housing size but type. The overall market and affordable mix provides for a range of dwelling sizes from 1, 2, 3 and 4 bed flats and houses. The proposed development delivers over half of the overall scheme as 2 and 3 bed dwellings (i.e. 113 dwellings). This is consistent with the objectives of the SHMA in providing a focus on family housing across a range of housing sizes and types whilst also providing a proportion of smaller 1 bed units overall. However, the proposal includes 26% 4 bed units compared to the recommended proportion of 10-15% in the SHMA update. This departure is justified in terms of the density of the development (32.5 dwellings per hectare). If the plans provided a greater number of smaller units this would increase the density in pockets of the

development. This density of the site is important in the consideration of the impact on the character of the village and its relationship with the Conservation Area, on a site on the edge of the village of Angmering. The use of detached dwellings is important to blend out to the western edges of the site towards Weavers Hill.

Policy H DM1 of the Local Plan says that the LPA and developers need to have regard to the latest SHMA. Consequently, it is considered that the housing mix, sizes and tenures in this reserved matter application provides a range of house sizes including family accommodation over a range of dwelling sizes and tenures; and the mix proposed is needed to provide lower density development in the sensitive western part of the site facing Weavers Hill.

#### **IMPACT ON THE CONSERVATION AREA AND THE SETTING OF LISTED BUILDINGS**

##### **Angmering Conservation Area**

Policy HER DM3 of the Local Plan says "new buildings and structures should acknowledge the character of their special environment in their layout, form, scale, detailing, use of materials, enclosure and the spaces created between buildings".

The impact of the proposed development on the Conservation Area needs to be considered in accordance with paragraph 196 of the NPPF and if there is harm is it substantial or less than substantial, and this needs to be weighed against the public benefits of the proposal.

The site abuts two parts of the conservation area: Weavers Hill and the eastern end of the High Street. Consequently, there are a number of sensitive locations within the application site that are visible from the surrounding area, such as looking from Weavers Hill. The houses would be set back from the frontage with Weavers Hill, an area of landscaped planting is proposed alongside the existing vegetation on the Weavers Hill frontage, and a Local Area of Play (a LAP) would be sited between the landscaped planting and the proposed new houses. Consequently, there would be limited inter-visibility from Weavers Hill and the Conservation Area. As the housing is set back from the road, behind a LAP and landscape planting, it is considered that there would be less than substantial harm.

The revised landscape masterplan and the planting plans showing additional mature planting along the southern boundary of the site adjacent to the Spotted Cow, which would enhance the existing vegetation and screen the views of the new housing from High Street and limit the inter-visibility with the Conservation Area.

In accordance with paragraph 189 of the NPPF, a detailed Heritage Compliance Statement has been prepared which assesses the impact the development has on the setting of nearby Listed Buildings and assesses how this may affect the proposed development. An additional statement has also been prepared which deals with issues raised by the Conservation Officer.

With regard to Paragraph 200 of the NPPF the main consideration is the indirect effect that the proposed residential development could have on the appreciation of the significance of the identified nationally and locally listed buildings and their settings and the setting of the Conservation Area. The principle of residential development on this site was assessed to be acceptable at the outline planning stage and the proposed layout plan accords with the Illustrative Masterplan which was submitted and assessed at the outline planning stage. The Heritage Compliance Statement provides a proportionate, comprehensive and independent professional assessment of the heritage impact of the reserved matters (A/109/20/RES) with direct comparison with the outline planning permission (A/99/17/OUT). The Heritage Compliance Statement identifies heritage assets, assessing their significance before understanding possible mitigation measures to reduce potential impact.

In accordance with paragraph 190 of the NPPF which states that Local Planning Authorities should take

account of any necessary expertise. In this case, the Conservation Officer reviewed the application and provided some comments which resulted in amended plans being submitted. He considered that the design of the modern design appearance of the buildings is generally acceptable as long as the quality of the materials used, detailing and references to the local vernacular can be clearly identified within the scheme and this has clearly been achieved.

The proposal has taken account of the policy objectives set out in paragraph 192 of the NPPF by maintaining the significance of the Conservation Area that may be affected by the application proposals. The impact on the Conservation Area has been given great weight in accordance with paragraph 193 of the NPPF. The proposals have sought to minimise and mitigate the impact of the proposals on the significance of the Conservation Area and make a positive contribution to local character by enhancing the setting of the Conservation Area as required by paragraph 192(c) of the NPPF which states Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (February 2019). As such, the public benefits that the development may achieve need to be considered as part of the assessment of the application, along with the contents the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). It is therefore necessary to consider the public benefits that the development may achieve. These include:

- Providing much needed housing to meet the deficit in Arun's 5-year Housing Land Supply (HLS) and affordable housing.
- Benefitting the local economy by bringing in additional customers to the village centre shops and services.
- Benefitting the streets in the vicinity of the site from increased natural surveillance, reducing crime & anti-social behaviour.
- Creating construction jobs.
- Creating new sources of employment and economic activity at the site.
- Additional spending by new residents on local goods & services.

It is acknowledged that this is an allocated strategic site in the Local Plan, with parameters for the development approved at the outline planning stage. The application is considered acceptable in terms of its impact on the setting of the Conservation Area and it is considered compliant with policies HER SP1 and HER DM3 (a),(d),(e) and (f) of the Arun Local Plan and Policy EH1 of the Angmering NP.

#### Listed Buildings

Policy HER DM1 says that proposals affecting statutory Listed Buildings will be required to (e) protect and where possible enhance the setting of the building.

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

Whilst there are no statutory Listed Buildings located within the site boundary, a number of Listed Buildings are situated within its immediate vicinity: Cressingham Cottage and Barn or outbuilding to the South of Cressingham Cottage, Littleworth/Littleworth Cottage, Malt Barn Cottage The Malthouse, The Spotted Cow Public House, Weavers Cottage, Wayside Cottage, White House Cottage/Thatchers, The White House, Avenals Farmhouse, Pigeon House Farm, Ecclesden Manor and Manor Farmhouse.

The submitted Heritage Compliance Statement concludes that "the proposals will replace the fields

forming part of the setting of the listed buildings and conservation area, however, the proposed mitigation and design measures provide an appropriate transition between the proposals and the heritage assets to mitigate heritage impact" (Paragraph 4.51 of the Heritage Compliance Statement). The Heritage Compliance Statement concludes that the impact of the proposals on the special architectural and / or historic interest (significance) of the identified heritage assets will remain the same as that concluded in Section 5 of the Heritage Statement (October 2016) which was submitted as part of the approved outline planning application (A/99/17/OUT).

There is a significant amount of development around Avenals Farm which represents a high-density development, which is in contrast to the character of that local area, but the revised Landscape Masterplan proposes substantial tree and hedgerow planting along the western boundary of the site, which will assist in reducing the views of the new housing from the listed buildings; and the proposal to install a post and rail fence along the southern boundary of the internal estate road - in place of the acoustic fencing which was initially proposed, would retain open views from the listed buildings at Avenals Farm southwards towards High Street. The landscaped buffer would be managed by the management company which would be set up as part of the Section 106 Agreement.

The boundary to Weavers Hill would include additional mature tree and hedgerow planting which would have a greater impact in terms of screening the new houses from the commencement of the development; helping to reduce the inter-visibility between the scheme and the listed building.

The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (February 2019). As such, the public benefits that the development may achieve need to be considered as part of the assessment of the application, along with the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

It is therefore necessary to consider the public benefits that the development may achieve. These include:

- Providing much needed housing to meet the deficit in Arun's 5-year Housing Land Supply (HLS) and affordable housing.
- Benefitting the local economy by bringing in additional customers to the village centre shops and services.
- Benefitting the streets in the vicinity of the site from increased natural surveillance, reducing crime & anti-social behaviour.
- Creating construction jobs.
- Creating new sources of employment and economic activity at the site.
- Additional spending by new residents on local goods & services.

In conclusion, in terms of listed buildings it is acknowledged that this is an allocated strategic site in the Local Plan, with parameters for the development approved at the outline planning stage. There would be an impact on the setting of the Listed Buildings resulting from the development proposed. Overall, the proposal does cause some harm to the Heritage Assets, but this level is such that the impact can be described as leading to less than substantial harm.

It is considered that the public benefits sufficiently outweigh the harm caused to the listed buildings and the proposal is therefore compliant with Policy HER DM1 and Policy HER SP1 of the Local Plan, Policy and the NPPF.

#### **BIODIVERSITY**

Condition 10 which was imposed on the outline planning permission (A/99/17/OUT) required a Schedule of Works to be submitted for approval, based on the recommendations within the submitted Preliminary Ecological Appraisal Report. The Schedule of Works should include details and locations of bird, bat and

barn owl boxes, and log piles provided on the site; a badger survey and measures to minimise the disturbance of badgers; and details of compensatory and additional tree planting. This ecological information will be submitted in a discharge of condition application following the determination of this reserved matters application (A/109/20/RES) as it includes details of compensatory boundary habitat planting and wildflower meadow planting and boundary features to measure at least 5.0 metres width for the majority of the site to allow for commuting badgers, which would be an inherent part of the proposed layout of the site. The landscaped buffer along the eastern boundary of the site, together with the Black Ditch at the northern end of the site would provide corridors for commuting badgers; and the enhanced landscaping with the associated maintenance strip along the western boundary of the site; and the planting on the frontage with High Street would provide ideal corridors for commuting badgers. The ADC Ecological Advisor is satisfied with the information submitted with this reserved matters application in terms of the ecology.

#### **EXTERNAL SPACE STANDARDS**

The Layout Plan (Drawing Number PLN-1-1101 Rev. AD) shows all houses with rear gardens that measure at least 10.5 metres in length, which is acceptable to ensure adequate amenity space is provided and is in compliance with the Arun Design Guide. The apartment building is provided with sufficient private amenity space on the Layout Plan (Drawing Number PLN-1-1101 Rev. AE), which is acceptable in terms of residential amenity. The site layout includes 20 metre back to back stand-off distances and 11 metre side-on-back distances, which are considered to be acceptable.

#### **INTERNAL SPACE STANDARDS**

Policy D DM2 of the Local Plan sets out that the LPA will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance.

The floor plans of each house and the apartment building where it specifies the number of bedrooms, the occupancy and the square metres of floor space have been cross referenced with the Nationally Described Space Standard (NDSS) table (Table 1). The minimum gross internal floor areas of all of the houses and the 2 apartment buildings on the application site comply with Policy D DM2 and meet the NDSS requirements.

#### **CLIMATE CHANGE**

Policy ECC SP1 of the Local Plan says: "The Council will support development which is located and appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding; water stress; health impacts as a result of extreme temperatures and a decline in the quality of habitats and richness in biodiversity". Policy ECC SP2 of the Local Plan says: "All major developments must produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated that this is unviable".

Condition 16 which was imposed on the outline planning permission required the submission of details demonstrating at least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources; and not just from a fabric first approach. Details to be submitted for compliance with the condition would include the detailed Standard Assessment Procedure (SAP) calculations (once detailed construction design has been undertaken) together with a timetable for how the 10% decentralised energy will be achieved on the site. All of the dwellings on the site would incorporate up-to-date building regulations (i.e. fabric first).

The proposed east/west orientation of houses on Plots 6-17, 18-20, 21 & 25, 31-34, 43-54, 56 & 57, 60-63, 73-76, 95, 99-104, 109-111, 123-126, 134-149, 150-155 and 168-178 inclusive would ensure maximum solar gain and would comply with Policy ECC SP1 of the Local Plan. The north/south orientation of the remaining houses and the apartment building on the site would not ensure maximum



solar gain and would not comply with Policy ECC SP1 of the Local Plan.

The layout of the houses and the apartment building on the application site was predicated on the indicative layout plan which was approved at the outline planning stage A/99/17/OUT; and the site constraints including the shape of the site and the fact that the northern part of the site is undevelopable due to the presence of the Black Ditch. The majority of dwellings are orientated east/west and therefore, on balance the layout makes all reasonable endeavours to achieve maximum solar gain.

#### **SUMMARY**

This reserved matters application seeking approval for appearance, scale, layout and landscaping is considered to be acceptable. It is considered that the proposed residential development would result in a well designed, high quality, landscape-led scheme which seeks as far as possible to integrate itself with the existing new developments in Angmering, and reflects the local vernacular. Whilst there are some elements of the scheme which don't fully comply with policy, as set out above, these are considered to be outweighed by the overall benefits of the scheme which will ensure the delivery of housing on a strategic allocation.

#### **RECOMMENDATION**

It is therefore recommended that this application for reserved matters is approved and the following conditions be imposed.

#### **HUMAN RIGHTS ACT**

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

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

#### **DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

#### **SECTION 106 DETAILS**

A Section 106 Agreement was imposed at the outline planning stage (A/99/17/OUT) which contained planning obligations regarding a highways contribution, early years, primary, secondary and further

education contributions, a library contribution, a fire and rescue contribution, the provision of LEAPs and LAPs, a sports hall contribution, swimming pool contribution, a contribution to artificial pitches and a contribution towards the re-location of the skatepark, the BMX track and the fitness trail.

A Deed of Variation is required to amend the Section 106 Agreement which was imposed on the outline planning permission (A/99/17/OUT), relating to the provision of six Local Areas of Play (LAPs) and one Local Equipped Area of Play (LEAP) provided on the site. This reserved matters application proposes a 'Super LEAP' which is the equivalent of 4 x LAPs and a LEAP. The fifth LAP is proposed in the western part of the site next to the Lych Gate on Weavers Hill, and the sixth LAP is proposed in the southern part of the site next to the attenuation basin adjacent to the Spotted Cow Public House.

<b>RECOMMENDATION</b>
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#### APPROVE CONDITIONALLY

1 1.The development hereby approved shall be carried out in accordance with the following approved drawings and submitted materials:

- Drawing No. PLN-1-1101 Rev. AE - Planning Layout
- Drawing No. PLN-1-1102 Rev. AA - Materials Layout
- Drawing No. PLN-1-1103 Rev. N - Heights Layout
- Drawing No. PLN-1-1104 Rev. T - Tenure Layout
- Drawing No. PLN-1-1105 Rev. N - Parking Layout
- Drawing No. PLN-1-1106 Rev. O - Refuse Layout
- Drawing No. PLN-1-1107 Rev. T - Enclosures Layout
- Drawing No. PLN-1-1108 Rev. A - Location Plan
- Drawing No. PLN-1-2201 Rev. B - Type 204, Floor & Roof Plans - Style 1
- Drawing No. PLN-1-2102 Rev. B - Type 204, Elevations - Style 1 - Brick
- Drawing No. PLN-1-2202 Rev. A - Type 204, Floor & Roof Plans - Style 2
- Drawing No. PLN-1-2103 Rev. A - Type 204, Elevations - Style 2 - Brick
- Drawing No. PLN-1-2104 Rev. A - Type 204, Plans & Elevations - Style 3 - Brick
- Drawing No. PLN-1-2203 Rev. A - Type 204, Floor & Roof Plans - Style 3
- Drawing No. PLN-1-2105 Rev. A - Type 204, Elevations - Style 3 - Brick
- Drawing No. PLN-1-2204 Rev. B - Type 312, Floor 7 Roof Plans - Style 2
- Drawing No. PLN-1-2106 Rev. B - Type 312, Elevations - Style 2 - Board
- Drawing No. PLN-1-2246 - Type 331, Floor & Roof Plans - Style 1
- Drawing No. PLN-1-2183 - Type 331, Elevations - Style 1 - Flint
- Drawing No. PLN-1-2247 - Type 341, Floor & Roof Plans - Style 1
- Drawing No. PLN-1-2184 - Type 341, Elevations - Style 1 - Flint
- Drawing No. PLN-1-2205 Rev. B - Type 341A, Floor & Roof Plans - Style 1
- Drawing No. PLN-1-2107 Rev. B - Type 341A, Elevations - Style 1 - Brick
- Drawing No. PLN-1-2108 Rev. B - Type 341A, Elevations - Style 1 - Flint
- Drawing No. PLN-1-2206 Rev. A - Type 341A, Floor & Roof Plans - Style 2
- Drawing No. PLN-1-2109 Rev. A - Type 341A, Elevations - Style 2 - Brick
- Drawing No. PLN-1-2110 Rev. B - Type 341A, Elevations - Style 2 Board
- Drawing No. PLN-1-2207 Rev. B - Type 341A, Floor & Roof Plans - Style 3
- Drawing No. PLN-1-2111 Rev. B - Type 341A, Elevations - Style 3 - Render
- Drawing No. PLN-1-2208 Rev. B - Type 341A, Floor & Roof Plans - Style 4
- Drawing No. PLN-1-2112 Rev. B - Type 341A, Elevations - Style 4 - Brick
- Drawing No. PLN-1-2113 Rev. B - Type 341A, Elevations - Style 4 - Tile Hung
- Drawing No. PLN-1-2114 Rev. A - Type 341A, Elevations - Style 4 - Tile Hung
- Drawing No. PLN-1-2209 Rev. B - Type 382, Floor & Roof Plans - Style 1

- Drawing No. PLN-1-2116 Rev. B - Type 382, Elevations - Style 1 - Brick
- Drawing No. PLN-1-2210 Rev. B - Type 382, Floor & Roof Plans - Style 2
- Drawing No. PLN-1-2117 Rev. B - Type 382, Elevations - Style 2 - Brick
- Drawing No. PLN-1-2118 Rev. B - Type 382, Elevations - Style 2 - Board
- Drawing No. PLN-1-2211 Rev. B - Type 382, Floor & Roof Plans - Style 3
- Drawing No. PLN-1-2119 Rev. B - Type 382, Elevations - Style 3 - Brick
- Drawing No. PLN-1-2120 Rev. A - Type 382, Elevations - Style 3 - Board
- Drawing No. PLN-1-2212 Rev. B - Type 382, Floor & Roof Plans - Style 4
- Drawing No. PLN-1-2121 Rev. B - Type 382, Elevations - Style 4 - Brick
- Drawing No. PLN-1-2214 Rev. C - Type 403, Floor & Roof Plans - Style 2
- Drawing No. PLN-1-2124 Rev. A - Type 403, Elevations - Style 2 - Brick
- Drawing No. PLN-1-2125 Rev. B - Type 403, Elevations - Style 2 - Board
- Drawing No. PLN-1-2215 Rev. C - Type 403, Floor & Roof Plans - Style 3
- Drawing No. PLN-1-2126 Rev. B - Type 403, Elevations - Style 3 - Brick
- Drawing No. PLN-1-2216 Rev. C - Type 403, Floor & Roof Plans - Style 4
- Drawing No. PLN-1-2128 Rev. B - Type 403, Elevations - Style 4 - Brick
- Drawing No. PLN-1-2218 Rev. B - Type 418, Floor & Roof Plans - Style 4
- Drawing No. PLN-1-2130 Rev. B - Type 418, Elevations - Style 4 - Brick
- Drawing No. PLN-1-2131 Rev. A - Type 418 Elevations - Style 4 - Flint
- Drawing No. PLN-1-2219 Rev. A - Type 433, Floor & Roof Plans - Style 2
- Drawing No. PLN-1-2132 Rev. B - Type 433, Elevations - Style 2 -Board
- Drawing No. PLN-1-2220 Rev. A - Type 433, Floor & Roof Plans - Style 3
- Drawing No. PLN-1-2134 Rev. A - Type 433, Elevations - Style 3 - Board
- Drawing No. PLN-1-2221 Rev. B - Type 433, Floor & Roof Plans - Style 4
- Drawing No. PLN-1-2135 Rev. A - Type 433,Elevations - Style 4 - Tile Hung
- Drawing No. PLN-1-2136 Rev. A - Type 433, Elevations - Style 4 - Tile & Render
- Drawing No. PLN-1-2222 Rev. A - Type 433, Floor & Roof Plans - Style 4
- Drawing No. PLN-1-2137 Rev. B - Type 433, Elevations - Style 4 - Flint
- Drawing No. PLN-1-2224 Rev. B - Type 442, Floor & Roof Plans - Style 2
- Drawing No. PLN-1-2139 Rev. B - Type 442, Elevations - Style 2 - Brick
- Drawing No. PLN-1-2225 Rev. A - Type 442, Floor & Roof Plans - Style 4
- Drawing No. PLN-1-2140 Rev. A - Type 442, Elevations - Style 4 - Brick
- Drawing No. PLN-1-2226 Rev. B - Type 456, Floor & Roof Plans - Style 2
- Drawing No. PLN-1-2141 Rev. A - Type 456,Elevations - Style 2 - Brick
- Drawing No. PLN-1-2142 Rev. B - Type 456, Elevations - Style 2 - Board
- Drawing No. PLN-1-2227 Rev. A - Type 456, Floor & Roof Plans - Style 3
- Drawing No. PLN-1-2143 Rev. A - Type 456, Elevations - Style 3 - Board
- Drawing No. PLN-1-2228 Rev. B - Type 456, Floor & Roof Plans - Style 4
- Drawing No. PLN-1-2144 Rev. B - Type 456, Elevations - Style 4 - Brick
- Drawing No. PLN-1-2145 Rev. A - Type 456, Elevations - Style 4 - Flint
- Drawing No. PLN-1-2229 Rev. C - Type 469, Floor & Roof Plans - Style 1
- Drawing No. PLN-1-2146 Rev. B - Type 469, Elevations - Style 1 - Flint
- Drawing No. PLN-1-2230 Rev. C - Type 469, Floor & Roof Plans - Style 2
- Drawing No. PLN-1-2147 Rev. B - Type 469, Elevations - Style 2 - Board
- Drawing No. PLN-1-2231 Rev. B - Type 469, Floor & Roof Plans - Style 3
- Drawing No. PLN-1-2148 Rev. A - Type 469, Elevations - Style 3 - Brick
- Drawing No. PLN-1-2232 Rev. C - Type 469, Floor & Roof Plans - Style 4
- Drawing No. PLN-1-2149 Rev. A - Type 469, Elevations - Style 4 - Brick
- Drawing No. PLN-1-2150 Rev. B - Type 469, Elevations - Style 4 - Tile Hung
- Drawing No. PLN-1-2151 Rev. B - Type 469, Elevations - Style 4 - Tile & Render
- Drawing No. PLN-1-2152 Rev. B - Type 469, Elevations - Style 4 - Flint
- Drawing No. PLN-1-2233 Rev. A - Type 60 & 61,Floor & Roof Plans - Style 3

- Drawing No. PLN-1-2153 Rev. A - Type 60 & 61, Elevations - Style 3 - Brick
- Drawing No. PLN-1-2154 Rev. A - Type 60 & 61, Elevations - Style 3 - Brick
- Drawing No. PLN-1-2234 Rev. B - Type 58 & 59, Floor & Roof Plans - Style 3
- Drawing No. PLN-1-2155 Rev. B - Type 58 & 59, Elevations - Style 3 - Brick
- Drawing No. PLN-1-2235 Rev. B - Type 58 & 59, Floor & Roof Plans - Style 3 - Board
- Drawing No. PLN-1-2156 Rev. B - Type 58 & 59, Elevations - Style 3 - Board
- Drawing No. PLN-1-2236 Rev. C - Type 51, Floor & Roof Plans - Style 3
- Drawing No. PLN-1-2157 Rev. C - Type 51, Elevations - Style 3 - Brick
- Drawing No. PLN-1-2159 Rev. C - Type 51, Plans & Elevations - Style 3 - Brick
- Drawing No. PLN-1-2160 Rev. B - Type 51, Plans & Elevations - Style 3 - Board
- Drawing No. PLN-1-2237 Rev. B - Type 52, Floor & Roof Plans - Style 3
- Drawing No. PLN-1-2161 Rev. B - Type 52, Elevations - Style 3 - Brick
- Drawing No. PLN-1-2239 Rev. C - Type 52A, Floor & Roof Plans - Style 3
- Drawing No. PLN-1-2165 Rev. C - Type 52A, Elevations - Style 3 - Render
- Drawing No. PLN-1-2167 Rev. B - Type 55, Plans & Elevations Style 3 - Board
- Drawing No. PLN-1-2240 Rev. C - Type 54, Floor & Roof Plans - Style 3
- Drawing No. PLN-1-2168 Rev. B - Type 54, Elevations - Style 3 - Brick
- Drawing No. PLN-1-2241 Rev. B - Type 403A, Floor & Roof Plans - Style 1
- Drawing No. PLN-1-2170 Rev. A - Type 403A, Elevations - Style 1 - Flint
- Drawing No. PLN-1-2242 Rev. B - Type 403A, Floor & Roof Plans - Style 2
- Drawing No. PLN-1-2171 Rev. B - Type 403A, Elevations - Style 2 - Brick
- Drawing No. PLN-1-2172 Rev. A - Type 403A, Elevations - Style 2 - Board
- Drawing No. PLN-1-2243 Rev. B - Type 403A, Floor & Roof Plans - Style 3
- Drawing No. PLN-1-2173 Rev. B - Type 403A, Elevations - Style 3 - Brick
- Drawing No. PLN-1-2174 Rev. A - Type 403A, Elevations - Style 3 - Board
- Drawing No. PLN-1-2175 Rev. A - Type 51, Plans & Elevations - Style 3 - Brick
- Drawing No. PLN-1-2176 Rev. A - Type 51, Plans & Elevations - Style 3 - Brick
- Drawing No. PLN-1-2177 - Type 51, Plans & Elevations - Style 3 - Brick
- Drawing No. PLN-1-2178 - Type 403A, Elevations - Style 1 - Brick
- Drawing No. PLN-1-2179 - Type 52A, Elevations - Style 3 - Brick
- Drawing No. PLN-1-2244 - Type 52A, Floor & Roof Plans - Style 3
- Drawing No. PLN-1-2180 - Type 52A, Elevations - Style 3 - Board
- Drawing No. PLN-1-2181 - Type 54, Plans & Elevations - Style 3 - Brick
- Drawing No. PLN-1-2245 - Type 58 & 59, Floor & Roof Plans - Style 3 - Board
- Drawing No. PLN-1-2182 - Type 58 & 59, Elevations - Style 3 - Board
- Drawing No. PLN-1-3000 Rev. E - Block A, Ground Floor Plan - Style 3
- Drawing No. PLN-1-3001 Rev. E - Block A, First Floor Plan - Style 3
- Drawing No. PLN-1-3003 Rev. H - Block A, Roof Plan - Style 3
- Drawing No. PLN-1-3004 Rev. J - Block A, Front Elevation - Style 3
- Drawing No. PLN-1-3005 Rev. J - Block A, Side Elevation - Style 3
- Drawing No. PLN-1-3006 Rev. J - Block A, Rear Elevations - Style 3
- Drawing No. PLN-1-3011 Rev. D - Block A, Side Elevation - Style 3
- Drawing No. PLN-1-3700 Rev. A - Garages - Single, Plans & Elevations
- Drawing No. PLN-1-3701 Rev. A - Garages - Pair, Plans & Elevations
- Drawing No. PLN-1-3702 Rev. A - Garages - Double, Plans & Elevations
- Drawing No. PLN-1-3800 - Bin & Cycle Stores, Plans & Elevations
- Drawing No. PLN-1-3801 - Sub Station, Plans & Elevations
- Drawing No. PLN-1-1150 Rev. C - Streetscenes
- Drawing No. PLN-1-1151 Rev. E - Streetscenes
- Drawing No. PLN-1-1152 Rev. B - Streetscenes
- Drawing No. PLN-1-1153 Rev. A - Streetscenes
- Drawing No. JBA 18109-SK01 Rev. J - Landscape Masterplan.

- Drawing No. JBA 19-283 01 Rev. F - Landscape and Public Open Space Plans
- Drawing No. JBA 19-283 02 Rev. F - Landscape and Public Open Space Plans
- Drawing No. JBA 19-283 03 Rev. F - Landscape and Public Open Space Plans
- Drawing No. JBA 19-283 04 Rev. F - Landscape and Public Open Space Plans
- Drawing No. JBA 19-283 05 Rev. F - Landscape and Public Open Space Plans
- Drawing No. JBA 19-283 06 Rev. G - Landscape and Public Open Space Plans
- Drawing No. JBA 19-283 07 Rev. G - Landscape and Public Open Space Plans
- Drawing No. JBA 19-283 08 Rev. G - Landscape and Public Open Space Plans
- Drawing No. Q6612 Rev. F - Local Equipped Area for Play
- Drawing No. A290-RM-101 P5 - General Arrangement Sheet 1
- Drawing No. A290-RM-102 P5 - General Arrangement Sheet 2
- Drawing No. A290-RM-111 P6 - Long Sections Sheet 1
- Drawing No. A290-RM-112 P6 - Long Sections Sheet 2
- Drawing No. A290-RM-113 P4 - Long Sections Sheet 3
- Drawing No. A290-RM-114 P5 - Long Sections Sheet 4
- Drawing No. A290-RM-401 P5 - Engineering Layout Sheet 1
- Drawing No. A290-RM-402 P5 - Engineering Layout Sheet 2
- Drawing No. A290-RM-610 P1 - Highway Construction Details
- Drawing No. A290-RM-701 P5 - Materials Sheet 1
- Drawing No. A290-RM-702 P5 - Materials Sheet 2
- Drawing No. A290-RM-801 P5 - Large Refuse Vehicular Tracking Sheet 1
- Drawing No. A290-RM-802 P5 - Large Refuse Vehicular Tracking Sheet 2
- Drawing No. A290-RM-803 P5 - Fire Tender Vehicular Tracking Sheet 1
- Drawing No. A290-RM-804 P5 - Fire Tender Vehicular Tracking Sheet 2
- Drawing No. A290-RM-805 P5 - Parking Court Tracking Sheet 1
- Drawing No. A290-RM-806 P5 - Parking Court Tracking Sheet 2
- Transport Statement (Ref. A290-R004 Rev. E)
- Electric Vehicle Charging Strategy (Ref. A290-R006 Rev. E)
- Supplemental Planning Statement (October 2020)
- Design and Access Statement, prepared by AAP Architecture.
- Landscape Design Strategy, Angmering, Rev. G, October 2020, prepared by James Blake Associates (Ref. JBA 19\_283-Doc1).
- Typical Street Tree Pit Detail (Ref. JBA 19\_283-DT1).
- Visuals Rev. A (Ref. JBA 19\_283-Doc2).
- Arboricultural Impact Assessment AR01 Rev. B (Ref. JBA 19-283).
- Arboricultural Method Statement AR02 Rev. B (Ref. JBA 19-283).
- Angmering Landscape Management Plan Rev. B (Ref. JBA 19\_283-LMP1)
- Supplemental Heritage Compliance Statement, 30th November 2020, prepared by JLL Heritage & Townscape.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy D DM1 and Policy D SP1 of the Arun Local Plan.

- 2 No development above damp proof course (DPC) level shall take place until a statement of architectural detail has been submitted to and been approved in writing by the Local Planning Authority. The 'statement of detail' shall be submitted setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The 'statement of details' so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in details in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with

Policy D DM1 of the Arun Local Plan.

- 3 No dwelling shall be occupied until the road(s), footways, and parking areas serving it have been constructed, surfaced and drained in accordance with the approved plans and details.

Reason: To secure satisfactory standards of access for the proposed development, in accordance with Policy D DM1 the Arun Local Plan.

- 4 No dwelling shall be occupied until the garage for that dwelling shown on the approved plans has been constructed and provided for the dwelling to which it relates. The garage 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: To ensure that adequate and satisfactory provision is made for the parking of vehicles in accordance with Policy D DM1 of the Arun Local Plan.

- 5 No dwelling shall be first occupied until covered and secure cycle parking spaces serving that dwelling have been provided.

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

- 6 Notwithstanding the provisions of Class A, A.1, (g) within 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 the dwelling houses shall be erected within the curtilage of the dwellings hereby permitted unless planning permission is first granted by the Local Planning Authority on an application in that behalf.

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

- 7 INFORMATIVE: No excavations, mounding or tree planting should be carried out within 6 metres of the public water main without consent from Southern Water. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.

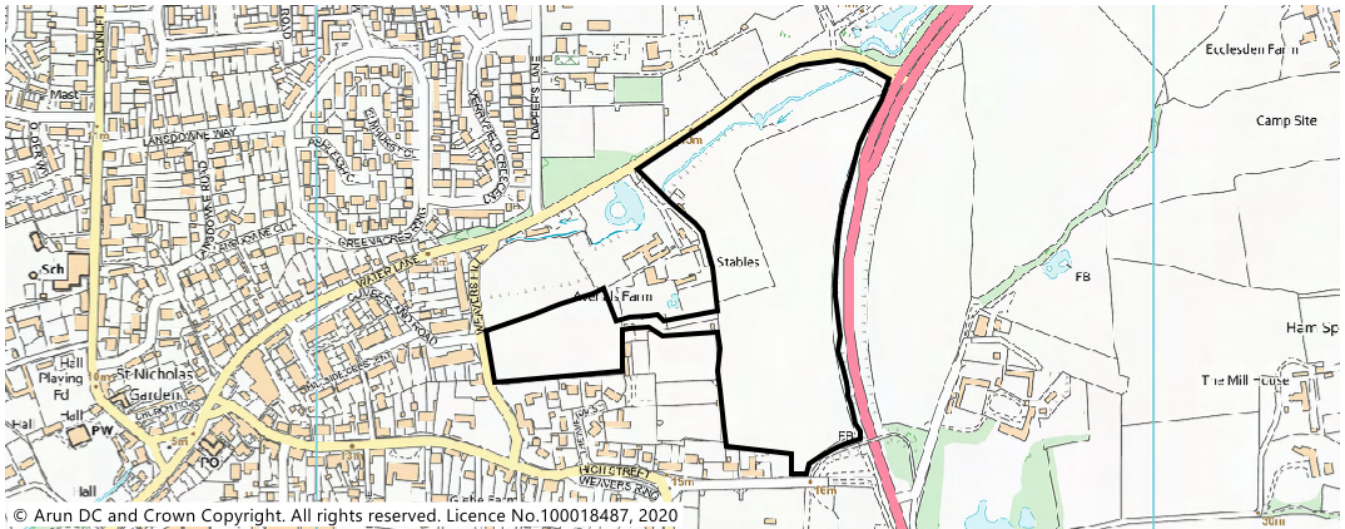
- 8 INFORMATIVE: If the applicant wishes to offer for adoption the sewers, will have to comply with Sewers for Adoption 7th Edition. A formal application under Section 104 is required to be submitted and approved by Southern Water before implementing on site.

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

## 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](#).

**A/109/20/RES - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

REF NO: A/179/20/RES

LOCATION: Land South of Water Lane  
Angmering

PROPOSAL: Approval of reserved matters (appearance, layout, scale and landscaping) following outline consent A/99/17/OUT, for a culverted embankment.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	<p>This application seeks approval of Reserved Matters for the construction of a culverted embankment over the Black Ditch, providing road access to the proposed residential development following the granting of outline planning permission (A/99/17/OUT). The reserved matters that are being applied for comprise appearance, layout, scale and landscaping.</p> <p>A separate reserved matters application (A/109/20/RES) has been submitted for the development of the 175 dwellings on Land South of Water Lane.</p>
SITE AREA	0.37ha (3,711 square metres).
TOPOGRAPHY	The site undulates northwards towards Water Lane. The site is crossed by the Black Ditch.
TREES	None of any significance affected by this proposed development.
BOUNDARY TREATMENT	The application site is located 800 metres to the east of Angmering village centre and is bounded by the A280 to the East, Weavers Hill to the west, the High Street to the South, and Water Lane to the north.
SITE CHARACTERISTICS	<p>The site forms part of what has been identified in the Local Plan as "Angmering North" - a strategic residential allocation for at least 800 new homes.</p> <p>The site slopes down to the Black Ditch in close proximity to Water Lane. The Black Ditch is bounded by a mix of trees and hedgerows. The site is within Flood Zone 3. There are no designated heritage assets within the site.</p> <p>Angmering village centre is 900 metres from the application site, accessed using Weavers Hill and Cumberland Road to the west of the site; and along High Street to the south of the site.</p>
CHARACTER OF LOCALITY	The area is rural in character with the South Downs National

Park to the north beyond the A27 and to the east side of the A280. There is existing residential development to the south and west of the site and further residential development to the south, off Roundstone Lane.

The site is bounded to the east and west by the Black Ditch and by trees and hedges. To the south of the site is the main part of the land that has outline planning permission for residential development on Land South of Water Lane. To the north of the site is Water Lane, beyond which is land that is the subject of a separate outline planning application (A/40/18/OUT) for a mixed use (residential and employment) development.

## RELEVANT SITE HISTORY

A/99/17/OUT	Outline application with some matters reserved (Access only) for development up to 175 No. residential dwellings, 12-03-19 public open space, play areas with associated infrastructure including roads, drainage & landscaping. This application affects the character & appearance of Angmering Conservation Area & the setting of Listed Buildings.	App Cond with S106
A/109/20/RES	Approval of reserved matters following outline consent A/99/17/OUT for 175 No dwellings & associated infrastructure. This application may affect the setting of a listed building, may affect the character & appearance of the Angmering Conservation Area & falls within Strategic Site SD9, CIL Zone 1 (Zero Rated).	
A/157/20/DOC	Approval of details reserved by condition imposed under ref A/99/17/OUT relating to Condition 21 - Construction Management Plan.	

A separate application was submitted for the construction of a bridge over the Black Ditch (A/110/20/RES), which would have formed an alternative means of access, but this application has been withdrawn.

## REPRESENTATIONS

No objection in principle.

The Parish Council is asking for more information. It is understood that the culverted embankment would form part of the Angmering Flood Risk Alleviation Scheme and that in the event of flooding flow would be restricted through the culvert and a holding lake/pond formed against and upstream of the embankment. This is necessary to prevent an excess volume of water overwhelming the culvert at Weavers Hill in

extreme flood conditions. The Parish Council wish to see details showing the positioning of the "throttling" at the culvert and have a plan of the lake that would be formed in flood conditions, showing its extent with an indication of its maximum depth. From plans submitted the latter would appear to be approximately 2 metres; can this be confirmed?

Two letters of representation have been received from local residents objecting to the proposed development on the following grounds:

- Why does the road over the embankment include footways on either side, leading to Water Lane?
- There is no footway on Water Lane, which is heavily trafficked and drivers disregard the speed limit.
- The use of High Street by construction traffic is entirely inappropriate because it is unnecessary.
- Construction access to the site should be from Water Lane and not from High Street.
- There should be a fixed end date to the use of the temporary access from High Street.

One letter of representation has been received from a local resident in support of the proposed development but requesting a flood risk assessment be undertaken for the impact of the embankment.

#### **COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted and addressed in the 'Conclusions' section below.

<b>CONSULTATIONS</b>
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#### **CONSULTATION RESPONSES RECEIVED:**

##### **HIGHWAYS ENGLAND:**

No objection.

The proposals would not materially affect the safety, reliability and/or operation of the strategic road network.

##### **LOCAL HIGHWAY AUTHORITY:**

No objection.

The additional information addresses the matters raised previously regarding the positioning of the cycleway and footways. The road over the culverted embankment would need to be subject to an Approval in Principle if it is to be adopted as part of the public highway.

##### **WSCC FIRE & RESCUE SERVICE:**

No objection.

Evidence has been provided to demonstrate that there is sufficient access width for a fire appliance to access the site, with a minimum width of 3.7 metres and capable of withstanding 12 to 17 tonne axial weight.

##### **SOUTH DOWNS NATIONAL PARK AUTHORITY:**

The culverted embankment is of a highly engineered appearance and it is necessary infrastructure to facilitate access to the housing development. Any development within the setting of the National Park should contribute positively to ecosystem services and demonstrate environmental net gain and respect the setting of the National Park landscape, by the provision of additional landscaping and green infrastructure. Full details of any street lighting along the culverted embankment should be secured by condition.

##### **ENVIRONMENT AGENCY:**

No objection subject to the imposition of a condition.

The condition requires the submission of a scheme to establish who will manage and maintain the flood relief structures associated with the culverted embankment. The EA has been working with the Lead Local Flood Authority, the District Council Drainage Engineers, the applicant and their consultants to incorporate a flood alleviation scheme as part of the proposed development.

**LEAD LOCAL FLOOD AUTHORITY (LLFA):**

No objection.

These proposals are satisfactory based upon the modelling contained within the Flood Risk Assessment for the Angmering Flood Alleviation Scheme (V1.0) and the proposed culverted embankment design is consistent with previous discussions with the applicant, and it will not increase flood risk. This scheme is supported as opposed to the previous application for a free-standing bridge (A/110/20/RES).

**ADC DRAINAGE:**

Support this scheme for a culverted embankment as opposed to the previously proposed free-standing bridge. The proposal is consistent with the Flood Risk Assessment for the Angmering Flood Alleviation Scheme.

**ADC ARCHAEOLOGY:**

No objection.

The site is in an area of some potential because of the presence of the favourable natural resources provided by the stream, particularly in the later prehistoric period. It would be appropriate to require that the site be investigated, either through a watching brief on all significant ground-works or an initial evaluation by trial trenching followed by targeted investigation thereafter as appropriate, by means of a condition.

**ADC CONSERVATION OFFICER:**

The site is in close proximity to two listed buildings: Weavers Cottage and Avenals Farmhouse. The proposed culvert appears to be a standard engineered design, which has been prepared in order to undertake its function. Subject to the landscaping scheme (which has been prepared as part of the separate reserved matters application) being acceptable, it is thought that, on balance, the proposal would not cause harm to the significance of the heritage assets or their setting. As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments. You will also need to take into account the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

**ADC ECOLOGY:**

No objection.

The Landscape and Ecological Management and Maintenance Plan (November 2020) and Landscaping Proposals (April 2020) which have been submitted as part of the main residential application (A/109/20/RES) have also been submitted for the proposed culverted embankment, which is considered to be acceptable.

**ADC GREENSPACE:**

No objection.

The graded banks are to be seeded with seed mix to return these back to natural habitat. The information submitted in the landscape plan (Dwg JBA 19/283-01 Rev F) and in the Arboricultural Impact Assessment contain sufficient information and mitigation requirements to be able to approve the landscape detail.

**ADC ARBORICULTURE:**

No consultation response has been received.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted and addressed in the 'Conclusions' section below.

**POLICY CONTEXT**

Designation applicable to site:

Strategic Allocation in the Local Plan.

Within the Built-Up Area Boundary in the Local Plan.

**DEVELOPMENT PLAN POLICIES**[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
GISP1	GI SP1 Green Infrastructure and Development
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
INFSP1	INF SP1 Infrastructure provision and implementation
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk

[Angmering Neighbourhood Plan 2014 POLICY EH3](#) Flood Prevention

Angmering Neighbourhood Plan 2014 POLICY TM2 Cycling Walking & Equestrian

**PLANNING POLICY GUIDANCE:**

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

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011-2031, West Sussex County Council's Waste and Minerals 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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan.

Relevant Angmering Neighbourhood Plan (NP) policies have been taken account of and are addressed in the Conclusions section of this report.

## **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

Section 70(2) of TCPA 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.

The development is considered to comply with relevant Development Plan policies as the appearance, scale and layout of the culverted embankment is considered to be acceptable. The proposed culverted embankment across the Black Ditch would result in a functional, highly engineered scheme which would serve both as a road crossing to the residential development on Land South of Water Lane and as part of a wider flood alleviation scheme, reducing incidents of flooding on Water Lane and in Angmering village centre.

## **OTHER MATERIAL CONSIDERATIONS**

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

## **CONCLUSIONS**

### **PRINCIPLE**

The principle of residential development on this site was established when outline planning permission (A/99/17/OUT) was granted on 12th March 2019 for access for up to 175 dwellings on Land South of Water Lane. The site access was approved under the following plan Drawing No. ITB9105-GA-022 Rev. A: 'Proposed Site Access - Land South of Water Lane' at the outline planning stage. There are no conflicts between the approved access plan, onto Water Lane, and the current proposal for a culverted embankment with a road over the embankment. The details of the culverted embankment and the road have not already been agreed.

Angmering Advisory Group meeting:

A presentation was given at the Angmering Advisory Group meeting on 30th July 2020 where there was

a discussion about contractor access from High Street to the south to construct the crossing over the Black Ditch at the northern end of the site; and limiting the length of time that contractor access is available from High Street and ensuring that contractor access directly off Water Lane must be prioritised in the project planning of the development of the site.

Angmering Flood Alleviation Scheme:

Policy W DM2 of the Local Plan says: "In locations where strategic flood defence or resilient and resistant construction measures are necessary within the site itself, proposals will be required to demonstrate how measures have been incorporated as an intrinsic part of the scheme in a manner which is compatible with the latest Strategic Flood Risk Assessment."

The Flood Risk Assessment has been submitted as part of this reserved matters application to demonstrate that the culvert could facilitate a future Flood Alleviation Scheme but consideration of the merits or otherwise of a future Flood Alleviation Scheme are not part of this reserved matters application for the culverted embankment.

The Flood Risk Assessment for the Angmering Flood Alleviation Scheme concludes that the flooding in Angmering is caused by a lack of capacity in the culverted section of the Black Ditch in Water Lane and in the village centre to accommodate the storm run-off from the upstream catchment, which extends up to 25km into the South Downs. The topography of the land at the head of the Water Lane culvert offers significant storage capacity and the opportunity to restrict the flows on the Black Ditch and attenuate storm water at a number of locations. The opportunity to restrict flows using the road embankment for the new access road to the housing development on Land South of Water Lane significantly reduces the cost and complexity of the Flood Alleviation Scheme and increases its viability.

This reserved matters application for the culverted embankment has been kept separate from the Angmering Flood Alleviation Scheme application, which will be a separate application that has yet to be submitted; so as to ensure that this reserved matters application was not compromised by any potential delays with the Flood Alleviation Scheme. This reserved matters application for the culverted embankment now facilitates the Flood Alleviation Scheme that can be retrofitted to the wing walls on the upstream side (i.e. the eastern side) of the access road culvert. There is 11.0 metres between the wing walls of the culvert to facilitate the weir; the weir is to be constructed at a later date as part of the Flood Alleviation Scheme. As part of the Flood Alleviation Scheme, the Black Ditch would function as a lake following heavy rain; and a weir would be fitted upstream of the box culvert, which has been oversized to accommodate the flows from the weir, in compliance with Policy W DM2 of the Local Plan and Policy EH3 of the Angmering NP.

In response to the Parish Council's request for additional information, the Lead Local Flood Authority has confirmed that the Angmering Flood Alleviation Scheme Modelling Technical Note, which will be submitted with the separate application for the Flood Alleviation Scheme provides the hydraulic modelling data to support the scheme and the culverted embankment option for the road access.

#### DESCRIPTION OF DEVELOPMENT

This application was re-advertised as the description has been amended from: approval of reserved matters (appearance, layout & scale of access only) to approval of reserved matters (appearance, layout, scale and landscaping).

#### ASSESSMENT

An assessment of the layout, scale and appearance of the proposed embankment, incorporating a culvert, and providing vehicular access over the Black Ditch is set out below.

#### LAYOUT

Policy D DM1(1) of the Local Plan requires the development to "make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding areas, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping and design features".

Policy D SP1 of the Local Plan specifies that development should have been derived from a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness and usability, health and wellbeing and climate change); and the influence these objectives have on the form of the development.

The proposed layout of the culverted embankment

The proposed box culvert would measure 3.5 metres wide by 3.0 metres high and would be constructed of pre-cast reinforced concrete box units. The embankment slope would measure 1 in 3 to the existing ground. The road which would run along the culverted embankment would be 6.0 metres wide and it would have a 3.0 metre wide shared footway / cycleway running along the eastern side, and a 2.0 metre wide footway along the western side. The provision of a 2.0 metre wide footway along the western side is standard engineering practice and it would ensure if cyclists and pedestrians were using the footway / cycleway on the eastern side, that pedestrians could also walk on the footway over the embankment without walking in the road.; and they could cross over onto the eastern footway/cycleway when the pedestrians and cyclists had moved on. There would be a 1.4 metre high parapet running along the sides of the embankment alongside the footways; and 1.1 metre high railings running down the embankment.

It is considered that the proposed layout of the box culvert and the grassed embankment occupies almost the same amount of land as the bridge, which was previously proposed at this location. The proposed layout, which includes a 1 in 3 slope, is considered to be functional as it provides a vehicular crossing over the Black Ditch and is the potential part of a flood alleviation scheme. The layout is considered to be acceptable; it is highly engineered but it is dual functional and does not occupy a large tract of land.

## **SCALE**

The scale of the proposed development is large so as to accommodate its dual function as a vehicular access from Water Lane to the proposed residential which would be located south of the Black Ditch; and as a culverted embankment which could in future constitute part of the Angmering Flood Alleviation Scheme providing capacity to accommodate stormwater run-off from the upstream catchment area on the Downs, thereby reducing incidents of flooding on Water Lane and in Angmering Village Centre. It is considered that the proposed scale of the development is acceptable as the scale is predicated on its dual function as a road crossing and a potential part of a flood alleviation scheme.

## **APPEARANCE**

The culverted embankment with the road running along the top would have the appearance of a highly engineered flood defence structure. The 1.4 metre high parapet alongside the footways / cycleway and the 1.1 metre high handrails running down the sides of the embankment would add to the highly engineered appearance of the structure, but it is considered that the parapet and the railings are required for safety reasons. The culverted embankment would be located within an area of established trees and hedges growing within and alongside the Black Ditch; and it is considered that the grassed banks of the structure would quickly blend in with the surrounding green infrastructure which fronts onto Water Lane.

The culvert is a standard pre-formed structure that has been designed in collaboration with West Sussex County Council and Arun Drainage Engineers. The structure would be adopted by West Sussex County Council Highways and therefore needs to meet their requirements. Any deviation from WSCC standards raises issues in regards to adoptability. It is pertinent to note that the structure would be mostly hidden by the embankments and surrounding areas of soft landscaping. The proposed culverted embankment



would be seeded and the grass would, over time, soften the appearance of the embankment. The appearance of the culverted embankment is set out on Drawing No. 46353/2002/020 Rev. C - General Arrangement. The railings and the parapet would look like the railings and parapets installed on bridges and viaducts on motorways and trunk roads. The box culvert needs to measure 3.5 metres wide by 3.0 metres high and be constructed of pre-cast reinforced concrete box units to function as a flood alleviation feature.

#### **ACCESS AND MOVEMENT**

Policy T SP1 of the Local Plan says: "The Council will support transport and development which gives priority to pedestrian and cycle movements".

Site access to Land South of Water Lane was approved at the outline planning stage (A/99/17/OUT). A separate planning application (A/109/20/RES) has been submitted for the residential development. This reserved matters application (A/179/20/RES) relates to the culverted embankment which would carry the access road over Black Ditch at the northern end of the site.

The revised General Arrangement Plan (Drawing No. 46353/2002/020 Rev. C) shows the width of the carriageway of the road is 6.0 metres, significantly exceeding the 3.7 metre requirement of the WSCC Fire and Rescue Service. It has been confirmed with the engineers that the box culvert would be constructed to be capable of withstanding 12 to 17 tonne axial weight for a fire appliance to access the site, to the satisfaction of the WSCC Fire and Rescue Service.

The Illustrative Masterplan which accompanied the outline planning application (A/99/17/OUT) highlighted an internal walking and cycling route within the site. The proposed layout plan for the road over the culverted embankment identifies a footway on the western side and a 3.0 metre wide footway / cycleway on the eastern side of the road that would cross the Black Ditch. The revised General Arrangement Plan (Drawing No. 46353/2002/020 Rev. C) illustrates the crossing over Water Lane connecting into the footway/cycleway running north and east, i.e. linking up with the footway / cycleway to be provided on Land North of Water Lane (A/40/18/OUT), as required by both the Local Planning Authority and the Local Highway Authority.

Two pedestrian / cycle / emergency access points were proposed at the outline planning stage, one onto Weavers Hill and one onto the High Street. The related reserved matters layout plan for the residential development on Land South of Water Lane (Drawing Number PLN-1-1101 Rev. AE) clearly identifies the internal cycling route which runs from north to south through the site. The proposed road design and layout ensures that this development would tie-in with the residential layout, ensuring pedestrian and cycle connectivity from High Street to the south with Water Lane to the north, in compliance with Policy T SP1 of the Local Plan and Policy TM2 of the Angmering NP.

#### **LANDSCAPE**

Policy LAN DM1 of the Local Plan says: "development within the setting of the South Downs National Park must have special regard to the conservation of that setting, including views into and out of the Park, and will not be permitted where there would be harmful effects on these considerations."

The site is in close proximity to the South Downs National Park. The statutory purposes of the National Park are:

- 1) to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and
- 2) to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public.

It is a duty of the LPA to assess the application carefully as to whether the proposed development would

have a significant impact on or harm those statutory purposes. Paragraph 172 of the NPPF (February 2019) sets out the Duty of Regard for LPAs when dealing with planning applications within or affecting the setting of a National Park: "great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks". Policy HD5 of the Angmering NP says: "New development must not adversely impact upon the landscape setting or views into or out of the South Downs National Park."

The South Downs National Park Authority requested the provision of landscaping. The Arboricultural Impact Assessment submitted for the residential scheme (A/109/20/RES) which has also been submitted with this application for the culverted embankment covers includes tree removal works. Only two trees are proposed to be removed to facilitate the culverted embankment, T49 (Category B1 willow) and T50 (Category C1 willow). The planting plan for the residential scheme, (Drawing No. 19-283-01 Rev. F) which has also been submitted with this application for the culverted embankment, shows the area in more detail and explains that the embankment would be seeded with grass.

It is considered that the information submitted in the landscape plan (Drawing No. 19/283-01 Rev F) and in the Arboricultural Impact Assessment contain sufficient information and mitigation requirements to be able to approve the landscape detail. No trees or hedgerows would be able to be planted on the embankment of the culvert as it is intended to be adopted and the banks would form part of this adoption. A large number of trees (18.no) screen the culvert from Water Lane and from the proposed development. These trees are a minimum of 1.6 metres tall at the point of planting and would grow to at least 16 metres with some reaching heights of 24 metres at full maturity. Within a number of years after planting, these trees would be well established and would screen the culvert well. The areas underneath the trees would be seeded with a specific wildflower mix depending on the ground conditions; and would grow to also provide screening to the culvert and encourage biodiversity.

In terms of hard landscaping, the materials for the road and pavements are set out in the key in Drawing No. 46353/2002/020 Rev. C - General Arrangement; the carriageways are to be made up of bitumen (asphalt/tarmac). It is considered that the information submitted in the General Arrangement plan contain sufficient information and mitigation requirements to be able to approve the hard landscape detail.

#### **HERITAGE ASSETS**

Policy HER DM1 of the Local Plan says: "proposals affecting statutory Listed Buildings will be required to preserve or enhance the historic character, qualities and special interest of the buildings" and "protect and where possible enhance the setting of the building". (Policy HER DM1(a) and (e).

Policy HER DM3 of the Local Plan says: "in order to preserve or enhance the character or appearance of the Conservation Area, planning permission will normally be granted for proposals within or affecting the setting of a Conservation Area, provided that it does not harm important views into, out of or within the Conservation Area".

Paragraph 190 of the NPPF (February 2019) requires great weight to be given to the conservation of heritage assets. Any harm resulting from the proposed development should be weighed against the public benefit in accordance with paragraph 196 of the NPPF (February 2019). Paragraph 196 of the NPPF says that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum value".

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 says: "In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the

desirability of preserving or enhancing the character or appearance of that area"

The site is in close proximity to Weavers Cottage and Avenals Farmhouse. With the landscaping that is proposed in the separate reserved matters application for the residential development (A/109/20/RES), it is thought that, on balance, the proposal would not cause harm to the significance of the heritage assets or their setting.

The development is acceptable and complies with Policy HER DM1 of the Local Plan in terms of impact on listed buildings; the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), in that it protects the setting of the Listed Buildings.

#### ARCHAEOLOGY

Condition 27 which was imposed on the outline planning permission (A/99/17/OUT) required 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 and it has been implemented.

The area around the Black Ditch was not evaluated by the archaeological contractors who carried out geophysical surveys and trial trenching over the southern, central, eastern and western parts of the wider site comprising Land South of Water Lane in 2020 and uncovered evidence of mid to late Bronze Age settlement and Iron Age settlement on the site. Subsequently, it is considered that a further discharge of condition application needs to be submitted requiring a written scheme of investigation focussed on the land in and around the Black Ditch at the northern end of the site. The area around the Black Ditch could provide archaeological evidence of activity and settlements along the banks.

#### LIGHT POLLUTION

Policy QE DM2 of the Local Plan emphasises the need to consider the impact of light on neighbouring uses and wider landscape, particularly with regard the South Downs International Dark Sky Reserve designation (a), light levels should be the minimum required for security and working purposes (b), and minimise potential glare and spillage (c); and the degree to which outdoor lighting can be powered by on-site renewable sources (d).

The South Downs National Park Authority has requested full details of any street lighting along the culverted embankment should be secured by condition. A detailed lighting condition (Condition 33) was imposed on the outline planning permission (A/99/17/OUT) to minimise the effect of light glare and spillage from the street lights due to the close proximity of the culverted embankment to the South Downs National Park. Consequently, the lighting details would be submitted in a separate discharge of condition application, in accordance with Policy D SP1 and Policy D DM1 of the Local Plan and Policy QE DM2(a), (b), (c) and (d) inclusive of the Local Plan. The lighting details would also need to take into consideration the presence of bats in the local area through the use of directional light sources and shielding.

#### CONCLUSION

This reserved matters application seeking approval for appearance, scale, layout and landscaping is considered to be acceptable. It is considered that the proposed culverted embankment across the Black Ditch would result in a functional, highly engineered scheme which would serve both as a road crossing and part of a wider flood alleviation scheme for Angmering, in accordance with Policy W DM2 of the Local Plan and Policy EH3 of the Angmering NP.

#### RECOMMENDATION

As this application was re-advertised, because the description was amended to include landscaping as a reserved matter, and the period for re-advertisement expires on 17th January 2021, the recommendation

is that the Development Control Committee delegate to the Director of Place (in consultation with the Chairman and the Vice Chairman) authority to:

- a. Grant planning permission subject to conditions.

## **HUMAN RIGHTS ACT**

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

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

## **DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

## **SECTION 106 DETAILS**

A Section 106 Agreement was imposed at the outline planning stage (A/99/17/OUT) which contained planning obligations regarding a highways contribution, early years, primary, secondary and further education contributions, a library contribution, a fire and rescue contribution, the provision of LEAPs and LAPs, a sports hall contribution, swimming pool contribution, a contribution to artificial pitches and a contribution towards the re-location of the skatepark, the BMX track and the fitness trail.

## **RECOMMENDATION**

**APPROVE CONDITIONALLY**

- 1 The development hereby approved shall be carried out in accordance with the following approved drawings and submitted materials:
  - Drawing No. 46353-STN-SBR-1772-DR-CB-0010 Rev. P01 - Site Red Line Plan
  - Drawing No. 46353/2002/020 Rev. C - General Arrangement
  - Drawing No. 46353/2002/021 - Vehicle Swept Path Analysis Duo Recycler
  - Drawing No. 46353/2002/022 - Proposed Contours
  - Drawing No. 46353/2002/023 - Road Longitudinal and Cross Sections
  - Drawing No. 46353-STN-SBR-1772-DR-CB-0006 Rev. P01 - General Arrangement

- Drawing No. 46353-STN-SBR-1772-DR-CB-0011 Rev. P01 - Existing Plan Sections and Levels
- Drawing No. 46353-STN-SBR-1772-DR-CB-0012 Rev. P01 - Proposed Site Sections and Levels
- Drawing No. JBA 19-283 01 Rev. F - Angmering Detailed Planting Plan, Sheet 1
- Drawing No. JBA 18109-SK01 Rev. J - Landscape Masterplan
- Landscape and Ecological Management and Maintenance Plan (November 2020 (Ref. JBA 19/283 Rev. C)
- Arboricultural Impact Assessment AR01 Rev. B (Ref. JBA 19-283).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy D DM1 and Policy D SP1 of the Arun Local Plan.

- 2 Prior to the commencement of development, a scheme to establish who will manage and maintain the culvert associated with this development shall be submitted for approval in writing by the Local Planning Authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing / phasing arrangements, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To ensure the structural integrity of the flood defences and thereby reducing the risk of flooding and to reduce the risk of flooding to the proposed development and future users, in accordance with Policy D DM1 and Policy W DM2 of the Arun Local Plan.

- 3 INFORMATIVE: The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
- on or within 8 metres of a main river (16 metres if tidal);
  - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal);
  - on or within 16 metres of a sea defence;
  - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert;
  - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it is a tidal main river) and you do not already have planning permission.

For further guidance please visit <http://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact the Environment Agency's National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

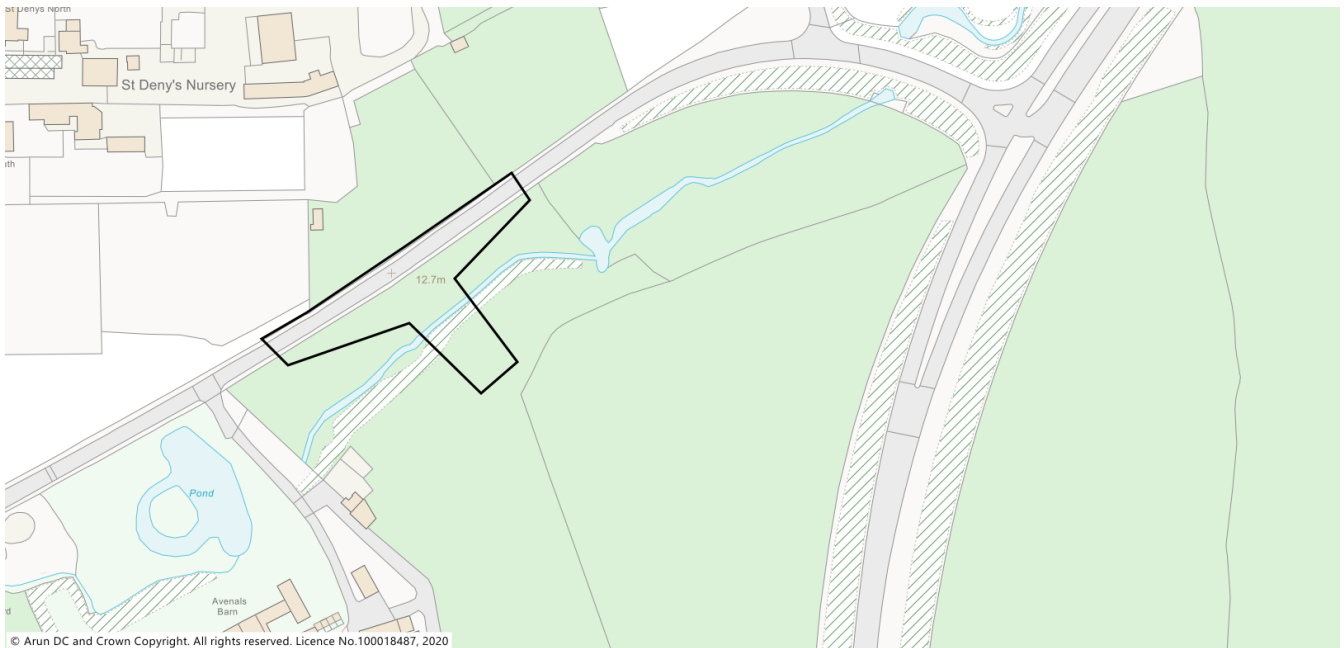
The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and the Environment Agency advises them to consult with them at the earliest opportunity.

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

**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](#).

**A/179/20/RES - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

REF NO: AW/240/20/PL

LOCATION: 17 Nyewood Lane  
Aldwick  
PO21 2QB

PROPOSAL: Change of use of former residential parenting unit (C2 Residential Institution) to 8 bed House in Multiple Occupation (C4 Sui Generis). This site is in CIL Zone 4 (Zero Rated) as other development.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Change of use of former residential parenting unit (C2 Residential Institution) to 8 room 8 bed House in Multiple Occupation (Sui Generis). The HMO will consist of two bedrooms on the ground floor, five (one of them en suite) on the first and one en suite in the roof space. There are two bathrooms proposed on the first floor and a shared kitchen and dining area with a utility room and a hall on the ground floor.
	Parking for three cars along with bin storage to the front and secured parking for 8 bicycles to the rear.
SITE AREA	210 square metres
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	1.8m high wall to rear boundary and side behind property. 1.8m high timber panel fence to sides in front of property. Open to the front.
SITE CHARACTERISTICS	Detached two storey building with bay window to the front running over both storeys and hipped roof above, two storey side extension to the south characterized by flat roof and one flat roofed dormer window on each side of the main hipped roof. Hardstanding with parking to front with a strip of landscaped area along northern shared boundary; small garden (hardstanding) to the rear.
CHARACTER OF LOCALITY	Seaside residential with some tourist uses to the west of Bognor Regis town centre. Properties vary from blocks of flats along Marine Park Gardens to two storey detached dwellings of a similar style and character and commercial premises to the north on the junction with Aldwick Road.

**RELEVANT SITE HISTORY**

AW/151/20/PL	Change of use of former residential parenting unit (C2	Withdrawn
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Residential Institution) to 9 bed House in Multiple Occupation (Sui Generis). .

14-09-20

AW/166/17/PL	Change of use from bed & breakfast (C1 Hotel) to C2 Residential Institution.	ApproveConditionally 11-09-17
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AW/15/91	Change of use from Guest House to Rest Home	ApproveConditionally 18-03-91
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Under AW/166/17/PL the use of proposal property was changed from bed & breakfast (C1 Hotel) to C2 Residential Institution; a Residential Family Assessment Centre for intensive family support.

## REPRESENTATIONS

Bognor Regis Town Council - objection.

- Insufficient information supplied with this application following a previous withdrawn application.
- Although rooms appear to meet size criteria for double occupancy no indication of whether the rooms are single or double in nature and the the number of occupants remains unknowable.
- Rudimentary plans make it impossible accurately to gauge dimensions of rooms rather than the overall area.
- Insufficient provision of bathrooms/shower room.
- A further HMO would upset a balance of a mixture of houses and flats which maintain the nature and character of the area which is already threatened because of other proposed developments.
- This building occupies a sensitive site because of the proximity to the sea and local parks, a restaurant, a busy public house and local nursing homes and shops. Parking requirements are not just for residents, but for visitors to the town.
- This number of dwellings would put further demand on scarce parking in this area.
- There is a missed opportunity for the provision of an electric charging point.
- Strongly oppose application as the change of use would be detrimental to the amenities of adjoining properties contributing to generation of excessive parking demands contravening Policy H SP4.
- Insufficient information was given regarding the precise sizes of rooms and the safety facilities.
- Regret missed opportunity to provide visitor accommodation/high quality single dwelling.

4 letters of representations:

- How can application be considered having been submitted without professional drawings?
- BR/141/18/PL was approved has been objected to for lack of provision parking and outdoor space provision and occupants now play football on the drive of the property.
- Both these issues are relevant for the proposal; there is a little provision for onsite parking.
- Cars are frequently parked along Nyewood Lane on both sides thus reducing the carriageway to almost single file traffic at pinch points, causing delays to road users, additional pollution and significant danger to both road users and pedestrians due to the restricted visibility.
- The proposal fails to provide sufficient outdoor space for the number of intended residents.
- The proliferation of HMO's in Bognor Regis in general 'can lead to substantial changes and problems in the nature of particular locations as the social infrastructure of a neighbourhood can change.'

- There are 99 registered HMO's in Bognor Regis and 35 in Littlehampton, a ratio of 2.83 / 1.
- The company submitting application state they have experience in managing HMO's but accounts to not support this.
- 17 Nyewood Lane is a small house on a very small plot. The proposal is for eight bedrooms on its own the proposal is too dense and in context of the character of the area.
- Increased pressure on on-street car parking.
- The plans do not show fire escape other than the internal staircase (wooden?). External fire escape would have to be at the rear and be intrusive for the properties along Wessex Avenue.

#### **COMMENTS ON REPRESENTATIONS RECEIVED:**

In respect of the Town Council comments:

- The provided information/drawings are sufficient for assessing the development.
- The applicant confirmed the HMO is for 8 persons accommodated in 8 rooms.
- Provision of an electric charging point will be a subject to the condition.
- WSCC, the LHA raises no concerns over the Vehicle Parking.

In respect of the local resident objections:

- The drawings are to scale and of a reasonable quality.
- The previous use was for a Residential Family Assessment Centre, accommodating 6 families as such the proposed would not be an intensification of use.
- WSCC commented: ' In principle, the existing C2 use could generate vehicular trips of a similar quantity to that of the proposed 8 bed dwelling. The Local Highways Authority (LHA) therefore accepts that the proposed will not result in a material intensification of use of the existing access track or access point onto the maintained highway network at Nyewood Lane.'
- Fire Safety is addressed in Comments from Private Sector Housing.
- Other issues are addressed below.

### **CONSULTATIONS**

#### **CONSULTATION RESPONSES RECEIVED:**

PRIVATE SECTOR HOUSING: No objection. Full comments are online. Housing standards, including room sizes and facilities must be complied with.

WSCC HIGHWAYS: Does not consider proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 109), and there are no transport grounds to resist the proposal.

#### **COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

### **POLICY CONTEXT**

Designations applicable to site:

Within the Built Up Area Boundary;  
Class C Road; and  
Pagham Harbour Zone B.

#### **DEVELOPMENT PLAN POLICIES**

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
HSP4	H SP4 Houses in multiple occupation
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD10	Aldwick Parish Design Statement
SPD11	Arun Parking Standards 2020

**POLICY COMMENTARY**

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

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. There are no policies contained within the Bognor Regis Neighbourhood Plan that implicate upon the determination of this application.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

section 70(2) of TCPA 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,
  - (a) 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.

The proposal is considered to comply with relevant Development Plan policies as the mitigation

measures put forward by the applicant mean that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties and it is not considered that it would have an adverse impact upon the character of the surrounding area.

#### **OTHER MATERIAL CONSIDERATIONS**

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

#### **CONCLUSIONS**

##### **KEY ISSUES**

The key issues are principle, design and visual amenity, residential amenity, highways/traffic and space standards.

##### **PRINCIPLE**

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 provided it accords with other policies of the Local Plan covering such issues as change of use, visual/residential amenity, highway safety and parking.

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

The NPPF supports the effective and efficient use of land for sites in the built up area but also advises that new development should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

Para 118 (d) of the National Planning Policy Framework (NPPF) states "Planning policies and decisions should: promote and support the development of under-utilised land and buildings".

The proposal is acceptable in principle given its location in a sustainable location within a short walk from a local shopping parade.

Since the proposal is for a change use from C2 to Sui Generis HMO the proposal should be assessed against the Arun Local Plan policy H SP4.

Policy H SP4 (ALP) states where applications for houses in multiple occupation are not covered by permitted development rights, they will be favourably considered where proposals contribute to the creation of sustainable, inclusive and mixed communities and meeting the detailed 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.

##### **CHARACTER OF THE AREA:**

Policy D DM1 of the Arun Local Plan 2011-2031 requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(13) Density - "The density of new housing will make 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. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that:

"All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development.

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was published under consultation until 21 February 2020. Part G.O1 which deals with Neighbourhood, Centres and Local Facilities stresses the accessibility of facilities and services is fundamental to the proper functioning of a neighbourhood.

Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

There are no changes to the external appearance of the building and it is only relevant to consider the impact of the HMO on the established character of the area. The area is mixed with residential properties on the east side of Nyewood Lane and a parade of shops opposite, further shops and dwellings on Aldwick Road and then dwellings on the remainder of Nyewood Lane. There are flats above shops on the junction with Aldwick Road. There are purpose built flats on Nyewood Lane and along Marine Park Gardens, to the immediate north a guesthouse and HMO at No 26 Nyewood Lane opposite. It is not considered a multiple occupancy dwelling would be out of character in this mixed location.

Paragraph 12.5.5 of the Local Plan (HMO) also makes clear that 'larger households tend to generate more refuse, regardless of whether the property is occupied by a single family or in multiple occupation.'

The proposed refuse storage for this application is shown on the submitted plans. Given the lawful use of the site as C2 the proposed development would unlikely generate higher levels of waste.

It is considered the proposal complies with Arun Local Plan policies D DM1, D SP1 & H SP4 (a) and with the guidance on character within the NPPF.

Criteria (c) and (d) of policy H SP4 will be analysed elsewhere in this report.

## RESIDENTIAL AMENITY INCLUDING NOISE POLLUTION:

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Policy QE SP1 states: "The Council 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 natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

Policy QE DM1 seeks to protect against the impacts of new noise generating development. It states that: "Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required."

Proposal will need to be supported by:

- a. Evidence to demonstrate that there are no suitable locations alternative;
- b. A noise report; and
- c. Evidence to demonstrate that the development will not impact upon areas identified and valued for their tranquillity.

17 Nyewood Lane has an C2 use which allows accommodation of 6 families (at least 12 people) and the proposed use would not be an intensification. C2 class use allows the building could, without an application, be used for a variety of residential institutional purposes, including hospitals, nursing homes, residential schools, colleges and training centres which can be a source of the noise.

The use remains residential and will therefore have similar characteristics to residential properties in the locality. Therefore the noise report and evidence in this case is not required given the nature of the proposed development which would result in a reduction of residents. It is considered that the proposed use will not adversely affect the residential amenity of the area in respect of noise pollution to a greater degree that a C2 use may do.

The only changes are small internal changes in room type, therefore there would not be any new overlooking impacts that would occur.

It is considered that the proposal complies with Arun Local Plan policies D DM1 and QE SP1.

## HIGHWAYS, TRAFFIC AND PARKING

Policy T SP1 (ALP) requires development to reduce the need to travel by car by identifying opportunities to improve access to public transport services whilst making provision for safe access to the highway network. Policy T SP1(f) (iv) requires development to incorporate facilities for charging electric and plug-in hybrid vehicles. Policy H SP4(b) makes clear the provision of HMOs should not contribute to the generation of excessive parking demands or traffic in the area.

Para 108 of the NPPF states that in assessing specific applications for development it should be ensured that safe and suitable access to the site can be achieved for all users. Para 109 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 Arun Parking Standards 2020 have no specific category for HMO use but at Table 3.1 shows the Expected level of Parking provision for residential development. In Zone 4 it is one parking space for a 1

bed unit with one to 3 habitable rooms.

The applicant demonstrates an existing vehicular parking provision of 3 car parking spaces to the front of the property and proposed secure and covered cycle parking facilities for 8 bicycles to the rear which would help promote the use of sustainable alternative modes of transport to the private car.

The 3 parking spaces as shown satisfy the requirement of the Arun Parking Standards, however WSCC state that inspection of the plan shows the hardstanding (6.7m x 7m) is only large enough to accommodate 2 parking spaces. WSCC local mapping shows there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detriment to highway safety. WSCC do not consider that reduction of 1 parking space detrimentally affects highway safety.

The existing access benefits from adequate visibility splays (2.4m x 43m) wholly in the public highway. WSCC observe: 'In principle, the existing C2 use could generate vehicular trips of a similar quantity to that of the proposed 8 bed dwelling. The Local Highways Authority (LHA) therefore accepts that the proposed will not result in a material intensification of use of the existing access track or access point onto the maintained highway network at Nyewood Lane.'

WSCC Highways does not consider this proposal has an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (para 109), and that there are no transport grounds to resist the proposal.

The development complies with policy TP1 of the Arun Local Plan and with criterion (b) of Policy H SP4 of the Local Plan.

## INTERNAL & EXTERNAL SPACE STANDARDS

Arun Local Plan policy D DM2 states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance".

The Technical Housing Standards (Nationally Described Space Standard) does not provide relevant standards for Houses in Multiple Occupation. Regard should be had to Arun's Environmental Health Private Housing Standards.

The standards reference the following documents: "LACORS Promoting Quality Regulation" (LGA) 2009 and "Chichester and Arun Landlord Accreditation Scheme Standards" 2013. The Chichester and Arun Landlord Accreditation Scheme Standards 2013 include requirements such as number of bathrooms/toilets, number of electric sockets per room, kitchen facilities, heating, waste disposal, energy efficiency and windows. These would all need to be adhered to in order to receive a licence from the Council. The room size requirements forming part of the license process are as follows:

- (1) 6.5m<sup>2</sup> for a single bedroom where a lounge and kitchen or adequately sized kitchen diner is shared.
- (2) 10m<sup>2</sup> for a single bedroom where a kitchen is shared without a shared lounge.
- (3) 10.5m<sup>2</sup> for a double bedroom where a lounge or dining room or adequately sized kitchen diner is shared.
- (4) 12m<sup>2</sup> for a double bedroom where a kitchen is shared without a shared lounge area.
- (5) 13m<sup>2</sup> for a one roomed unit with kitchen facilities for a single person.

In the case of this application, all of the rooms comply with the smallest bedroom, 7.7m<sup>2</sup> and the largest 20.3m<sup>2</sup>.



It is considered that the proposal complies with the relevant internal and external standards.

#### **PROVISION OF OPEN SPACE**

Policy HSP4, criterion c. requires provision of adequate areas of open spaces.

There is a shallow garden to the rear. The property provides a generous kitchen/dining area of 40 sqm and there is an easy access to public open spaces like Marine Park Gardens and West Park in a distance of 100m and 480m respectively. The sea shore is approximately 150m away.

On the basis of the above, the development complies with Policy H SP4(c) of the Local Plan.

#### **CONCLUSION**

The conversion of this property represents an efficient use of urban land without compromising the visual amenities or character of the area, highway safety or the amenities of nearby residential occupiers. The proposal is considered to be sustainable development and complies with development plan policies. The recommendation to approve is made subject to the following conditions.

#### **HUMAN RIGHTS ACT**

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

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

#### **DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

#### **SECTION 106 DETAILS**

A Pagham Harbour contribution would not be appropriate; there is no increase in residential units.

#### **CIL DETAILS**

This application does not propose any increase in floor space and would therefore not be subject to Arun District Council's Community Infrastructure Levy.

<b>RECOMMENDATION</b>
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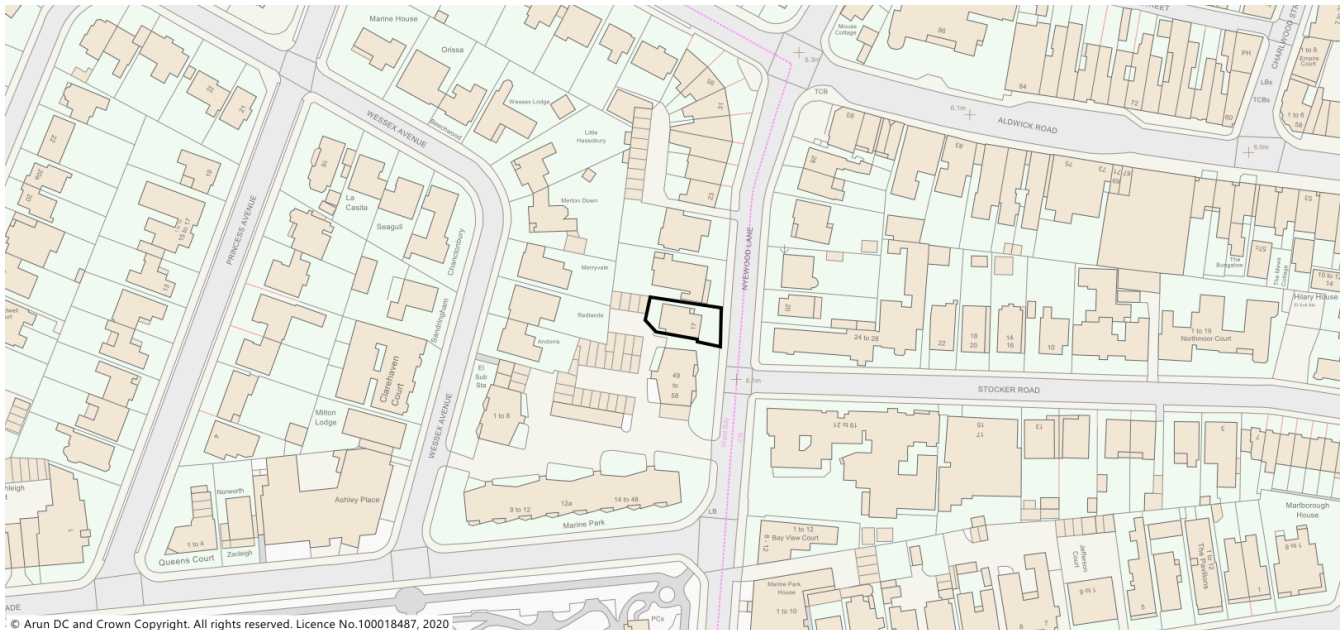
**APPROVE CONDITIONALLY**

- 1           The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2           The development hereby approved shall be carried out in accordance with the following approved plans:  
  
Location Plan, 1:1250  
Block Plan, 1:500  
Ground Floor Plan, 1:50  
First Floor Plan, 1:50  
Top Floor Plan, 1:50  
The Details submitted with respect to Bin Storage  
The details submitted with respect to Cycle Storage  
  
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3           The use hereby approved shall be for the benefit of a maximum of eight occupants only.  
  
REASON: To protect the amenities of the locality and adjoining property in accordance with Policy D DM1 and H SP4 of the Arun District Local Plan.
- 4           No part of the development shall be first occupied until dustbin storage as shown on the approved plans has been provided. The storage as approved shall be made available prior to occupation and retained in perpetuity.  
  
Reason: To safeguard the appearance of the property and the amenities of the area in accordance with policies D DM1 of the Arun District Local Plan.
- 5           No part of the development shall be first occupied until secure cycle parking as shown on the approved plans has been provided. The cycle parking shall be retained unless otherwise agreed by the Local Planning Authority.  
  
Reason: To provide alternative travel options to the use of the car in accordance with policies T DM1 and T SP1 of the Arun Local Plan.
- 6           INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

<b>BACKGROUND PAPERS</b>
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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](#).

**AW/240/20/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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 100018487. 2015

## PLANNING APPLICATION REPORT

REF NO: FG/127/20/PL

LOCATION: Onslow Caravan Park  
Onslow Drive  
Ferring  
BN12 5RX

PROPOSAL: Retrospective application for the demolition of 3 No. existing buildings & erection of replacement workshop & machinery store building (amended design & siting to FG/37/17/PL). This site is in CIL Zone 5 (Zero Rated) as other development.

### SITE AND SURROUNDINGS

#### DESCRIPTION OF APPLICATION

The application seeks consent for the replacement workshop and machinery store which has been constructed on site. The structure which has been erected does not comply with the permission previously granted.

The differences between the building constructed and the previous permissions FG/37/17/PL and FG/121/18/PL are :

- A revised building footprint comprising a reduction in the width of the building by 1060mm and setting back the rear building line of the south elevation (to the workshop area) by 900mm.
- Increasing the ridge heights of the main building by 800mm and the workshop area by 298mm.
- Increasing the eaves heights of the main building and the workshop area by 318mm.

Other elevational changes include:

- The repositioning and widening of the vehicular entrance on the northern elevation of the main building.
- The insertion of a new single width door to the workshop area on the northern elevation (which replaces the approved double width roller shutter door opening for this part of the building).
- The insertion of four additional roof lights (eight in total) in the northern roof plane of the main roof.
- The removal of the rooflight in the northern roof plane of the workshop area.
- The removal of two single width doors on the east elevation.
- The insertion of eight new roof lights in the southern roof plane of the main roof.

SITE AREA

0.138 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT	The southern boundary currently comprises a 1.8m high close boarded timber fence which runs parallel with a public footpath and dry ditch.
SITE CHARACTERISTICS	<p>The area of the caravan site relating to this retrospective application contains a partially constructed barn and workshop, a small yard area, and three storage and workshop buildings which will be demolished upon the completion of the new barn/workshop building.</p> <p>These buildings and yard area are accessed directly off the main caravan park drive which links into Onslow Drive to the east.</p> <p>A high voltage (above ground) electricity cable passes over the yard area and the older storage/workshop buildings</p>
CHARACTER OF LOCALITY	<p>The site lies adjacent to residential dwellings on the edge of Ferring village.</p> <p>Static caravans are located immediately to the north and west.</p> <p>Existing residential properties all of which fall within the defined built up area boundary of Ferring are located to the north-east, east, and south. These mainly comprise bungalows (to the east) and two storey/two and a half storey houses (to the south).</p> <p>The nearest residential properties to the barn include a single storey bungalow 'Whispers' (No. 53 Onslow Drive) located to the east and Nos 2 to 16 Meadow Way which are two storey houses (some with large rear facing dormers) overlooking the new barn/workshop.</p>

RELEVANT SITE HISTORY		
FG/121/18/PL	Variation of condition 2 imposed under FG/37/17/PL relating to approved site plan.	ApproveConditionally 24-09-18
FG/37/17/PL	Demolition of 3 No. buildings & erection of replacement workshop & machinery store (resubmission following FG/161/14/PL).	ApproveConditionally 08-05-17
FG/85/15/PL	Demolition of three buildings & erection of replacement workshop & machinery store (amendment to FG/161/14/PL).	Refused 29-07-15

FG/121/18/PL was granted retrospective permission for the following changes to the approved drawings:

- The relocation of and increased width to the main door opening north elevation.
- The deletion of the roller shutter door opening to the workshop area on the north elevation and the insertion of a standard single door.
- The removal of two door openings in the east elevation to create a blank elevation.
- The insertion of four additional roof lights (eight in total) in the north facing roof plane of the main roof.
- The removal of a roof light in the northern roof plane above the workshop area.
- The insertion of eight new roof lights on the south facing roof plane of the main roof.
- A 900mm set back to the workshop area along the southern elevation.

During the course of construction it became apparent that the ridge and eaves heights of the building were higher than as shown on the approved plans for FG/37/17/PL.

The main reason for this was that the building as constructed used a standard portal frame instead of a bespoke frame which would have had a lower roof height. This application has now been submitted to address these changes.

## REPRESENTATIONS

Ferring Parish Council - Objection:

- The general style, location and usage of the building has already been granted, but specific conditions were imposed on the ridge height due to the overall size, mass and height otherwise having an unreasonable and overbearing impact on neighbouring properties.
- The structure now has a ridge height exceeding not only that granted but also exceeding the previously refused application. The ridge height was crucial and is detrimental to the amenity value of the neighbouring resident's gardens and outlook without any justification.
- This was constructed contrary to the planning permissions as granted resulting in an unjustified, overbearing detrimental impact on local residents.

32 Objections (including Ward Member and petition with 101 signatures):

- Building is ugly, too big and too close to housing in Meadow Way.
- When in use the noise is unneighbourly.
- This is a blot on the landscape and ruins the views/outlook of the Downs and beyond.
- The building that has been erected is a monstrosity and not in keeping with the surroundings. It should be removed or reduced in height.
- Too close to houses.
- Reduction in daylight.
- Will adversely affect property values.
- Building works are too noisy.
- Stored gas bottles are a potential hazard.
- Roof of the building is too close to the power lines causing safety issues.
- Fence has been moved
- No justification has been given for this breach of planning controls.
- The purpose is industrial and not residential.
- If the application is accepted it will set a precedent to allow similar types of construction on this site.
- The highway safety will be compromised by additional traffic entering and leaving the site on the narrow roads.

- Adding to drainage problems in the area.

#### COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council comment in respect of the height of the building in relation to that previously refused is correct. This proposal has a ridge height 20cm higher and an eaves height 30cm higher, but the building refused under FG/85/15/PL was in a different location within the mobile home park.

The right to a view and decrease in property values are not material planning considerations.

The building is not being used for industrial purposes and its appearance reflects that of a modern farm building.

The response to the other points raised are considered in more detail in the conclusions section of the report.

#### CONSULTATIONS

#### CONSULTATION RESPONSES RECEIVED:

Ecology Officer - No Objection. Conditions requested.

Environmental Health - No Objection. Conditions requested.

Southern Water - No Objection.

Drainage Engineer - No Objection.

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

#### POLICY CONTEXT

Designation applicable to site:  
Outside Built Up Area Boundary  
Within Gap between Settlements  
Right of Way  
Overhead Power line  
Public sewer on site

#### DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
SDSP3	SD SP3 Gaps Between Settlements
QESP1	QE SP1 Quality of the Environment
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

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

A Spatial Plan for the Parish



**PLANNING POLICY GUIDANCE:**

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

**POLICY COMMENTARY**

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

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

The relevant policies in Ferring Neighbourhood Plan have been considered.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

Section 70(2) of TCPA 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,
  - 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.

The proposal is considered to comply with relevant Development Plan policies in that it would not result in material harm to residential or visual amenity, nor would it have an adverse impact upon the established character of the surrounding area.

**OTHER MATERIAL CONSIDERATIONS**

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

**CONCLUSIONS****PRINCIPLE**

The principle of a new storage/workshop building in its current location within the Caravan Park is already accepted by virtue of planning permissions FG/37/17/PL and FG/121/18/PL. The differences are not significant but not so minor as to benefit from a Non Material application where changes to already approved applications are approved and considered on the basis that they do not materially effect neighbouring and visual amenity.

The main considerations for this application relate to:

- The differences in the height and the elevational changes between the approved scheme and the current scheme.
- The effects that these changes would have on the amenity of the occupiers of nearby residential properties.
- Other material considerations.

All these issues are assessed below.

## NEED FOR THE BUILDING

The need for the building was accepted under application FG/37/17/PL. This a material planning consideration. The changes which are included in this application do not relate to any additional need.

The building will be used for secure storage of machinery that is used on a regular basis for the maintenance of the caravan park and the workshop area which is required to service and maintain the storage items in good order. This helps the established business run efficiently and effectively.

## VISUAL AMENITY AND CHARACTER OF THE AREA SETTLEMENT GAP CONSIDERATIONS

The site falls within the East Preston to Ferring Settlement Gap and therefore falls to be considered against policy SD SP3 of Arun Local Plan. This states that the generally open and undeveloped nature of the gaps between settlements, will be protected to prevent coalescence and retain their separate identity and seeks to ensure the separation of settlements is not undermined, the integrity of the gap is not compromised and the character of the undeveloped coast is maintained. The previous permissions established that it is an acceptable form of development in the settlement gap.

Whilst it is acknowledged that the building as constructed is 800mm higher than previously approved this increase would not make a significant material difference to the retention of the separate identity between East Preston and Ferring or result in any additional perception of coalescence between these settlements. As such the current scheme accords with Local Plan Policy SD SP3.

Policy D DM1 of the Arun Local Plan requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. In addition, paragraph 127 of the NPPF requires developments to be visually attractive and sympathetic to local character and history. Government advice in section 12 of the NPPF indicates that design which is inappropriate in its context should not be accepted.

The building is not significantly different to that approved under FG/37/17/PL and would use the same palette of materials previously approved under FG/22/18/DOC. On this basis the appearance of the building accords with Local Plan Policy D DM1.

The main increase in height of the building is to the ridge of the main roof located above the vehicle and machinery storage area. This has increased by 800mm. The ridge height of the roof above the workshop area has increased by 298mm. The effects of these increases will be negligible when the building is viewed from the rear garden areas of the nearest residential properties to the south (No's 6 to 12 Meadow Way) because of the shallow pitch of the roof which means that most of the increased height will be at an angle and sloping away from these properties instead of being in a vertical plane.

The part of the new building nearest to these residential properties comprises the wall forming the south elevation. This has increased the height to the eaves by 318mm. The increase is slight and only has a moderate effect particularly as new landscape planting will be undertaken along the southern boundary

as per discharged Condition No. 8 of FG/37/17/PL.

It provides for new tree and hedgerow planting to be provided along the southern boundary. Over time this planting will grow helping to screen and soften the appearance of parts of the southern elevation when viewed from the public footpath and the rear of residential properties to the south.

The submitted Site Sections detail the differences between the building as approved and as constructed and the neighbouring residential properties No. 53 Onslow Drive (a bungalow) and No. 8 Meadow Way (a two-storey semi-detached house). This shows that the increased height of the barn as constructed is only a marginal increase compared to the approved scheme and that its ridge height at 5736mm continues to be lower in height than No. 8 Meadow Way which has a ridge height of 8110mm.

The building is visible from the southern side of Meadow Way and between the gaps of the existing residential properties on the northern side of the road, but the increased ridge height is not readily perceptible.

The changes to the approved building, therefore, have an acceptable scale and massing in terms of the streetscene. Although the building is about the same width as two pairs of semi-detached houses located to the south it is lower in height by about 2374mm. It is acknowledged that the new building can be seen from the public footpath adjacent to the southern boundary but the differences do not make it overly dominant and will be less visible when the new boundary planting matures and becomes established over time.

Overall the scale and massing of the building as constructed is not out of keeping with character of the caravan park or the surrounding residential area. Although the overall height of the building has increased compared to the approved scheme it does not have a materially adverse detrimental overly dominant and would accord with the provisions of policies D DM1 and DSP1 of Arun Local Plan.

## RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 indicates planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property.

The back to back distances between the barn and the two nearest residential properties to the south (Nos 6 and 8 Meadow Way) are 15m and 17m, respectively. The presence of the public footpath and dry ditch (approx. 5m wide) between the application site boundary and the rear garden boundaries to the south contributes to the separation and distance between the buildings. The building is not coming any nearer towards these boundaries.

The effects of the increased height of the building on the rear garden areas and from within the houses in Meadow Way would only be slight in terms of outlook and does not result in a materially unacceptable increase in harm to residential amenity.

Whilst the ridge height of the workshop is 298mm higher, the approved scheme for this part of the building is still 1475mm lower than the ridge height of the bungalow to the north-east ('Whispers' - No. 53 Onslow Drive). The workshop building has a scale and massing that is similar to that of the bungalow. This, combined with an 17m gap between the two buildings, creates an acceptable relationship between the two buildings that does not unacceptably harm the residential amenity of the occupiers of the bungalow. As such the development accords with the policies D SP1 and D DM1 of Arun Local Plan.

The applicant has commissioned a Shadow Study that compares the extent of shadowing that the

approved scheme and the building as constructed would create. The Shadow Study assesses the situation at the times of the Spring Equinox (21st March); Mid-Summer (21st June) and Mid-Winter (21st December). Owing to the orientation of the building which is generally in a north-east to southern-west direction and the location of the nearest residential properties which are located to the east and south of the new building the proposed development does not result in any direct overshadowing of nearby residential properties or their garden areas. Indeed, the differences between the approved scheme and the development as built are very similar. As such the development does not result in significant loss of sunlight or adverse overshadowing and accords with policy D DM1 and criteria (c) of Policy D DM4.

The alterations to the external appearance of the building are limited to the north and east elevations. These elevations face into the main area of the caravan park and as such these alterations will not be seen from outside the caravan park. Notwithstanding this, the alterations are in keeping with the original design concept for the building and its scale. The building as constructed includes four additional roof lights in the northern roof plane and eight new roof lights on its southern plane. These have been incorporated to maximise the amount of natural light within the building during daylight hours reducing the need for artificial lighting. This embodies the principles of sustainable design and will assist in reducing energy use which is encouraged by paragraph 8 of the NPPF.

## FLOOD RISK

Policy WDM 2 of Arun Local Plan requires that development in areas at risk from flooding will only be permitted where certain criteria have been satisfied. The application is supported by a Flood Risk Assessment (FRA) which confirms that the wider caravan park falls within Flood Risk Zones 2 and 3 and that the majority of the application site itself falls within Flood Zone 1 (Low Probability of Flooding) with a small part of the western side being within Flood Zone 2 (Medium Probability of Flooding). The workshop/storage uses within the new building are considered to be 'less vulnerable'. The finished building will incorporate various flood resistant and resilient construction measures.

The proposed changes to the approved building do not impact on the risk of flooding and this aspect of the proposal does not need to be considered further given the above.

The development therefore accords with Local Plan policy W DM2, policy 10 of the Ferring Neighbourhood Plan and with guidance set out in paragraph 163 (b) and (e) of the National Planning Policy Framework (NPPF).

## DRAINAGE

Policy WDM3 of Arun Local Plan seeks an increase in the levels of water capture and storage and water quality and that 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.

The application is supported by a Surface Water Drainage Statement which is similar to the details that formed the discharge of Condition No. 4 of planning permission FG/37/17/PL and were subsequently discharged under FG/48/18/DOC. Engineers have confirmed their agreement to the submitted details.

Infiltration testing demonstrated that a blanket soakaway is not a viable option. The most appropriate surface water drainage solution for rainwater collected from the roof of the building involved the installation of two 8.5 cubic metre circular tanks located above ground at the eastern end of the workshop building. These storage tanks are sized to store a 100 year plus 30% extra rainfall allowance for climate change and would be linked at low level. Both storage tanks would be screened to soften their appearance. Details of the screening are the subject of a planning condition.

The proposed surface water drainage strategy accords with Policy W DM3 of the Local Plan and policy 10 of Ferring Neighbourhood Plan.

## CONCLUSION

The development does not significantly increase the height and external appearance of the building previously approved. These differences would not result in undue harm to residential or visual amenity and the application is therefore recommended for approval subject to the following conditions.

### HUMAN RIGHTS ACT

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

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

### DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

### CIL DETAILS

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

### RECOMMENDATION

#### APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:
  - Drawing No. 031 11 - Location Plan
  - Drawing No. 031 05 Rev B - Site Plan
  - Drawing No. 031 12 Block Plan
  - Drawing No. 031 06 A- Proposed/Constructed Floor Plan, Roof Plan and Elevations
  - Drawing No. 031 07 - Permitted Floorplan, Roof Plan and Elevations

- Drawing No. 031 08 - Constructed & Consented Comparison
- Drawing No. 031 09 - Site Sections
- Drawing No. 031 10 - Site Sections with figure dimensions
- Drawing No. 20060 - Topographical Survey

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

- 2 The building hereby approved shall be used as a workshop and machinery store associated with Onslow Caravan Park use and for no other purpose and shall be removed from the site within 3 months of the uses ceasing.

Reason: In the interests of the visual amenities and character of the area in accordance with policies DDM1, DSP1 and SD SP3 of Arun Local Plan

- 3 No plant or machinery shall be operated, no process shall be carried out and no deliveries taken or dispatched from the site other than between 07:00 to 18:00 hours (Monday to Friday) and 07:00 to 13:00 hours (Saturday). No operation is to take place on Sundays or on Bank/Public Holidays.

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

- 4 Within 3 months of the date of this permission the landscaping scheme approved under FG/22/18/DOC shall be carried out 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.

- 5 Within 3 months of the date of this permission details of landscaping to the water storage tanks area shall be submitted to and approved by, the Local Planning Authority. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the use of the building 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.

- 6 INFORMATIVE: The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a copy of an asbestos register for each property in their portfolio. The Council needs to be satisfied that if any asbestos previously identified is still present, it is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure.

- 7 INFORMATIVE: The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

- 8 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take,

damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 9 INFORMATIVE: As detailed within the Bat Scoping Report and Preliminary Ecological Appraisal (Sept 2020) a precautionary approach should be undertaken and following an inspection by an ecologist prior to works commencing, removal of cladding and any roof tiles should be undertaken by hand in the presence of a suitably qualified ecologist. If a bat is found all works must stop and Natural England consulted.
- 10 INFORMATIVE: At the time of our Engineer's last visit to site, it was noted that some of the drainage had been constructed, although the headwall into the ditch required finishing. Please Engineers once the headwall is complete and provide photographs.
- 11 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

**FG/127/20/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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 100018487. 2015



## PLANNING APPLICATION REPORT

REF NO: FP/181/20/PL

LOCATION: Beachcroft Hotel  
Clyde Road  
Felpham  
PO22 7AH

PROPOSAL: 2 storey rear bedroom extension. This site is in CIL Zone 4 (Zero Rated) as other development,

### SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Two storey extension to the rear of the hotel facing Canning Road. The first floor would be within a mansard roof.
	The extension provides a new entrance to the rear of the hotel on the ground floor a hotel store and accessible toilet and on the 1st floor there will be six en-suite bedrooms of which, two will be equipped as accessible rooms. The 1st floor will be accessed via a stair and a lift.
SITE AREA	2333 sq. metres
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	Fencing to the rear of the site along Canning Road. Brick wall along pavement.
SITE CHARACTERISTICS	The site is located on the sea front and faces the sea to the south, with the rear boundary backing onto Canning Road; It comprises a hotel complex of two storey buildings with a habitable mansard roofs and a single storey flat roof front projections and a single storey flat roof extension to the rear with a pitched roof swimming pool building in the north-eastern corner of the site with two sheds on its west side. There is a rear fire escape and large carpark to the front and a rear on gravel.
CHARACTER OF LOCALITY	Clyde Road and Canning Road are cul-de-sacs giving access to residential properties, the Beachcroft Hotel and the promenade. The residential properties along Clyde and Canning Road are predominantly two storey semi-detached and terrace structure characterised by gabled and hipped roofs with the exception of Beachcroft Hotel which is characterised by mansard roof. To the west is Butlins.

<b>RELEVANT SITE HISTORY</b>
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FP/13/20/PL	New outdoor seating together with new fence, gate to promenade & planter.	ApproveConditionally 06-04-20
FP/21/15/PL	Rear extension	ApproveConditionally 28-05-15
FP/65/11/	Extension to rear of hotel providing conference facilities and 6 guest bedrooms	ApproveConditionally 06-10-11

Two similar applications were approved under FP/65/11 and FP/21/15/PL. The only difference on the current application is the fenestration (3 casement windows which were in FP/65/11 and FP/21/15/PL were replaced by 4 pairs of French doors on the first floor level of the proposed northern elevation).

<b>REPRESENTATIONS</b>
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Felpham Parish Council:

Object - Overdevelopment of boundary to site and tight for car parking and turning for delivery vans etc.

5 Letters of support:

- The hotel has been in Felpham for many years and this addition of rooms enables more guests to stay in our beautiful area.
- The Beachcroft is important to the village as a local seaside hotel which brings trade to the area and supports local businesses. The new rooms provide more disabled access making the hotel more accessible to more people.
- Very encouraging to see a local business thriving and looking to expand. An expansion sends out an affirming message to other businesses that Bognor Regis is somewhere to invest for future prosperity.
- Much needed to improve the area.
- Think it would greatly improve the area.

6 Letters of objection:

- Increase in traffic flow in a road unable to sustain the levels of traffic it already experiences.
- Development will intrude on the character of the area.
- This is a narrow and generally quiet residential cul de sac, not fit for the coaches and service vehicles that endeavour to use it on a regular basis - creating noise, pollution and safety issues for residents, children and animals, and very likely increase anti-social behaviour.
- Request due consideration be given for the well-being of residents.
- Out of keeping with the street scene and it will overwhelm adjacent properties.
- insufficient parking for guests/staff and when coaches arrive staff park on Canning road and leave no room for residents.
- The scale of the build will mean disruption to the residents for several months with the arrival of trucks and building materials.
- Dramatic increase in traffic volumes over last 30 years.
- The intrusion of the development on the environment of Canning Rd. and it's impact on local character.

- Levels of light to properties overlooked will be affected. Shadow. Obtrusive view. It's a quiet residential street and area.
- The site will be over developed.
- Pavements are in a bad state of repair due to the large delivery lorries as the road is very narrow and not suitable for large heavy vehicles including the coaches.

#### COMMENTS ON REPRESENTATIONS RECEIVED:

Felpham Parish Council: Noted and addressed below.

Others: Noted. Environmental Health raised no objection. WSCC, Highways raised no objections. Two previous applications have been approved. Further comments addressed below.

### CONSULTATIONS

#### CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS: Does not consider proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 109), and there are no transport grounds to resist the proposal.

ENVIRONMENTAL HEALTH: No objection subject to conditions.

ECONOMIC DEVELOPMENT :very aware of The Beachcroft Hotel and the part it plays in the tourism product for the Arun district. The Hotel recently invested heavily in new high quality accommodation which received attention from all parts of the country and has encouraged visitors to the district. Fully support application to extend the hotel facilities further.

DRAINAGE ENGINEERS: Due to the scale, location and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations.

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

### POLICY CONTEXT

Designation applicable to site:  
Built up area boundary

#### DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TOUDM1	TOU DM1 Tourism related development
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy

TSP1 T SP1 Transport and Development

[Felpham Neighbourhood plan 2014 POLICY BT1](#) Support business expansion

Felpham Neighbourhood plan 2014 POLICY BT6 Recreation and tourism

Felpham Neighbourhood Plan 2014 POLICY ESD1 Design of new development

**PLANNING POLICY GUIDANCE:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD11 Arun Parking Standards 2020

**POLICY COMMENTARY**

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

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

The original Felpham Neighbourhood Plan (referred to hereafter as the Plan) was 'made' by Arun District Council on the 16th July 2014 following a Referendum. The adoption of the Arun District Local Plan 2018 required a review and where appropriate amendment of the Felpham Neighbourhood Plan to ensure the two documents are in alignment and reflect the new policies.

The replacement Neighbourhood Plan is at Reg. 17 - Submission of a Plan Proposal / Modification to Examination stage. The examination period is 30th November to 22nd December 2020. The Neighbourhood Plan Review 2019 - 2031 contains a number of 'saved' policies from the Felpham Neighbourhood Plan 2013- 2029, some amended policies and some new ones. The relevant policies are: H1 Built-Up Area Boundary , ESD1 Quality of Design, BT1 Business Expansion, BT6 Recreation and Tourism and GA4 Parking on New Development. All relevant policies are modified within Felpham Neighbourhood Development Plan 2.

**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."

Section 70(2) of TCPA 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,
  - (a) 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.

The proposal is considered to comply with relevant Development Plan policies in that it would have no

materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area but it would likely to attract more visitors to the district and support existing employment.

#### **OTHER MATERIAL CONSIDERATIONS**

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

#### **CONCLUSIONS**

##### **KEY ISSUES**

The key issues are principle, design and visual amenity, residential amenity, highways/traffic.

##### **PRINCIPLE**

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 provided it accords with other policies of the Local Plan covering such issues as change of use, visual/residential amenity, highway safety and parking.

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

The NPPF supports the effective and efficient use of land for sites in the built up area but also advises that new development should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

Para 118 (d) of the National Planning Policy Framework (NPPF) states "Planning policies and decisions should: promote and support the development of under-utilised land and buildings".

The proposal is acceptable in principle given its location in a sustainable location within five minutes from Bognor Regis railway station by car. There is a local bus stop at the end of Sea Road which serves Bognor Regis town centre every 15 minutes. Felpham village centre is in walking distance.

Arun's Local Plan strategic objective for Tourism is: "To create vibrant, attractive, safe and accessible towns and villages that build upon their unique characters to provide a wide range of uses and which are a focus for quality shopping, entertainment, leisure, tourism and cultural activities." In para 10.1.1 stresses that tourism is a vitally important part of Arun's economy and Arun Economy Strategy 2009-2026 in paragraph 10.1.2 identifies tourism as one of the District key employment sectors.

Policy TOU DM1 of Arun Local Plan states that proposals for development including expansion, which are likely to attract visitors will be supported provided that they:

- a. are in accessible location;
- b. are accompanied by workable and realistic travel plans;
- c. address visitors management issues;
- d. achieve good design.

Policy BT6 of the Felpham Neighbourhood Development Plan assures that recreation and tourism development proposals for recreational and tourism activities and facilities will be supported provided

that : the siting, scale and design has strong regard to the local character, historic and natural assets of the surrounding area, and the design and materials are in keeping with the local style and reinforce local distinctiveness and a strong sense of place.

Policy BT1 of the FNDP carries on by stating: 'Business expansion Proposals to upgrade or extend existing employment sites will be supported provided that the impact on the amenities of surrounding properties is acceptable.'

Beachcroft Hotel is in a sustainable location with good access and Economic Development, as mentioned in their comments, are very aware of Beachcroft Hotel and the part it plays in the tourism product for the district.

Therefore it is considered the proposal complies with Arun Local Plan policy TOU DM1 and Policies BT1 and BT6 of the Felpham Neighbourhood Development Plan.

#### VISUAL AMENITY:

Policy D DM1 of the Arun Local Plan 2011-2031 requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that:

"All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development.

Policy ESD1: New development which would have an effect on the appearance or character of the surrounding area must be of a high quality of design and must contribute to local character by creating a sense of place appropriate to its location.

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, reached Post Regulation 12b Public Participation stage. Part G.O1 which deals with Neighbourhood, Centres and Local Facilities stresses the accessibility of facilities and services is fundamental to the proper functioning of a neighbourhood.

Paragraph 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)."

The proposal is for a two storey extension to the rear of the site in Canning Road, adjacent to the

swimming pool. The extension would be attached to the single storey flat roof extension and would fill the space to the west of swimming pool abutting the northern boundary. The form of design would be the same as the existing characterised by a mansard roof, which is unusual with surrounding area but already established within Beachcroft Hotel.

An almost identical design has been approved in applications FP/65/11 and FP/21/15/PL; the only difference in the current proposal is a number of windows at the first floor facing Canning Road (3 approved, 4 proposed) and the replacement of first floor windows with French doors.

This provides a new entrance to the rear of the hotel on the ground floor, a new hotel store and accessible toilet and six en-suite bed rooms on the first floor level. The visual amenity in the street scene is considered to be maintained within Clyde Road as there are no elevational changes to the front of the building.

The boundary treatment consists of a dwarf wall with railings above and planting behind. The car park area would be formalised into dedicated car parking spaces. It is considered that the proposal would not have an adverse impact on visual amenity.

It is considered the proposal complies with Arun Local Plan policies D DM1 and D SP1, policy ESD1 of the Felpham Neighbourhood Development Plan and with the guidance on character within the NPPF.

#### **RESIDENTIAL AMENITY INCLUDING NOISE POLLUTION:**

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Policy QE SP1 states: "The Council 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 natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

Policy QE DM1 seeks to protect against the impacts of new noise generating development. It states that: "Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required."

Proposal will need to be supported by:

- a. Evidence to demonstrate that there are no suitable locations alternative;
- b. A noise report; and
- c. Evidence to demonstrate that the development will not impact upon areas identified and valued for their tranquillity.

The Best Western Beachcroft Hotel is situated at the seaward end of a quiet, mostly residential cul-de-sac and spans between Clyde Road & Canning Road. It has already 32 en-suite rooms with facilities including the hotel Restaurant, a function room, bar, lounge, indoor pool and garden. The hotel is known to many people in the locality and provides a venue for social gatherings, dining, meetings and functions and festivities throughout the year. Therefore it can be hardly valued for its tranquillity hence vibrancy and animation what is a characteristic for an urban environment in a vicinity of the seashore.

The proposed rear extension would provide on the ground floor a new hotel store and accessible toilet and the 1st floor there will be six en-suite bedrooms.

The noise report and evidence in this case is not required given the nature of the existing development

as described above and it is not considered that an additional 6 rooms to an existing 32 will adversely affect the residential amenity of the area in respect of noise pollution to a greater degree as an existing. Environmental Health has not objected to the proposal so it is not considered to pose a noise and disturbance risk. Environmental Health have their own powers to deal with noise nuisance.

The extension has a separation distance of approximately 13m from Canning Court with habitable windows facing to the site. As mentioned above this scheme has been approved in the past and it is considered that the proposed changes in fenestration would not result in an unacceptable overlooking.

Since the last approval the Arun Local Plan has been adopted but the development management policies are largely similar.

It is not considered that the proposal would result in any significant loss of residential amenity as such it complies with Arun Local Plan policies D DM1 and QE SP1.

#### HIGHWAYS, TRAFFIC AND PARKING

Policy T SP1 (ALP) requires development to reduce the need to travel by car by identifying opportunities to improve access to public transport services whilst making provision for safe access to the highway network. Policy T SP1(f) (iv) requires development to incorporate facilities for charging electric and plug-in hybrid vehicles.

Para 108 of the NPPF states that in assessing specific applications it should be ensured that safe and suitable access to the site can be achieved for all users. Para 109 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 Arun Parking Standards 2020 have no specific category for hotels but at Part 4 Non-residential Parking Guidance states:

4.1 Parking for non-residential uses needs to consider the accessibility of the site, the likely demand for parking and the viability of the site. In determining the amount of parking that should be provided at non-residential developments, developers should seek to balance operational needs, space requirements, efficient use of land and cost attributed to providing parking and where relevant, attracting/retaining staff.

The applicant proposes no alterations to vehicular accesses on Clyde Road or Canning Road. There are no apparent visibility issues at the points of access to the maintained highway. The addition of six bedrooms would not give rise to a significant material intensification of movements to/from the site.

There is no evidence to suggest existing accesses are operating unsafely or that the proposal would exacerbate an existing safety concern.

The applicant proposes an additional three car parking spaces in the undercroft of the extension. From inspection of the plans, the parking bays are of adequate size and specification. There is sufficient space in the parking area for cars to turn and exit onto Canning Road in a forward gear.

WSCC Highways does not consider this proposal has an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (para 109), and that there are no transport grounds to resist the proposal.

The development complies with policy TP1 of the Arun Local Plan.

#### FLOODING ISSUES:



The site is adjacent to the beach. The applicant has submitted a Flood Risk Assessment and the Environment Agency were consulted both previous applications and raised no objections. According to Environment Agency Flood Risk Map the extension would be in flood zone 1.

**SUMMARY:**

The rear extension is designed to make an effective use of the site and an opportunity to broaden the facilities. The proposal will add to the tourist markets serving the and providing two accessible rooms area whilst ensuring sufficient car parking provision is provided to the rear. The proposal does not result in any significant loss of residential or visual amenity. Therefore it is recommended the application is approved subject to the following conditions.

**HUMAN RIGHTS ACT**

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

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

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

The proposal would have a positive impact on the protected characteristics of disability.

**CIL DETAILS**

This application is CIL Zone 4 (Zero Rated) as 'other development'.

**RECOMMENDATION****APPROVE CONDITIONALLY**

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

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

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

The Location Plan

DRG No IBA/538/01, Location and Block Plan;  
 DRG No IBA/538/07, Proposed Ground Floor Plan;  
 DRG No IBA/538/09, Proposed South Elevation;  
 DRG No IBA/538/10, Proposed North Elevation;  
 DRG No IBA/538/11, Proposed East & West Elevations;  
 DRG No IBA/538/12, Proposed Roof Plan.

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

- 3 No use of the parking area shall take place until such time that the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car parking space for the use in accordance with policy T DM2 of Arun Local Plan

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

Reason: In the interests of amenity in accordance with policies D SP1 and D DM1 of the Arun Local Plan.

- 5 No construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

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

- 6 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- 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,
- 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),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy TSP1 of the Arun Local Plan.

- 7 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that

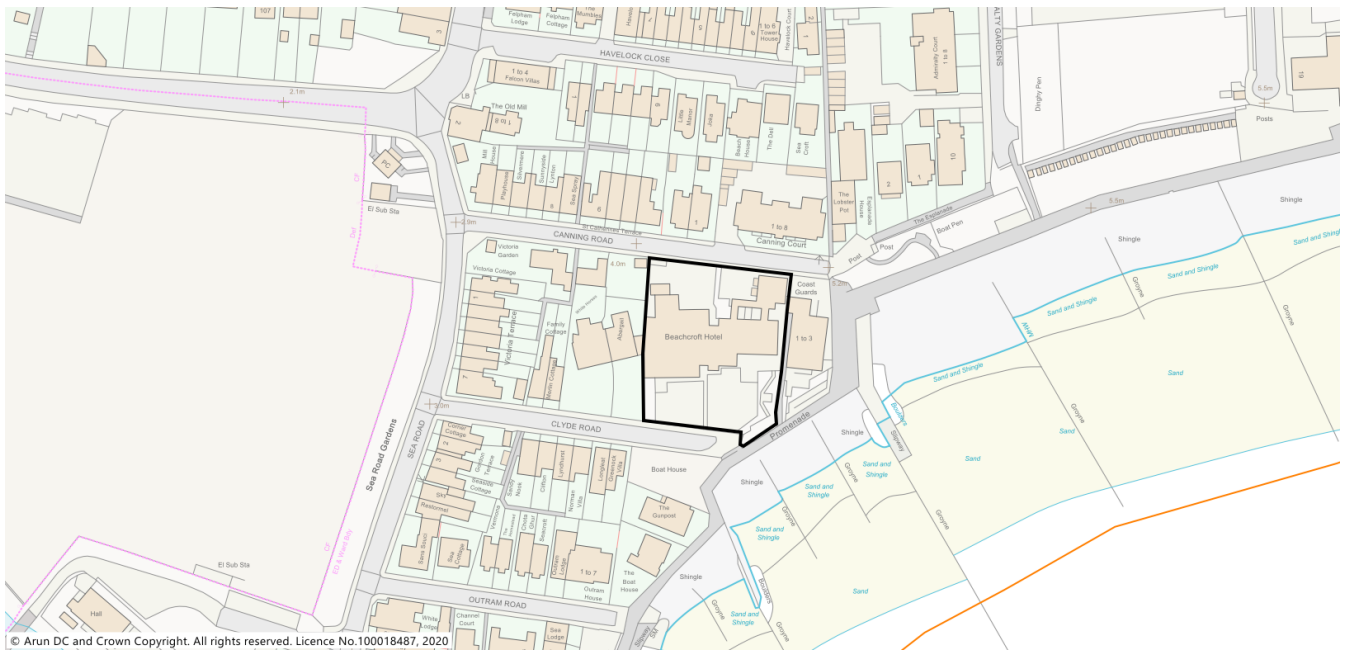
may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

<b>BACKGROUND PAPERS</b>
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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.

**FP/181/20/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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**PLANNING APPLICATION REPORT**

**REF NO:** LU/294/20/PL

**LOCATION:** Brookfield Park  
at Honeysuckle Close  
Littlehampton

**PROPOSAL:** Erection of 6m high flag pole. This site is in CIL Zone 5 (Zero Rated) as other development.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	This is an application submitted by Arun District Council.
	The proposal is for the erection of a 6m flag pole located at the end of Honeysuckle Close. The base of the flag pole will have a width of 0.5m with foundations 1m deep.
SITE AREA	0.1 Hectares.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	To the west there are mature trees and foliage, to the north and south of the site there is open park and to the east there is the end of Honeysuckle Close which hosts a small single rail fence with a earth mound to the park side.
SITE CHARACTERISTICS	Public park with play area.
CHARACTER OF LOCALITY	Park space located just outside the built up area boundary at the edge of a residential area which comprises two storey detached dwellings.

**REPRESENTATIONS**

Littlehampton Town Council:  
No objection

One letter of objection with concerns about the noise of the mechanism, the purpose of the flag pole, why this location was chosen and whether any more are proposed.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The distance from the nearest residential property to the east is 19m from the pole which is sufficient to ensure that any noise resulting from the mechanism does not result in adverse harm. The properties to the west have the additional benefit of the landscaping screening which will dampen any sound.

The green flag is to acknowledge a park of distinction. Further details of this are included in the Conclusions section of this report.

**CONSULTATIONS**

**CONSULTATION RESPONSES RECEIVED:**

Parks and Landscapes:  
No response received.

**COMMENTS ON CONSULTATION RESPONSES:**

None.

**POLICY CONTEXT**

Designation applicable to site:

- Outside the Built Up Area Boundary
- Parks Open Spaces
- Archaeological Notification Area

**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
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities

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

Littlehampton Neighbourhood Plan 2014 Policy 16      Open Spaces

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**POLICY COMMENTARY**

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

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

Relevant policies of the Littlehampton Neighbourhood Plan have been considered in determination of this application.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

Section 70(2) of TCPA 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, 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.

The proposal is considered to comply with relevant Development Plan policies in that the proposed flag pole would have no materially adverse effect on the visual amenities of the locality, residential amenities of the adjoining properties, an adverse impact upon the established character of the surrounding area, nor would it have an adverse impact on the availability of public open space.

#### **OTHER MATERIAL CONSIDERATIONS**

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

#### **CONCLUSIONS**

##### **BACKGROUND**

The flag pole will be used to display a flag associated with the Green Flag Award scheme which recognises and rewards well managed parks and green spaces, setting the benchmark standard for the management of recreational outdoor spaces across the United Kingdom.

It aims to ensure everybody has access to quality green and other open spaces, irrespective of where they live. It also aims to establish good standards of management while recognising and rewarding the hard work of managers, staff and volunteers.

##### **PRINCIPLE**

The proposed development is situated outside the built up area boundary as defined in the Arun Local Plan where the principle of development is acceptable subject to accordance with Policy CSP1. In this case it complies with part f) of this policy since it relates to a specific use. The pole is located on the edge of public open space and will be used to display information linked to this use. The other relevant key policies are D SP1, D DM1 and OSR DM1 of the Arun Local Plan. Additionally, Policy 1 and 16 of the Littlehampton Neighbourhood Development Plan.

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

Policy DSP1 of the Arun Local Plan sets out that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy OSR DM1 states existing open space, outdoor and indoor sport, community, arts and cultural facilities should not be built on or redeveloped for other uses except in the cases where sections a, b or c apply.

Policy 1 of the Littlehampton Neighbourhood Development Plan states that permission should be granted where applications accord with the relevant policies in the Neighbourhood Plan.

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

#### DESIGN AND VISUAL AMENITY

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

The site is located outside the built-up area but abutting an area of residential development immediately next to Honeysuckle Close.

The flag pole is proposed to be sited at the end of the Close in the park and will be used for the display of the green flag award. Given its slim profile it would be readily assimilated into the backdrop of hedging/housing and would not appear prominent or visually obtrusive in its setting. Additionally, within the locality there is a lamppost which is of a similar nature being tall and thin. As a result the flag mast is compliant with policies D SP1 and D DM1 of the Arun Local Plan.

As a relevant and supportive material consideration, the National Planning Policy Framework (NPPF) states that planning should set out a strategic approach, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. The Green Flag Award aims to promote and share good practice amongst the green space sector.

#### IMPACT ON OPEN SPACE

The proposed development complies with policy OSR DM1 of the Arun Local Plan as the flag pole will be located to the eastern side of the park and not negatively impact on the use of the open space. This illustrates the compliance with CSP1 (f) where development should be permitted in accordance with other policies in the plan which refer to a specific use or type of development.

#### RESIDENTIAL AMENITY

Due to the siting and profile of the pole it would not result in an unacceptable overbearing or overshadowing impact upon the occupiers of neighbouring dwellings as a result of it being site approximately 17m from the nearest dwellinghouse.

#### SUMMARY

The flag pole is an acceptable addition in this locality and is not considered to be prominent or obtrusive feature in terms of its impact on the visual and residential amenity of the area.

It is therefore recommended that the application is approved, subject to the following conditions.

<b>HUMAN RIGHTS ACT</b>
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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.

## RECOMMENDATION

APPROVE CONDITIONALLY

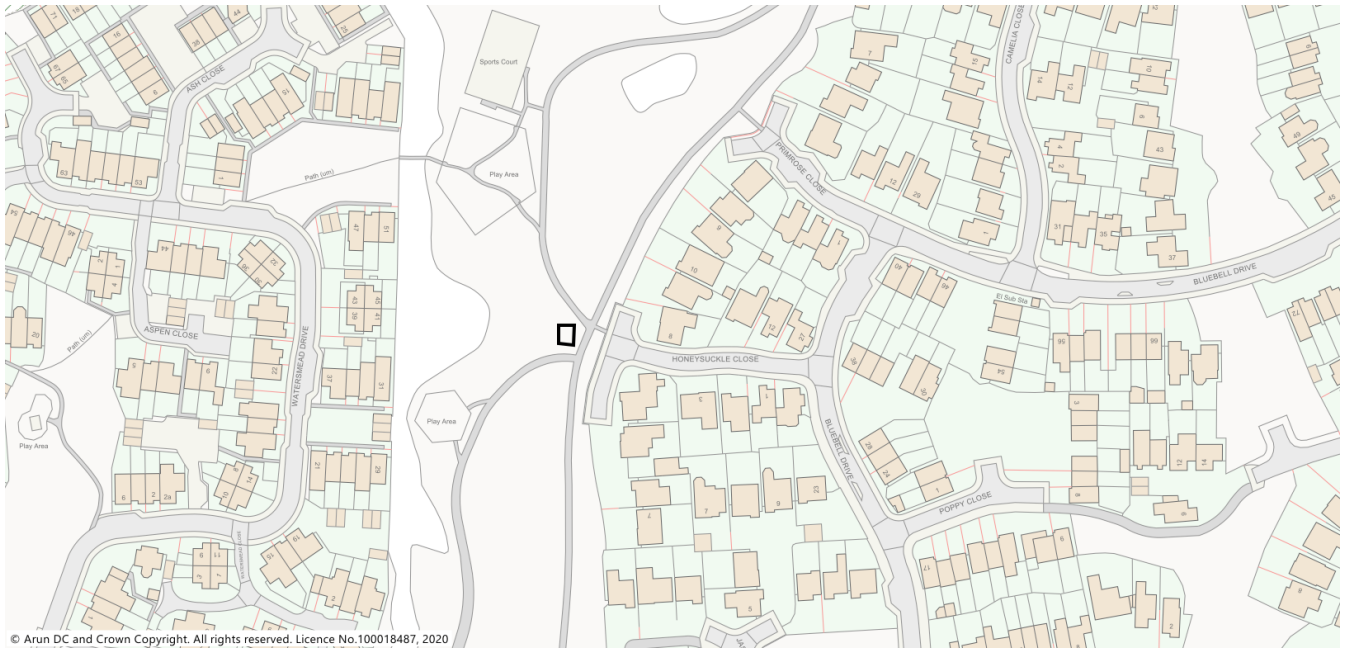
- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
  - Location Plan
  - Block Plan
  - Flag Pole Section 1  
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 4 INFORMATIVE: Deemed consent for the flying of the green flag is granted under Schedule 3, Part 1, Class 7 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). As a result no further approval is required for the use of the pole to fly a green flag.

## BACKGROUND PAPERS

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

[this link.](#)

**LU/294/20/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: R/197/20/OUT

LOCATION: Croft Works  
52 Mill Lane  
Rustington  
BN16 3JN

PROPOSAL: Outline application with some matters reserved for the demolition of existing dilapidated storage buildings & erection of 2 No. detached 3-bedroom chalet bungalows with associated car barns, gardens, car parking & landscaping (resubmission following R/117/20/OUT).

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	<p>The application is in outline form with access, appearance, layout and scale forming part of the proposal. Landscaping would be agreed at reserved matters stage.</p> <p>The 2 detached chalet style properties would be 1.5 storey with plain clay hipped roofs and stock brickwork elevations. The roof area contains a bedroom and study for each dwelling with the 2 other bedrooms located at ground floor level.</p> <p>Each property would have a private rear garden and there would be a parking for 8 cars.</p> <p>There would be an allocated shared refuse and recycling area on the access road where bins would be located on collection day.</p> <p>The existing access track off Mill Lane would be utilised to serve the development.</p>
SITE AREA	0.1 hectares
RESIDENTIAL DEVELOPMENT DENSITY	20 dph.
TOPOGRAPHY	Predominantly flat.
TREES	A substantial mature Hornbeam tree in garden of the Windmill Public House.
BOUNDARY TREATMENT	<p>Breeze block wall (1m raising to 2m high) to eastern boundary fronting onto Fircroft Crescent, to western boundary to nos.48, 50 Mill Lane and to southern boundary to no.21 Fircroft Crescent.</p> <p>2m close board timber fence panels to northern boundary to no.29 Fircroft Crescent. 2m close board timber fencing along</p>

	access road off Mill Lane to the west.
SITE CHARACTERISTICS	Plot of land in use for ad-hoc storage of waste/scrap. Garages, storage container and dilapidated single storey storage buildings on the site.
CHARACTER OF LOCALITY	Sub-urban. Residential streets on Mill Lane and Fircroft Crescent.
	Mill Lane consists of a mix of detached bungalows and two storey semi-detached dwellings.
	Fircroft Crescent is characterised by detached bungalows with front gardens and driveways.

<b>RELEVANT SITE HISTORY</b>
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R/117/20/OUT	Demolition of existing dilapidated storage buildings and erection of 4 no. semi detached 2-bedroom dwellings with associated gardens, car parking and landscaping. Outline application to consider matters of access, layout, scale and external appearance, with exception of landscaping which is to be a reserved matter.	Refused 21-08-20
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R/117/20/OUT which was for 4 dwellings on the site was refused for the following reasons:

- 1) The proposed new dwellings, by reason of their density, layout, absence of a street frontage, height and scale would fail to integrate successfully with their surroundings and would result in harm to the immediate street scene and the character and visual amenity of the area, in conflict with policies D SP1 and D DM1 of the Arun Local Plan and policy 2 of the Rustington Neighbourhood Plan
- 2) The proposed new dwellings, by reason of their siting and height, would result in an unneighbourly relationship with unacceptable overlooking and loss of privacy to neighbouring occupants of no. 29 Fircroft Crescent in conflict with policies D DM1 and QE SP1 of the Arun Local Plan.
- 3) In the absence of any arboricultural information having been submitted, the application fails to demonstrate that trees would be adequately protected from the proposed development, as required by policy ENV DM4 of the Arun Local Plan.
- 4) Due to the lack of bat survey/shaving been undertaken and submitted, the proposals have failed to demonstrate that ecology and protected species would be adequately protected from the proposed development in conflict with policy ENV DM5 of the Arun Local Plan.

With regard to reason 1 this proposal has halved the number previously proposed. The 2 detached chalet bungalows consequently have larger plot sizes with a form and density more in keeping with the bungalows in Fircroft Crescent. Although the site frontage isn't addressed the proposed dwellings will successfully integrate with their surroundings and ensure no unacceptable harm results to the immediate streetscene and character.

The proposed dwellings have reduced eaves and ridge heights. The ridge is lowered from 7.29m to 6.5m

and the eaves from 3.85m to 2.6m and the extent of development across the site is also reduced meaning the unneighbourly overbearing impacts are addressed. The issue of unacceptable overlooking and loss of privacy is addressed by the change from 2 storey form to chalet style dwelling with the accommodation in the roof being served by rooflights with a cill height of 1.7m to prevent a material loss of privacy to adjacent dwellings.

With regard to reasons 3 and 4, a Bat Survey and associated Tree Analysis has been undertaken and submitted as part of the application.

## **REPRESENTATIONS**

Rustington Parish Council Objection:

- The proposal would result in an increased number of vehicles being dependent on a very narrow and single point of access, and would be likely to attract additional standing vehicles which would interrupt the free flow of traffic on the public highway adding to the hazards of road users.
- The proposal would give rise to an increased movement of vehicles on to and off Mill Lane which has restricted vision on traffic travelling southwards. This would be detrimental to the safety and free-flow of traffic.
- The proposal would increase the pressure for on-street parking, where there is minimal and insufficient provision.
- The proposal would be in conflict with the Rustington Neighbourhood Plan - Policy 2 - Road widths must demonstrate they are adequate for safe access by service and emergency vehicles.
- Concern regarding safety of cyclists travelling southwards on the obscured narrow pathway adjacent to the proposed exit.
- Request West Sussex County Council undertake a physical study of the proposed site.

6 letters of objection have been received, summarised as follows:

- Access to the site is via a narrow privately owned small slip road. Construction traffic could damage the road and residents would have to bear the cost.
- Extra traffic would make the road junction onto Mill Lane more dangerous and congested. The turning point to enter the dwellings is restricted for both emergency and heavy plant vehicles.
- The red boundary includes neighbouring property.

## **COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted and all material planning considerations made will be addressed in Conclusions section of report.

Damage to property is a private matter.

The agent has clarified that all of the land included within the red edge of the application site is owned by the applicant.

The County Highways Officer has been invited to visit the site, but they have advised that they are well acquainted with site and aware of its position and the access from Mill Lane.

## **CONSULTATIONS**

### **CONSULTATION RESPONSES RECEIVED:**

WSSC WASTE AUTHORITY: No Objection.

The Local Planning Authority needs to consider if the site makes an important contribution to the transfer of waste and if so the proposals will need to comply with policy W2 of the WSSC Waste Local Plan

(2014).

ENVIRONMENTAL HEALTH: No objection subject to conditions.

WSSC HIGHWAYS: No objection subject to conditions.

The proposals would not have a severe impact on highways safety or capacity and operation of the highways network.

DRAINAGE ENGINEER: No objection subject to conditions.

TREE OFFICER: No Objection.

Conditions requested.

ECOLOGIST: No Objection.

Conditions requested.

LANDSCAPE OFFICER: No Objection.

Condition requested.

WSSC FIRE & RESCUE: The minimum widths for a Fire Service vehicle access are given in Building Regulations Approved Document B.

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in Conclusions section of report.

#### POLICY CONTEXT

Designation applicable to site:

Built-Up Area Boundary

Rustington Neighbourhood Plan Area

CIL Zone 4

Locally Listed Buildings to south east

#### DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development



SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

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

West Sussex W2 Safeguarding Waste Management Sites

[Rustington Neighbourhood Plan 2014 Policy 2](#)

Housing Design

#### PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

#### SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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#### POLICY COMMENTARY

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

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

The relevant policies contained within the Rustington Neighbourhood Plan have been applied in the determination of this application.

#### DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

Section 70(2) of TCPA 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,  
 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.

The proposal is considered to comply with relevant Development Plan policies in that it would have an acceptable impact on visual and residential amenity and adequately demonstrates that trees and ecology would be adequately protected.

## OTHER MATERIAL CONSIDERATIONS

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

## CONCLUSIONS

This is an outline application, with the Local Planning Authority being asked to assess the proposed access, layout, scale and appearance of the scheme only.

## PRINCIPLE

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

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

Policy D SP1 of the Arun Local Plan sets out that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from a thorough site analysis and context appraisal.

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

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

The site is in the Built-Up Area Boundary (BUAB), a location where the principle of development is acceptable subject to consideration against other policies in the Arun Local Plan (ALP).

The existing site is comprised of dilapidated buildings and in use for ad-hoc storage of waste including scrap such as vehicles, sanitary ware, metal ware etc. The site is largely vacant and redundant with no activity taking place. Given this and the fact that there is little waste on the site at present the policies of the West Sussex County Council's Waste and Minerals Plan are not considered to be relevant.

In the alternative if it was to be relevant to this Plan, Policy W2 of the WSCC Waste Local Plan (2014) seeks to protect existing waste management sites or infrastructure which make an important contribution to the transfer of waste in the District. This site in its present condition if used for ad-hoc storage of waste (refuse and recyclable materials) cannot be considered to make a meaningful contribution to waste facilities within the District and as such would not be subject to policy W2.

## DESIGN AND VISUAL AMENITY

It is acknowledged that a residential use would be more compatible than the existing largely redundant storage/waste use in terms of the residential character of the immediate area. The site is very exposed

and visible in views from Fircroft Crescent and therefore has the potential to significant impact the character and appearance of the street scene. The overall Gross Internal Floor Area proposed within this revised application, including the two proposed car barns, is 290.52sqm (previously 334sqm) which represents a reduction of floor area on-site of 43.48sqm from that previously refused.

The proposed building footprints, plot sizes and density of the new dwellings would largely reflect that of other semi-detached buildings in Mill Lane and Fircroft Crescent. The proposal being well set back from Mill Lane would not be prominently visible from this point. The 1.5 storey high new dwellings would reflect the lower density and detached bungalows set on more spacious plots along Fircroft Crescent, from which the scheme would also be highly visible.

The proposed design and materials of the new dwellings is considered to be attractive, with brickwork elevations and detailing and clay tile roofs, albeit it would not be especially reflective of the post-war bungalows along Fircroft Crescent, but would be acceptable subject to details which are conditioned.

The proposal would, therefore, reflect and be in keeping with the character and appearance of the immediate area as perceivable from Fircroft Crescent in compliance with ALP policies D SP1 and D DM1, policy 2 of the Rustington Neighbourhood Plan (RNP) and the NPPF paras 124 & 125 which all seek to secure good design in keeping with an areas character and appearance.

#### RESIDENTIAL AMENITY

Given the scale and pitched roof form of the proposed new dwellings and their siting and separation distance to the nearest neighbouring properties 21 and 29 Fircroft Crescent and 50 and 48 Mill Lane, it is concluded that the proposals would have an acceptable impact on outlook and light levels of surrounding properties. No. 21 Fircroft Crescent has no side facing windows (only a front door) to its northern side elevation. Whilst there may be some loss of light to the side elevation windows of 29 Fircroft, a bungalow, as a result of the new 1.5 storey dwellings, this would not be materially significant nor harmful enough to warrant a reason for refusal on these grounds.

The Proposed Block Plan shows that there would be a planting zone to the rear/side and front of the dwellings on the boundary with no. 21 and 29 Fircroft Crescent and the properties on Mill Lane. In any event, planning conditions are suggested to secure a detailed Landscape Plan and appropriate boundary treatments (e.g. retention or installation of wall/timber fence with specified heights and planting) to ensure appropriate screening and no loss of privacy at ground floor level to nos. 21 and 29 Fircroft Crescent or the rear of properties on Mill Lane. A gap of between 8.7m and 10.5m is provided from the rear elevations of the proposed dwellings to the southern boundary with no 21 and 10.9m from the front elevation of Plot 2 and the northern boundary with no 29. These distances are acceptable in terms of overbearing and over looking impacts.

The side elevations of the new dwellings would face east-west toward the properties on Mill Lane (nos. 44/48 and 50 and nos. 16 and 18 Fircroft Crescent). All rooflights are positioned to provide a cill height of 1.7m above internal floor height as detailed on the submitted cross section and the distance to the site boundary of 3.3m of Plot 1 is therefore acceptable.

With regard to the impact on 29 Fircroft Avenue, at its closest point, the distance between the front of the new dwellings to the side elevation of no.29 would be 13.5m. This would fall short of the accepted typical separation distance of 14m back to side as set out in the emerging Arun District Council (ADC) Design Guide, but it is considered acceptable given the slight under provision and the height of the dwelling.

It is necessary to consider potential noise and disturbance and air pollution impacts on neighbouring residents from use of the access road into the site as a result of the proposals. The proposals would

utilise the existing access road to the site off Mill Lane. The access road is too narrow and not wide enough in parts to accommodate 2 vehicles passing each other, and as such there could be conflict between vehicles entering and exiting the site and vehicles having to wait with their engines running, and the potential noise and air pollution impacts this could entail.

However, as confirmed by County Highways, it is accepted that the proposed use would be unlikely to result in a material increase in vehicular trips or intensification of use of the access track in comparison to the existing use. In addition, over the course of the day, it is unlikely that this conflict between vehicles entering and exiting the site at the same time and waiting vehicles would be a regular occurrence. Also conditions are suggested to ensure robust fencing is erected and planting provided to secure a suitably quiet environment. As such, it is concluded that the proposed use of the existing access road to serve the development would not result in significant and harmful noise and disturbance nor air pollution impacts to neighbouring residents.

The proposals therefore sufficiently protect residential amenity in compliance with policies D DM1 and QE SP1 of the ALP, the ADC emerging Design Guide and the NPPF.

#### QUALITY OF ACCOMMODATION

The application proposes 2 x 2 storey 3 bed homes. Each of the dwellings would have a Gross Internal Area (GIA) of approximately 127.26 sqm. This would meet the national internal space standards set out in 'Technical Housing Standards - Nationally Described Space Standards' which require a 2 storey 3B6P home to have a GIA of at least 102sqm. The proposals would provide internal space of an appropriate size, as required by policy D DM2 of the ALP. The proposed layouts show adequate storage and circulation space and bedroom widths to meet the national standards. In addition to its internal size, the accommodation appears to be well-laid out and would allow for natural light providing a good standard of accommodation for future occupants.

Each of the dwellings would have a front garden area between 1.5 - 2m deep and a private rear garden with a depth of approximately 10.5m. The emerging ADC Design Guide advises that new dwellings should have a front garden of 2m to provide a buffer strip of defensible space and a rear garden with a depth of at least 10.5m, and the proposals would broadly reflect this. The outdoor amenity spaces would be of an appropriate size and shape to be usable and enjoyable, in accordance with guidance in the emerging ADC design guide.

A shared refuse and recycling store to serve all the dwellings and a collection day refuse and recycling point has been shown on the Proposed Block Plan. This shows 2 bins per property which would meet the requirement for 1 x 240 L refuse and 1 x 240 L recycling bin per property. It also shows that kerbside collection from Mill Lane by municipal refuse vehicles would be possible. Details of the exact scale, design and materials for the bin storage could be secured by way of a planning condition. The proposals would provide adequate bin storage in accordance with ALP policy WM DM1.

#### HIGHWAYS

The proposals would utilise the existing access off Mill Lane (a private road). The Local Highway Authority (LHA), County Highways, have been consulted on the application and raise no objection on grounds of impact on highways safety, parking or capacity and operation of the highways network. They confirm that, in principle, the existing storage use could generate vehicular trips of a similar quantity than that of the proposed 2 new dwellings. The LHA conclude that the proposals would not result in a material intensification of the use of the existing access track or access point onto the nearest publicly maintained highway, New Road. Police data shows there is no evidence to suggest the existing access is operating unsafely. The LHA conclude they would not anticipate that the proposal would generate a highways

safety concern at the existing junction (between Mill Lane and New Road).

8 on-site car parking spaces are proposed to serve the 2 dwellings (4 spaces each). The Arun Parking Standards requires a minimum provision of 2 car parking space for each property of this size a total of 4 in this case. As such, the proposals would exceed the minimum car parking standards.

No cycle parking is shown on the Proposed Plans although reference is made in the Planning Statement for a shed in each garden which could store 2 bikes. The Arun Parking Standards requires a minimum provision of 2 cycle parking spaces for a 3+ bed property. A planning condition has been added to secure details of undercover and secure cycle parking provision to serve the development.

The proposals, subject to conditions, would have an acceptable impact on highways safety, operation of the highways network and parking, in accordance with the National Planning Policy Framework (NPPF), policies T SP1 and T DM1 of the ALP. Policy 2 of Rustington Neighbourhood Plan requires it to be demonstrated that road widths are adequate for safe access by service and emergency vehicles. County Highways have no objection to the existing dimensions on highway safety grounds and the proposal would not therefore conflict with these policies.

## TREES

There is one third-party tree within the pub garden of the Windmill Pub adjacent to the site which is of note and could be affected by the proposals. It is a mature Hornbeam (Category C of low value) with a nominal root protection area extending several metres into the site and beneath concrete hardstanding/building foundation.

It is likely to need to be significantly pruned to facilitate demolition on site and provide reasonable clearance of any future garden/s to the new development. Arboricultural information in the form of a Tree Survey and has been submitted with the application to cater for the impact on this valuable tree.

Given that this is a mature 3rd party tree and there exists a risk of significant direct and indirect damage occurring it is concluded that appropriate protection measures should be secured. An Arboricultural Impact Assessment (AIA) and Method Statement which includes an Existing Tree Survey Schedule, and a Tree Retention Protection Plan have been submitted.

The Tree Officer has been consulted has removed his original objection. The submitted arboricultural information satisfactorily demonstrates that trees would be adequately protected, as required by Arun Local Plan (ALP) policy ENV DM4.

## ECOLOGY

The site does not fall in or is adjacent to any designated sites of biodiversity or geological importance. However, due to the proposed works including demolition and the records of bats within close proximity of the site there is a moderate likelihood of bats roosting within the building. A Preliminary Bat Roost Assessment has been submitted with the application which establishes no bats are roosting within the building. It is considered that there is a 'negligible' risk of the development proposals committing offences under prevailing UK and EU legislation and therefore no further survey work with regards bats is recommended within the report. Potential habitat enhancements which would increase the overall biodiversity levels of the site are included in the report. Given the low existing biodiversity within the site, any ecological enhancements provided would result in the proposed scheme having a positive increase on biodiversity in the long-term. The Ecology Officer has no objection to the proposal and the principle of development is acceptable in ecology terms appropriate mitigation measures have been secured by the suggested conditions.

The Council's Ecologist has recommended planning conditions to secure details of any external lighting scheme to ensure the protection of bats from light pollution, a restriction on site works being undertaken outside the wild bird nesting season (of if within it the site is to be checked 24 hours beforehand by a qualified ecologist for nests), and for bird boxes to be installed on trees within the gardens to the new dwellings.

The proposals have acceptably demonstrated that ecology and protected species would be adequately protected. The application accord with policy ENV DM5 of the ALP.

#### SUMMARY

This revised application presents a sensitively designed solution that will create 2no. new dwellings that are appropriate for their surroundings reflecting the character of the area and respecting the amenity of the surrounding dwellings. The application is recommended for approval subject to the following conditions:

#### HUMAN RIGHTS ACT

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

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

#### DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

#### CIL DETAILS

This development may be CIL liable. However, CIL liability will only be calculated subject to approval of the last reserved matters application.

#### RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Landscaping.

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

- 3 The development hereby approved shall be carried out in accordance with the following approved plans:  
Proposed Elevations 012A  
Proposed Floor Plans and Sections 011A  
Location and Block Plan 010A

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

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

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

- 5 No part of the development shall be first occupied until the car parking and vehicle turning areas have been constructed in accordance with the approved block plan. These spaces shall thereafter be retained at all times for their designated purpose.

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

- 6 Prior to 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), T SP1 and ECCSP2 of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework

- 7 No windows other than those shown on the plans hereby approved shall be constructed in the roofs of the dwellings without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with

policies D DM1/D DM4 of the Arun Local Plan.

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

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

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

- A bird box installed on each property or within a tree in the garden
- Two hedgehog nesting boxes included on the site
- Gaps are included at the bottom of the fences to allow movement of small mammals across the site.

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

- 10 No demolition/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 work on Sunday or Bank/Public Holidays.

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

- 11 Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:  
all previous uses potential contaminants associated with those uses;  
a conceptual model of the site indicating sources, pathways and receptors;  
potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.



Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 12 The scheme for risk of contamination approved in condition 11 shall be implemented as approved above and prior to commencement of any construction work,(or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 13 The development shall proceed in accordance with the submitted Arboricultural Impact Assessment and Method Statement reference LLD2098-ARB-REP-001 Rev 00, 03 December 2020 and Tree Retention Protection Plan, ref. LLD2098-ARB-DWG-001, Rev 00, 03 December 2020.
- If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

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

- 14 Any tree pruning proposed or subsequently considered essential to enable the agreed development must meet the requirements of BS3998:2010 Tree work - Recommendations:
- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010
  - Where branches or roots are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reason: In the interest of continued health and vitality of trees and to accord with current industry guidelines and sound arboricultural practice.

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

Reason: To protect the appearance of the area and local residents from pollution in

accordance with policy QESP1 of Arun Local Plan.

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

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

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality 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 screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls and/or 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 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

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

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

the Environmental Health Department on 01903 737555.

The applicant's attention is drawn to the requirements of the Environmental Protection Act, 1990 and the Clean Air Act, 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and/or ash from fires or noise from the cutting and/or chipping of trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should be contacted regarding Exemption Permits to burn on site.

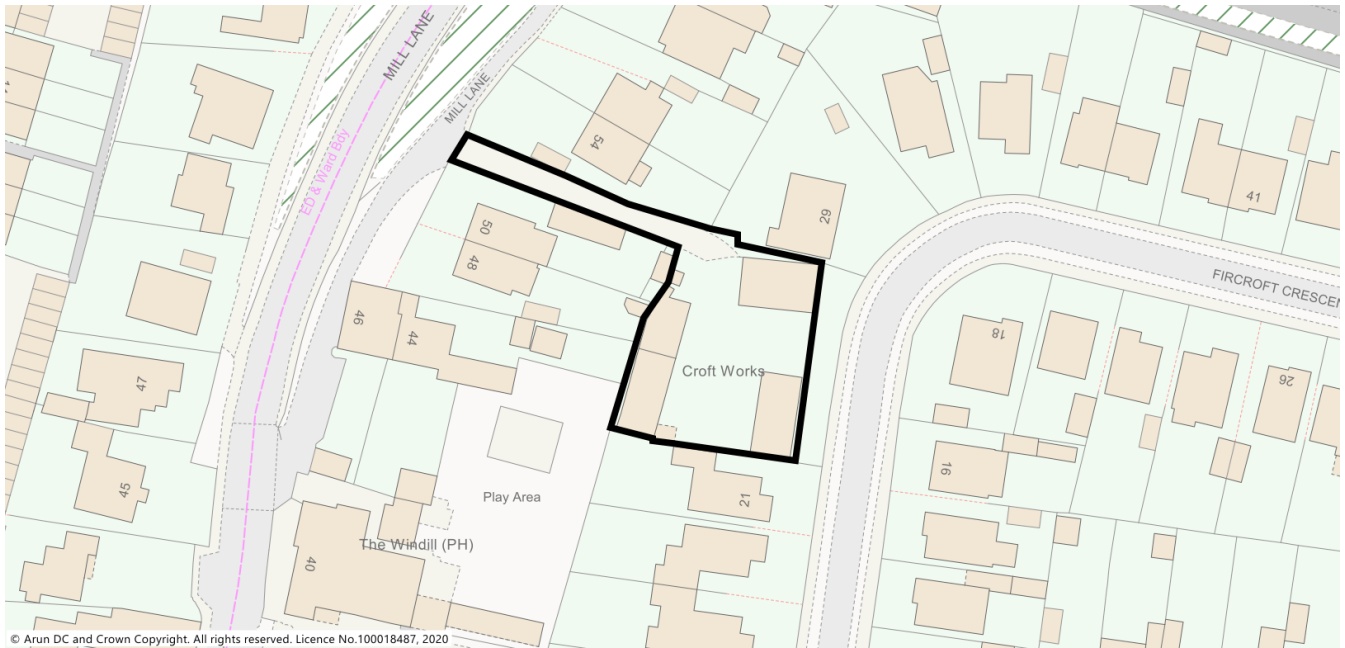
21 INFORMATIVE: The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a copy of an asbestos register for each property in their portfolio. The Council needs to be satisfied that if any asbestos previously identified is still present, it is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure.

22 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.

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

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



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PLANNING APPLICATION REPORT

REF NO: Y/99/20/PL

LOCATION: Bonhams Field  
Main Road  
Yapton  
BN18 0DX

PROPOSAL: Variation of conditions following Y/1/17/OUT to reword conditions 12, 14 & 16 as set out in the application covering letter in order to allow for the proposed access works to be implemented separately to the rest of the planning permission.

SITE AND SURROUNDINGS
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DESCRIPTION OF APPLICATION	<p>The purpose of this application is to agree a revision to three pre-commencement drainage conditions to allow the access to be implemented without first having to agree the surface water drainage strategy for the whole site or to agree the overall foul water drainage scheme. The applicant has set out in their covering letter their proposed revisions to the conditions.</p> <p>The application is accompanied by a plan which confirms the extent of the access works (3.9m of road surface into the site) which are to be excluded from the three conditions. An additional plan shows that the site access will have permeable paving up to the edge of the highway boundary and also includes the line of an adoptable foul sewer pipe under the access way to connect into the existing sewer under the centre of Main Road.</p>
SITE AREA	3.2 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	No change.
TOPOGRAPHY	Predominantly flat, but rises gently in a north/north-easterly direction from Yapton Road.
TREES	There are relatively few trees of moderate to high value, the vast majority of which are confined to the site perimeter and outside of the site. An off-site Oak tree overhanging parking spaces 9 & 10 is subject to a Tree Preservation Order (TPO/Y/1/20).
BOUNDARY TREATMENT	The north and west boundaries are defined by established hedgerow and mature trees. Where it meets Main Road, the western boundary also lies adjacent to an existing row of cottages. Several mature trees line the eastern boundary also, together with a flint wall which forms the boundary of the Main Road Conservation Area. Beyond the flint wall lies a row of properties along North End Road. To the south, the boundary

is formed of a combination of fencing and low stone walls at the point where it runs along Main Road. Bonhams Farm complex lies to the south of the site, but north of Main Road, and is contained by a flint wall that runs along the application boundary here.

#### SITE CHARACTERISTICS

An agricultural field formerly used for grazing, immediately abutting the Main Road Conservation Area. The site wraps around Bonhams House, Elms Barn and The Byre but the properties do not form part of the site.

#### CHARACTER OF LOCALITY

The site is in the settlement boundary of Yapton village. To the east on the corner of North End Road, there is the former Olive Branch public house which has been converted to residential use. Properties on the west site of North End Lane back on to the site. The site is set in an area that has an open character with a mix of large properties in large plots and smaller terraced properties located along Main Road. Residential development is located along the length of North End Road to the east, and along either side of Main Road to the south and west of the site. An established hedgerow runs north to south across the site and towards the eastern end.

Main Road serves the village and runs south of the site. The wider village is rural in character benefiting GP surgeries and pharmacy, two churches, a village hall and playing fields, Yapton Church of England Primary School, a pub and a small selection of shops (including post office and local convenience store). Barnham railway station is 2 miles west and a regular bus service serves the village.

The site has houses backing onto it along the south eastern, southern and western boundaries.

#### RELEVANT SITE HISTORY

Y/138/20/DOC

Approval of details reserved by condition imposed under ref Y/1/17/OUT relating to Condition No 8 - tree protection and ground protection measures.

Y/98/20/PL

Erection of 75 No. dwellings with associated parking, public open space & the creation of a new vehicular access. This application affects the character & appearance of the Main Road/Church Road Conservation Area & affects the setting of listed buildings.

Y/59/20/DOC

Approval of details reserved by condition imposed under Y/1/17/OUT for conditions 5-programme of

DOC Part Approved  
24-09-20

archaeological work; 6-landscape & layout particulars; 7-Ecological Enhancement and Management Scheme; 8-tree protection measures; 11-exact position of surface water sewer; 17-Soil Resources Plan; 20-Construction Management Plan & 23-lighting strategy.

Y/63/19/RES	Approval of reserved matters following the grant of Y/1/17/OUT for 56 No. dwellings with associated open space & creation of new access. This application affects the character & appearance of the Yapton (Main Road) Conservation Area & affects the setting of listed buildings.	ApproveConditionally 21-02-20
Y/1/17/OUT	Outline Application with some matters reserved for the erection of 56 No. dwellings with associated open space and creation of new access. This application is a Departure from the Development plan & affects the character & appearance of the Yapton (Main Road) Conservation Area.	App Cond with S106 07-12-17

The site benefits from extant permission (Y/1/17/OUT and Y/63/19/RES) for 56 dwellings with access from Main Road. The applicant discharged some of the conditions on Y/1/17/OUT and the outstanding pre-commencement conditions are 8 (tree protection), 12 (surface water drainage scheme), 14 (surface water maintenance manual) and 16 (foul drainage scheme).

An application was made to discharge conditions 8, 12, 14 & 16 under Y/59/20/DOC however it was not possible to discharge the conditions due to a lack of sufficient information so 8 was refused and the rest withdrawn from the application. A new application (Y/138/20/DOC) has been submitted to agree the condition 8 tree protection details.

Y/98/20/PL has been submitted seeking a separate standalone full permission for 75 homes.

## REPRESENTATIONS

Yapton Parish Council object for the following reasons:

- (1) potential impact such works may have on flooding of the highway especially during winter months;
- (2) The application must be dealt with as a whole, in line with Y/1/17/OUT and other outstanding conditions and not fast tracked to accommodate the unknown outcome of undecided application Y/98/20/PL; and
- (3) ADC's Drainage Engineer has requested additional information is provided prior to any decision being made on this variation due to concerns relating to flooding of the Highway and this should be addressed.

16 letters of objection raising the following objections:

- (1) The future drainage scheme may require a change to the access configuration or road layout;
- (2) This will allow the developer to build the access road before discharging conditions;

- (3) Need a maintenance plan for the site access;
- (4) Drainage from the access will damage roads and properties;
- (5) ADC Drainage Engineer has requested further information;
- (6) Application is premature and should not be determined before the new application Y/98/20/PL;
- (7) Application will undermine the reasons given for imposing the conditions, namely to ensure proper drainage and is contrary to relevant policies;
- (8) Flooding on Main Road causes issues for road users including pedestrians and results in sewage on the road.
- (9) Conditions attached to Y/1/17 have not been discharged;
- (10) Heavy site traffic already crossing the public footpath to access the site;
- (11) Heavy machinery on site is causing vibration to detriment of listed flint walls;
- (12) Construction vehicles will park in spaces used by residents;
- (13) Different set of material considerations means that this permission needs to be reconsidered;
- (14) Increase in traffic and flooding from the new residential development;
- (15) Harm to wildlife;
- (16) Loss of Agricultural land;
- (17) Harm to heritage assets;
- (18) No drawings to show impact of proposals on existing Listed Buildings;
- (19) Conservation Officer and Southern Water object; and
- (20) Local infrastructure cannot cope.

#### **COMMENTS ON REPRESENTATIONS RECEIVED:**

The following comments are offered in response to the Yapton Parish Council objections:

- (1) & (3) ADC Drainage Engineers are happy with the proposals and consider it will not result in flooding onto the highway; and
- (2) This application concerns the permission granted for 56 homes by Y/1/17/OUT. Y/99/20/PL is a standalone permission for 75 homes on the site. The applications operate independently of each other.

Yapton Parish Council were asked whether, in light of the withdrawal of the ADC drainage concerns, they would withdraw their objection. They maintain their objection on the basis of points 1 and 2 (set out above).

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

- (1) The applicants acknowledged this and the Councils Engineer is now happy to agree the variation of the conditions;
- (2) Yes, this is the purpose of the application;
- (3) The Councils Drainage Engineer has not requested this;
- (4) Following the inclusion of permeable paving as per drawing 23018/707, the Councils Engineer does not have any concerns with off-site flooding;
- (5) This has been submitted and resolved the initial objection;
- (6) This application concerns a variation of Y/1/17/OUT and is a perfectly reasonable approach to the implementation of the permission. Y/99/20/PL is a separate standalone application for 75 homes on the site and the decisions on either application have no bearing on each other;
- (7) Council Engineers disagree as they are now happy with the proposal;
- (8) Noted, the flooding described is an existing situation and the councils drainage engineers do not consider that this application will exacerbate such issues;
- (9) Agreed. This is discussed in the planning history section;
- (10) Noted. It is understood this has been happening because there is no way for vehicles to access the site to carry out preliminary work until the access has been constructed; The application would enable



the access to be constructed and thus there would no longer be a need to access the site over the footway;

(11) Noted however, this is not occurring as a direct result of this current application;

(12) Noted however, this will not be an issue because of this application. The approved application for 56 homes has a Construction Management Plan which specifies where contractors are to park;

(13) Noted, there is a valid permission for 56 homes and it is not possible to reconsider it, only to assess whether the wording of the three conditions can be changed so as to allow the access to be implemented separately to the rest of the development;

(14) - (18) It is not considered that the change in the wording of the three conditions will result in such impacts or result in any additional impacts to these concerns;

(19) This is not relevant to this application. It is assumed this comment should have been submitted in response to Y/98/20/PL which has been running at the same time; and

(20) Neither were consulted on this application. It is considered this comment is more relevant to Y/98/20/PL.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - any comments will be reported at the meeting.

ADC DRAINAGE ENGINEERS - initial concerns in that the area subject to the variation is part of the wider surface water drainage storage area for the site and should have a permeable construction. Requested the applicant submit detail evidencing this will be the case to ensure the access way will not result in highway flooding. Also stated it may be the case that the access way will need to be reconstructed if the drainage strategy is changed substantially. Following receipt of a drainage plan showing permeable construction & the applicants acknowledgement that it may be necessary in the future to redesign the accessway, Engineers withdrew their objection.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The Engineers comment about the potential for changes to the access way has been acknowledged by the applicant and is set out in informative 9 in the recommendation.

## POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;

Part within Conservation Area (the very south eastern corner);

Part adjacent to Conservation Area;

Area of Special Control of Adverts;

Tree Preservation Order ref TPO/Y/1/20;

Adjacent to three Grade II Listed Buildings;

Lidsey Drainage Catchment Area;

CIL Zone 2;

Current & Future Flood Zone 1;

Part within 1:1000 Surface Water Flooding Area (the very south eastern corner); and

Grades 1/2 Agricultural Land.

### DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
TSP1	T SP1 Transport and Development
WSP1	W SP1 Water
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

Yapton neighbourhood plan 2014 Policy E11

Minimising the impact of flooding from development

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**POLICY COMMENTARY**

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

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

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 Yapton Neighbourhood Plan have been considered within this report.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal complies with relevant Development Plan policies in that the changes to the conditions will not result in any adverse impact upon highway safety or adversely affect the provision of future housing development to meet the needs of the district.

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 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

In addition, section 72(1) of the Act states: "In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The proposal complies with these requirements as the changes to the three conditions will have no material impact on the heritage assets.

#### OTHER MATERIAL CONSIDERATIONS

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

#### CONCLUSIONS

PRINCIPLE:

The site benefits from outline permission (Y/1/17/OUT) and has received Reserved Matters approval under Y/63/19/RES. There is now the equivalent of a full planning permission for 56 homes on site.

At the time of writing, there are four conditions which must be discharged prior to commencement works taking place. Condition 8 (Tree Protection) is currently subject to a discharge application (Y/138/20/DOC). Conditions 12, 14 & 16 are the subject of this application. Should condition 8 be discharged and then 12, 14, 16 varied through this application, the developer will be able to implement the access separately to the rest of the development thus preventing the permission from expiring.

This application relates solely to the wording of two surface water drainage and one foul water drainage conditions. No physical changes are proposed to the location, configuration or dimensions of the access itself and therefore there is no need to re-consider highway safety or any other issues discussed in the original determination.

#### SURFACE WATER DRAINAGE

ALP 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." It also sets out several requirements in respect of information to support drainage schemes including winter groundwater monitoring, winter infiltration testing and climate change allowances. YNDP Policy E11 requires developments be designed and constructed to minimise the overall level of flood risk in the parish; and provide appropriate surface water drainage.

The site not in an area at high current or future risk of flooding from rivers or sea. There is a known surface water flood risk (1 in 1000 year event) on part of the site in the south eastern corner but this is a significant distance from the site access in the south east corner of the site. There are also known surface water flooding areas on Main Road itself (again 1 in 1000 year event).

Condition 12 states: "Development shall not commence 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, the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage."

Condition 14 states: "Development shall not commence until full details of the maintenance and management of the SuDS 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 (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life."

Both conditions require approval of details (the drainage scheme and the accompanying maintenance/management scheme) prior to the commencement of development on site. This application proposes to change both conditions to allow the access to be constructed separately from the rest of the development and in advance of agreement to the surface water drainage scheme for the other parts of the development.

Following the receipt of a plan which demonstrates the access will be finished with permeable paving, the Councils drainage engineers withdrew their concerns as to the potential for surface water flooding from the access onto local roads and they now agree to the variation. The proposal will not increase flood risk elsewhere and does not therefore conflict with the relevant development plan policies.

## FOUL WATER DRAINAGE

ALP policy W DM1 requires that all major developments demonstrate, that adequate drainage capacity exists, can be provided as part of the development or that facilities can be upgraded prior to the completion and occupation of development. There are no relevant YNDP policies.

Condition 16 states "Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and an implementation timetable has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable."

Although Southern Water have not yet responded, they provided comments in response to the discharge of condition 16 (Y/59/20/DOC). They raised no objections to the means of foul disposal as detailed in the plans submitted. These plans detailed the line of an adoptable foul sewer pipe under the access into the existing sewer under the centre of Main Road and so represent the same foul sewer proposal as presented on this application. Notwithstanding this, the Local Planning Authority determined that the condition could not be discharged as the implementation timetable required by the condition had not been provided.

The variation of this condition requires details to be submitted, just that these will be submitted for agreement separate to the construction of the access. As Southern Water recently raised no concerns with the sewage layout (and raised no in principle concerns at the outline stage with the discharge of the development into the foul sewer), it is not considered the laying of the sewage connections in the site access construction works will prejudice the future agreement or delivery of the foul drainage scheme for the rest of the site. There is no conflict with relevant development plan policies.

**CONDITIONS:**

As the original permission has not yet been implemented (albeit a reserved matters application has been approved), conditions 1 & 2 on Y/1/17/OUT which deal with the time limits for implementation should be amended to make it clear to the applicant that the time periods for commencement continue to be from the date of the decision of Y/1/17/OUT. In addition, it is necessary to amend the plans condition (original condition 3) to refer to the two drawings submitted with this application. New conditions 4, 5 & 6 then reflect the changes to the original conditions 12, 14 & 16. The applicant has agreed to the changes to the conditions as set out in the recommendation.

**SUMMARY:**

Notwithstanding the concerns of the Parish Council and local residents, it is not considered that the proposal will result in any harm to the site, neighbouring residents or local roads by reason of flooding. Therefore, it is recommended that this section 73 planning application to vary conditions 12, 14 & 16 is granted subject to the following updated conditions and the signed Deed of Variation.

<b>HUMAN RIGHTS ACT</b>
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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.

<b>DUTY UNDER THE EQUALITIES ACT 2010</b>
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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.

<b>SECTION 106 DETAILS</b>
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This decision is to be accompanied by a Deed of Variation (DoV) to the Section 106 legal agreement that accompanied the decision on Y/1/17/OUT. This new DoV inserts a clause which enables the original agreement to also apply to this new S.73 planning permission and/or any subsequent permissions. It also amends the definition of commencement to exclude the access works in line with the changes to the conditions. It is anticipated that this DoV will be signed by the date of the Committee.

<b>RECOMMENDATION</b>
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**APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT**

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of the planning permission under Y/1/17/OUT (07 February 2017):

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

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

- 2 The development hereby permitted shall be begun either before the expiration of 3 years from the date of the planning permission under Y/1/17/OUT (07 February 2017) or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

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

SK04 Rev C "Site Location Plan";  
 01 Rev D "Site Access Plan";  
 23018/707 "Section 278/38 Agreement Drawing and Proposed Drainage Layout"; and  
 23018/102 "Area of Junction Within Site Boundary".

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

- 4 Development shall not commence, with the exception of the highlighted site access works shown in accordance with plan 23018/102 (identified in blue and pink) which is Appendix 1 to the Covering Letter dated 18/09/20, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The surface water drainage works in the areas identified on the plan referenced above shall be implemented in accordance with drawing 23018/707 "Section 278/38 Agreement Drawing and Proposed Drainage Layout".

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, the recommendations of the SuDs Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365. Or similar approved, will be required to support the design of any Infiltration drainage.

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

- 5 Development shall not commence, with the exception of the highlighted site access works shown in accordance with plan 23018/102 (identified in blue and pink) which is Appendix 1 to the Covering Letter dated 18/09/20, until full details of the maintenance and management of the SuDS 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 (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

Reason: To ensure that the efficient maintenance and on-going operation of the SuDS system is incorporated at the earliest stages of the development and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32 and policies W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 6 Development shall not commence, with the exception of the highlighted site access works shown in accordance with plan 23018/102 (identified in blue and pink) which is Appendix 1 to the Covering Letter dated 18/09/20, until a drainage strategy detailing the proposed means of foul disposal and an implementation timetable has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure adequate foul drainage capacity exists, or appropriate drainage capacity can be provided as part of the development and provided at the earliest stages of the development in accordance with policies W SP1, W DM1 and W DM3 of the Arun Local Plan.

- 7 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.

- 8 INFORMATIVE: All of the conditions imposed on Y/1/17/OUT shall remain in force except for conditions 1, 2, 3, 12, 14, & 16 which are replaced by the conditions 1-6 as set out above.

- 9 INFORMATIVE: Please note that the access drainage works may need to be adjusted if required by the final site wide drainage strategy and should this be the case then a further S.73 application will be required.

- 10 INFORMATIVE: It is noted that this permission will be granted pursuant to Section 73 of the Town and Country Planning Act 1990 and the original permission was granted before a Community Infrastructure Levy (CIL) Charging Schedule took effect. Therefore, in accordance with the CIL Regulations 2010 (as amended) there will be no CIL charge on this permission as there is no net increase in floorspace between the original permission and the Section 73 permission.

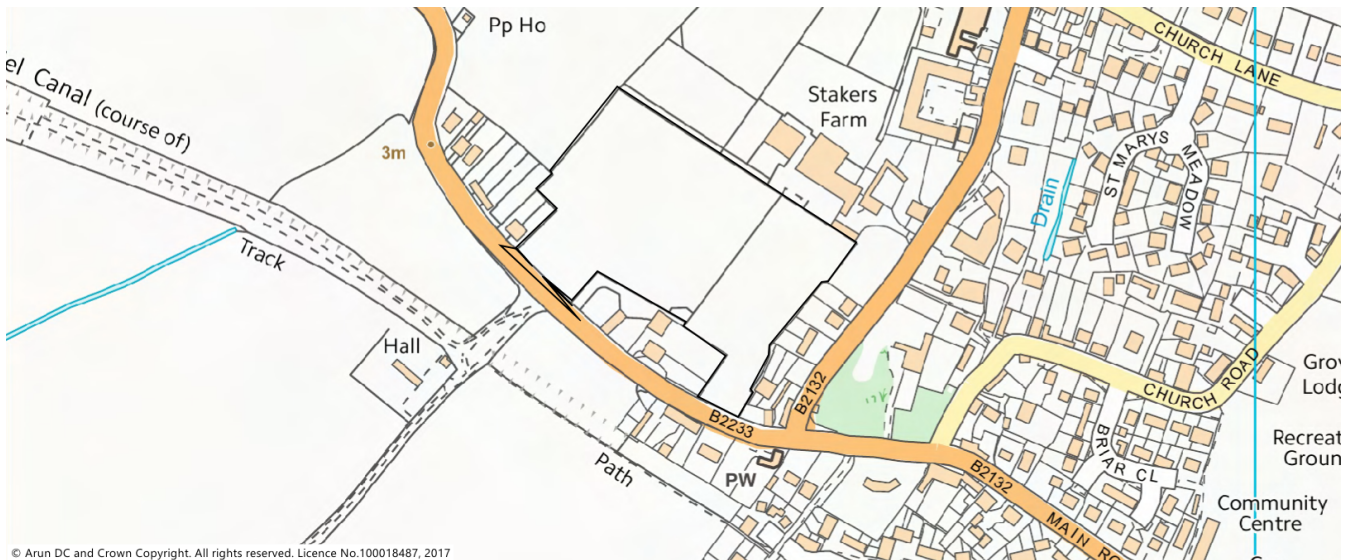
- 11 INFORMATIVE: This decision has been granted in conjunction with a Deed of Variation (DoV) to the Section 106 legal agreement that accompanied the decision on Y/1/17/OUT. This new DoV inserts a clause which enables the original agreement to also apply to this new S.73 planning permission and/or any subsequent permissions. It also amends the definition of commencement to exclude the access works in line with the changes to the conditions.

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



**Y/99/20/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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## APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

### Appeals Awaiting a Decision

<b>A/32/20/PL</b> <b>Received:</b> 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. <b>Written Representations</b> <b>PINS Ref:</b> APP/C3810/W/20/3255546
<b>AL/27/20/PL</b> <b>Received:</b> 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). <b>Written Representations</b> <b>PINS Ref:</b> APP/C3810/W/20/3256210
<b>AL/51/19/PL</b> <b>Received:</b> 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. <b>Written Representations</b> <b>PINS Ref:</b> APP/C3810/W/20/3249051
<b>AW/131/19/T</b> <b>Received:</b> 12-07-19	12 Hunters Close Aldwick Bay Estate Aldwick Reduce height by 8m to 1 No. Lombardy Poplar tree. <b>Written Representations</b> <b>PINS Ref:</b> APP/TPO/C3810/7494
<b>BE/135/17/PL</b> <b>Received:</b> 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. <b>Public Inquiry</b> <b>PINS Ref:</b> APP/C3810/W/18/3214487
<b>BE/69/20/CLP</b> <b>Received:</b> 03-12-20	3 Homing Gardens Bersted Lawful development certificate for the proposed replacement of current garage/workshop. <b>Written Representations</b> <b>PINS Ref:</b> APP/C3810/X/20/3261144
<b>BN/128/19/OUT</b> <b>Received:</b> 01-12-20	Land Adjacent to Highfield House Yapton Road Barnham Application for outline planning permission for development of 70 bed Care Home and 14 Assisted Living bungalows with associated car parking, landscaping and access. Departure from the Development Plan - development in the Countryside. This application affects the setting of a Listed Building.

***Written Representations***

**PINS Ref:** APP/C3810/W/20/3257996

**BN/24/20/PL**

***Received:*** 07-08-20

Tile Barn Farm 32 Hill Lane Barnham

Erection of 1 No. dwelling & formation of new vehicular access. This application is a Departure from the Development Plan.

***Written Representations***

**PINS Ref:** W/4001228

**BN/74/20/PL**

***Received:*** 01-12-20

3 Woodside Barnham

Change of use of some land from public amenity land to private garden, and erect new 1.8m wooden fence with concrete posts.

***Written Representations***

**PINS Ref:** APP/C3810/W/20/3260999

**BR/149/20/HH**

***Received:*** 13-11-20

11 Westingway Bognor Regis

Extension of existing garage to be an Oak framed garage with pitched tiled roof including 2 skylight windows, clad in non combustible treated wood cladding or composite cladding and entrance enclosed with existing garden.

***Written Representations***

**PINS Ref:** APP/C3810/D/20/3262104

**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/31/20/PL**

***Received:*** 12-10-20

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 (re-submission following BR/233/19/PL)

***Written Representations***

**PINS Ref:** W/4001823

**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/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***

**EG/22/19/OUT**

**Received:** 20-03-20

Boweries Barnham Road Eastergate

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

**Informal Hearing**                      **22-09-20**

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

**FG/70/20/HH**

**Received:** 30-11-20

9 Telgarth Road Ferring

Hip to Gable remodel of exiting loft conversion.

**Written Representations**

**PINS Ref:** D/4001600

**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/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

**ENF/505/12/**

**Received:**

Hales Barn Farm Arundel Road Norton West Sussex

**Written Representations**

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

**ENF/211/16**

**Received:**

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

**Public Inquiry**

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

ENF/115/17

44 Christchurch Crescent West Meads Aldwick

*Received:*

*Written Representations*

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

ENF/470/15/

Valhalla High Street Bognor Regis

*Received:*

*Written Representations*

**PINS Ref:** APP/C3810/F/20/3257966