



Public Document Pack

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Committee Manager Carrie O'Connor (Ext 37614)

12 June 2020

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held on **Wednesday 24 June 2020 at 2.30 p.m.** and you are requested to attend.

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

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

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

Public Speaking *The number and order of speakers confirmed at Public Speaking Rule 4.1 of the Council's Constitution will continue to apply. However, the provisions to speak in person are replaced in Virtual Meeting Procedure Rule 31.2 with statements not exceeding 3 minutes to be submitted 24 hours prior to the start of the meeting which will then be read out by the Chairman or Committee Manager at the relevant point in the meeting. Those who are entitled to speak will be duly notified of the process to be followed.*

For fairness, these provisions will also apply to the Ward Member and any other Member seeking the Chairman's discretion to speak.

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

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

PLEASE ALSO NOTE THAT PLANS OF THE APPLICATIONS CAN BE VIEWED ON LINE AT www.arun.gov.uk/planning<<http://www.arun.gov.uk/planning>>

A G E N D A

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

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

Members and officer should make their declaration by stating:

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

3. VOTING PROCEDURES

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

4. MINUTES

(Pages 1 - 12)

To approve as a correct record the Minutes of the meetings held on 26 May and 3 June 2020 (attached).

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

DEFERRED ITEM

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

(Pages 13 - 14)

PLANNING APPLICATIONS

7. **BN/18/20/PL FORMER BROOKS NURSERY, (Pages 15 - 30)**
EASTERGATE
8. **WA/48/19/RES LAND TO THE EAST OF FONTWELL (Pages 31 - 54)**
AVENUE, FONTWELL AVENUE, FONTWELL
9. **P/40/20/DOC LAND NORTH OF SEFTER ROAD AND 80 (Pages 55 - 62)**
ROSE GREEN ROAD, PAGHAM
10. **LY/4/20/PL BROOMHURST FARM, LYMINSTER ROAD, (Pages 63 - 70)**
LYMINSTER BN17 7QW
11. **LU/370/19/PL 49 HORSHAM ROAD, LITTLEHAMPTON (Pages 71 - 78)**
BN17 6DB
12. **FP/258/19/PL 107 FELPHAM WAY, FELPHAM PO22 8QB (Pages 79 - 92)**
13. **BE/137/19/RES THE COTTAGE, SHRIPNEY ROAD, (Pages 93 - 110)**
BOGNOR REGIS PO22 9PA

PLANNING APPEALS

14. **LIST OF APPEALS (Pages 111 - 116)**

OFFICER REPORT UPDATES

Will be circulated under separate cover.

BACKGROUND PAPERS

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

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

Contact Officers:

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

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

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

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

These meetings are webcast live.

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

Public Document Pack Agenda Item 4

Subject to approval at the next Development Control Committee meeting

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DEVELOPMENT CONTROL COMMITTEE

26 May 2020 at 2.30 pm

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

22. APOLOGY

An apology for absence had been received from Councillor Mrs Warr.

23. DECLARATIONS OF INTEREST

There were no declarations of interest made.

24. MINUTES

The Minutes of the meeting held on 4 March 2020 were approved by the Committee as a correct record and would be signed by the Chairman as soon as possible following the Council's resumption of normal working.

25. START TIMES

The Committee

RESOLVED

That the start times of meetings for the remainder of 2020/21 be 2.30 p.m.

26. FG/135/19/PL - SILO AT FORMER MCINTYRE NURSERY, LITTLEHAMPTON ROAD, FERRING BN12 6PG

FG/135/19/PL – Demolition of a silo & erection of an office building (B1(a) Business, 6 No. parking spaces for office workers & erection of boundary fencing, Silo at Former McIntyre Nursery, Littlehampton Road, Ferring

This application had been deferred from the meeting on 4 March 2020 as Members had expressed concerns that the visual appearance of the building was not in keeping with the character of the area – officers were therefore instructed to discuss use of alternative materials with the applicant. The Planning Team Leader presented the detail of what was now considered to be acceptable, with the use of timber cladding,

Development Control Committee - 26.05.20

white render and anthracite windows. A verbal update was provided to include an additional condition relating to the requirement for a schedule of materials and finishes to be used to be submitted and approved by the Local Planning Authority prior to development.

Members welcomed the use of the alternative materials and were of the view that what was now being proposed was a vast improvement and the Committee therefore

RESOLVED

That the application be approved as detailed in the report of 4 March 2020, subject to addition of the following condition:-

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 roof) of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

27. LU/91/19/PL - VARIOUS SITES ALONG LITTLEHAMPTON PROMENADE, LITTLEHAMPTON BN17 5LP

Public Speakers:- Mr D. Warne, East Beach Residents Association, Objector
Mr P. Borrington, Objector
Sloane & Brown, Agent
Cllr Andy Cooper, Objector

LU/91/19/PL – Change of use of parts of seafront for temporary food & drink outlets & other seaside uses together with associated temporary/portable structures & equipment for use by businesses associated with those outlets, Various sites along Littlehampton Promenade, Littlehampton

The Planning Team Leader introduced this item by advising that considerable negotiations had taken place, in consultation with the Economic Development Team, to reduce the number of sites proposed from 5 down to 2 and for their use to be complementary and not in competition with nearby commercial interests. The sites identified for the units were (1) the wider part of the promenade near the River Arun; and (2) Banjo Road where coaches parked.

In considering the proposal, an in depth discussion was had by Members with a number expressing concerns relating to safety; the lack of detail being provided; the potential for restricted coach parking; rents in relation to such premium locations; the

impact of a possible increase in day tripper numbers following the easing of lockdown restrictions due to the corona virus pandemic; and that the views of the Littlehampton Regeneration Subcommittee should be sought.

The Group Head of Planning emphasised that Members should be addressing the planning merits of the application only as the issues being raised in the debate would be dealt with by other departments of the Council. He pointed out that the Council had agreed to set up a Commercial Manager post as well as an additional Cabinet Member to specifically look at opportunities such as this as part of the overall aspiration of the Council. This was the type of proposal that was in accordance with those aspirations. In addition, Members were advised that they were being asked to determine permission for a temporary change of use of the land and that the structures that would go on that land did not require planning permission. However, if there was a view as to a limit on the number of units, an informative could be place on any permission.

It was moved and duly seconded under Part 5, Section 3, Paragraph 10.10(v) that the debate be adjourned for the matter to be considered by the Littlehampton Regeneration Subcommittee and, on being put to the vote, the Committee

RESOLVED

That the application be deferred for the matter to be considered by the Littlehampton Regeneration Subcommittee.

28. LU/352/19/PL 56-57 PIER ROAD, LITTLEHAMPTON BN17 5LP

LU/352/19/PL – Extensions, alterations & new fire escape staircase to enable change of use from 1 No. restaurant into 2 No. restaurants (A3 – Restaurants & Cafes) & conversion of 1 No. 5 bed flat into 2 No. 3 bed flats, 56-57 Pier Road, Littlehampton

Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

29. AL/74/19/PL - NORTON DAIRY, OLD DAIRY LANE, NORTON, PO20 3AF

Public Speaker:- Mr N. Locke, Agent

AL/74/19/PL – Removal of condition 10 following the approval of AL/92/08 relating to the tourist accommodation lets (resubmission following AL/37/19/PL), Norton Dairy, Old Dairy Lane, Norton

Having received a report on the matter, the Committee

RESOLVED

Development Control Committee - 26.05.20

That the application be approved as detailed in the report.

30. CM/56/19/PL - UNIT H6, RUDFORD INDUSTRIAL ESTATE, FORD ROAD, FORD BN18 0BD

Public Speakers:- Ms J. Betteridge, Objector
Mr H. Neathercote, Objector

CM/56/19/PL – Erection & operation of concrete batching plant to include distribution of concrete from the facility, Unit H6, Rudford Industrial Estate, Ford Road, Ford

In presenting this report, the Planning Team Leader gave a verbal update that the informative at 13 on the recommendation sheet was incomplete and incorrect and should read:-

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

The Committee was advised that the proposal was an industrial use within an industrial estate and, as the structure would be of similar appearance to others within the site, it would be in character with the locality.

In participating in a full discussion on the application, Members raised concerns regarding noise and dust; HGV movements and the unsuitability of the local road network; hours of operation; and the potential for concrete dust to be carried onto the highway.

The Planning Team Leader and the Group Head of Planning provided advice which addressed the issues raised and some Members, whilst sympathising with the concerns expressed, acknowledged that there would be insufficient grounds to refuse the application. In particular, the Planning Team Leader highlighted that a condition to require wheel washing was, in his view, not necessary as County Highways had powers under the Traffic Act to deal with any such problem should it occur.

In concluding the debate, it was formally proposed and seconded that a wheel washing and residue condition be attached to any approval, the wording to be agreed in consultation with the Chairman and Vice-Chairman and, in turning to the vote, the Committee

RESOLVED

That the application be approved as detailed in the report and the verbal update provided at the meeting,, subject to the addition of the following condition agreed in consultation with the Chairman and Vice-Chairman:-

The concrete batching plant hereby approved, shall not be used unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details to be agreed with the Local Planning Authority. The approved wheel washing facility shall be used by all vehicles prior to leaving the site. The agreed facility shall be retained in working order and used for the duration of the approved use

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

31. BR/5/20/PL - 114 VICTORIA DRIVE, BOGNOR REGIS PO21 2EJ

Public Speaker:- Mr C. Westbury, Agent

BR/5/20/PL – Reduce size of existing flat roof rear extension, new lantern light, changes to fenestration & extension of boundary wall on north east elevation, 114 Victoria Drive, Bognor Regis

Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

(The meeting concluded at 5.15 pm)

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DEVELOPMENT CONTROL COMMITTEE

3 June 2020 at 1.00 pm

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

43. APOLOGIES FOR ABSENCE

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

44. DECLARATIONS OF INTEREST

Councillor Mrs Yeates declared a personal interest in Planning Application BE/109/19/OUT.

45. AW/237/19/PL THE FORMER SHIP INN, ALDWICK STREET, ALDWICK PO21 3AP

AW/237/19/PL – Variation of conditions imposed on planning reference AW/211/14/PL relating to condition 8 – delivery times & condition 10 – delivery of goods serving the store in accordance to the Delivery Management Schedule, The Former Ship Inn, Aldwick Street, Aldwick

This application had been deferred from the meeting held on 8 January 2020 to enable an independent Road Safety Audit (RSA) to be undertaken for tracking diagrams to be provided to illustrate the effect of two refuse collection vehicles were passing in opposite directions when a delivery was being made.

The report on the table presented the conclusions of the Independent RSA Highway Assessment & Road Safety Audit (RSA) which, in summary, concluded that the minor issues raised would all be resolved either through the discharge of condition 7 (Servicing Management Plan) or through the S.278 Agreement process. There were no objections to the tracking diagrams. There was therefore no change to the original officer recommendation to approve the proposal. It was highlighted that, should the Committee refuse the application then the Council's position at appeal would be substantially weaker given the requested additional highway work that had been undertaken did not differ from the advice received from the Highway Authority. The potential for an award of costs would therefore be substantially increased.

An officer report update had been provided which set out the detail of two additional objections, together with the applicant's and the officer's response.

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Members participated in a full debate and continued to express serious concerns around the proposal which centred on the potential for a significant increase to the impact on the highway and the safety of road users and pedestrians. Advice was received from WSCC officers that the proposals were for a minor amendment to previously agreed delivery arrangements and these were not considered significant or would result in any severe risk to highway safety. It was confirmed at the January 2020 meeting that the view of WSCC was that it was unlikely that two vehicles would be able to pass when a vehicle was servicing the premises but that this would result in minor additional delays and the proposals were for only two additional deliveries per day. Members were also advised that an increase in congestion did not automatically mean that there would be a resultant decrease in highway safety and, in order to sustain a reason for refusal, any impact on highway safety had to be severe.

The Committee did not support the officer's recommendation to approve and therefore

RESOLVED

That the application be refused for the following reason:-

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

46. AW/26/20/HH 61 QUEENS FIELD WEST, ALDWICK PO21 5SH

AW/26/20/HH – Two storey front extension, 61 Queens Fields West, Aldwick

The Committee received a report and presentation from the Planning Team Leader on the detail of the proposal and, following consideration, Members

RESOLVED

That the application be approved as detailed in the report.

47. BE/89/19/PL BABSHAM BUSINESS CENTRE, BABSHAM LANE, BERSTED PO21 5EL

Public Speaker: Ms A. Van Koolbergen – Objector

BE/89/19/PL – The change of use of land for the storage of building materials, equipment & plant & for the parking for fixed body vehicles together with part boundary screen fence with a secure gated access point to the site, Babsham Business Centre, Babsham Lane, Bersted

Having received a report on the matter, together with the officer's written report update detailing an additional objection, Members received clarification on issues raised with the officers.

The Committee then

RESOLVED

That the application be approved as detailed in the report subject to the following additional conditions: -

A scheme to show improvements to, and a management plan for, the access road between the site and the adopted highway boundary shall be submitted to the Local Planning Authority within 3 months of the date of the permission. The approved details shall be implemented within 3 months of the approval by the Local Planning Authority. The access road shall be retained in perpetuity in accordance with the management plan.

Reason: In the interests of the amenities of neighbouring properties in accordance with policies D DM1 and QE DM1 of the Arun Local Plan.

Details of the provision for bat boxes shall be submitted to the Local Planning Authority within 3 months of the date of this permission. The boxes shall be erected on site within 3 months of the date of approval by the Local Planning Authority and retained in perpetuity.

Reason: In the interests of wildlife in accordance with policies ENV SP1 and ENV DM5 of the Arun Local Plan.

Within three months of the date of the permission a scheme shall be submitted to control dust from the site. The scheme as approved shall be implemented within 3 months of the date of the approval of the details and retained in perpetuity.

Reason: In the interests of the amenities of neighbouring residents in accordance with policies D DM1 and QE DM1 of the Arun Local Plan.

48. BE/109/19/OUT - LAND EAST OF SHRIPNEY ROAD AND SOUTH OF HADDEN HOUSE, SHRIPNEY ROAD, BERSTED PO22 9NW

Public Speakers: Ms J. Wyatt – Objector
Mr N, Jarvis – Agent

BE/109/19/OUT – Outline application with some matters reserved for up to 46 No. dwellings together with access. This application is a Departure from the Development Plan & may affect the character & appearance of the Shripney

Development Control Committee - 3.06.20

Conservation Area, Land east of Shripney Road & south of Haddan House, Shripney Road, Bersted

Having received a report on the matter, together with the officer's written report update detailing matters in respect of Policy SO DM1 and the loss of agricultural land; and a further letter of objection received, the Planning Team Leader presented the detail of the application.

Members participated in a comprehensive debate with some Members highlighting their concerns about flooding issues, sustainability and highway safety. The Committee was advised by the Group Head of Planning and the Principal Solicitor Planning that an appeal had been allowed for residential development on a site only a few metres away from this site. Officer advice was clear in that there would need to be demonstrable and exceptional evidence provided to demonstrate that those conclusions were fundamentally incorrect. A failure to do so would expose a significant risk of unreasonable behaviour at a future appeal. Further debate took place on whether to defer the application for a site visit and, on being put to the vote, was not supported.

The Committee did not support the officer's recommendation to approve but were unable to formulate full reasons for refusal at the meeting. An extensive list of issues was raised and it was proposed that the application be deferred in order to allow officers time to draft some reasons for the Committee to consider. The Committee therefore

RESOLVED

That the application be deferred for reasons for refusal to be drafted.

49. FG/8/20/PL EASTLANDS, LITTLEHAMPTON ROAD, FERRING BN12 6PB

Public Speakers: Cllr S. Abbott – Ferring Parish Council
Mr E. Miller – Objector

FG/8/20/PL – Erection of 1 No. equestrian dwelling & retention of 1 No. gazebo & 2 No. carports. This application is a Departure from the Development Plan & may affect a Public Right of Way, Eastlands, Littlehampton Road, Ferring

Having received a report on the matter, together with the officer's written report update detailing amendment to Condition 2 to include wording relating to the site plan as that had been omitted, the Committee

RESOLVED

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

50. FG/152/19/PL 40 LITTLE PADDOCKS, LITTLE PADDOCKS, FERRING BN12 5NJ

Public Speakers: Cllr S. Abbott – Ferring Parish Council
Mr E. Miller – Objector

FG/152/19/PL – Erection of 2 x 3 bed detached chalet bungalows with associated parking and amenity space including the demolition of the existing house and garage, 40 Little Paddocks, Little Paddocks, Ferring

In presenting this report, the Planning Team Leader highlighted the officer's written report update which detailed the Environment Officer's consultation response that there was scope for roosting bats on the site and an additional condition and informative was therefore included in the amended recommendation sheet.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report and the officer's written report update and subject to the following additional condition: -

The windows at first floor level in the Eastern elevation of the building '40 Little Paddocks', as well as the Eastern and Western elevations of the building '39 Little Paddocks' shall at all times be and remain glazed entirely with obscure glass, and fixed to be non-opening, below 1.7m from internal floor level.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

51. LU/51/20/PL THE LOOK AND SEA CENTRE, SURREY STREET, LITTLEHAMPTON BN17 5AW

LU/51/20/PL – Change of use of upper 2 floors from the existing mixed use to 6 No. suites for tourist accommodation (C1 Hotels). This application may affect the setting of a listed building & may affect the character & appearance of the Littlehampton (River Road) Conservation Area, The Look & Sea Centre, Surrey Street, Littlehampton

Having received a report on the matter, together with the officer's written report update detailing that the Environment Agency had no objection to the proposal, the Committee participated in some discussion on the proposal.

The Committee

RESOLVED

Development Control Committee - 3.06.20

That the application be approved as detailed in the report.

52. APPEALS

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

(The meeting concluded at 6.27 p.m.)

Report following a request for further information, negotiations or consultation

REF NO:	BE/109/19/OUT
LOCATION:	Land east of Shripney Road & south of Haddan House Shripney Road Bersted
PROPOSAL:	Outline application with some matters reserved for up to 46 No dwellings together with access. This application is a Departure from the Development Plan & may affect the character and appearance of the Shripney Conservation Area.

Contrary to officer's advice and recommendation, it was resolved to refuse the application at the meeting on 3 June. Only Cllr Coster spoke on reasons for refusal which were seconded by Cllrs Thurston and Hamilton. However, the comments from Cllr Coster were extensive and in a form of a list of issues rather than reasons and the application was therefore deferred in order to allow officers an opportunity to formulate some suggested reasons for refusal based on this list for the Committee to consider.

Cllr Coster's comments in full were;

'On the basis that it is contrary to number of Local Plan policies. For example.

- TSP 1 (f2). Site has to have access to high quality public transport services. Which It does not.
- T DM1 (b) Proposals for new development must contribute to the extension of public transport service to serve the development. There is no commitment in this to serve the development at all.
- C SP1, SD SP2 Outside BUAB's and doesn't fall into any exception categories.
- Bersted NP ES7 ditto.
- SO DM1 Best and most versatile land grade 2. Development will not be permitted unless the need for the devt out weights the need to protect such land. Also, not permitted if the applicant has not submitted the necessary reports, which they have not.
- SD SP1 claim this supports sustainable development only on the condition that will contribute to the social, economic and environmental conditions south the National Park. This development does not contribute to any of these.
- Its also in conflict with the NPPF paragraphs 110, which refers to high quality public transport which is not present there, and it doesn't address the needs for people with disabilities and reduced mobility. It's also 117, 118, 122(c), 127(f) and 155 as I mentioned before about that it has to avoid flooding or has to be made safe for its lifetime. 155 is important.
- And the future effects of climate change 157(d), 158, 160, 161. There is a lot of aspects there that it can be refused under.
- This development has very limited social, economic and environmental benefits and they don't do anything to outweigh the clear harm that this development will do to the village of Shripney and potential users of this development.'

Officers have worded reasons for refusal for the Committee to consider around these comments (as there were no other comments made by members).

(1) The proposals have limited economic, social and environmental benefits and result in clear harm to the village of Shripney. The site lacks access to high quality public transport, is outside of the built-up area and the benefits of the proposals do not outweigh the harm. The

proposals are contrary to policies C SP1 and SD SP1 of the Arun Local Plan, Policy ES7 of the Bersted Neighbourhood Plan and the guidance within the NPPF.

(2) The proposed development fails to address the flood risk requirements associated with future climate change in the longer term and is contrary to paragraph 155, 157, 158, 160 and 161 of the NPPF.

(3) The proposed development is on land defined as the best and most versatile agricultural land (Grade 2). As the benefits of the proposals do not outweigh and the applicant has not submitted reports required within policy SO DM1 of the Arun Local Plan, the proposals are therefore contrary to this policy.

Officer advice at the meeting was clear in that;

- A site a matter of a few metres from this site was found to be sustainable development in accordance with NPPF and policy SD SP1 only two weeks ago and there were no reasons forthcoming as to why a different conclusion should be reached. If committee were to attach this as a reason for refusal, then they would be required to demonstrate exceptional reasons why a different conclusion has been reached, or face the inevitable conclusions of being unreasonable with consequential costs against the Council.

- The matter of soils and policy SO DM1 was not referred to by any member during the lengthy debate on this application. It would therefore be unreasonable to refuse the application on this ground as this was not an issue stated as being of concern by any member at the meeting.

PLANNING APPLICATION REPORT

REF NO: BN/18/20/PL

LOCATION: Former Brooks Nursery
Eastergate

PROPOSAL: Variation of condition 15 imposed under EG/29/13/ relating to condition 15 - to change the foul drainage scheme from Sewage Treatment Plant to Pumping Station with associated drainage works.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This proposal seeks to vary Condition 15 of EG/29/13/PL, relevant to drainage.

Condition 15 states:

The development shall not commence until full details of the proposed foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. (Including details of its routing, design, and subsequent management/maintenance).

No building shall be occupied until the foul water drainage scheme has been implemented in accordance with the approved details.

The application seeks approval so the sewage treatment plant can be replaced by a pumping station with associated drainage works. The alteration is sought upon the acceptance of Southern Water.

RELEVANT SITE HISTORY

EG/29/13/	Residential development for 40 dwellings, including 30% affordable, with associated access, landscaping and ancillary works. Re-Submission following EG/73/12. Departure from the Development Plan.	App Cond with S106 26-09-13
EG/73/12/	Residential development for 56 dwellings including 30% affordable housing, with associated access, landscaping and ancillary works. This application is a Departure from the Development Plan.	Refused 07-03-13

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham & Eastergate Parish Council

OBJECT:

- Object on the grounds that it is not in an accordance with policy ES1 (Flooding, Drainage and new development) of the Barnham and Eastergate Neighbourhood Plan.
- Preference would be for connection to the main sewer on Barnham Road via existing development not Elm Grove South.

37 letters of objection:

- A collapsed sewer pipe at the junction of Dovers Way and the B2233 has not been repaired by Southern Water since it was discovered in May 2019 with a sewage surcharge as a consequence;
- Raw sewerage running down the road at the junction of Elm Grove South and the B2233.
- Sewage treatment plant has never been completed and Conditions 15 and 16 of EG/29/13 have not been discharged for over 6 years.
- No independent report has been carried out to know why.
- Proposal is flawed and applicant failed to comply with conditions.
- Supporting statement from Southern Water dated Feb 2020 not included.
- Flow tests carried out over a few months at a time of low usage not over a 12 month period.
- The sewer in Elm Grove south is a 6" clay sewer pipe serving 30 flats at Elm Dale, 74 homes, 1085 students and 80 members of staff at St Philip Howard School was not designed for this capacity.
- Developer was refused permission to connect into Barnham road sewer by the Environment Agency.
- Regular sewage issues at the end of Elm Grove South Junction with Barnham Road.
- Builder should be made to pay to put new system in that works rather than the cheaper way out and cause problems in another road.
- It was recognised in EG/29/13 that the sewer under Barnham Road could not cope with the additional load and an on-site treatment plant was to be built.
- Application omits in section 5 any explanation for requesting the original conditions to be lifted.
- Difference in pipe sizes means sewage could spill out on footpaths, gardens and of course the smell and sewage backup.
- The proposal is not adequate or safe for the residents of Elm Grove South and others in Barnham who experience flooding from problematic sewage system.
- Sewage would still go into the sewer under Barnham Road. This in turn would result in flooding.
- No technical information from Southern Water included in this application.
- Elm Grove South is a cul-de-sac, if this application goes ahead, floods will occur.

COMMENTS ON REPRESENTATIONS RECEIVED:

Many of the concerns above relate to issues with existing infrastructure. The views of Southern Water have been sought and are reported below. The system installed by the developer does not work effectively requiring waste to be tankered away.

CONSULTATIONS

Environment Agency

Engineering Services Manager
 Engineers (Drainage)
 Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

Southern Water: Should approval be granted then Southern Water recognises its obligations under the new charging regime to provide capacity in the existing sewerage system to accommodate the needs of the proposed development. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme.

Engineers: No objection - satisfied with proposals in terms of the impacts on the SUDS and land drainage.

Environmental Agency: No objection to the proposal as submitted.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Southern Water, who are responsible for foul water disposal have not objected to the application and they were involved in discussion prior to the submission of the application.

POLICY CONTEXT

Designation applicable to site:

Within built up area
 Lidsey Treatment Catchment

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
WDM1	W DM1 Water supply and quality
WSP1	W SP1 Water

[Barnham & Eastergate Neighbourhood Plan 2014](#)
[POLICY ES1](#)

Applications for new development must meet the local drainage requirements

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

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

The relevant policies of the Barnham and Eastergate Neighbourhood Development Plan are considered in the report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that the change of method of sewage disposal to a pumping station with connection to the existing network in the neighbouring street would not cause harm to residential amenity or the environment.

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

Amenity:

Replacement works involve abandoning the existing treatment plant on completion and commissioning of renewed pumping station, filling all redundant pipework with foam and re-landscaping out-fall swale. The existing kiosk would be removed and replaced with a new kiosk plinth and all equipment related to the treatment plant would be removed. Additional grasscrete, south-west of the pumping station would be added to allow for tanker tracking. The only structure above the ground level would be a kiosk, approximately half of the size of the existing, and a new 1.8m high palisade fence surrounding the pumping station.

The physical works related are minor and, due to their appearance, would not have demonstrable harm to the visual amenities of the surrounding area. The pipe would be below ground. The proposal complies with policy D DM1 of the Arun Local Plan.

Environmental issues:

The proposal seeks to replace the treatment required by condition 15 of the original permission with a pumping station. Since its installation the treatment plan has not operated effectively and waste is tankered away which is not a sustainable solution involving additional vehicle journeys.

There are concerns from residents that the impact of connecting the pipe from the pumping station to the infrastructure Elm Grove South will cause additional problems to the network. Southern Water are responsible for the provision of foul water discharge and they have not objected. They were involved in negotiations with the Local Planning Authority and the applicant prior to the submission of the application.

At the time of the original application there were restrictions on the disposal of foul water to the network which necessitated the installation of the sewage treatment plant. The November 2017 Code for Adoption Agreements has been implemented using powers conferred by the Water Act 2014 and this

allows developers to connect to the public sewer and this proposal allows them to do this.

Policy W SP1 of the Arun Local Plan in section 18.2.4 emphasises that public wastewater networks and treatment facilities are the responsibility of Southern Water. Southern Water have indicated that there is little spare capacity in the foul water network and pumping mains to the Waste Water Treatment Works (WWTW) serving the District at Ford, Lidsey and Pagham. Upgrading will therefore be required by developers, through existing arrangements under the Water Industry Act, in line with network modelling of site specific requirements. Local improvements are considered likely and new pumping mains to the appropriate WWTW may also be required to ensure that the sewage network can cope with increased use.

Barnham & Eastergate has a 'made' Neighbourhood Plan with policy ES1 of relevant to the application. Policy ES1 states that new development should aim to reduce the overall level of flood risk in the area.

No objection has been received from the Council's Engineers, Environmental Agency or Southern Water.

Conclusion:

The change in method of discharge has no adverse impact on the character or amenity of the area and would result in the reduction of vehicle movements as the tankering away of waste would no longer need to take place. The application complies with relevant development plan policies and is therefore recommended for approval subject to conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

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:

Drg.No. P706/101, Location Plan
Drg.No. 4482:600, Rizing Main, Planning Layout
Drg.No. 4482:502 Rev E, Section 104 Layout Phase 1
Drg.No. 4482:506 Rev D, Section 104 Layout Phase 2
Drg.No. 4482:510 Rev F, Foul Outfall Rising, Main Details

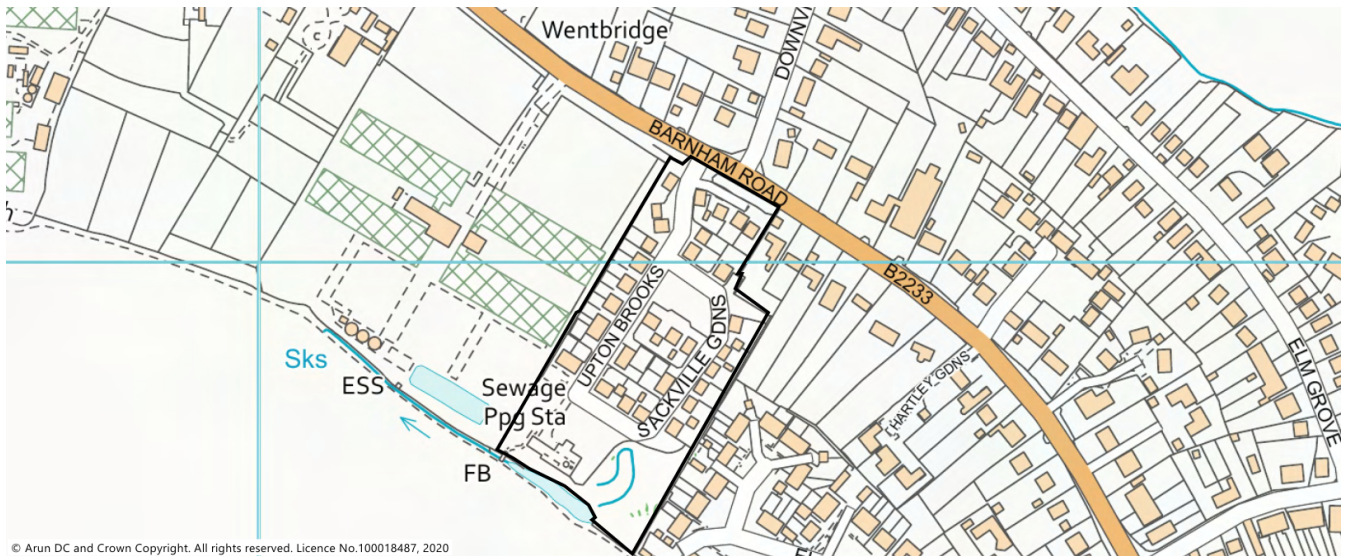
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and QE SP1 of the Arun Local Plan.
- 3 The pumping station, as approved, shall be retained on site in perpetuity in working order unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1 of the Arun Local Plan
- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 5 Condition 3 varies condition 15 imposed on EG/29/13. All other conditions on EG/29/13 remain unless otherwise deleted/varied by a permission.

BACKGROUND PAPERS

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

BN/18/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: BN/18/20/PL

LOCATION: Former Brooks Nursery
Eastergate

PROPOSAL: Variation of condition 15 imposed under EG/29/13/ relating to condition 15 - to change the foul drainage scheme from Sewage Treatment Plant to Pumping Station with associated drainage works.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>This proposal seeks to vary Condition 15 of EG/29/13/PL, relevant to drainage.</p> <p>Condition 15 states:</p> <p>The development shall not commence until full details of the proposed foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. (Including details of its routing, design, and subsequent management/maintenance).</p> <p>No building shall be occupied until the foul water drainage scheme has been implemented in accordance with the approved details.</p> <p>The application seeks approval so the sewage treatment plant can be replaced by a pumping station with associated drainage works. The alteration is sought upon the acceptance of Southern Water.</p>
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RELEVANT SITE HISTORY

EG/29/13/	Residential development for 40 dwellings, including 30% affordable, with associated access, landscaping and ancillary works. Re-Submission following EG/73/12. Departure from the Development Plan.	App Cond with S106 26-09-13
EG/73/12/	Residential development for 56 dwellings including 30% affordable housing, with associated access, landscaping and ancillary works. This application is a Departure from the Development Plan.	Refused 07-03-13

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham & Eastergate Parish Council

OBJECT:

- Object on the grounds that it is not in an accordance with policy ES1 (Flooding, Drainage and new development) of the Barnham and Eastergate Neighbourhood Plan.
- Preference would be for connection to the main sewer on Barnham Road via existing development not Elm Grove South.

37 letters of objection:

- A collapsed sewer pipe at the junction of Dovers Way and the B2233 has not been repaired by Southern Water since it was discovered in May 2019 with a sewage surcharge as a consequence;
- Raw sewerage running down the road at the junction of Elm Grove South and the B2233.
- Sewage treatment plant has never been completed and Conditions 15 and 16 of EG/29/13 have not been discharged for over 6 years.
- No independent report has been carried out to know why.
- Proposal is flawed and applicant failed to comply with conditions.
- Supporting statement from Southern Water dated Feb 2020 not included.
- Flow tests carried out over a few months at a time of low usage not over a 12 month period.
- The sewer in Elm Grove south is a 6" clay sewer pipe serving 30 flats at Elm Dale, 74 homes, 1085 students and 80 members of staff at St Philip Howard School was not designed for this capacity.
- Developer was refused permission to connect into Barnham road sewer by the Environment Agency.
- Regular sewage issues at the end of Elm Grove South Junction with Barnham Road.
- Builder should be made to pay to put new system in that works rather than the cheaper way out and cause problems in another road.
- It was recognised in EG/29/13 that the sewer under Barnham Road could not cope with the additional load and an on-site treatment plant was to be built.
- Application omits in section 5 any explanation for requesting the original conditions to be lifted.
- Difference in pipe sizes means sewage could spill out on footpaths, gardens and of course the smell and sewage backup.
- The proposal is not adequate or safe for the residents of Elm Grove South and others in Barnham who experience flooding from problematic sewage system.
- Sewage would still go into the sewer under Barnham Road. This in turn would result in flooding.
- No technical information from Southern Water included in this application.
- Elm Grove South is a cul-de-sac, if this application goes ahead, floods will occur.

COMMENTS ON REPRESENTATIONS RECEIVED:

Many of the concerns above relate to issues with existing infrastructure. The views of Southern Water have been sought and are reported below. The system installed by the developer does not work effectively requiring waste to be tankered away.

CONSULTATIONS

Environment Agency

Engineering Services Manager
 Engineers (Drainage)
 Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

Southern Water: Should approval be granted then Southern Water recognises its obligations under the new charging regime to provide capacity in the existing sewerage system to accommodate the needs of the proposed development. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme.

Engineers: No objection - satisfied with proposals in terms of the impacts on the SUDS and land drainage.

Environmental Agency: No objection to the proposal as submitted.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Southern Water, who are responsible for foul water disposal have not objected to the application and they were involved in discussion prior to the submission of the application.

POLICY CONTEXT

Designation applicable to site:

Within built up area
 Lidsey Treatment Catchment

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
WDM1	W DM1 Water supply and quality
WSP1	W SP1 Water

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Applications for new development must meet the local drainage requirements

PLANNING POLICY GUIDANCE:

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POLICY COMMENTARY

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DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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The proposal is considered to comply with relevant Development Plan policies in that the change of method of sewage disposal to a pumping station with connection to the existing network in the neighbouring street would not cause harm to residential amenity or the environment.

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

Amenity:

Replacement works involve abandoning the existing treatment plant on completion and commissioning of renewed pumping station, filling all redundant pipework with foam and re-landscaping out-fall swale. The existing kiosk would be removed and replaced with a new kiosk plinth and all equipment related to the treatment plant would be removed. Additional grasscrete, south-west of the pumping station would be added to allow for tanker tracking. The only structure above the ground level would be a kiosk, approximately half of the size of the existing, and a new 1.8m high palisade fence surrounding the pumping station.

The physical works related are minor and, due to their appearance, would not have demonstrable harm to the visual amenities of the surrounding area. The pipe would be below ground. The proposal complies with policy D DM1 of the Arun Local Plan.

Environmental issues:

The proposal seeks to replace the treatment required by condition 15 of the original permission with a pumping station. Since its installation the treatment plan has not operated effectively and waste is tankered away which is not a sustainable solution involving additional vehicle journeys.

There are concerns from residents that the impact of connecting the pipe from the pumping station to the infrastructure Elm Grove South will cause additional problems to the network. Southern Water are responsible for the provision of foul water discharge and they have not objected. They were involved in negotiations with the Local Planning Authority and the applicant prior to the submission of the application.

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Barnham & Eastergate has a 'made' Neighbourhood Plan with policy ES1 of relevant to the application. Policy ES1 states that new development should aim to reduce the overall level of flood risk in the area.

No objection has been received from the Council's Engineers, Environmental Agency or Southern Water.

Conclusion:

The change in method of discharge has no adverse impact on the character or amenity of the area and would result in the reduction of vehicle movements as the tankering away of waste would no longer need to take place. The application complies with relevant development plan policies and is therefore recommended for approval subject to conditions.

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

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Drg.No. 4482:506 Rev D, Section 104 Layout Phase 2
Drg.No. 4482:510 Rev F, Foul Outfall Rising, Main Details

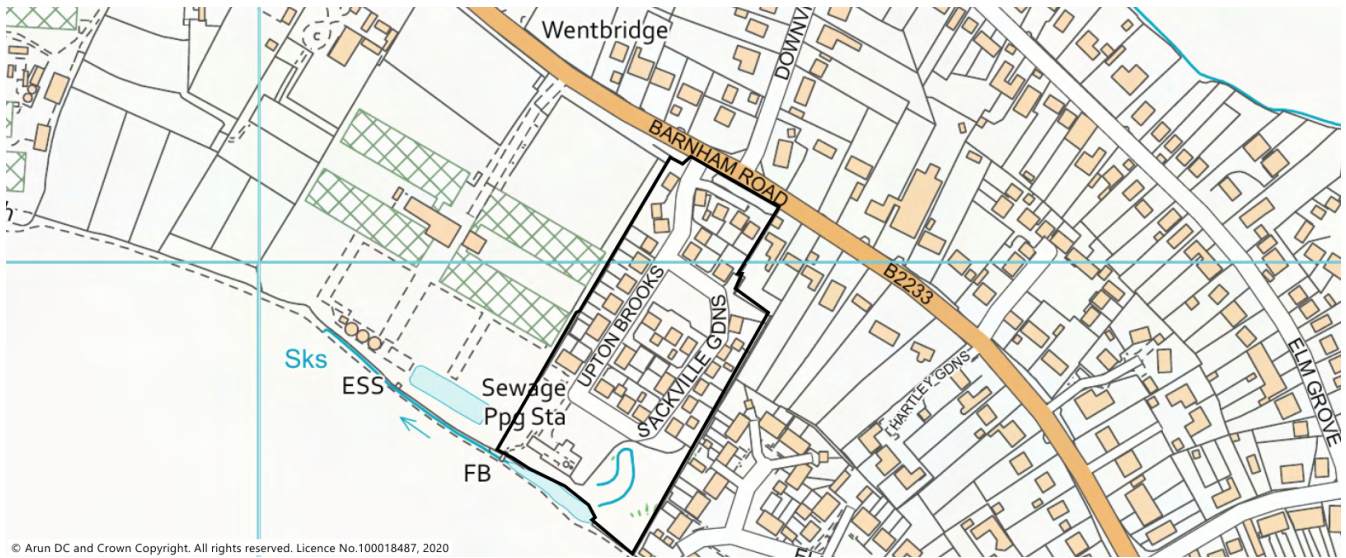
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and QE SP1 of the Arun Local Plan.
- 3 The pumping station, as approved, shall be retained on site in perpetuity in working order unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1 of the Arun Local Plan
- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 5 Condition 3 varies condition 15 imposed on EG/29/13. All other conditions on EG/29/13 remain unless otherwise deleted/varied by a permission.

BACKGROUND PAPERS

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BN/18/20/PL - Indicative Location Plan (Do not Scale or Copy)
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PLANNING APPLICATION REPORT

REF NO:	WA/48/19/RES
LOCATION:	Land to the East of Fontwell Avenue Fontwell Avenue Fontwell
PROPOSAL:	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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>This application seeks approval of reserved matters following the grant of outline planning permission (WA/22/15/OUT) by the Secretary of State on 13 July 2017 for "up to 400 new dwellings, up to 500 sq. m of non-residential floor space (A1, A2, A3, D1 and/or D2), 5,000 sq. m of light industrial floorspace (B1 (b)/(c) and associated works including access, an internal road network, highway works, landscaping, selected tree removal informal and formal open space and play areas, pedestrian and cyclist infrastructure, utilities, drainage infrastructure, car and cycle parking and waste storage" on land east of Fontwell Avenue, Fontwell.</p> <p>Approval is sought for the appearance, landscaping, layout and scale of the residential, retail, community and public open space elements of the development.</p> <p>The application does not include the light industrial (Class B1(b)/(c)) element. This is currently the subject of a separate application (BN/57/19/RES).</p>
SITE AREA	16.18 hectares
RESIDENTIAL DEVELOPMENT DENSITY	24.7 dph (gross density)
TOPOGRAPHY	There is a north to south ridge in the centre of the site with land sloping downward on each side.
TREES	<p>The site contains many mature specimens of trees, including Corsican pine, English oak, common lime, sycamore, beech, horse chestnut, hybrid black poplar and Scots pine. There are several individual and group Tree Preservation Orders (TPOs) in place on the site.</p> <p>Many of the trees are proposed to be retained and</p>

incorporated into the development. Some would be lost to facilitate safe vehicular access to the site from Fontwell Avenue, as approved at the outline stage.

CHARACTER OF LOCALITY

The site is bounded to the north by residential properties located within Fontwell village and accessed off Arundel Road. To the west lies Fontwell Park racecourse, Denmans garden and some light industrial/warehouse units. To the east are larger residential properties within spacious grounds off Wandleys Lane and to the south further residential properties and Claremont Lodge care home. The South Downs National Park (SDNP) is located to the north, beyond Fontwell Village, on the other side of the A27. The Sussex coast lies approximately 7.24km (4.5 miles) to the south.

RELEVANT SITE HISTORY

WA/22/15/OUT	<p>Outline application with some matters reserved to provide up to 400 No. new dwellings, up to 500 sqm of non-residential floorspace (A1, A2, A3, D1 and/or D2), 5000 sqm of light industrial floorspace (B1 (b)/(c)) & associated works including access, internal road network, highway works, landscaping, selected tree removal, informal & formal open space & play areas, pedestrian & cyclist infrastructure utilities, drainage infrastructure, car & cycle parking & waste storage. This application is a departure from the Development Plan & also lies within the parish of Eastergate.</p>	<p>Called in by DCLG/SD 20-01-16</p>
		<p>Appeal: Allowed+Conditions 13-07-17</p>

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham & Eastergate Parish Council

Walberton Parish Council

Barnham & Eastergate Parish Council

WALBERTON PARISH COUNCIL: No objection to this application.

BARNHAM & EASTERGATE PARISH COUNCIL: Objection.

- (i) supports the matters raised by the Environment Agency in relation to groundwater;
- (ii) supports Arun District Council in respect of surface water drainage;
- (iv) major concerns over parking in relation to the community hub, disabled parking, no electrical points; and
- (v) major concerns in respect of the hedgerow that has been cut down that represents the Parish boundary.

The Parish Council added:

- (i) The ancient hedgerow that forms part of the Parish boundary must be retained in its current position.
- (ii) Existing hedges must not be removed but incorporated into the layout (Neighbourhood Plan Policy ES10);
- (iii) Lack of suitable transport connections (Neighbourhood Plan Policy GA1);
- (iv) Cycle access to Fontwell Avenue and the South Downs National Park is inadequate
- (v) The lighting proposals seem excessive (Neighbourhood Plan Policy H6); and
- (vi) 'Anonymous design' (e.g. Block H, G and J) should be avoided and better proposals brought forward particularly in respect of roof lines and the three-storey blocks (Neighbourhood Plan Policy H4).

OTHERS

18 representations have been received from 12 individuals; 1 supporting and 11 objecting. The following issues have been raised:

In Support:

- More new build housing needed in the local area to allow first time buyers to take advantage of the Government's Help to Buy scheme. Developing this area would also help to support the local villages as they would benefit from the new infrastructure as a result.

In Objection:

- Too dense and cramped.
- "Condensed urbanised housing".
- "The design of these dwellings is hideously ugly... All dwellings to be 2 storey (not 3 which is so intrusive) and a much more aesthetically pleasing design is needed to fit better with the locality."
- Three-storey town houses are not fitting for a village environment.
- Air pollution from traffic on the nearby strategic road network.
- Potential contamination of the water supply.
- Would exacerbate artificial light pollution.
- The recently installed cycle path to part of the South Downs is used only occasionally.
- The cycle path runs straight into the A29 and does not connect with other cycle routes.
- Cycle storage at the back of the garden is not acceptable.
- Parking provision should be at a level of at least 3 cars per house to discourage on road parking.
- Insufficient parking provision for the proposed retail unit.
- Solar panels and electric vehicle charging points are required.
- Recycling should be encouraged with communal collection areas.
- A Multi-Use Games Area (MUGA) and sports facilities are not wanted by the community.
- Impact on wildlife.
- Removal of hedgerows is contrary to local plan policy (ENV SP1).
- The site provides a habitat for protected species.
- The proposed employment area is unacceptable given the semi-rural setting and neighbouring borehole.
- Concern about foul water drainage.
- Ease of access into the rear of properties could be a security issue.
- Loss of amenity, outlook and landscape for local villagers.
- The proposed number of units is too high.
- Insufficient regard has been given to infrastructure including schools and medical facilities.
- Inadequate public transport links.

The 'Bottle Store':

- It is likely that the building would need to be substantially demolished and reconstructed for its proposed use, which would undermine its potential locally listed status.

- The roof and guttering would overhang the neighbouring property.
- Concern about the proposed use of the building as a community hall and the potential for future changes of use.
- Need to restrict the hours of use to avoid noise and disturbance to occupiers of neighbouring residential properties.
- The risk of Arundel Road being used for overspill parking.
- The height should not exceed that of the existing building to avoid an impact on the sunlight and daylight of neighbouring properties.
- External lighting must not be allowed to spill onto neighbouring property and used only when required.
- The bin store should be relocated away from the boundary with residential properties.
- The proposed community centre would be better located towards the centre of the site near the field and play area.

COMMENTS ON REPRESENTATIONS RECEIVED:

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

CONSULTATIONS

WSCC Strategic Planning
Environment Agency
Highways England
Southern Water Planning
Engineers (Drainage)
Parks and Landscapes
Arboriculturist
Surface Water Drainage Team
Sussex Police-Community Safety
Environmental Health
Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND: No Objection.

Highways England is concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case the A27. Highways England will not accept any surface water run off or new connections from the development into the A27 highways drainage system (DfT Circular 02/2013 paragraph 50 applies). On this basis, the reserved matters in this application do not have an impact upon the safety or operation of the SRN and we do not have any comments or objections.

It is expected that prior to the commencement of any works on the site, a detailed drainage scheme based on RCP's Drainage Strategy and SUDS statement (January 2020) shall be submitted to and approved in writing by the local planning authority (who shall consult Highways England).

It is also expected that prior to the commencement of any works on the site, a detailed lighting scheme shall be submitted to and approved in writing by the local planning authority (who shall consult Highways

England).

LOCAL HIGHWAY AUTHORITY:

- (i) Parking standards - The design and access statement notes that parking has been provided across the development and local to the plots at 1.5 spaces per 1 bedroom dwelling, 2 for 2 & 3 bedroom dwellings and 3 for 4 bedroom and above. ADC should consider the proposed level of parking in accordance with their own parking standards with regard to the provision for 1 bedroom dwellings, the use of garages and electric vehicle charging.
- (ii) Retail parking - A technical note has been submitted explaining that 10 parking spaces would be provided, whereas the Arun Parking Standards SPD would require 24. The provision of 10 spaces is justified upon TRICS data, local catchment area and comparison to other local stores. As such no concern is raised.
- (iii) Pedestrian and cycle connections - An additional connection has been included onto Wandleys Lane. Further information should be included to ensure pedestrian visibility is provided onto Wandleys Lane.
- (iv) Vehicle tracking - It is noted that a fire tender in the vicinity of plots 363 and 362 would be required to reverse across vehicle parking spaces. A refuse vehicle in the vicinity of B20 and B21, C30 and C29 and parking space 33 would also appear to overrun or be restricted. As such, amendments are required.
- (v) Cycle parking - cycle parking should be provided within the site (e.g. in front of the retail unit, play area and allotments).
- (vi) Visibility splays - Additional plans showing access points and visibility splays are still to be provided.
- (vii) Arundel Road access - A restriction will be needed to prevent all-day parking in the proposed parking bay on Arundel Road.

Further information/modifications should be provided to address the above.

ENVIRONMENT AGENCY: No objection subject to conditions.

We have reviewed the Drainage Strategy and SUDS Statement (January 2020). We support the use of the CIRIA SuDS Manual and the Simple Index Approach to calculating the pollution prevention measures required. Long term maintenance is also included in the report and we would like to highlight the need for long term management and maintenance in order to protect groundwater and ensure the SuDs system works effectively.

SOUTHERN WATER: No objection subject to use of a planning condition.

Southern Water has undertaken a desk study of the impact that additional foul water flows from the proposed development will have on the existing public sewer network. There is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme.

No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.

ADC DRAINAGE ENGINEERS:

Further surface water drainage information is required prior to the determination of this application to ensure that the development can adequately drain.

The surface water drainage proposals require some re-evaluation. Some soakaways need to be moved to ensure sufficient easement between soakaways and buildings can be achieved. Where possible, soakaways should also be moved from the application site boundary.

There is a large degree of variation in infiltration rates across the site. Some proposed soakaways are located between previous infiltration testing locations where rates differed substantially. Assessing the

adequacy of the surface water drainage design and layout is therefore difficult in these locations. Further infiltration testing is being completed to ascertain where the delineation in soil characteristics occurs.

A 10m offset is required between buildings and soakaways due to the presence of chalk in underlying strata. As a result, drainage and layout must be considered concurrently.

ADC ECOLOGICAL ADVISOR:

The information submitted within the 'Updated Ecological Survey 2018', 'Technical Note: Ecological Considerations - reserved matters application' and Landscaping Maintenance Plan (Jan 2020) is in-line with the agreed proposals as part of the outline planning application.

An updated plan of the ecological enhancements which will be taking place on site is required to ensure that this still follows the agreed enhancements.

ADC GREENSPACE:

- (i) Protection must be given where indicated for existing vegetation to be retained, including the hedgerow on the parish boundary;
- (ii) While self-binding gravels for paths in the main area of public open space will give a softer appearance than tarmac, there is a maintenance liability that the Parish Council needs to consider;
- (iii) The playground plan provides a good mix of play experience with a variety of equipment;
- (iv) Clarification is required over the provision of unequipped natural areas of play for younger children (LAPs);
- (v) Agree with Southern Water that there should be no planting within 3m of the gravity foul sewer;
- (vi) Responsibility for maintenance to be confirmed.

Recommend approval of hard and soft landscape details, public open space, LEAP, MUGA and allotments proposed within this application.

ADC ARBORICULTURE: No objection subject to the use of a planning condition to ensure appropriate levels of protection for retained trees.

SUSSEX POLICE:

Recommend additional measures (comments relate to initial submission).

Sussex Police has no major concerns with the proposals. However, additional measures to mitigate against identified local crime trends and site specific needs should be considered.

ADC ENVIRONMENTAL HEALTH:

No objection in principle, but further information is required in relation to:

- (i) The storage of commercial waste from the Class A1, A2 or A3 units; and
- (ii) Mitigation of the effects of noise and external lighting from the Class D1/D2 use on local residents.

Additionally, model conditions have been recommended to deal with:

- (i) The extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises;
- (ii) The drainage from any commercial kitchen, to be fitted with an effective grease trap/separator;
- (iii) Details of extract fan units, filters, extraction hoods and ducting together with method of noise abatement;
- (iv) The provision of sanitary accommodation in food businesses;
- (v) Restriction on the hours of deliveries;
- (vi) Details, including acoustic specifications, of all fixed plant, machinery and apparatus associated with air moving equipment; and
- (vii) External lighting.

COMMENTS ON CONSULTATION RESPONSES:

Highways England - Conditions 12 and 14 of the outline planning permission deal with the surface water drainage system and the SuDS. Condition 20 deals with the lighting of the employment area adjacent to the Fontwell West roundabout.

Local Highway Authority - Additional plans showing access points and visibility splays are not required as part of this application (with the exception of the additional pedestrian and cycle access onto Wandleys Lane). Access was considered at the outline stage and the approved plans were listed in Condition 4 of the outline planning permission.

Environment Agency - Conditions 12, 13, 14, 15 and 16 of the outline planning permission address the matters raised previously by the Environment Agency.

Southern Water - Condition 15 of the outline planning permission requires details of a proposed foul water drainage system to be submitted to and approved in writing by the local planning authority prior to the commencement of each phase of the development.

ADC Ecological Advisor - Condition 17 of the outline planning permission requires a detailed ecological enhancement scheme to be submitted to and approved in writing by the local planning authority prior to the commencement of construction works on each phase of the development.

ADC Greenspace - On the question of responsibility for maintenance, the applicant has stated:

(i) "In respect of commuted sums associated with the principal POS area to be transferred to Walberton Parish Council, Schedule 5 of the S106 legal agreement entered into in association with the grant of outline planning permission requires the approval of a Parish Council Open Space Delivery Plan which must be submitted to and agreed in writing by WPC prior to the commencement of development. As per para. 4 of the Schedule, this also requires a commuted sum to cover ongoing maintenance of the POS to be agreed in writing with WPC. This process has commenced with WPC".

(ii) "The POS which will not be transferred to WPC will be managed via standard Management Company provisions funded through service charge and will be formally agreed with ADC through the submission of an 'Other Open Space Delivery Plan' and associated 'Other Public Open Space Management and Maintenance Plan' as per Schedule 5, Part B of the S106 legal agreement entered into in association with the original grant of outline planning permission".

ADC Arboriculture - Condition 11 of the outline planning permission requires a scheme for the protection of trees, shrubs and hedges to be retained on, or adjacent to, the site to be submitted to and approved in writing by the local planning authority prior to the commencement of development.

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
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment

WMDM1	WM DM1 Waste Management
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRSP1	OSR SP1 Allotments
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality

<u>Barnham & Eastergate Neighbourhood Plan 2014</u> <u>POLICY GA1</u>	Connection to sustainable transport
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA2	Footpath and cycle path network
Barnham & Eastergate Neighbourhood Plan 2014 POLICY CLW4	Provision of allotments
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES11	Energy efficiency of new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES8	Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H3	Housing mix
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2014	Attention to detail

POLICY H6

Barnham & Eastergate Neighbourhood Plan 2014 Drainage for new housing

POLICY H7

Walberton Neighbourhood Plan Policy 2017 CL8 Allotments

Walberton Neighbourhood Plan Policy 2017 HP10 Affordable Housing

Walberton Neighbourhood Plan Policy 2017 HP11 Housing Density

Walberton Neighbourhood Plan Policy 2017 HP13 Design Guidance

Walberton Neighbourhood Plan Policy 2017 VE3 Protection of Trees and Hedgerows

Walberton Neighbourhood Plan Policy 2017 VE8 'Unlit village' status

PLANNING POLICY GUIDANCE:

NPPDG National Design Guide

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11 Arun Parking Standards 2020

SPD12 Open Space, Playing Pitches & Indoor & Built Sports Facilities

POLICY COMMENTARY

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

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

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

The application site falls within two parishes, Walberton Parish and Barnham and Eastergate Parish, both of which have made neighbourhood development plans. The Barnham and Eastergate Neighbourhood Development Plan 2014-2029 was made on 16 July 2014. The Walberton Neighbourhood Development Plan was made on 8 March 2017.

The outline planning permission (WA/22/15/OUT) was granted in the context of both of these neighbourhood plans.

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

The proposal is located within a strategic housing allocation inside the built-up area boundary in compliance with the Development Plan. However, the proposal does not comply with the Development Plan because of its conflict with the following policies of the Arun Local Plan 2011-2031:

D SP1 Design

D DM1 Aspects of form and design quality

ECC SP2 Energy and climate change mitigation

T SP1 Transport and Development

T DM1 Sustainable Travel and Public Rights of Way

WM DM1 Waste Management

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

A masterplan for the Fontwell strategic allocation has not yet been endorsed by the Council. However, a Design Code Masterplan has been prepared and submitted for approval (WA/41/19/DOC) in pursuance of condition 7 of the outline planning permission (WA/22/15/OUT). A copy of the submitted Design Code has been included among the plans, drawings and documents accompanying this application for approval of reserved matters.

The principle of the development of this site was established with the grant of outline planning permission (WA/22/15/OUT) by the Secretary of State on 13 July 2017, for up to 400 new dwellings as well as commercial floor space. Access to the site, from Fontwell Avenue, was considered as part of the outline application and was also approved.

The issues to be considered under the current application are matters of detail and relate to the appearance, landscaping, layout and scale of the residential, retail, community and public open space elements of the development. Consideration of these matters will need to include an examination of how well the proposed development integrates Fontwell with the existing urban area at Wandleys Close in the context of Policy H SP2c.

Policy H4 of the Barnham and Eastergate Neighbourhood Development Plan 2014-2029 also requires residential development to be designed so that the new housing integrates with its surroundings and is well connected to the village.

Housing Mix

Policy H DM1 of the Arun Local Plan 2011-2031 seeks to secure a mix of dwelling types and sizes, including affordable housing units, as does Policy H3 of the Barnham and Eastergate Neighbourhood Development Plan 2014-2029. The former states, "for developments of 11 units or more the Council shall require a balanced mix of market and affordable dwelling sizes including family sized accommodation based on the most up to date SHMA recommendations".

From the submitted Plot Schedule and the Tenure Layout (Drawing numbered P1549.1.04 Rev. C), the

proposed development comprises the following mix in each sector:

Market

0 x 1 bedroom - 0%
75 x 2 bedrooms - 27%
178 x 3 bedrooms - 64%
27 x 4+ bedrooms - 10%

Intermediate/Starter Homes

9 x 1 bedroom - 15%
33 x 2 bedrooms - 56%
17 x 3 bedrooms - 31%
0 x 4+ bedrooms - 0%

Affordable Rented

21 x 1 bedroom - 34%
33 x 2 bedrooms - 54%
4 x 3 bedrooms - 7%
3 x 4+ bedrooms - 5%

When compared with the SHMA recommendations, the market housing is weighted towards the provision of three-bedroom dwellings at the expense of smaller units. The intermediate sector generally accords with the recommendations, while the affordable rented sector is dominated by the provision of two-bedroom dwellings at the expense of both smaller one-bedroom units and larger three-bedroom units.

Affordable Housing

Policy AH SP2 of the Arun Local Plan 2011-2031 states that the Council will require a minimum of 30% of the total number of units proposed on site to be provided as affordable housing on the same site on all developments of 11 residential units or more.

A planning obligation, secured at the outline stage, also requires 30% of the total number of dwellings to be provided as Affordable Housing Units.

The application proposes 400 dwellings and includes 120 affordable units, which equates to a 30% provision of affordable units. Therefore, the total number of units to be provided as affordable housing meets both the policy requirement and the planning obligation.

The proposed affordable housing mix does not accord precisely with the planning obligation associated with the outline planning permission (WA/22/15/OUT). However, the Council's Housing Strategy & Enabling Manager has reviewed the proposal and, recognising the benefit of an additional house for rent, considers the proposed affordable housing mix to be satisfactory.

Policy AH SP2 of the Arun Local Plan 2011-2031 adds that: "Affordable Housing must be visually indistinguishable from market housing with large groupings of single tenure dwellings or property types avoided. Affordable housing units shall be permitted in small clusters throughout development schemes." Small clusters of affordable housing units are proposed throughout the scheme, in all five of the distinct character areas. In this respect, the proposal accords with Policy AH SP2.

LAYOUT

Policy D SP1 of the Arun Local Plan 2011-2031 states: "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 D DM1 states that the Council will have regard to various aspects of form and design quality when considering proposals for development, including layout both in terms of movement and legibility.

Street Hierarchy

The proposed layout follows a clearly defined street hierarchy, as set out in the submitted Design Code Masterplan. There are five types of residential street, defined by their design speed, street width, pavement width, parking arrangement, building set-backs, plot boundaries, materials and tree planting. The streets are as follows:

1. The Arrival Avenue

This is the main access street and connection to Fontwell Avenue. It is a formal tree lined street, with a 6.1m wide carriageway, grass verge of a consistent width and a footway on each side. It has a two and a half to three-storey building frontage enclosing the street. Hedge planting defines the plot frontage. It features some defined on-street parking bays.

2. Residential Avenues

These are secondary residential streets leading from the Arrival Avenue. They are tree lined (typically to one side, which can alternate). The carriageway is 5.5m wide. There is a grass verge (typically to one side of the street). There are footways on each side. Private plot frontages are defined by hedges. Again, there are some defined on-street parking bays.

3. Residential Streets

These are tertiary residential streets. There is occasional tree planting. The carriageway width is 4.8-5.5m and there is a verge and footway on each side. A mix of hedges define the plot boundaries and there are occasional on-street parking bays.

4. Stray Streets

These are green corridors providing a visual and physical transition between the central common and the rural edges. The verges vary in width to provide green space and informal clusters of trees (to either side). The carriageway width is 5.5m and there is a verge or footway to each side. The plot frontages are defined by hedges and there is private plot parking.

5. Edge Lanes

These are single-sided access routes overlooking landscape edges, open space or mature trees (along Fontwell Avenue). They feature a 4.8m wide carriageway / shared surface drive.

Unlike the plans originally submitted, the proposed street hierarchy is now considered to be legible.

Land uses and character areas

The proposed layout features open space, including allotments, orchard, wildflower meadow, paddocks, equipped play area and multi-use games area in the north-eastern part of the site. This retains the 4.5 hectares of open space provision established at the outline stage and secured through a s.106

agreement.

The proposed housing is located to the north-west, west, south and south-east of the open space in five distinct character areas. The character areas have been defined following a thorough analysis of the site and its surroundings and the wider Sussex Downs and Coastal Plains landscape character areas. As set out in the Design Code Masterplan, the five character areas are described as follows:

1. Gateway Arrival - "A welcoming gateway defined by a prominent local shop, a grander scale of buildings framing a landscaped avenue, mature trees, green space and improved pedestrian connections."
2. Slopes to Fontwell Avenue - "New residential streets which are less formal in character than the Gateway Avenue. Streets that step down the slopes towards Fontwell Avenue, opening up views of focal trees and Fontwell Racecourse."
3. Arundel & London Road - "New dwellings that tie in with the existing suburban character of Arundel Road."
4. Village - "A village character centrally located on the plateau of land framed by hedges and trees. Dwelling frontage to the common parkland space and tree lined avenue."
5. Rural Edge - "Enclosed 'rural courtyards' which respond through scale and form to the existing farm house and barns on Wandley's Lane."

A 336 square metre retail unit is proposed on the north side of the Arrival Avenue, within the Gateway Arrival character area. A 150 square metre community building is proposed to the north of the site adjacent to Arundel Road, within the Arundel & London Road Character Area. This includes conversion of 'The Old Smithy' (or 'Bottle Store'), which is proposed as a Building of Special Character in the Walberton Neighbourhood Development Plan.

One of the requirements of Policy H SP2 of the Arun Local Plan 2011-2031 is to cluster retail, commercial and community opportunities, as far as possible. Ordinarily, this would mean siting the proposed retail unit and the community building close together. However, Walberton Parish Council have expressed the view that the location of the proposed community building in the north of the site will enable the existing residents of Fontwell to be able to walk to the premises and that it will help to integrate the development with the existing village. Walberton Parish Council have added that there is an existing cluster of retail premises in the service area on the north side of Arundel Road and an existing parade of four shops at Orchard Crescent, both in close proximity of the site of the proposed community building.

Division of the site into the five proposed character areas and the location of the retail unit and the community building are considered to be acceptable.

Connectivity

Policy T SP1 of the Arun Local Plan 2011-2031 requires development not only to provide safe access on to the highway but to create safe and secure layouts for traffic, cyclists and pedestrians and to incorporate appropriate levels of parking in line with published guidance on parking provision and the Arun Design Guide.

Access and parking for the allotments is proposed using a grasscrete track situated between apartment block E and the equipped play area. This avoids the potential for conflict between allotment holders and

the residents of the apartments, whose car park was previously proposed as a means of access. Access and parking for the paddocks will still require travelling a relatively long distance from Fontwell Avenue through a large part of the internal road network and crossing the route of a footpath/cycle link more than once.

The proposal includes the provision of an east-west footpath and cycle route through the public open space in the north of the site, linking Wandleys Lane with one of the internal roads leading north to Arundel Road. However, the Planning Layout (drawing numbered P1549.001 Rev. B) shows a reduction in the width of the footpath/cycle link from 3m to 2m where it meets the access for the allotments and the continued route north for cyclists is unclear.

Another footpath/cycle link has been introduced along one of the "stray streets" towards the south-eastern corner and Wandleys Lane beyond. This additional route could benefit the residents of Wandleys Close in gaining access to Fontwell village and also assist with the provision of a link between the coast and the South Downs National Park. That said, the Planning Layout (drawing numbered P1549.001 Rev. B) appears to show a gap between the site boundary and the Wandleys Lane carriageway. Hence the request from the local highway authority for further information to be provided.

Policy GI SP1 of the Arun Local Plan 2011-2031 requires all major development to be designed to protect and enhance existing green infrastructure assets, and the connections between them. Policy GA2 of the Barnham and Eastergate Neighbourhood Development Plan 2014-2029 also supports proposals that improve and extend the existing footpath and cycle path network, allowing greater access to new housing, the village centres, green spaces and the open countryside.

Pedestrian and cycle connections are proposed to be created as part of the vehicular access to Fontwell Avenue and an emergency vehicle access to Arundel Road. Further connections to Fontwell Avenue are proposed between the retained mature trees. The two connections to Wandleys Lane have already been mentioned. The proposed internal street pattern offers a choice of routes for pedestrian and cycle movement through the site. The network of routes shown on the plan in the Design and Access Statement (p.71) demonstrates a high level of permeability.

Parking Provision

Arun District Council's Parking Standards Supplementary Planning Document (SPD) January 2020 requires the provision of 2 car parking spaces for 1, 2 and 3-bedroom dwellings and 3 spaces for 4-bedroom dwellings. Given the proposed housing mix, this requires the provision of a total of 830 spaces for the residential units. Visitor parking is also required at a ratio of 20% of the total number of residential units, adding 80 spaces.

Cycle parking provision is also required at a ratio of 1 space for each flat, 1 space for 1 and 2-bedroom houses and 2 spaces for 3 and 4-bedroom houses.

From the submitted Parking Layout (Drawing numbered P1549.1.05 Rev.C), 913 parking spaces are proposed to be provided, including 10 for the retail unit. Garages and car ports have been included in the calculation. However, the SPD requires these to be at least 6m x 3m internally and, where it meets these dimensions, counts a garage as 0.5 parking spaces only. The submitted plans show car ports that do not meet these dimensions and garages that are smaller too. Consequently, there is a shortfall in the total number of car parking spaces to be provided. No information appears to have been provided regarding the provision of electric vehicle charging points.

Plans have been submitted showing the provision of sufficient cycle storage facilities for the flats, but the provision of covered and secure cycle parking facilities for many of the houses is unclear. Similarly, there

appears to be no cycle parking provision for the community building, Multi-Use Games Area or play area.

The submitted plans show the provision of 7 parking spaces for the proposed community building and 10 parking spaces for the proposed retail unit. The former satisfies the Arun Parking Standards SPD. The latter does not.

A technical note has been submitted with the application explaining that 10 parking spaces would be provided for the retail unit, whereas the Arun Parking Standards SPD would require 24. The provision of 10 spaces is justified upon TRICS data, local catchment area and comparison with other stores. The local highway authority raises no concern with this, but notes that parking restrictions are likely to be required in front of the retail unit to reduce the likelihood of parking on the carriageway. Given the layout of the proposed unit, with its main entrance facing the "Arrival Avenue" and the parking spaces located at the rear, this scenario is considered to be highly likely. No information has been provided on deliveries to the unit which, depending on the size of vehicle used, could also lead to parking on the carriageway. Rather than have to introduce and subsequently enforce parking restrictions, such matters should be addressed through the design of the scheme. As currently proposed, this part of the layout is not considered to be acceptable.

Amenity Space Provision

Policy H5 of the Barnham & Eastergate Neighbourhood Development Plan requires proposals for new housing development to include good quality outdoor amenity space in the form of private gardens or a shared amenity area. The supporting text adds: "The amount of land used for garden or amenity space should be commensurate with the size and type of dwelling and the character of the area, and should be of appropriate utility (for play and recreation) and quality having regard to topography, shadowing (from buildings and landscape features) and privacy."

The Government's National Design Guide recognises that well-designed homes and buildings provide good quality internal and external environments for their users, promoting health and well-being (para. 123). Amenity space is defined as: "The outside space associated with a home or homes. It may be private or shared, depending on the building it serves".

In accordance with paragraph 13.3.5 of the Arun Local Plan 2011-2031, the Council has published the Arun District Design Guide SPD Consultation Draft. Section H.04 of the Design Guide deals with Residential Outdoor Amenity & External Space Standards. It recommends minimum separation distances between habitable rooms in back to back, back to side and front to front arrangements, the minimum depth for private rear gardens and the minimum area for communal shared spaces.

Generally, the proposed layout accords with the recommended separation distances. That said, the relationship between plots 206-207 and plot 208 is not acceptable. Plots 206-207 feature living room, bathroom and bedroom windows at first floor level which will overlook the rear garden of plot 208, resulting in a loss of privacy for the occupiers of that property.

Private rear gardens are generally a minimum of 10m in depth, but there are several examples where this is not achieved across the whole width of the plot (i.e. plots 136, 165, 173, 179, 317 & 318). In the case of plot 165, this is due to the provision of a parking space for a neighbouring dwelling.

Communal shared space for most of the apartment buildings is limited to the soft landscape areas immediately adjacent to the buildings or courtyard parking areas. However, all of the apartment buildings are within reasonable proximity of the large central area of public open space.

In addition to the houses and apartment buildings there are several proposed flats over garages (e.g.

plots 31, 51 and 325). These buildings would be sited behind the houses and apartment blocks, with a poor outlook over parking spaces and with little or no outdoor amenity space. These elements of the layout are considered to be unacceptable and contrary to local and neighbourhood plan policies.

Bin Storage

Policy WM DM1 of the Local Plan supports new residential development provided that: "a. It is designed to ensure that kerbside collection is possible for municipal waste vehicles b. Where appropriate, communal recycling bins and safe bin storage areas are available to residents of flats". Policy H6 of the Barnham & Eastergate Neighbourhood Development Plan requires bin stores and recycling facilities to be considered early in the design process and integrated into the overall scheme.

Bin storage for the houses is located in the rear gardens while communal stores are provided for the apartment buildings. No information has been provided on the storage of waste from the proposed retail unit.

According to the Design and Access Statement: "The site layout has been designed to ensure that refuse and recycling collections can be undertaken from the adoptable public road network at the front of properties. The private streets have been designed to accommodate refuse vehicles and to ensure that the necessary standards relating to turning areas and roadway construction have been met." The last statement is incorrect. The local highway authority has commented that the submitted swept path analysis for a refuse collection vehicle requires amendment to avoid showing a vehicle either running over, or being restricted by, five parking spaces. Moreover, the submitted plans show the tracking of a 10.22m long vehicle. For Arun District, it is necessary to show the turning of a 12m long refuse collection vehicle.

The proposed development is therefore not considered to accord with Policy WM DM1 of the Local Plan and Policy H6 of the Neighbourhood Plan. Generally, it is considered that the proposed layout would function well, enabling movement through the site and to places beyond while at the same time having a clearly legible structure. However, the submitted plans fail to demonstrate satisfactory provision for the parking of cars and cycles, the charging of electric vehicles, outdoor amenity space, waste storage for the retail unit and space to accommodate the movement of a refuse collection vehicle.

SCALE

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

The proposed dwellings would be predominantly two storeys in height, which would work well stepping down the slopes towards Fontwell Avenue. There are some two and a half storey buildings in key locations, defining focal spaces or facing the large open space, to provide a sense of enclosure. Some taller apartment buildings, rising to three storeys, are proposed at the eastern end of the "Arrival Avenue" and in the street running north towards Arundel Road.

The taller buildings are mostly located on the wider roads or on the edge of areas of open space, so as not to appear out of place in relation to their surroundings. Those located in the "Arrival Avenue" also take advantage of the slope, stepping down towards Fontwell Avenue, so as not to appear too bulky.

Longer two storey buildings are proposed in the "Rural Edge" character area and seek to follow the example of barns and similar agricultural buildings surrounding a courtyard. Located adjacent to the public open space, it is considered that buildings of this scale would fit with their surroundings.

The scale of the proposed buildings is considered to be appropriate for their location within the site. In this respect, it is considered that the proposed development complies with Policy D DM1 (14) of the Arun Local Plan and Policy H4 of the Barnham & Eastergate Neighbourhood Development Plan.

APPEARANCE

Policy D DM1 of the Arun Local Plan 2011-2031 requires proposals to "demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area". Similarly, Policies ES5, ES6 and ES8 of the Barnham & Eastergate Neighbourhood Development Plan 2014-2029 and Policy HP13 of the Walberton Neighbourhood Development Plan 2015-2035 require proposals for new housing to be of high quality and designed to reflect the local character.

The National Design Guide states that well-designed new development is influenced by:

- "an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents;
- the characteristics of the existing built-form;
- the elements of a place or local places that make it distinctive; and
- other features of the context that are particular to the area".

This includes considering a range of factors, one of which is facade design, such as the degree of symmetry, variety, the pattern of windows and doors and their details. (Paragraph 52)

The Arun District Design Guide SPD Consultation Draft also contains guidance on building design. Section J.04 deals with building frontages and facades and section J.05 deals with roofs, openings and articulation.

New designs are required to respond to the frontages and facades of existing buildings in the immediate surroundings and exemplars in the wider context in order to ensure a high-quality elevational treatment that integrates with the surrounding context. Generally, vertical emphasis in elevation is suited to development in urban areas, while horizontal emphasis is suited to rural contexts. Building facades should be simply organised and aligned.

The SPD seeks to ensure that the roofs, windows and entrances of buildings are simply and successfully designed to integrate with the surroundings and wider context. It states that dormer windows should not be over-dominant and fussy, windows and doors should be vertically and horizontally aligned, while arrangements that are almost aligned should be avoided.

The proposed materials include brick, boarding, flint, painted brick, tile hanging and render for the external walls and brown, red and grey tiles for the roofs. The specific choice of materials appears to be determined by the character area in which the building is located.

The revised set of plans and drawings has been examined in the context of the submitted Design Code. Examples have been found where the appearance of the proposed buildings appears to conflict with the Design Code. In the Fontwell Avenue Character Area, the proposed cottages around the attenuation pond are not shown with lower eaves, one and a half storeys or feature chimneys. In the Arundel & London Road Character Area, there are no proposed semi-detached houses with central gables. In the Village Character Area, it is proposed to include two and a half storey dwellings that bear little, or no resemblance, to a 'cottage' style. The proposed two and a half storey dwellings have facades that would be difficult to describe as being simply organised. Some feature large dormers (or full-length windows

and a Juliette balcony) at second floor level, full-length windows and Juliette balcony at first floor level and narrower windows at the ground floor, with a mixture of different doors and canopies.

The applicant has been made aware of these concerns and has submitted an annotated copy of the submitted Design Code identifying those parts of the development where they believe the code is met and those parts where further revision could be made. The proposed revisions include the following:

In the Fontwell Avenue Character Area - dropping the eaves to 1.5 storey (plots 199 - 202) and adding feature chimneys (plots 198 & 203). In the Arundel & London Road Character Area - adding central gables (plots 67&68 and 71&72) and forming a pair of semi-detached houses (plots 62&63). In the Village Character Area - adding picket fencing (plots 333-341). In the Rural Edge Character Area - linking blocks F and G with an archway and a clock and adding a 1.2m high flint wall (plots 358-360 & blocks F & G).

Three computer generated images (CGIs) and a set of streetscene drawings annotated with references to the design code have also been submitted. The streetscenes and the CGIs re-inforce the view that the aspirations set out in the submitted design code have not been fully realised in the appearance of the buildings. Indeed, CGI - B shows a street scene that could be from a development almost anywhere.

Consequently, the appearance of the proposed development is not considered to constitute high quality design that would otherwise accord with Policy D DM1 of the Arun Local Plan, the policies of the neighbourhood plans, the National Design Guide and the draft Arun District Design Guide.

Trees

Policy ENV DM4 of the Local Plan states: "Where there are existing trees on or adjacent to a development site, developers shall be required to provide:

- d. Land and tree surveys
- e. A tree constraints plan
- f. An arboricultural impact assessment to include a tree protection plan and arboricultural method statement

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

An Arboricultural Method Statement, including updated Tree Survey Plans and Tree Retention Plans, has been provided with the reserved matters application. The ADC Tree Officer has concluded that the proposed development is broadly supportable from an arboricultural perspective, although the provision of open space and landscape planting would be expected to be both ambitious and with the long-term in mind, to provide adequate compensation for the planned loss of so much high canopy.

The existing hedgerow on the boundary between the two parishes satisfies the definition of an "important" hedgerow under The Hedgerow Regulations 1997, because it has existed for more than 30 years and it marks a boundary between parishes existing before 1850. The Regulations make provision for the protection of "important" hedgerows. Before removing any such hedgerow, the owner must notify the local planning authority. The hedgerow may then not be removed if the local planning authority serves a hedgerow retention notice. However, removal of an important hedgerow is permitted if it is required for carrying out development for which planning permission has been granted.

The hedgerow does not form part of the setting of any heritage asset; the significance of which would otherwise need to be considered along with the harm that would result from the hedgerow's removal.

The alignment of the hedge is approximately north to south and it divides the land adjacent to Fontwell Avenue from the rest of the site. Outline planning permission was granted by the Secretary of State for development of the whole of the site that has subsequently become the strategic housing allocation (SD6) in the Arun Local Plan; not only the land adjacent to Fontwell Avenue. Only one means of vehicular access to the housing site was permitted, from Fontwell Avenue. Therefore, it is inevitable that one or more sections of the hedgerow will need to be removed to accommodate the development. Indeed, an illustrative layout was provided at the outline stage showing the removal of sections of this hedgerow. The landscape masterplan accompanying the current reserved matters application shows the removal of similar sections of the hedgerow. Subject to the implementation of an ambitious planting scheme to compensate the loss, as part of the landscaping proposals, this is considered to be acceptable.

As Condition 11 of the outline planning permission separately requires a scheme for the protection of trees, shrubs and hedges to be retained on, or adjacent to, the site to be submitted to and approved in writing by the local planning authority prior to the commencement of development, the proposed development is considered to accord with Policy ENV DM4 of the Arun Local Plan.

LANDSCAPING

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

A Landscape Maintenance Plan dated January 2020, prepared by DEFINE landscape architects, has been submitted in support of the application. The plan includes objectives, management responsibilities and maintenance schedules, as required by Condition 8. In addition to the landscape maintenance plan, the application is accompanied by five plans and two sections showing details of the landscaping proposals, including specimen street tree planting, specimen orchard tree planting, native tree planting, native shrub planting and ornamental shrub planting.

While the landscaping scheme has much to commend itself, what is particularly notable is the absence of proposals to provide significant planting on the boundary with the employment site to the north-east. The illustrative layout that accompanied the outline application (WA/22/15/OUT) and the framework masterplan in the submitted Design Code show two different forms of planting on this boundary. The landscaping scheme submitted with the application for approval of reserved matters for the light industrial floorspace (BN/57/19/RES) also shows proposed native species tree planting adjacent to the boundary, but within that site and ultimately under separate ownership and control. The absence of planting in this location as part of the proposed housing development is a significant omission and of such importance that the submitted scheme is considered to be unacceptable.

Open Space Provision

Policy OSR DM1 (2) of the Local Plan states: "Housing... will be required to contribute towards:

a. Open space provision in accordance with guidance set out in the current Open Space Study. In some parts of the District open space provision is identified as being sufficient in terms of quantity. Therefore, provision of new open space is not deemed necessary but what is needed is to seek contributions for quality improvements and/or new off-site provision in order to address any future demand."

Developments of the scale proposed in this application are expected to provide open space on site.

Using the online calculator associated with the Open Space, Playing Pitches, Indoor and Built Sports Facilities SPD, a development of 400 dwellings would be expected to provide at least 2.8ha of public open space.

The proposed provision of 4.5ha of on-site public open space is acceptable and complies with Policy OSR DM1(2a) of the Local Plan, the Open Space SPD and the s.106 agreement associated with the outline planning permission (WA/22/15/OUT).

OTHER MATTERS

Residential Amenity

Policy D DM1(3) of the Local Plan requires proposals to "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".

The proposed development is considered unlikely to result in significant harm to existing nearby residential dwellings in terms of overlooking, overbearing or overshadowing impacts. There is limited conflict between the proposed dwellings and existing dwellings. A separation distance of 25m is present between the proposed houses and the nearest dwellings on the west side of Fontwell Close. As such this relationship does not give rise to any unacceptable adverse effects.

The proposed use of 'The Old Smithy'/'Bottle Store' as a community building has the potential to give rise to unacceptable noise and disturbance to the occupiers of nearby residential properties. However, a suitably-worded planning condition could be used to restrict the hours of use of the building, to minimise potential noise and disturbance to neighbours.

Consequently, the proposed development accords with Policy D DM1(3) of the Local Plan.

Drainage

Condition 12 of the Outline Planning Permission (WA/22/15) is a pre-commencement condition requiring full details of the proposed surface water drainage scheme to be submitted to and approved in writing by the local planning authority as part of a separate application. The condition also precludes the occupation of any building until the complete surface water drainage system serving the development has been implemented in accordance with the approved details.

However, while drainage is a matter for a separate application for the approval of details reserved by Condition 12 of the Outline Planning Permission, it is inextricably linked to the layout of the site. Full details of the proposed surface water drainage scheme and the site layout must therefore be considered concurrently as ADC's drainage engineer has advised.

Heritage Assets

Policy VE 5 of the Walberton Neighbourhood Development Plan refers to buildings and structures of character and requires that "development proposals relating to them will be expected to retain their local distinctiveness and removal of part or all of them will not be permitted unless it can be demonstrated that they cannot be put to an alternative beneficial or viable use". Schedule 5B of the same plan identifies 'The Old Smithy', located in the northern part of the application site, as a building that should be added to the local planning authority's Local List. The building has not been added to the Local List. Therefore, there is no need for an assessment as to whether the proposal accords with policies HER DM2 of the Arun Local Plan 2011-20131 and VE5 of the Walberton Neighbourhood Development Plan, or paragraph

197 of the NPPF. Even so, it is noted that the proposal includes re-use and retention of the building rather than its loss.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

The design of some of the parking courts and streets may not meet the needs of disabled people who find it difficult to navigate level surfaces when the kerb between the road and pavement is absent.

SECTION 106 DETAILS

Planning obligations related to the proposed development are contained in a s.106 agreement completed at the outline stage. The obligations include contributions towards healthcare, swimming pools, sports halls and community buildings, artificial turf pitches, police infrastructure, education, highways, fire and rescue, libraries, a playing field path, play area, cycle path and MUGA. The agreement also deals with the provision of affordable housing, a bus service, public open space and community buildings.

RECOMMENDATION

REFUSE

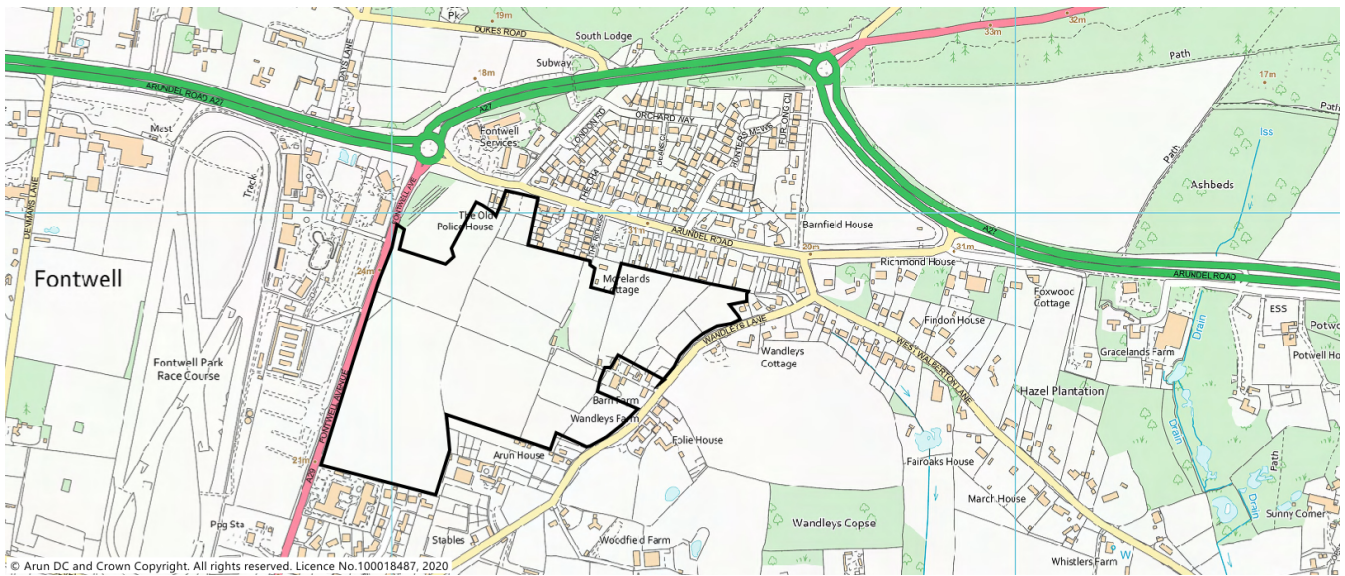
- 1 The proposed development does not constitute a high standard of design in the appearance of the buildings, outdoor amenity space for the dwellings and the landscaping of the site, contrary to Policies D SP1 and D DM1 of the Arun Local Plan 2011-2031, Policies ES5, ES6 and ES8 of the Barnham & Eastergate Neighbourhood Development Plan 2014-2029, Policy HP13 of the Walberton Neighbourhood Development Plan 2015-2035, the National Planning Policy Framework and the National Design Guide.
- 2 The proposed development does not make adequate provision for the parking of cars, charging of electric vehicles and the parking and storage of cycles contrary to Policies T SP1 and T DM1 of the Arun Local Plan 2011-2031 and the Arun Parking Standards Supplementary Planning Document January 2020.

- 3 Insufficient information has been submitted to demonstrate that the proposed development would be able to accommodate the movement of a 12m long refuse vehicle to collect household waste and items for recycling, contrary to Policies D DM1 (10), T SP1 and WM DM1 of the Arun Local Plan 2011-2031.
- 4 Insufficient information has been submitted to demonstrate how at least 10% of the energy supply of the development can be secured from decentralised and renewable or low-carbon energy sources or equivalent fabric first standards that would secure a 10% reduction in energy use, contrary to the requirement of condition 22 of the outline planning permission (WA/22/15/OUT) and Policy ECC SP2 of the Arun Local Plan 2011-2031.

BACKGROUND PAPERS

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

WA/48/19/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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P/40/20/DOC

Recommendation Report for Approval of Details Reserved by Condition

REF NO: P/40/20/DOC

LOCATION: Land North of Sefter Road & 80 Rose Green Road, Pagham

PROPOSAL: Approval of details reserved by condition imposed under ref P/134/16/OUT relating to Condition Nos 9 - arboricultural method statement, 15 - ecology, 20 - employment & skills plan, 28 - energy conservation, 30 - archaeological, 32 - noise, 33 - electric vehicle charging and 34 - retention of WW2 Infantry section post

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application seeks approval of details reserved by conditions

9 – Arboricultural Method Statement
15 - Ecological Protection & Enhancement Plan
20 – Employment and Skills Plan
28 – Renewable Energy Strategy
30 – Programme of Archaeological Work
32 – Noise Assessment
33 – Electric Vehicle Charging Strategy

...and the partial discharge of condition

34 – WW2 Infantry Section Post Retention Strategy.

This report deals solely with the partial discharge of condition 34.

RELEVANT SITE HISTORY

P/134/16/OUT Outline application for the development of up to 280 dwellings (including affordable homes), land for a replacement scout hut, land for an Ambulance Community Response Post Facility and land for either a 1FE primary school or care home. Provision of a primary vehicular access from Sefter Road and demolition of No. 80 Rose Green Road and creation of a pedestrian and emergency only access. Provision of Public Open Spaces including associated children's play areas, landscaping,

drainage and earthworks. This application also falls within the parish of Aldwick

Approve Conditionally 15-10-2019

P/24/20/RES Approval of Reserved Matters pursuant to condition 1 (Reserved Matters details), condition 6 (Design Code Masterplan) and condition 7 (landscaping and layout details) following the approval of Outline planning permission P/134/16/OUT for the erection of 280 dwellings, (including affordable homes), replacement scout hut & Ambulance Community Response Post Facility; provision of a primary vehicular access from Sefter Road; demolition of No. 80 Rose Green Road & creation of a pedestrian & emergency only access; provision of Public Open Spaces including associated children's play areas, landscaping, drainage & earthworks. This application also lies within the parish of Aldwick. This site falls within the Pagham North SD2, CIL Zone 1 (Zero Rated).

At the time of preparing this report, this application has not yet been determined.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

PAGHAM PARISH COUNCIL; None received

ALDWICK PARISH COUNCIL; None received

Four letters of objection have been received raising the following specific concerns:

- Surface water flooding;
- Protection of habitat for wildlife;
- Traffic congestion;
- Inadequate infrastructure for education, health and police services; and
- Too much new development in the area.

One of the letters sought to apply all of the representations on the reserved matters application (P/24/20/RES) in the same way to this application.

COMMENTS ON REPRESENTATIONS RECEIVED:

None of the points raised are material to Condition 34, which is the subject of this report. Consequently, there is no need to consider them any further.

CONSULTATIONS

ADC CONSERVATION OFFICER

The current application includes a written scheme of Investigation for an Archaeological Evaluation and Historic Building recording, which only sets out how the building is to be recorded. However, it is noted that paragraph 3.2 of the document states that the aim of the historic building recording is to create a record of the infantry section post as existing, prior to any future refurbishment work, so that the latter is fully informed by an understanding of the historic fabric.

Therefore, at present, it is considered that the written scheme of investigation for the recording of the pillbox offers an acceptable first stage in the production of an appropriate programme for the structure's retention and interpretation.

ADC ARCHAEOLOGY ADVISOR

I consider the written scheme of investigation for the recording of the pillbox outlines a suitable preliminary to the formulation of an appropriate programme for its retention and interpretation, and that condition 34 may be partially discharged.

COMMENTS ON CONSULTATION RESPONSES:

The consultation responses are noted and are addressed in the Conclusions section of this report.

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011-2031: HER SP1 - The historic environment

PLANNING POLICY GUIDANCE

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

CONCLUSIONS

Outline Planning Permission (P/134/16/OUT) was granted on 15 October 2019. The permission was granted subject to 34 conditions and a s.106 agreement. Condition 34 states:

"Prior to the commencement of development, a statement shall be submitted which will provide details of how the WW2 Infantry Section Post will be retained on site and integrated as part of the proposals. The development shall be carried out in accordance with the approved statement, unless otherwise agreed in writing by the Local Planning Authority."

The reason for the condition reads:

“To preserve the significance of the non-designated heritage asset in accordance with Policy HER SP1 of the Arun Local Plan and paragraph 197 of the National Planning Policy Framework and to ensure that historic building feature is protected and preserved. It is necessary for this condition to be pre-commencement to avoid any harm to the significance of the non-designated heritage asset.”

Policy HER SP1 of the Arun Local Plan 2011-2031 seeks to conserve and enhance non-designated heritage assets and their settings in a manner appropriate to their significance and contribution to the historic environment. Development that is likely to prejudice non-designated heritage assets, including their settings, will be refused.

Paragraph 16.1.11 of the Local Plan includes the definition of setting from the NPPF, being *“the surroundings in which a heritage asset is experienced”*. The paragraph adds that *“Careful management within the surroundings of heritage assets is key as it makes an important contribution to the quality of places”*.

Paragraph 197 of the NPPF states:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

The application is supported by two significant reports, namely:

- *“Written scheme of investigation for an archaeological evaluation and historic building recording”*, dated April 2019 (revised January 2020 and revised February 2020); and
- *“Written scheme of investigation (level II recording) to inform a programme of retention and interpretation - Seftor Road Infantry Post, Pagham, Bognor Regis, West Sussex”*, dated 7 April 2020.

The former sets out a methodology for recording the WW2 infantry section post in the western part of the site. It will include a written record of the location, form, function, date and sequence of construction of the building. A measured plan and section of the structure will be included together with any existing drawings. A photographic record will also be made, including general external and internal views of the structure, with detailed views of any fixtures or architectural elements.

The latter report explains that the level of analysis and recording will be equal to that of an Historic England Level 2 survey, suitably enhanced and adapted to the requirements of the site with an appropriate degree of description, photography and use of annotated survey drawings. It proposes that the main output will be a report with embedded photographs in pdf format (backed up by hard copies of the report and an archival DVD of the whole photographic survey if requested). It adds that the report will be presented to the West Sussex Archaeological Advisory Service for approval, prior to being deposited with ADS-easy (Archaeology Data Service – an accredited digital repository for heritage data in the UK).

The structure is currently understood to be heavily overgrown and largely inaccessible. Consequently, it is not possible to implement the work until the requirements of the ecological protection and enhancement plan (to be approved under Condition 15) have been implemented. Hence, the application is for the partial discharge of Condition 34 only. Once the ecological works and building recording have been carried out, the applicant will be able to set out the precise scope of the retention and submit their statement for approval, which will ensure the preservation of this feature.

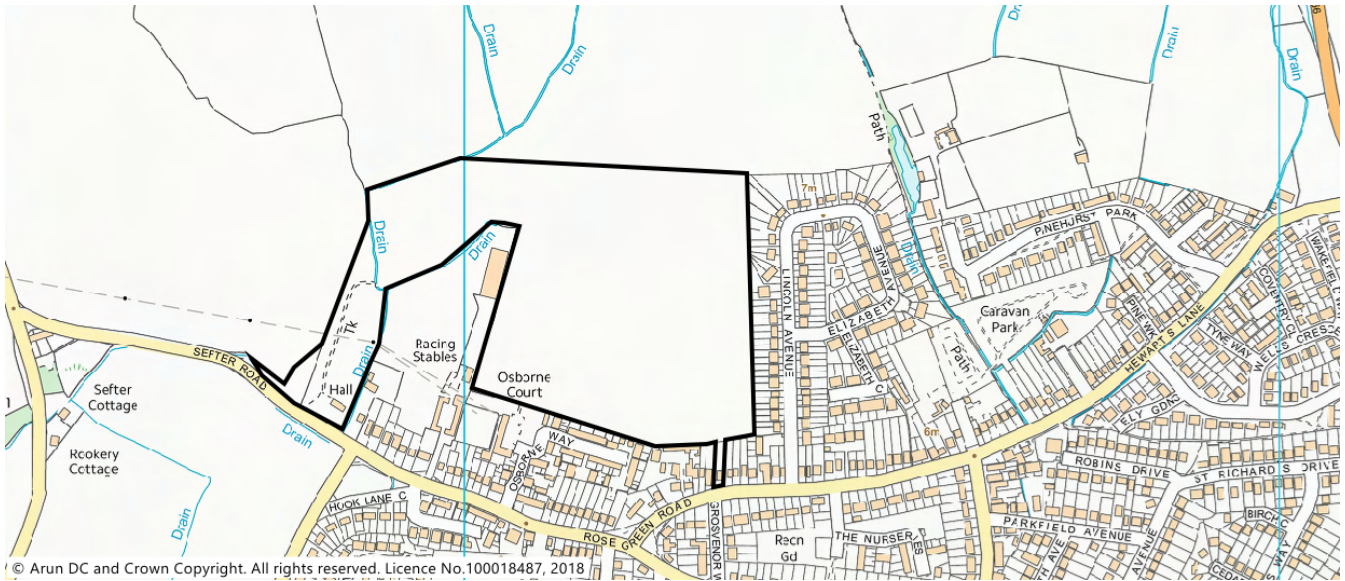
It is considered that the written scheme of investigation set out in these two reports will provide a suitable programme for recording the significance of the existing building and its setting to inform its retention on the site. The proposed programme of work is considered to accord with Historic England's Good Practice Advice note (GPA2), the NPPF (Paragraph 197) and the Arun Local Plan 2011-2031 (Policy HER SP1).

RECOMMENDATION

That the written scheme of investigation be agreed to inform a statement explaining how the WW2 Infantry Section Post will be retained on the site and the partial discharge of Condition 34 be APPROVED accordingly.

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P/40/20/DOC - 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: LY/4/20/PL

LOCATION: Broomhurst Farm
Lyminster Road
Lyminster
BN17 7QW

PROPOSAL: Erection of steel framed storage barn.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The barn would have a floor area of 28.5m x 18m, a height to eaves of 6.1m and to ridge of 8.5m. The roof comprises natural grey fibre cement sheets. It has a concrete apron outside the main entrance which would be 11m deep at its narrowest point.</p> <p>The barn will be to the North West side of an existing group of barns at Broomhurst Farm on a level site which is used as grazing land for sheep and cattle.</p> <p>The barn has been sited adjacent to the existing concrete road access to the main Lyminster road and the rest of the farm site with a small increase in concrete hardstanding.</p>
TOPOGRAPHY	Predominantly flat.
TREES	None of significance affected by the development.
BOUNDARY TREATMENT	Timber and wire fencing to field boundaries.
SITE CHARACTERISTICS	<p>Adjacent to existing group of farm buildings close to the main farmhouse.</p> <p>The Farm yard comprises several farm buildings mainly open sided used for animals and hay storage.</p> <p>The buildings are constructed of brick, flint and grey cladding.</p>
CHARACTER OF LOCALITY	Rural. The site is part of an established farm.

RELEVANT SITE HISTORY

LY/11/19/PL	New access construction to serve as an access for Broomhurst Farm & its residents.	ApproveConditionally 25-11-19
LY/5/17/PL	Steel framed storage barn	ApproveConditionally 26-06-17

LY/15/07/

Steel framed agricultural building for cattle.

ApproveConditionally
19-11-07

The proposal is identical to the barn approved in 2017 under LY/5/17/PL. This permission has been implemented.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Lyminster & Crossbush Parish Council

Objection:

- Adverse visual impact on landscape and views between ancient town of Aundel and the Lyminster Conservation Area.

One Objection:

- Overdevelopment of site.

COMMENTS ON REPRESENTATIONS RECEIVED:

The proposal is not considered to adversely impact on the landscape for the reasons set out in the conclusions section.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Ecology Advisor

Natural England

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection. Surface water drainage subject to building regulations.

County Highways - No Objection. Conditions suggested.

Natural England - No Objection.

Ecology Officer - No Objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Officers consider the conditions requested by County Highways are not considered to be necessary.

POLICY CONTEXT

Designation applicable to site:
 Outside Built Up Area Boundary
 Within Settlement Gap

DEVELOPMENT PLAN POLICIES

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

SDSP3	SD SP3 Gaps Between Settlements
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
CSP1	C SP1 Countryside
TSP1	T SP1 Transport and Development
LANDM1	LAN DM1 Protection of landscape character
ENVDM5	ENV DM5 Development and biodiversity

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.

Lyminster does not have an adopted 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."

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site lies outside the built up area boundary where development proposals will be assessed against policy C SP1.

The proposal accords with part (a) of this policy which requires development to meet the operational needs of agriculture. The application includes adequate justification to demonstrate that it is required for the operational needs of the farm. The site is in agricultural use and the building would be used for associated agricultural storage.

The National Planning Policy Framework at para. 83 supports the development of rural business stating that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. It is considered that the building would accord with this paragraph since it is of appropriate design and sufficiently justified.

IMPACT ON VISUAL AMENITY, CHARACTER OF THE AREA AND DESIGN

Arun Local Plan policies D SP1 and D DM1 (1) require that development proposals should reflect the characteristics of the local area in terms of character and design.

It is also necessary to consider the guidance within the National Planning Policy Framework (NPPF). Section 12 paragraph 127 states that planning policies and decisions are sympathetic to local character and history. Paragraph 130 goes on to say that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

The building is a typical modern storage barn appropriate to its rural setting which does not result in material harm to the visual amenities of the locality.

The scale of the building is appropriate and reflects that of the adjacent building. The farm complex would be visually expanded but not to a significant extent when viewed from outside the farm. The building would be located on the edge of the farm yard where it would benefit from the backdrop of other farm buildings of similar height and design.

The site benefits from some screening and additional planting is included within the proposal which would be sufficient to address the limited harm resulting to visual amenity.

It would also not have a significant impact on views into or out of the National Park to the north given its distance from it and the intervening A27 and mature tree planting to the north and east. It would therefore accord with the first part of policy LAN DM1.

Furthermore, given its siting and design it would not form a prominent or obtrusive feature in the rural landscape and would reflect the particular characteristics of the landscape in compliance with paragraph 2 of the policy.

The proposal is acceptable in design terms in accordance with policies D DM1 and D SP1 of the Arun Local Plan.

GAP BETWEEN SETTLEMENT POLICY

Broomhurst Farm is located within the Littlehampton to Arundel Settlement Gap which is covered by policy SD SP3 of Arun Local Plan. This policy seeks to ensure that development does not undermine the physical or visual separation of settlements, that the integrity of the gap is not compromised and that there is no opportunity for the development proposed to be located elsewhere.

The farm has recently been extended and rears beef and sheep from field to fork. It also grows and stores crops to feed the livestock. Storage demands have increased and cannot be met by smaller existing buildings within the farm which are outdated and cannot accommodate the equipment required to move stored materials. Another barn on the farm will cater for this growing storage demand meaning that the barn cannot be located elsewhere.

The building is located on the edge of the farm yard complex as close to the existing barn as possible with existing and further proposed planting to limit its visual and physical incursion into the Gap and maintain the visual separation of built form within the Gap.

The design (which is a typical utilitarian type associated with modern farming practices), materials and colour of the building assist in its assimilation into the building adjacent to it, reducing its visual impact in the landscape and further ensuring that the development does not compromise the integrity of the gap, either individually or cumulatively with other existing development.

The proposal therefore complies with policy SD SP3 of Arun Local Plan.

RESIDENTIAL AMENITY

The site is not close to residential properties and noise generation resulting from additional storage would not adversely impact on residential amenity. There is therefore no conflict with policy D DM1 (3) of the Arun Local Plan in this respect.

HIGHWAYS AND TRANSPORT

The development utilises the existing access, turning and parking areas which are acceptable. There is no objection from County Highways in respect of highway safety and adequate parking and turning is available in the farm yard.

The proposal would not significantly increase the use of the access road as the products to be stored are grown within the farm unit itself.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The impact on highway safety would not be severe or unacceptable and the proposal complies with policy T SP1 of the Arun Local Plan.

ECOLOGY CONSIDERATIONS

An Ecology Report accompanies the application which demonstrates that the development site falls outside the boundaries of any designated sites of biodiversity or geographical importance.

Mitigation in the form of bat and bird boxes and hedge planting is to be controlled by the imposition of conditions. Green corridors would be unaffected by the proposal, but the additional planting proposed would improve existing links and would result in a biodiversity gain.

The development would accord with policy ENV DM5 of Arun Local Plan.

CONCLUSION

The proposal will be visually in keeping with the existing barn and the character of the area and would not compromise the integrity of the gap or harm residential amenity or highway safety. The proposal would accord with the aims and objectives of the relevant national and local policy and guidance. 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Proposed Location and Block Plan 2.01 revD
Existing Location Plan 1.02A
Existing Location/Block Plan 1.01B
Proposed Floor Plans and Elevations 2.02A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.
- 3 Within 3 months of completion of the barn bat and bird boxes shall be installed on the site in accordance with details to be submitted to and approved by the Local Planning Authority. The boxes shall be retained on site in perpetuity.

Reason: In the interests of increasing biodiversity in accordance with policy ENV DM5 of Arun Local Plan.
- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning

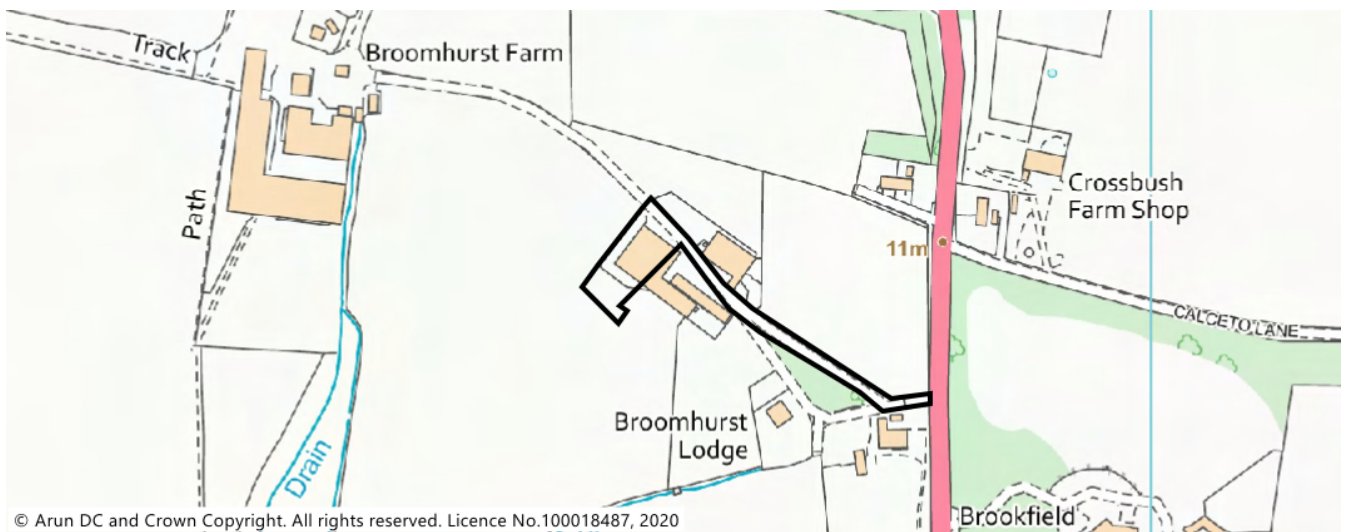
(Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the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

- 5 INFORMATIVE: Any 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
- 6 INFORMATIVE:As a precaution any trenches should be covered overnight, or a means of escape made available and any hazardous chemicals need to be suitably stored away so animals cannot access them.

BACKGROUND PAPERS

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

LY/4/20/PL - Indicative Location Plan (Do not Scale or Copy)
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PLANNING APPLICATION REPORT

REF NO: LU/370/19/PL

LOCATION: 49 Horsham Road
Littlehampton
BN17 6DB

PROPOSAL: Demolition of existing outbuilding and stair access to first floor flat. Erection of a Rear extension to existing retail unit, creation of new rear stairwell with access to new first floor office and flat.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	154 sq.m.
BOUNDARY TREATMENT	Fencing on the top of a dwarf wall to the rear of the retail unit to a total height of 2.63m and open to the front onto Horsham Road.
SITE CHARACTERISTICS	Retail on the ground floor with a two bedroom flat on the first floor with an external stairway entrance. The applicant has confirmed that the ground floor amenity area is in the control of the commercial unit only.
CHARACTER OF LOCALITY	A terrace of commercial units fronting onto Horsham Road. Residential properties to the rear of the premises predominantly detached bungalows.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objection on the grounds that the size and bulk of the extension is an over development of the site.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted and addressed in conclusions section of the report.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

The comments of the economic regeneration team are awaited and will be reported to the Committee as

a report update.

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management

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

Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

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

The relevant policies within the Littlehampton Neighbourhood Plan have been taken into account.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that 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, preserving its appearance.

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 application site is situated within the built up area boundary where the principle of development is acceptable, subject to accordance with relevant development plan policy. The key development plan policies are as follows.

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

Policy D DM4 of the ALP sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy EMP DM1 of the ALP which seeks to enhance employment premises such as this one.

Policy 1 of the Littlehampton Neighbourhood Plan indicates planning applications which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations indicate otherwise.

Policy 2 of the Littlehampton Neighbourhood Plan explains the Neighbourhood Plan concentrates future housing, economic and community-related development within the built up area boundary of Littlehampton.

DESIGN AND VISUAL AMENITY

The existing structure located in the rear will be demolished and replaced with a larger connected development with the floor level lowered to ensure the eaves is lower than the existing fence line. The new extension will connect to the existing shop and used as extra storage. The proposal also includes an enclosed staircase for the first floor flat.

The proposed new single storey building with linkway to the rear of the premises together with the relocation of the rear external staircase are considered to be adequately integrated with the existing building.

A first floor extension is proposed to the northern end of the building where new office floor is proposed. Windows are proposed to be added to the office to allow for some light to enter naturally.

The materials will consist of render to the ground floor and weatherboarding to the first floor. The use of these materials are not considered to be out of character with the surrounding properties which are mixed in character.

The development proposed by this application is considered to be in keeping with the spatial pattern of the street scene as it is largely screened from view given its location to the rear of the property. The proposed extensions are of an appropriate design, appear subservient to the host building and have minimal harm to the character of the area in accordance with policies D SP1, D DM1 and D DM4 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed storage building will increase the existing floor area by 1.4 m x 1.2m and the eaves height of the new building to the north and south will remain 2m (lower than the existing fencing). This will increase to a height of 2.15m to the west where it abuts the gardens of the residential bungalows to the

rear of the premises.

Whilst this will have a greater level of impact on these gardens it is not considered to be unacceptable given that there is fencing up to 2 metres high. Furthermore, the hipped nature of the roof lessens the impact on neighbouring properties.

The link extension is shown to have more height with a flat roof but with the imposition of a condition to prevent it being used as a balcony this will ensure that there will be no unacceptable overlooking of neighbouring properties. There is however no access proposed from the first floor premises onto this area.

The first floor addition to be used as office space is not considered to have a demonstrable impact as there will be no harmful views from the proposed windows onto neighbouring properties.

Whilst the proposed staircase does add height and bulk to one side of the development, it is located 1.4m from the neighbouring boundary. This is considered to be an acceptable distance to ensure that the impact from the staircase does not overbear the neighbouring property. Also given that it will be enclosed there will be no harmful overlooking of neighbouring properties.

The applicant has confirmed that the rear of the premises is solely for the benefit of the shop and the first floor flat only has right of way over it to gain access. There is therefore no loss of garden space from the proposed development.

The proposal is deemed to be in accordance with policies D DM1(3) and D DM4(c) of Arun Local Plan.

EMPLOYMENT

Policy EMP DM1 of the ALP 'Enhancement of employment premises' supports this proposal as its aim is to enhance and protect existing employment premises. This is so as to maintain a supply of good quality commercial premises to meet the needs of business and the local economy.

This application if approved will allow the business to stock a larger number of carpet rolls and associated items. This in turn will allow the business to grow and the local economy to benefit from this development.

The redevelopment of the space to the rear will upgrade an area which is currently not fit for the use of the company.

This proposal is therefore in accordance with policy EMP DM1 (1) of the ALP.

SUMMARY

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

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of

permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

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
- Proposed Elevations
- Proposed Floor Plans

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 roof area of the link section of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

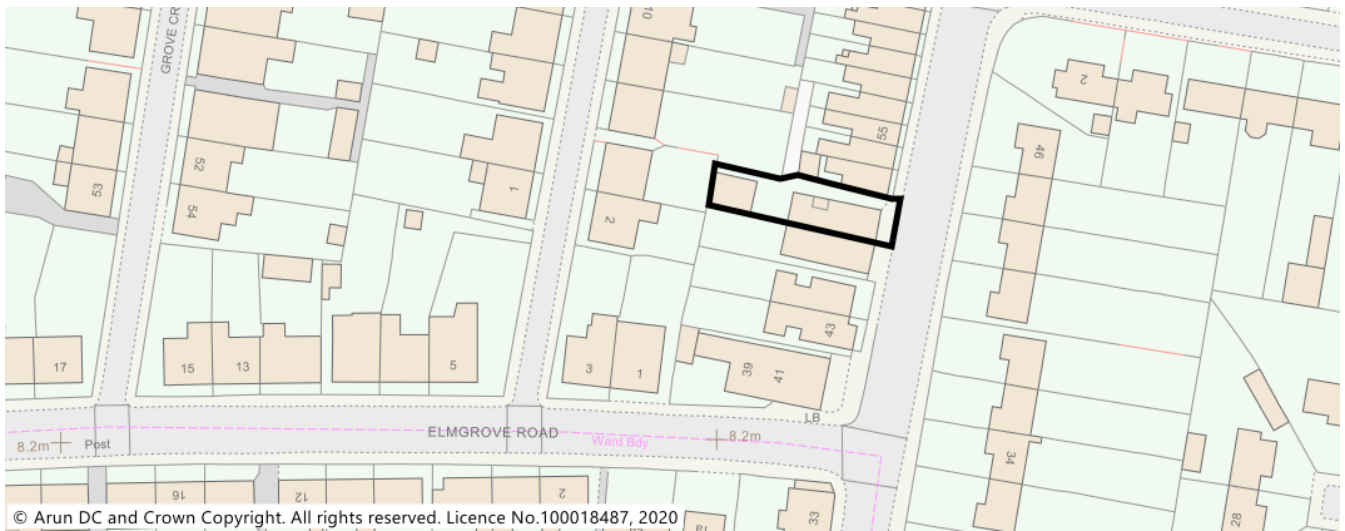
Reason: To safeguard the amenities of the occupiers of adjoining property in accordance with policy D DM1 of the Arun District Local Plan.

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

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](#).

LU/370/19/PL - Indicative Location Plan (Do not Scale or Copy)
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PLANNING APPLICATION REPORT

REF NO: FP/258/19/PL

LOCATION: 107 Felpham Way
Felpham
PO22 8QB

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

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Permission is sought for the conversion, alteration and extension of the existing retail building to form 1No. Class A1 shop, 1No. Flexible Use Commercial Unit and three flats. The existing shop (Class A1) to be converted to Flexible Use Commercial Unit Use Classes A1, A2, B1 and health centre or clinic (and no other uses within Class D1) or Beauty Therapist/Nail Bar only(Sui Generis). One 2 bed/3person flat is proposed at the ground floor level to the rear and 2 flats (2bed/3persons) and (1bed/2persons) at first floor. The proposals provide secure cycle/refuse storage facilities.
SITE AREA	455 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	66 dwellings/hectare.
TOPOGRAPHY	Predominantly flat but is slightly higher than Felpham Way. The rear grassed area rises up by approximately 1m.
BOUNDARY TREATMENT	A part 1.8m wall & part 2.3m close boarded fence to the east; and a part 1.8m wall & part 1.8m high close boarded fence to the west. The rear grassed area is bordered by close boarded fencing approximately 1.6-1.7 m high but is not part of this application (fronts onto Flax Mean).
SITE CHARACTERISTICS	<p>Single storey commercial building with pitched roof to front and two storeys with flat roof at the rear. Located in a small parade of shops and other commercial properties on the north side of Felpham Way. The premises was previously the Co-op and more recently, for a short period, an antiques shop. The shop is empty having been vacated by its last occupiers in April 2019.</p> <p>The building has red/brown brick work and a modern shop front. There is hardstanding to the front which allows for 3 or 4 cars to park. This is not in ownership of applicant and additional hardstanding to the rear accessed via a drive down</p>

the east side of the building.

CHARACTER OF LOCALITY

Part of a row of commercial properties. This includes a petrol station with Spar shop, a solicitors office, a Co-op Funeralcare and a Fish & Chip shop. There are residential dwellings above some of the commercial properties and to the rear of them and on the opposite side of Felpham Way.

RELEVANT SITE HISTORY

FP/32/19/PL	Conversion of part retail unit & storage area to form 9 No. Withdrawn residential units consisting of 3 No. 1 bed & 6 No. 2 bed dwellings & new access to rear.	07-06-19
FP/101/18/CLP	Lawful development certificate for a proposed change of use of first floor to self contained flat.	PP Not Required 31-08-18
FP/172/16/PL	Change of use from grocery store (A1 Shops) to tyre fitting centre & enlargement of rear double doors.	Refused 16-09-16

This application is an amended version of FP/32/19/PL.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

OBJECTION - overdevelopment, insufficient car parking, insufficient emergency vehicle access and proposed access and egress from the car parking spaces onto Felpham Way across a footway and onto a busy road is hazardous and dangerous.

Re -consultation:

OBJECTION - FPC don't accept Lambeth survey mitigation. ADC not applied new parking standards.

3 objections:

- There is a construction cabin on the site, skip etc at the rear of the property.
- Overdevelopment with insufficient car parking for the amount of proposed residents.
- Insufficient emergency vehicle access .
- Adjacent flats have still yet to be completed (4+ years later), marketed and populated.

COMMENTS ON REPRESENTATIONS RECEIVED:

With regard to the Parish Council comment, WSCC highways consider the existing arrangements and capacity on-street would be suitable to serve the development. Other issues are addressed below.

CONSULTATIONS

Engineering Services Manager
 Engineers (Drainage)
 WSCC Strategic Planning
 Environmental Health
 Economic Regeneration
 Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - Proposal would not have 'severe' impact on operation of Highway network and is not contrary to NPPF (para 109), no transport grounds to resist the proposal subject to conditions.

DRAINAGE ENGINEERS - Due to scale, location and type of application no conditions to request. Surface water drainage must be designed/constructed in accordance with Building Regulations.

ADC ENVIRONMENTAL HEALTH - Condition suggested relating to the risk associated with contamination of the site.

ECONOMIC DEVELOPMENT - On the basis of retention of retail uses at ground floor level and the opportunity for smaller businesses to take retail space would support application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Appropriate conditions are proposed.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary;
 No Public Sewer; and
 Class A Road.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
RETDM1	RET DM1 Retail development

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
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Felpham Neighbourhood plan 2014 POLICY BT4	Retail premises
Felpham Neighbourhood Plan 2014 POLICY ESD1	Design of new development
Felpham Neighbourhood Plan 2014 POLICY ESD12	Renewable energy schemes
Felpham Neighbourhood plan 2014 POLICY BT1	Support business expansion
Felpham Neighbourhood plan 2014 POLICY BT3	New office, workshop and light industrial uses

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 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.

Reg. 14 - Pre-submission consultation and publicity

Consultation Dates: The consultation period ran from the 20th January 2020 to 2nd March 2020. The Plan was amended following comments received and submitted to Arun DC on the 16th March 2020 under Reg 15 of The Neighbourhood Planning (General) Regulations 2012. 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. Modification Proposal Statement under Regulation 14(a)(v) of the Neighbourhood Planning (General) Regulations 2012 (as amended).

The relevant policies are: H1 Built-Up Area Boundary , ESD1 Quality of Design, BT1 Business Expansion, BT3 New Office and Light Industrial Use, BT4 Retail Premises, ESD12 Renewable Energy Schemes and GA4 Parking on New Development.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The site is 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 and policy H1 of the Felpham Neighbourhood Development Plan 2 provided it accords with other policies of the Local Plan covering such issues as the 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 site is in a sustainable village and suburban centre location in easy walking & cycling distance of a range of shops, facilities and services including bus stops.

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 ...". Para 85 states: "Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation."

Para 123 states where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In particular, higher densities will be encouraged for city/town centres and other locations that are well served by public transport. The Council cannot currently demonstrate an NPPF compliant 5 year supply of housing land and therefore it is important to boost housing numbers in the district.

The proposal accords with policies SD SP1 and SD SP2 of the Arun Local Plan and policy H1 of the revised Felpham Neighbourhood Development Plan.

CHANGE OF USE FROM A1:

Policy RET DM1 of the Arun Local Plan in section 4 seeks to prevent the change of use from retail in village and suburban locations. Whilst the current shop will be made smaller it will be retained and therefore comply with this policy.

Felpham Neighbourhood Development Plan policies BT1 (Business Expansion), BT3 (New Office and Light Industrial Use) and BT4 (Retail Premises) support shops and businesses and safeguard and

develop the range of services available to residents to meet their daily needs. Policy BT1 affirms that proposals to upgrade or extend existing employment buildings will be supported unless the proposal would cause unacceptable harm to the amenities of surrounding properties.

Policy BT3 states that: "Proposals for development for Class B1 Light Industrial purposes will be supported where the impact on surrounding residential and community amenity would be acceptable and other policy considerations would be complied with. Policy BT4 states development involving changes of use of ground floor premises from retail to non retail will only be permitted where it can be shown the development would not harm the vitality of local shopping facilities or amenities of the area.

The proposal is for a change of use of the front part of the building from retail to a smaller retail unit plus a flexible commercial use in Classes A1, A2 (Financial and Professional Services), B1(Business, including Industrial processes which can be carried out in a residential area) and health centre or clinic (and no other uses within Class D1) or Beauty Therapist/Nail Bar only(Sui Generis). The building would be subdivided to provide a 30sq.m. shop unit with a frontage to Felpham Way. This would be accessed from a doorway in the front elevation. Immediately to the rear of this would be a flexible-use unit. This unit has a floor area of 91sq.m. provided over two floors; the ground floor area would be to the rear of the frontage shop with entry being gained from the side passageway. An internal staircase would allow access to the new mezzanine floor that would be created above the frontage shop. There would be a reduction in the existing commercial floor area and whilst the change from A1 to A2 can be permitted development, the proposed other flexible uses as proposed are becoming a common features in secondary and other peripheral shopping streets.

The change from A1 (with a retention of 1/4 of shop space) reflects the preferences of customers and they are typical town/village centre uses. The proposed uses for retail, financial/professional services, business, health centre/clinic and Beauty Therapist/Nail Bar by reason of their nature and the fact that all of them can be carried out in a residential areas, bringing vitality and vibrancy to these places, would not cause unacceptable harm to the amenities of surrounding properties. In addition, policy BT1 of the Felpham Neighbourhood Development Plan 2 supports upgrade or extend existing employment buildings and according to policy BT3 development for Class B1 Light Industrial purposes will be supported where the impact on surrounding residential and community amenity would be acceptable.

Therefore it is considered that the proposal complies with policy RET DM1 of the Arun Local Plan and policies BT1 and BT3 of the Felpham Neighbourhood Development Plan.

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. D DM1 requires new housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality.

ALP policy D SP1 "Design" requires development to make efficient use of land and reflect local character. Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was published under consultation until 21 February 2020. Part R.O1 which deals with Apartments, requires development to provide flatted developments which integrate well with and respond sensitively to their setting. Well-designed apartment buildings will make a valuable

contribution to meeting housing.

The area is predominantly residential in character but with a small group of 5 commercial properties fronting Felpham Way. There are residential properties opposite and behind these commercial sites. The majority of commercial properties have adjoining residential properties behind or above. The proposal seeks to introduce a Flexible Use Commercial Unit possibly involving light industrial use (B1) with commercial frontage to be remained. The change will not have an adverse effect on the character of the street scene and generally on the character of surrounded area characterized by mixed use.

The development results in the retention of part of the gable fronted building, however the two storey flat roofed rear section would be replaced with a new structure of a similar width to the existing building and would extend north by approximately 17m from the retained element of the original shop. Consequently, front to back, the resultant building would have a depth of around 22m (which would be 1.2m longer than the existing structure). The west elevation of the new structure would be stepped away from the west boundary by approximately 1.0m. The new structure would consist of three flats; one 2bed/3persons at ground floor with private amenity space to the rear and one 2bed/3persons and one 1bed/2persons at first floor, partially above the flexible use commercial use proposed.

The 2 storey structure would be characterised with a shallow pitched roof with two flat roofed dormers together with three roof-lights inserted to the east roof plane and three flat roofed dormers and two roof-lights to the western roof plane. The eastern dormers, due to privacy of residents to the east, would have windows with sill high above 1.7m from floor level and their cheeks facing outwards would be glazed to allow some outlook and more light to the proposed flat. Western dormers would face the commercial rear yard of a neighbouring property to the west. There are some concerns regarding the close vicinity of habitable windows of the ground floor flat within a distance of 1m from the fence, however these would serve a kitchen and dining area with bi-folding doors facing to the rear private space.

The plans show a property of a similar height and marginally larger footprint than existing. However it is of a similar appearance as those of along the road, therefore the development would not adversely affect the street scene since the features such as the shape of the roofs and side dormers of properties in the area are replicated in a design responding to local pattern of development. The proposal complies with ALP policies D DM1 and D SP1.

INTERNAL & EXTERNAL SPACE STANDARDS:

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

The proposed ground floor 2 bed/3 persons flat has an internal space area of 61sqm, a minimal requirement of the space standards. The first floor 2bed/3persons flat has 62.1sqm whilst the requirement according to the space standards is 61sqm. The 1bed/2persons flat has an internal space area of 50.5sqm whilst 50sqm is required. All dwellings would reach the minimal space standard required by the Nationally Described Space Standards.

Arun Local Plan policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to part replace D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Para 127 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Arun Design Guide part H.04 advises on Residential Outdoor Amenity & External Space Standard:

- All development should provide residents with access to outdoor amenity space, whether private or communal.

The scheme includes a private rear amenity space (53sqm) for the ground floor flat only, however the site is located only 150m away from the King George V Recreation Ground at the southern end of Felpham Gardens on the opposite side of the road.

The proposal complies with policies D DM1 & D DM2 and with the guidance in the NPPF (para. 127).

RESIDENTIAL AMENITY INC NOISE POLLUTION:

The Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy 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". Para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

Due to residential use in neighbouring properties and the proposed flats to the rear and at the first floor and the fact that the D1 use class contains some uses which could potentially cause noise disturbance, the same applies for Sui Generis, conditions restricting the particular uses within class as described above. However, it is not considered that the proposed uses would have a larger impact on surrounding residential area than that previous; a rather large shop with deliveries and customers with an existing mixed use development within northern part of Felpham Way.

The development is not considered to have unacceptable impacts on the residential amenity of any neighbouring properties and those proposed. The proposal results in residential and commercial uses located next to each other, however due to the nature of the proposed uses it is unlikely that there will be an unacceptable impact to residential amenity above and to both sides and to the rear of the proposal site.

With regards to the flats, the ground floor flat would not have any adverse impact to the occupiers of the neighbouring properties due to the reasonable separation distance from these properties; there are no windows proposed on the rear elevation of first floor flats facing to the private gardens and residential dwellings of Flax Mean to the north, the proposed dormers on the western roof plane with outlook over the existing roof areas and rear hard surfaced yards of adjacent properties. The dormers facing to east with habitable windows on the flank wall of 109 Felpham Way are provided with windows which sills are above 1.7m from the proposed floor level. There it is considered that the proposed flats would not have an unacceptable impact to users and occupiers of nearby properties and land in terms of loss of sunlight, privacy and outlook.

Therefore the proposed development would comply with policies D DM1 and QE DM1.

HIGHWAYS & PARKING:

Arun Local Plan policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states:

"The Council will support transport and development which: incorporates appropriate levels of parking in

line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

Policy T DM1 requires that development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

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

Parking Standards Supplementary Planning Document, January 2020 states in Principle 1:

2.12 Parking provision should be sufficient to accommodate demand whilst exploiting the potential for sustainable travel, minimizing adverse effects on road safety and avoiding increased on-street parking demand.

2.13 If parking could reasonably be expected to take place in existing streets, then it will be necessary to demonstrate through a parking capacity survey that there is sufficient capacity to accommodate the expected parking demand.

The original plans showed 3 parking spaces and a bike store on the land in West Sussex County Council's ownership. West Sussex County Council grants only a right of way over this land. As a result 3 parking spaces were removed from the proposal and bike store has been replaced to the rear.

Amended plans show a revised arrangement of nil car parking provision on the WSCC forecourt. A Car Parking Capacity demonstrated that an average of 81 spaces were available nearby on-street overnight. Whilst maximum parking demand for the commercial and residential element of the scheme was estimated at 15 spaces, it is acknowledged that no increase in commercial floor space is proposed. WSCC considered the existing arrangements and capacity on-street would be suitable to serve the development. The existing use of the ground floor shop would have lead to a parking demand for visitors to the shop and staff. The proposal creates additional demand over and above the previous use through the residential element. Part 3, Class G of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) allows for a change of use of a shop to a use containing shop and up to two flats without the need to apply for permission if the flats are above the A1 use. Therefore the third residential unit creates parking demand that above the current business/permission granted by the General Permitted Development Order.

WSCC Highways have not objected and do not consider the proposal results in a severe impact on the highway. Notwithstanding the concerns of Parish Council and residents, it is not possible to substantiate a reason for refusal.

In respect of concerns regarding pedestrian safety re the use of the side access and congestion due to deliveries, regard should be had to the fact that the side access is existing and that the previous retail use would not only have involved movements along this access but also have had deliveries by large vehicle.

The proposal site falls to Zone 1 where for a residential development as proposed are 3 parking spaces required. In addition, visitor parking will be required to be provided at a ratio of 20% of the total number of residential units.

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. It is the responsibility of the developer to provide evidence that adequate facilities are provided on site for the proposed use.

The plans show nil car parking provision that would not satisfy the requirements of the Arun Parking Standards. However section 2.31 of Principle 1 stresses: 'If parking could reasonably be expected to take place in existing streets, then it will be necessary to demonstrate through a parking capacity survey that there is sufficient capacity to accommodate the expected parking demand.'

The applicant submitted a Transport Statement which outlines the key transport planning matters in accordance with national, regional and local guidance, reviewing the site's accessibility, the proposed development layout, car and cycle parking requirements, access arrangements, servicing arrangements, and the proposed trip impact on the local road network. The parking survey revealed an average of 81 spaces available across the overall study, including 31 spaces available on Felpham Road, exceeding on-street parking demand for 6 vehicles arising from the development.

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

SUMMARY:

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

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application is not CIL liable as it falls within in Zone 4 and the 'Flats' element is Zero rated.

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:

Drg.No. HOP-002-P. Rev I, Proposed Floor Plans and Elevations
Drg.No.HOP-002-P. Rev F, Site Plan and Location 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 Before the flats are occupied details of dustbin storage shall be provided as part of the development in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof. 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.
- 4 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
- 5 The materials and finishes of the external walls and roofs of the extension permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies D DM1 of the Arun Local Plan.
- 6 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The facilities so approved shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 of the Arun Local Plan.
- 7 The use of the ground floor, front part only, and mezzanine (excluding the proposed flat to the rear) hereby permitted shall be solely as A1, A2, B1 and health centre or clinic or Beauty Therapist/Nail Bar only and for no other purpose (including any other purpose in Class D1 and Sui Generis of the Schedule to the Town & Country Planning (Use Classes) Order 1987 or in

any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities in accordance with Arun District Local Plan policies D DM1 and QE DM1.

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

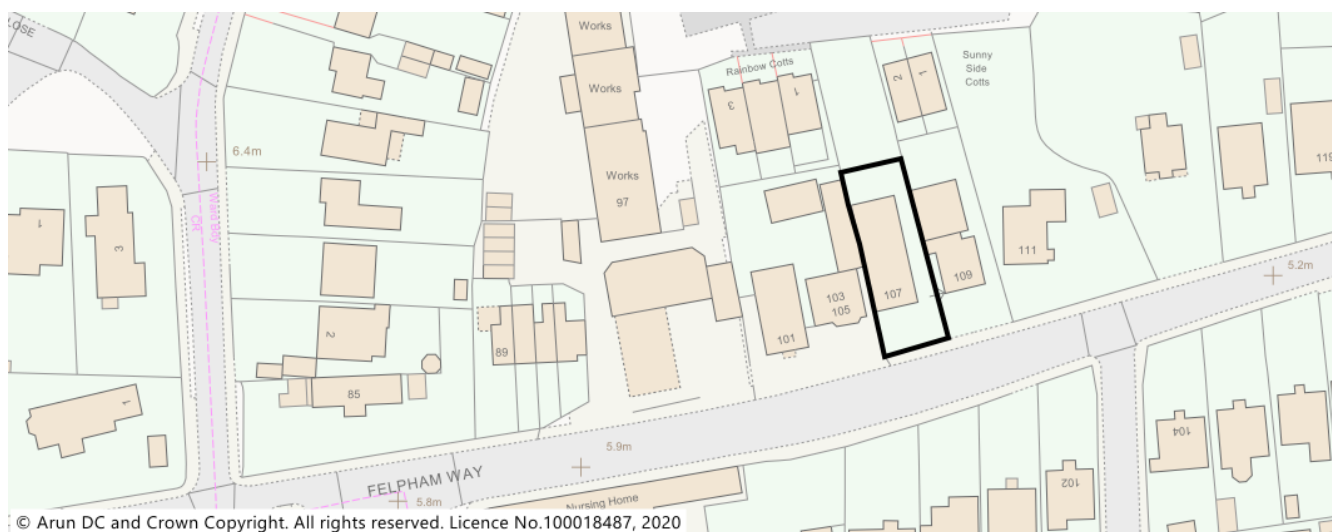
Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan.

- 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](#).

FP/258/19/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: BE/137/19/RES

LOCATION: The Cottage
Shripney Road
Bognor Regis
PO22 9PA

PROPOSAL: Application for approval of phase 2 reserved matters following outline permission BE/63/17/OUT (as amended by BE/131/18/PL) for 20 No. dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Reserved matters for 20 dwellings with associated parking, road/footway provision, open space, landscaping and ancillary works. Approval of scale, layout, external appearance and landscaping are sought. Access was approved at the outline stage.

The scheme includes 1 & 2 bed flats and 2, 3 & 4 bed houses. The mix is shown on the "Proposed Site Plan" (drawing 003 Rev P7). The 6 flats will be affordable in accordance with the requirements of the S.106 Agreement attached to the outline permission. The houses will be two storeys in height. The flatted building has rooms in its roof and can be described as two and a half storeys.

Parking provision comprises a mix of car ports, tandem spaces, on-street visitor spaces and a parking area for the flats with a total of 47 spaces (including 9 visitor spaces). No garages are proposed. There is a cycle store attached to the east side of the flatted building. All other cycle storage will be in car ports or secure sheds in gardens. A condition will be imposed to agree the details of this.

It is stated bins will be stored in domestic gardens and this is an appropriate solution. The flatted building has its own external bin store and a specification is provided. There is no lighting scheme but this will be covered by condition 20 of the outline permission. Electric charge points are indicated although these will be assessed through the discharge of condition 17 on the outline permission.

The layout includes two areas of Public Open Space (POS) totalling 1,333m². The flats have their own area of amenity space to the rear and there is a 5m deep planted buffer along the east boundary. Trees along the boundaries and in the POS are retained. The landscaping scheme shows the

planting of 19 trees. Timber fencing is shown with a mix of 1.8m, 1m and 0.4m depending on site situation.

SITE AREA

0.72 hectares.

RESIDENTIAL DEVELOPMENT DENSITY

28 dwellings per hectare.

TREES

There are 72 surveyed trees or groups of trees on or near the site. Two Tree Preservation Orders (TPO) have been made in respect of the site.

TPO/BE/1/17 refers to T1 - a Common Ash Tree west of the existing dwelling/close to the existing site access; T2 - a Pedunculate Oak Tree on the eastern boundary; and G1 - a group of two Lebanon Cedars to the south of the existing dwelling. This TPO was confirmed on the 20th September 2017.

TPO/BE/2/17 refers to T1-T3 - three Sycamore Trees located on or immediately adjacent to the footpath which crosses the site; and T4 - a Beech Tree located in the rear garden of Royce Cottage to the south. This TPO was confirmed on the 29th November 2017.

SITE CHARACTERISTICS

The site borders the hotel to the north and comprises an existing one and a half storey dwelling surrounded by land formerly used for horticulture and personal sheep grazing. There is a touring caravan and several single storey buildings on site including three disused greenhouses, a detached garage and sheds. There is a half built two storey building in the south east corner. There is a dry ditch and bund to the east boundary and the remains of a dry pond. There is gated access from Shripney Road. A footpath runs adjacent to the south boundary connecting Shripney Road on its west side to a footpath crossing the field on the east side enabling access to Sack Lane to the north east.

CHARACTER OF LOCALITY

Semi-rural character but with detached dwellings on both sides of Shripney Road. To the north lies the Robin Hood Pub & Hotel. Car parking is situated between the hotel and the shared boundary. To the south lies an empty parcel of land which has outline permission for a single dwelling to replace the dwelling lost on this site. To the east is open arable fields. On the western side is Shripney Road with houses beyond. Surrounding built form is mixed between one and two storey buildings.

RELEVANT SITE HISTORY

BE/69/19/OUT

Outline planning application with all matters reserved except access for up to 31 No. houses and flats with car parking, landscaping and associated infrastructure & access off Shripney Road (A29), all following the

Refused
10-10-19

demolition of the existing dwelling & outbuildings - This application is a Departure from the Development Plan

BE/58/19/RES	Application for approval of reserved matters following outline permission BE/63/17/OUT & variation of condition BE/131/18/PL for replacement dwelling at the southern end of site (Phase 1)	ApproveConditionally 04-10-19
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BE/63/17/OUT	Outline planning application with some matters reserved (Access only) for 20No. houses & flats, 1No. replacement dwelling (21No. units in total) with car parking, landscaping & associated infrastructure & access off Shripney Road (A29) and new footway both along the site frontage and across the A29 traffic island, all following the demolition of the existing dwelling & outbuildings. This application is a Departure from the Development Plan	App Cond with S106 18-01-18
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BE/63/17/OUT was granted in January 2018 for development with 20 new homes plus a replacement dwelling on the land to the south of the footpath. This permission was amended by BE/131/18/PL so the replacement dwelling could be developed separately to the 20 dwellings. BE/58/19/RES was an approval of reserved matters for the replacement dwelling on the other side of the footpath.

BE/69/19/OUT for up to 31 dwellings was refused in October 2019 due to concerns of overdevelopment and there would be insufficient amenity space and car parking. This was recently allowed on appeal. The applicant confirms they wish to have application BE/137/19/RES determined.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

Bersted Parish Council

OBJECT:- (a) the width of the estate road is not wide enough making it difficult for refuse or emergency vehicles to turn safely in the development and thus avoid reversing onto the A29; (b) layout does not incorporate any electric charging facilities; (c) layout does not give priority to pedestrian and cycle movements or have access to high quality public transport facilities and (d) the proposed 2.5 storey dwellings do not connect visually/integrate with the surrounding dwellings.

No comments from local residents.

COMMENTS ON REPRESENTATIONS RECEIVED:

The applicant provided a revised plan to widen the block paving turning head to 4.8m to enable a refuse vehicle to turn more comfortably. The layout has been checked and agreed by the Council's Cleansing Operations Manager. The same plan shows electric vehicle charging points to meet ADC standards.

Matters relating to the location & sustainability and public transport improvements were considered at outline stage and cannot be reconsidered. The Local Planning Authority is only able to determine this application on matters of design, scale, site layout and landscaping. The height of the dwellings will be considered in the report's conclusions.

CONSULTATIONS

Highways England
WSCC Strategic Planning
Environment Agency
Natural England
Surface Water Drainage Team
Environmental Health
Parks and Landscapes
Arboriculturist
Surface Water Drainage Team
Planning and Housing Strategy
Sussex Police-Community Safety
Engineering Services Manager
Engineers (Drainage)
Archaeology Advisor
Ecology Advisor
NHS Coastal West Sussex CCG

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - No objection.

NATURAL ENGLAND - Make no comment.

WSCC HIGHWAYS - No objection in principle, no recommended conditions but the following concerns:

- Tracking of a 9.86m refuse vehicle is very tight to the kerb with very little margin for error;
- ADC Cleansing must confirm that correct refuse vehicle dimensions have been applied and that the collection arrangements are acceptable;
- Road width to parking courts (at 4.5m) should be widened to allow a refuse vehicle to turn on site;
- Visitor parking spaces north of plot 20 will potentially be more convenient for those residents of plots 17-20 as opposed to them using allocated spaces to the rear of these plots and this would reduce the amount of visitor parking. Request timed restrictions to prevent this; and
- There is no mention of Electric Vehicle charge points.

WSCC FIRE & RESCUE - Request a condition to secure 1 fire hydrant on the site.

COUNCIL's ECOLOGIST - No objections. Requests condition to secure mitigation and enhancement measures in respect of bats, reptiles, nesting birds and small mammals.

ADC ENVIRONMENTAL HEALTH - Make no comment.

ADC DRAINAGE ENGINEERS - Initially objected as attenuation & discharge to boundary ditches was proposed whereas infiltration must be considered first. Inadequately considering drainage at this stage could potentially result in a lack of sufficient capacity being provided for surface water drainage and the development could lead to increased risk of flooding elsewhere. Also noted that an infiltration basin appears to be located in the public open space and Greenspace officers should be consulted.

Subsequent comments suggested a hybrid drainage scheme will need to be considered to include infiltration where possible, restricted discharge to watercourses at QBAR rates, permeable paving on driveways, fragmented use of crates and off-site improvements. Stated that if agreement cannot be reached then a change to the layout might be required.

ADC LANDSCAPE OFFICER - No objection to landscape detailing but object to the infiltration basin being part of the Public Open Space provision. The strip of land behind the flats cannot be considered as Public Open Space.

ADC TREE OFFICER - Initially objected on the grounds that the layout differed from that shown at the outline stage with greater Root Protection Area (RPA) incursion at plots 01-06, 11 & 16 and that this is unacceptable. Also considered the T33 Sycamore at plot 16 to have future pressure exerted on it for pruning/felling which will diminish its landscape contribution. Concerned with impact of the frontage footpath on T35 (TPO Sycamore). Noted lack of an agreed drainage scheme and consider this and the proposed foul sewer drains could result in further impacts.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted unless discussed further below:

WSCC HIGHWAYS - the applicant amended the road width at the parking court entrances to 4.8m. The applicant confirms the layout has been tracked for a large 3 axle refuse vehicle (9.860m L by 2.450m W). Highways stated they could not confirm if the changes were acceptable and advised to seek advice from the Arun DC waste collection team.

ADC's Cleansing Operations Manager states the layout has been tracked for the correct size of vehicle.

In response to comments regarding visitor parking spaces, the applicant states this is not an issue and the use of timed restrictions would seem to be heavy handed. The applicant considers residents will prefer to park in the car ports where cars will be protected from the elements and from other cars. Electric vehicle charge points are indicated although these are covered by a condition on the outline permission.

COUNCIL's ECOLOGIST - The response is essentially the same as at Outline and conditions 5, 18 & 21 of the Outline permission cover the requirements.

ADC DRAINAGE ENGINEERS - The applicant is discussing the matter with the Council's engineers. If the application is approved without an agreed drainage scheme this would be agreed through the discharge of drainage conditions from the outline permission. If it becomes clear the drainage condition cannot be agreed due to the layout not providing sufficient space then the applicant would need to submit a new Reserved Matters application. The reserved matters application can be determined without the drainage information and despite any objections of drainage engineers.

ADC LANDSCAPE OFFICER - The infiltration basin has been removed from the scheme and the strip of land behind the flats removed from the Public Open Space calculation.

ADC TREE OFFICER - The Tree officer has been re-consulted on the amended layout and supporting documents and the response will be reported to the Committee. The Tree Officer has provided informal comments to the layout change and stated that it was now supportable subject to further consideration of the revised Arboricultural Impact Assessment and Method Statement.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Class A Road;
Special Control of Adverts;
Tree Preservation Orders (TPO/BE/2/17 & TPO/BE/2/17);
Flood Zone 1; and
Future Flood Zone 3a by 2111.

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
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES5	Building design
Bersted Neighbourhood Plan 2014 Policy ES6	Protection of trees
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ5	Design of new housing development
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

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

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

The relevant policies of the Bersted Neighbourhood Plan have been taken into account in this determination.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would result in a development of an appropriate scale, layout and appearance which is not harmful to the character & appearance of the area, the existing trees of amenity value or the amenities of existing residents.

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 20 dwellings with a new access from Shripney Road has been established by BE/63/17/OUT, approved in January 2018 and it is only necessary to consider the outstanding details - layout, appearance, landscaping and scale. It is only appropriate to consider development plan policy and material considerations in respect of these reserved matters. Matters relating to flood risk, biodiversity, countryside location, highway safety, sustainable transport measures, foul drainage (the principle of 20 new dwellings connecting to the network), children's play and infrastructure were all

considered at the outline stage and will be dealt with through the appropriate conditions.

LAYOUT, APPEARANCE AND SCALE:

Policy D DM1 of the Local Plan (ALP) requires the Council seek to make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area. It also requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area.

In terms of density, D DM1 requires housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. D SP1 "Design" requires development to make efficient use of land and reflect local character.

BNDP policies ES1, ES5, HDQ2 and HDQ5 are all relevant. Policy ES1 states: "New development which would have an effect on the appearance or character of the surrounding area should be of a high-quality design and should contribute to local character by creating a sense of place appropriate to its location". Policy ES5 requires building design contribute positively to the historic character of Bersted. Policy HDQ2 states "Proposals for new housing must ensure that the new homes are well connected to the surrounding area and visually integrated with their surroundings." HDQ5 requires new housing is of a high quality and is designed to reflect local character.

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

The Council's emerging Design Guide has recently been through a consultation process (this ended on 21/02/20). The National Design Guide states achieving a well-designed place comes about through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials and their detailing. It sets out ten characteristics of beautiful, enduring and successful places: Context, Identity, Built form, Movement, Nature, Public spaces, Uses, Homes & Buildings, Resources and Lifespan.

The layout is essentially the same as the indicative scheme shown in the Outline application with the differences being in respect of the shape and footprint of buildings. The layout is constrained by the size & shape of the site, the position of the access, trees around boundaries and the need to provide a planted buffer to the east boundary. It is not considered that a different layout could be achieved and the layout in principle is appropriate.

According to the Councils "Open Space, Playing Pitches & Indoor & Built Sports Facilities" SPD, the Public Open Space requirement is 1,408m². The layout provides POS in two areas either side of the access road. The provision is 1333m² which is 75m² short. The Landscape Officer considers this to be acceptable as the flats have communal amenity space which is around 80m².

There were concerns with visitor parking in that spaces adjacent to plot 20 may be more appealing to owners of plots 17-20 than the car ports at the rear of their gardens. The applicant amended the plans to show secure rear doors in car ports to enable easy access between the house and car. It is considered residents will prefer to park in the car ports where cars will be protected from the elements and from accidental damage.

The Parish Council have concerns with the height of the houses and do not consider that 2.5 storeys is reflective of local character. There are no other instances of homes built with accommodation in the roof. After amendment it is only the flatted building that has this arrangement. This building is tucked away in one corner of the site and this accommodation will not be particularly visible in the Shripney Road streetscene and any visual harm will be minimal. It should be noted that there are no levels changes indicated by the proposal.

It is accepted that views of the site will be altered from the footpath (PROW 151) that runs adjacent to the southern boundary. Such a change is inevitable and the scheme ensures there are no buildings higher than two storeys adjacent to the footpath and the hedging is retained and supplemented where gaps exist.

The streetscenes are mixed with different designs, heights, building lines and materials. All houses have shallow front gardens or buffer strip areas and the layout is open plan with no front boundaries. The materials palette is based around slate roof tiles, red and grey brick and timber weatherboarding. This is considered to be appropriate and as such it is not necessary to impose a materials condition.

The applicant provided a written response to the National Design Guide and emerging Arun Design Guide in Part 2 of the Design & Access Statement (sections 6.07 & 11.01). The applicant states the proposal is reflective of the guidance these guides and the Council agrees with the assessment.

Matters of layout, appearance and scale are appropriate for the characteristics of the site and the character/appearance of the surrounding area. The proposal accords with ALP policies D DM1, D SP1, BNDP policies ES1, ES5, HDQ2 & HDQ5, the National Design Guide and NPPF guidance.

LANDSCAPING & TREES:

ALP policy LAN DM1 states: "Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas." In addition, policy D DM1 requires developments to incorporate new tree planting and to improve upon character through landscaping.

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

Policy ES6 of the BNDP states "Development that damages or results in the loss of ancient trees/trees of arboricultural and amenity value or loss of significant ground cover and habitat will be resisted. Development proposals must be designed to retain wherever possible ancient trees or trees of good arboricultural and amenity value. Proposals should be accompanied by a tree survey that establishes the health and longevity of any affected trees and a management plan to demonstrate how they will be so maintained."

The application is accompanied by a soft landscaping plan, hard & soft landscaping plan and planting plans which provide a comprehensive and varied planting scheme. The application is accompanied by an Arboricultural Impact Assessment & Method Statement which sets out measures to protect existing trees

It is proposed to plant 19 trees and new hedgerows particularly bordering the POS, between plots 13 & 14, between plot 10 & the adjacent car ports and to a gap in the southern boundary to the footpath. The scheme proposes the planting of new shrubs, wildflower meadow and flowers. The submission details

hard landscape treatments.

The proposal is subject to an objection from the Tree Officer. The layout has been amended to ensure all of the dwellings are no further into the Root Protection Areas of existing trees than was shown by the indicative layout on the Outline permission. The Tree Officer has advised that on this basis, the proposal is supportable but his formal comments on the latest drawing and supporting documents will be reported at or before the Committee Meeting.

Part of the Tree Officer's objection also concerns the relationship of the new frontage footpath with a TPO Sycamore (T33) situated offsite on the southern side of PROW 151. This footpath is being provided to link the new site access with the PROW footpath to enable connectivity between the two and then beyond to the North to the Robin Hood Public House. It would not be possible to overcome this objection without removing the footpath however, it is not considered that this results in a conflict with policy ENV DM4 as the footpath in question was shown on the access plans approved by the Outline and so is not being determined by this reserved matters application.

The scheme accords with ALP policies LAN DM1 & D DM1 and with BNDP policy ES6. There is some conflict with ALP policy ENV DM4 as trees of high amenity value may be adversely affected by the proposals.

OTHER MATTERS:

The reserved matters have been considered above. There are other issues to consider which relate to the detail of the scheme but which do not neatly fall under the above headings.

(A) Housing Mix

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

The development comprises the following housing mix:

- 2 x 1-bed dwellings (10%);
- 6 x 2-bed dwellings (30%);
- 10 x 3-bed dwellings (50%).
- 2 x 4-bed dwellings (10%)

The range is acceptable with reference to the advice in the SHMA and ALP policy H DM1.

(B) Residential Amenity -

ALP policy D DM1 requires the Council have regard to certain aspects including having minimal impact to users and occupiers of nearby property and land (such as by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance). QE SP1 states the Council will ensure development does not have a significantly negative impact upon residential amenity. It is necessary to have regard to para 127 (f) of the NPPF which states planning policies and decisions should ensure developments create places that have a high standard of amenity for existing and future users.

The Council's emerging Design Guide gives an indication as to what might be acceptable separation distances between habitable rooms. These are as follows:

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

Back to front relationships are not covered by the Guide. On this site these instances are around 25m and this is acceptable. All other relationships meet the standards except between the fronts of plots 8/9 and the side of 20 where the distance is around 13m. As the SPD is guidance and as the shortfall is not significant this is acceptable. Relationships are acceptable to existing residential properties.

The scheme accords with ALP policies D DM1, QE SP1, with the emerging Design Guide and with the guidance in the NPPF on amenity.

(C) Parking, Roads and Public Footpaths -

ALP policy T SP1 states in respect of parking that: "The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking".

The policy states proposals must explain how the development has been designed to:

- (i) accommodate the efficient delivery of goods and supplies;
- (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities;
- (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter;
- (iv) incorporate facilities for charging electric and plug-in hybrid vehicles (where charging facilities are to be omitted from the development, evidence of market demand and viability must be provided); and
- (v) consider the needs of people with disabilities by all modes of transport.

ALP policy T DM1 sets out the need to protect and enhance public pedestrian routes including to enable better access by cyclists. BNDP policy HDQ8 requires a minimum of two spaces per dwelling. It states developments which removes off road parking spaces will not be supported unless alternative provision is made which increases or maintains the number of parking spaces.

The NPPF requires schemes give priority to pedestrian & cycle movements; facilitate access to high quality public transport; address the needs of people with disabilities & reduced mobility; create places that are safe, secure, attractive; avoid unnecessary street clutter; and allow for the efficient delivery of goods and access by service/emergency vehicles.

As part of the outline approval plans showed a new section of footway on the site frontage linking the site access to the entrance to the Robin Hood car park to the north (where there are bus stops), the entrance to the footpath (PROW 151) to the south and to a new informal crossing point on the A29. This proposal makes improvements for pedestrian movements and facilitates safer access to bus stops. The road layout whilst not having designated footpath in places (being shared surface), will be safe to use due to low anticipated traffic speeds and plenty of visibility. WSCC Highways assessed advise no objections in terms of the movement of vehicles or safety of pedestrians.

The parking requirement according to the Arun Parking Standards SPD is 46 including 4 visitor spaces.

The scheme shows 47 spaces including 9 visitor spaces meaning a shortfall in allocation for the flats but this is acceptable as (a) the SPD allows for flexibility with flats as not all 1 bedroom flats will be occupied by two car owning people and (b) the overall provision exceeds the requirements.

The proposal accords with ALP policies T SP1 & T DM1, BNDP policy HDQ8 and with the Parking Standards SPD.

(D) 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." BNDP policy ES2 requires surface water management measures for development proposals to ensure that the risk of flooding both on-site and downstream is not significantly increased.

The applicant has not been able to reach agreement with the Councils drainage engineers as to the drainage layout. The applicant is confident that their layout will work with the drainage requirements and they have made changes since the first submission such that it is currently with our drainage engineers to state agreement (or not). Drainage is to be agreed through the discharge of relevant conditions on the outline permission and it is therefore acceptable to allow this scheme despite a drainage solution not yet being formally agreed.

The applicant is aware that if this layout is approved and it becomes clear that the drainage condition cannot be agreed due to the layout not providing sufficient space they will need to submit a new Reserved Matters application.

On this basis, there is no conflict with ALP policy W DM3 or BNDP policy ES2.

(E) Internal & External Space Standards -

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

The applicant provided a schedule which demonstrates all of the market and affordable dwellings meet the standards.

Paragraph 127 of the NPPF states: "Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience." There are no policies in the ALP relating to garden sizes, however, the emerging Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth, 50sqm area for two-bedroom homes and 60sqm area for three or more bedroom homes;
- Private Front Garden: min. 2m depth;
- Balconies: max. 2m beyond the building frontage, subject to minimum balcony to balcony distances of 17m. At least 3sqm of useable space; and

- Communal Shared Spaces for flats: minimum 40sqm plus 10sqm for each unit if not provided as balcony space.

Houses have private rear gardens and although not all gardens are the full 10.5m depth (plots 9, 10, 15 only have around 10m), they are all useable private spaces some by virtue of the garden widths. The depth requirement is not so important as it is required to ensure a back to back distance of 21m and there are no back to back relationships on the site or with adjoining land.

The standards require 100m² of communal amenity space for the flatted building and this is met by the grassed space to the rear of the building. In addition, flat 3 has a large balcony on the west elevation (first floor level) looking towards the road. This is 18m from the road at the closest point so no harm to the amenities of those houses on the other side of the A29.

On this basis the scheme provides a good standard of amenity for future occupiers.

(F) Climate Change -

ALP policy ECC SP2 requires residential and commercial development be energy efficient and should incorporate decentralised, renewable and low carbon energy supply systems. It states that for major developments, 10% of the total predicted energy requirements should be produced from renewable/low carbon energy generation on site, unless it is demonstrated this is unviable. Also that energy efficiency measures will be taken into consideration and that consideration will be given to 'allowable solutions' where it is clearly demonstrated that the provision of on site renewable or low carbon energy generation is unviable or not feasible.

The planning statement submitted sets out the measures to be employed to comply with policy ECC SP2. These are as follows:

- All boilers and appliances within the dwellings will be energy efficient;
- All dwellings will undergo a full Standard Assessment Procedure (SAP) assessment to ensure energy efficiency within the building envelope;
- A 'fabric first approach' will be adopted for the dwellings including high levels of insulation, air tightness and solar gain. This will aim to keep as much heat inside the homes as possible;
- Developers will use highly insulated external fabric and low energy lighting;
- The orientation of buildings and layout of the dwellings maximises the potential for daylight, with natural ventilation provided to all habitable rooms;
- Dual flush toilets/flow restrictor taps will be provided to all bathroom areas to minimise water usage;
- Sustainable drainage techniques will be used where possible to fully disperse surface water, including the use of permeable paving and soakaways; and
- The SAP investigation will conclude if PV is viable, if so the developer will look to install these on each house. If it is not viable they will seek an alternative supply of sustainable energy for the houses.

In order to ensure such measures are implemented, a condition is proposed to require agreement of these details post decision.

Electric vehicle charge points will be required as per the Arun Parking Standards SPD. The applicant has indicated charge points on the site plan however the total shown will not comply with the SPD. As condition 17 on the outline permission requires the submission of the details of charge points, it will be made clear that the charge points are not being approved by this permission and instead the applicant will need to formally discharge the condition.

On this basis, the scheme will comply with policy ECC SP2.

COMMUNITY INFRASTRUCTURE LEVY (CIL):

It is not possible to secure CIL as infrastructure contributions have been secured through the S.106 Agreement attached to the outline planning permission.

SUMMARY:

There are no materially harmful concerns with the reserved matters scheme and the application accords with development plan policies. It is recommended permission be granted subject to the following additional conditions alongside the conditions imposed on BE/63/17/OUT.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION**APPROVE CONDITIONALLY**

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

Location Plan Dwg 001 Rev P1;
 Proposed Site Plan Dwg 003 Rev P7;
 Hard and Soft Landscape General Arrangement Dwg 100 Rev 03;
 Soft Landscape Layout Dwg 200 Rev 01;
 Detail Planting Plan 1 of 7 Dwg 201 Rev 01;
 Detail Planting Plan 2 of 7 Dwg 202 Rev 01;
 Detail Planting Plan 3 of 7 Dwg 203 Rev 01;

Detail Planting Plan 4 of 7 Dwg 204 Rev 01;
 Detail Planting Plan 5 of 7 Dwg 205 Rev 01;
 Detail Planting Plan 6 of 7 Dwg 206 Rev 01;
 Detail Planting Plan 7 of 7 Dwg 207 Rev 01;
 Proposed Floor Plans Plots 1-6 Dwg 010 Rev P1;
 Proposed Floor Plans Plots 7-10 Dwg 011 Rev P2;
 Proposed Floor Plans Plots 11-13 Dwg 012 Rev P2;
 Proposed Floor Plans Plots 14-16 Dwg 013 Rev P2;
 Proposed Floor Plans Plots 17-20 Dwg 014 Rev P4;
 Proposed Plans and Elevations Plots 1-6 Dwg 020 Rev P1;
 Proposed Plans and Elevations Plots 7 & 10 Dwg 021 Rev P2;
 Proposed Plans and Elevations Plots 8 & 9 Dwg 022 Rev P2;
 Type B Proposed Elevations Plots 11 & 16 Dwg 023 Rev P1;
 Proposed Plans and Elevations Plots 12-15 Dwg 024 Rev P2;
 Proposed Plans and Elevations Plots 17-20 Dwg 025 Rev P4;
 Proposed Streetscenes 1, 2 & 3 Dwg. 030 Rev P2;
 Proposed Streetscene 4 Dwg. 031 Rev P2;
 Proposed Site Section A-A Dwg 040;
 Public Health Services Proposed Foul Drainage Network Dwg 1201 Rev 01; and
 Public Health Services Proposed Surface Water Drainage Network Dwg 1202 Rev 01.

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

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

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

- 3 No development above damp proof course (DPC) level shall take place unless and until a scheme has been submitted to and approved by the local planning authority to show how the needs of hedgehogs will be accommodated in the development. This shall include the placement of hedgehog nesting boxes and the creation of gaps in boundary treatments to ensure that hedgehogs are able to move into/out of and around the development. The approved measures shall thereafter be implemented prior to occupation of any part of the development and permanently retained thereafter.

Reason: Hedgehogs were not considered by the mitigation/enhancement measures in the Preliminary Ecological Appraisal approved by BE/63/17/OUT and in accordance with the NPPF and policy ENV DM5 of the Arun Local Plan.

- 4 No development above damp proof course (DPC) level shall take place until details of proposed cycle stores or storage racks for plots 7-20 have been submitted to and approved by the Local Planning Authority and none of the houses and flats shall be occupied until the approved cycle storage sheds/storage racks/internal stores associated with them have been implemented. The cycle racks shall be maintained in perpetuity.

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

- 5 Plots 17-20 shall not be occupied unless and until secure gates have been installed in accordance with drawing 6656 PL-031 Rev P2 "Proposed Street Scenes 4, 5") . These gates shall thereafter be permanently retained and maintained in good working condition.

Reason: To ensure there is access from the car ports to the respective residential properties in the interests of good design and connectivity in accordance with policies D DM1 and D SP1 of the Arun Local Plan.

- 6 Prior to the occupation of any dwelling, details of a fire hydrant, its connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting together with its maintenance, or a suitable, alternative arrangement, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, and the hydrant, or the alternative arrangement, shall be retained thereafter.

Reason: In order to provide adequate infrastructure for emergency services, in accordance with Policy INF SP1 of the Arun Local Plan.

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

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

- 8 All bathroom and toilet windows hereby approved shall be glazed with obscured glass and permanently retained thereafter.

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

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

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

- 10 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no rear extensions to plots 7-14 & 16 shall be constructed or buildings shall be erected within the curtilage of the same plots unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To maintain adequate private amenity space and minimise future harm to retained trees in accordance with policies D DM1, D SP1 & ENV DM5 of the Arun Local Plan.

- 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 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

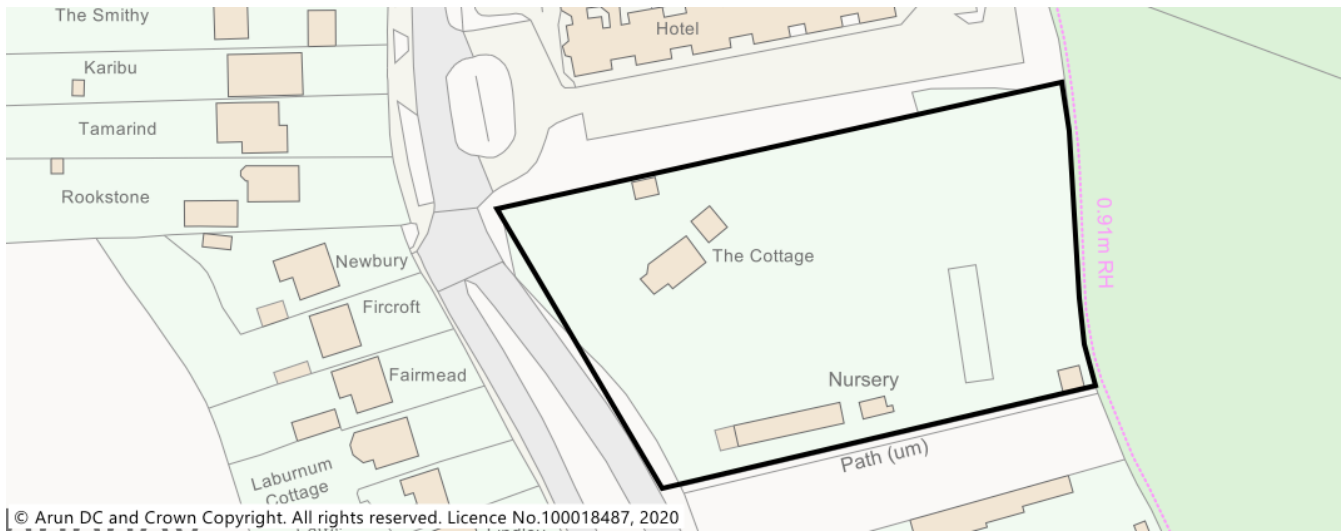
accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 12 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.
- 13 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.
- 14 INFORMATIVE: The applicant should note that this layout has been approved without agreement by Drainage Engineers to the scheme layout and therefore if it subsequently becomes clear that the drainage conditions cannot be agreed due to the layout not providing sufficient space for drainage then a new Reserved Matters application will need to be submitted as the Local Planning Authority will not be able to agree such changes through the Non Material Amendment process.
- 15 INFORMATIVE: This permission does not in any way discharge condition 17 (electric car charge points) on the outline planning permission and as such you will need to apply separately to discharge this condition. Please ensure that the submission of details complies with the guidance in the SPD which sets out that:
- 100% of parking spaces of houses with a driveway or garage require an active charge point;
 - At the current rate until 2023, 20% of all other parking spaces require an active point; and
 - Ducting is provided at all remaining spaces where appropriate to provide 'passive' provision for these spaces to be upgraded in future.

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](#).

BE/137/19/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

A/129/19/CLP Received: 26-03-20	<p>Broadlees Dappers Lane Angmering</p> <p>Lawful development certificate for the proposed development at Broadlees, Dappers Lane, Angmering as shown on drawing reference number 1877-HIA-ZZ-XX-DR-A-01002 Rev P5 comprising buildings 1 - 3 as authorised by permission A/27/16/PL (dated 7th February 2017) and the care home authorised by permission A/114/18/PL (dated 28th May 2019 as a replacement for building 4 authorised by permission A/27/16/PL.</p> <p>Written Representations</p> <p>PINS Ref: APP/C3810/X/20/3245827</p>
A/146/19/PL Received: 02-03-20	<p>Land rear of 1 The Heathers Arundel Road Angmering</p> <p>Demolition of existing storage building & erection of a 3-bedroom chalet bungalow with associated parking & landscaping. This application affects a Public Right of Way.</p> <p>Written Representations</p> <p>PINS Ref: APP/C3810/W/20/3245004</p>
AL/42/19/PL Received: 03-02-20	<p>Nyton House Nyton Road Westergate</p> <p>Construction of a 10 No. bedroom dementia unit with attached covered walkway in the grounds of Nyton House Care Home and including the conversion of an existing garage into a staff day room, the erection of a new garage with laundry room, garden store & external bin store, demolition of various outbuildings and sections of wall and the re-landscaping of the existing garden areas. This application affects the setting of a listed building.</p> <p>Written Representations</p> <p>PINS Ref: APP/C3810/W/19/3242332</p>
AL/43/19/L Received: 03-02-20	<p>Nyton House Nyton Road Westergate</p> <p>Listed building consent for the construction of a 10 No. bedroom dementia unit with attached covered walkway in the grounds of Nyton House Care Home and including the conversion of an existing garage into a staff day room, the erection of a new garage with laundry room, garden store & external bin store, demolition of various outbuildings and sections of wall and the re-landscaping of the existing garden areas.</p> <p>Written Representations</p> <p>PINS Ref: APP/C3810/Y/19/3242340</p>
AL/62/19/PL Received: 04-02-20	<p>Land Rear of Sundown Littleheath Road Aldingbourne</p> <p>1 No. new dwelling. This application is a Departure from the Development Plan.</p> <p>Written Representations</p> <p>PINS Ref: APP/C3810/W/19/3241407</p>
AW/131/19/T	<p>12 Hunters Close Aldwick Estate Aldwick</p>

Received: 12-07-19	Reduce height by 8m to 1 No. Lombardy Poplar tree. Written Representations PINS Ref: APP/TPO/C3810/7494
AW/228/19/HH Received: 24-02-20	44 Aldwick Fields Aldwick Re-siting of boundary wall. Written Representations PINS Ref: APP/C3810/D/19/3239651
BE/135/17/PL Received: 06-05-20	Shripney Garden Caravan Site Shripney Lane Bersted Continuance of use without compliance with condition 4 imposed under BE/151/11/ relating to occupancy. Public Inquiry PINS Ref: APP/C3810/W/18/3214487
BE/69/19/OUT Received: 06-01-20	The Cottage Shripney Road Bognor Regis Outline planning application with all matters reserved except access for up to 31 No. houses and flats with car parking, landscaping and associated infrastructure & access off Shripney Road (A29), all following the demolition of the existing dwelling & outbuildings - This application is a Departure from the Development Plan Written Representations PINS Ref: W/4000456
BE/79/19/PL Received: 14-02-20	Land Adjacent to Walnut Tree Cottage Shripney Lane Shripney Single-storey bungalow on land adjacent to Walnut Tree Cottage & reinstatement of double garage to Walnut Tree Cottage from annexe/holiday let - This application may affect the character and appearance of the Shripney Conservation Area Written Representations PINS Ref: APP/C3810/W/20/3244778
BR/233/19/PL Received: 09-03-20	77 Aldwick Road Bognor Regis Part change of use of ground floor & formation of a first floor rear extension to create 2 No self-contained studio flats with associated refuse/ recycling & cycle store (resubmission following BR/63/18/PL). Written Representations PINS Ref: APP/C3810/W/20/3245777
BR/347/19/T Received: 20-03-20	4 Pinewood Gardens Bognor Regis Fell 1 No. Liquid Amber tree. Informal Hearing PINS Ref: APP/TPO/C3810/7809
BR/73/19/PL Received: 09-03-20	Land To East Of Royal Norfolk Hotel Aldwick Road Bognor Regis Erection of 3 No. terraced residential dwellings, garden/cycle storage sheds & associated parking utilising the existing access (resubmission following

BR/214/18/PL). This application affects the setting of a listed building & affects the character & appearance of The Steyne, Bognor Regis Conservation Area.

Written Representations

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

CM/25/19/PL

Received: 04-03-20

Kents Yard Brookpit Lane Climping

Change of use of barns to 3 No dwellings (resubmission following CM/24/18/PL). This application may affect the setting of a listed building.

Written Representations

PINS Ref: APP/C3810/W/20/3245756

CM/53/19/PL

Received: 04-03-20

Kents Yard Brookpit Lane Climping

Change of use of barns to 3no dwellings - Resubmission of CM/25/19/PL

Written Representations

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

EG/22/19/OUT

Received: 20-03-20

Boweries Barnham Road Eastergate

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

Written Representations

PINS Ref: APP/C3810/W/20/3246409

EP/148/19/PL

Received: 10-03-20

Scorton 9 Lime Tree Close East Preston

Application for variation of condition no.2 imposed on planning permission EP/52/18/PL relating to amended internal layout & external appearance of plots 4, 5, 6 & 7 and alterations to external layout and landscaping.

Written Representations

PINS Ref: W/4000721

EP/74/19/HH

Received: 05-02-20

2 Hillview Crescent East Preston

Hip to barn hip extension & single storey rear extension.

Written Representations

PINS Ref: APP/C3810/D/20/3244501

FG/141/19/PL

Received: 02-03-20

Elm Lodge Tamarisk Way Ferring

Erection of 1 No detached chalet style dwelling with integral garage; demolition of existing conservatory & porches & erection of single storey side extension & part single/part two storey side extension to Elm Lodge (resubmission of FG/220/18/PL).

Written Representations

PINS Ref: APP/C3810/W/20/3245781

FG/74/19/PL

Received: 24-02-20

Highdown Industrial Park Littlehampton Road Ferring

2 No. commercial B1/B8 use buildings with associated car parking, access & refuse storage This application is a Departure from the Development Plan.

Written Representations

PINS Ref: W/4000626

LU/255/19/HH

Received: 03-03-20

33 Potters Mead Littlehampton

Construction of two storey side extension and associated works

Written Representations

PINS Ref: APP/C3810/D/19/3243882

LU/297/19/PL

Received: 22-05-20

Land to rear of 141 Wick Street Littlehampton

1 No. new dwelling (resubmission following LU/84/19/PL).

Written Representations

PINS Ref: APP/C3810/W/20/3249014

LY/11/18/CLE

Received: 10-03-20

Arundel Vineyard Church Lane Lyminster

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

Written Representations

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

LY/8/18/PL

Received: 17-03-20

Arundel Vineyard Church Lane Lyminster

Change of use from Vineyard to garden amenity area serving Arundel Vineyard (resubmission following LY/19/17/PL).

Written Representations

PINS Ref: APP/C3810/W/19/3220136

LY/9/18/PL

Received: 17-03-20

Arundel Vineyard Church Lane Lyminster

Application for Continuance of use without compliance with condition 2-occupation imposed under LY/16/02/, condition 3-occupation imposed under LY/3/04/ & condition 3-occupation imposed under LY/25/04/ (resubmission following LY/20/17/PL).

Written Representations

PINS Ref: APP/C3810/W/19/3220132

Y/103/18/PL

Received: 19-02-20

10 Acre Field North of Grevatts Lane Yapton

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

Written Representations

PINS Ref: W/4000394

ENF/505/12/

Received:

Hales Barn Farm Arundel Road Norton West Sussex

Written Representations

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

ENF/211/16

Wisteria Heights Garden Park (prev. Shripney Gardens) Shripney Lane

Bersted West Sussex

Received:

Public Inquiry

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

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