



Public Document Pack

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Committee Manager Carrie O'Connor (Ext 37614)

24 November 2020

DEVELOPMENT CONTROL COMMITTEE

A meeting of the **Development Control Committee** will be held on **Wednesday 2 December 2020 at 2.30 p.m.** and you are requested to attend.

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

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

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

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

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

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

AGENDA

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

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

Members and officer should make their declaration by stating:

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

3. **MINUTES**

The Minutes of the meetings held on 25 November and 2 December 2020 will be approved and signed as a correct record at the meeting on 6 January 2021.

4. **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.

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

PLANNING APPLICATIONS

6. **M/68/20/PL - POULTRY FARM, 87 YAPTON ROAD, MIDDLETON ON SEA PO22 6DY** (Pages 1 - 20)
7. **LU/214/20/PL - EMPTY SUPERMARKET PREMISES, AVON ROAD, LITTLEHAMPTON BN17 6AT** (Pages 21 - 54)
8. **A/76/20/PL - LAND AT DAPPERS LANE, ANGMERING** (Pages 55 - 94)

9. **BR/213/20/PL - FORMER ROYAL BAY CARE HOME, 86 ALDWICK ROAD, BOGNOR REGIS PO21 2PE** (Pages 95 - 108)
10. **PHASE 1 A29 REALIGNMENT - ADC RESPONSE TO WSCC PLANNING APPLICATION WSCC/052/20 (ADC REF BN/126/20/WS)** (Pages 109 - 122)

PLANNING APPEALS

11. **APPEALS** (Pages 123 - 126)

OFFICER REPORT UPDATES

Will be circulated at the meeting.

BACKGROUND PAPERS

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

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

Contact Officers :

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

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

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

These meetings are webcast live.

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

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PLANNING APPLICATION REPORT

REF NO: M/68/20/PL

LOCATION: Poultry Farm
87 Yapton Road
Middleton-On-Sea
PO22 6DY

PROPOSAL: Demolition of the existing structures & redevelopment to provide a new 66-bedroom care home arranged over two storeys together with associated access, car & cycle parking, structural landscaping & amenity space provision (resubmission following M/80/19/PL). This application is in CIL Zone 4 (Zero Rated) as 'other development'.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application has been submitted to address the issues raised in the reasons for refusal of application M/80/19/PL. The ridge height of the property has been reduced by 1.6m and the laundry, plant, staff training and kitchen facilities moved from the roof area to a newly introduced basement level.

The proposal is for a 2 storey 'L' shaped 66-bedroom care home which will provide 24-hour support and care for the frail elderly, meeting residential, nursing and dementia care needs, including end of life and palliative services.

The agents have advised that the average age of residents will be approximately 85 to 90 years. Residents will move into the care home at the point at which their care needs have escalated and when they or their family/carers are unable to address these needs within their own home.

The scheme incorporates the following facilities and features:

- All bedrooms to be equipped with en-suite bathrooms designed for safety and accessibility.
- Communal and amenity spaces incorporating cafe/bar/lounge, hairdressers, cinema room, activity rooms, lounges, dining spaces and quiet rooms.
- On-site kitchen and laundry.
- Staff facilities including lounge, training area and changing rooms.
- Landscaped amenity areas and gardens.
- Car and cycle parking as well as dedicated spaces for deliveries and ambulance.

The maximum ridge height of the proposed development is 8m

and the lower flat roofed 2 storey section of the development has a height of 6m.

SITE AREA	0.62 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	106 bedrooms per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Protected trees are on site and some (those at the site entrance) are affected by the development.
BOUNDARY TREATMENT	Hedging/fencing between 1 and 3m high along road frontage. To fields temporary wire fencing.
SITE CHARACTERISTICS	A public footpath runs along the south boundary. The premises previously operated as a poultry farm, but this use ceased and the property is vacant. Many of the buildings on the site have now been demolished.
CHARACTER OF LOCALITY	Predominantly rural on edge of residential. Fields to north. Housing estate to south.

RELEVANT SITE HISTORY

M/80/19/PL	Demolition of the existing structures & redevelopment to provide a new 66-bedroom care home (Use Class C2) arranged over two storeys together with associated access, car and cycle parking, structural landscaping and amenity space provision	Refused 06-02-20
M/45/16/PL	Demolition of redundant poultry farm buildings & dwelling & erection of 13 No. dwellings with associated access, car parking & landscaping. This application is a departure from the development plan	ApproveConditionally 07-02-17

M/45/16/PL was granted in February 2017 for the demolition of the redundant poultry farm buildings and dwelling and the erection of 13 dwellings with associated access, car parking and landscaping.

The scheme includes a mix of 2, 3 and 4-bed detached, semi-detached and terraced properties, each two storeys in height. The approved built form is orientated such that it would be positioned adjacent to eastern and northern site boundaries with an area of amenity space provided in the southern part of the site (allowing for the retention of the protected trees). A new vehicular access was to be formed from the existing road spur off Silver Birch Drive to the south.

M/80/19/PL was refused by Committee and is the subject of an Appeal Hearing on 25-11-2020. The reasons for refusal were as follows:

1) The proposals are considered to be an over development and adversely affect the visual amenities of the locality by virtue of them being out of character in scale and density in conflict with policies D DM1 and D SP1 of the Arun Local Plan and policies in the National Planning Policy Framework.

2) The use of the proposed access will result in damage to the protected Ash Trees by virtue of the proximity of vehicle movements to them, leading to their loss contrary to policy ENV DM4 of the Arun Local Plan.

REPRESENTATIONS

Middleton Parish Council - Objection:

- The only amendment to the above is a reduction in the height of the building, it has not reduced the overall footprint of the site and so there is still overdevelopment of the site as previously refused.
- The overall mass and scale is an overdevelopment and out of keeping with surrounding properties. It is out of character with the streetscene and it is unneighbourly as the site will be viewed by residents of Silver Birch Drive, Yapton Road and users of the Public Right of Way.
- The "Draft Transport Management Plan" report provided by the applicant is inaccurate and misleading.
- The proposal does not meet the tests for sustainable development.
- The proposed development will impinge on the privacy of adjoining properties.
- The proposal will harmfully add to the existing road congestion at both the roundabout exiting from Silver Birch Drive and the dangerous A259 Comet Corner junction.
- 29 car parking spaces is insufficient.
- Surface water flooding is a concern. The new basement area will increase the risk of flooding.
- It is not clear that the protected trees are not adversely affected.

133 Objections:

- There is no need for the home.
- Unsuitable and unsafe access.
- The care home will attract a significant increase in traffic to this already over burdened neighbourhood.
- Car parking is insufficient and will lead to parking on adjoining roads.
- Site is at risk of flooding.
- It will destroy the rural tranquillity of the area.
- The access from Silver Birch Drive to the building site will cause irretrievable damage to wildlife and the natural habitat plus the loss of trees including those with TPOs.
- Overdevelopment of the site.
- Will overlook residents and is not in keeping with the area.
- Submitted flood risk and drainage analysis is flawed.
- Infrastructure is inadequate to support the proposal.
- How can a company predict that 50% of their future employees will use public transport before the business has opened.

3 Support:

- Proposal would be a lot better for the area than approved houses. It would mean less traffic and less strain on the services in the area.
- The area has a rising number of elderly people, who are likely to have dementia, but who have children unable or unwilling to give them care.
- Understand that Ash Dieback disease is in the County so the mature Ash Trees may need to be felled as a result.

1 No Objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

- County Highways have raised no objection regarding highway safety. This proposal will not result in a

significantly worse or severe highway environment.

- Car parking provision meets adopted standards.
- Travel surveys and management of travel plans can be controlled by condition.
- With regard to ecology issues required surveys of the site have been undertaken and no evidence of protected species has been found.
- Layout will preserve protected trees and acceptable landscaping and sufficient planting will be provided.
- Asbestos pollution is covered by separate legislation.
- Other points raised are addressed in the conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Ecology Officer - No Objection. The biodiversity enhancements proposed are suitable and should be incorporated into the landscaping scheme and conditioned.

Southern Water - No Objection.

County Highways - No Objection.

County Fire Service - No Objection.

County Drainage - No Objection.

Sussex Police - No Objection.

Drainage Engineer - No Objection.

It is clear that there is some conflict between existing trees and proposed crates. There are no crates shown within root protection areas. Therefore, either by adjusting the drainage strategy or discussing this further with the tree officer a solution can be achieved and can be secured through conditions.

Tree Officer - No Objection.

If this development proceeds with access from Silver Birch Drive (as proposed), then it will be necessary to complete that element of the scheme prior to any other groundworks or construction occurring elsewhere on the site, to safeguard trees. This approach has been described in the Construction Traffic Management Plan (para. 3.3.).

Retention of expert arboricultural services throughout the project (to include an auditable trail of their site inspections and monitoring) will be essential to limit damage to retained trees of amenity and landscape value.

Landscape Officer - No Objection

Further thought and improvements to the landscape proposals are requested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Conditions recommended as proposed including submission of a landscaping scheme.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary
 Class B road
 Tree Preservation Order
 Public Right of Way Adjacent to Site

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

ECCSP2	ECC SP2 Energy and climate change mitigation
DSP1	D SP1 Design
HDM2	H DM2 Independent living and care homes
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
INFSP1	INF SP1 Infrastructure provision and implementation
SDSP2	SD SP2 Built-up Area Boundary

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
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POLICY COMMENTARY

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

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

Middleton 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 given the significant

demand for this type of accommodation in the District. In addition there would not be an unacceptable impact on the character of the area, protected trees, highway safety, visual amenities of the locality or the residential amenities of adjoining properties.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site is physically connected to the built up area to the south and has an extant permission for residential development. The area to the north and west is rural in character with open fields. For reasons expanded on below the development would be in keeping with its immediate surroundings and would not conflict with the aim of Local Plan policy D DM1 to protect and enhance the quality of the environment and protect neighbouring residential amenities.

It is outside of the Littlehampton to Middleton-on-Sea Gap between settlements which borders the east side of Yapton Road and outside the boundary of the existing Open Space area (as designated in the Arun Local Plan) to the north and west.

IMPACT ON CHARACTER AND VISUAL AMENITY

Policy D SP1 of the Arun Local Plan states that development should seek to make efficient use of land but reflect the characteristics of the site and local area, in matters such as layout, density, scale, mix, character, landscaping, materials, finish and architectural details. It also states that proposals should adhere to objectives informing sustainable design e.g. attractiveness, inclusivity, security and climate change.

Policy D DM1 looks at aspects of form and design quality, including character, attractiveness, innovation, residential amenity impact, adaptability, density, scale, trees, crime prevention. New buildings should be harmonious with their surroundings and successfully integrate with the existing surrounding environment.

Although the site is currently rural in appearance it is located within the built up area boundary as defined by the Arun Local Plan. The development would not be visually isolated and would represent an acceptable expansion of existing built form. However, it is acknowledged that there are no buildings in the locality with a similar footprint, height and bulk.

Whilst the bulk and extent of the building in terms of its length and width across the plot results in a significant and prominent form of development this would not be sufficient to warrant refusal of the application given the extant permission and the context of the site adjacent to residential and commercial built form.

The care home would be located adjacent to a residential estate of 2 storey dwellings on the opposite side of the public footpath to the south and opposite industrial units (Middleton Business Park) located on the east side of Yapton Road. This comprises a number of businesses set within a single storey terraced row and a separate two storey detached building used for vehicle repairs. 2 storey residential properties are located immediately to the north-east of the Business Park, extending beyond the northern boundary of the application site.

The previously refused scheme has been reduced in height by 1.8m. The proposal is designed in an attempt to reflect a domestic built form of terraced 2 storey dwellings which would be in context with the backdrop of existing residential properties to the south. The National Design Guide (para 40) defines well-designed new development as development which responds positively to the features of the site itself and the surrounding context. The houses adjacent to the site are 2 storeys with pitched roofs and the care home maintains the character and scale of the area which includes the commercial units to the east. The comparative street scenes submitted as part of the application demonstrate that the development is the same height as the dwellings in Silver Birch Drive, given the 1.8m reduction in height from the refused scheme. In terms of its relationship with the industrial unit to the east, the height of the proposed unit would accord with the height of the internal buildings within the industrial estate. It would not therefore dominate the surrounding development in terms of its height.

The elevations of the proposed development along both boundaries has broken up the roof form of the elevations/mass so that they appear as a series of distinct elements. The form provides relief by incorporating a staggered roof line, creating gaps within the roof form, providing set-backs and gable projections. The design elements help to reinforce local distinctiveness and attempts to produce a building which appears as a series of inter-linking elements. The development responds well to the site and its setting in accordance with section D of the Arun Design Guide.

The site is generally well screened. The eastern boundary comprises tall trees and hedging and the southern and western boundaries are edged with trees and hedgerows. The northern boundary is screened from within the surrounding landscape owing to the publically edged and visually more prominent southern and eastern boundaries. The south-eastern corner of the site has a lack of screening when viewed from Yapton Road. The proposed landscaping plan would increase and bolster landscaping and planting in this area and views into the site from Yapton Road would include communal gardens and soft landscaped boundary treatment. Screening along the northern edge of the public footpath is 2m high hoop top fence. Landscaping adjacent to the field boundary incorporates a native hedge which softens the appearance of fencing and this will be in keeping with this rural setting.

The care home has a footprint similar in shape to that of the approved housing layout, but the depth of the development is increased internally by 6 - 12 m. A minimum of 10m separation is provided between the north boundary and the building providing visual space around the building and reducing its prominence when viewed from outside the site. The distance to the east boundary varies between 4m and 10m. Given the staggered nature of the elevation this provides an acceptable gap to surrounding development and meets the generally adopted guidelines for space between dwellings.

Comparison drawings have been submitted as part of the proposal which indicate the differences in site coverage between the extant and proposed schemes. When including both built form and hardstanding the site coverage will increase and the scheme is no closer to the neighbouring houses. The current proposal incorporates a slight increase in the distance to the southern site boundary and also removes any built form within the western part of the site. The current proposal represents an 85% increase in terms of the building footprint. It was 940sqm as previously approved and is now proposed to be 1,737 sqm.

The approved residential scheme had a density of 75 bedrooms per hectare (compared to 106 per hectare proposed). However, this increased density is understandable as by the very nature that it is a single use building it will be higher than that approved and adjacent residential development.

The National Design Guide at para. 49 states that well-designed, sustainable places with a strong identity give their users, occupiers and owners a sense of pride, helping to create and sustain communities and neighbourhoods. The proposal would accord with this guidance in that it has a domestic scale and creates a positive addition to built form in the area and has a clear identity. Nearly

every ground floor unit has its own external patio area and the communal gardens would be well landscaped and provide an outside area for visitors and relatives to enjoy.

The design seeks to respect the site context, the parameters established through the extant planning permission and Local Plan policies D SP1 and D DM1 which relate to building form and character. These policies seek to ensure the height and massing of new development respects overall streetscape and does not detract from the character of the area. The scheme retains vegetation and supplements this with new planting to help reduce the scale of the care home. This ensures views of the building will read as a series of stepped and varied elevations softened by boundary hedging and enhanced planting.

It is considered the proposal is acceptable in terms of impact on visual amenity/character of the area in accordance with policies D DM1 and DSP1 of Arun Local Plan.

RESIDENTIAL AMENITY

Impact of the development on residential amenity did not form part of the previous reason for refusal and the siting of the unit is unaltered in relation to site boundaries. It would not therefore be reasonable to refuse the application on this basis when it has previously been considered acceptable.

The proposal is located a significant distance from the nearest residential properties (more than 40m from rear residential curtilages) and is located behind existing tree/shrub planting that is to be retained or bolstered. The properties facing Silver Birch Drive are situated along the northern boundary of the site and are over 50m away which is an acceptable separation distance to prevent any harmful overlooking, overshadowing or loss of privacy.

The eastern section of the building adjacent to Yapton Road has a gable end which has a ridge height of 8m and would be located 10m from the rear boundary of 4 Silver Birch Drive. No windows are proposed in the elevation and is in any event separated by existing mature landscaping. A minimum of 20m separation is provided between the care home southern gable and the closest neighbouring houses. There would therefore be no materially adverse effects resulting to the residential amenities of adjoining neighbouring properties.

There are no immediate residential properties to the west, north or east of the site. Residential dwellings to the north-east are located on the opposite side of Yapton Road at least 50 metres away. The introduction of new and replacement planting shown in the accompanying Landscape Plan will soften the development and improve the relationship to neighbouring properties.

Outside amenity space for residents is provided as gardens to the north and east of the home which are well screened from traffic activity. Residents will access gardens from the cafe or dayrooms, not via the main entrance. Garden pathways offer easy access to patios, gazebo and seating places for residents and their family/visitors to enjoy. Many of the residents would be housebound and the outside space would be mainly used by some residents and family members/visitors. This accords with Arun Design Guide which suggests that all development should provide residents with access to outdoor amenity space, whether private or communal.

Having regard to potential for noise and disturbance, the car parking area is set back a minimum of 10m from the shared site boundary (and over 20 metres from the nearest house) and the intervening space is well-screened. The proposal therefore accords with policy D DM1(3) of Arun Local Plan.

COMPLIANCE WITH POLICY H DM2 OF ARUN LOCAL PLAN

The applicant has submitted evidence which demonstrates the need for this type of accommodation both

nationally and within the Arun District Council area. The proposal would provide a new scheme for 66 bedrooms helping to address the demand for such accommodation in the locality.

Policy HDM2 states that new care homes will be permitted where applications can demonstrate compliance with certain criteria relating to accessibility, design, scale, amenity space and other policies in the Local Plan. The supporting text at para 12.6 of policy H DM2 of the Local Plan acknowledges Arun has one of the highest older populations and highest life expectancies in the County and suggests that the provision of new care homes should be located close to community and social facilities. Policy H DM2 requires new facilities to be located within the built up area boundary and to be easily accessible by foot or public transport as is the case with this site.

The site is physically and visually connected to the existing built up area to the south, it is in walking distance of the shops at Middleton and there are good bus and cycle links to surrounding areas. The site is reasonably accessible to existing communities in and around Middleton and Felpham. The site connects to local facilities for pedestrians by the existing footpath network accessed from Silver Birch Drive, where access to a range of facilities and services is available including the no. 600 bus service and National Cycle Route 2. These factors are of limited relevance to care home residents given their high levels of dependency, but are important in promoting the sustainability of the site for access by staff and visitors.

Nationally the population aged 85 and over is projected to double from 1.7 million in 2018 to 3.4 million in 2030. In reflecting this demographic change, the NPPF requires Local Authorities to reflect the housing needs of older people in planning policies which includes the provision of care home accommodation. At a County level, the West Sussex Joint Strategic Needs Assessment (JSNA) (2015) refers to a 16% increase in the population of the 85+ age group over the next 5 years and Arun's Strategic Housing Market Assessment (2012) indicates that care home population will increase by around 1,470 persons between 2012 and 2030.

The evidence submitted with this application assesses the level of demand for market standard bed spaces within the local catchment area for the site. When accounting for all existing provision the current shortfall within a 1 mile radius of the site is 110 bedspaces, indicating that at least 2 care homes of the scale proposed on the subject site would be needed to keep pace with current demand. This level of need is reflected in the wider 3-mile target area within which the majority of prospective residents are likely to live at present. The limited care home supply that is available in the 1-mile and 3-mile catchments includes a prevalence of smaller converted homes and an absence of modern, purpose-built care facilities.

The proposal delivers 66 bedrooms to the local housing stock (minus the loss of the dwelling on the site). This will help to reduce pressure on other sites in the area.

The acknowledged need for this type of accommodation in Arun requires this to be carefully balanced against the approved development which is preferred by many neighbours. Whilst the footprint proposed is larger and a greater proportion of the site area would be built upon, any harm to visual amenity and the character of the area would be countered by the demand for this type of development now and in the future. The Authority has recently lost an appeal on a site within the settlement gap at Climping on the basis that the demand for this type of accommodation is significant and likely to increase in the future with the increasing ageing population within the District.

EMPLOYMENT CONSIDERATIONS

The care home has the potential to generate significant employment opportunities, including jobs for local people. It is anticipated that the care home will create jobs for approximately 50 to 55 staff (full-time

equivalent) and between 60 and 70 jobs overall (including part-time and full-time positions).

The new facilities will create knock-on employment opportunities, for example, during construction and through associated facilities and services to support the on-going care home operation. This is a significant benefit of the proposals when considering the three principles of Sustainable Development.

HIGHWAY ISSUES

The application is accompanied by a Transport Statement, Stage 1 Road Safety Audit and Draft Travel Plan and the site is sustainably located with good connections to local bus services.

WSCC Highways have raised no objection. The siting of the access route from Silver Birch Drive will be replicated as per the approved scheme and a sensitive construction methodology is proposed in the vicinity of protected trees. The access is fully compliant with visibility splays. The width of the road will be 5.5m allowing for two vehicles to pass. The proposal incorporates safe pedestrian access with footpaths extending into the site with appropriate signage proposed at the crossing with the public footpath.

A total of 29 car parking spaces are provided which includes 2 disabled spaces. 6 with active electrical vehicle charging, and the remaining would have the potential to be up be upgraded. 3 spaces would be provided for motorcycles and 6 cycle parking spaces.

The level of provision accords with Arun's parking standards which require 1 resident space per 20 bedrooms, 1 space per 8 bedrooms for visitors and 1 space per 5 bedrooms for staff. For a 66-bed home, with a maximum of 25 staff on site, this equates to a total of 25 spaces. At 29 spaces, the scheme includes a surplus of 4 spaces.

A swept path analysis has been provided and shows that a refuse vehicle can access and egress the site in a forward gear and all parking spaces are accessible for a car.

The staff operate in three shift patterns, which are generally between 08.00 and 14.00, 14.00 and 20.00 and 20.00 and 08.00. The timing of shift changes is also staggered. Given these shift patterns it is estimated that 20-25 staff would be on site at any one time, less than half of the parking provision would therefore be required for staff, with the remainder being for visitors. The applicants do not envisage the need for more than 10 visitor spaces and the level of provision includes an element of spare capacity for times of peak demand. Car parking spaces have increased to reflect comments raised at the public consultation relating to pressures for parking off site.

The site is sustainably located within access to the 700 and 600 bus route. The proposal is therefore considered compliant with policy TSP1 of Arun Local Plan.

TREE PROTECTION AND LANDSCAPING

Policy ENV DM4 of the Arun Local Plan parts (a) to (c) refer to the circumstances under which damage or destruction of protected trees may be acceptable and ensures appropriate replacement. The rest of the policy sets out the measures for adequate protection and management of trees. It requires the submission of tree surveys, a tree constraints plan and an arboricultural impact assessment to include tree protection plan and an arboricultural method statement. All of these items have been submitted as part of this application. The proposal involves the loss of 4 trees which were not included in the previously approved scheme for residential dwellings, but their removal is compliant with this policy.

The public access right of way (ref: PROW 160) runs east to west along the south edge of the site. This is accessed off Yapton Road and continues to open land to the west. Parallel to the footpath, on its

northern edge, is an existing watercourse ditch. This path and ditch visually separate the developable site from rear gardens of neighbouring houses to the south. The area contains mature tree and undergrowth, including 3 protected trees (2 ash and 1 maple) close to the proposed access. There is a line of mature trees adjacent to the rear gardens of neighbouring houses to the south and this acts as screening between the houses and the site. The design proposal will retain these features, subject to good practice maintenance, and being within the ownership of the site they will be subject to enhancement and on-going management.

The application is supported by an Arboricultural Method Statement and an Arboricultural Impact Assessment. Although the care home does not fall in the root protection area of the protected trees, the access will incur into them. It is proposed the access road and footways in this location be constructed using a Cellweb tree root protection construction. The tree survey and arboricultural protection plan demonstrate that the demolition and construction elements of the scheme allow for the long-term retention of protected trees and ensures they remain a prominent feature within the site.

Elsewhere in the site, the development will be located outside the root protection areas of the retained trees and, subject to adherence to the measures set out in the accompanying arboricultural method statement and protection plan, these trees will not be adversely affected by the construction works. The scheme proposes four additional tree removals to the previously consented scheme. This comprises two Category U trees and two Category C trees, each of which is considered to be of low quality and limited amenity value. One tree previously proposed for removal can also now be retained.

The majority of the well-established tree screening along the eastern boundary fronting Yapton Road (its most public frontage) is being retained through the layout of the proposal. There is a group Tree Preservation Order extending from Silver Birch Drive southwards (reference TPO/M/1/96), but this will not be affected by the proposed development as it lies outside of the site boundaries.

The north and west boundaries will be a combination of close-boarded timber fencing and native species hedging to create a secure border but with a soft appearance from inside and out. The east boundary to Yapton Road benefits from a combination of hedging and banking. This native species feature will be retained and enhanced with additional planting. The northern edge of the public footpath includes 2m high hoop top fencing which will be softened by shrub planting adjacent to the existing ditch. The southern edge of the footpath would be retained as open grass verge with existing trees.

Submission of a detailed landscaping scheme is conditioned which will include mitigation for loss of trees. Given the above and taking the comments of the Council's arborist into account it is considered that the proposed development is compliant with policy ENVDM4 of Arun Local Plan.

ECOLOGY ISSUES

The application includes an Ecological Impact Assessment, based on an updated site visit in July 2020 and includes Internal and External Bat Survey. A Reptile Mitigation Strategy has also been submitted. Subject to satisfactory enhancement which is to be controlled by condition, there would be no unacceptable adverse impact on protected species. These enhancement measures are proposed to increase the site's biodiversity value in accordance with Local Plan Policy ENV DM5.

FLOOD RISK AND DRAINAGE

A Flood Risk Assessment and Surface Water Drainage Strategy have been provided as part of the planning application. This confirms that all areas of the site proposed for built development lie within Flood Zone 1 and that there is no known history of flooding from fluvial or tidal sources.

With regards to surface water, the proposal is to incorporate a Sustainable Urban Drainage System (SuDS) solution that uses attenuation for the surface water that falls on the site, together with permeable surfaces for the car parking. The drainage strategy includes the following measures:

- The roof areas to be suitably drained with sufficient opportunity for infiltration to the ground, where possible, to the proposed underground crate.
- Permeable surfaces throughout the development, including pavements and car parking areas.
- A restricted water discharge point to the existing drainage ditch to the south of the site, which will be enhanced to ensure there is suitable overflow capacity from the site.
- A lowered kerb to the parking area to ensure that excess surface water is routed away from the building, and safely into the drainage ditch.

The Council's Drainage Engineer has commented to conclude that with recommended conditions the site can be suitably drained.

The proposal accords with policies W DM2 and W DM3 of the Arun Local Plan.

SUSTAINABLE CONSTRUCTION

Tackling climate change is a key government priority for the planning system. Proposals for development should demonstrate how they will contribute to the Government's ambition of a low carbon economy and how well adapted they are for expected effects of climatic change.

In accordance with policy ECC SP2 of the Local Plan which requires that new residential development is energy efficient it is recommended that a condition is imposed requiring that prior to damp-course level a scheme with details of proposed energy efficiency measures and sustainable construction methods is submitted to and approved by the LPA to meet the National and Local Plan requirements. A condition is also imposed requiring incorporation of electric vehicle charging points within the development.

CONCLUSION

The proposal therefore accords with relevant development plan policies H DM2, D SP1, D DM1 & T SP1 of the Arun Local Plan and is therefore recommended for approval subject to conditions.

A s.106 legal agreement is being drawn up. If after three months of the date of the resolution the s106 has not been completed and signed delegated authority should be given to the Group Head of Planning in conjunction with the Committee Chairperson and Vice chairperson refuse the application or in limited circumstances to extend the time to complete the s106. The reason for refusal is as follows:

"The proposed development makes no contribution towards local infrastructure and is thereby contrary to the Policy INF SP1 of the Arun Local Plan and the National Planning Policy Framework."

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

Paragraph 6.13 and 6.14 of the CIL Charging Schedule states: "Residential care homes and nursing homes are not housing (rather being institutional accommodation). Development that falls within this definition will be taken to be All Other Development (so subject to the zero rate) for the purpose of CIL."

The proposal will not therefore be subject to CIL at all and section106 contributions will need to be used.

The application is subject to a Section 106 Agreement which is being drawn up and seeks library contributions of £13,455 and Fire & Rescue £1,250.

The contributions generated by this proposal shall be spent on expansion of the facilities at Bognor Regis Library. This contribution is considered to be NPPF compliant as being necessary and directly related to the development proposed.

Fire and Rescue Service Contribution to be used towards supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Middleton. However, a recent appeal decision (Blastreat Retirement Home, Arundel) where a similar contribution was requested the Inspectors decision was that such a very general request for a contribution could not be shown to be directly related to the proposed development. As such, this contribution will not be sought as it is not thought to be NPPF compliant.

Nursing homes and homes where care is provided fall into Class C2 where affordable housing contributions do not apply.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

2017/PA/001 Site Location Plan
2017/PA/002 Site Plan as Existing
2017/PA/004 Proposed Site Layout Plan
2017/PA/011 Proposed Ground Floor Plan
2017/PA/012 Proposed First Floor Plan
2017/PA/013 Proposed Roof Plan
2017/PA/020 Proposed Elevations Sheet 1
2017/PA/021 Proposed Elevations Sheet 2
2017/PA/002 Proposed Site Sections
2017/PA/025 Street Scenes Sheet 1
2017/PA/026 Street Scenes Sheet 2
2017/PA/10 Basement Plan Proposed
402.6594.0008_RC_001 General Arrangement Plan
2017/PA/003 Site Plan (Footprint Comparison)
2017/PA/030 Site Survey

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

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy T SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or impede access onto a classified road which could compromise highway safety.

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

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

5 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 spaces so approved shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with policy TSP1 of Arun Local Plan.

6 No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with policy T SP1 of Arun Local Plan.

7 No part of the development shall be first occupied until such time as plans, details and construction specification showing the proposed surfacing works for Right of Way no. 160 have been submitted to and approved in writing by the Local Planning Authority and the details so approved shall be completed within 3 months of first occupation of the home.

Reason: To ensure that suitable materials are used for the surfacing works and to safeguard users in accordance with T SP1 of the Arun Local Plan.

8 The development shall proceed in accordance with the Ecological Impact Assessment dated August 2020 and the Reptile, Bat and Hedgehog Mitigation Measures and Enhancement Strategy detailed within the report. The mitigation provided shall be retained in perpetuity.

Reason: To safeguard the ecology of the area, and in the interests of bats/birds to ensure that a habitat remains for them during and after development in accordance with policy ENV DM5 of Arun Local Plan.

9 The care home shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the home will incorporate decentralised, renewable and low carbon energy supply systems and use sustainable construction methods. The approved scheme shall thereafter be implemented prior to occupation of the home and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient, and in accordance with policy ECC SP2 of the Arun Local Plan.

10 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing will be inspected to verify it is 'Fit for Purpose' as required under British Standard 5837:2012 and erected and positioned exactly as shown on the Tree Protection Plan, PJC/5602/20/C (sheets 1 to 4), 27/08/2020.

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

Reason: To comply with BS5837 and policy ENV DM1 of Arun Local Plan and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area. It is considered necessary for this to be a pre-commencement condition to ensure that the health of the protected Ash trees is not compromised

11 All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact

Assessment, PJC ref: 5602/20-02 Rev - and Arboricultural Method Statement, PJC ref: 5602/20-03 Rev

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

Reason: To comply with BS5837 and policy ENV DM4 of Arun Local Plan and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area.

12 Any approved tree pruning or that later considered essential to enable the agreed development must wherever achievable meet the requirements of BS3998:2010 Tree work - Recommendations:

- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010
- Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reason: In the interest of continued health and vitality of trees and to accord with current industry guidelines and sound arboricultural practice and policy ENV DM4 of Arun Local Plan.

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

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

14 No development above damp proof course (DPC) level shall take place until precise details of boundary treatments have been submitted to and approved by the Local Planning Authority and the care home shall not be occupied until such treatments have been erected.

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

15 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building and hard landscaping 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/extension.

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.

- 16 Prior to the commencement of construction works details of a proposed foul and surface water sewerage shall be submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to consider the foul water drainage system prior to commencing any building works.

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

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

- 18 No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

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

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

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

arrangements for the surface water disposal scheme are agreed before construction commences.

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

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

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

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework (NPPF).

- 22 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 23 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

- 24 INFORMATIVE: Section 59 of the 1980 Highways Act - Extra-ordinary Traffic
The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to

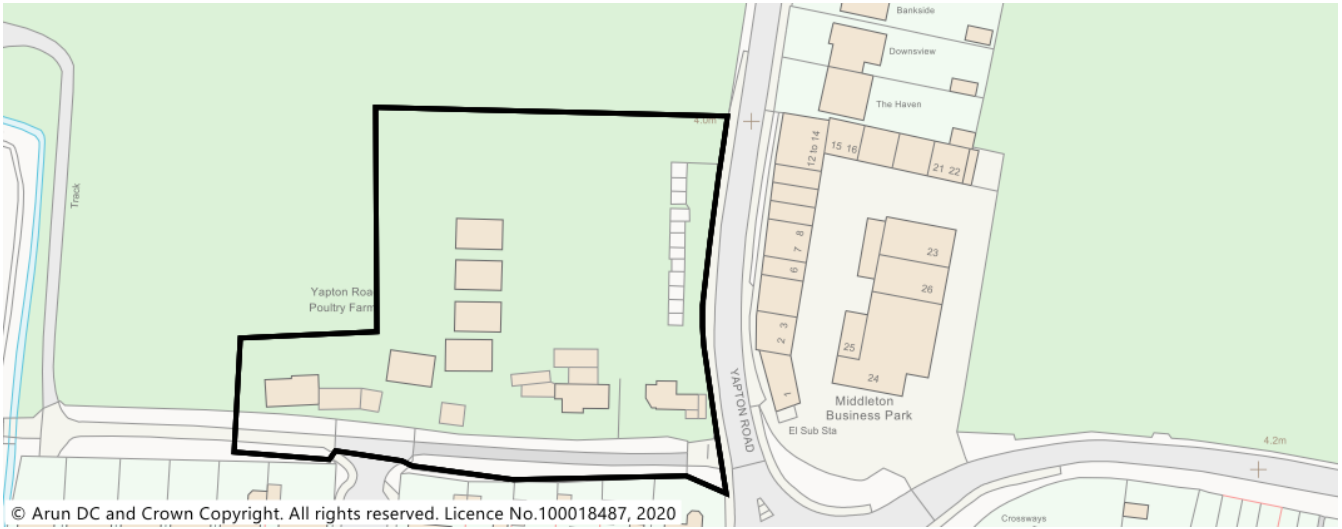
enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

- 25 **INFORMATIVE: Works within the Highway - Implementation Team**
The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 26 **INFORMATIVE: Temporary Developer Signage**
The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.
- 27 **INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>**
- 28 **INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.**
- 29 **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.**
- 30 **INFORMATIVE: The applicant should manage grassland areas to benefit reptiles.**

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)

M/68/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: LU/214/20/PL

LOCATION: Empty Supermarket Premises
Avon Road
Littlehampton
BN17 6AT

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

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed development involves the demolition of the former Waitrose building on the southern part of the site and the erection of 144 sqm Gross Internal Floor Area (GIA) of modern, flexible commercial floorspace (Use Classes A1 and/or A2 and/or A3 and/or D1) at ground level, with two storeys of residential use (Use Class C3), (referred to as Buildings 2 and 3).

Together the buildings provide 17 residential units. On the northern part of the site, comprising the former Waitrose car park, a third residential building (Use Class C3) is proposed, comprising 20 apartments (referred to as Building 1). The development comprises 13 no. 1 bed apartments, 16 no 2 bed apartments and 8 no 3 bed apartments.

A total of 19 car parking spaces are proposed (including 2 disabled spaces and 6 EV charging spaces) to serve the 3 buildings. In addition, there is also secure storage for up to 38 bicycles with 8 additional cycle spaces proposed externally (outside Building 2). Waste storage facilities are proposed in all buildings.

The proposed flexible commercial floorspace is located in Building 3, which fronts onto East Street providing an active frontage.

The application has been amended since its original submission to seek to address the concerns of the Council's Conservation Officer, local heritage groups and local residents, through a further reduction in the scale and height

of the proposed buildings and changes to the elevations.

The main changes from what was originally approved can be summarised as follows:

- Reduction in height across the scheme to provide a larger 2-storey element with 3-storeys to Building 1 only;
- Reduction in number of units from 50 to 37;
- Parking opposite Avon House reduced and replaced with additional landscaping. The overall parking ratio has increased slightly due to the reduction in units. 19 spaces are now proposed instead of 25;
- Elevation change to Building 1 so that it now mimics the proportions and fenestration of adjacent buildings with reduced balconies and change in material to knapped flint and red brick.

SITE AREA	0.6 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	62 dwellings per hectare.
TOPOGRAPHY	The site gently slopes upwards from south to north.
TREES	Some trees are located outside of the site close to the Franciscan Way boundary which may be affected by the proposed development.
BOUNDARY TREATMENT	The site frontages are mainly open with the existing building located on the southern and eastern boundaries. The boundary of car park area is enclosed by walling.
SITE CHARACTERISTICS	<p>The application site is currently occupied by the former Waitrose building (falling within use Class A1). The retail unit has been vacant for approximately 4 years following the relocation of Waitrose to Rustington.</p> <p>The retail unit occupies the southern portion of the site and is two storey in construction with brick elevations and a mansard roof. The building is bulky in design and is of no architectural or historic interest.</p> <p>The Site is bounded by Franciscan Way to the north; East Street to the east; Anchor Springs to the south; and by a motor works and charity unit to the west. Private car parking occupies the northern portion of the site.</p> <p>The main bus stop for Littlehampton Town Centre is situated to the south of the application site.</p>
CHARACTER OF LOCALITY	The application site is situated within Littlehampton Town Centre with the main High Street situated approximately 65m to the south of the application site. A number of commercial uses are situated in close proximity to the application site as well as residential development. The application site abuts the western boundary of the East Street Conservation Area.

RELEVANT SITE HISTORY

LU/3/19/PL	Demolition of existing buildings & redevelopment of site comprising 83 No. residential units (C3 Dwelling Houses) & 158.5 sqm flexible retail floorspace GIA (A1 (Shops) and/or A2 (Financial & Professional Services) and/or A3 (Food & Drink) and/or D1 (Non-residential Institutions)) together with the provision of car & cycle parking, landscaping & associated works. This application affects the setting of listed buildings & affects the character & appearance of the East Street, Littlehampton Conservation Area.	Refused 14-08-19
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Appeal: Dismissed

Planning application LU/3/19/PL was refused for the following reasons:

- 1) Unacceptable design, excessive site coverage, height, bulk.
- 2) Failure to adequately respect the setting of adjacent heritage assets.
- 3) Failure to make an adequate contribution towards affordable housing provision and other infrastructure.
- 4) Would not result in the provision of additional or enhanced commercial use.
- 5) Unsatisfactory environment for future occupiers.

The Appeal Inspector dismissed the subsequent appeal and commented that:

- The size and scale of both blocks would be a significant increase in the scale and mass on the site. The part three, part four design of block two would tower over the adjacent East Street and Anchor Springs. Block two would have similar, overwhelming effect on Franciscan Way. Furthermore, the proposal would become an onerous and unsightly element of the townscape when considered in wider views due to the openness of the surrounding areas, including St Martins Car Park.
- The development when considered in its entirety would tower over the adjacent buildings, particularly the adjacent Conservation Area and Listed Buildings. This would fail to reflect the general townscape. The building would overwhelm the skyline.
- The building would extend almost the full length of the site along Anchor Springs in several places this would provide a blank elevation facing the highway which would appear as an oppressive and uninhabitable space. The west elevation of the south building, and the east elevation of the north building would have blank and uninspiring facades would create an inhospitable and somewhat aggressive development and would simply be unsuitable for this town centre site.
- The mix and match approach in this proposal creates a cluttered and jarring development, that would fail to sit comfortably within itself, let alone the wider street scene.
- The proposal would result in harm to the setting of adjacent Heritage Assets. Whilst that harm would be less than substantial the harm would not be outweighed by the public benefits of the scheme.

The Inspector had no issue with the amount of commercial floor space provided or the impact on occupiers resulting from the proximity to the public right of way and a draft agreement was submitted as part of the appeal to address the infrastructure and affordable housing contributions.

REPRESENTATIONS

Littlehampton Town Council - Objection:

- The revised plans reduce the scale of the scheme but have also resulted in a loss of parking provision.

The impact of parking on the surrounding roads, has been ignored and that proposed would be insufficient for potential occupants.

- The revised design is still out of keeping with the Town Centre and wouldn't invigorate the High Street.

Littlehampton Society - Objection making the following material points on the scheme:

- Pleased to see that the size of the blocks in this proposed development has been reduced.
- General appearance of the development shows little appreciation of the sensitivity of the surrounding area.
- Would like to see elevations compliment and reflect the local vernacular of the area. At present, the proposal detracts from the local heritage assets.

Littlehampton Heritage Group - Objection:

- Welcome flint and red brick materials, consider the height and bulk of the blocks and use of balconies to be alien and certainly not fulfilling the requirement to 'enhance the setting of the Listed Building'.
- The creation of the new blocks of flats, at points higher than the existing supermarket building is at odds with the characteristics of the area. Both in scale and design. It is likely to overwhelm it.
- The position and glass fronted slab design of the shops is incongruous with any building they overlook.
- There is no immediate parking nearby for deliveries and loading.

13 Objections:

- Revised application has shown some improvements but it does not sufficiently blend in with or reference the surrounding buildings on the edge of a Conservation Area.
- Hastily ill considered design.
- Do not need more flats in the town centre, particularly ones that overshadow and stand out from the existing surrounding properties.
- Would cause parking chaos for residents of the town.
- The proposed buildings are too high, they will dominate the skyline and they will infringe on the privacy of surrounding properties.
- Any development should equal and exceed the achievements of developments like the Gratwicke Arms, the Old Dairy, the excellent new flint and brick cottages in Duke Street.
- Concerns regarding construction works causing noise and disturbance.
- Would destroy wildlife.
- Disappointed no provision is made for a community hub.
- This latest application does represent an improvement in terms of its relationship to the conservation area and represents an opportunity to bring the site back into use.
- The opportunity should be taken to work in partnership with the County Council to improve the pedestrian and bus stand facilities in Anchor Springs.
- The 'token' retail unit on the far end is not needed.

Additional information from the agent has been submitted in relation to the sequential flood test.

COMMENTS ON REPRESENTATIONS RECEIVED:

- Many of the comments relate to the development originally proposed and not the later revised scheme.
- The retail provision is considered to be acceptable in terms of floor area and location.
- Adequate mitigation will be provided to compensate for any loss of wildlife.
- The proposed elevations now incorporate flint work.
- The parking does not meet the adopted parking standards, but is mitigated by the site being sustainably located and County Highways have no objection to the level of parking provision or the layout.
- Whilst the existing car parking area, which is privately owned, is used for dropping off and collecting children attending the school opposite this displaced parking could utilise the St Martin's and Anchor Springs car parks which have 2 hours free parking.

Comments on the sequential test information provided by the agent are covered further in the drainage section of the conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Ecologist - No Objection. Revised details address previous concerns regarding biodiversity net gain issues. Condition requested regarding incorporation of enhancements.

Sussex Police - No Objection. Guidance in relation to secure by design provided.

Environment Agency - No Objection. The proposed development will only meet the National Planning Policy Framework's requirements if a condition is imposed ensuring compliance with the submitted Flood Risk Assessment.

Southern Water - No Objection. The proposed development will lie close/over an existing public water main, which will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the water main. Informatives/conditions requested relating to protection of the public water mains and sewers.

Conservation Officer.

The demolition of the existing building would remove what is considered to be a large obtrusive building which harms the settings of some of the assets. Paragraph 200 of the NPPF states that the Local Planning Authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance.

The modern design of the buildings is generally acceptable as long as the quality of the materials used, detailing and references to the local vernacular can be clearly identified within the scheme. The concept of splitting the existing large building into two smaller buildings is more appropriate and the concept of the central area of open space is a positive introduction as usable community space.

The revised scheme is an improvement in the previous version. It appears that the content of some of my previous comments have been noted/taken in to account when the new plans were prepared. The reduction in the height of the scheme is a definite improvement which will reduce its impact upon the local area.

Still some concerns regarding the appearance of the development. Whilst the height of the block fronting on to East Street has been reduced in height, it is still not clear how this fully relates to the existing buildings in the local area in terms of its design.

Likewise, a reduction in the number of parking spaces required has meant that the parking immediately opposite Avon House has been amended, but the revised design still keeps parking in close proximity to the listed building.

Whilst I am generally supportive of the revised designs to building one, there would be a large area of flat roof, which is out of character with the local area.

The impact causes less than substantial harm in accordance with paragraph 196 of the NPPF (2019). As such the public benefits of the development should be considered with any final decision.

Greenspace Officer - No objection. As this is a proposal for the demolition and redevelopment of residential units and flexible commercial floorspace there would be no requirement for Public Open Space or play area on this site. Greening to soften the development would be required on a development of any kind. There is a real opportunity to increase and improve the greening of this site with the inclusion of a careful selection of trees and shrubs both benefitting the aesthetics and biodiversity of the site. Condition requested relating to submission of a detailed landscaping scheme.

County Highways - No objection. The development is located within the town centre and is accessible by sustainable modes of travel, including walking, cycling and public transport. The level of car parking is satisfactory and is suitable for the proposed usage.

Having regard to the decrease in the number of units the residual cumulative impacts of the proposed development are not considered to be severe within the context of Paragraph 109 of the NPPF.

Conditions relating to provision of car parking and cycle parking and Informative requested.

Drainage Engineer - No objection. A flood risk assessment has been submitted to support this application, this includes details of the proposed means of surface water drainage. The document states that infiltration is precluded due to the presence of clay, on site infiltration testing must be provided to determine whether infiltration is viable or not. Imposition of surface water drainage conditions requested.

County Planning Officer - Contributions required for Education, Libraries and Fire & Rescue.

Highways England - No objection. The proposals will generate an acceptable, change in traffic on the Strategic Road Network (SRN). The development will not materially affect the safety, reliability and / or operation of the SRN.

Conservation Area Advisory Panel - Objection:

- Any new replacement development on the site must respect the scale, character and heritage importance of its surroundings. It is considered that the proposed development does not achieve these requirements.
- Although efforts have been made to reduce the extent of new building and to introduce variations in building line, the mass, height and materials of the 3 storey elements of the buildings will appear overbearing in relation to the street scenes in Franciscan Way, Avon Road and East Street. This is also detrimental to the settings of the Conservation Area and those adjacent and nearby Listed Buildings.
- The block fronting East Street and the conservation area appears out of keeping in its configuration, massing, form, and fenestration treatment with the historical and good quality townscape context.
- It is difficult to see how the particular local vernacular in building form, materials, design and detailing has been incorporated in any contemporary and innovative way in the designs of the blocks.

Environmental Health - No objection. Conditions requested relating to construction management, external lighting, noise levels and contamination.

Affordable Housing Officer - No Objection.

To meet the requirements of the Council's Affordable Housing policy the applicants will need to provide 11 x affordable dwellings (30%). All of the necessary affordable housing requirements would need to be delivered by a S106 legal agreement.

Arboricultural Officer - Objection

- There are significant trees off-site which could be adversely affected by these proposals, yet there is no supporting arboricultural information submitted with the application. There is insufficient information to guarantee such trees would be adequately respected and protected.
- There are few trees/shrubs wholly within the site, therefore in the absence of interior constraints from vegetation it should be possible to design a layout for the site which avoids any above or below ground conflict with retained vegetation. The most significant trees from a public amenity perspective are roadside and growing from grass verge within the publicly maintainable highway (Franciscan Way).
- Those latter trees include early mature examples of lime, cherry and whitebeam; which should be given adequate room as part of any proposal and account for their potential to increase in height and spread, such that no future 'pressure to prune' arises from the position of any residential dwelling. These trees provide high level screening and are a valuable visual amenity, especially when viewed from the north and south.
- An Arboricultural Method Statement, Arboricultural Impact Assessment and a Tree Protection Plan should be submitted.
- It should be possible to develop the site, broadly in line with the current proposals and without adverse effect on retained off-site trees.
- Proposed Site Plan, dwg. no. LH1-USY-RO-MP-DR-A-0002, Rev 3 - There is one obvious and notable area of tree/development conflict that needs to be addressed. The size and orientation of units at the northwest corner of the site should be amended to fully accommodate and be harmonious with the anticipated long-term presence of roadside trees (root and crown development).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Whilst the Conservation Officer is concerned regarding the amount of car parking adjacent to Avon House there is already a significant area of hard surfaced parking adjacent to Avon House. His comments relating to the proposed large flat roofed area being out of character with the area would not be a sound reason for refusal given that there are a number of flat roofs nearby in the area. The buildings backing onto Anchor Springs, the existing store building and unit on the corner of Anchor Springs and East Street are all flat roofed.

Consultees suggested conditions have been included in the officer recommendation.

The tree officer's comments have been relayed to the agent and an amended repositioning of the north west corner of the development has been sought to ensure sufficient space is provided to the site boundary to retain and protect the adjacent trees. The tree officer will be re-consulted and his comments provided as a report update.

POLICY CONTEXT

Designation applicable to site:
 Within Town Centre
 Secondary Retail Frontage
 Within Built Up, Area Boundary
 Abuts Conservation Area
 Adjacent to Listed Buildings
 Flood Zones 2 and 3
 Economic Growth Area

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
TSP1	T SP1 Transport and Development
TDM2	T DM2 Public Parking
ECCDM1	ECC DM1 Renewable Energy
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
AHSP2	AH SP2 Affordable Housing
INFSP1	INF SP1 Infrastructure provision and implementation
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water
EMPSP2	EMP SP2 Economic Growth Areas
RETSP1	RET SP1 Hierachy of Town Centres
QESP1	QE SP1 Quality of the Environment

Littlehampton Neighbourhood Plan 2014 Policy 1	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town
Littlehampton Neighbourhood Plan 2014 Policy 22	Design of New Development

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
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POLICY COMMENTARY

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

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

The relevant policies of the Littlehampton Neighbourhood Development 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."

Whilst the proposal is considered to comply with relevant Development Plan policies in that it would not adversely affect the visual and residential amenities of the area, enhances the retail offer of this designated Growth Area and meets the required provision of affordable housing and infrastructure contributions it would conflict with policy W DM2 of the Local Plan in that a sequential test has not been submitted in accordance with the NPPG requirements.

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

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

S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

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

The proposal is considered to comply with these criteria in that it is not considered to materially affect the setting of the Conservation Area or nearby Nationally Listed and locally Listed buildings.

With respect to drainage the proposal conflicts with policy W DM2 in that part of the site falls in flood Zone 2/3 where a sequential test, which has not been submitted, is required.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan as the proposal meets the flooding exceptions test and the risk of flooding can be satisfactorily mitigated.

CONCLUSIONS

PRINCIPLE

The application site is situated within a sustainable town centre location where the principle of development is acceptable. Residential development in this prime urban location is therefore considered acceptable in the context of the overarching objectives of the National Planning Policy Framework (NPPF) and the Development Plan.

The proposed development will deliver 37 additional homes on previously developed land in accordance with Policy SD SP1a, and will contribute towards meeting the Council's overall housing needs as detailed within Policy H SP1. The proposed residential units will comprise a mix of 13 no. 1 bed apartments, 16 no 2 bed apartments and 8 no 3 bed apartments. This is an improvement in residential mix compared to the previous proposals that provided 1 and 2 bed units only.

The National Planning Policy Framework (NPPF) provides information on the issue of the weight that can be given to the Arun Local Plan or 'made' neighbourhood development plans, where the District Council cannot demonstrate the 5 year supply of deliverable housing sites. These details are set out in full in Paragraph 11(d), where it is stated that permission would be granted, unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits.

The sections below will go on to make a planning assessment of what is proposed and whether planning permission should be recommended.

IMPACT ON THE SETTING OF LISTED BUILDINGS AND THE CONSERVATION AREA

CONSERVATION AREA

Arun Local Plan Policy

The relevant Local Plan policy for assessment of the impact on the setting of the Conservation Area is policy HER DM3 which states that in order to preserve and enhance the character and appearance of the Conservation Area planning permission will normally be granted for proposals within or affecting the setting of a conservation Area provided that (a) new buildings and structures acknowledge the character or their special layout, (d) unsympathetic features are removed, (e) it retains historically significant boundaries and elements of the area's established pattern of development, character and historic value and (f) that proposals do not harm important views into, or out of or within the Conservation Area.

Policy HER SP1 requires Conservation Areas to be given the highest level of protection and to be conserved and enhanced in a manner appropriate to their significance and development that is likely to prejudice their setting should be refused.

The Conservation Area

Littlehampton East Street Conservation Area is principally formed of the historic collection of buildings which comprise the north and part of the south sides of Church Street. The buildings vary in construction date, ranging from the early 18th century church and cottages to the 19th and early 20th century villas and terraces. However they are of a commensurate scale and form and many share a commonality of materials, creating a high quality consistent historic townscape. The buildings also form an important intact collection illustrating a key historic development phase of the town which has otherwise been subject to large areas of piecemeal re-development.

The Proposal - Assessment of Degree of Harm to the setting of the Conservation Area

The development would be visible at the junction between East Street, Church Street and Anchor Springs. The existing significantly large store building currently forms a prominent key marker in the street scene. The building is notably unresolved in its appearance, forming a blank brick elevation running westwards with the former entrance being positioned to the south-west away from the Conservation Area.

The eastern part of the site forms part of the immediate area surrounding the East Street Conservation Area, sharing part of its western boundary and consisting of a large area of hardstanding formerly used as a car park for the supermarket building.

The former supermarket building does not relate positively in character and form with the surrounding built characteristics of the Conservation Area. The overly large tiled roof and white painted fascias also

appear visually jarring in the street scene and fail to address this important junction.

The site does not share a historic or functional relationship with the Conservation Area, forming modern features which have served to remove some vestiges of the historic layout of this part of Littlehampton. It detracts from the predominantly commercial character of this part of the Conservation Area which features active ground floor frontages or visually interesting facades.

The site fails to contribute to the special character or appearance of the Conservation Area as an element of its immediate surroundings. Demolition would remove what is considered to be a large obtrusive building. This is confirmed in the assessment of the heritage assets in close proximity to the application site. This approach is also identified within the heritage statement; which acknowledges that the setting of some of the assets is weakened by the development on the site, including the car park. Therefore, the demolition of the existing building and the concept of redeveloping the carpark site can be seen to be a positive impact.

The demolition of the building would accord with policy HER DM3 (d) in that the setting of the Conservation Area would be enhanced by removal of this unsympathetic structure.

The proposed development is divided up into a number of elements; three buildings, two of which would be located in the area covered by the existing supermarket building, and the third one over the car park with an area of open space and car parking for the future residents. A key positive change to the proposals from the refused scheme is the separation of the development to the south into two buildings which serves to significantly reduce the sense of bulk. This also allows for greater movement through the site, and a greater visual appreciation of the listed building to the north and a less dominant form of development when viewed from within and into the Conservation Area.

The design approach to the redevelopment of this southern element has been simplified by taking the form of a series of regularly spaced gables of a similar pitch to Avon House, in line with the general character of the area. These face the three frontages (Avon Road, Anchor Springs and Franciscan Way) allowing for more visual interaction. Overall, the proposed development will result in an improvement to the setting of the listed building and its associated garden wall and a visual improvement to the setting of the Conservation Area. The reduced height and scale of the proposal acknowledges the character of the area as required by policy HER DM3 of Arun Local Plan. The development would not appear out of keeping with adjoining development and more closely reflects the scale and form of surrounding development and is a visual enhancement of the current overly dominant appearance of the site.

The revised proposals introduce a new building to the west of The Old House, redeveloping the area of hardstanding to the western boundary. The brick and flint wall which continues along the northern boundary of the application site will remain to illustrate the historic extended garden setting of the listed building. This is in accordance with concerns previously raised. Traditional materials are to be used to ensure the development is in keeping with the character of the Old House and its surrounding historic townscape.

Both brick and flint are to be incorporated into the proposed buildings, which will assist in their integration with adjacent heritage assets and precise details of the materials are conditioned. Brick patterning has also been introduced to reflect the fine grain and texture of buildings such as Avon House, providing a modern interpretation of flint and assisting its visual integration with its surroundings.

Part of the application site is visible in views from Church Street looking west, forming a prominent feature in the street scene from where it is viewed against the grade II Listed Vine House, but it responds positively to the appearance of this part of Littlehampton and Vine House. As previously stated, the southern part of the site has been separated into two buildings to significantly break up the sense of bulk.

This ensures that it is now appropriately integrated into the street scene.

In views from key parts of the Conservation Area in Church Street and East Street, the buildings will form an attractive high-quality contextual addition and will provide a significant improvement on the existing situation. The buildings will be no taller than the existing building on the site and will be below the chimney stacks of the terraced buildings along the west side of East Street, when viewed southwards from the roundabout. Given these visual improvements the proposal will accord with policy HER DM3(f) and HER SP1.

Conclusion on Impact on the setting of the Conservation Area

In conclusion, the replacement of the excessively large tiled roof and the introduction of a more visually appealing frontage to the street scene will enhance the Conservation Area's surroundings and its setting. The proposals have been designed to relate with the surrounding Heritage Assets in terms of their scale and form. The proposal would be appropriately sited in respect of its proximity to the heritage assets. The application is therefore considered acceptable in terms of its impact on the setting of the adjacent and neighbouring heritage assets identified above and is considered compliant with policies HER SP1 and HER DM3 (a),(d),(e) and (f) of the Arun Local Plan

Other Material Planning Considerations National Planning Policy Framework (NPPF)

In accordance with paragraph 189 of the NPPF, a detailed Heritage Statement has been prepared which assesses the impact the development has on the setting of nearby Listed Buildings and assesses how this may affect the proposed development.

With regard to Paragraph 200 of the NPPF the main consideration is the indirect effect that the proposed replacement development could have on the appreciation of the significance of the identified nationally and locally listed buildings and their settings and the setting of the Conservation Area. As discussed above the proposal would represent an improvement on the appearance of the current supermarket building.

In accordance with para.190 of the NPPF which states that Local Planning Authorities should take account of any necessary expertise, the Conservation officer has been consulted and he has commented that the design of the modern design appearance of the buildings is generally acceptable as long as the quality of the materials used, detailing and references to the local vernacular can be clearly identified within the scheme.

Following the Conservation officer's advice the use of yellow bricks has been deleted from the application. Further, the concept of splitting the existing large and unsightly looking building into two smaller buildings is more appropriate, especially where the development is able to relate more to the neighbouring streets. Likewise, the concept of the central area of open space is a positive introduction to the local area, which is currently focused on areas of tarmac hardstanding as opposed to usable community space.

The proposal has taken account of the policy objectives set out in paragraph 192 of the NPPF by enhancing the significance of the heritage assets that may be affected by the application proposals. The conservation of the designated Heritage Assets has been given great weight In accordance with paragraph 193 of the NPPF. The proposals have sought to minimise and mitigate the impact of the proposals on the significance of the designated Heritage Assets and make a positive contribution to local character by enhancing the setting of the heritage assets as required by para192(c) of the NPPF which states Local Planning Authorities should take account of the desirability of new development making a

positive contribution to local character and distinctiveness.

LISTED BUILDING

Whilst there are no statutory Listed Buildings located within the site boundary, a number of Listed Buildings are situated within its immediate vicinity and there would be an impact on their setting resulting from the development proposed.

Arun Local Plan Policy

The relevant Local Plan policy for assessment of the impact on the setting of adjacent Listed Buildings is policy HER DM1 which states that proposals affecting statutory Listed Buildings will be required to (e) protect and where possible enhance the setting of the building.

For Locally Listed Structures the relevant policy is HER SP1 which states non-designated heritage assets including locally listed heritage assets and their settings will need to be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment. Development likely to prejudice settings will be refused.

Assessment of Degree of Harm to Listed Buildings and Heritage Assets

The submitted Heritage Statement states there are a number of Listed Buildings in close proximity to the site, and a locally Listed Building or structure of character. The Heritage Statement has identified the following heritage assets:

- Littlehampton: East Street Conservation Area.
- Avon House.
- Garden Wall fronting Avon House.
- The Old House.
- East Street School (Youth Centre).
- Low Wall in front of East Street School.
- 39, East Street.
- Farm Buildings to West of Rear of No. 39 East Street.
- Vine House.
- 69 High Street and 1 East Street.

Avon House and the garden wall which fronts on to Avon House are both Grade II Listed. Avon House is identified as being a good example of an early C19 simple symmetrical vernacular residential cottage. The cottage and the associated walling are now located within an urban location with a mixture of uses, higher density development and local roads which are busy (especially during the rush hour periods). Modern development in the form of the application site are considered to detract from the setting of the building. Both the cottage and the wall are of architectural and historic interest, being rare survivors of the early development of the town.

Avon House is the closest Heritage Asset. The immediate setting of Avon House has been severely truncated with the large carpark to the west, and the supermarket development. The listed building's wider setting is comprised of a small collection of historic residential properties to its north and east, fronting the western side of East Street and the northern side of Church Street, demonstrating Littlehampton's village like characteristics prior to the 20th century. These elements of the listed building's setting contribute positively to its significance. This wider setting is also comprised of late-20th/early 21st century development to the south and west, from the urban town centre character of the area (of which the Site forms part of). The blank elevations of the former supermarket store and the use

of large fascia's detracts from the Listed Building and wall.

This revised scheme is more in keeping with the character of the Listed Building and does not form an overbearing addition in its setting. The revised proposals take the form of three individual blocks, two situated to the south of the site, along Avon Road and a further, larger building to the north fronting Franciscan Way. A key positive change to the proposals is the separation of the development to the south into two buildings which serves to significantly reduce the sense of bulk. This also allows for greater movement through the site, and a greater appreciation of the listed building to the north.

The design approach to the redevelopment of this southern element has been simplified by taking the form of a series of regularly spaced gables of a similar pitch to Avon House, in line with the general character of the area. These face the three frontages (Avon Road, Anchor Springs and Franciscan Way) allowing for more visual interaction. Overall, the proposed development will result in an improvement to the setting of the listed building and its associated garden wall.

The Old House is also grade II Listed Building which is illustrative of the development of the town. It is a large 18C building with a symmetrical front elevation. It is constructed using local materials in a vernacular appearance. It is suggested that it is a rare example of a large upper-class residences that were constructed in the local area to cater for the growing population of Littlehampton which transformed it to an important seaside resort. Whilst the immediate setting of the building is maintained by a boundary flint and brick wall, the wider setting of the building has been harmed through the presence of modern development in the form of the application site and the busy road network which immediately adjoins the garden space.

East Street School & Low Wall to the front of it have been listed as Grade II. The school fronts onto East Street and forms an imposing building to the street. It is constructed using local materials in a 'gothic' style. The building is a good example of a late 19C school building which was constructed for the growing town and is therefore of architectural significance. Its historic significance stems from the fact that it remains as an education establishment. The school building is surrounded by a mixture of properties, especially the 18C Listed Buildings, as well as some 19C buildings, including the terraces opposite the school. The southern part of the application site is visible from the site when looking westwards. This site currently detracts from the view.

With regard to the River Beach school buildings opposite in Franciscan Way the impact of the previous application proposals on the significance of this Listed Building formed a key consideration by the Inspector, noting that the development would dwarf the school in height, size and massing. Significant changes have been made to the proposed development to reduce its visual impact on the setting of the Listed Building. The southern part of the site is now formed of two separate buildings which will be further broken up in terms of height and bulk to form a series of gables.

This design approach has been directly influenced by the form and character of the school and its surrounding context. The resulting appearance of the development when viewed from the school is significantly improved both in terms of the existing situation and that of the previous refused scheme. The introduction of lower, two-storey projecting gabled wings facing East Street greatly reduces the sense of bulk and height of the development and introduces an active frontage. Importantly, additional landscaping and tree planting will be introduced along the north boundary of the application site to soften the visual effect.

39, East Street (The Old Farm) and associated Farm Buildings are considered to be of architectural interest as an early 18th century farm complex with a strong vernacular character and form. The farm house is of two storeys with a tiled pitched roof featuring a number of chimney stacks of varying age and styles. The house has development in many stages, as best evidenced through the eastern elevation,

where the oldest part of the house is clearly different in appearance from the later developments on both the northern and southern sides.

The farm buildings are generally simpler in appearance, being of flint and brick construction. Later development has an impact upon these farm buildings. However, it is considered that the complex is still of architectural significance. Likewise, the age and use mean that the complex is also of historical interest. The complex is surrounded by modern development and the busy road network. Part of the development site is visible from the farmhouse and buildings when looking northwards.

Vine House is Listed Grade II building and sits opposite the southern boundary of the site, two storeys in height with a tiled pitched roof and two brick side stacks. The building is of three bays with the central bay featuring a later, yet attractive projecting pointed porch enclosing the main entrance. Constructed in traditional materials with knapped flint and red brick, the building is of simple character, reflecting its age and domestic function with sash windows to the ground and first floors set within flush timber frames. These appear to be later openings with some remains of earlier openings existing within the outer bays, infilled with knapped flint. The building presents some later Gothic features representing the increased popularity of this style in its application to domestic buildings. The building sits within an urban context of high-density development and busy roads. The application site is visible when viewing the front elevation of the building, and at present it detracts from its setting. For the reasons above, along with its age mean that the building is of both architectural and historic interest.

69 High Street and 1 East Street is a mid-to-late C18, three storeyed building, which is located on the corner of East Street and the High Street. It forms the transition between the town centre and the historic development of East Street. It is currently used as a shop/estate agents. The building is considered to be of historical importance. The development site can be viewed when looking northwards towards the building and along the street.

The proposal will remove an unsightly and bulky building and significant hard surfaced area which detracts from the setting of nearby listed buildings and would replace it with a more sympathetic form of development which is of similar height but which is less visually prominent and more respectful of the surrounding built form. It would enhance the setting of adjacent listed buildings by improving the visual appearance of the area, introducing development split into 3 separate blocks, utilising more traditional design features and materials and allowing better visual appreciation of neighbouring listed buildings with more landscaping and permeability. The proposal would therefore accord with policy HER DM1(e) in that it would enhance the setting of nearby listed buildings.

The application is therefore considered acceptable in terms of its impact on the setting of the adjacent and neighbouring heritage assets identified above and is considered compliant with policies HER SP1 and HER DM1 of the Arun Local Plan .

Other Material Planning Considerations National Planning Policy Framework (NPPF)

The NPPF requires Local Planning Authorities to identify and assess significance of a Heritage Asset that may be affected by proposals (paragraph 190). They should take the assessment into account when considering the impact of proposals in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposals.

In accordance with paragraph 189 of the NPPF a detailed Heritage Statement has been prepared which assesses the impact the development has on the setting of nearby Listed Buildings and assets and assesses how this may be affect the proposed development

Paragraph 197 of the NPPF requires the balancing of proposals which affect the significance of non-designated Heritage Assets, having regard to the scale of the harm. It is not considered that the proposal would cause harm to the significance of the Former Gratwick Arms Public House as a non-designated Heritage Asset. Consequently, the balancing exercise required to be undertaken as part of this paragraph of the NPPF is not required.

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

CONCLUSIONS IN RESPECT OF PLANNING BALANCE IN RELATION TO HERITAGE ASSETS

Overall, the proposal does cause some harm to the Heritage Assets, but this level is such that the impact can be described as leading to less than substantial harm. In accordance with paragraph 196 of the NPPF this harm needs to be weighed against the public benefits of the proposal.

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

- Providing much needed housing to meet the deficit in Arun's 5 year Housing Land Supply (HLS).
- Sympathetically redeveloping an existing unused, vacant piece of land which is currently an eyesore.
- Improving views across the site.
- Benefitting the local economy by bringing in additional customers to the town centre shops and services.
- Benefitting the streets surrounding the site from increased natural surveillance, reducing crime & anti-social behaviour.
- Creating construction jobs.
- Creating new sources of employment and economic activity at the site.
- Additional spending by new residents on local goods & services.

It is considered that these benefits sufficiently outweigh the harm caused and the proposal is therefore compliant with the NPPF.

VISUAL AMENITY AND CHARACTER

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

The existing building is situated in a prominent location abutting the East Street Conservation Area and is of significant bulk with a design which is inappropriate and out of context with surrounding development. Therefore, visually, its demolition and replacement is preferred to the redevelopment/conversion of the existing building.

The proposed buildings have been designed in a way which satisfactorily responds to the physical

characteristics of the site and the surrounding area. The intensity, the height of the building and the extent of site coverage have all been reduced following refusal of the previous scheme. The agent's have carried out a site appraisal and the development responds to the site and its setting in accordance with section 4 of Arun's Draft Design Guide. It now relates positively to the character, scale, form and massing of the surrounding natural and built environment and creates connections with the site's surroundings, promoting integration and permeability.

The proposed development is divided up into:

- Three buildings, two of which would be located in the area covered by the existing supermarket building, and the third one over the car park.
- An area of open space; and car parking for the future residents.

Buildings are located to the north and south of the site, addressing both Anchor Springs and Franciscan Way, giving them strong frontages in keeping and re-enforcing these key elevations. The buildings are also orientated to take advantage of natural solar gain. The building's bulk and mass has been significantly reduced to three clear elements that reflect the pattern, form and proportion of the East Street Conservation Area. The existing historic brick wall has been extended to place the building sensitively within its context.

A hedge has been proposed as a buffer between the path and residential area to provide defensible space. The proposal references red brick and knapped flint in a contemporary manner by using pulled brick as a pattern and detail by using a texture brick. This approach has been taken to avoid a pastiche and to create a visually more acceptable design solution. The mansard roofs previously included in the scheme have been removed.

The proposed Building 1 has been significantly altered both in terms of scale, bulk and form to respond to concerns raised by the Planning Inspector. The development takes the form of a regular series of three projecting gabled wings, separated by smaller flat roof elements. The breaking up of the elevations serves to significantly reduce to sense of bulk and mass of the building and introduces a more balanced set of elements.

This design approach has been directly influenced by the character and form of the surrounding historic buildings and serves to significantly reduce the visual impact of the development when viewed from outside the site. Each wing will step further forward towards the west, with the most eastern wing being the furthest set back from Franciscan Way to reduce its visual impact. When viewed from the roundabout of East Street and Franciscan Way, the development will read as a series of houses set back behind the flint wall, in keeping with the predominantly residential character of this part of Littlehampton. A combination of pitched and flat roofs have been adopted reflecting the dominance of pitched roofs along East Street, Franciscan Way, the High Street, and Arundel Road.

The proposals have been significantly altered to such an extent that they will contribute positively to the surrounding townscape. The introduction of the contextual built form will add visual interest. The continuous flint wall running along Anchor Springs has been removed and a more active frontage with apartment entrances address the pavement edge or are accessed via steps. A retail unit will be introduced within Building 3.

Regularly spaced large window openings have been incorporated in this unit at ground floor level to add activity and interest, with a large shop window on the south side, addressing Anchor Springs.

The reduced density of the scheme is now appropriate to its location, balancing the need for efficient use of land with a design that responds to and enhances the existing character of the site and wider locality. The emerging Arun design guide states that in general, higher densities will be appropriate in town and

village centres, along strategic routes, and around key movement intersections with good access to public transport and facilities. These criteria apply to this site.

In summary the proposed development by virtue of its amended design and scale would not have an adverse impact upon the character of the locality in line with policies D DM1 and D SP1 of Arun Local Plan.

RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 indicates planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. Planning Policy indicates that good design should contribute positively to making places better for people. Regard should be had to paragraph 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

Impact of the development on residential amenity did not form part of the previous reason for refusal and the siting of the units in relation to site boundaries with residential dwellings is no closer and the buildings are lower. It would not therefore be reasonable to refuse the application on this basis when it has previously been considered acceptable. The proposal is located a significant distance from the nearest residential properties. That is 25 -30m from the rear elevations of dwellings to the east and 12m from the front elevation of properties opposite in East Street.

These separation distances are considered acceptable to avoid any unacceptably adverse overlooking, overshadowing or overbearing impacts.

In terms of the north boundary of the northern most building to Franciscan Way the living areas of the flats are at their nearest some 8m away (this distance was previously 7m). This distance is sufficient to prevent unacceptable noise and disturbance from traffic and is bolstered by the use of an appropriate noise condition.

The southerly blocks are predominantly surrounded by commercial uses to the east, south and west, immediately to the north is Avon House. The proposed building at its closest point will be situated approximately 14.5m - 15m away from this existing residential property (it was previously 13m). There are windows and balconies facing this property, but the distance is considered acceptable to prevent material harm resulting from overlooking at first floor level. Arun Design Guide refers to back to side distances of 14m and the proposal is therefore compliant with this guidance.

The windows in building 3 have been further set back to improve the relationship between first floor windows. It is considered that this building would not give rise to any unacceptably adverse overbearing or overshadowing impacts upon Avon House given that the proposed development, where it abuts East Street, will be lower in height than the existing former Waitrose building. Therefore, this element of the proposal is considered acceptable. The generally accepted distance for back-to-side distances between buildings of 14m is met.

The proposal retains bus stops outside south of the development to the north of Anchor Springs. This has the potential to create significant activity and associated a nuisance upon the residential amenity of future occupiers, but the building in this area has been moved further into the site to provide a 4.7m gap which is sufficient to prevent an unacceptable level of noise and disturbance that would represent unacceptable harm and a reason to refuse planning permission.

In order to avoid significant loss of privacy and outlook the proposed scheme follows the principle of the

previous proposals with balconies which were found to be at risk of being overlooked by existing buildings, now being recessed into the elevation in line with the Arun Design Guide.

The proposed development by virtue of its amended design would not have an unacceptable adverse impact upon residential amenity in accordance with policy D DM1 of Arun Local Plan.

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 therefore necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use. All of the flats comply with the standards in respect of internal space.

Paragraph 127 of the NPPF requires that new development has a high standard of amenity for existing and future users. The flats are provided with balconies and patios and there is significant public open space nearby to consider the flats to be supplied with sufficient external amenity space. With the majority of flats being 1 bedroom these are not anticipated to be for family occupation where it would be expected to have sufficient, private and secure residential external space for use by children.

When compared with the refused scheme there has been an enhancement of open space for the residents with three garden areas, alongside the use of balconies. These garden areas comprise a large public open space for shared use, alongside a private garden for residents towards block 1 and an additional residential amenity space an enclosed garden as part of building 3.

Section G.01 of Arun's Design Guide recognises that it is important that new development either connects to, adds to, enhances or incorporates an identifiable centre. This can take the shape of a focal public space or feature of the built or natural environment. A centre can also comprise a range and number of services and facilities relevant to the scale of development. The inclusion of an area of public open space for shared use accords with this guidance.

IMPACT ON TOWN CENTRE

The proposal is designated within an area defined as Town Centre. Policy RET SP1 of the Arun Local Plan therefore applies which seeks to maintain the role of the town centre by supporting and promoting measures which reinforce its role in meeting community needs and providing a range of facilities.

This proposal would retain a retail use at ground floor and increase the number of residents in the town centre. This would contribute to the viability and support the other retail and commercial uses within it. It would sustain economic growth and social well being by increasing customer numbers.

It is very likely occupiers of the flats would utilise local retail units. It therefore serves a complementary function by adding to the services and facilities provided by the shopping centre of Littlehampton. The previous supermarket use ceased approximately 3 years ago and the premises have subsequently been marketed with no occupiers forthcoming. The proposal would retain a retail use, albeit in a different and reduced form. It would therefore accord with policy RET DM1 of Arun Local Plan since the proposal would retain the existing hierarchy of retail centres in Arun and maintain a retail use within the secondary shopping frontage area. The retail element in this proposal has been enhanced with a greater frontage on Anchor Springs than the refused scheme.

EMPLOYMENT OPPORTUNITIES

The site is designated within the Littlehampton Economic Growth Area. Policy EMP SP2 of the Local Plan encourages the Council to work with partners to enhance local employment opportunities within Economic Growth Areas, supporting development that provides for additional or enhanced small scale retail opportunities, commercial, leisure and restaurant uses.

The proposal results in a reduction of the current large retail offering to two units at ground floor and would result in a significant reduction in employment opportunities at the site. However the retail offer is only 14sqm less than that previously refused and the Inspector commented that 'The proposal would introduce a residential population which would increase footfall to the town centre, and as a result would benefit the vitality of the town centre through increased economic stimulus. As such the proposal would comply with Policy EMP2 of the Local Plan which states, in relation to the wider Economic Growth Area (including the town centre), that development which increases the vitality of the town centre should be encouraged and development which supports the town's retail, leisure and tourism functions will be supported.'

Therefore the provision of a new alternative limited retail facility is considered to meet this policy which seeks the enhancement of the Littlehampton Economic Growth Area for the benefit of the community.

SUSTAINABLE CONSTRUCTION

Tackling climatic change is a key government priority for the planning system. Applicants for planning permission should consider how well their proposals for development contribute to the Governments ambition of a low carbon economy and how well adapted they are for expected effects of climatic change. Applicants should consider provision of renewable energy in the form of high level insulation, rainwater harvesting a general minimal energy use, including Carbon Dioxide reduction.

Local Plan Policy ECC SP2 "Energy and Climate Change Mitigation" states that all new residential and commercial development will be expected to be energy efficient and to demonstrate how they will achieve energy efficiency measures, use design and layout to promote energy efficiency and incorporate decentralised, renewable and low carbon energy supply systems. In assessing the achievement of these standards the Council will consider site constraints, technical and financial viability and delivery of additional benefits.

The proposals will incorporate a range of design and energy efficiency measures throughout the site, including on-site photovoltaic panels in order to reduce the regulated CO2 emissions in line with policy, but in accordance with policy ECC SP2 of the Local Plan it is recommended that a condition is imposed requiring that prior to damp-course level a scheme with details of proposed energy efficiency measures and sustainable construction methods is submitted to and approved by the LPA to meet the National and Local Plan requirements.

IMPACT ON TREES

There are significant trees off-site which could be adversely affected by these proposals and no supporting arboricultural information has been submitted with the application. The Council's Arboricultural Officer has advised that there is insufficient information to guarantee such trees would be adequately respected and protected. The proposal therefore conflicts with policy ENV DM4 of Arun Local Plan which requires that where there are existing trees on or adjacent to a development site, developers are required to provide tree surveys, a tree constraints plan, an arboricultural impact assessment to include a tree protection plan and arboricultural method statement.

The proposed units are positioned slightly closer to adjacent trees in the north west corner than was

previously the case. However this could be addressed satisfactorily by repositioning of the north west corner of the development. The agent has been requested that this be done and the outcome of these discussions will be reported to Committee as a report update.

FLOOD RISK AND DRAINAGE

The south eastern part of the site is located partially within Flood Zones 2 and 3a, indicating a medium to high probability of flooding from tidal and/or fluvial sources. Zone 3a comprises land assessed as having a greater than 1 in 100 annual probability of river flooding or a greater than 1 in 200 annual probability of flooding from sea in any year and block 3 is located in this area. Block 3 is partly in flood zone 3a and the rest of block 2 and block 1 are located within Flood Zone 1 denoting a low probability of tidal and/or fluvial flooding.

Policy WDM 2 of Arun Local Plan requires that development in areas at risk from flooding will only be permitted where all of the following criteria have been satisfied:

- a. The sequential test in accordance with the National Planning Policy Guidance has been met.
- b. A site specific Flood Risk Assessment demonstrates that the development will be safe, including access and egress, without increasing flood risk elsewhere and reduce flood risk overall.
- c. The sustainability benefits to the wider community are clearly identified.
- d. The scheme identifies adaptation and mitigation measures.
- e. Appropriate flood warning and evacuation plans are in place; and
- f. New site drainage systems are designed to take account of events which exceed the normal design standard i.e. consideration of flood flow routing and utilising temporary storage areas.

With regard to parts a and b the proposal includes a site specific Flood Risk Assessment (FRA) which includes a paragraph entitled sequential testing which cannot be considered to be a sequential test. Part of the policy is not therefore met. However, whilst not compliant with the guidance within the NPPG the proposal is considered acceptable for the reasons set out below given other material planning considerations are given significant weight. The FRA is also considered to include sufficient information to meet the requirements of parts c-f of policy WDM2 as expanded on below.

Guidance in relation to sequential testing and applying the exceptions test is provided within the NPPF and NPPG. The NPPF para 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Para 163 requires that when determining planning applications local planning authorities should ensure that within the site the most vulnerable development is located in areas of lowest risk of flooding. This is the case on this site. The block within flood zone 3a, at highest risk of flooding, includes retail and community space at ground floor.

The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. No sequential test has been submitted. The information referred to within the applicants FRA states that 'although the site is not specifically allocated for housing within the Arun Local Plan, it does fall within the Littlehampton Neighbourhood Plan area, which aims to provide 200 new homes by 2029. Furthermore, the Site is located within the Littlehampton Economic Growth Area (LEGA) which aims to deliver sustainable economic growth and unlock opportunities for new homes. The proposed development would therefore meet the aims of these two plans and therefore it is considered that the site has passed the sequential test.' However the LPA does not share this view. The requirement to carry out a sequential test has not been met and as a result the proposal does not accord with policy WDM2 of Arun Local Plan as it fails to accord with (a) of that policy. The Arun Local Plan, will take priority over the older Littlehampton NP, which requires

development to meet the criteria set out above.

No discussion prior to submission of the application was undertaken between the Local Planning Authority and the applicant as is required for the sequential test to be met. However, the agent has subsequently provided additional information advising that the proposal seeks to deliver new housing in a highly sustainable location (in accordance with the NPPF) and the redevelopment of the former supermarket building is integral to this. There is no demand for the retail unit, and it will otherwise be left as vacant and inefficient use of land contrary to the objectives of the NPPF. In this context, the vacant building has to form part of the wider proposals for the site. The proposals for a residential-led mixed use development will also ensure that an element of retail provision can be retained in this part of the town centre in accordance with the Council's policy objectives for sites within the LEGA. The proposed development cannot therefore be reasonably located other than on the application site.

The National Planning Policy Guidance (NPPG) in Paragraph: 034 Reference ID: 7-034-20140306 makes it clear it is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which sequential test considerations have been satisfied, taking into account the particular circumstances in any given case. Ultimately after the sequential test has been submitted the local planning authority needs to be satisfied that the proposed development would be safe and not lead to increased flood risk elsewhere. The developer should justify with evidence to the LPA what area of search has been used when making the application. In this case there has been no sequential testing carried out. However given the comments of the Environment Agency, the Authority considers that the development is acceptable on flood grounds. It would be difficult to provide this development elsewhere since it constitutes redevelopment of a long standing and now vacant retail store and seeks to retain an element of retail use within the site. It is therefore considered that there is no other preferable site for this development where the risk to flooding is acceptable. These are considerations which would have been taken into account if a sequential test had been submitted.

Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the exception test if required. The exception test, as set out in paragraph 160 of the Framework, is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

The need for the test depends on the potential vulnerability of the site and of the development proposed. As 'More Vulnerable' uses are proposed, namely residential uses, if the sequential test had been carried out, the exception test would need to be satisfied in this case. Para. 160 of the NPPF requires the exception test to be informed by a site specific flood risk assessment.

If the exception test was applied it would be necessary to demonstrate that the development would:

- Provide wider sustainability benefits to the community that outweigh the flood risk; and
- Be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

In line with the requirements of the NPPF, the development includes sustainability measures which are considered to outweigh the risk of flooding.

These include:

- High efficiency gas-fed community heating system for space heating and domestic hot water.
- High efficiency mechanical ventilation systems with heat recovery (MVHR).
- Low energy passive design measures and efficient building services to reduce carbon emissions.
- Inclusion of photovoltaic panels.

These sustainability measures would benefit the community at large. Further the NPPG states that if the sequential test to locate development where there is a lower risk of flooding has been applied within an area subject to redevelopment or regeneration, it is very likely that it will provide the wider sustainability benefits to pass the first part of the exception test.

The second requirement is that the development must be safe and not increase flood risk to others, which is satisfactorily addressed in the FRA as verified by the Environment Agency and to be secured by condition ensuring the development proceeds in accordance with the submitted FRA and the mitigation within it.

In order to protect the proposed residential units from tidal flooding, the proposed ground floor finished floor levels (FFL) have been raised to 5.2m AOD. This ensures that the residential elements of the development would remain free of flooding over its lifetime, providing 0.31m and 0.11m freeboard above the 1 in 200 and 1 in 1000 year flood events respectively to the year 2115.

As retail units/community space would be classed as 'less vulnerable' the FFL for block 3 has therefore been set at a lower level (between 2.5m and 3.0m AOD). This is the only block located in flood zone 3a which is has retail/ community use at ground floor. In the event of a flood, any users of the retail areas would be able to make their way a short distance to the north to areas above the flood level or to the first floor. The FFL of the retail unit/community space would be set at between 2.5m and 3.0m AOD, indicating that these areas would remain free of flooding during the present day 1 in 200 year event due to the presence of the defences, however they could flood to depths of up to 0.56m during the 1 in 1000 year event. When accounting for the effects of climate change to the year 2115, the retail unit/commercial space could experience flooding to a depth of 2.39m and 2.59m during the 1 in 200 and 1 in 1000 year events respectively, based on the EA's model data. To reduce potential damage caused to the retail units/community by a flood event, flood resilient construction would be incorporated to minimise the clean-up required. Potential flood resilience measures include concrete/tiled floors, horizontal plasterboard and raised electrical plug sockets. It is also recommended that the businesses sign up to the EA's Flood Warning Service.

It is therefore considered that whilst parts of the site are at risk of tidal flooding, the 'more vulnerable' areas would be protected throughout the lifetime of the development. The retail units/community space/bin and cycle stores would be at risk of flooding during and above the present day 1 in 1000 year flood event, however mitigation measures would be incorporated to reduce the potential damage caused by flooding and residential uses on upper floors although reliant on access from a ground floor communal staircase occupiers would have the opportunity to escape if signed up to the early flood warning service and the risk would be acceptably managed by mitigation referred to within the FRA and controlled by condition.

Although it is for the Local Planning Authority to determine if the exception test is met the Environment Agency have no objection subject to imposition of appropriate pre-commencement conditions. It is therefore considered that if it had been required the proposal would have met the exception test in accordance with the guidance in the NPPF and NPPG. The proposal does not accord with policy WDM2(a), but it is considered that the risk from flooding is acceptable and more vulnerable uses are satisfactorily located within the development and any resultant risk is satisfactorily mitigated.

With regard to drainage policy WDM3 seeks to increase the levels of water capture and storage and improve water quality by ensuring all development identifies opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS).

The proposal meets these requirements. Buildings 1 and Building 2 and 3, are separated by Avon Road and so have been designed as two separate drainage catchments for ease of operation and

maintenance. Catchment 1 (south) would require 113m³ of storage and Catchment 2 (north) would require 89m³ of storage, which would be provided in a geo-cellular attenuation tanks in each plot, in addition to permeable surfacing, small integrated swales and rain gardens. This combination of permeable paving, below ground attenuation and other SuDS features would restrict the surface water runoff rate. The on-site drainage network and SuDS would be managed and maintained for the lifetime of the development by an appropriate managing body, ensuring that it remains fit for purpose and functions appropriately.

Drainage Engineers have no objection to the proposal subject to the imposition of appropriate pre commencement conditions and the proposal therefore accords with the requirements of policy W DM3 of Arun Local Plan.

HIGHWAY CONSIDERATIONS

Arun Local Plan policy T SP1 seeks to ensure that development provides safe access on to the highway network and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. Although the car park is used by the public it is privately owned and therefore policy TDM2 of the Local Plan is not relevant to consideration of this proposal. There is sufficient free short term parking available in the adjacent Arun owned car parks at Anchor Springs and St Martins, adjacent to Franciscan Way, to meet existing demand.

Littlehampton Neighbourhood Plan policy 22 supports proposals for major housing developments, provided they can clearly demonstrate that they can respond to adopted guidance for parking in new residential developments and the scheme layout can accommodate the forecast requirement for off-street and on-street car parking as well as providing carriageway widths of roads that may support (existing and future) local bus routes.

In respect of highway safety, development which give priority to pedestrian and cycle movements and have access to high quality public transport facilities and create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter will be supported. With regard to parking, development which incorporates appropriate levels of parking in line with adopted standards will be supported.

Paragraph 108 of the NPPF states that: "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 also be had to paragraph 109 which 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."

As detailed within the accompanying Transport Statement, the site benefits from a very good level of accessibility to local facilities and sustainable modes of transport. Access to the site will remain largely as existing with vehicular access provided from the existing one-way arrangement along Avon Road.

A total of 19 car parking spaces are proposed (including 2 disabled spaces and 6 EV charging spaces) to serve the three buildings. In addition, there is also secure storage for up to 38 bicycles with 8 additional cycle spaces proposed externally (outside Building 2). The breakdown of the units for parking purposes is as follows:

- 1 bed apartments - 13
- 2 bed apartments - 16
- 3 bed apartments - 8

If applying Arun Parking Standards 1 bed apartments would require 1 space per unit totalling 13 spaces, 2 bed apartments require 1 space per unit totalling 16 spaces and 3 bed units require 2 spaces per unit totalling 16. This generates a total parking demand of 45 spaces. There is therefore a shortfall of 26 spaces in comparison with Arun's Parking Standards.

However, it is important to emphasise that the site is located within the town centre and is highly accessible by more sustainable modes of travel than the private car. It is within walking distance of Littlehampton train station and various bus stops within the town centre offering convenient access to alternative, sustainable modes of travel and less reliance on private car. Further, the proposed ratio of 1 space per 2 apartments remains as per the original planning application which was accepted by WSCC Highways as being suitable for the site and did not form a reason for refusal.

The site will also be subject to the implementation of a Residential Travel Plan which will provide measures aimed at further reducing car journeys to the site and can be conditioned appropriately. On this basis the application accords with policy TSP1 of Arun Local Plan and policy 22 of the Littlehampton Neighbourhood Plan.

INFRASTRUCTURE REQUIREMENTS

This proposal is not CIL liable therefore developer contributions towards infrastructure will not be required as part of CIL. However a development must still mitigate site specific impacts and the proposal is subject to infrastructure requirements as stipulated by policies INF SP1 and AH SP2 of the Arun Local Plan. West Sussex County Council has set out financial contributions required to fund additional libraries, education and fire and rescue facilities. The Council's affordable housing officer has calculated that 11 affordable properties would need to be provided with an affordable housing mix comprising 3 x 1 bed and 5 x 2 bed (rented) and 2 x 1 bed and 1 x 2 bed intermediate.

All of the above is expected to be secured by a legal agreement. The proposal is in compliance with these policies subject to a signed legal agreement to this effect.

CONCLUSION

The proposed development is in a sustainable location and retains a retail use at the site. Additional housing is supported in this location and given the Council's lack of a 5 year supply of housing planning permission is recommended as there are not detrimental effects that significantly and demonstrably outweigh the benefits of granting permission. The proposal is contrary to policy WDM2 of the Local Plan with regard to the submission of a sequential test, but there are other material planning considerations set out in the report which make it acceptable in terms of flooding.

It would not give rise to significant harm to visual and residential amenity. The harm to the setting of the nearby Conservation Area and Listed Buildings is less than significant and this has been weighed against the public benefits to the extent that permission is recommended in this regard. The application enhances the retail provision of a designated Growth Area and is therefore recommended for approval subject to the following conditions.

A s.106 legal agreement is being drawn up. If after three months of the date of the Committee resolution the s106 has not been completed and signed delegated authority should be given to the Group Head of Planning in conjunction with the Committee Chairperson and Vice chairperson to refuse the application or in limited circumstances to extend the time to complete the s106. The reason for refusal should be as follows:

The proposed development makes no contribution towards local infrastructure and is thereby contrary to the Policy INF SP1 of the Arun Local Plan and the National Planning Policy Framework.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

The application is subject to a Section 106 Agreement which is being drawn up and seeks provision of 11 affordable housing units and financial contributions for education £116,557, library £10,621 and Fire & Rescue £957.

The contributions generated by this proposal shall be spent on additional equipment at River Beach Primary, phase 1 of the new secondary school for Arun District, additional equipment at The Littlehampton Academy Sixth Form School, enhancement of the library space with improved digital access at Littlehampton Library.

This contribution is considered to be NPPF compliant as being necessary and directly related to the development proposed.

Fire and Rescue Service Contribution to be used towards supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area Area serving Littlehampton.

CIL DETAILS

This application is not CIL liable therefore developer contributions towards infrastructure will not be required as part of CIL.

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 Site Plan 0002 Rev R3 06/11/2020
 Proposed B1 Ground Floor Plan 0008 Rev R1 02/10/2020
 Proposed B1 First Floor Plan 0009 Rev R1 02/10/2020
 Proposed B1 Second Floor Plan 0010 Rev R1 02/10/2020
 Proposed B2 Ground Floor Plan 0012 Rev R1 02/10/2020
 Proposed B2 First Floor Plan 0013 Rev R1 02/10/2020
 Proposed B3 Ground Floor Plan 0016 Rev R1 02/10/2020
 Proposed B3 First Floor Plan 0017 Rev R1 02/10/2020
 Proposed Zoning 0003 Rev R1 20/10/2020
 Proposed Ground Floor Plan 0004 Rev R3 06/11/2020
 Proposed First Floor Plan 0005 Rev R1 20/10/2020
 Proposed Second Floor Plan 0006 Rev R1 20/10/2020
 Proposed Roof Top Plan 0007 Rev R1 20/10/2020
 Proposed B1 Roof Plan 0011 Rev R1 20/10/2020
 Proposed B2 Roof Plan 0015 Rev R1 20/10/2020
 Proposed B3 Roof Plan 0019 Rev R1 20/10/2020
 Proposed Light Study Plan 0020 Rev R1 20/10/2020
 Proposed Elevation E - Avon Road 0029 Rev R1 20/10/2020
 Proposed Elevation F - Anchor Springs 0030 Rev R2 20/10/2020
 Proposed Elevation G - East Street 0031 Rev R2 20/10/2020
 Proposed Elevation H - Duke Street 0032 Rev R3 06/11/2020
 Proposed Elevation B - Franciscan Way 0033 Rev R2 20/10/2020
 Proposed Elevation C - Central Green 0034 Rev R1 20/10/2020
 Proposed Elevation A - Avon Road 0035 Rev R1 20/10/2020
 Proposed Elevation D - Central Green 0036 Rev R1 20/10/2020
 Proposed Section A-A 0041 Rev R1 20/10/2020
 Proposed Section B-B 0042 Rev R1 20/10/2020
 Proposed Section C-C 0043 Rev R1 20/10/2020
 Proposed Section D-D 0044 Rev R1 20/10/2020

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

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

Reason: To ensure that the proposed development has a satisfactory means of disposing of

foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. This needs to be a pre commencement condition to ensure that suitable drainage can be provided before any works commence.

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

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

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

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

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

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

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,

- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy TSP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or impede access and compromise highway safety.

- 8 Prior to development commencing an Arboricultural Implications Assessment (AIA) which must be inclusive of a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule' and a 'Tree Constraints Plan' shall be submitted to and approved by the Local Planning Authority and the development shall proceed in accordance with the plan and schedule so approved.

Reason: To ensure retention of trees within the site in accordance with policy ENV DM4 of Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the health of adjacent trees are not compromised.

- 9 Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - All previous uses potential contaminants associated with those uses.
 - A conceptual model of the site indicating sources, pathways and receptors.
 - Potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 10 The scheme for risk of contamination approved in condition 9 shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and

monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

11 The development permitted by this planning permission shall only be carried out in accordance with the submitted flood risk assessment (August 2020, Waterman) and the following mitigation measures it details:

- Finished floor levels for the residential part of the development shall be set no lower than 5.2m above Ordnance Datum (AOD).
- Finished floor levels for the commercial part of the development shall be set no lower than 3.0m above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with policies W SP1 and W DM2 of the Arun Local Plan.

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

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

13 No dwelling shall be first occupied until car parking serving the development has been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy TSP1 of Arun Local Plan

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport and policy TSP1 of Arun Local Plan.

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

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

16 No development above damp proof course shall take place until a scheme to demonstrate that the internal noise levels within the residential units will conform to the 'Indoor ambient noise levels for dwellings' guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014 and shall be complied by a competent acoustician on sound insulation and noise reduction for buildings has been submitted to and approved in writing by the Local Planning Authority. The scheme should take into account the correct number of air changes required for noise affected rooms. The works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

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

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

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework (NPPF).

18 The development shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems and use sustainable construction methods. The approved scheme shall thereafter be implemented prior to occupation of the home and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient, and in accordance with policy ECC SP2 of the Arun Local Plan.

19 No development above damp proof course shall take place until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority. A 'statement of detail' shall be submitted setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of details' so approved shall be used in the construction of the buildings.

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

20 The development shall proceed in accordance with Biodiversity Enhancements recommended within the Technical Note (Sept 2020) reference UE0274, the details of which shall be

submitted to and approved by the Local Planning Authority prior to installation. The enhancements shall be provided to occupation of the units and shall be retained in perpetuity.

Reason: To safeguard the ecology of the area, and in the interests of bats/birds to ensure that a habitat remains for them during and after development in accordance with policy ENV DM5 of Arun Local Plan.

- 21 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 22 INFORMATIVE: Stopping Up Order. The applicant is advised that the existing public highway to be incorporated into the development must be the subject of a Stopping Up Order. This process must be successfully completed prior to any highway land being enclosed within the development. The applicant should contact the Department for Transport's National Transport Casework Team in order to commence this process.

- 23 INFORMATIVE: The use of flood proofing and resilience measures are recommended. Physical barriers, raised electrical fittings and special construction materials are just some of the ways to help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods
<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>

Department for Communities and Local Government: Improving the flood performance of new buildings: <http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

- 24 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.

- 25 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/or ash from fires or noise from the cutting and/or chipping of trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The

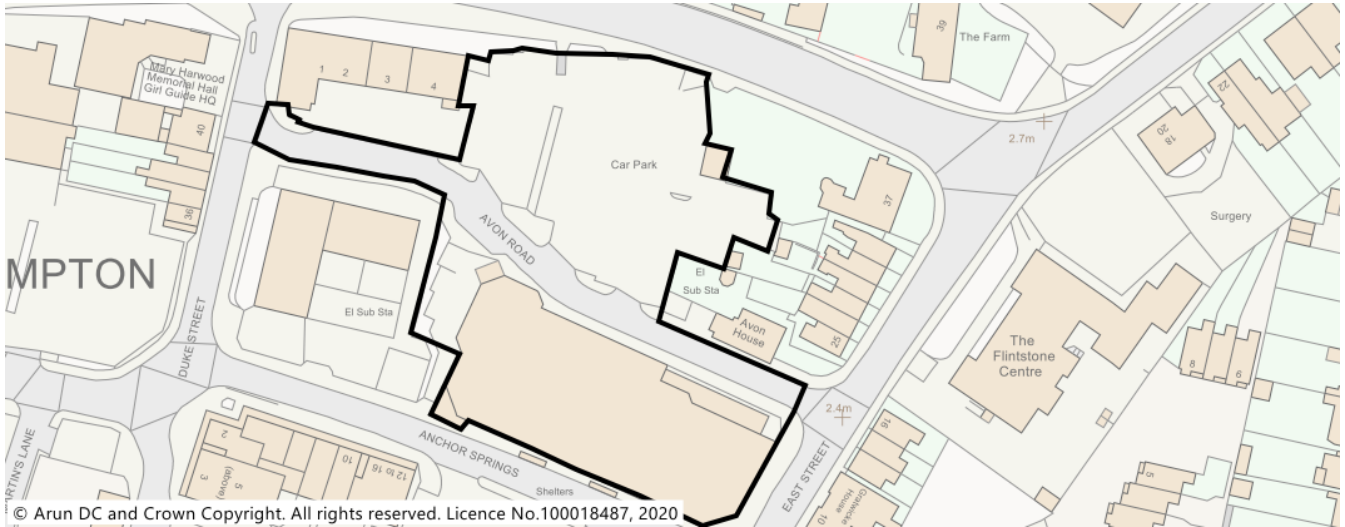
Environment Agency should be contacted regarding Exemption Permits to burn on site.

- 26 INFORMATIVE: Consideration must be given to air quality issues. As per the National Planning Policy Framework (NPPF) (updated February 2019) air quality should be considered at the design stage and incorporate appropriate and effective mitigation. The applicant must follow the Air Quality & Emissions Mitigation Guidance for Sussex (2013), available at: <http://www.sussex-air.net/Consultation/AirQualitydocument.pdf>. This countywide adopted guidance states that where a major sized development is proposed a number of checklists should be followed in order to determine the likely impact of the proposed development on air quality. The intention of the guidance is to identify any air quality impacts through an impact assessment and ensure the integration of appropriate mitigation into a scheme at the design stage, so the damage costs on health can be properly mitigated. The air quality impact assessment can follow the procedures contained within the Institute of Air Quality Management (IAQM) Guidance entitled: 'Land-Use Planning & Development Control: Planning For Air Quality' (January 2017), available at: <http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>
- 27 INFORMATIVE: The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public water mains and sewers.
- 28 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.](https://www.arun.gov.uk/weekly-lists)

LU/214/20/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: A/76/20/PL

LOCATION: Land at Dappers Lane
Angmering

PROPOSAL: 84 No. dwellings, public open space, play areas, associated infrastructure & landscaping. This application affects a Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This planning application is for the erection of 84 dwellings, together with a Locally Equipped Area of Play (LEAP), a Local Area of Play (LAP), surface water drainage features including an attenuation basin, landscaping, the construction of an access road onto Dappers Lane and the provision of a 1.5 metre wide footway on the eastern side of part of the lane.

SITE AREA 3.6 hectares (9.1 acres).

RESIDENTIAL DEVELOPMENT DENSITY (NET) 37 dwellings per hectare.

TOPOGRAPHY The land is predominantly flat, but the land generally rises from the south west to the north east.

TREES There are a large number of individual trees in the existing hedgerows along the boundary of the site, including the boundary with Dappers Lane.

BOUNDARY TREATMENT The boundary treatment for the site includes hedgerows and trees of various heights.

SITE CHARACTERISTICS The site is currently used for the grazing of horses. The site is within Flood Zone 1. The site is located on the northern extent of Angmering, accessed via Dappers Lane to the east of the site. Angmering village centre is within approximately 800 metres of the centre of the application site, accessed using Weavers Hill and Cumberland Road.

CHARACTER OF LOCALITY The site lies in a semi-rural area which is characterised by existing and approved housing estates leading off Dappers Lane. The South Downs National Park lies to the north beyond the A27. The site is bounded to the south by an ordinary watercourse and beyond by dwellings on Garden Close and Woodlands Close; to the west by a public footpath and beyond by St Margaret's C of E Primary School. "Woodlands" House is located east of the site and it fronts onto Dappers Lane. Herons Farm is located to the north east of the site, and beyond by Herons Farm Bungalow; and an area of woodland is located beyond the northern boundary of the site.

REPRESENTATIONS

Object.

- The Parish Council objected to the allocation in the Arun Local Plan and the objection still stands.
- The village infrastructure is inadequate to support the proposed development.
- Dappers Lane is one way south to north, so entry from the north via the A27 underpass is denied.
- The proposed development would result in traffic congestion and raise issues over highway safety.
- The development should include a footway in Dappers Lane to link up with approved footways.
- The developer should be required to construct missing lengths of footway or provide a £ contribution.
- There may be difficulties with foul and surface water drainage which needs resolving prior to commencement of development.

The Parish Council submitted a further objection following the submission and re-advertisement of the amended plans on 2nd October 2020.

- The revised application does nothing to address the PC's concerns expressed in previous objection.
- The infrastructure in the village is inadequate to support the proposed development.
- The foul and surface water drainage should be designed and approved before development starts.
- The applicant should construct or finance the footway along the length of Dappers Lane from the site to Water Lane if other developments do not materialise.

A hundred and three letters of representation have been received from local residents objecting to the proposed development on the following grounds:

- Persimmon Homes letter drop in March 2020 was not helpful as it coincided with Covid-19 lockdown.
- The timing of the letter drop meant that the community was unable to meet and discuss the plans.
- Apart from a mail drop and a website there has been no interaction by the applicant with the public.
- Postpone consideration of this application until it can be considered in an open, unhindered manner.
- Committee members need to be aware of all previous applications and refusals (if any) and all correspondence between LPA and developers enquiring about obtaining planning permission.
- The site is outside the existing built environment and extends the sprawl towards the National Park.
- The proposed development would bring the number of approved homes to over 1,000 in Angmering.
- More than half of Angmering workers travelled to jobs in Worthing, Horsham and Chichester.
- A 62 bed care home has been granted at Broadlees at junction of Dappers Lane and Water Lane.
- Dappers Lane is a small country lane that is not sufficient to support a significant sized development.
- Dappers Lane must be improved along with its junction with Water Lane.
- Dappers Lane provides a route for walkers/runners/cyclists to access the countryside to the north.
- There is a scout camp north of the site which is accessed directly off Dappers Lane.
- Development of this site is likely to result in further applications for development along Dappers Lane.
- The northern end of Dappers Lane narrows to between 3.5 metres and 3.0 metres.
- Visibility on the lane is restricted by bends, the carriageway has eroded edges and many potholes.
- Will there be restrictions on contractor vehicles turning left (north) up Dappers Lane?
- There have been car accidents and cyclists have come off their bikes on Dappers Lane.
- Permission refused at Brackenside for a nursery due to nature of Dappers Lane and increase in traffic.
- The new footway on Dappers Lane would result in the loss of character of a country lane.
- The proposal to construct a footpath on the eastern side of the lane must not affect the stream.
- Existing properties on Dappers Lane have treatment plants which discharge into the stream.
- There is no mention of the ecology and biodiversity of Dappers Lane.
- No plans have been submitted of the alterations to Dappers Lane.
- Who carries out the alterations, WSCC or the developer; and at what stage in the development?
- There is no recognition of the implications for highway safety north of the site entrance on Dappers Ln.
- The CMP should stipulate that construction traffic approaches and exits the site from/to the south.
- Construction traffic is likely to have a significant impact on local residents.

- Construction and noise pollution will be detrimental to residents living in adjoining housing estates.
- The village infrastructure is not sufficient to support further residential developments.
- A primary school must be built and opened before any further housing is granted permission.
- Broadband networks are slowing down due to the increased level of development.
- Village roads are becoming increasingly congested.
- The proposed development would result in an additional 168 cars on the local road network.
- The use of the term 'village green' in the layout will detract from the focal point of the village.
- The design and character of the development is not in keeping with the rest of north Angmering.
- The development would lead to the unacceptable loss of green space and affect a right of way.
- There is a need for housing that low income families can easily afford, run by housing associations.
- Everyone has a right to have a roof over their head, in particular poorer families.
- The affordable housing should not be clustered on the boundary with Herons Farm.
- Who will maintain close boarded fencing along the boundary with Herons Farm?
- Close boarded fencing will last 2 years as the ground is saturated Oct-April. A brick wall is preferred.
- The land slopes towards Garden Close, Woodlands Close and Pine Trees Close leading to a culvert.
- It has not been demonstrated this development will not increase flood risk to others.
- Footpath 2151 was flooded at its southern end on 29th February 2020.
- Infiltration is unlikely to be an effective way of dealing with surface water for this development.
- Details are required of downstream drainage and confirmation of its structural / hydraulic adequacy.
- How will the attenuation pond empty when needed for attenuation use?
- The attenuation pond would not be adequate to accommodate excess water during heavy downpours.
- Following heavy rain the field floods onto the rear gardens of Garden Close.
- The open spaces and the attenuation basin should be managed and maintained in perpetuity.
- Construction work could cause damage to the drinking water supply to 'Woodlands' on Dappers Lane.
- The existing trees and hedgerows along the periphery of the site should be retained.
- There would be a loss of privacy to residents of bungalows on Garden Close and Woodlands Close.
- The proximity of the house on Plot 7 would overlook Numbers 8 and 9 Woodlands Close.
- Cars would be parked along the boundary with Numbers 8 and 9 Woodlands Close.
- Street lighting would shine into Numbers 8 and 9 Woodlands Close.
- The proposed play area would back onto houses on Woodlands Close.
- Local residents could become victims of anti-social behaviour and increased noise from the play area.
- If there has to be development on the site, could it be for bungalows, to reduce any loss of privacy?
- The proposal would have a negative impact on the wildlife in the area.

Following the submission and re-advertisement of the amended plans on 2nd October 2020, five further letters of representation have been received from local residents objecting to the proposed development on the following grounds:

- Dappers Lane is not suitable and is unable to cope with the increase in traffic.
- Dappers Lane should be closed to through traffic at or near the A27 underpass.
- No footpaths should be constructed on Dappers Lane to the north of the application site.
- Increased traffic flows would impact on access to Angmering Park Estate and the National Park for non-motorists.
- It has not been demonstrated this development would not increase flood risk to others.
- Is the proposal to discharge run-off from the site to the existing culverted ordinary watercourse, or to construct a new ordinary watercourse north of, and parallel to, the existing culvert?
- Proposed works to the watercourse to the south of the site would affect biodiversity and the roots of trees.
- An up-to-date bat survey is required.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and issues addressed in the Conclusions section below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND:

No objection.

A developer contribution of £33,038 should be made towards the agreed A27 Local Plan mitigation measures. Highways England has requested that they be consulted on the Construction Management Plan when it is submitted as part of a discharge of condition application, so as to ensure avoidable congestion is prevented and road safety is protected on the A27 during the construction period.

LOCAL HIGHWAY AUTHORITY:

No objection.

Conditions are requested relating to the construction of the vehicular and non-vehicular accesses; the provision of parking for cars and bicycles; the submission of a construction management plan; the implementation of the measures set out in the travel plan; and details of the surfacing works at the two proposed footway links from the site into the Public Right of Way (2151). A contribution of £302,400 is requested towards the A27/A280 Long Furlong Junction and/or the A259 improvements.

ENVIRONMENT AGENCY:

No comments to make.

ADC ENVIRONMENTAL HEALTH:

No objection.

Twenty seven of the dwellings would have electric vehicle (EV) charging points and 23 charging points are allocated to dwellings across the site (20% of 114 spaces); which is not sufficient. The ADC Infrastructure Study requires all houses with a garage or driveway to have an EV charging point. Conditions are requested relating to the provision of a construction management plan, limiting the hours of construction, requiring the submission of a noise report and an air quality assessment.

SOUTHERN WATER:

No objection.

Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant.

WSCC FLOOD RISK MANAGEMENT:

No objection.

Current surface water mapping shows that the site is at low risk from surface water flooding. However, Dappers Lane is an area at risk from surface water flooding and it acts as a natural flow route for surface water from the field to the north east of the site. The site is shown to be at low risk from groundwater flooding based on current mapping. An ordinary watercourse runs adjacent to the site. A developer contribution of £15,733 (based on £185 per dwelling) is requested towards the Angmering Flood Risk Management Project.

ADC DRAINAGE:

No objection.

The applicant has submitted revised details which demonstrate that there is sufficient room for surface water drainage within the layout and that there are options for the final disposal of this surface water. Surface water drainage conditions should be imposed on the planning permission.

SOUTH DOWNS NATIONAL PARK AUTHORITY (SDNPA):

No objection.

The site is within 350 metres of the National Park, but screened from direct view by intervening vegetation. The delivery of biodiversity net gain is supported; and the recommendations in the Dormouse Mitigation Strategy should be conditioned. The site access must be carefully designed to minimise loss of vegetation and ensure that Dappers Lane retains its rural character. The National Park is designated an International Dark Sky Reserve and the submitted roadway / outdoor lighting details should be complied with by a condition. The links from the site to PROW 2151 on the western boundary are welcomed; and the provision of a footway along Dappers Lane is supported.

ADC HOUSING:

No objection.

The Council supports the revised affordable housing tenure mix comprising: 12 x 2 bed houses and 6 x 3 bed houses (rented); and 4 x 2 bed houses and 3 x 3 bed houses (shared ownership).

ADC ECOLOGY:

No objection.

Details of the Biodiversity Net Gains have been submitted and are considered to be acceptable and the enhancements should be conditioned. The mitigation measures proposed in the Dormouse Mitigation Strategy should be conditioned. A precautionary approach should be taken for Great Crested Newts. The bat mitigation measures should be conditioned. The lighting scheme for the site will need to consider the presence of bats in the area. The hedgerows should be retained and enhanced and this should be conditioned. The reptile mitigation measures should be conditioned. Works to trees or vegetation should be undertaken outside of the bird breeding season.

ADC ARCHAEOLOGY:

No objection.

The results of the submitted Archaeological Desk Based Assessment make it clear that the proposed development is unlikely to impact on anything highly significant. It is recommended that a condition be imposed to identify archaeological deposits that might be present and to implement appropriate measures for their preservation.

ADC CONSERVATION OFFICER:

A Heritage Statement has been submitted which considers the heritage impact in accordance with paragraph 189 of the NPPF. Whilst there are no heritage assets on the site itself, the assessment has identified a number within a 1.5km radius. These are predominantly located within the Angmering Conservation Area which is some distance to the south of the site. The statement identifies that the site does not contribute to the significance of any built heritage asset within a 1.5km radius, and that the site is also not an element in how the architectural or historic interest of any built heritage asset is experienced within their respective immediate settings. The application should be determined in accordance with the relevant policies within the Development Plan, along with these comments.

ADC GREENSPACE:

No objection.

It is good to see the inclusion of trees in the areas of Public Open Space (POS) and along the access road and the southern ancillary road; the use of timber equipment in the LEAP; the areas of POS are laid out well; and the pathways indicated and connection to the network beyond the site is imperative. A robust maintenance regime would be required to be implemented.

ADC ARBORICULTURE:

Object.

Plots 67-72 are in close proximity to tall, off-site poplar trees. These 6 plots should be abandoned and

units assimilated elsewhere in the scheme, giving the majority of that space over to soft landscape provision. The protected woodland to the north of the site must be maintained. A Tree Protection Plan and an Arboricultural Method Statement require to be submitted. The Arboricultural Officer has not submitted a consultation response to the revised layout plan.

COASTAL WEST SUSSEX CLINICAL COMMISSIONING GROUP (CCG)

No objection subject to a developer contribution towards healthcare infrastructure.

Without associated infrastructure, CCG would be unable to sustain sufficient and safe services provided in the area. The CCG requests a developer contribution of £92,554 which would be used towards the Willow Green / GP premises supporting Angmering site expansion. The CCG would consider the proportional use of these funds coupled with the other Arun developments so as to give best benefit to patient care, if that is required with post Covid-19 needs.

SUSSEX POLICE:

No objection.

The development should be designed to Secured by Design standards. Sussex Police acknowledge that amended plans have been submitted showing the LEAP surrounded with railings with self closing gates, as they requested, rather than with post and rail fencing with netting as was originally proposed. Sussex Police are requesting developer contributions totalling £14,548.98 for the following:

- £2,217.18 towards officer start-up equipment, recruitment and training in the Angmering Neighbourhood Policing Team.
- £487.33 towards support staff start-up equipment, recruitment and training at Littlehampton Police Station.
- £8,975.03 towards officer and support staff to be based at Littlehampton Police Station.
- £2,869.44 towards the cost of one additional vehicle in the Angmering Neighbourhood Policing Team.

WSCC INFRASTRUCTURE:

WSCC is requesting developer contributions towards:

- Education: £119,700 towards a new early years facility serving Angmering, based on the provision of 84 dwellings; £101,427 towards extending / developing existing Special Support Centres or special school facilities serving Angmering; £479,999 towards a new primary school in Angmering Village or towards expansion of one of the schools immediately serving the development; using the prescribed formula £451,743 towards infrastructure associated with Phase 1 of the new secondary school serving Arun; using the prescribed formula £67,877 towards future expansion at The Angmering School Sixth Form.
- Library: using the prescribed formula £15,750 towards the development and enhancement of existing services at Angmering Library.
- Fire and Rescue: Using the prescribed formula £2,177 towards the redevelopment of Littlehampton Fire Station.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and issues addressed in the Conclusions section below.

POLICY CONTEXT

Designation applicable to site:

Within a Strategic Allocation in the Local Plan.

Within the Built Up Area Boundary (BUAB) in the Local Plan.

DEVELOPMENT PLAN POLICIES

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

AHSP2 AH SP2 Affordable Housing

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HERDM3	HER DM3 Conservation Areas
HERDM6	HER DM6 Sites of Archaeological Interest
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
SKILLSSP1	SKILLS SP1 Employment and Skills
1	
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

[Angmering Neighbourhood Plan 2014 POLICY CLW4](#) Health Facilities

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

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD3 Housing Mix

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials
Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form
Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design
Angmering Neighbourhood Plan 2014 POLICY HD7 Housing Density
Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments
Angmering Neighbourhood Plan 2014 POLICY HD9 Phasing of Residential Development
Angmering Neighbourhood Plan 2014 POLICY TM2 Cycling Walking & Equestrian

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

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

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

The Neighbourhood Development Plan:
Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan.

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is located in a strategic allocation (SD9) within the built-up area boundary and complies with relevant Development Plan policies.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS**PRINCIPLE:**

The development plan for Arun District comprises the Arun District Local Plan (2011-2031) and the Angmering Neighbourhood Plan (2014-2029).

Angmering Advisory Group meetings:

The meeting of the Angmering Advisory Group meeting which took place on Thursday 4th August 2019 was solely focussed on the draft layout plan and initial streetscenes for residential development on the Dappers Lane site. The members responded positively to both the draft layout and the initial streetscenes that were presented at the meeting and commented that the scheme had come a long way. A further presentation was given at the Angmering Advisory Group meeting on 30th July 2020 regarding the planning application (A/76/20/PL) and members raised concerns about surface water drainage from the site; and the need to provide a footway link from the site to other new housing developments along Dappers Lane.

Policy H SP1 of the Local Plan sets out the overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. This Policy allocates 800 units to be provided in the Angmering North strategic allocation. The application site (A/76/20/PL), comprising Land at Dappers Lane, Angmering, constitutes part of a strategic allocation (Angmering North) in Policy H SP1; and the 84 houses proposed in this planning application would contribute towards the overall total of 800 units.

The Angmering Neighbourhood Plan (NP) was made (adopted) on 11th March 2015 on the basis of the saved policies in the former Arun Local Plan (2003) and the policies in what was the emerging Local Plan in 2014. The site is located outside the built-up area boundary for Angmering as identified in the Neighbourhood Plan and is therefore contrary to Policy HD1 (Built-up Area Boundary) of the Angmering NP. The application site is therefore classed as countryside by the Angmering NP; and the planning application conflicts with the Angmering NP. However, the built-up area boundary has been amended on the Policies Map in the Local Plan (2011-2031). The application site is now located within the BUAB. Consequently, the proposed development is contrary to the Neighbourhood Plan, but the BUAB boundary has been revised and the proposal is considered to be acceptable in accordance with the Arun Local Plan. The test in Section 38(5) of the Planning and Compulsory Purchase Act, 2004: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document". The BUAB policies in the Local Plan are to be considered in favour of those in the Neighbourhood Plan.

Policy H SP2 of the Local Plan says that "Development proposals within the Strategic Site Allocations must be comprehensively planned". The proposed development (A/76/20/PL) would constitute one of the three sites that comprise the Angmering North Strategic Allocation in the Arun Local Plan, in combination with Land South of Water Lane (A/99/17/OUT) and Land North of Water Lane (A/40/18/OUT). As the three sites are physically separate, the aspects which would benefit from a comprehensive masterplan are limited. The highway mitigation measures and pedestrian/cycle enhancements have been proposed and they are assessed in detail in the transport section of the report.

The planning application includes a detailed layout plan (Drawing No. A77-PL-01 Rev. B) which shows clear connectivity of walking routes from the site with the existing PRoW network to the west and onto

Dappers Lane, through the provision of a footway on the eastern side of the lane, in accordance with Policy H SP2(a). Whether or not the applicant has identified a clear definition between the built-up area and the countryside, in accordance with Policy H SP2(b) will be assessed in the conclusion section below. The applicant has submitted an Ecological Report and a Landscape and Visual Impact Appraisal and they are assessed in detail in the Technical Matters below to evaluate whether or not the natural environment, landscapes and biodiversity are protected and conserved by the proposed development, in accordance with Policy H SP2(c). The Design and Access Statement is assessed in more detail in the conclusion section below to evaluate whether it ensures that the proposed mixed use development incorporates high quality, well connected green spaces, planting within main streets and biodiversity rich open spaces, in accordance with Policy H SP2(d). Whether the proposed on-site green infrastructure identified in the Design and Access Statement, including the Landscape Strategy ensure the proposed development complies with Policy H SP2(e) in terms of extending, enhancing and reinforcing strategic green infrastructure and publicly accessible open space is evaluated in the conclusion section of this report below.

This planning application does not include the provision on-site of a new community hub as no hub has been identified as being required to be provided by any of the infrastructure providers including Arun District Council, consequently Policy H SP2(f), Policy H SP2(h) and Policy H SP2(i) do not apply. The application site would not have its own facilities provided (e.g. library, doctors, schools etc), and it would be reliant on the existing village centre to provide these facilities and make sure there are improvements where required, including the provision of a new primary school off-site, in accordance with Policy H SP2(g) through developer contributions to the existing infrastructure, which is covered in the 'Supporting Infrastructure' section later in this report.

A number of financial contributions will be secured towards infrastructure provision via the Section 106 Agreement. These contributions are detailed in the attached Heads of Terms and considered in detail later in the conclusion to this report. However, based upon the contributions to be secured it is considered that the proposals would accord with Policy H SP2 (n) of the Arun Local Plan. The Infrastructure Delivery Plan (IDP) 2017 does not identify the requirement for any district wide infrastructure to be incorporated as part of the strategic allocations at Angmering and, as such, the proposal does not conflict with Policy H SP2 (o) of the Arun Local Plan.

The applicant has demonstrated that due to the size of the site and the need for the dwellings to be in keeping with the overall character of the site, that the inclusion of an area of the site for custom and self-build units would not be feasible, therefore complying with Policy H SP2 (p).

In accordance with H SP2 (q) consideration has also been given to the delivery of an area of the site for Gypsy and Traveller accommodation and it has been demonstrated that the size and layout of the site would not be sufficient to include an area of the site for this purpose.

The submitted layout plan (Drawing No. A77-PL-01 Rev. B) illustrates how the site would link-up with the existing pavements and public rights of way in Angmering to ensure walkable access to local community, recreational and shopping facilities, jobs and accessible transport, in accordance with Policy H SP2(j).

The proposed developer contributions to the local highway network would comply with Policy H SP2(k). The submitted Flood Risk Assessment ensures that the proposed residential development would positively respond to sustainable water management, in accordance with Policy H SP2(l). The landscape assessment submitted with the planning application would ensure that the proposed residential development on the site maintains views from the South Downs National Park, in accordance with Policy H SP2(m).

Policy H SP2c of the Local Plan includes the Angmering North strategic allocation (SD9) and sets out

specific criteria that planning applications within this strategic allocation will be required to meet. The draft Section 106 Agreement includes developer contributions towards services at Angmering Library, in accordance with Policy H SP2c(a) of the Local Plan. The S106 Agreement will secure the local village health facilities in the locality, in accordance with Policy H SP2c(b) of the Local Plan. The S106 Agreement will secure early years provision alongside the primary school provision, in accordance with Policy H SP2c(c). The S106 Agreement will secure the new school on land owned by WSCC at Bramley Green, in accordance with Policy H SP2c(d), and the issues relating to the delivery of the school site are discussed in the infrastructure section of the report. A Landscape and Visual Impact Assessment has been submitted with the planning application which has been appraised and the mitigation measures are assessed in the conclusion section below, in accordance with Policy H SP2c(e). Policy H SP2c(f) requires the incorporation of planned new employment provision within the Angmering North strategic allocation in conjunction with Policy EMP SP3; the employment land is to be provided on Land North of Water Lane (A/40/18/OUT) which is a much larger site than the application site at Dappers Lane.

Consequently, the planning application demonstrates how it meets criteria a) to d) of Policy H SP2c regarding exploring opportunities to provide library access; extend the existing local village health facilities in the locality; contribute to accommodation for nursery places; and primary school provision, respectively.

Conclusion on Principle

The principle of residential development on the application site, which comprises part of the Angmering North strategic allocation is acceptable. Sufficient information has been submitted to demonstrate that the proposed development would contribute to the delivery of a comprehensively planned Angmering North strategic allocation (SD9). The proposed development includes effective connectivity of transport modes including walking and cycling within the site and into Angmering Village, together with connectivity to the public transport network, in compliance with Policy H SP2(a) and Policy H SP2(j). The Design and Access Statement includes information illustrating the provision of a high quality development, and the detailed layout plan would ensure the creation of a sense of place with a distinctive, high quality residential development. The submitted Ecological surveys ensure that the natural environment and biodiversity are protected and conserved and it is considered to be acceptable in accordance with Policy H SP2(e) and Policy H SP2(m) of the Local Plan and Policy HD1 of the Angmering NP.

TECHNICAL MATTERS

AGRICULTURAL LAND

The latest available classification map suggests that the site is Grade 1 and 2 and is therefore to be considered as 'best and most versatile agricultural land (BMV)' which is the most flexible, productive and efficient. The NPPF (paragraph 170) requires that the Council takes into account the economic and other benefits of this type of land. The Local Plan's Sustainability Appraisal recognised that most of the undeveloped coastal plain within the District is high grade agricultural land. The loss of BMV is one factor in the decision-making process. Policy SO DM1 of the Local Plan states that "Unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term." The site is part of the Angmering North strategic allocation in the Local Plan and is therefore exempt. However, it is considered necessary to impose a condition ensuring that the soil resource is preserved.

LAYOUT AND DESIGN

Policy D DM1 of the Local Plan requires proposed developments to "deliver or contribute to the ease of navigation within a new or existing development scheme through use of focal points (landmarks, gateways, vistas, corner buildings, active edges, existing topography), and/ or a variety of detail within the public realm".

Policy D SP1 of the Local Plan requires "all development proposals should be of good quality and demonstrate a high standard of design".

The District's draft Design SPD says "the first step in the design process should be to carry out a detailed appraisal of the development plot and its surrounding context in order to ensure a clear understanding of the site and its wider setting. The appraisal should identify the constraints and opportunities presented by various aspects of the site and its surrounds, which will inform the upcoming development proposal. Major housing and masterplanning projects should approach site appraisal strategically, considering aspects such as surrounding settlements or landscapes, drainage patterns and transport networks." (Section D.01: (Site Appraisal))

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

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

The proposed layout of the 84 dwellings on this site is based on negotiations that have taken place with the Local Planning Authority and the members of the Angmering Advisory Group, which includes councillors from the Parish Council, the District Council and the County Council. The layout of the houses on the site fronting onto Dappers Lane have been set back from the highway, to ensure that a mature tree is retained, but also to create a green frontage incorporating public open space at the entrance to the site, which includes a Local Area for Play (a LAP). The main access road runs through the site from east to west and houses are laid out along both sides of the road and in discrete clusters to the north and south of the main access road. The site layout includes a large area of public open space, incorporating a Local Equipped Area of Play (a LEAP), which is situated next to an attenuation basin (a pond). The public open spaces at the entrance to the site, in the south west part of the site and in the north west corner of the site would be beneficial in the greening of the development; and for the provision of a wildlife corridor for dormice along the western boundary of the site, increasing biodiversity. The houses within the development have been sited to face onto the public open spaces and onto the attenuation basin.

The initial layout plan showed the houses on the application site to be far too close to the existing houses at Numbers 9, 10 and 11 Woodlands Close. A revised layout plan (Drawing No. A77-PL-01 Rev. B) has been submitted which shows 14.0 metre back to side separation distance between the house on Plot 2 and the rear elevation of the house at Number 11 Woodlands Close; and back to back separation distances of 20.0 metre rear to rear elevations of the house on Plot 6 to the rear elevation of the existing houses at Numbers 9 and 10 Woodlands Close. Consequently, it is considered that there is sufficient space within the site to achieve satisfactory separation distances between the proposed residential development and the existing houses fronting on Garden Close and Woodlands Close. Elevational details and floor plans show the location of habitable rooms. The side elevations of the houses on Plots 2 and 6 are blank and they face onto the rear elevations of the existing bungalows at Numbers 9, 10 and 11 Woodlands Close. The separation distances on the side to rear elevations of the houses on the revised layout plan are considered to be acceptable and would not cause any overlooking or loss of privacy.

The layout of the proposed houses along the northern side of the attenuation basin ensure that the majority of dwellings on the site are more than 20 metres from the boundary with the rear gardens of the bungalows on Woodland Close and Garden Close; which is considered to be an acceptable stand-off distance.

The revised layout plan (Drawing No. A77-PL-01 Rev. B) also shows the houses on Plots 67-72 have been moved away from the trees along the northern boundary of the site, which has required a slight re-plan to the houses on Plots 59-69; all of which is considered to be acceptable, and enhances the layout of the site.

The revised layout of the residential development; the green corridors of public open space together with the locations of the LEAP and the LAP; and the location of the surface water attenuation basin in the southern part of the site are considered to be acceptable.

CHARACTER AND APPEARANCE

The proposed residential development of two storey houses on the application reflects the style and building materials of the houses that front onto Dappers Lane and the new houses that are being constructed on the former Merry England Nursery site and the Crete Nursery site, which are located on the eastern side of Dappers Lane. The dwellings to the south of the site are predominantly bungalows on Woodland Close and on the adjoining estate. It is considered that the proposed development is characteristic of a traditional Sussex vernacular, in its use of flint, weatherboarding and tile hanging.

The Design and Access Statement includes 3 Character Areas: The Gateway, which is located at the entrance to the site; The Avenue, which runs along the main access road running east-west through the site; and The Village Green, which is the area of land in the northernmost and southernmost parts of the site, on either side of the Avenue Character Area. The Design and Access Statement sets out the design concept for the houses in all 3 of the Character Areas to create a sense of place. The Gateway Character Area has houses with brick walls and brick details, casement cottage style windows and front doors, flint inserts and chimneys. The Avenue Character Area has houses with render facing finish, tile sills and glass reinforced plastic chimneys. The Village Green Character Area has houses with a mix of tile-hanging, weatherboarding and brick facing finish, and glass reinforced chimneys. It is considered that the design detailing which has been proposed for the houses in each respective character area would enhance the appearance and introduce an element of distinctiveness into the houses in the 3 character areas.

In addition, there are 14 key buildings at prominent locations within the site, including the site entrance and along the main access road, with one in the north west corner and two in the south west corner of the site. The key buildings are to help with legibility of the scheme. These key buildings are houses that front onto the road or onto a junction within the site and include additional architectural detailing. The Character Areas and the Key Buildings are identified on Drawing No. A77-PL-12 Rev. B. It is considered that the provision of the 14 key buildings at prominent locations with the site would also improve the visual appearance of the proposed residential development.

The proposed development includes a Materials Plan (Drawing No. A77-PL-08) which includes details of the bricks, roof tiles and architectural detailing that would be used on the new houses. The proposed materials include Farnley Red Multi Bricks and Old Westmill Red Multi Bricks, together with brown roof tiles and red roof tiles. The proposed detailing includes flint insets, tile hanging, weatherboarding (i.e. hardiplank cedar - midnight black) and render (off-white). It is considered that the proposed materials would provide the houses with a distinctive traditional appearance on the site, and help to create houses with differences within each of the three Character Areas. Tarmac is proposed to be used on the roads and footpaths within the site; block paving is to be used on private driveways; and spray and chip footpaths would be provided in the play areas, all of which are robust surfacing materials, and their proposed use is supported.

The provision of 1.8 metre high brick walls and 1.8 metre high brick piers with timber infill fencing would ensure the new estate had an attractive appearance visually and that the streetscene was not dominated

by close boarded fences. The development would include 1.05 metre high wooden picket fences, 1.8 metre high close boarded fencing and 0.6 metre high timber knee rails, as shown on the Hard Landscape Plan (Drawing No. LA106), which are considered necessary to create a sense of enclosure and to secure the properties.

DENSITY AND SCALE

Policy D DM1 of the Local Plan says "the density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity" (Policy D DM1(13)).

Policy HD7 of the Angmering NP seeks to ensure that the density of new development is in keeping with the surrounding area and should be complied with.

The development would comprise of a density of 37 dwellings per hectare, which is considered to be both a sustainable and efficient use of the land and a density that is in keeping with the surrounding area. The proposed residential development comprising detached, semi-detached and terraced houses would be 2 storey in height. The scale and height of the buildings is also considered to be acceptable.

The proposed development set out in the Design and Access Statement showing the building heights and the density of the development on the site complies with Policy D DM1 of the Local Plan and Policy HD5, Policy HD6 and Policy HD7 of the Angmering NP.

AFFORDABLE HOUSING

Policy AH SP2 of the Local Plan says "for all developments of 11 residential units or more the Council will require a minimum 30% of the total number of units proposed on site to be provided as affordable housing on the same site in the first instance".

There is a high demand for all types of affordable housing throughout Arun District. As of March 2020 there were 936 households in housing need on the Council's housing register.

An Affordable Housing Statement was submitted with the planning application and the residential development on the site includes 25 affordable houses (30% provision which accords with the affordable housing policy in the Local Plan).

The Council supports the revised tenure mix comprising:

Rented:

12 x 2 bed houses

6 x 3 bed houses

Total: 18 rented

Shared Ownership:

4 x 2 bed houses

3 x 3 bed houses

Total: 7 shared ownership.

The LPA requests that the applicant engages with one of the Council's preferred registered providers or an approved non-registered partner for the acquisition of the affordable housing. All of the necessary affordable housing requirements will be secured via a Section 106 Agreement.

The affordable housing is proposed to be pepper potted around the site in four discrete clusters and would not be concentrated entirely in one or two locations on the site. Each of the discrete clusters

comprise of less than 10 affordable houses and these are identified on Drawing No. A77-PL-05 Rev. B: Tenure Plan.

Consequently, it is considered that the proposed development, with the amended tenure mix as set out above, complies with Policy AH SP2 of the Local Plan, in terms of the provision of affordable housing.

HOUSING MIX

The proposed development comprises the following market and affordable housing mix:

59 market houses comprising of 2, 3 and 4 bedroom dwellings and 25 affordable houses comprising of 2 and 3 bedroom dwellings; totalling 84 units on the site.

The proposed development delivers well over half of the overall scheme as 2-bed (57%) and 3-bed (30%) dwellings. This is consistent with the objectives of the Strategic Housing Market Assessment (SHMA) in providing a focus on family housing across a range of housing sizes and types. The proposal includes 13% 4 bed market houses which complies with the recommended proportion of 10-15% in the SHMA update. The housing mix does not include the provision of 1 bedroom units as recommended in the SHMA.

The proposed housing mix does not accord with Policy H DM1 of the Local Plan and the SHMA as it needs to include the provision of 1 bedroom units to comply with the recommendations set out in the SHMA. However, it is considered that the provision of 1 bedroom units in apartment buildings or in back to back houses or smaller sized houses would have a detrimental impact on the appearance and layout of the proposed development. Consequently, the proposed development of 2, 3 and 4 bed houses on the site, without any 1-bed units would be acceptable in terms of the visual appearance and layout of the site, even though the housing mix would not strictly be in compliance with the recommendations of the SHMA.

ACCOMMODATION SUITABLE FOR OLDER PERSONS AND PEOPLE WITH DISABILITIES

Policy HD3 of the Angmering NP requires at least 25% of homes to be built to a Lifetime Homes standards. The equivalent standard to Lifetime Homes is Category 2 M4(2).

The LPA has a Guidance Note setting out standards aimed at securing a percentage of homes as disabled friendly and adaptable, meeting suitable standards. Under building regulations optional requirement M4(2): Category 2 - Accessible and adaptable dwellings can be enforced where it is required by a planning condition, in accordance with Policy D DM1 of the Local Plan. For schemes greater than 51 unit inclusive - 15% of units need to be designed to M4(2) standard plus two additional units to be designed to M4(3) wheelchair accessible, for every 50 units proposed thereafter. However, there is an aspiration to secure 100% M4(2).

The proposed development at Dappers Lane includes the provision of eight 3-bed market houses which would be designed to M4(2) (i.e. 10%); and two 2-bed affordable rented houses would be designed to M4(3) i.e. wheelchair accessible and these are identified on Drawing No. A77-PL-14 - Tenure Plan. The quantum of M4(2) dwellings proposed on this site does not meet the Angmering NP policy requirement of 25% or accord with the ADC Guidance (15%), however, as it reflects the percentage that has been secured on the North Water Lane site (which is part of the same strategic allocation) it would be inconsistent to require a higher proportion on this part of the site.

OPEN SPACE PROVISION

Policy OSR DM1(2a) of the Local Plan says: "housing will be required to contribute towards 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."

The planning application includes 6,590 square metre of open space. The requirement of 37 metres square per person results in a requirement of 5,914 square metres of open space. The proposed development includes an over-provision of on-site public open space and consequently it accords with the Open Space Playing Pitches, Indoor and Built Sports Facilities SPD.

It is considered that the provision of 1 LEAP and 1 LAP on the site as proposed in the layout plan (Drawing No. A77-PL-01 Rev. B) is acceptable in terms of the quantity of play areas. The provision and maintenance of the LAP and the LEAP on the site would be sought via a Section 106 Agreement. The proposed location of the LEAP within the village green in the southern part of the site, together with the provision of 10 items of wooden play equipment, all enclosed by 1.2 metre high bow top fencing is considered to be acceptable; as is the location of the LAP in the public open space at the entrance to the site. There is a 20 metre stand-off distance around the LEAP; and there are no houses within this stand-off distance. The open spaces which incorporate LAP at the entrance to the site and LEAP within the village green, shown on the layout plan (Drawing No. A77-PL-01 Rev. B), ensure connectivity across the Green Infrastructure network running east / west through the site, towards the public footpath that runs along the western boundary of the site. The site will link-up with the existing Public Right of Way running along the western boundary of the site by means of a footpath link off the main access road which runs east-west through the site and by a footpath link in the south western corner of the site.

A further tract of public open space is proposed running along the north west corner of the site, which will be enhanced by tree planting; together with a dormice mitigation buffer running along the entire western boundary of the site.

Consequently, it is considered that the proposed development meets the requirements for the provision of on-site public open space in terms of quantity in accordance with Policy OSR DM1(2a) of the Local Plan and the new Open Space SPD, January 2020.

TREES

Policy ENV DM4 of the Local Plan requires developers to provide land and tree surveys (d), a tree constraints plan (e) and an Arboricultural Impact Assessment (AIA) to include a tree protection plan and Arboricultural Method Statement (f), which will ensure that development is planned to take a comprehensive view of tree issues at an early stage in the design process and that development works do not have a negative impact on existing trees. The Angmering NP includes Policy HD6 whereby "layouts must retain important trees and hedgerows. The planting of new trees and shrubs of similar species to those already evident in the immediate surroundings shall be encouraged".

The ADC Arboricultural Officer objected to the proposed layout as the houses on Plots 67-72 were in close proximity to tall, off-site poplar trees. The protected woodland of poplar trees to the north of the site must be maintained. An amended layout plan (Drawing No. A77-PL-01 Rev. B) has been submitted which shows the houses on Plots 67-72 moved away slightly from the boundary of the site and away from the off-site poplar trees, so as to maintain the woodland to the north of the application site. The houses are not within the Root Protection Areas of any of the poplar trees, there does not appear to be a problem, and it is considered appropriate to allow the houses to be built on Plots 67-72. The Arboricultural Officer has been re-consulted on the amended layout plan and his comments will be included in an update.

LANDSCAPE

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

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

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

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

A Landscape and Visual Impact Assessment, December 2019, which was submitted with the planning application concluded that "although the South Downs National Park is within 300 metres of the site, it is separated and screened by topography and vegetation, which results in there being no visual or landscape interaction between the proposed development and the National Park. The only part of the National Park from which a view towards the site is available is Highdown Hill, 2km from the site, which is too far and too small a part of the view to be able to identify the site or for the proposed development to influence the setting or character of the National Park".

The Landscape Strategy (Drawing No. LA100) includes substantial levels of tree planting around the boundary of the site and integrated within the proposed residential development. The site layout plan (Drawing No. A77-PL-01 Rev. B) includes a large tree that is present on the site frontage, in front of Plots 1 and 2. The area where the tree grows has been allocated as public open space in front of the residential development, which is supported.

Tree planting is proposed around the attenuation basin in the south western part of the site. However, the landscaping along the southern boundary of the site has been reduced from what was originally envisaged due to the requirement of a new open ditch. It has meant a lot of the new trees and vegetation originally proposed were located within the banks of the new ditch and this would have had an impact on its drainage function. As many trees and vegetation as possible have been retained by means of re-location. The pond and watercourse must have a 3.0 metre buffer surround (taken from the top of the bank) which cannot be blighted with new trees or other planting. This is a requirement of the LPA drainage Bylaws to ensure unfettered access for maintenance 24 hours a day, 7 days a week.

It is considered that the site would be acceptable in visual terms and would not have an adverse visual impact upon the South Downs National Park; nor would views into the site from the National Park be significant visually due to the existing woodland cover to the north and the presence of Herons Farm to the north east of the application site. Consequently, the proposed development is acceptable visually and complies with Policies LAN DM1 and D DM1 of the Local Plan and Policy HD5 of the Angmering NP.

TRANSPORT

Policy T SP1 of the Local Plan says that "to ensure that growth in the District strengthens Arun's economic base, reduces congestion, works to tackle climate change and promotes healthy lifestyles; the Council will ensure that development: provides safe access on to the highway network; contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels,

public transport improvements and the cycle, pedestrian and bridleway network".

Policy TM1 of the Angmering NP requires that proposals for new development shall demonstrate that adequate and satisfactory provision has been made to mitigate the impact of traffic generated both during construction and on completion.

Site Access:

A new access is proposed off Dappers Lane on the eastern boundary of the site, which would be the main vehicular, pedestrian and cycle access into the proposed residential area. The proposed new access road running east / west through the site would have a carriageway measuring 6.0 metres wide with 2.0 metre wide footways on the both sides. The roads leading off the main access road would have shared surfaces. The proposed visibility splay onto Dappers Lane is 2.4 metres x 43 metres, which is considered to be acceptable in terms of highway safety. Vehicle tracking plans (Drawing No. 2017-3487-005 Rev. A) have been submitted for a fire engine and refuse vehicles, which are considered to be acceptable.

The proposed development includes the widening of Dappers Lane to 5.5 metres at the entrance to the application site.

A number of objections from local residents refer to the refusal of planning application (A/55/16/PL) for a children's nursery at Brackenside on Dappers Lane, which was based on highway grounds. In looking at the highway response to the planning application at Brackenside, the reason for refusal was based on the lack of information (no speed survey) provided to establish if a safe access could be provided. The refused application at Brackenside (A/55/16/PL) is very different in terms of the transport planning context, which has evolved considerably since 2016. The opportunities to access the site safely and sustainably have changed. Proposals would place differing demand characteristics on the local road network and the sites are not in the same location, thereby altering the design requirements. The Transport Assessment which accompanied the planning application acknowledges the constraints identified within planning application A/55/16/PL and mitigates through the proposed implementation of a number of measures including carriageway widening / re-alignment and the provision of a footway link on Dappers Lane. This planning application has included speed surveys and provides a suitable access with appropriate visibility splays. Pedestrian access is also available via improvements to the PRow network and as such would address the sustainability concerns also raised.

It is considered that the proposed residential development, with a vehicular access point onto Dappers Lane, would provide safe access onto the highway, in accordance with Policy T SP1 of the Local Plan.

Trip Generation, Distribution and Assignment:

A Transport Assessment accompanied the planning application as required by Policy T SP1(e) of the Local Plan. The proposed development of 84 dwellings on the site is anticipated to generate 39 two way vehicle movements in the AM peak and 39 two way vehicle movements in the PM peak, which is considered to be acceptable.

Junctions:

This scheme at Dappers Lane will fit into the wider junction improvements that are to be implemented through the delivery of the other two sites in the Angmering North strategic allocation, namely Land North of Water Lane and Land South of Water Lane, which includes the provision of a new roundabout at the junction of the A280 and Water Lane and widening of the carriageways on the approach to the A280/A27/Titnore Lane Roundabout.

Highways England has requested that an appropriate developer contribution be made to the agreed A27 Local Plan mitigation measures required to deliver the Arun Local Plan. A developer contribution in full

(£33,038) is required towards the mitigation measures required at the A27/The Causeway roundabout at Arundel, which consists of white line improvements. However, the developer could waive this contribution if they implemented the highway works at the Causeway Roundabout under the supervision of Highways England - this is the approach taken in the Section 106 Agreement.

The Local Highway Authority has requested that developer contributions of £302,400 from the Section 106 Agreement for this application (A/76/20/PL) should go towards the following highway improvements, either:

- the A280/A27/Long Furlong junction or;
- A259 junctions (A259/Station Road Roundabout or A259/A280 Roundabout).

The proposed development has demonstrated that the transport effects on the local and strategic road network can be satisfactorily mitigated by means of planning conditions and a Section 106 Agreement. It is therefore considered that, subject to conditions and developer contributions toward junction improvements as set out in the draft Section 106 Agreement, the proposed development on Land off Dappers Lane, accords with Policy T SP1 of the Local Plan and Policy TM1 of the Angmering NP.

Public Transport:

Policy T SP1 of the Local Plan says "the Council will support transport and development which is designed to reduce the need to travel by car by identifying opportunities to improve access to public transport services and passenger transport services" (Policy T SP1(a)).

A southbound bus gate is present at the northern end of Dappers Lane under the A27 Bridge towards Patching. It is thought that only a free shopper bus uses the gate for one journey on a Wednesday. Bus Service 9 provides an hourly link to Angmering railway station, Littlehampton, Worthing and Littlehampton. At present the nearest bus stop to access the service is located on Merryfield Crescent and Shardelow Road. The approved development on Land North of Water Lane (A/40/18/OUT) which is located to the east of Dappers Lane would deliver a bus connection to Dappers Lane to enable the diversion of Stagecoach Service 9 into the Land North of Water Lane, along with the delivery of two sets of bus stops within the site itself, which have been conditioned as part of the outline planning permission (A/40/18/OUT).

Consequently, it is considered that the proposed residential development at Dappers Lane would be located in close proximity to existing and committed bus stops and to Stagecoach Service 9 and it therefore complies with Policy T SP1(a) of the Local Plan by being accessible to public transport services.

Footways and Cycle Provision:

Policy T SP1 of the Local Plan says: "The Council will support transport and development which gives priority to pedestrian and cycle movements". Policy T DM1 of the Local Plan says "proposals for all new development must contribute towards the provision of a joined cycle network and Public Rights of Way network, taking into account the aspirational cycle network, which provides convenient, accessible, safe, comfortable and attractive routes for pedestrians and cyclists both in the development and in the form of links between the development" Policy T DM1(d)).

Policy TM2 of the Angmering NP gives support to proposals which improve or increase existing footpaths.

The proposed development includes the provision of a 1.5 metre wide footway (pavement) on the eastern side of the lane, which would measure 83 metres in length up to the driveway of 'Greenways' (opposite Number 15 Woodlands Close) without too much impact on the existing watercourse. Some minor works would be required to the ditch to facilitate the footway which would be dealt with during the

detailed design stage. The proposed footway would join up with the existing and committed lengths of footway further down Dappers Lane, in accordance with Drawing Number 2017-3487-006 Rev. A "Proposed Footway Tie-in" in the Transport Assessment. The committed lengths of footway are to be implemented as part of planning permission A/91/18/PL (Merry England Nursery), planning permissions A/27/16/PL and A/114/18/PL (Broadlees) and outline planning permission A/40/18/OUT (Land North of Water Lane).

The layout plan (Drawing No. A77-PL-01 Rev. B) includes two footway connections into the public right of way (PROW 2151) that is located immediately west of the application site. A footway connection into PROW 2151 is proposed in the south west corner of the site and another connection is proposed at the western end of the main access road which runs east / west through the site from Dappers Lane.

The Local Highway Authority has requested the provision of a new pedestrian crossing with dropped kerbs and tactile paving on the pedestrian desire line on Pine Trees Close; and the provision of tactile paving at the existing crossings at the Arundel Road / Furzefield Close junction, the Arundel Road / Chantryfield Road junction and the Arundel Road / Lansdowne Way junction, all of which are considered to be acceptable and these are listed in the Section 106 Agreement.

It is considered that the two proposed footway connections to the public right of way (PROW 2151) to the west of the application site and the provision of a 1.5 metre wide footway on the eastern side of Dappers Lane, which are deliverable by means of conditions and the Section 106 Agreement would ensure that the development complies with Policy T SP1 and Policy T DM1 of the Local Plan and Policy TM2 of the Angmering NP.

Parking provision:

Policy T SP1 of the Local Plan says "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 upon on-street parking" (Policy T SP1(d)).

The proposed residential development of 84 dwellings needs to ensure there are 2 car parking spaces per 2-bed and 3-bed dwelling and 3 car parking spaces per 4-bed dwelling and 20% visitor parking provision, in line with the recommendations in Table 3.1 of the ADC Parking Standards SPD, which was issued in January 2020. The proposed development includes a maximum of 202 car parking spaces comprising 164 allocated car parking spaces, 26 garages (counted as 0.5 spaces) and 25 visitor parking spaces (i.e. 20% provision). The 2-bed and 3-bed dwellings are provided with 2 parking spaces each and the 4-bed dwellings have 3 parking spaces. All of the garages would measure 6 x 3 metres internally. The Parking Standards SPD would require 178 allocated spaces (including garages at 0.5 spaces) and 17 visitor spaces, which would come to a total of 195 spaces. The Parking Plan (Drawing No. A77-PL-10 Rev. C) shows that the quantum of car parking spaces for the proposed residential development would comply with the District Council's new Parking Standards SPD, with a slight over-provision of allocated and unallocated parking spaces. The proposed development would therefore be in accordance with Policy T SP1(d) of the Local Plan and Policy HD8 of the Angmering NP.

Travel Plan:

Policy T SP1 of the Local Plan says "The Council will support transport and development which is supported by a Travel Plan, which is effective and deliverable" (Policy T SP1(e)). A Travel Plan has been submitted with the planning application (A/76/20/PL) which aims to encourage residents to use sustainable modes of transport; reduce reliance on single car occupancy journeys; and generally reduce traffic related pollution and noise. It is considered that the proposed development complies with Policy T SP1(e) of the Local Plan and Policy TM2 of the Angmering NP. A condition is required to ensure that the measures identified in the Travel Plan are implemented.

BIODIVERSITY

Policy ENV DM5 of the Local Plan says that "development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site".

The proposed layout includes the provision of a dormouse buffer zone, with mitigation planting, along the western and north western boundaries of the site and the provision of netting in the trees within the site to protect the dormice from predators. In terms of the boundary with the woodland, a 1.2 metre post and rail fence would be constructed on the southern edge of the dormouse mitigation buffer. The bat mitigation measures proposed should be conditioned.

On-site enhancements and mitigation measures are proposed in accordance with the biodiversity net gains required by Policy ENV DM5 of the Local Plan, including the provision of new habitats on the site comprising of 5.0 metre buffer strip around the hedgerows. The list of mitigation measures include the following: any trees removed should be replaced at a ratio of 2:1; the planting of a wildflower meadow; wildlife area on-site; filling any gaps in tree lines or hedgerows with native species; bat bricks / tiles are integrated into the buildings onsite facing south/south westerly positioned 3-5m above ground; bird box to be installed on the buildings / and or trees within the garden of the properties; grassland areas managed to benefit reptiles; log-piles on-site; gaps are included at the bottom of the fences to allow movement of small mammals across the site; and hedgehog nesting boxes included on the site. It is considered that the proposed enhancements/habitat creation are comprehensive and would constitute a biodiversity net gain. The ADC Ecological Advisor supports the proposed on-site enhancements and mitigation measures and requests that they be conditioned.

Consequently, it is considered that subject to conditions including the provision of the on-site enhancements and mitigation measures, the proposed development accords with Policy ENV DM5 of the Local Plan in relation to the impact on protected species and the potential for the scheme to protect existing habitats where possible and provide enhancements.

HERITAGE ASSETS

Policy HER SP1 of the Local Plan states that designated heritage assets including listed buildings, structures and their settings; and Conservation Areas will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance. Policy HER DM3(f) of the Local Plan says: "in order to preserve the character or appearance of the Conservation Area, planning permission will normally be granted for proposals within or affecting the setting of a Conservation Area, provided that it does not harm important views into, out of or within the Conservation Area".

Sections 66/72 of the Planning (Listed Buildings and Conservations Areas) Act, 1990 are relevant. Section 66 of the Act says: "in considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." In considering whether to grant planning permission with respect to any buildings or other land in a Conservation Area, the Council shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area (Section 72 of the Planning (Listed Buildings and Conservations Areas) Act, 1990).

Paragraph 190 of the NPPF (February 2019) requires great weight to be given to the conservation of heritage assets. Any harm resulting from the proposed development should be weighed against the public benefit in accordance with paragraph 196 of the NPPF (February 2019).

The closest heritage assets to the application site are New Place Farmhouse (Grade II* Listed Building),

Decoy Cottage (Grade II Listed Building) and Angmering Conservation Area, all of which are at least 1.5km from the proposed development.

A Heritage Statement was submitted during the consultation period which assessed the significance of the heritage assets including the listed buildings and Angmering Conservation Area, in accordance with the NPPF, including paragraph 189. No designated or non-designated built heritage assets have been identified as having the potential to be impacted by the proposed residential development on the site. Based on the information provided as part of the statement, on balance it would appear that there are no adverse built heritage impacts in this instance. As a consequence, the application is considered to not cause harm to the significance of the heritage assets or their setting.

Consequently, It is considered that the proposed development is acceptable and it complies with Policies HER DM1 and HER DM3 and HER SP1 of the Local Plan and Policy EH1 of the Angmering NP. The contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) have been taken into account.

LIGHT POLLUTION

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

Detailed lighting information has been submitted with the planning application, therefore, it is considered necessary to impose a compliance condition. Environmental Health has not raised an objection in terms of light emissions from the proposed residential development on existing residential amenity. The ADC's Ecological Advisor has requested that the lighting scheme for the site will need to take into consideration the presence of bats in the local area through the use of directional light sources and shielding. The submitted lighting details are considered to be acceptable.

Consequently, subject to the compliance condition, it is considered that the proposed residential development complies with Policy QE DM2(a), (b), (c) and (d) inclusive of the Local Plan.

RESIDENTIAL AMENITY

Policy D DM1(3) of the Local Plan says "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".

There are a number of housing estates located off Dappers Lane including housing on Garden Close and Woodlands Close. The proposed residential layout includes sufficient space to accommodate landscaping which would ensure that neighbouring residential amenity of dwellings on Garden Close and Woodlands Close are not adversely affected by loss of privacy or overlooking. As mentioned above, the revised layout plan (Drawing No. A77-PL-01) ensures that there is sufficient space between the proposed new houses on Plots 2 and 6 on the application site and the existing houses at Numbers 9, 10 and 11 Woodlands Close.

There is a 20 metre stand-off distance around the LEAP within the village green in the southern part of the site; and there are no houses within this stand-off distance either within the site or on the existing adjacent housing estates. It is considered that the proposed location of the LEAP is acceptable in terms of residential amenity; as is the location of the LAP in the public open space at the entrance to the site.

A 1.8 metre high close boarded fence is proposed along the boundary with Heron's Farm and along the

southern boundary with Woodlands Close, as set out on Drawing No.A77-PL-04 Rev. B: External Works Layout. The close boarded fencing would be maintained by the property owners on the application site and would ensure a high degree of privacy is maintained.

Consequently, it is considered that the proposed residential development as set out on the layout plan and the external works layout plan complies with Policy D DM1(3) of the Local Plan in terms of impact upon neighbouring amenity.

NOISE QUALITY

The NPPF and Policy QE DM1 of the Local Plan emphasise that noise sensitive development will not be permitted if its users would be affected by noise by proposed noise generating uses.

Policy QE DM1 of the Local Plan says: "developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required. Proposals will need to be supported by evidence to demonstrate that there are no suitable alternative locations for the development." (Policy QE DM1(2))

Environmental Health requested the submission of a Noise Assessment to assess the impact of the electricity substation on the houses to ensure that there is no adverse effect to residential properties; and for a scheme to be submitted to demonstrate that the internal and external noise levels within the houses and within the curtilage of the houses conform to the guidance.

A Noise Assessment has been submitted which concludes that the top floor bedrooms should be designed with 4mm glass double glazed windows to ensure the internal noise levels are acceptable in terms of the assessment to the British Standard. The development proposes external living areas and it demonstrates the external living spaces surrounding the houses are likely to see noise levels below the lower guideline of 50 decibels. Calculations and assessments have been carried out with regards to the proposed electrical sub-station and its location and have demonstrated that it is likely to have a 'Low Impact'. Based on the calculations and assessments made within the Noise Report it is considered that the proposed development can demonstrate compliance with the NPPF, and that, with regards to sound, planning permission can be granted.

Therefore, it is considered that the future and existing residents would not be adversely affected by noise in accordance with Policy QE DM1 of the Local Plan.

AIR QUALITY

Policy QE DM3 of the Local Plan says "all major development proposals will be required to assess the likely impacts of the development on air quality and mitigate any negative impacts".

The proposed development is not located in an Air Quality Management Area, however, an Air Quality Assessment has been submitted. The dust suppression measures during the construction works which are recommended in the Assessment should be implemented and the Air Quality report should be referred to in a Construction Management Plan condition.

Projected vehicle particulate emissions from the housing development have been assessed in the Air Quality Assessment and are considered to be acceptable. However, it is considered appropriate that provision is made for electric vehicle (EV) charging points to be installed at every house (including affordable homes) with a garage or driveway, in accordance with paragraph 2.8 of the ADC Parking Standards SPD, January 2020. This should be conditioned.

It is considered that, subject to the imposition of the electric vehicle charging point condition, the proposed development complies with Policy QE DM3 of the Local Plan, in terms of air quality.

FLOODING AND SURFACE WATER DRAINAGE

The NPPF requires that development does not give rise to an unacceptable risk of flooding detrimental to human health or property. Policy W DM2 of the Local Plan requires the submission of a site specific Flood Risk Assessment (FRA) which demonstrates that the development will be safe without increasing flood risk elsewhere and reduce flood risk overall; consider flood flow routing and utilise temporary storage areas.

Policy EH3 of the Angmering NP (Flood Prevention) seeks to ensure that any new development must ensure that the prospect of flooding within the development boundaries is mitigated; it does not increase the flooding impact it may have on surrounding properties and areas; and development at risk from flooding should incorporate a sustainable urban drainage system unless it is demonstrated that an alternative drainage system is appropriate.

A Flood Risk Assessment has been carried out by RGP Design Limited, which confirms that the application site is located entirely within Flood Zone 1. As a result, the risk to the proposed development is considered to be very low from both fluvial and tidal sources.

The majority of the site would drain into a lined attenuation basin which would be located along the south western boundary of the site as identified on the layout plan. It is proposed that surface water would be piped to the attenuation basin; and there would be permeable paving within the built development. The layout has been amended with the proposed attenuation basin extended out westwards; together with the provision of a 3.0 metre maintenance strip between the basin and the ditch which runs along the southern boundary of the site. The Flood Risk Assessment has been updated, and includes Drawing No. PL500 Rev. A which demonstrates the basin sections together with the 3.0 metre easement between the basin and the ditch.

The culverted section of the ditch, which dog-legs along the southern boundary of the site is to be cleared and re-instated as an open ditch. Remedial works may be required to the off-site culvert. However, the preference of the Drainage Engineers is for the provision of a new pipe which would be routed through the school grounds and link-up with the network at Arundel Road, which would negate the need for the works to the off-site culvert. The off-site culvert may be used by the site as an 'overflow' to supplement the new route through the school - if this is the adopted approach, some works will be undertaken to improve the condition of the off-site culvert, which would be 'fronted' by Arun District Council and West Sussex County Council.

ADC Drainage Engineers are satisfied with the revised surface water drainage details including the cross sections of the attenuation basin and the use of permeable paving within the proposed layout and they are requesting that conditions be imposed for surface water drainage.

The proposed residential development is acceptable in terms of surface water drainage, in accordance with Policy W DM2 of the Local Plan and Policy EH3 of the Angmering NP.

FOUL DRAINAGE

A Foul Drainage Analysis has been submitted with the planning application which proposes that the foul water from the houses on the application site would be discharged to the public foul water sewer, which is located in Arundel Road.

A number of existing houses on Dappers Lane have treatment plants which discharge into the stream which flows down the eastern side of the lane. The proposal to construct a footpath on the eastern side of the lane, from north of the site entrance to south of Greenways, needs to take account of the stream; and the developer will need to apply for Land Drainage Consent for any works that may affect the

watercourse. Concerns have been raised that damage could be caused by construction work, especially the building of the access road and footpaths to the water supply pipe, which goes under the application site before turning east to connect with the water main on the west side of Dappers Lane, to the south of the proposed new site entrance. This is a matter for the developer to address directly with the existing residents and with Southern Water.

EXTERNAL SPACE STANDARDS

The layout plan (Drawing No. A77-PL-01 Rev. B) shows all houses with rear gardens that measure at least 10.5 metres in length, which is acceptable to ensure adequate amenity space is provided and it is in accordance with the draft Arun Design Guide. The site layout includes 20 metre back to back stand-off distances and 11 metre side on back distances, which are considered to be acceptable.

INTERNAL SPACE STANDARDS

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

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

CLIMATE CHANGE

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

It is proposed that 10 of the proposed houses (i.e. Plots 9, 10, 11, 12, 13, 14, 36, 37, 38 and 39) would have photovoltaic (PV) solar panels fitted; and all of the dwellings on the site would incorporate up-to-date building regulations (i.e. fabric first), to meet the new households energy requirements. This would be achieved by means of a condition.

The proposed east/west orientation of 38 houses would ensure maximum solar gain and would comply with Policy ECC SP1 of the Local Plan. The north/south orientation of the remaining houses on the site would not ensure maximum solar gain in accordance with Policy ECC SP1 of the Local Plan.

The majority of dwellings (i.e. 46 houses) are orientated north/south and therefore, on balance the layout makes all reasonable endeavours to achieve maximum solar gain.

SUPPORTING INFRASTRUCTURE

Development is only acceptable with the provision of or contributions to the necessary infrastructure and facilities to mitigate the impacts of the development. Policy HD9 (Phasing of Residential Development) of the Angmering NP seeks to make sure that new housing proposals demonstrate that there is the necessary capacity in the community and physical infrastructure and services are available to support the increase in population.

WSCC have confirmed that the present early years, special education needs, primary and secondary schools within the catchment areas of the proposal would not have spare capacity and would be unable to accommodate the children from the proposed development. The financial contribution requested by the County Council would be based on the housing allocation at Angmering North and Angmering South

and East providing a 2FE primary school expandable to 3FE. A developer contribution is required towards a new primary school serving Angmering or towards additional facilities at St Margaret's CE Primary School, based on the provision of 84 dwellings.

Angmering Parish Council is no longer offering land at Mayflower Park to the WSCC for a new primary school. WSCC owns land at Bramley Green and adjoining land, consequently the new primary school building would be constructed on the land at Bramley Green and the associated sports pitches would be provided on the County owned land adjacent to Bramley Green.

A formula-based contribution is required towards Phase 1 of the new secondary school serving Arun. The applicant has confirmed their acceptance of the formula-based approach which would be based on the actual mix, which is set out in the planning application. As the applicant has agreed to provide this contribution as part of the S106 agreement it is considered that the development would accord with Policy INF SP1 of the Arun Local Plan.

The further education contribution generated by this proposed development shall be spent on future expansion at the Angmering School Sixth Form, which is CIL compliant.

In addition the following contributions are considered to be CIL compliant and are required in order to mitigate the impact of the development:

- A formula-based contribution towards the development and enhancement of existing services at Angmering Library.
- A formula-based contribution towards the re-development of Littlehampton Fire Station, providing additional services for the residents of Angmering,
- £15,733 (based on £185 per dwelling) towards the Angmering Flood Risk Management Project to deliver sustainable water management for the Black Ditch catchment through Angmering.
- £92,554 toward Willow Green / GP premises.
- £14,548.98 to fund the future purchase of police infrastructure to serve the proposed development.

The Open Space, Playing Pitches, Indoor and Built Sports Facilities SPD says "there are three community sports hub sites recognised by ADC as a priority for progressing, including Palmer Road Recreation Ground in Angmering." (Paragraph 3.3 of the SPD, January 2020). A developer contribution towards the provision of sports pitches at the Palmer Road community sports hub would mirror the contributions in the Section 106 Agreements for Land South of Water Lane (A/99/17/OUT) and Land North of Water Lane (A/40/18/OUT), in accordance with Policy OSR DM1 and Policy HWB SP1 of the Local Plan. The Open Space, Playing Pitches, Indoor and Built Sports Facilities SPD also requires developer contributions towards maintenance.

- £48,019 towards the provision of ancillary features (changing rooms and car parking) at the Palmer Road Recreation Ground.
- £31,677 towards providing the flexible sports hall/activity and / or studio space at a Sports and Community Hub at Palmer Road in Angmering.
- £34,073 towards improving provision and increasing the capacity of swimming pools and associated wet side facilities for the District.
- £10,400 towards provision of additional health and fitness provision as part of a Sports and Community Hub at Palmer Road, Angmering.
- £21,291 plus £88,520 maintenance cost towards a natural grass pitch at Palmer Road.
- £8,043 plus £5,260 maintenance cost towards an artificial grass pitch at Palmer Road.
- £3,237.50 (a formula based contribution) towards public art.

The highways infrastructure and open space requirements are set out in the relevant sections above and

further detail is set out in the S106 Agreement Table attached to this report.

The proposed on-site provision of 25 affordable housing units would be secured through a Section 106 Agreement, in accordance with Policy AH SP2 of the Local Plan.

The proposed development would also result in the removal of two electricity pylons which currently cross the site. The grounded high voltage cables would have 3.0 metre' offsets on either side of them along the western and northern boundaries of the site.

Angmering Parish Council was invited to submit CIL compliant schemes that could be provided in full or in part through developer contributions by means of a Section 106 Agreement to be implemented if planning permission is granted for A/76/20/PL. The Parish Council proposed 7 infrastructure schemes. The following scheme is considered to be CIL compliant as it is directly related to the impact of development:

- Flood Prevention Scheme: A proposal to build an attenuation system on the Highdown side of the A280. The overall cost was broadly estimated at £1.5m of which Government finance would pay for 50% and the remainder had to be found 'locally'. The Lead Local Flood Authority has made a request for a contribution of £15,733 from this planning application to a flood prevention scheme, which is CIL compliant.

The following schemes are not considered to be CIL compliant for the proposed development as the developer contributions already proposed in the Section 106 Agreement are considered to be sufficient to deliver the requisite infrastructure to accommodate the proposed development.

- Bus Shelter Installation Project.
- Village Centre Public Toilets.
- Vehicle Activated Speed Warning Signs.
- Play Area Review.
- Lighting in Mayflower Park.
- Funding to support the start-up of Angmering Men in Sheds (community space for men to connect, converse and create).

The draft Section 106 Agreement complies with Policy INF SP1 and Policy INF SP2 of the Local Plan by ensuring provision of the required infrastructure. A table setting out all of the draft Section 106 Agreement developer contributions is provided at the back of this committee report.

SUMMARY

It is considered that the principle of development on this site is acceptable in compliance with Policy H SP2 and Policy H SP2c of the Local Plan. The development will make a significant contribution towards market housing and affordable housing in the District, further boosting the sustainability of Angmering and provide additional open space for the local community; and contribute to the delivery of strategic highway improvements to the A27/The Causeway roundabout at Arundel, and either the A280/A27/Long Furlong junction or the A259 junctions (i.e. A259/Station Road Roundabout or A259/A280 Roundabout).

Paragraph 11(c) of the NPPF (February 2019) advises that approval of development proposals that accord with an up-to-date development plan without delay is the requirement to comply with Government Policy.

The recommendation is that the Development Control Committee delegate to the Group Head of Planning (in consultation with the Chairman and the Vice Chairman) authority to:

- a. Authorise the execution and completion of the Section 106 Agreement;

b. Grant planning permission subject to conditions and the Section 106 Agreement.

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 SUBJECT TO A SECTION 106 AGREEMENT

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

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

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

Drawing No. A77-PL-100 - Site Location Plan

Drawing No. A77-PL-03 - Constraints and Opportunities Plan

Drawing No. SITE LAYOUT 84 units 04.06.20 Rev. A-A77-PL-01 Rev. B - Planning Layout

Drawing No. SITE LAYOUT 84 units 04.06.20 Rev. A-A77-PL-04 Rev. D - External Works Layout.

Drawing No. SITE LAYOUT 84 units 04.06.20 Rev. A-A77-PL-05 Rev. B - Tenure Plan

Drawing No. SITE LAYOUT 84 units 04.06.20 Rev. A-A77-PL-06 Rev. B - Storey Heights Plan

Drawing No. SITE LAYOUT 84 units 04.06.20 Rev. A-A77-PL-07 Rev. B - Unit Types Plan

Drawing No. SITE LAYOUT 84 units A77-PL-08 Rev. A - Materials Plan - Brick and Roof Types

Drawing No. SITE LAYOUT 84 units 04.06.20 Rev. A-A77-PL-09 Rev. B - Refuse and Fire Strategy Plan.

Drawing No. SITE LAYOUT 84 units 04.06.20 Rev. A-A77-PL-10 Rev. C - Parking Plan.
Drawing No. SITE LAYOUT 84 units 04.06.20 Rev. A-A77-PL-12 Rev. B - Character Areas and Key Buildings Plan.
Drawing No. SITE LAYOUT 84 units 04.06.20 Rev. A-A77-PL-13 Rev. B - Surface Treatment Plan.
Drawing No. A77-PL-02 Rev. A - Coloured Planning Layout.
Drawing No. A77-PL-14: Tenure Plan - M4 (2) & M4 (3) Units
Drawing No. SE.01 - Street Elevations
Drawing No. A77_PL_MAT_01 - Materials Palette
Drawing No. A77_PL_DGAR_P1 Rev. A - Proposed Garage Type 01 - Double
Drawing No. A77_PL_DGAR_P2 Rev. A - Proposed Garage Type 02 - Double
Drawing No. A77_PL_SGAR_P1 Rev. A - Proposed Garage Type 03 - Single
Drawing No. A77_PL_HAN+_P1 Rev. A - The Avenue - Hanbury+ Floor Plans
Drawing No. A77_PL_HAN+_P2 Rev. A - Village Green - Hanbury+ Floor Plans
Drawing No. A77_PL_HAN+_E1 Rev. A - The Avenue - Hanbury+ Elevations
Drawing No. A77_PL_HAN+_E2 Rev. A - Village Green - Hanbury+ Elevations
Drawing No. A77_PL_DER_P1 - The Avenue - Derwent Floor Plans
Drawing No. A77_PL_DER_P2 - Village Green - Derwent Floor Plans
Drawing No. A77_PL_DER_E1 - The Avenue - Derwent Elevations
Drawing No. A77_PL_DER_E2 - Village Green - Derwent Elevations
Drawing No. A77_PL_LOC_P1 - The Avenue - Lockwood Corner Floor Plans 1 of 2
Drawing No. A77_PL_LOC_P2 Rev. A - The Avenue - Lockwood Corner Floor Plans 2 of 2
Drawing No. A77_PL_LOC_P3 - The Avenue - Lockwood Floor Plans
Drawing No. A77_PL_LOC_P4 Rev. A - Village Green - Lockwood Corner Floor Plans
Drawing No. A77_PL_LOC_E1 - The Avenue - Lockwood Corner Elevations 1 of 2
Drawing No. A77_PL_LOC_E2 Rev. A - The Avenue - Lockwood Corner Elevations 2 of 2
Drawing No. A77_PL_LOC_E3 - The Avenue - Lockwood Elevations
Drawing No. A77_PL_LOC_E4 - Village Green - Lockwood Corner Elevations
Drawing No. A77_PL_LON+_P1 - The Avenue - Longthorpe+ Floor Plans
Drawing No. A77_PL_LON+_P2 - Village Green - Longthorpe+ Floor Plans
Drawing No. A77_PL_LON+_E1 Rev. A - The Avenue - Longthorpe+ Elevations
Drawing No. A77_PL_LON+_E2 Rev. A - Village Green - Longthorpe+ Elevations
Drawing No. A77_PL_CON_P1 - Gateway - Coniston Floor Plans
Drawing No. A77_PL_CON_P2 Rev. A - Village Green - Coniston Floor Plans
Drawing No. A77_PL_CON_E1 - Gateway - Coniston Elevations
Drawing No. A77_PL_CON_E2 Rev. A - Village Green - Coniston Elevations
Drawing No. A77_PL_CON+_P1 - Gateway - Coniston+ M4(2) Floor Plans
Drawing No. A77_PL_CON+_P2 - The Avenue - Coniston+ M4(2) Floor Plans 1 of 2
Drawing No. A77_PL_CON+_P3 Rev. A - The Avenue - Coniston+ M4(2) Floor Plans 2 of 2
Drawing No. A77_PL_CON+_P4 - Village Green - Coniston+ M4(2) Floor Plans
Drawing No. A77_PL_CON+_E1 - Gateway - Coniston+ M4(2) Elevations
Drawing No. A77_PL_CON+_E2 - The Avenue - Coniston+ M4(2) Elevations 1 of 3
Drawing No. A77_PL_CON+_E3 Rev. A - The Avenue - Coniston+ M4(2) Elevations 2 of 3
Drawing No. A77_PL_CON+_E4 - The Avenue - Coniston+ M4(2) Elevations 2 of 3
Drawing No. A77_PL_CON+_E5 - Gateway - Coniston+ M4(2) Elevations
Drawing No. A77_PL_WAR_P1 - Village Green - Warwick Floor Plans
Drawing No. A77_PL_WAR_E1 - Village Green - Warwick Elevations
Drawing No. A77_PL_HOL_P1 - Gateway - Holywell Floor Plans 1 of 2
Drawing No. A77_PL_HOL_P2 - Gateway - Holywell Floor Plans 2 of 2
Drawing No. A77_PL_HOL_P3 Rev. A - Village Green - Holywell Floor Plans
Drawing No. A77_PL_HOL_E1 - Gateway - Holywell Elevations 1 of 2
Drawing No. A77_PL_HOL_E2 - Gateway - Holywell Elevations 2 of 2

Drawing No. A77_PL_HOL_E3 Rev. A - Village Green - Holywell Elevations 1 of 2
Drawing No. A77_PL_HOL_E4 Rev. A - Village Green - Holywell Elevations 2 of 2
Drawing No. A77_PL_HA_P1 Rev. A - Village Green - 2B3P Floor Plans
Drawing No. A77_PL_HA_P2 - Village Green - 3520+ Floor Plans
Drawing No. A77_PL_HA_P3 - Village Green - 2B3P & 3520+ Floor Plans
Drawing No. A77_PL_HA_E1 - Village Green - 2B3P Elevations
Drawing No. A77_PL_HA_E2 - Village Green - 3520+ Elevations
Drawing No. A77_PL_HA_E3 Rev. A - Village Green - 2B3P & 3520+ Elevations
Drawing No. A77_PL_WP2_P1 Rev. A - Village Green - WP2 M4(3) Floor Plans
Drawing No. A77_PL_WP2_E1 Rev. A - Village Green - WP2 M4(3) Elevations

Drawing No. A109012.LA100 (Rev. D) - Landscape Strategy.
Drawing No. A109012.LA101 (Rev. D) - Landscape Planting (1 of 3).
Drawing No. A109012.LA102 (Rev. D) - Landscape Planting (2 of 3).
Drawing No. A109012.LA103 (Rev. D) - Landscape Planting (3 of 3).
Drawing No. A109012.LA104 (Rev. D) - Northern Public Open Space.
Drawing No. A109012.LA105 (Rev. D) - LEAP Design.
Drawing No. A109012.LA106 (Rev. D) - Hard Landscape.

Planning Statement

Statement of Community Involvement

Design and Access Statement Rev. A. (Ref. PERS190708 DAS-01 050620).

Landscape Visual Impact Appraisal (Ref. A109012), December 2019.

Built Heritage Statement (Ref. JAC 25776), June 2020.

Flood Risk Assessment (Ref. D1260 / FRA 1.4), Prepared by RGP Design Limited, September 2020.

Drawing No. D1260-PL200 Rev. C - Impermeable Area Comparison.

Drawing No. D1260-PL300 Rev. C - Proposed Drainage Strategy.

Drawing No. D1260-PL301 Rev. C - Proposed Drainage Strategy Alternative Solution.

Drawing No. D1260-PL400 Rev. A - Catchment Area Plan.

Drawing No. D1260-PL500 Rev. A - Indicative Pond Sections.

D1260 SW FINAL 2020-07-07 Network: Surface Water.

Transport Assessment (PEHO/16/3487)

Travel Plan

Drawing No. 2017-3487-002 - Off site Infrastructure Pedestrian Crossings

Drawing No. 2017-3487-001 Rev. D - Visibility Splays and Vehicle Swept Path Analysis

Drawing No. 2017-3487-003 Rev. B - Internal Refuse Collection Swept Path Analysis

Drawing No. 2017-3487-004 Rev. A - Internal Parking Swept Path Analysis

Drawing No. 2017-3487-005 - Fire Tracker Swept Path Analysis

Drawing No. 18167-BT1 - Tree Constraints Plan

Arboricultural Opportunities and Constraints Assessment (Ref. 18167-Constraints Report-AN)

Archaeological Desk Based Assessment (Ref. Final DBA Nov 19- R)

Bat Activity Report (Ref. A085519-3)

Dormouse Survey Report (Ref. A085519-4)

Dormouse Mitigation Strategy (Ref. A085519-7)

Biodiversity Enhancement Plan (Ref, A085519-7) Version 2, August 2020.

Design Criteria Report

Energy Statement (6.3.20)

Drawing No. 2624-D-01 Rev. B - Lighting Layout

Drawing No. 2624-D-02 Rev. B - Lighting Layout

Lighting Design Notes

Outdoor Lighting Report (6 May 2020: Project No. 2624), prepared by Nick Smith Associates Ltd.

Road Lighting Report

Environmental Noise Impact Assessment, PProPG Planning and Noise (Ref. SA-6550), prepared by Sound Advice Acoustics Ltd.

Air Quality Assessment (Ref. A118338), prepared by WYG, September 2020.

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

- 3 No development above damp proof course (DPC) level shall take place unless and until samples of materials and finishes to be used for external walls and roofs of the proposed dwellings, set out in approved Drawing A77-PL-08 Rev. A and in the approved material palette, have been submitted to and been approved by the Local Planning Authority and the samples of materials so approved shall be used in the construction of the dwellings.

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.

- 4 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on Drawing No. 2017-3487-001 Rev. D - Visibility Splays and Vehicle Swept Path Analysis.

Reason: In the interests of road safety in accordance with Policy D DM1 and Policy T SP1 of the Arun Local Plan.

- 5 The forty second dwelling (i.e. 50% occupation) shall not be occupied until such time as the 1.5 metre' wide footway connection which would measure 83 metres in length has been constructed on the eastern side of Dappers Lane in accordance with the details shown on Drawing Number 2017-3487-006 Rev. A "Proposed Footway Tie-in" in the Transport Assessment.

Reason: In the interests of road safety in accordance with Policy D DM1 and Policy T SP1 of the Arun Local Plan.

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

- a) An indicative programme for carrying out the works;
- b) Details of the arrangements for public engagement / consultation both prior to and continued liaison during construction the construction works;
- c) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- d) If residential properties are to be completed and occupied prior to the whole development being finished, a scheme to protect those early occupants from noise and vibration should be submitted to and be approved in writing by the Local Planning Authority;
- e) Details of any floodlighting, including location, height, type and direction of light sources and

intensity of illumination;

- f) The parking of vehicles of site operatives and visitors;
- g) Loading and unloading of plant and materials, including permitted times for deliveries;
- h) Storage of plant and materials used in constructing the development;
- i) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- j) The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- k) Measures to control the emission of dust and dirt during construction, in line with the mitigation measures set out in the Air Quality Assessment (Ref. A118338), prepared by WYG, September 2020.
- l) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted;
- m) the anticipated number, frequency, types and timing of vehicles used during construction (construction vehicles should avoid the network peak hours of 08:00-09:00 and 17:00-18:00 where practicable);
- n) The method of access and routing of vehicles during construction, avoiding the route out of the site northwards along Dappers Lane.

Reason: In the interests of highway safety and to protect the amenity of local residents in accordance with Policy D DM1 and Policy QE SP1 of the Arun Local Plan.

- 7 No part of the development shall be first occupied until such time as plans, details and construction specification showing the proposed footway surfacing works at the two accesses into Public Right of Way no. 2151 have been submitted to and been approved in writing by the Local Planning Authority.

Reason: To ensure that suitable materials are used for the surfacing works and to safeguard users in accordance with Policy D DM1 of the Arun Local Plan.

- 8 No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with the approved layout plan.

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

- 9 No dwelling shall be first occupied until the car parking including garages, serving the respective dwelling has been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in accordance with Policy D DM1 of the Arun Local Plan.

- 10 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: The site is of archaeological significance in accordance with Policy D DM1 and Policy HER DM6 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because archaeology can only be investigated before construction commences.

- 11 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 activities taking place

on Sunday or Bank Holidays.

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

- 12 The noise mitigation measures identified in the approved Environmental Noise Impact Assessment, PProPG Planning and Noise (Ref. SA-6550), prepared by Sound Advice Acoustics Ltd shall be installed in each dwelling prior to occupation of the dwelling and be retained thereafter.

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

- 13 The electricity substation equipment shall be maintained in a condition so that it complies with the levels and mitigation measures specified in the Environmental Noise Impact Assessment, PProPG Planning and Noise (Ref. SA-6550), prepared by Sound Advice Acoustics Ltd., whenever it is operating. After installation of the approved plant, no new plant shall be used without the written consent of the Local Planning Authority.

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

- 14 The development must be carried out in accordance with the Ecological Enhancement Plan dated August 2020 by WYG which details ecological enhancement specifications, drawing Figure 2A (Rev A) contained within the Ecological Enhancement Plan and Landscape Strategy drawing reference LA100(D). The enhancements and mitigation measures shown on the drawing shall be implemented in full and permanently retained and thereafter maintained as fit for purpose; and netting shall be installed in the trees/hedgerow in the dormouse mitigation corridor prior to first occupation.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy ENV DM4, Policy ENV DM5 and Policy ENV SP1 of the Arun Local Plan.

- 15 Prior to occupation of any of the dwellings, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and be approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Reason: To safeguard the amenities of residents in accordance with Policy D DM1 and Policy TEL SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the provision of broadband needs to be incorporated into the design for the site.

- 16 No development above damp proof course (DPC) level shall take place until details of the

Electric Vehicle Charging Points serving the dwellings with garages or driveways, shall be submitted for approval in writing by the Local Planning Authority. The approved charging point(s) shall be installed prior to occupation of the respective dwellings and thereafter will be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with Policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework.

- 17 No development shall commence until plans of the site showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the proposed completed height of the development and any retaining walls have been submitted to, and approved in writing by, the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

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

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

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

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

- 20 Immediately following implementation of the approved surface water drainage system and

prior to occupation of any part of the development, the developer / applicant shall provide the Local Planning Authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved details. The agreed scheme shall thereafter be maintained in perpetuity.

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

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

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

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

Reason: To prevent pollution of water bodies and to ensure the satisfactory drainage of the site and to prevent flooding, in accordance with Policy W DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the site drainage needs to be approved and implemented before the dwellings are occupied.

- 23 Prior to first occupation, the approved lighting details set out in Drawing No. 2624-D-01 Rev. B - Lighting Layout, Drawing No. 2624-D-02 Rev. B - Lighting Layout, Lighting Design Notes, Outdoor Lighting Report (6 May 2020: Project No. 2624), prepared by Nick Smith Associates Ltd, and the Road Lighting Report shall be implemented and be retained thereafter.

Reason: To reduce light pollution, in the interests of amenity and the environment and to satisfy minimum security requirements, in accordance with Policy D DM1 and Policy QE DM2 of the Arun Local Plan.

- 24 Eight 3-bed market houses shall be designed and constructed to M4(2) standard (i.e. 9.5%); and two 2-bed affordable rented houses shall be designed and constructed to M4(3) i.e. wheelchair accessible in accordance with 'Access to and use of buildings: Approved Document M', in compliance with Drawing No. A77-PL-14: Tenure Plan - M4 (2) & M4 (3) Units.

Reason: To ensure that dwellings are adaptable and meet the diverse needs of future occupiers in accordance with Policy D DM1 of the Arun Local Plan and Paragraph 61 of the National Planning Policy Framework.

25 Notwithstanding the provisions of Class A, A.1, (g) within Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no rear extensions to the dwelling houses shall be erected within the curtilage of the dwellings hereby permitted unless planning permission is first granted by the Local Planning Authority on an application in that behalf.

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

26 The measures set out in the approved Travel Plan shall be implemented.

Reason: To encourage and promote sustainable transport, in accordance with Policy T SP1 and Policy T DM1 of the Arun Local Plan.

27 Prior to the commencement of development, a soils management plan shall be submitted for approval in writing by the Local Planning Authority. The soil handling measures and the proposed use of on-site soils as set out in the approved soils management plan will be implemented on site to ensure that the soil resource is preserved.

Reason: To enable the Local Planning Authority to control the development and protect the soil resources on the site, in accordance with Policy SO DM1 of the Local Plan.

28 Prior to the commencement of development, the detailed Standard Assessment Procedure (SAP) calculations should be submitted (once detailed construction design has been undertaken) together with a timetable for how the 10% decentralised energy will be achieved, for approval in writing by the Local Planning Authority. The solar PV panels on the south facing roof slopes of Plots 9, 10, 11, 12, 13, 14, 36, 37, 38 and 39 shall be implemented prior to the occupation of these dwellings and be retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to seek to achieve high levels of energy efficiency in accordance with the aims of the NPPF and Policy ECC SP2 of the Arun Local Plan

29 All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

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

31 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 badgers cannot access them.

32 INFORMATIVE: All clearance of dense scrub, hedgerow and tall grassland should be undertaken in the presence of an ecologist during the active reptile period (March to October) and this clearance should be carried out in stages.

- 33 INFORMATIVE: Section 59 of the 1980 Highways Act - Extra-ordinary Traffic
The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.
- 34 INFORMATIVE: Works within the Highway - Implementation Team
The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 35 INFORMATIVE: Temporary Developer Signage
The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.
- 36 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.
- 37 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.
- Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.
- 38 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.
The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.
- 39 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please read Southern Water's New Connections Services Charging Arrangements document which has now been published and is available to read on the website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements.

- 40 **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.](https://www.arun.gov.uk/weekly-lists)

A/76/20/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: BR/213/20/PL

LOCATION: Former Royal Bay Care Home
86 Aldwick Road
Bognor Regis
PO21 2PE

PROPOSAL: Temporary change of use from Care Home (C2) to temporary accommodation for seasonal agricultural workers for 12-month period (re-submission following BR/138/20/PL). This application is in CIL Zone 4 (Zero Rated) as 'other development'.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Temporary change of use of the Former Royal Bay Care Home, 86 Aldwick Road from Care Home (C2) with capacity of 42 beds to temporary accommodation for 58 seasonal agricultural workers and 2 members of staff for 12-month period.

The workers will be accommodated in a combination of single and double rooms, together with a larger rooms suitable for 3-4 occupants, utilising the existing care home room layouts. As a minimum, each room has a toilet and basin, whilst some rooms have ensuite bathrooms. There are shared shower facilities on the 1st floor provide shower facility for those bedrooms without ensuite bathrooms. There are shared self-catering kitchen facilities for the residents.

A total of 5 staff will be needed to run the accommodation (a site manager, 2 welfare staff and 2 maintenance staff). Two of these staff will be resident with the remaining living off- site.

Communal areas will be provided on each floor as shown on the proposed floor plans as follows:

- Ground Floor internal - existing Kitchen, dining, lounge, conservatory and social area
- Ground floor external - picnic tables & chairs - these are well-screened from the residential surrounding properties.
- First floor - Room 204 - converted to a communal lounge
- Second floor - Room 311 - converted to a communal lounge

SITE AREA 0.14 hectares

BOUNDARY TREATMENT

Brick wall with railings sitting on the top of the wall backed by dense planting with a pair of traditional gates from wrought iron between gate piers to the front with statues on the top. The boundary to the rear and sides constitutes a brick wall.

SITE CHARACTERISTICS	The site comprises a substantially set back 3 storey red brick symmetrical building with gabled front projection on both sites of the principal elevation. The original building has been significantly extended to the side and to the rear, facing Oxford Street, filling entirely the plot with the exception of a landscaped frontage and car park area accessed from Aldwick Road.
CHARACTER OF LOCALITY	Aldwick Road to the West of Bognor Regis town centre accommodates a range of local businesses, services with residential. The site is on the corner of the residential street Nyewood Lane. It is enclosed by streets predominantly in residential use. In the surrounding area are 10 properties registered as HMOs which support 58 people. Other permissions in the locality permit the use of existing single residential households to apartment and maisonettes. The character of the locality has increased density derived from recent conversions of housing stock into smaller household types.

RELEVANT SITE HISTORY

BR/138/20/PL	Temporary change of use from Care Home (C2) to temporary accommodation for seasonal agricultural workers for 12-month period. This application is not CIL Liable (Zero Rated) as other development.	Refused 21-08-20
BR/87/92	Alterations and extension to existing institutional care home to provide additional bedrooms and services	ApproveConditionally 08-07-92
BR/249/92	Proposed alterations and extensions to existing Class C.2 (under the Town & Country Planning use classes order 1987) premises.	ApproveConditionally 13-01-93

BR/138/20/PL (for 80 residents) was refused for the following reasons:

1. The development by reason of number of residents results in an intensification of use that adversely affects the character of the area which would affect public and neighbouring amenities, would result in the generation of excessive parking demands which would harm nearby public amenity and would fail to provide an adequate area of amenity space which would demonstrably harm the amenities of future occupants; contrary to Policies H SP4, QE SP1 and T SP1 of the Arun Local Plan.

2. Insufficient information has been provided to demonstrate the frequency and number of traffic movements that both the previous C2 use would have generated and what the proposed temporary accommodation is expected to generate. Therefore the proposal is contrary to NPPF paragraph 28 and Arun Local Plan policy T SP1.

REPRESENTATIONS

OBJECTION on the following grounds:

- Such a large number of persons living in a confined space could encourage the spread of Coronavirus;
- There are concerns that this may turn into a permanent HMO;
- Intensification of use that would adversely affect the character of the area thereby affecting the public and neighbouring amenities;
- Concerns in the result of generation of excessive parking demands which would harm public amenity.

4 letters of representations received:

- Overdevelopment of an area which already has a large amount of HMOs present.
- This development would put a great deal of stress onto local amenities.
- Concerns regarding the parking situation which needs a great deal more detail.
- The C2 accreditation should not be lifted, as this is a community asset for the people of Aldwick and Bognor Regis.
- The applicant/agent pursue that a nursing home produces more traffic and disruption than 58 able-bodied young single people all living in a single house.
- With 60 people living and working in close proximity there is a very real danger of an outbreak of Covid 19. This would bring devastation to the community as there are vulnerable people.
- The i-Transport survey does not compare factual evidence.
- The disturbance will start at 6.00am for the 6.30 'likely' leave time and will create a considerable noise disturbance; vans starting, people talking and slamming of van doors this will occur every day including weekends..
- Trips in the evening, travelling for recreational activities such as meeting friends and colleagues, going out socially to pubs, clubs, restaurants, and cinemas, as well as the associated disturbance on the residents' return.
- With 6 mini-buses, 3 staff vehicles, and 6 residents having cars, this means 15 spaces will be filled already, with only 12 marked spaces available.
- Just because it is convenient to call the HMO a residential institution does not mean it is one.
- Adding another 'house of multiple occupation', especially of the proposed size, would be detrimental to the local area and to Bognor as a whole.
- The location is in the centre of a residential area and the seasonal workers will be using local facilities and mixing with local residents.
- I understood that the reason such workers are exempt from quarantine rules was that they are housed on the farms on which they work and are, relatively, isolated.
- NO PLANNING NOTICES displayed in the vicinity.
- What is an acceptable number of people smoking outside the front of a building?
- Proper communal areas are required to support any occupancy that should not be to the detriment or impinge local permanent residents.
- This is being changed from a 'sedate' nursing/care home environment to a full 'social' environment.
- Totally inappropriate place for what is effectively a gigantic HMO.

COMMENTS ON REPRESENTATIONS RECEIVED:

- This application is for a temporary use only; a temporary measure to re-accommodate workers from the South Downs site which is no longer available.
- Health is a material planning consideration - the management of risk in buildings is dealt with by other legislation.
- WSCC Highways is satisfied that the existing parking provision will be sufficient for the proposed use.

- The i-Transport survey has been assessed by WSCC Highways.
- Site Notices were displayed: Parking Sign in front of Tesco, Aldwick Road; Utility Pole Oxford Street in front of No 8; and Utility Pole Nyewood Lane, to the north of No 34, Rose Cottage on 18/09/2020.
- Other issues are addressed below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC ENVIRONMENTAL HEALTH: No objections. If permission granted it would not indemnify against statutory nuisance action being taken should substantiated complaints in the remit of the Environmental Protection Act 1990 be received.

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

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

- 2km Buffer for Bognor Reef SSSI
- Built-up Area Boundary
- CIL Charging Zone 4

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
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
HSP4	H SP4 Houses in multiple occupation
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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 the Made Bognor Regis Neighbourhood Development Plan.

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies as the mitigation measures put forward by the applicant mean that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties and it is not considered that it would have an adverse impact upon the character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS**PRINCIPLE**

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 provided it accords with other policies of the Local Plan covering such issues as 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 NPPF supports the effective and efficient use of land for sites in the built up area but also advises that new development should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

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

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

Since the proposal is for a temporary change use from C2 to Sui Generis HMO the proposal should be assessed against the Arun Local Plan policy H SP4, notwithstanding the applicant/agent's dispute that this is not a standard House in Multiple Occupancy application but a bespoke application for accommodation for agricultural workers. Whilst agricultural workers tend to live at or near their place of work in the countryside, the policy is an appropriate consideration as the proposal is for an HMO.

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

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

Although there is the potential for the use to impact on the character of this predominantly residential area by reason of increased number of residents, activities, refuse, noise & disturbance, regard should be had to the permitted fall back position. The former Royal Bay Care Home has unrestricted C2 class use and the building could, without an application, be used for a variety of residential institutional purposes, including hospitals, nursing homes, residential schools, colleges and training centres.

The main changes to the proposal from BR/138/20/PL relate to the maximum occupancy levels, the provision of internal amenity space for residents and to transport arrangements.

The proposal as amended is for temporary use of Care Home to accommodate 58 seasonal agricultural workers and 2 live in staff for 12-month period reducing so previously proposed temporary accommodation for 82 persons. The change is a temporary measure to re-accommodate workers from the South Downs Holiday Park, Bracklesham Bay, near Chichester, which is no longer available as it has been acquired by a housing developer and is to be redeveloped for housing. As such it is to help with the loss of bed spaces as a result of Covid-19 social distancing measures. The residents work at local farms businesses, including Nature's Way, Barfoots, Roundstones Nursery, and Chichester Food Park. Due to the difficulties with finding alternative accommodation, there are currently 15 workers living on-site. These are working on a local farm.

Paragraph 11.2.1 of the Local Plan (Horticulture) makes it clear that horticulture is a key employment sector in the Arun District as the commercial horticultural industry has a significant presence in the areas surrounding Angmering, Barnham and Pagham.

The accommodation will be supervised and managed to ensure neighbours are not impacted. The applicant and its sister company has experience in managing such facilities; safeguards and protocols will be put into place to ensure that the accommodation meets acceptable standards. The accommodation will be divided into "cohorts" with any central facilities operated in accordance with an agreed method statement ensuring that social distancing between each cohort is achieved.

Whilst it is noted that there are already other HMO's in this area, the management measures proposed and the nature of the proposed development as a temporary are considered to be such, that the

proposed use will not adversely affect the character of the area to the same degree that a generic HMO use may do.

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

DESIGN AND VISUAL AMENITY

Policy D SP1 (ALP) requires development to make efficient use of land but reflects the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Policy D DM1 (ALP) sets out a 15 point criteria against which the design of new development should accord with. Criteria 1 requires development to reflect or improve upon the character of the site and surrounding area.

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

The development proposes small internal alterations, no external changes are proposed. Taking the above factors into account, the development would not visually affect the surrounding area and would accord with Policies D SP1 and D DM1(1 and 2) of the Arun Local Plan.

HIGHWAYS, TRAFFIC AND PARKING

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

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

The Arun Parking Standards 2020 have no specific category for HMO use but at Table 3.1 shows the Expected level of Parking provision for residential development. In Zone 4 it is one parking space for a 1 bed unit with one to 3 habitable rooms.

As stated in the Design and Access Statement, the majority of workers (estimated 80%) travel to their place of work by minibus. It is estimated that there will be circa 50 vehicle movements per day (ie 25 in and 25 out). The majority depart between 6:30am and 8am in the mornings and return between 15.30 and 17.30.

Minibuses will be parked over night on-site. Workers have an allotted time for their morning minibus ride and wait for their minibus inside the building in their allocated communal areas. At the allotted time they will leave the building and get straight on the minibus in an organised fashion. There will be no waiting outside.

The applicant has demonstrated an existing vehicular parking provision of 13 car parking spaces. Given the nature of the proposed change of use, West Sussex County Highways accepts the notion that many of the residents are likely to utilise minibus transport to travel to and from work, reducing the need

for a private car. In addition to this, the applicant has stated that there is space on-site for additional ad-hoc parking if required. Given the site is in a sustainable location in walking distance of amenities and public transport links, West Sussex County Highways are satisfied that the parking provision will be sufficient for the use.

West Sussex County Highways advises the applicant to consider the inclusion of cycle parking provision. The inclusion of secure and covered cycle parking facilities will help promote the use of sustainable alternative modes of transport to the private car.

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

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

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

The proposed refuse storage arrangements for this application are shown on the submitted plans. There are existing refuse storage provisions in place (for the care home) and a private waste collection service has been arranged. Given the lawful use of the site as Care Home the proposed development would unlikely generate higher levels of waste.

PROVISION OF OPEN SPACE

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

As a result of the reduced numbers of residents, additional internal spaces will be allocated as lounges and social areas alongside with a large lounge area with pool table/football table. This is not external open space as the policy imagines but does provide an amenity for the residents beyond that of a typical HMO. There is a small landscaped area within south-western corner of the front yard dedicated for picnic tables & chairs - these are well-screened from the residential surrounding properties.

There is an easy access to public open spaces like Marine Park Gardens and West Park within a distance of 280m and 650m respectively from the site and the sea shore approximately 300m walk away.

On the basis of the above, the development complies with Policy H SP4(c) of the Local Plan when the temporary nature of the development is considered.

RESIDENTIAL AMENITY INCLUDING 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.

A number of local residents raise concerns over the potential for noise disturbance to nearby residential properties particularly in the early morning and during unsocial hours.

The site is surrounded by a residential properties fronting Oxford Street to the north and adjacent to the west along Nyewood Lane with a mix of retail and commercial premises, including Tesco Express, and Pro-Force's offices within the local retail centre to the east and to the south.

The applicant in the Design and Access statement states the accommodation will be supervised and managed to ensure neighbours are not impacted and stresses that Pro-Force and its sister company have a track record in managing such facilities, such as the South Downs accommodation.

Safeguards and protocols will be put into place to make sure the accommodation meets acceptable standards (ie set internally and externally by the governing bodies) whilst providing a safe and secure home to the residents during their stay. These extensive systems will also corroborate the amenity of the local community is safe and secure. One of the policies is to establish that there is an "open door" approach to anyone who might have questions or concerns to raise. To re-iterate, the established systems and safeguards will include:

- Inductions tailored to facility and local environment;
- Check In/Out inventories;
- Residents Handbook (includes facility overview, fire & emergency plans, important contact numbers, site rules, accommodation rules, induction overview etc.)
- Weekly room checks (Audit);

In respect of noise pollution, the application includes a number of measures designed to mitigate the activity levels and noise disturbance associated with the use. These include the following:

1. New team members who to sign an Accommodation Agreement which sets out rules and regulations concerning the use of accommodation;
2. Setting of a quiet time between 22:00 hours and 07:00 hours including no loud music and no gathering of residents in groups;
3. No use of the external amenity space between 22:00 hours and 07:00 hours;
4. Access from the main front entrance only;
5. No gathering of persons on the fire escape staircase;
6. Restriction on the times of the mini-bus pick up with the earliest arrival no earlier than 6:30 hours;
7. Mini-bus engine to be turned off during pick-up & drop-off;
8. The on-site accommodation of a Team Accommodation Manager/Warden.

Environmental Health Officers are the technical experts on pollution control including noise. They have assessed the application and have raised no objections subject to an informative. On this basis, it is considered that the proposal will be in accordance with the policies set out above.

SITE OF NATIONAL IMPORTANCE FOR NATURE CONSERVATION

Policy ENV DM1 (ALP) requires development to have an adverse effect on land with the designated features of any Site of Biodiversity or Geological Importance as listed in Tables 17.1 - 17.7, will not normally be permitted.

The application seeks to change a use of the existing building in the a built up area which falls in the 2km Buffer of the Bognor Reef SSSI. The site does not possess any of the designated features of the Bognor Reef SSSI and, owing to nearby preferential areas of amenity space, is unlikely to have an adverse effect on the Bognor Reef SSSI.

On the basis of the above, the development accords with policy ENV DM1 of the Arun Local Plan.

IMPACT ON PAGHAM HARBOUR:

This proposal seeks to convert a Care Home into temporary accommodation for 58 agricultural workers does create an increase in residents. Given the 12 month temporary nature of this permission a Pagham Harbour contribution would not be appropriate however if a further application for long term use were submitted this would need to be reviewed.

SUSTAINABLE DEVELOPMENT

Paragraph 7 (NPPF) makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 (NPPF) outlines the three objectives of sustainable development comprising economic, social and environmental objectives.

The economic objective requires the right type of land is available in the right places and at the right time to support growth. Whilst agricultural workers are generally sited in rural areas, however the use of former care home to accommodate workers to serve the agricultural/horticultural sector as a temporary measure to re-accommodate workers from the South Downs site, to help with the loss of bed spaces as a result of Covid-19 social distancing measures, thus helping to meet the high demand for agricultural and horticultural workers. Therefore it is considered that the development would deliver the economic objective in spite of location.

The social objective seeks to support a range of homes to meet the needs of present and future generations which support health, social and cultural well-being. Given the nature of the proposed development which is based on a temporary use of premises and the numbers of measures designated to mitigate the impact of development on neighbouring amenities, the development would deliver the social objective.

The environmental objective requires developments to make an effective use of the land. For the reasons outlined in this assessment the development would make an effective use of land in this particular circumstances.

Taking the above factors into account, the development if following suggested measures and the requirements would deliver sustainable development under the three objective (paragraph 8) and therefore would contribute to the achievement of sustainable development (paragraph 7).

SUMMARY

It should be noted that there is a fall back position to consider in this determination. Former Royal Bay Care Home has an unrestricted C2 class use and the building could, where no material change of use took place without an application, be used for a variety of residential institutional purposes, including hospitals, nursing homes, residential schools, colleges and training centres. Although previous occupation levels were lower (42), this proposal is for a temporary use only for a period of 12 months. The impacts will be mitigated through conditions to such an extent as to resolve potential amenity issues.

Therefore it is considered that the proposed development is in a general conformity with relevant policies of the Arun Local Plan.

It is not considered that there are any policies in the NPPF that would restrict this development proposal. Furthermore, the analysis above demonstrates that there are no significantly adverse impacts associated with the proposed change of use that would outweigh the benefits that the scheme will bring in respect of

sustainability.

Therefore it is recommended that permission be granted subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development permitted by this planning permission is for a temporary accommodation for 58 seasonal agricultural workers and 2 live in staff for 12-month period only starting with the date of this permission.

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

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

20200616_273_royal-bay_site-location-plan-r01_SG, Site Location Plan;

20200616_273_royal-bay_site-block-plan-500-r01_SG, Site Block Plan;

20200903_273_royal-bay_proposed-ground-floor-plan-r01_SG, Proposed Ground Floor Plan;

20200903_273_royal-bay_proposed-first-floor-plan-r01_SG, Proposed First Floor Plan;
20200903_273_royal-bay_proposed-second-floor-plan-r01_SG, Proposed Second Floor Plan;
Planning Statement submitted on 08/09/2020;
Planning, Design and Access Statement - Addendum submitted on 08/09/2020;

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

- 3 When the premises cease to be occupied by seasonal agricultural workers, the use hereby permitted shall cease and the permitted use shall revert to Class C2 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: In granting permission, the Local Planning Authority has had regard to the particular circumstances relating to the proposal and to the proposed mitigation measures proposed by Pro-Force Ltd in accordance with policy DDM1 of the Arun District Local Plan.

- 4 The development permitted by this planning permission shall only be carried out in accordance with the following noise mitigation measures:

1. New team members to sign an Accommodation Agreement which sets out rules and regulations concerning the use of accommodation;
2. Setting of a quiet time between 22:00 hours and 07:00 hours including no loud music and no gathering of residents in groups;
3. No use of the external amenity space between 22:00 hours and 07:00 hours;
4. Access from the main front entrance only;
5. No gathering of persons on the fire escape staircase;
6. Restriction on the times of the mini-bus pick up with the earliest arrival/departure no earlier than 06:30 hours;
7. Mini-bus engine to be turned off during pick-up & drop-off;
8. The on-site accommodation of a Team Accommodation Manager/Warden.

The mitigation measures shall be fully implemented prior to occupation and adhered to permanently thereafter. There shall be no deviation from these mitigation measures without approval in writing from the Local Planning Authority.

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

- 5 No external lighting shall be installed on the site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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

- 6 **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.

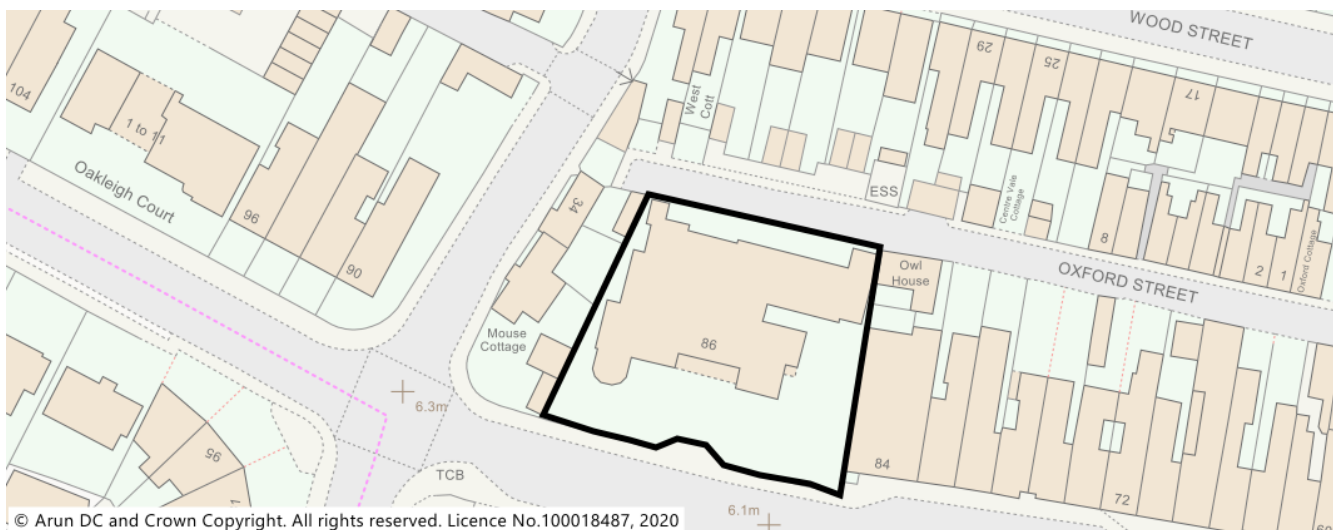
For further information please contact the Environmental Health Department on (01903) 737555

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

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)

BR/213/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF DEVELOPMENT CONTROL COMMITTEE ON 02 DECEMBER 2020

PART A : REPORT

SUBJECT: Arun District Council consultation response to WSCC planning application (reference WSCC/052/20) for Phase 1 A29 re-alignment scheme (ADC reference BN/126/20/WS).

REPORT AUTHOR: James Cross (Strategic Sites Project Officer)
DATE: 19 November 2020
EXTN: N/A
PORTFOLIO AREA: Planning

EXECUTIVE SUMMARY: West Sussex County Council have now submitted a planning application to themselves for the Phase 1 A29 re-alignment. The determining authority comprises West Sussex County Council.

The delivery of the A29 is considered to have wider implications for the delivery of the Council's Strategic Housing Development Site SD5 (Barnham, Eastergate and Westergate BEW).

Having reviewed the submission in full, Officers consider that their submission is acceptable, on balance. It is therefore recommended to support Arun District Council's proposed consultation response to West Sussex County Council's development.

RECOMMENDATIONS: That Development Control Committee approve the Arun District Council consultation response as set out in the letter (appended to this Report) for submission to West Sussex County Council in response to application reference WSCC/052/20.

1. BACKGROUND:

West Sussex County Council has now submitted a planning application to themselves for the Phase 1 A29 Realignment. The delivery of the A29 is considered to have wider implications for the delivery of the Council's Strategic Housing Development Site SD BEW and also forms an integral part to the delivery of the Arun Local Plan.

Officers have therefore prepared a response to the County Council's application in draft for approval by the Development Control Committee.

2. PROPOSAL(S):

The submission seeks planning permission for the first phase of the A29 re-alignment project. The route of the re-aligned A29 is detailed in the adopted Arun Local Plan. The proposed development seeks to create additional capacity for expected traffic growth in conjunction with the delivery of the Arun Local Plan. Throughout the Plan period this will

support the delivery of around 11,400 new homes and approximately 104,000 sqm of commercial development. The delivery of the A29 will also improve journey times on the A29 by avoiding the Woodgate Level Crossing, Lidsey Bends and A29/B2233 War Memorial Junction.

3. OPTIONS:

- 1) Support the proposed development without further amendment
- 2) Support the proposed development with further amendment
- 3) Object to the proposed development

Officer's recommend that option 1 should be undertaken. The principle of the delivery of the A29 delivery is supported by the Local Planning Authority and is integral to the delivery of the Arun Local Plan.

Arun District Council wishes to ensure the decision making process by West Sussex County Council is one that is both robust and underpinned by the latest evidence base, in line with best practice. Arun District Council therefore recommends to support the proposed development.

4. CONSULTATION:

Substantial consultation has been undertaken with both internal ADC consultees, West Sussex County Council, relevant Town and Parish Council and District Ward Councillors as part of the emerging proposals for BEW. The proposed development aligns with the ongoing work which has been subject to consultation. This ongoing engagement and relevant correspondence have fed into the District Council's consultation response.

All parties below have had an opportunity to comment on the application directly to West Sussex County Council as part of their engagement process. ADC consider that WSCC, acting in their capacity as the determining authority, have the ability and capacity to consider all appropriate planning matters, including relevant engagement.

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council	X <i>As part of BEW proposals</i>	
Relevant District Ward Councillors	X <i>As part of BEW proposals</i>	
Other groups/persons (please specify)	X <i>ADC Environmental Health</i>	
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		X

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

6. IMPLICATIONS:

Should the proposed development not be supported then the delivery of the Arun Local Plan would be delayed. Much of the strategic growth in terms of housing and employment land relies upon the new A29 to mitigate highways impacts and prevent localised impacts on traffic.

7. REASON FOR THE DECISION:

The District Council's assessment of the proposed development details that the development, on the whole and on balance, would accord with the Arun Local Plan. It considers that the material considerations in the form of biodiversity net gain, are not of such significant weight as to warrant deviating from the Development Plan. Therefore, Arun District Council supports the approval of this planning application, subject to confirmation that the proposals take into account the increased dwelling yield at BEW.

8. BACKGROUND PAPERS:

Proposed Arun District Council Consultation Response – attached as appendix to Report.

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Michael Elkington
West Sussex County Council
County Planning
County Hall
Chichester
PO19 1RH

Please ask for: James Cross
Email: james.cross@arun.gov.uk
Telephone: 01903 737784
Our Ref: BN/126/20/WS
Your Ref: WSCC/052/20
Date: 19 November 2020

Dear Michael

**Town and Country Planning Act 1990
The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 –
Application Made Under Regulation 3 (EIA)**

I write to you further to your consultation received on 28 October 2020 for proposed development at Land to the north of Eastergate and north-west of Barnham.

Proposal *The construction of a 1.3km single carriageway with a 3m wide shared cycleway/footway, 2.5m wide central island, one uncontrolled pedestrian crossing with a central island to enable road users of the PRoW to cross the carriageway, three roundabouts, provision of hard and soft landscaping, road markings, traffic signals, bus stops and signalised pedestrian crossings, construction of a substation building; installation of a noise barrier and associated works.*

Site Address Land to the north of Eastergate and north-west of Barnham
Applicant WSP on behalf of West Sussex County Council
Reference WSCC/052/20
Date 28 October 2020

1. The Site

- 1.1 The site comprises approximately 11.8 hectares in total and consisting of approximately 9.2 hectares of land for the proposed road and additional 2.6 hectares of land for use by temporary construction compounds and access.
- 1.2 The northwest of the application site begins on the A29 Fontwell Avenue at its junction with Northfield Farmhouse and Eastergate Lane. It extends approximately 214m south west along the A29 Fontwell Avenue to a point opposite Westview. Westview is a detached residential property located on the east side of Fontwell Avenue and incorporates Folly Foot Farm.
- 1.3 At the Folly Foot Farm point, the application site extends approximately 818m south east over arable fields, woodland, orchard and areas of managed grassland where it abuts the north west boundary of the properties in Ewens Gardens.
- 1.4 At the north west boundary of the site, the site extends south west for a distance of approximately 549m, bordering the north western boundary of the properties in Murrell Gardens. It continues to extend between the south eastern boundary of Fordingbridge Industrial Estate and the side boundary with Greenoaks, a detached property, until it joins the B2233 Barnham Road.

- 1.5 At this point, the application site extends approximately 214m along the B2233 Barnham Road between the frontage of Fordingbridge Industrial Estate to the north west and its junction with Downview Road to the south east.
- 1.6 From the B2233 Barnham Road, the application site extends approximately 241m further south west over land currently occupied by Fleurie Nursery.
- 1.7 The site consists of a mixture of arable fields, woodland, orchard and areas of managed grassland. The land is classified as having high quality agricultural land (Grade 1); however, an Agricultural Land Classification Assessment was not required as the principal for the proposed scheme in this location on agricultural land has already been established through the adopted Arun Local Plan.
- 1.8 The site falls within a number of designations contained within the Arun Local Plan which include:
 - Built-Up Area Boundary (Barnham)
 - Indicative Alignment of A29 Bypass
 - Site specific Strategic Housing Allocation SD5 (BEW)
 - Sharp Sand and Gravel Minerals Safeguarding Area
- 1.9 The application site lies within the made neighbourhood plan area of Barnham and Eastergate Parish Council and the majority of the site lies within Flood Zone 1; with the site's eastern boundary within Flood Zone 3. The application site is within 15km of an aerodrome (6.7km from Goodwood Aerodrome).
- 1.10 Footpath 318, a north-south running public right of way (PRoW) crosses the site between the B2233 Barnham Road and Eastergate Lane.
- 1.11 The South Downs National Park is located approximately 1.4km north of the application site. The site also lies within National Character Area (NCA) 126 – South Coastal Plain. This NCA is characterised by a flat, coastal landscape with an intricately indented shoreland and contains several major inlets.
- 1.12 WSCC's Landscape Character Assessment (2003) identifies the application site as part of Landscape Character SC8 Fontwell Upper Coastal Plain and is described as a transition area between the open lower Coastal Plain to the south and the wooded Downs to the north.
- 1.13 There are no designated assets within the Application Site. The Eastergate (Church Lane) and Eastergate Square Conservation Areas are located approximately 430m south-east of the Scheme and there are 26 listed buildings within 1km of the site, which include the Grade II* Parish Church of St George.
- 1.14 There is a total of 19 trees and one tree group is protected by TPO BN/1/20. All protected trees are pedunculate oaks whilst tree group G37 is recorded as comprising a number of hornbeams. Features protected by TPO BN/1/20 are located onwards the northernmost extent of the scheme and on land east of Fontwell Avenue and south of Eastergate Lane.
- 1.15 There are two veteran trees located on the eastern side of public footpath 318 and towards its northern end.
- 1.16 Much of the site is identified as priority habitat (traditional orchards and woodland) in the Priority Habitat Inventory (England) and Priority Habitat Network (England). Habitats of Principal Importance (HPI) are identified throughout the Site (specifically, traditionally orchards and woodland).

2. Proposal

- 2.1 The submission seeks planning permission for the first phase of the A29 re-alignment project. It is anticipated that this will create additional capacity for expected traffic growth and will tackle planned and potential development which will support the delivery of around 11,400 new dwellings and approximately 104,000 sqm of commercial development on permitted or planned development sites in this part of the Arun District.
- 2.2 In summary, the submission makes clear that the proposed development seeks to:
- Support delivery of the Strategic Economic Plan and the Local Plan by enabling the delivery of new homes and jobs; and
 - Improve journey times on the A29 by avoiding the Woodgate level crossing, Lidsey bends and the A29/B2233 War Memorial Junction
- 2.3 The Arun Local Plan has planned significant new housing in the area which is expected to increase demand on the A29 and B2233 roads. An application for up to 500 homes on the land to the east of Fontwell Avenue is required to deliver early phases of the homes at the Barnham, Eastergate and Westergate (BEW) strategic housing allocation during the ALP period.
- 2.4 Through consultation with the Local Planning Authority the developers consider that the capacity of the site could accommodate up to 4,300 dwellings on the BEW allocation.
- 2.5 Notwithstanding this potential increase in unit numbers, the District Council's position is that the Council relies on BEW to deliver its annualised housing targets. The BEW development would be contrary to the provisions of paragraph 109 of the National Planning Policy Framework without the delivery of the A29 realigned scheme. This point is set out in full in the Arun District Local Plan Transport Study 2017.
- 2.6 In addition to the A29 being required to deliver the District Council's Local Plan housing targets, the scheme is proposed to deliver several wider strategic aims by:
- Creating capacity for expected traffic growth;
 - Enabling the local road network to operate more efficiently by reducing congestion
 - Improving the reliability of journey times; and
 - Tackling the planned and potential development to support the delivery of the BEW site
 - Supporting the delivery of the LEP Strategic Economic Plan and Local Growth Deal

3. Comments on Planning Application WSCC/052/20 Submission

The following comments are based on the information submitted as part of the planning application, and do not include views from consultees.

3.1 Housing Numbers

- 3.1.1 The draft Framework Masterplan for the BEW site sets a target dwelling yield of 4,300, which has been tested through initial feasibility assessments.
- 3.1.2 The officer recommendation to Members to endorse a Framework Masterplan which supports this increase in dwellings has now been published and will be considered by the District's Development Control Committee is anticipated on the 25 November 2020.
- 3.1.3 Initial feasibility work indicates that the site is capable of supporting the total of 4,300 dwellings subject to the surrounding road network, and other infrastructure, being robustly planned in conjunction with this.

3.1.4 The Council seeks reassurance that the scheme as proposed would have sufficient capacity to accommodate additional unit numbers within the strategic allocation at BEW.

3.2 Air Quality

3.2.1 Chapter 6 of the Environmental Statement assesses the likely significant effects arising from the scheme on Air Quality. The assessment concludes that there is likely to be a direct, temporary, short term, moderate adverse effect on all receptors during the construction phase.

3.2.2 The submission relies upon a Construction Environmental Management Plan (CEMP) to mitigate construction impacts. The CEMP will comprise a range of appropriate mitigation measures which may include damping down of dry services, locating stockpiles away from sensitive receptors, or on-site speed restrictions. The assessment recommends that mitigation measures are monitored via regular site inspections to ensure effective implementation.

3.2.3 The operational effects of the development on Air Quality and Dust conclude that concentrations of all pollutants would remain well below the Air Quality Standards.

3.2.4 On the basis of the information in Chapter 6 of the submitted Environmental Statement, the scheme should comply with Policies QE SP1 (Quality of the Environment) and QE DM3 (Air Pollution) of the Arun Local Plan.

3.3 Noise and Vibration

3.3.1 Chapter 7 of the Environmental Statement assesses the noise and vibration impacts of the proposed scheme on residential dwellings and other sensitive receptors. There are several residential properties that are located immediately adjacent to the area where the development will meet the B2233 Barnham Road, notably Murrell Gardens, Ewens Gardens and Downview Road. There are also residential properties on the A29 Fontwell Avenue, which will be within close proximity to the north eastern tie-in of the scheme. Dwellings south of Eastergate Lane are within 300m from the scheme alignment.

3.3.2 In the construction phase, noise and vibration will have a major, temporary, direct and short-term impact on residential dwellings. A range of mitigation measures will be implemented, including switching vehicles and plant off when not in use, installing the permanent 3m noise barrier at the earliest opportunity, using low vibratory equipment and methodologies, and locating vibratory plant equipment at least 50m from sensitive receptors.

3.3.4 Arun District Council would support a scheme of engagement as part of the CEMP condition to ensure residents are kept fully informed of proposed works, including time, duration and nature.

3.3.5 In respect of the operational phase, the Environmental Statement has identified a need for a noise barrier on the eastern side of the new road alignment and properties on Murrell Gardens. The barrier will be 3m high, approximately 440m long and comprise absorptive materials required to reduce noise to acceptable levels at the properties on Murrell Gardens.

3.3.6 Arun District Council would require confirmation that the proposed mitigation, post instalment, achieves the correct noise mitigation levels as stated in the Environmental Statement. Conditions should be applied requiring the delivery of the noise barrier prior to the first activities adjacent to Murrell Gardens and retention of the noise mitigation in perpetuity.

3.3.7 Subject to the above recommendations, and subject to addressing any comments from Environmental Health officers, the proposed scheme should comply with Policies QE SP1 (Quality of the Environment) and QE DM1 (Noise Pollution) of the Arun Local Plan.

3.4 Transport and Access

- 3.4.1 The submission is supported by a full Transport Assessment and Chapter 8 of the Environmental Statement details matters relating to Transport & Access.
- 3.4.2 The above documents conclude that the scheme will result in improved cyclist and pedestrian facilities and shared use path will encourage local residents to undertake local trips on foot or by bike. The assessment concludes that the scheme will be beneficial to the highway network in the Westergate area, especially at the War Memorial roundabout, where existing traffic diverts to the proposed scheme.
- 3.4.3 The modelling for both 2023 and 2038 future year assessments show that the Proposed Scheme would have a minimal or beneficial impact on the assessed junctions. There will be an increase in southbound traffic at the A29 Westergate Road/B2233 Nyton Road junction. However, it is anticipated that this will be reduced when Phase 2 becomes operational. Such effects would therefore be temporary in nature.
- 3.4.4 On the basis of the above, the first phase of the re-aligned A29 scheme will adequately mitigate the current identified problems with this section of the existing A29 and provide sufficient capacity to deliver significant new allocated housing growth at BEW during the Arun Local Plan period.
- 3.4.5 Therefore, the District Council considers that the proposed scheme should accord with Policies T SP1 (Transport and Development), T DM1 (Sustainable Travel and Public Rights of Way) and T SP3 (Safeguarding the Main Road Network) of the Arun Local Plan.

3.5 Ecology and Nature Conservation

- 3.5.1 Chapter 9 of the Environmental Statement assesses the likely significant effects on Ecology and Nature Conservation. The assessment identified that during both the construction and operational phases, the likely effects will be significant.
- 3.5.2 Given the significance of these effects, the following mitigation measures are therefore proposed:
- *Production of a Construction Environmental Management Plan (CEMP) and associated Ecological Management Plan (EMP) for the construction phases. The CEMP and EMP will include best practice construction measures to minimise the effects of noise pollution and visual disturbance to onsite and offsite receptors, as well as a sensitive programme of works, a sensitive temporary lighting regime and measures for sensitive vegetation clearance;*
 - *Production of a permanent sensitive lighting strategy and reduce effects upon sensitive habitats and species, to be informed by best practice guidance regarding bats;*
 - *Landscaped areas to be managed in line with the Landscape Maintenance and Management Plan (LMMP) and sensitively with regard to protected species*
- 3.5.3 Subject to the above mitigation measures which cover both the construction and operational phases, Arun District Council would not object to the proposed scheme in terms of the scope of ecology and nature conservation, as set out above.

Biodiversity Net Gain

- 3.5.4 A Biodiversity Net Gain assessment of the landscape design has been prepared for the Proposed Scheme. Emerging legislation seeks to achieve biodiversity net gain of 10%. The results of the assessment indicate that area-based habitats achieve BNG of +44%, the hedgerow units show a net loss of +3%. As such, the scheme does not achieve a scheme wide BNG.

- 3.5.5 The assessments detail that this inability to demonstrate a BNG is due to the lack of available land to provide additional planting to achieve a net gain. The immediate surrounding land has been allocated for housing development. The submission states that the need to achieve a biodiversity net gain is outweighed by the need to provide additional housing to meet Arun District Council's housing delivery targets.
- 3.5.6 Whilst this point of principle is not disputed, it should be noted that the site wide biodiversity net gain for the remainder of the Barnham, Eastergate and Westergate strategic allocation, which the Phase 1 A29 falls within, is understood to achieve a biodiversity net gain.
- 3.5.7 On this basis, whilst the specific land required for the northern portion of the A29 re-alignment may not achieve BNG, when assessed across the wider strategic allocation, BNG would be achieved.
- 3.5.8 Taking this point into account, in addition to requirement for the northern portion of the re-aligned A29 and requirement to deliver housing within the District of Arun, such an approach to Biodiversity Net Gain is accepted in this instance by Arun District Council.

3.6 Landscape and Visual

- 3.6.1 Chapter 10 of the Environmental Statement identifies the likely effects on identified landscape and visual receptors. The site is located approximately 1.4km to the south of the South Downs National Park and to the north of the coastal town of Bognor Regis within National Character Area 126 – South Coastal Plain.
- 3.6.2 The site's contribution is one of a transitional landscape that comprises mainly arable fields, woodland, hedgerows, orchard and areas of managed grassland. The site is also part of numerous local landscape designations, as set out in WSCC and ALP landscape assessments.
- 3.6.3 The assessments conclude that the scheme will not adversely impact any landscape designations, including the three Landscape Character Areas identified in Table 10-8 of the EIA, and will not exhibit any rare or unusual landscape features throughout the construction phases. Construction effects are detailed as being temporary and will be mitigated through the CEMP.
- 3.6.4 The assessments conclude that there would be some visual impact throughout the operational phases of the development; however, the assessment balances this harm against the need for the development, as well as the strategic requirement for the road to be in the location proposed in order to enable future housing growth
- 3.6.5 The District Council agree with the submission in so far that the proposed scheme will become integrated with future residential development and therefore the visual impact will lessen over time. It is considered that whilst there may be impacts in terms of the change, this change is not considered to be harmful and will not result in tall structures which would disrupt the visual appreciation of the South Downs National Park to the north.
- 3.6.6 To mitigate visual impacts on the landscape the assessment proposes the following:
- *New woodland planting to create habitat for wildlife in addition to provide green visual containment;*
 - *New specimen tree planting to enhance visual appeal and integrate the proposed scheme into the surroundings;*
 - *New hedgerow planting to enhance visual amenity of the proposed scheme and respond positively to the local character; and*
 - *Planting of areas of wildflower grassland and bulb planting to enhance the biodiversity along with visual appeal*

3.6.7 The assessment states that the benefits the proposed scheme will deliver will outweigh the short-term adverse effects the proposal will have on the landscape character of the area. The District Council considers that the impacts are short term and will reduce in severity through the passage of time. On this basis visual impacts will not be of such an extent that they are overriding.

3.6.8 Taking the above into account, the proposal should accord with Policy LAN DM1 (Protection of Landscape Character) of the Arun Local Plan.

3.7 Water Resources and Flood Risk

3.7.1 Chapter 11 of the Environmental Statement states there will be likely significant effects arising from the proposed scheme upon water resources, flood risk and drainage. The assessment concludes that the scheme has the potential to adversely impact on the water quality of water resources from construction activities through accidental leaks and spillages or release of harmful substances caused by materials being stored on site, such as oils, fuels and other chemicals. The assessment details that during periods of heavy rainfall, vehicle movements associated with construction activities may result in damage to soil structure that may generate increased sedimentation within surface run-off.

3.7.2 The assessments detail several points which could reduce surface water quality with respect to physical contaminants which include:

- *Site clearance;*
- *Excavations;*
- *Groundwater dewatering;*
- *Localised ground remediation (if required); and*
- *Materials handling, storage, stockpiling, spillage and disposal.*

3.7.3 The assessments highlight that the proposed scheme will introduce a significant amount of new impermeable areas leading to increased rates and volumes of surface water runoff which has the potential to increase flood risk within the vicinity of the site.

3.7.4 The District Council is re-assured by the fact that the drainage proposals are designed to control runoff up to the 100 years event plus 40% increase due to climate change. The proposed discharge rate into the Barnham Lane Ditch is 1.8l/s which is a significant reduction in greenfield runoff for up to the 100 year plus 40% climate change event.

3.7.5 The assessment details several mitigation measures to control pollution levels associated with surface water run-off from new impermeable areas as part of the drainage design. Such measures include:

- *The use of swales as runoff collection mechanisms and interception mechanisms. Swales are designed depressions in the ground designed to carry water away to appropriate locations (e.g. attenuation ponds). Infiltration along the route, for example through grass, can filter suspended sediments and slow water flow;*
- *The use of infiltration and attenuation ponds for water storage; and*
- *The use of swales or filter drains for conveyance of water away from the road into the ground*

3.7.6 Subject to the above recommendations and mitigation measures, it is considered that the proposed scheme should comply with Policies W SP1 (Water), W DM2 (Flood Risk) and W DM3 (Sustainable Urban Drainage Systems) of the Arun Local Plan.

3.8 Geology and Soils

- 3.8.1 Chapter 12 of the Environmental Statement outlines the results of the Contaminated Land Preliminary Risk Assessment. It details that historical mapping indicates that the majority of the site has never been developed.
- 3.8.2 The assessment concludes that there is a low risk to construction workers and end users, buildings and underground structures. There is a risk to controlled waters.
- 3.8.3 The assessment details that these construction and operational effects can be managed through the detailed mitigation measures contained within both the Flood Risk Assessment and Construction Environmental Management Plan.
- 3.8.4 Subject to addressing any comments from Environmental Health officers, the District Council agree with these proposed mitigation measures and considers, subject to the mitigation measures proposed, that effects on geology and soils would be sufficiently mitigated.

3.9 Historic Environment

- 3.9.1 Chapter 13 of the Environmental Statement assesses the likely effects arising from the scheme on archaeology. The likely effects on above-ground heritage assets were scoped out within the EIS Scoping response from WSCC.
- 3.9.2 Buried heritage assets from various periods have been recorded on-site or in the near proximity, such as Palaeolithic axe 1.2km to the north-east of the site and Saxo-Norman assets 800m south-west of the site. Page 12, Chapter 13 of the Environmental Statement sets out a full chronological summary.
- 3.9.3 The submitted assessment concludes that the scheme could have a significant impact on prehistoric and roman remains if present, due to the construction activities such as site preparation, road construction, excavation for attenuation ponds, services/drainage and possible planting.
- 3.9.4 It therefore recommends that an archaeological investigation is carried out prior to construction in order to clarify the nature, survival and significance of any archaeological assets that may be affected.
- 3.9.5 Subject to mitigation in the form of preservation by record and a watching brief during ground works (construction phases), then impacts should be mitigated. Operational effects are likely to be negligible and not significant on both prehistoric and Roman remains.
- 3.9.6 On the basis of the above, the scheme should accord with Policy HER SP1 (The Historic Environment) of the Arun Local Plan.

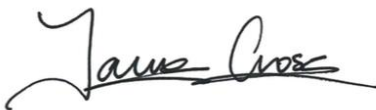
3.10 Minerals

- 3.10.1 The site is within a Minerals Safeguarding Area for Sharp Sand and Gravel in the West Sussex Joint Minerals Plan.
- 3.10.2 The submitted statements conclude that whilst it would be possible to recover sand and gravel deposits to form an aggregate product, the refinement process is likely to incur significant additional processing costs due to the high percentage of recorded clay cohesive bands, and this will reduce the economic viability of recovery and reuse of the resource.
- 3.10.3 On the basis of the above, the District Council does not have any objection based on safeguarding sharp sand and gravel in the Minerals Safeguarding Area, as this is a matter for the Mineral Planning Authority to consider.

4. Conclusions: Planning Balance

- 4.1 This assessment has detailed that there will be some adverse impacts to local residents during the construction phases; however, these will be short term in duration and able to be controlled. Furthermore, the proposed scheme will not deliver a biodiversity net gain due to the lack of available land which has been allocated for housing development.
- 4.2 Notwithstanding these disbenefits, several public benefits will arise from the development which are considered, on balance, to outweigh the identified disbenefits. These comprise:
- Enabling the delivery of new homes in the Arun District supporting around 11,400 new dwellings and 104,000 sqm of commercial development on permitted or planned development sites in this part of Arun District;
 - Improvement of vehicular, pedestrian and bicycle connections;
 - Improvement and expansion of the Green Grid to promote strategic east/west and north/south links;
 - Encouragement of walking and cycling;
 - Supporting the delivery of the Strategic Economic Plan and the Local Plan by enabling the delivery of new homes and jobs; and
 - Improvement of journey times on the A29 by avoiding the Woodgate level crossing, Lidsey Bends and the A29/B2233 War Memorial Junction;
 - Creation of a sense of place for the strategic allocation;
 - Enabling the delivery of new jobs; and
 - Improvements to road safety
- 4.3 All planning applications are assessed against the Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires *any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.*
- 4.4 Whilst the development is not fully in accordance with the development plan in so far as residential amenity, it is considered that on the whole, and on balance, the proposals accord with the Development Plan. The material considerations in this instance comprise biodiversity net gain, which is enshrined within the NPPF. However, it is not considered that this material consideration is of such weight at this time as to warrant deviating from the Development Plan. Therefore, Arun District Council supports the approval of this planning application.

Kindest regards,



Strategic Development Sites Project Officer

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APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

A/32/20/PL

Received: 24-09-20

White Lodge Hangleton Lane Ferring

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

Written Representations

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

AL/27/20/PL

Received: 13-08-20

Springfield Hook Lane Aldingbourne

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

Written Representations

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

AL/42/19/PL

Received: 03-02-20

Nyton House Nyton Road Westergate

Construction of a 10 No. bedroom dementia unit with attached covered walkway in the grounds of Nyton House Care Home and including the conversion of an existing garage into a staff day room, the erection of a new garage with laundry room, garden store & external bin store, demolition of various outbuildings and sections of wall and the re-landscaping of the existing garden areas. This application affects the setting of a listed building.

Written Representations

PINS Ref: APP/C3810/W/19/3242332

AL/43/19/L

Received: 03-02-20

Nyton House Nyton Road Westergate

Listed building consent for the construction of a 10 No. bedroom dementia unit with attached covered walkway in the grounds of Nyton House Care Home and including the conversion of an existing garage into a staff day room, the erection of a new garage with laundry room, garden store & external bin store, demolition of various outbuildings and sections of wall and the re-landscaping of the existing garden areas.

Written Representations

PINS Ref: APP/C3810/Y/19/3242340

AL/51/19/PL

Received: 29-06-20

Springfield and land to rear Hook Lane Aldingbourne

Demolition of the existing dwelling & erection of 3 No 2-bed, 3 No 3-bed & 4 No 4-bed dwellings, access, landscaping & associated works.

Written Representations

PINS Ref: APP/C3810/W/20/3249051

AL/62/19/PL

Received: 04-02-20

Land Rear of Sundown Littleheath Road Aldingbourne

1 No. new dwelling. This application is a Departure from the Development Plan.

Written Representations

PINS Ref: APP/C3810/W/19/3241407

AW/131/19/T

Received: 12-07-19

12 Hunters Close Aldwick Bay Estate Aldwick
Reduce height by 8m to 1 No. Lombardy Poplar tree.

Written Representations

PINS Ref: APP/TPO/C3810/7494

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

BN/24/20/PL

Received: 07-08-20

Tile Barn Farm 32 Hill Lane Barnham
Erection of 1 No. dwelling & formation of new vehicular access. This application is a Departure from the Development Plan.

Written Representations

PINS Ref: W/4001228

BR/149/20/HH

Received: 13-11-20

11 Westingway Bognor Regis
Extension of existing garage to be an Oak framed garage with pitched tiled roof including 2 skylight windows, clad in non combustible treated wood cladding or composite cladding and entrance enclosed withing existing garden.

Written Representations

PINS Ref: APP/C3810/D/20/3262104

BR/233/19/PL

Received: 09-03-20

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

Written Representations

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

BR/31/20/PL

Received: 12-10-20

77 Aldwick Road Bognor Regis
Part change of use of ground floor & formation of a first floor rear extension to create 2 No. self-contained studio flats with associated refuse/recycling & cycle store (re-submission following BR/233/19/PL)

Written Representations

PINS Ref: W/4001823

BR/347/19/T

Received: 20-03-20

4 Pinewood Gardens Bognor Regis
Fell 1 No. Liquid Amber tree.

Informal Hearing

PINS Ref: APP/TPO/C3810/7809

- BR/73/19/PL**
Received: 09-03-20
Land To East Of Royal Norfolk Hotel Aldwick Road Bognor Regis
Erection of 3 No. terraced residential dwellings, garden/cycle storage sheds & associated parking utilising the existing access (resubmission following BR/214/18/PL). This application affects the setting of a listed building & affects the character & appearance of The Steyne, Bognor Regis Conservation Area.
Written Representations
PINS Ref: APP/C3810/W/20/3244777
- BR/75/20/HH**
Received: 08-10-20
140 London Road Bognor Regis
Conversion of roofspace to habitable use to include a rear dormer and terrace, with front and side rooflights.
Written Representations
PINS Ref: APP/C3810/D/20/3256727
- EG/22/19/OUT**
Received: 20-03-20
Boweries Barnham Road Eastergate
Outline application with some matters reserved for the erection of 28 No. dwellings, access, landscaping & associated works (re-submission following EG/42/18/OUT).
Informal Hearing **22-09-20**
PINS Ref: APP/C3810/W/20/3246409
- FP/61/20/PL**
Received: 02-09-20
10 Felpham Gardens Felpham
Demolition of 1 No. house & erection of 2 No. chalet style dwellings with garaging & car parking (resubmission following FP/274/18/PL).
Written Representations
PINS Ref: W/4001528
- M/80/19/PL**
Received: 23-09-20
Former Poultry Farm Land West of Yapton Road Middleton on Sea
Demolition of the existing structures & redevelopment to provide a new 66-bedroom care home (Use Class C2) arranged over two storeys together with associated access, car and cycle parking, structural landscaping and amenity space provision
Informal Hearing **25-11-20**
PINS Ref: W/4001151
- P/58/19/PL**
Received: 16-09-20
Rear of Inglenook Hotel 253-255 Pagham Road Pagham
Erection of 9 No. dwellings with associated access, parking, cycle & refuse storage & landscape design. This application is a Departure from the Development Plan & may affect the setting of a listed building.
Written Representations
PINS Ref: W/4001476
- R/268/19/PL**
Received: 18-08-20
6 Manor Road Rustington
Demolition of existing garage & store on existing dwelling & erection of 1 no. four-bed chalet style dwelling (re-submission of planning ref: R/72/19/PL).
Written Representations

PINS Ref: W/4001103

R/92/20/PL

Received: 18-08-20

6 Manor Road Rustington

Demolition of existing garage & store on existing dwelling & erection of 2 No detached bungalows to rear.

Written Representations

PINS Ref: W/4001478

ENF/505/12/

Received:

Hales Barn Farm Arundel Road Norton West Sussex

Written Representations

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

ENF/211/16

Received:

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

Public Inquiry

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

ENF/115/17

Received:

44 Christchurch Crescent West Meads Aldwick

Written Representations

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

ENF/470/15/

Received:

Valhalla High Street Bognor Regis

Written Representations

PINS Ref: APP/C3810/F/20/3257966