



Public Document Pack

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14 July 2021

PLANNING COMMITTEE

A meeting of the Planning Committee will be held in **Council Chamber at the Arun Civic Centre, Maltravers Road, Littlehampton BN17 5LF** on **Wednesday 28 July 2021 at 2.00pm** and you are summoned to attend.

Members: Councillors Chapman (Chair), Lury (Vice-Chair), B Blanchard-Cooper, Bower, Charles, Coster, Edwards, Goodheart, Kelly, Tilbrook, Ms Thurston and Miss Rhodes

PLEASE NOTE: Subject to Covid-19 Risk Assessments members of the public are advised of the following:

Where public meetings are being held at the Arun Civic Centre in order to best manage the limited space available, members of the public are in the first instance asked to watch the meeting online via the Council's Committee pages – the meeting will be available to watch live via the internet at this address: [Agenda for Planning Committee on Wednesday 28 July 2021, 2.00 pm - Arun District Council](#)

- a) Where a member of the public has registered a request to speak, they will be invited to submit the question or statement in advance of the meeting to be read out by an Officer. In response to the continuing health restrictions, there will be very limited public access to this meeting. Admission for public speakers will be by ticket only, bookable when submitting statements. Attendees will be asked to sit in an allocated seat in the public gallery on a first come first served basis. Only one ticket will be available for per person.
- b) It is recommended that all those attending take a lateral flow test prior to the meeting.
- c) All those attending the meeting will be required to wear face coverings and maintain social distancing when in the building/meeting room.
- d) Members of the public must **not** attend any face to face meeting if they or a member of their household have Covid-19 symptoms and/or are required to self-isolate.

For further information on the items to be discussed, please contact:
committees@arun.gov.uk

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 ON LINE AT www.arun.gov.uk/planning<<http://www.arun.gov.uk/planning>>

AGENDA

1. APOLOGIES FOR ABSENCE

2. MINUTES

To approve as a correct record the Minutes of the meeting held on 21 July 2021. To be circulated separately to this agenda.

3. VOTING PROCEDURES

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

4. 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

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. AL/20/21/PL LAND AT WINGS NURSERY, LIDSEY ROAD, WESTERGATE PO20 3SU (Pages 1 - 38)
7. AL/40/21/PL LAND ADJACENT TO BYFIELDS, NYTON ROAD, WESTERGATE PO20 3US (Pages 39 - 52)
8. AL/50/21/PL L'APACHE, WESTERGATE STREET, WOODGATE PO20 3SQ (Pages 53 - 68)
9. BE/59/21/PL 339 CHICHESTER ROAD, BERSTED (Pages 69 - 74)
10. BN/150/20/PL LAND AT CHANTRY MEAD & REAR OF 14-18 DOWNVIEW ROAD, BARNHAM PO22 0EG (Pages 75 - 92)
11. BR/129/21/OUT 26 BURNHAM AVENUE, BOGNOR REGIS PO21 2JU (Pages 93 - 110)
12. LU/159/21/PL OPEN SPACE AT JUNCTION OF ARUN PARADE AND SOUTH TERRACE, LITTLEHAMPTON (Pages 111 - 116)
13. REVIEW OF PRE PLANNING APPLICATION ADVICE FEE REPORT (Pages 117 - 122)
14. ARUN PLANNING SERVICES PRE APPLICATION ENQUIRY SERVICE SCHEDULE OF CHARGES (Pages 123 - 126)

PLANNING APPEALS

15. APPEALS (Pages 127 - 130)

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.

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

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PLANNING APPLICATION REPORT

REF NO: AL/20/21/PL

LOCATION: Land At Wings Nursery
Lidsey Road
Woodgate
PO20 3SU

PROPOSAL: Demolition of Wings House & erection of 71 No. replacement dwellings (70 net new dwellings), access arrangements, sustainable drainage measures, public open space, landscaping & all other associated works (resubmission following AL/46/20/PL). This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

71 dwellings consisting of 4 x 1 bed, 34 x 2 bed & 33 x 3 bed. The four 1 beds are flats in a two storey building. The affordable provision is 22 homes consisting of 10 x 3 bed & 12 x 2 bed. "Wings House" will be demolished therefore the net gain in dwellings is 70.

It is proposed to close the southern access point and formalise the existing northern access and existing north-eastern field access. The main access will be 6m wide with 8m corner radii. It will have pedestrian footways either side and a crossing facility over the bellmouth. The secondary access will take the form of a 6m wide crossover with a shared surface arrangement. It is proposed to provide a right turn lane on the A29. The widening of the primary access requires the relocation of the northbound bus stop. The internal road layout comprises a 6m wide main access and 5.5m wide estate roads. The internal layout includes either pedestrian footway on one side or shared surface arrangements.

A number of off-site transport improvements are proposed. The red edge has been enlarged to include these and thus enable them to be secured through a s106 legal agreement. These comprise of new uncontrolled pedestrian crossing points on Lidsey Road, widening of existing footway and new footway on the A29, bus stop improvements (new shelters, hardstanding & seating) and cycle parking spaces near the convenience store. Access visibility requirements result in the loss of some small trees along the frontage but none of the TPO protected trees are affected.

Car parking is in the form of 142 allocated spaces (no garages/car ports) and 15 unallocated visitor spaces. Cycle parking is on the basis of 1 space per 1 bed flat/2 bed house

and 2 per 3 bed house - a total of 104 spaces. Individual plot cycle stores are not shown on the layout and there are no elevations so this will be subject to a condition. A communal cycle/bin store for the flats is shown on the layout and on an elevational drawing also providing detail of the proposed substation. These are both timber structures with the cycle/bin store also having a roof.

The layout shows the provision of 5,857m² of Public Open Space (POS) and in this area is 925m² of play provision. Conditions will be required to secure the specific details of the play provision and management regime.

Landscaping drawings indicate areas of new landscaping including new hedges, grass & shrub planting and around 56 new trees. The layout includes wildlife buffer areas to the south and west boundaries. Hard landscaping is indicated to be a mix of tarmac, concrete block paving (3 types), concrete paving slabs and permeable self-binding gravel. New boundary treatments are not indicated on the plans therefore a condition will be required.

The houses will be a mix of types but predominantly semi-detached or terraced and all either 1.5 (plots 1, 2 & 63) or 2 storey. Only one dwelling is detached (plot 63) whilst the four flats are plots 23-27. Materials are indicated to be a mix of brick, flint and hanging tile and concrete roof tiles. Chimneys are shown to some of the dwellings within the scheme.

The energy statement states the development will achieve a 10.1% reduction in carbon dioxide emissions through a mix of highly efficient materials, ventilation & heating systems, passive solar gains, an air-tight build and solar photovoltaic panels installed on dwellings with optimal, south-facing roof-spaces.

SITE AREA	2.54 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	27.9 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There are several trees on the east and west site boundaries and in the site. It is proposed to fell 22 trees including 10 category B trees. The 9 Pedunculate Oak trees protected by TPO/1/18 are shown to be retained. Two sections of hedgerow forming part of the boundaries of the existing dwelling will need to be removed.
BOUNDARY TREATMENT	Various - including 1m high post and rail fencing to the front and mix of 1.4m post & wire, hedging & trees of various heights to the other boundaries. Mix of hedging and 1.8m high fencing around the existing dwelling.
SITE CHARACTERISTICS	Former garden nursery. Existing two storey dwelling with

enclosed curtilage. The land surrounding this is a mix of semi-improved grassland, amenity grassland and scrub vegetation. Drainage ditches to all site boundaries. The site is served by two vehicular accesses adjoining the A29 Lidsey Road. These take the form of gated crossovers measuring 3.8m in width. An additional field access is located at the north-east corner of the site.

CHARACTER OF LOCALITY

The character is considered to be semi-rural. Opposite to the east is a row of houses extending the length of the site's frontage. These are predominantly single storey and semi-detached. To the south, there are two further detached houses (Stockhearn and Stockhearn House) with more extending south along Lidsey Road. Stockhearn house is two storeys whilst Stockhearn is a bungalow. Both have rear elevations facing the site. To the north is an access driveway into the land to the west with a small paddock and the Prince of Wales public house beyond. To the west are glasshouses associated with horticultural use.

RELEVANT SITE HISTORY

AL/46/20/PL	Demolition of Wings House & the erection of 81 No. replacement dwellings (80 net new dwellings), access arrangements, sustainable drainage measures, public open space, landscaping & all other associated works. This application is a Departure from the Development Plan.	Withdrawn 02-09-20
AL/32/19/OUT	Outline application with some matters reserved for the erection of 55 No. dwellings, access arrangements, sustainable drainage measures, public open space, landscaping & all other associated works (resubmission following AL/115/17/OUT). This application is a Departure from the Development Plan.	App Cond with S106 03-10-19

AL/32/19/OUT was approved by development Control Committee in June 2019 (and a decision issued in September 2019). The site was acquired by Southern Home Ownership Ltd and a full application was received in June 2020 seeking permission for 81 homes (80 net). This was withdrawn in September 2020 due to the Council having concerns with the amount of development. The Council stated that a lesser number of houses would ensure relevant standards are met and prevent harm to adjoining neighbours.

REPRESENTATIONS

Aldingbourne Parish Council:- no objection but wish to be notified if there is clear conflict with any issues arising.

Three letters of objection raising the following concerns:

- Loss of a perfectly good dwelling.
- Increased traffic.
- Loss of open space.
- Impact on foul/surface water drainage.
- No connectivity to cycle routes.
- Need provision for electric bike charging stands.
- Need 2 x cycle vouchers per house.

COMMENTS ON REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council were notified on 26/05/21 of layout changes. Their response is awaited.

The loss of the dwelling is noted but it does not have any value on its own and its loss will facilitate a net gain in dwellings. The site is presently open but it is private and not designated as open space. Traffic, drainage and transport sustainability is considered elsewhere in this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - Request £36,606.18 towards further mitigation of A27 junctions in Arun.

NATURAL ENGLAND - Given the location of the site in 12km of the Singleton & Cocking Tunnels SAC and following the applicants submission of a document "Information to Inform a Habitat Regulations Assessment (April 2021)", an Appropriate Assessment has been prepared and issued to Natural England for review. Any response will be reported at the meeting.

SOUTHERN WATER - No objection subject to a condition to ensure occupation of the site is phased to ensure network reinforcement is delivered before the whole site is occupied. Request a standard foul sewage condition. A foul sewer runs along the eastern and part southern boundaries and this needs protecting.

SOUTH DOWNS NATIONAL PARK - No objection. It is unlikely there will be any significant visual relationship between the site and the National Park and so no harm to the Park. Request a condition to control lighting and ask that the landscaping scheme includes native species and demonstrates biodiversity net gain.

SUSSEX POLICE - No objection. Set out a list of required security measures as detailed in their response on the Councils website dated 18/02/21.

WSCC HIGHWAYS - No objection subject to conditions and off-site highway improvements to be secured by a s106. The full response is available online dated 24/06/21.

WSCC FIRE & RESCUE - No objection subject to fire hydrant conditions.

WSCC LEAD LOCAL FLOOD AUTHORITY - No objection with the following comments:

- Current surface water mapping shows the site is at low risk from surface water flooding;
- Any existing surface water flow paths across the site should be maintained and mitigation measures

proposed for areas at high risk;

- The area of the development is at high risk from groundwater flooding based on current mapping but this does not mean that the site will suffer groundwater flooding;
- Current Ordnance Survey mapping shows ordinary watercourses on or directly adjacent to the site;
- Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site; and
- No records of surface flooding in the confines of the site but are aware of flooding at the junction of Oak Tree Lane and Lidsey Road.

ADC DRAINAGE ENGINEER - a number of points have been resolved since the first drainage response but there is conflict between the drainage proposals and landscaping. There is a tree proposed over the attenuation tank, and several trees are immediately next to/in the attenuation basin. Request a revised landscaping strategy showing all proposed trees clear of drainage features. Drainage features should not be proposed in root potential areas. As long as landscaping plans are not included in the list of approved plans (and a landscaping condition imposed) this can be approved subject to standard conditions.

ADC LANDSCAPE OFFICER - No objection subject to conditions to secure a landscape scheme and on-site play/open space. Comment that:

- There are no physical, visual, historical or cultural links, protected landscapes, scheduled ancient monuments, listed buildings, conservation area or Historic Parks or Gardens associated with this site;
- The layout has dwellings facing onto POS areas in line with good design principles;
- A development of this size requires the provision of on-site POS (minimum area of 4,998m²) and provision of on-site play (859m²) comprising of unequipped natural play (LAP) and on-site equipped play (LEAP);
- The Landscape Masterplan 01 D shows an improved POS offer with green connection across the site;
- Offsite financial contributions would be sought via CIL towards allotments, playing pitches and ancillary/built facilities, swimming pools, arts and sports hall contributions;
- It is good to see the green buffer shown to the boundaries would go some way to accommodate existing trees and allow for their retention;

ADC HOUSING STRATEGY & ENABLING MANAGER - Requires 22 affordable dwellings with a 70/30 rented/intermediate mix.

ADC ENVIRONMENTAL HEALTH - No objection subject to conditions re contaminated land, electric vehicle charging, external lighting, construction management, construction hours, internal & external noise levels due to road/rail and noise associated with substation/pumping station. Also request that air quality is considered.

COUNCIL'S ARCHAEOLOGIST - Requests a standard archaeology condition. The site lies on a part of the West Sussex coastal plain that modern archaeology has demonstrated to have been relatively densely settled since late prehistory, and where the potential of a site to contain archaeological interest is likely to be proportionate to its size. It lies near the centre of a narrow north-south strip of land, defined by the Aldingbourne Rife to the west and a similar semi-natural stream to the east, that formed a peninsula with the 'island' of Lidsey at its southern point. Following receipt of a Scheme of Investigation, advise the condition still needs to be imposed.

COUNCILS ECOLOGIST - No objection subject to conditions:

- A Natural England bat licence will be required due to the loss of occasional roosts concerning Wings House and the linked garage that are to be demolished;

- A condition is required to enforce the mitigation set out in the preliminary bat roost assessment;
- A condition on lighting will be required to ensure that this is bat sensitive;
- A buffer is required around the site to minimise harm to barbastelle bats;
- Request an updated reptile survey;
- Require a precautionary approach in respect of Great Crested Newts; and
- Buildings/trees should only be removed outside bird breeding season unless first checked by an ecologist.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted unless discussed below:

ADC DRAINAGE ENGINEER - The applicant provided revised landscape drawings to address the comments (i.e. by relocating trees). Engineers reviewed these and advise changes are still required to landscape drawings as trees are still shown close to the attenuation basin/tank and there is no information on root potential. Trees could damage impermeable liners of these features. Landscape and drainage drawings should not be referenced as approved plans and conditions are still required.

COUNCILS ECOLOGIST - The applicant provided an updated reptile survey. The Councils ecologist has not responded to the re-consultation. A condition will be imposed to require the development proceed in accordance mitigation measures identified. The layout includes two wildlife buffer areas.

POLICY CONTEXT

Designations applicable to site:

Within the Built-Up Area Boundary (as per the Neighbourhood Plan);
 Countryside (as per the Arun Local Plan);
 CIL Zone 3;
 Current & Future Flood Zone 1;
 Lidsey Treatment Catchment Area;
 TPO/AL/1/18;
 Archaeological Notification Area;
 Area of Special Control of Adverts; and
 Within 12km of the Singleton & Cocking Tunnels Special Area of Conservation.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment

HDM1	H DM1 Housing mix
HORDM1	HOR DM1 Horticulture
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Aldingbourne Neighbourhood Plan 2019-31 Policy EH1	Built up area boundary
Aldingbourne Neighbourhood Plan 2019-31 Policy EH3	Development of agricultural land
Aldingbourne Neighbourhood Plan 2019-31 Policy EH5	Surface water management
Aldingbourne Neighbourhood Plan 2019-31 Policy EH6	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2019-31 Policy H1 2019	Provide Housing to meet District Council allocation
Aldingbourne Neighbourhood Plan 2019-31 Policy H2	Housing Mix
Aldingbourne Neighbourhood Plan 2019-31 Policy H3	Housing Density
Aldingbourne Neighbourhood Plan 2019-31 Policy H4	Affordable Housing
Aldingbourne Neighbourhood Plan 2019-31 Policy H8	Outdoor space
Aldingbourne Neighbourhood Plan 2019-31 Policy H9	Attention to detail
Aldingbourne Neighbourhood Plan 2019-31 Policy EE8	Communications infrastructure
Aldingbourne Neighbourhood Plan 2019-31 Policy	'Unlit Village' status

EH10

Aldingbourne Neighbourhood Plan 2019-31 Policy EH2 2019 Protection of bat habitation

Aldingbourne Neighbourhood Plan 2019-31 Policy GA1 Promoting sustainable movement

Aldingbourne Neighbourhood Plan 2019-31 Policy GA3 Parking and new developments

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
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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 Aldingbourne Neighbourhood Development Plan (2021) are referred to in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

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

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

The proposal complies with the development plan in that the site will be within the built-up area boundary of the Neighbourhood Plan after it is made on 14/07/21 and this takes precedence over the built-up area boundary set by the older Arun Local Plan. In addition, the proposal would not cause demonstrable

harm to the character of the area, to the amenity of neighbouring residents, to local biodiversity or result in a severe impact on the local highway.

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:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Arun Local Plan 2011-2031 (ALP), the Aldingbourne Neighbourhood Development Plan (ANDP), the South Inshore & South Offshore Marine Plan and the West Sussex Waste and Minerals Plans.

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

Some of the most relevant policies in the ALP have reduced weight as Arun cannot demonstrate an adequate supply of housing land (3.3 years). The revised ANDP has recently passed its Examination with the Inspector recommending that ADC make the NP subject to a limited number of modifications. The Plan is due to be made by at Full Council on 14/07/21 and so by the time of the Committee Meeting will have full weight.

Para 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits provided that four criteria apply. In this case, a, b, c & d will all apply by the time the ANDP is made and the presumption in favour of sustainable development is affected by the ANDP.

The Arun Local Plan:

Policy H SP1 "The Housing Requirement" sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes reference to additional non-strategic allocations being made across the District through reviews of Neighbourhood Plans and in cases where there is no up-to-date Neighbourhood Plan, through the publication of a "Non-Strategic Site Allocations Development Plan Document". It is no longer planned to prepare such a document and instead the Local Plan will be subject to a formal review. However, the new ANDP will have been made by the time of the decision and will include housing allocations totalling 48 new homes.

The site is semi-rural but in a sustainable location as it lies on the southern edge of Aldingbourne and it will be possible for residents to use non-car means of transport to access schools, pubs, shops and other services. Pedestrians have the benefit of street lit pavement in the immediate vicinity of the site. The applicant provided a diagram in their Design & Access Statement which demonstrates the proximity to local facilities and services. These include bus stops outside the site, a convenience store within 300m, a medical centre in Eastergate (1.2 miles) and Aldingbourne primary school 500m to the north.

Whilst the private car could be required for longer distances, residents would not need to rely on a car for

local journeys. The proposal includes a Travel Plan which proposes each dwelling is provided with a Travel Information Pack and a £150 cycle voucher. There is potential in the future for bus/rail season ticket discounts, a car club, vouchers for grocery store deliveries and creation of a bicycle user group.

Policy C SP1 states residential development in the countryside outside the Built-Up Area Boundary (BUAB) will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal. As this site lies outside the nearest BUAB it is categorised as being in the countryside and the scheme conflicts with policy C SP1.

Aldingbourne Neighbourhood Development Plan (ANDP):

A new version of the ANDP is due to be made on 14 July 2021. This shows the site included in the BUAB. Policy EH1 allows for development in the BUAB subject to meeting other policies of the plan. Policy H1 2019 states provision is made for 38 new homes on land at Lees Yard (opposite the Wings site). It goes on to say that along with the 55 permitted by the previous outline decision at Wings (AL/32/19/OUT) and 25 at Nyton Nursery, the Parish have exceeded its allocation by 48 units (an increase of 67%). The proposal would be in accordance with EH1 and with H1 2019. The uplift in units at Wings mean the Parish will exceed their allocation by an additional 15 net dwellings.

Conclusion on Matters of Principle:

The principle of development on this site is contrary to the ALP but at the same time in accordance with the soon to be made ANDP. Section 38(5) of the Planning and Compulsory Purchase Act 2004 states where there is conflict between parts of the development then this should be resolved in favour of the more recent Plan. In this case conflict with the ALP is outweighed by the BUAB in the new ANDP and as of the 14th July, the proposal is in accordance with the development plan.

The National Planning Policy Framework (NPPF) is an important material consideration in determining planning applications. Paragraph 11(c) of the NPPF sets out that applications that accord with an up-to-date development plan (in this case the ANDP) should be approved without delay.

AGRICULTURAL LAND:

ALP policy SO DM1 states unless land is allocated, then 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 the need for the development outweighs the need to protect such land in the long term. ANDP policy EH3 is relevant and states development proposals affecting best and most versatile agricultural land will be resisted unless it can be demonstrated it supports diversification of an agricultural enterprise or other land-based rural business; or the need for the development clearly outweighs the harm.

The previous officer report stated "the development would lead to the loss of high grade agricultural land but the need for housing development in the district outweighs the policy restriction and the proposal complies with the ANDP policy EH3 and with policy SO DM1 of the ALP".

An Agricultural Land Assessment has now been provided. This concludes that although the development results in the loss of 2.4ha of previously farmed land, the results show the soils have limited nutrient availability, have a clay subsoil composition and there are contaminants present (toxic polycyclic hydrocarbon Benzo-a-Pyrene & arsenic containing material). These factors mean the land cannot be graded above level 5 and would only be suitable for grazing.

On this basis, there is no conflict with either of the policies and it is not necessary to consider criteria a to

g of SO DM1. Notwithstanding, the applicant provides a Soil Resource Plan which details measures to protect and recycle top soils for use in the green areas of the development.

ARCHAEOLOGY:

The site is in a designated archaeological notification area. ALP Policy HER DM6 states where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites. The policy requires a desk based archaeological assessment be submitted. This is echoed by guidance in the NPPF (para 189).

The applicant provided a Written Scheme of Investigation for an Archaeological Evaluation. This has been considered by the Council Archaeologist who advises it is an acceptable submission but that a pre-commencement condition is required to ensure the on-site investigation takes place. On this basis there is no conflict with ALP policy HER DM6.

LANDSCAPE & TREES:

ALP policy D DM1 states development is expected to incorporate existing and new tree planting as an integral part of proposals. Policy LAN DM1 requires development respects the characteristics & natural features of the relevant landscape character areas and aim to reinforce or repair the character of those areas. Policy D SP1 requires development proposals reflect the characteristics of the site and local area in their landscaping.

ALP policy ENV DM4 requires that TPO protected trees, Ancient Woodland, those in a Conservation Area or trees that contribute to local amenity are not damaged or felled unless the developments meets the following criteria:

- a. tree loss is in the interests of good arboricultural practice;
- b. tree loss would enhance the survival & growth prospects of other protected trees;
- c. the benefits outweigh the loss of trees or woodland, especially ancient woodland.

ANDP policy EH6 states the loss of trees contributing to amenity can be sanctioned where benefits outweigh the loss.

The site is some distance from the South Downs National Park and the Park Authority do not consider there will be any impact on its landscape or visual amenity. The Councils Landscape Officer raises no objections in respect of landscape impact. It is stated that the green buffers to the boundaries would accommodate existing trees and allow for their retention. These will help soften the appearance of the development in the landscape.

The proposal results in the loss of 22 trees and a section of conifer hedge around the house. The scheme indicates areas of landscaping including new hedges, grass & shrub planting and around 56 new trees. The indicative landscape drawings indicate the majority of these trees will be in locations where they have room to grow. The full detail of the trees (and new hedges) would be secured by the landscaping condition and will be assessed at condition discharge stage. The standard condition wording has been amended to require new tree planting on a ratio of 2 for every 1 lost.

In the main trees to be felled are required for access reasons and this is compliant with policies ENV DM4 and EH6 in that the benefits of 70 new houses outweigh the harm, particularly given the extensive tree planting proposed. Two of the trees on the frontage were surveyed to be either poor or in decline and their loss is acceptable on that basis. Supporting tree reports state construction of short sections of

pedestrian access/path extending through the unsurfaced root protection areas of T15 & T21 (in POS areas) may require a no-dig construction.

Due to the orientation of the site and layout, most existing off-site/retained trees on the west boundary are to the side of the dwellings meaning whilst they will shade gardens, this will only occur during the late afternoon. The exceptions are plots 22-23 and the flats at 24-25 which have gardens backing onto this boundary with T19 adjacent. This tree only partially overhangs the garden and will only affect light from the west not from the south.

The proposal accords with ALP policies D DM1, LAN DM1, D SP1, ENV DM4 and with ANDP policy EH6.

BIODIVERSITY:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitat. Paragraph 175 of the NPPF is relevant and states that if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, permission should be refused.

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

ANDP Policy EH12 2019 states proposals for the development of greenfield sites must evaluate whether there is a potential for the loss of suitable foraging habitat and/or the severance of commuting flight lines, such as in the form of mature treelines, hedgerows and watercourses. Such features should be preserved unless surveys demonstrate they are not used by Barbastelle, Bechstein or other bats. Care should be taken in respect of lighting schemes. ANDP policy EH6 requires developments retain hedgerows, incorporate biodiversity in layouts and demonstrate biodiversity net gain.

The application is accompanied by an Ecology Assessment, Bat Survey Report, Reptile Survey, Great Crested Newt Habitat Suitability Index & eDNA Test Report and a document entitled "Information to Inform an Habitat Regulations Assessment". These note the presence of occasional pipistrelle bat roosts in on-site buildings, a low population of common lizard and a good population of slow worms. There was no evidence of great crested newts on site and it is stated that given the distance to the nearest known population and dispersal barriers surrounding the site, they are considered to be absent.

All the documents include various mitigation (including a precautionary approach to clearing the land to protect reptiles/newts) and enhancement measures. The Councils ecologist raises no objections to the proposals and recommends conditions. The South Downs National Park Authority raise no ecology objections subject to new native landscaping and controls on lighting. Conditions are proposed to secure these items.

The Council prepared an Appropriate Assessment as per the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). This determined the proposal will not result in any significant adverse effects upon the Singleton and Cocking Tunnels SAC or the bat species associated with the site and functionally linked habitats. Natural England have been asked to agree this document and any comments will be reported at the meeting. The retention of existing boundary planting and the buffer areas adjacent to these ensures compliance with South Downs policy SD10 and ANDP policy EH12 2019.

The proposal results in the loss of 22 trees and a section of hedge however, the scheme indicates new landscaping including hedges and around 56 new trees. This achieves a net gain in biodiversity on its own. The permission secures other biodiversity enhancement measures through conditions securing enhancements set out in the supporting documents.

The proposal complies with with ALP policy ENV DM5, ANDP policies EH2 2019 & EH6 and South Downs policy SD10 and the NPPF para 175, .

TRAFFIC, ROAD SAFETY & PARKING:

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

T SP1 states proposals must incorporate appropriate levels of parking taking into consideration the impact of development on on-street parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards provision of a joined-up cycle network and Public Rights of Way network.

ANDP policy GA1 requests development improve walking/cycling routes and they are located in places accessible by public transport. Policy GA2 states support will be given to proposals that improve walking & cycling routes. Policy GA3 requires parking be provided to meet the current standards.

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

The advice of WSCC Highways is summarised above. They are satisfied the proposal will not result in an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. The proposal is not contrary to the NPPF (para 109), and there are no transport grounds to resist the proposal. The application has been subject to a Road Safety Audit (RSA) which identified certain issues and have been considered by the Designer as follows:

- (a) Risk of head-on collisions with vehicles trying to pass stationary bus - tracking drawings demonstrate that this is not an issue;
- (b) Long length of right-hand turning lane and risk of overtaking by vehicles travelling in either direction leading to collisions - the extended turning lane is short and so doesn't significantly change the existing road layout. A pedestrian refuge (as a means to combat this) would be difficult to do given the number of adjacent accesses and junctions coming out to the road (which it would obstruct);
- (c) Overhanging trees/risk of facial injuries to pedestrians - trees will be pruned to stop this happening;
- (d) Concerns over ditch and whether users might fall in - this will be discussed with WSCC safety team;
- (e) Concerns over location of gullies in main access possibly coinciding with pedestrian desire line - The gullies have now been moved;
- (f) Provision of temporary signs to warn drivers of road changes - temporary signs have been shown;

WSCC Highways stated all RSA matters have been agreed between the Highway Authority and the

Design Organisation through a related s278 process which has run concurrently with this application for exactly the same highway works as proposed in the planning application.

Access proposals are largely the same as the approved outline which showed two access points in approximately the same positions. The only differences are the lower number of dwellings associated with that scheme and that Wings House and its existing access were shown as being retained.

As with the previous scheme, the proposal seeks to deliver on and off-site transport improvements. These are listed in full in the s106 section at the end of this report but in short, comprise uncontrolled pedestrian crossing points on Lidsey Road, widening of the footway and new footway on the A29, bus stop improvements (new shelters, hardstanding & seating) and cycle parking spaces near the convenience store. A Travel Plan will be secured ensuring each dwelling is provided with a Travel Information Pack and a £150 cycle voucher.

The scheme provides access to Lidsey Road. There is no scope for additional pedestrian/cycle accesses as other site boundaries are with private land and there are no defined public footpaths adjacent to or through the site. The improvements to footway along Lidsey Road mean that the proposal gains support from ANDP policies GA1 & GA2.

The Parking SPD requires a total of 142 allocated spaces and 14.2 visitor spaces (so a total of 156.2). The layout shows 142 allocated spaces/15 unallocated visitor spaces meeting the requirements. The level of cycle parking accords with the SPD and will be provided by storage sheds and a communal store for the 4 flats.

The proposal is compliant with development plan policies and guidance on highway safety in the NPPF.

HOUSING MIX:

ALP policy HDM1 requires all housing development should provide a mix of dwelling types/sizes to address the nature of local housing needs and market demand. The policy does not prescribe a specific housing mix that must be met by individual applications, with the policy stating each must be considered on its own merits and on a site by site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA). ANDP policy H2 states proposals for housing must deliver a range of house types, sizes, tenures and demonstrate how the proposal will meet local needs.

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

The proposed development comprises the following market housing mix:

- 4 x 1-bed dwellings (8%);
- 22 x 2-bed dwellings (45%);
- 23 x 3-bed dwellings (47%);

This is broadly compliant with the SHMA mix with the exception being the number of 3 beds are 7% greater than the policy mix. This is acceptable given there are no 4 bed dwellings. Separate ratios are given for affordable homes. This element of the mix has been agreed with the Councils Housing Strategy and Enabling Manager based on up-to-date need data. The proposal is compliant with ALP policy H

DM1 and ANDP policy H2 in respect of the mix.

HOMES FOR OLDER PEOPLE:

ANDP Policy H2 states proposals where at least 25% of dwellings meet Lifetime Home Standards, or its equivalent, will be supported. Lifetime Home standards no longer exist and the equivalent current standard is contained in part M4(2) of the Building Regulations. To achieve this support, the proposal should provide at least 17 M4(2) homes.

Arun DC has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but is considered to have some weight as a material planning consideration. It is supported by references in ALP policies D DM1 & D DM2. This requires at least 35 of the homes (50%) are designed to the M4(2) standard, and that 4 are designed to meet M4(3) i.e. be wheelchair accessible.

The layout shows 3 of the dwellings (bungalows at plots 1, 2 & 63) will be designed to meet part M4(2). There is no M4(3) provision. There is conflict with the ADC guidance but this is minor given the status of the document. Due to the way that ANDP policy H2 is worded, there is no conflict with it.

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of land by reflecting or improving on the character of the site and the surrounding area. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. New housing should make efficient use of land while providing a mix of dwelling types and maintaining character & local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality. ALP policy D SP1 "Design" requires development to make efficient use of land and reflect local character.

ANDP policy H3 states the density should be appropriate to the location. Policy H8 requires the design of dwellings include things like cycle stores, meter boxes, bin stores, flues/ducts, gutters and communications connections. The drawings show cycle/bin storage in respect of the flats and do not show any of the other required features however these would all be required to make the houses useable and therefore there is certainty that the houses will have them. Conditions will be used to secure broadband connections, cycle stores and bin spaces.

The National Design Guide (NDG) is a material consideration in the determination of this application. It states that achieving a well-designed place comes about through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials and their detailing. It sets out ten characteristics of beautiful, enduring and successful places: Context, Identity, Built Form, Movement, Nature, Public Spaces, Uses, Homes & Buildings, Resources and Lifespan. The applicant provided a supplemental Design Statement which responds to these headings and concludes the scheme will blend harmoniously in the surrounding area providing high quality, well designed dwellings and spaces for the future residents.

The Arun Design Guide suggests a density of 15-25 for detached/semi-detached houses in village locations and states density should decrease with distance from the centre of a settlement, to ensure development relates sensitively to its setting and addresses edges of the site in a positive way. The site density of 27.9 per ha slightly exceeds this range. The layout meets all other policy requirements.

The scheme has evolved from AL/46/20/PL which proposed 81 dwellings with insufficient open space and non-compliance with the interface standards of the Design Guide and was overdevelopment. Negotiations on this application have sought further refinements to the layout to make plots 44-47 front onto the road removing the need for parking courts, improving the design of plot 61's flank wall which fronts the site road, resolving further insufficient interface distances, better screening the substation (opposite plot 28) and increasing space for street trees.

There are no objections to the layout which is appropriate to the characteristics of the site, includes a large central open space area and has the majority of housing in a traditional back-to-back or back-to-boundary arrangement. All houses (aside from plot 61 & the side of the plot 1 bungalow) face either the POS or the site roads. The houses are predominantly two storeys with a traditional design & style. There are three chalet bungalows to reflect the character of dwellings on the opposite side of Lidsey Road. Two storeys elsewhere on the frontage is not out of character noting that Wings House is two storeys and there are further two storey heights towards the railway line to the North.

The dwellings are considered to be appropriately mixed with different materials (brick, flint, hanging tile and concrete roof tiles), roof heights, roof forms (mix of hipped, half-hipped, gables, front/side gables), chimneys and open porch designs. The exact materials will be controlled by condition.

The development will not harm the character and appearance of the locality and does not result in significant harm to the visual amenities of the site and its surroundings. The proposal complies with the relevant design policies as set out above.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The Arun Design Guide sets out guidance on garden depths and interface distances between houses:

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

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

In respect of the two affected adjoining dwellings (Stockhearn & Stockhearn House), the layout provides for around 24m between these & the closest rear elevations and meets policy requirements. There were initially several shortfalls with the interface distances between new dwellings on the site but changes to the scheme has resolved many of these. However, the following issues do remain:

- (a) 19 Front to 22 Side - 10m (4m shortfall);
- (b) 38-43 Front to 44-48 Front - 11m (5m shortfall);
- (c) 57/58 Front to 36/36 Front - 14m (2m shortfall); and
- (d) 37 Rear to 38 Side - 12.7m (1.3m shortfall).

Many of these issues arise due to the road surface being shared surface and hence there being no footways on both sides which is a design choice but it is also noted (as discussed in the next section) that the front gardens depths of the affected properties meet the Design Guide. The Design Guide is not policy and allows for a flexible site-by-site approach. Other mitigating factors are the location and orientation of dwellings which mean that the shortfalls do not impact on natural light and that is no direct

line of sight between windows.

The proposal will not cause harm to amenities of future occupiers or existing adjoining properties.

INTERNAL & EXTERNAL SPACE STANDARDS:

As per ALP policy D DM2, it is necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will be suitable for residential use.

The accommodation schedule (Rev P15) provides a breakdown of internal floor areas for all the dwellings. This has been checked for accuracy and demonstrates all dwellings meet or exceed the required internal floor space standards.

The Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth;
- Private Front Garden: min. 2m depth;
- Private Amenity space for flats including balconies: at least 3sqm of useable space; and
- Communal Shared Spaces for flats: minimum 40sqm plus 10sqm for each unit if not provided as balcony space.

The accommodation schedule provides rear garden lengths of each dwelling. This shows all but 5 of dwellings have rear gardens of 10.5m or more. The exceptions are plots 1 & 2 which are 9.4/9.7m, 21 at 9.7m and 36/37 at 10.2m. The gardens to plots 1 & 2 are both 9m wide whilst plots 36, 37 & 71 are all around 7.8m wide ensuring these gardens have a large useable space. There are no concerns with overlooking arising from these garden depths.

The majority of houses provide a 2m deep front garden in accordance with requirements of the Design Guide. This is certainly the case with those where there is a slight shortfall in front-to-front or front-to-side distance. Those without a 2m front garden are plots 28, 34 & 35 which front the POS area.

The four flatted properties each have a private rear garden to the rear. These vary in size depending on the unit but the smallest is 20m². There is no communal space but this is acceptable given the flats front onto the POS and that their private spaces are significantly greater than the 3m² requirement.

The proposal will provide a decent standard of amenity for future residents and is therefore acceptable.

WASTE MANAGEMENT:

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

The site plan/road layout have been tracked for a refuse vehicle swept path. The refuse strategy is a mix of kerbside collection and bin stores. WSCC Highways are happy with the refuse collection strategy from a safety point of view. The Councils Cleansing Manager has not commented but it is noted that some refuse collection already occurs from Lidsey Road and so the continuing of this arrangement for those houses that front onto the main road would not be inappropriate.

The proposal therefore complies with policy WM DM1.

NOISE & AIR POLLUTION:

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

The application is not supported by a noise assessment and so there is conflict with policy QE DM1. Environmental Health Officers raise no objections and recommend conditions. The noise conditions will ensure that new residents are not adversely affected by noise from the road, railway line, proposed substation or any on-site pumping station. The fact that a condition is deemed acceptable to combat noise means that a refusal on grounds of conflict with policy QE DM1 would not be sustainable.

In respect of air pollution, as set out elsewhere, the site is adjacent to bus stops and in walking and cycling distance of nearby shops & services. Transport improvements make walking and bus travel more attractive whilst cycle vouchers will promote cycling. A condition will be imposed to ensure the provision of sufficient electric vehicle charging points. The proposal complies with policy QE DM3.

CONTAMINATION:

ALP Policy QE DM4 states that development will be permitted on land that is contaminated as long as remediation is provided. As noted above under Agricultural land, the soils assessment has identified the presence of toxic polycyclic hydrocarbon Benzo-a-Pyrene and arsenic containing material.

Environmental Health have raised no objections subject to a standard contaminated land condition. With this condition in place, a scheme of remediation will be secured and as such the proposal will be in accordance with the policy.

SURFACE WATER DRAINAGE:

The site is not affected by any current or future flooding from rivers/sea. As per the WSCC drainage response, there are no records of any surface water flooding on the site.

ALP policy W DM3 requires all development identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process. ANDP policy EH5 requires new development make appropriate provision for accommodating the surface water arising from the development.

A drainage strategy has been submitted and proposes attenuated storage will be introduced, with a controlled discharge to the adjacent watercourse network provided to manage surface water run-off generated by the development. Run-off will be restricted to greenfield run-off rates and seek a betterment where possible. The drainage scheme will utilise permeable paving to attenuate the runoff. Existing drainage ditches (particularly along Lidsey Road) will re-graded, reprofiled and in certain areas re-aligned, in order to improve flows. An existing section of culverted ditch at the entrance to Wings House will also be reinstated as an open ditch.

The Councils drainage engineer has no in principle objections with the strategy and recommends conditions. However, there is a concern with the placement of trees close to the attenuation basin and tank. For this reason, it is not possible to agree either the landscape drawings or the drainage layout and so these cannot be part of the approved plans listed in condition 2.

As there are no objections to the principle of drainage, there is no conflict with the relevant policies.

FOUL DRAINAGE:

The site falls in the Lidsey Wastewater Treatment Catchment Area. ALP policy W DM1 states that all major developments must demonstrate, that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development. Policy W DM1 also states that a drainage impact assessment is required for all major development. ANDP policy EH5 requires new development make appropriate provision for accommodating foul water arising from the development.

The application proposes to connect to the existing main sewer via an existing pipe running in the site. Southern Water raise no objection but request a condition to ensure occupation of the dwellings is phased so that there is sufficient network reinforcement in place before the site is completed.

The submitted "Flood Risk Assessment & Drainage Strategy" acknowledges the Lidsey Treatment Catchment designation but does not provide a foul drainage impact assessment as required by the policy and so there is conflict with this. It is material that neither Southern Water nor ADC Drainage Engineers raised concerns regarding the impact of foul or surface water discharge in the Lidsey area.

ENERGY AND CLIMATE CHANGE:

ALP policy ECC SP2 requires that all new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change.

The application includes an Energy Statement which sets out details of the proposed energy reduction strategy. This states the development will achieve a 10.1% reduction in carbon dioxide emissions through a mix of highly efficient materials, ventilation & heating systems, passive solar gains, an air-tight build and solar photovoltaic panels installed on dwellings with optimal, south-facing roof-spaces. As there no specific details as to which dwellings will be provided with solar panels, it is necessary to impose a condition requiring approval of such energy reduction measures. It is considered the proposal complies with policies ECC SP1 and ECC SP2.

AFFORDABLE HOUSING:

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The policy states affordable housing should be visually indistinguishable from market housing with large groupings of single tenure dwellings or property types avoided. Affordable housing units shall be permitted in small clusters throughout development schemes. ANDP policy H4 also seeks 30% affordable housing provision but applies to schemes of 10 or more.

The Councils Housing Strategy & Enabling Manager stated that 22 affordable dwellings should be secured by a s106 legal agreement. The response states tenure split should be 70% rented & 30% intermediate housing with the mix being: 9 x 2 bed, 6 x 3 bed (rented) and 3 x 2 bed, 4 x 3 bed (intermediate).

The layout has been designed to be tenure blind between private and affordable units. The affordable units are shown as predominantly being in two areas - plots 3-10 in the south east corner and plots 44-54 along the northern boundary. Although these are clustered, in practice they are actually situated

alongside or opposite market housing. Other affordable plots (22-23 & 63) are scattered in the layout.

Affordable housing provision will be secured by a s106 legal agreement and on this basis, the proposal will accord with policy AH SP2.

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 requires housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. The Councils SPD "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement for 4998m² of Public Open Space (POS) and a separate play provision of 859m² (so a total provision of 5857m²).

The layout includes 5,857m² of POS including 925m² of play. The provision includes the central area, the smaller area to the north of the main access road, a small area north of plot 71 and another small area to the side of plot 5. Wildlife buffers are not included in this provision. The Design & Access Statement indicates the layout provides 4 Local Area of Play (LAP), 1 Local Equipped Area of Play (LEAP) and 4 fitness trail type 'stations'. The Councils landscape officer raises no concerns. As there are no detailed plans of the play areas and as the landscaping drawings are not being agreed at this time, conditions are necessary to secure these play areas.

It is not appropriate to provide on-site playing pitch or indoor sport/leisure provision on a site of this size and it not possible to secure any off-site contributions for such through a s106 Agreement as this site is liable for CIL. District and Parish councils will be able to make a bid for a portion of the CIL payments collected to contribute to such provision elsewhere. Overall, there is no conflict with policy OSR DM1 or the Open Space SPD.

SUPPORTING INFRASTRUCTURE:

ALP policy INF SP1 requires development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing community. Any off-site provision or financial contribution must meet the statutory tests for planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010.

This development is CIL liable and the contribution of £571,184.73 (minus any relief subsequently applied for) will be collected upon the commencement of development. Infrastructure providers such as WSCC, NHS can then make a bid for a portion of the CIL payments collected to spend on their own projects. The Parish Council will be provided 25% of the CIL receipts to spend on their own projects. These payments go towards providing the infrastructure that the district needs to support existing and future development.

In respect of highway contributions, the Arun Infrastructure Capacity Delivery Plan (2017) provides evidence on the strategic infrastructure mitigation that strategic allocations will contribute towards (para 5.22 of the ICDP) including strategic highway and junction works (e.g. A27, A29 & A259) to be secured via s106 financial contribution or s278 works. However, the strategic infrastructure position is subject to change as further work is undertaken (para 5.23) and the Council has an agreed Apportionment Study to ensure that contributions are proportionate to necessary mitigation revision and changing prices (<https://www.arun.gov.uk/download.cfm?doc=docm93jijm4n15799.pdf&ver=16302>).

The CIL Viability Study 2017 (and 2018 update) also factor in the strategic allocation s106 mitigation costs based on the policies of the ALP and supporting Arun Transport Assessments (paras 2.7, 5.7, 5.8 & 6.2). For non-strategic scale developments, s106 contributions are scaled back to address on-site mitigation, in accordance with the Community Infrastructure Levy regulations 2010 (as amended

September 2019). However, an overall s106 assumption of £2,000 per dwelling has been viability tested (para 5.10) and any associated highway works will need to be secured from this pot or via s278 works. Off-site strategic infrastructure may also be contributed towards by CIL for chargeable developments provided that there is 'no double dipping' charging of developers from s106 and CIL. The use of s106 to secure such contributions is appropriate provided that the contribution goes to a named project.

Highways England has been requested to provide details of a named project that the contribution of £36,606.18 will go towards. They have also been asked to confirm that the contribution has been calculated on the basis of the net number of new dwellings (70) so as to not to include the existing dwelling. Subject to receipt of this information by the date of the Planning Committee, this can be included in the recommendation.

There is no conflict with ALP policy INF SP1.

SUMMARY:

This report shows there are some conflicts with guidance/policy concerning housing for older people, noise pollution, impact of foul drainage on the Lidsey Catchment Area and in respect of interface distances between proposed dwellings. However, there are material considerations which outweigh the majority of these conflicts including the benefits of the scheme and the proposal is in accordance with the development plan as a whole.

Given the site lies in the defined BUAB of the soon to be made ANDP, the NPPF presumption is engaged and this requires that sustainable development be approved without delay. The proposal is recommended for approval subject to conditions and a s106 agreement. As the s106 has not yet been completed, it is requested that the final decision be delegated to the Group Head of Planning with authority to make minor amendments to the s106.

However, should the s106 not be signed within 4 months of the date of the Planning Committee's resolution to grant planning permission, then the application shall be refused for the following reasons:

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

(2) In the absence of a signed Section 106 agreement, the development will not provide the highway improvements necessary to deliver the development & mitigate any residual harm to the local and strategic road network and is thereby contrary to ALP policies T SP1, T DM1 and the NPPF.

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

This decision will be passed subject to a s106 legal agreement to secure the following obligations:

AFFORDABLE HOUSING

22 dwellings consisting of 15 Affordable Rented and 7 Intermediate/Shared Ownership.

HIGHWAY IMPROVEMENTS

New uncontrolled crossing facilities at the following locations:

- Lidsey Road adjacent to development frontage to facilitate pedestrian movement across Lidsey Road;
- At the junction of Woodgate Road/Lidsey Road to facilitate pedestrian movement along the footway flanking the eastern side of Lidsey Road;
- At the junction of Oaktree Lane/Lidsey Road to facilitate pedestrian movement along the footway flanking the eastern side of Lidsey Road;
- At junction of Willows Caravan Park/Lidsey Road to connect with the relocated southbound bus stop;
- 25m past the site's southern boundary, in close proximity to the relocated bus stop, a pedestrian crossing to link Lidsey Road's western footway to the relocated southbound bus stop;
- Across the primary and secondary access points for the site;

Pedestrian footway shown on the west of A29 will be locally widened and extended up to the boundary of the Prince of Wales public house.

New footway provided on the east side of Lidsey Road taken from junction of Willows Caravan Park access road to Lee's Yard and tactile paving provided at the access road serving Willows Caravan Park linking to this footway provision.

The northbound bus stop opposite the site would be improved with a new shelter and an increased area of hardstanding.

The southbound bus stop opposite the site would be relocated south of the Willows Caravan Park access to provide more space for the facility and be improved with a new shelter, seating and increased area of hardstanding.

Additional cycle parking (4 cycle spaces) will be provided on the roadside verge of Hook Lane adjacent to the convenience shop.

Travel Plan.

STRATEGIC HIGHWAY IMPROVEMENTS

A contribution of £36,606.18 (subject to confirmation) to be spent on further mitigation of the A27 junctions in Arun (exact project to be confirmed).

CIL DETAILS

This is a CIL Liable development. It is in Zone 3 and a CIL amount of £571,184.73 is payable unless the applicant applies for exemption subject to the requirements of the CIL Regulations 2010 (as amended). The Parish Council would receive a 25% share of this money (£142,796.18) subject to whether any relief is claimed.

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:

2019/6115/001 Rev I Access Overview and Visibility Splays;
 2019/6115/002 Rev I Refuse Vehicle Swept Path Analysis;
 2019/6115/003 Rev I Car and Fire Tender Swept Path Analysis;
 2019/6115/004 Rev K Secondary Access Visibility Splay and Hook Lane Cycle Parking;
 2019/6115/005 Rev I Secondary Access Car and Fire Tender Swept Path Analysis;
 2019/6115/006 Rev H Internal Layout Visibility Splays;
 2019/6115/007 Rev J Internal Layout Turning Head Swept Path Analysis;
 2019/6115/008 Rev I Refuse and Car Passing Swept Path Analysis;
 2019/6115/009 Rev J Fire Tender Access Swept Path Analysis;
 2019/6115/010 Rev J Car Parking Swept Path Analysis;
 2019/6115/011 Rev I NMU Offsite Works Overview;
 19-121_0001 Site Location Plan Rev 3;
 19-121_0003 Proposed Block Plan Rev 2;
 19-121_0004 Proposed Site Plan Rev 5;
 19-121_0060 Site Sections 1 Rev 2;
 19-121_0061 Site Sections 2 Rev 3;
 19-121_0008 Cycle store and substation details Rev 1;
 19-121_0110 Plans and Elevations Units 1-2 Rev 1;
 19-121_0111 Plans and Elevations Units 3-4 Rev 1;
 19-121_0112 Plans and Elevations Units 5-6 Rev 1;
 19-121_0113 Plans and Elevations Units 7-8 Rev 1;
 19-121_0114 Plans and Elevations Units 9-10 Rev 1;
 19-121_0115 Plans and Elevations Units 11-12 Rev 1;
 19-121_0116 Plans and Elevations Units 13-14 Rev 1;
 19-121_0117 Plans and Elevations Units 15-16 Rev 1;
 19-121_0118 Plans and Elevations Units 17-18 Rev 1;

19-121_0119 Plans and Elevations Units 19-21 Rev 1;
 19-121_0120 Plans and Elevations Units 22-23 Rev 1;
 19-121_0121 Plans and Elevations Units 24-27 Rev 1;
 19-121_0122 Plans and Elevations Units 28-29 Rev 1;
 19-121_0123 Plans and Elevations Units 30-31 Rev 1;
 19-121_0124 Plans and Elevations Units 32-33 Rev 1;
 19-121_0125 Plans and Elevations Units 34-35 Rev 1;
 19-121_0126 Plans and Elevations Units 36-37 Rev 1;
 19-121_0127 Plans and Elevations Units 38-39 Rev 2;
 19-121_0128 Plans and Elevations Units 40-41 Rev 1;
 19-121_0129 Plans and Elevations Units 42-43 Rev 2;
 19-121_0130 Plans and Elevations Units 44-45 Rev 2;
 19-121_0131 Plans and Elevations Units 46-47 Rev 2;
 19-121_0142 Plans and Elevations Units 48-49 Rev 1
 19-121_0143 Plans and Elevations Units 50-51 Rev 1
 19-121_0132 Plans and Elevations Units 52-54 Rev 1;
 19-121_0133 Plans and Elevations Units 55-56 Rev 1;
 19-121_0134 Plans and Elevations Units 57-58 Rev 1;
 19-121_0135 Plans and Elevations Units 59-60 Rev 1;
 19-121_0136 Plans and Elevations Units 61-62 Rev 4;
 19-121_0137 Plans and Elevations Unit 63 Rev 1;
 19-121_0138 Plans and Elevations Units 64-65 Rev 1;
 19-121_0139 Plans and Elevations Units 66-67 Rev 1;
 19-121_0140 Plans and Elevations Unit 68-69 Rev 1;
 19-121_0141 Plans & Elevations Units 70-71 Rev 1;

Ecology Assessment (ref DFA21007V3);

Bat Survey Report (ref 9896.21 v2, 10/07/20);

Reptile Survey (ref DFA21027V2, May 21);

Habitat Suitability Index & eDNA Test Report (letter dated 12 June 2019);

The Arboricultural Report (incorporating Arboricultural Impact Assessment and Method Statement), ref. B/0300/21, Jan 2021; and

The separate (amended) Appendix 6 "Development Proposal Plan" and Appendix 7 "Tree Protection Plan" (both dated 13/05/21).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies QE SP1, D DM1, ENV DM5, T SP1 and T DM1 of the Arun Local Plan.

- 3 The preparation and development of the site must be carried out in accordance with the protection and mitigation measures as set out within the submitted Soil Resource Plan by Geo Environmental Soils Limited ref GE192231-SRP-JAN21 (27/01/21). The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction process.

Reason: In accordance with Arun Local Plan policy SO DM1 and the National Planning Policy Framework.

- 4 The development shall be carried out in complete accordance with the precautionary approach, mitigation measures and other enhancements as set out in the following documents:

Ecology Assessment (ref DFA21007V3) - section 6 "Impacts, Mitigation and Enhancements";

Bat Survey Report (ref 9896.21 v2, 10/07/20) - section 5 "Summary & Recommendations";
Reptile Survey (ref DFA21027V2, May 21) - section 4 "Mitigation";
Habitat Suitability Index & eDNA Test Report (letter dated 12 June 2019) - "Evaluation and Recommendations" section; and
Information to Inform an Habitat Regulations Assessment (ref DFA21025V2).

The mitigation measures shall be implemented in full and permanently adhered to throughout the development of the site.

No development above damp proof course (DPC) level shall take place unless and until a biodiversity enhancement plan has been submitted (itself based on the measures identified in the above documents) for approval in writing by the Local Planning Authority.

Reason: To mitigate harm to Bats, Great Crested Newts, reptiles and other wildlife species in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 5 No construction activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works on Sunday or Bank Holidays. In addition, there shall be no working during the hours of darkness even if that falls within the above time periods.

Reason: To protect the amenity of local residents and on-site biodiversity in accordance with policies ENV DM5, QE SP1 and QE DM1 of the Arun Local Plan.

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

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

- 7 All activity at the site is to be carried out in strict accordance with the "Arboricultural Report" (incorporating Arboricultural Impact Assessment and Method Statement), ref. B/0300/21, January 2021.

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

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

- 8 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 and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the "Appendix 7 Tree Protection Plan", ref B/0300/21, dated 13/05/2021.

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

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

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

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

- 10 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. 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.

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

from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W 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.

- 12 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.

- 13 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 Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition because the commencement of construction work could harm any archaeology within the site area.

- 14 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with WSCC Highways and the Councils Environmental Health Officers). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:

- the phased programme of construction works;
- the means of access and road routing for all construction traffic associated with the development;
- provision of wheel washing facilities (details of their operation & location) and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- details of street sweeping;
- construction vehicle delivery times;
- details of a means of suppressing dust & dirt arising from the development;
- a scheme for recycling/disposing of waste resulting from demolition and construction works (i.e. no burning permitted);
- details of all proposed external lighting to be used during construction (including location, height, type & direction of light sources and intensity of illumination);

- details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
- details of areas to be used for the storage of plant and materials associated with the development;
- details of the temporary construction site enclosure to be used throughout the course of construction (including access gates, decorative displays & facilities for public viewing, where appropriate);
- contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details);
- details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works;
- details of any temporary traffic management that may be required to facilitate the development including chapter 8 traffic signage;
- measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s).

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

The Construction & Environmental Management Plan shall also include reference measures to minimise disturbance to bats and other wildlife during construction including the briefing of site operatives, monitoring by an ecologist, construction lighting, working in daylight only and either securing or providing a means of escape for all deep pits/trenches/holes present on the site at night time.

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

- 15 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.

The submission of details shall also include a phasing plan drawn up to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

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 implement the foul water drainage system prior to commencing any building works.

- 16 Prior to the commencement of development a detailed level survey of the site including existing and resulting ground levels and the slab levels of the building the subject of this approval, shall be submitted to and approved by the Local Planning Authority. The

development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because levels need to be checked before any initial laying of house foundations takes place.

17 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. should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To 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.

18 Prior to the commencement of the development hereby approved, a scheme shall be submitted to:

- (a) 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.

(b) demonstrate that the external noise levels within the curtilage of residential units will conform to the "Design criteria for external noise" upper guideline value of 55 dB LAeq,T as specified within section 7.7.3.2 of BS 8233:2014.

Details shall be compiled by a competent acoustician on sound insulation and noise reduction for buildings and shall be 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 scheme shall also take account of road noise from the A29 and railway noise from the nearby railway line. 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 the Arun Local Plan. This is required to be a pre-commencement condition because the approved measures may need to be built into the fabric of the buildings.

- 19 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 full details of soft landscaping and details of existing trees and hedgerows to be retained. 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.

The landscaping scheme should include new native tree planting on a ratio of 2 for every 1 that is felled unless there is clear evidence/justification as to why this is not possible. The landscaping scheme should also avoid any new trees closer to the drainage attenuation features or if this is unavoidable then the root potential areas of these trees shall be shown to allow assessment.

Reason: In the interests of amenity, the environment and biodiversity of the development in accordance with policies D DM1 and ENV DM5 of the Arun Local Plan.

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

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

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

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

- 22 No development above damp proof course (DPC) level shall take place unless and until details of the proposed location of the required fire hydrants have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County

Council's Fire and Rescue Service.

Reason: In the interests of amenity and in accordance with policy INF SP1 and TSP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

- 23 If any residential properties are to be completed and occupied prior to the whole development being finished, then a scheme to protect those early occupants from noise and vibration associated with construction activities should be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in full and retained throughout the rest of the construction process.

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

- 24 Prior to the first use of the electricity substation, an acoustic report assessing the impact of its use on local residents shall be submitted to and approved in writing by the Local Planning Authority. The report shall address the issue of noise (including low frequency noise) and vibration from the station to ensure that there is no adverse effect to residential properties.

The scheme shall ensure that the low frequency noise emitted from the substation is controlled so that it does not exceed the 'Low Frequency Criterion Curve' for the 10 to 160 Hz third octave bands inside residential accommodation as described in the DEFRA funded University of Salford Manchester guidance document entitled 'Procedure for the Assessment of Low Frequency Noise Complaints' (NANR45 Rev.1 - December 2011), see http://sciencesearch.defra.gov.uk/Document.aspx?Document=10470_NANR45-procedure_rev1_23122011.pdf.

The electricity substation equipment shall thereafter be maintained in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic report, whenever it is operating. No future new substation plant shall be used without the written consent of the Local Planning Authority.

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

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

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

- 26 Prior to the first occupation of any dwelling forming part of the proposed development, the developer shall at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved locations to BS:750 standards or stored

water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policy INF SP1 and TSP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

- 27 Prior to the occupation of any part of the development, full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) shall be submitted to and approved in writing by the Local Planning Authority. This submission should also cover new streetlighting if required. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats using the trees and hedgerows by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and maintained in accordance with the approved details.

Within 3 months of the completion of the development, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in the scheme are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed within the application scheme shall be submitted to and approved in writing by the Local Planning Authority.

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

- 28 No part of the development, hereby permitted, shall be occupied until the accesses as shown on the approved planning drawings have been constructed to a final specification to be agreed with the local Highway Authority through a formal S38 and/or S278 process.

Reason: To ensure fit-for-purpose accesses constructed to appropriate design and safety standards in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 29 No part of the development shall be occupied until the internal access road layout has been constructed in accordance with the approved plans.

Reason: To ensure fit-for-purpose roads constructed to appropriate design and safety standards in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 30 No part of the development, hereby approved, shall be occupied until provision for parking and turning of cars associated with the development has been provided in accordance with the approved plans. Provision should thereafter be maintained solely for the purpose of the parking and turning of vehicles clear of the highway.

Reason: To ensure that adequate provision for the parking and turning of vehicles is provided for the development in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

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

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

32 No part of the development shall be first occupied until covered and secure cycle parking spaces for the individual houses have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. No details are required for the proposed flats as the communal store has been approved through the application decision.

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

33 No development shall be occupied until any disused crossovers and/or accesses no longer required as part of the development, have been permanently removed and reinstated in accordance with plans to be submitted to and approved by the Local Planning Authority in consultation with West Sussex Highways.

Reason: To ensure that any access points not required to serve the development are permanently removed to avoid risk of inappropriate reopening in the future and also in the interests of road safety in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

34 Upon the first occupation of the dwellings, the applicant shall implement the measures incorporated within the approved travel plan. The applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

35 None of the dwellings shall be occupied unless and until full details of the public open space (POS) management arrangements have been submitted to and approved in writing by the Local Planning Authority. The POS shall thereafter be implemented in accordance with the provision as agreed by application AL/20/21/PL (or any subsequent variation application) prior to occupation of the 36th dwelling and permanently retained thereafter. The approved management details shall then be permanently adhered to.

Reason: To ensure that the POS is provided and that a management regime is established in accordance with policy OSR DM1 of the Arun Local Plan.

36 None of the dwellings shall be occupied unless and until full details of the proposed play provision and the management arrangements for this provision have been submitted to and approved in writing by the Local Planning Authority. The public play provision shall be implemented in accordance with the approved details prior to occupation of the 36th dwelling and permanently retained thereafter. The approved management details shall then be permanently adhered to.

Reason: To ensure that play provision is in place for future residents and that a management regime is established in accordance with policy OSR DM1 of the Arun Local Plan.

37 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.

38 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To ensure that 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.

39 Should any pumping station be required to be installed on the site then noise associated with it shall not exceed 45dB LAeq (15mins) with no tonal components evident at the boundary of the nearest noise sensitive property. In addition, when assessed by a competent acoustic engineer, the Vibration Dose Value (VDV) shall not exceed the applicable 'low probability of adverse comment' level for the test environment in question (i.e. residential buildings) contained within BS6472-1:2008 (Guide to evaluation of human exposure to vibration in buildings - Part 1: Vibration sources other than blasting) inside the nearest property. A test or prediction of the noise levels and a test or estimation of the expected vibration environment to demonstrate compliance with the levels shall be undertaken within 3 months of the pumping station first being operational.

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

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

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

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

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

42 Notwithstanding the provisions of Parts 1 & 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended) (or any

Order revoking or re-enacting this Order) no rear dormer/roof extensions/alterations to the buildings associated with plots 5-21 inclusive shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of protecting the amenities of the existing dwellings adjacent to the southern boundary in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

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

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

- 44 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.

- 45 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to 22 affordable houses, a strategic highways contribution and various local highway/sustainable transport improvements.

- 46 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.

- 47 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.

- 48 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.
- 49 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which are available to read on the SW website: <https://beta.southernwater.co.uk/infrastructurecharges>.
- 50 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.
- 51 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing. A Natural England Bat Licence will be required to demolish Wings House and the linked garage.
- 52 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990. For further information please contact the Environmental Health Department on (01903) 737555.
- 53 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 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.
- 54 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 18/02/21) as available on the Councils website.
- 55 INFORMATIVE: If deemed necessary, the applicant should contact West Sussex County Council Legal Services to obtain necessary information to enter into the Section 59 Agreement under the Highways Act 1980. This Agreement is would be required in the event that extraordinary traffic required to build the development is generated during the construction phase/s in order to provide a means of making good the public highway following the cessation of construction traffic and building work on the site. Full details of the process can be obtained from the Local Highways Manager WSCC.
- 56 INFORMATIVE: Applications for S38 and/or S278 Agreements should be made to WSCC as Highway Authority. Full details are available on the WSCC website. Roads not forming part of the adopted highway network and/or not intended to be offered for adoption, will not be

inspected by the Highway Authority during or after any construction phases. Such roads should, however, be assessed and formally signed-off/approved by a suitable Chartered Civil Engineer to the satisfaction of the LPA.

BACKGROUND PAPERS

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

AL/20/21/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: AL/40/21/PL

LOCATION: Land adjacent to Byfields
Nyton Road
Westergate
PO20 3US

PROPOSAL: Construction of 1 No. 3 bed dwelling. This application is in CIL Zone 2 & is CIL liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a 3 bed dwelling to the east side of 'Byfields' in vacant garden space.
TOPOGRAPHY	Predominantly flat.
TREES	A number of trees will be removed or partially removed in the site.
BOUNDARY TREATMENT	The site is boarded by a 1.8m wall/fence along the rear boundary; a brick wall along the front; and a part 1.8m fence/part high hedge to the boundary with Nyton Barns.
SITE CHARACTERISTICS	The site forms garden space for the dwelling at Byfields. This comprises a detached 1.5 storey dwelling with gardens to front, rear and sides. The dwelling has part light red brick, part timber boarding and a tiled roof. Large gravelled parking area to part front. Few domestic sheds in rear garden. The access is shared with Mill View on the west. A 3.4m wide verge is at the front between the wall and the road.
CHARACTER OF LOCALITY	To the north of Nyton Road, the land is agricultural. A short distance to the east, both sides of the road have dwellings. To the south, there is a large area of wooded land which borders with an open area of grassed land. The area has a semi-rural character.

RELEVANT SITE HISTORY

AL/49/20/PL	Demolition of 2 No existing dwellings & erection of 7 No. dwellings (1 being the replacement of Nightingale Cottage) with associated parking, bin store, alterations to the existing access & extension of the existing footway. This application part affects the setting of a Grade II Listed Building.	Refused 17-09-20
AL/93/02/	Outline application for one detached dwelling.	Refused

	(Departure from the Development Plan)	22-11-02 Appeal: Dismissed 25-06-03
AL/84/02/	Outline Application for detached dwelling (Resubmission following AL/25/02/).	Refused 06-12-02 Appeal: Dismissed 04-06-03
AL/25/02/	Outline Application for 1 detached 2 bedroom cottage and single garage	Refused 10-05-02 Appeal: Dismissed 04-06-03
AL/87/01/	Detached garage	ApproveConditionally 21-01-02
AL/88/01/	Detached house with integral garage. (Departure from the Development Plan)	Refused 24-01-02

Pre-application advice was given in January 2016 concerning a scheme to demolish Byfields and develop the site with 4 semi-detached houses and 3 terraced houses. At this time, it was advised the application would likely be refused on the grounds of inadequate private amenity space and overdevelopment of the site but there were no in principle objections and that a smaller scheme may be capable of attracting officer support. The advice stated that whilst an element of 2 storeys would be acceptable, the overriding scale of the new dwellings at Byfields should be 1.5 storeys.

This advice gave no in principle objections and suggested that a smaller amount of dwellings could be considered. This advice was issued around 4 and a half years ago and predates the Local Plan, the Aldingbourne Neighbourhood Plan, the current NPPF, the National Design Guide and the Council's emerging Design Guide.

REPRESENTATIONS

Aldingbourne Parish Council - objection

- The site falls outside the built up area boundary.
- It would fail to integrate with the surrounding character of the area.
- It fails to demonstrate biodiversity net gain.
- No provision to mitigate climate change.

2 objections received from nearby occupiers.

- D&S fails to comply with EH2, EH10, EH11 of the Neighbourhood Plan.
- No provision for flint walls.
- A footpath should be installed to ensure pedestrian safety along the road.
- Fails to demonstrate there will not be significant harm upon biodiversity.
- The position of the access is dangerous to users.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion.

The site is on the boundary of the built up area, nonetheless is within the BUAB in the Arun Local Plan and the emerging Neighbourhood Plan (at least the part in which the dwelling is to be built)..

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Drainage - The applicant submitted winter ground monitoring and infiltration testing. A drainage layout has been included however this shows the soakaway is in close proximity if not, over the foul sewer to the rear garden. The sewer may need to be diverted and without this the drainage condition to be recommended will not be dischargeable and the permission unimplementable. Apply standard condition which has been modified to remove the need for further testing.

Natural England - No comment to make on the applicaiton.

Archaeology - No objection.

ADC Ecology - No objection subject to conditions, bat and bird mitigation, control of lighting and securing of construction site overnight to protect small mammals. Requested additional information to demonstrate Biodiversity Net Gain. Further bat survey needed.

WSCC Highway Authority - The applicant proposes a 6m wide vehicular access to Nyton Road. This will be shared with Byfields. Visibility appears sufficient and no evidence to suggest it would operate unsafely. The LHA does not consider the proposal would result in unacceptable harm upon the highway. Conditions regarding access, spaces, cycle parking be included.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary

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
ECCSP1	ECC SP1 Adapting to Climate Change
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WMDM1	WM DM1 Waste Management

[Aldingbourne Neighbourhood Plan 2019-31 Policy H8](#) Outdoor space

Aldingbourne Neighbourhood Plan 2019-31 Policy EH1 Built up area boundary

Aldingbourne Neighbourhood Plan 2019-31 Policy EH10 'Unlit Village' status

Aldingbourne Neighbourhood Plan 2019-31 Policy EH5 Surface water management

Aldingbourne Neighbourhood Plan 2019-31 Policy EH6 Protection of trees and hedgerows

Aldingbourne Neighbourhood Plan 2019-31 Policy GA1 Promoting sustainable movement

Aldingbourne Neighbourhood Plan 2019-31 Policy GA3 Parking and new developments

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

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.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

KEY ISSUES

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

PRINCIPLE

The site lies in the built up area boundary in the Local Plan where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and provided it accords with other policies of the Local Plan covering such issues as visual amenity/character, residential amenity and parking. In this case, the key policies of the Arun Local Plan are D SP1, D DM1, ENV DM5, ENV DM4, W DM2 and T SP1 of the Arun Local Plan.

Aldingbourne has a Neighbourhood Plan with an updated version having passed referendum and being taken to Full Council on 14th July. Policies relevant are H8, EH1, EH5, EH6, EH10, EH12, GA1, GA3.

The proposal results in the net increase in 1 dwelling, which would contribute towards the Districts housing supply, in accordance with policy H SP1 of the ALP.

DESIGN AND VISUAL AMNEITY

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

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

The proposal seeks to construct a detached 1.5 storey dwelling. This features an attached double garage to the principal elevation. The addition of the garage to the front of the property reflects a similar construction at Mill view, on the other side of Byfield's with the overall massing set back from Nyton Road, in line with development of the surrounding area and is not unduly dominant upon the frontage.

The property incorporates a gable roof with a half hip to the west edge and a first floor projection to the front and rear. The scale and massing is considered comparable to neighbouring properties to the west, with the proposed ridge and eaves height matching that of the neighbouring dwelling at Byfields. Sufficient separation is retained between neighbouring dwellings to the east and west and is not considered an overdevelopment of the site.

Materials are appropriate in relation to the context of the area. Timber boards in Siberian Larch will be laid horizontally to the external walls of the dwelling and garage in keeping with the wooded landscape and is similar to material evident in the locality. Red brick will run along the lower perimeter of the building. Roof tiles consist of red clay and the rear flat roof will have a green roof. All windows and doors are to be timber framed, double glazed units.

Due to its scale and design, with the property being 1.5 storeys, it appears sympathetic in appearance to the area and is informed by surrounding buildings and materials, reflecting the pattern of development in

the locality.

Arun recently adopted a Design Guide which seeks to improve design within the district. Section P of the Guide refers infill dwelling similar to that proposed should 'emulate the established pattern of building' and 'continue elements such as chimneys, porches and doors. The proposed has been designed to integrate with the existing dwellings and is complementary to the surrounding area with similar design features and materials used to ensure integration with neighbouring dwellings and the wider area.

Having regard to the character and layout of the area, the proposal has acceptable impact on the established layout and pattern of development, sufficiently integrating with its surroundings and the character of the street scene in accordance with D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

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

The dwelling to the east (The Old Stores) has a west facing principal elevation and has front windows overlooking the site, albeit part screened by boundary tree/hedge planting. Approximately 15m is retained from the side elevation of the property to the boundary serving the dwelling. However, with the neighbouring dwelling a two storey property and with the proposed dwelling of smaller scale, it is not deemed to result in harm by way of overbearing or overshadowing. There is one rooflights which fronts the east elevation and as such, the proposal will not result in adverse overlooking upon neighbouring windows to this elevation.

To the west, sits 'Byfields. The proposal will incorporate a 1.8m fence along the boundary between the side elevation of Byfield and the dwelling. There is a 1.5m and 2m gap between either side of the boundary to the buildings, with the separation considered acceptable. The design of the roof to the west side has been designed to allow the neighbouring property at Byfields to receive a 45° daylight angle. The height and rear building line of the dwelling matches that of 'Byfields and it helps ensure there is no adverse overbearing or overshadowing impact. The east elevation of the dwelling features ground floor windows and 2 rooflights, which due to their height above finished floor level will not give rise to adverse overlooking.

There are no neighbours to the rear, with a wooded area situated along the rear boundary.

Due to siting and design of the proposal, it is not considered to result in adverse harm upon amenity by way of overbearing overshadowing or overlooking in accordance with D DM1.

HIGHWAY

Arun Local Plan 2011-2031 Policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

Regard should be had to paragraph 109 of the NPPF 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."

ANDP Policy GA1 seeks to promote sustainable (non-car) forms of transport. It requires development to be located in places accessible to public and community transport. ANDP policy GA3 requires that

parking be provided in accordance with the standards adopted at the time.

A 6m wide vehicular access on Nyton Road is proposed to serve the new dwelling. This access will also be shared with existing property Byfields who currently share an access with Mill View. The access will be subject to a crossover licence.

The ADC Parking Standards for a 3 bed property in this type of location (Parking Behaviour Zone 2) requires an expected level of 2 car parking spaces on site. The garage is to form 2 parking spaces. The guide states that the garage should measure at least 6m x 3m internally. The garage as proposed has approximate internal dimensions of 5.8m x 5.7m and therefore falls slightly short of the requirements. Space is available to the front of the garage, providing room for additional parking and turning space.

Whilst the size of the internal garage is smaller than required, it is considered the number of spaces required are achievable on site and it complies with Arun Parking Standards and will not result in harm on the highway.

Electric vehicle charging points at a rate of 1 charging point per house with a garage or parking space should be provided, as per the ADC Parking SPD. In terms of cycle parking, ADC Parking Standards require 2 cycle spaces for each 3+ bed house to be provided on-site. Cycle storage should be undercover, secure, and easily accessible to occupants. The design and access statement states that a car charging point and bicycles storage will be provided for within the garage. If the garage is to be used for storage, this will take up valuable parking space and it is considered a separate cycle storage unit should be provided for which will be conditioned.

The parking allocation complies and the safety of the site comply with with T SP1 of the Arun Local Plan.

SPACE STANDARDS

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

The dwelling has an internal layout depicting; 2 storey, 3 bedroom, 6 persons. The space standard for this provision is 102sqm. The provision provided will measure 207.3 sqm and complies with the guidance.

Arun District Council has no size standards in respect of private gardens although section H.04 of the Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space.

Regard should also be had to paragraph 127 of the NPPF which states that "Planning policies and decisions should ensure that developments (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. 482sqm external amenity space is provided and this is acceptable exceeding the guidance.

The standards provided comply with D DM2 of the Plan and with H8 of the Aldingbourne Neighbourhood Plan.

BIODIVERSITY NET GAIN

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net

gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

ANDP policy EH6 states proposals must be designed to incorporate biodiversity and enhance ecological networks to contribute to the Government's target to halt the decline in biodiversity by aiming for a net gain for nature. EH2 states development immediately adjacent to the Biodiversity Corridors will only be supported where it can be clearly demonstrated that proposals will not give rise to any significant harm to the integrity or function of the Biodiversity Corridors. The wooded land to the rear and ditch on the opposite side of Nyton Road are designated as biodiversity corridors

The application is accompanied by an biodiversity net gain assessment. This was assessed by the Councils ecologist who did not object subject to conditions to secure various protection, mitigation and enhancement measures. The document provided includes measures that will be used which includes the use of bat boxes, a lighting scheme to ensure it does not disrupt commuting routes, bird boxes, raised height fences to allow for hedgehog movement. The use of the green roof to the rear addition will also support biodiversity net gain. The dwelling is considered to retain a sufficient distance to biodiversity corridors at the front and rear that there will be no adverse impact.

The scheme provides details of biodiversity net gain and is in accordance with the ALP policy ENV DM5 and ANP policy EH2. The proposal is within 12km of the Singleton and Cocking Tunnel SAC with protected bats. Ecology have requested a further bat survey to assess bat activity at the site - this is awaited.

FLOOD RISK AND DRAINAGE

W DM2 of the Arun Local Plan states development in areas at risk from flooding (as identified by the EA) will only be permitted following compliance with listed criteria. One of these criterion is the submission of a sequential test in accordance with the NPPF.

ANDP policy EH5 states that new proposals must not give rise to additional risk of flooding, either to the development site and must make appropriate provision for accommodating the surface water and foul water arising from the development.

The site falls within Flood Zone 1 and is at low risk of flooding. The site also falls within the Lidsey Catchment area.

The Councils drainage engineers raise no objection to the principle of the development in respect of surface water drainage and has requested a condition be included, minus the need to include testing which has already taken place and complies with relevant criteria.

TREES

ALP policy ENV DM4 states that:

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

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

c. The benefits of the proposed development in a particular location outweigh the loss of trees or woodland, especially ancient woodland."

ANDP policy EH6 states development that damages or results in the loss of trees of arboricultural and amenity value will be resisted, unless the need for, and benefits of, development in that location clearly outweigh the loss

There are a number of trees proposed for removal and partial removal. Some trees to the front boundary also come into close proximity of the development with regards to their RPA. As such, the details provided demonstrate protection measures that will be used to ensure no damage is made to the RPA.

The Council's Tree Officer has not responded and in the absence of comments, it is difficult to justify a refusal on tree grounds. The statement provided also includes details to show that for each tree that needs to be felled another 2 will be planted.

The proposal complies with relevant policies ENV DM4 of the Arun Local Plan and EH6 of the Neighbourhood Plan.

SUMMARY

In the absence of adverse harm, the application is recommended for approval subject to the following conditions and informatives. This recommendation is subject to a further bat survey being submitted to the Council for consultation with ecology. If the survey is submitted before Committee and a response received from the ecology consultant a report update will be provided.

If no further survey is provided it is requested that Committee delegates authority to the Committee Chairman and the Group Head of Planning to make a decision based on the revised information and to update/add any conditions as a result of the further study following consultation with the Council's Ecologist. If no further ecology report is received within 14 days after the date of the Committee the application will be refused for the following reason:-

Due to the lack of suitable information regarding bats the Council can not be certain that the impact on biodiversity would not be adversely harmful contrary to policy ENV DM5 of the Arun Local Plan and the NPPF.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Location Plan - 1000 Rev PP
- Proposed Block Plan - 1002 Rev PP
- Proposed Floor Plan - 1005 Rev PP
- Proposed First Floor Plan - 1006 Rev PP
- Proposed Roof Plan - 1007 Rev PP
- Proposed Roof Plan 1004 Rev PP
- Proposed Section Plan - 2000 Rev PP
- Proposed North Elevation - 3000 Rev PP
- Proposed South Elevation - 3001 Rev PP
- Proposed East and West Elevation - 3002 Rev PP
- Proposed Vehicular Crossover - 14A
- Biodiversity Net Gain Assessment
- Arboricultural Impact Assessment and Method Statement - June 2020
- Design and Access Statement - Feb 2021
- Flood Risk Assessment and Drainage Statement - Feb 2021 Rev A
- Tree Constraints Plan - 001 Rev 00

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 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. No building / 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.

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

Reason: To provide alternative travel options to the use of the car in accordance with policy TSP1 and the Arun Parking Guide SPD.

- 5 No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. The details so approved shall be maintained in perpetuity.

Reason: To provide sustainable travel options in accordance with the NPPF and the Arun Parking Guide SPD..

- 6 No external lighting shall be installed on 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 scheme should seek to conform with the recommendations within BS5489:1-2013 but also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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

- 7 Any on site brush piles, compost and debris piles which could provide shelter areas and hibernation potential for hedgehogs must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. If any small mammals including hedgehogs are found they should be relocated away from the construction area into surrounding suitable habitats.

Reason: To enhance the environment for local wildlife and result in net biodiversity gain, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

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

Reason: To enhance the environment for local wildlife and result in net biodiversity gain, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 9 No construction/demolition activities shall take place other than between the hours of 8:00 to 18:00 Monday to Friday and 8:00 to 13:00 Saturday with no noisy work Sunday or Bank Holidays .

Reasons: To protect the amenity of local residents in accordance with Policy QESP1 of the Arun Local Plan.

- 10 Prior to first occupation, the biodiversity enhancement measures listed within 'biodiversity net gain assessment ' 0-061-BNG June 2021 must be provided and retained in perpetuity. These refer to

- The addition of bat boxes
- The addition of bird boxes
- The creation of a hibernaculum to southern corner of the site.
- A sparrow terrace integrated within the eastern elevation of the dwelling.
- The installation of hedgehog nesting boxes.

Reason: To enhance the environment for local wildlife and result in net biodiversity gain, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 11 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 approved site plan.

Reason: In the interests of road safety and D DM1 of the Arun Local Plan.

- 12 **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.

- 13 **INFORMATIVE:**
The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted.

Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105. <https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

- 14 **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.

- 15 **INFORMATIVE:** This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

BACKGROUND PAPERS

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

AL/40/21/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: AL/50/21/PL

LOCATION: L'Apache
Westergate Street
Woodgate
PO20 3SQ

PROPOSAL: Variation following grant of AL/103/18/PL to amend Condition No 2 approved plans
- to change the design & layout of approved 2 No. dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This is a Section 73 application to vary Condition 2 imposed on AL/103/18/PL for the development of 2 houses. Condition 2 comprises a list of the approved plans. This application proposes amendments to the design, appearance and layout of the 2 houses.
SITE AREA	0.34 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	15 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Boundaries consist of 1.8m high close boarded fencing to the west and north and post and wire/two bar ranch fencing to the south and east.
SITE CHARACTERISTICS	The site comprises a detached, pitched roof brick bungalow with concrete roof tiles with a conservatory at the south end, which is set in a large plot and with several outbuildings and a static caravan. There is a small palm tree in the site and then a row of mature trees just beyond the north boundary. There is a double garage and off-street parking for up to 6 cars. The site is accessed by a private access which is subject to a speed limit of 30 mph, and the private access road has a junction with the A29 (Lidsey Road) to the west.
CHARACTER OF LOCALITY	The site lies on the edge of the settlement of Westergate with open agricultural fields to the immediate east and a railway line to the south. The closest neighbouring property is Caigers Lodge to the west, which is a bungalow, with a large car port structure on the boundary towards the front and a large garage behind. The rear garden of Caigers Lodge wraps around the northern boundary of the site and there is a barn building within this land.

RELEVANT SITE HISTORY

AL/103/18/PL	Erection of 2 No. dwellings & alterations to existing dwelling.	ApproveConditionally 07-02-19
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REPRESENTATIONS

ALDINGBOURNE PARISH COUNCIL: Object.

- The proposal constitutes over-development of the site.
- The proposed development is in close proximity to the Biodiversity Corridor.

COMMENTS ON REPRESENTATIONS RECEIVED:

All planning related comments are noted and covered in the Conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

LOCAL HIGHWAY AUTHORITY:

No objection. A minimum of 3 parking spaces will be required per dwelling. There is sufficient space within the turning area for vehicles to turn on site and exit in a forward gear.

WSCC FIRE & RESCUE SERVICE

No objection. Provision should be made for a fire hydrant.

SOUTHERN WATER:

No objection.

ADC DRAINAGE:

No objection. No discharge of condition (DOC) applications have submitted relating to AL/103/18/PL. It is stated on page 5 of the Design and Access statement that, "all other matters and reports such as ecology, drainage, trees and landscaping remain unchanged as per the original approval." This would not be the case, as the impermeable area of the development is increasing, which would alter the surface water drainage design; and soakaways or attenuation features would need to be larger; this should be covered in a DOC application.

ADC HOUSING:

No consultation response was submitted.

NATURAL ENGLAND:

No comment to make on the variation of condition 2.

ADC ECOLOGY:

No consultation response was submitted.

ADC ENVIRONMENTAL HEALTH:

No consultation response was submitted.

ADC GREENSPACE:

No objection.

COMMENTS ON CONSULTATION RESPONSES:

All planning related comments are noted and covered in the Conclusions section of this report.

POLICY CONTEXT

Designation applicable to site:

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

Within the Barnham/Eastergate/Westergate (BEW) Strategic Allocation.

Within 12km of Singleton & Cocking Tunnels Special Area of Conservation (SAC)

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
INFSP1	INF SP1 Infrastructure provision and implementation
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water
TSP1	T SP1 Transport and Development

[Aldingbourne Neighbourhood Plan 2019-31 Policy](#) Built up area boundary

[EH1](#)

Aldingbourne Neighbourhood Plan 2019-31 Policy Green infrastructure and eco systems.

EH2

Aldingbourne Neighbourhood Plan 2019-31 Policy Renewable and low carbon energy

EH7

Aldingbourne Neighbourhood Plan 2019-31 Policy Protection of trees and hedgerows

EH6

Aldingbourne Neighbourhood Plan 2019-31 Policy GA3	Parking and new developments
Aldingbourne Neighbourhood Plan 2019-31 Policy GA1	Promoting sustainable movement
Aldingbourne Neighbourhood Plan 2019-31 Policy H8	Outdoor space
Aldingbourne Neighbourhood Plan 2019-31 Policy H9	Attention to detail

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
SPD13	Arun District Design Guide (SPD) January 2021

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.

Aldingbourne Neighbourhood Plan (NP 2014-2029) was made on 9th November 2016. The Aldingbourne NP Review (2019-31) has successfully passed Examination. It will be taken to Full Council on 14th July 2021 to be 'made'. The Aldingbourne NP2 replaces one policy (H1), adds two new policies (EH1 2019 & EH2 2019) and amends a fourth (LC7). In line with paragraph 48 of the National Planning Policy Framework, the Local Planning Authority is giving greater weight to Aldingbourne NP2 due to its stage of preparation and the policies have been taken account of and are addressed in the Conclusions section of this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

Section 70(2) of TCPA provides that:-

- (2) In dealing with an application for planning permission the authority shall have regard to:
- (a) the provisions of the development plan, so far as material to the application, a post-examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

The site is located within the Barnham, Eastergate and Westergate (BEW) strategic allocation. The policies map for the revised Aldingbourne NP2 which will be made at Full Council in July 2021 has been amended in line with the Arun Local Plan 2011-31 and the BUAB boundary has been amended and the site now lies within the BUAB.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The principle of residential development was established with the granting of AL/103/18/PL on 7th February 2019 for the development of 2 semi-detached houses, both accommodating 3 bedrooms, located on garden land to the east of the bungalow, known as "L' Apache".

The permission included alterations to the bungalow ("L' Apache") including all new windows and doors in existing openings, the existing columns on the western elevation are to be replaced, a porch is to be removed on the northern elevation, a porch on the eastern elevation is to be removed and the opening is to be infilled to match the existing brickwork, and an existing extension is to be removed on the eastern elevation and the wall is to be extended and made good. The outbuildings including a static caravan, would be demolished.

KEY ISSUES

The key issue to be considered as part of this application are:

- Is the change to the units from semi-detached to detached units acceptable?
- Is the change in the number of bedrooms from 3 bedroom units to 4 bedroom units acceptable?
- Is the change in the style of the units with more traditional fenestrations and design acceptable?
- Is the addition of 2 more car parking spaces providing each unit with 3 spaces each acceptable?

VARIATION OF CONDITION 2

The current application is to vary Condition 2, imposed on AL/103/18/PL and lists all approved plans, including the layout plans. This Section 73 application proposes amendments to the detailed design of the scheme in terms of the site layout and the external appearance of the 2 houses on the site.

This application proposes to substitute the approved plans and documents with the set of plans and documents listed below:

- Drawing No. 210005 - 01 - Site Location Plan.
- Drawing No. 210005 - 02 - Block Plan.
- Drawing No. 210005 - 03 - Proposed Site Plan.
- Drawing No. 210005 - 04 - Proposed Plan & Elevations (Plot 1).
- Drawing No. 210005 - 05 - Proposed Plans & Elevations (Plot 2).

An assessment of the layout, design, appearance and scale is set out below.

SITE LAYOUT

The development comprises the construction of 2 detached houses, both accommodating 4 bedrooms, in place of the approved scheme for 2 semi-detached houses, accommodating 3 bedrooms. The layout of the two detached houses alongside the existing bungalow ("L' Apache") is visually acceptable. There is

sufficient space in the site to accommodate the layout of the 2 detached houses with their associated domestic curtilages including rear gardens and car parking spaces at the front of the properties. The layout is in accordance with Policy D DM1(10) of the Local Plan.

Parking Layout:

The 2 detached houses each have 3 car parking spaces, in compliance with ADC Parking Standards SPD, January 2020 and in accordance with Policy GA3 of the Aldingbourne NP2. The existing bungalow ("L' Apache") would retain the double garage and parking for 4 cars, and turning space in the domestic curtilage. A total of 10 parking spaces are to be provided, to serve all three houses. There is sufficient space for vehicles to turn in the site and exit in a forward gear, without reversing onto the highway. Cycle parking would be provided in garden sheds in the rear gardens of the 2 detached houses, in compliance with the ADC Parking Standards SPD.

Landscape Layout:

The existing permission included an approved landscaping scheme detailing species choice, position, densities and size at time of planting. The landscape drawings are not relevant any more as the scheme has changed so the landscaping will need to change. This will need to be made a condition on the new permission for a new landscaping scheme to be submitted and approved. The siting and layout of the 2 new houses would ensure sufficient garden area is provided beyond the root protection areas (RPAs) and the crown of the trees growing along the northern boundary. Subject to a landscaping condition, the development is acceptable as the mature trees to the northern boundary of the site would be safeguarded and protected, in accordance with Policy ENV DM4 and Policy EH6 of the Aldingbourne NP2.

DESIGN AND APPEARANCE

The Arun Design Guide, January 2021, requires all types of infill development to respond positively to the character, appearance and layout of surrounding buildings. It is the prevailing character of surrounding buildings and spaces which are expected to inform an appropriate infill design response. Infill developments must strike a balance between the benefits of more efficient and intense use of development land and preserving the character and local amenities of the site's context. (Chapter P 'Infill Development'; 2-9 dwellings).

The proposal to construct detached houses with hipped gables on the front and rear elevations would create a visually attractive development. The design and appearance of the 2 detached houses would enhance the design and appearance of the built environment in the adjacent residential area, by the introduction of two traditionally designed houses on the eastern edge of Westergate. The distinctive appearance of the front and rear elevations of the 2 detached houses would enhance the local distinctiveness of the adjacent houses and bungalows.

The construction of 2 detached houses creates a visually attractive development, in keeping with the appearance of the houses and the bungalows located along the access lane. Subject to a materials condition, the design and appearance of the 2 detached houses comply with Policy D SP1 and Policy D DM1 of the Local Plan, Policy H9 of the Aldingbourne NP, the NPPF and the Arun Design Guide.

SCALE AND BUILDING HEIGHTS

The dwelling types in the vicinity of the site in Westergate are a mix of two-storey houses and some bungalows. The 2 detached houses fit in with the scale of the buildings in this part of Westergate. The juxtaposition of the 2 detached houses alongside the bungalow works in visual terms as the impact of the height of the roofs of the detached houses is mitigated as the pitch of the roofs sweeps down on the west elevation towards the bungalow. The scale and heights of the 2 new houses would be in scale with the surrounding area. The development complies with Policy D DM1 and Policy D SP1 of the Local Plan in terms of the scale and building heights.

ACCESS AND MOVEMENT

The 2 detached houses would be accessed along the private access leading off the A29 (Lidsey Road), as previously approved. In terms of access and the need for east-west connections to the main part of the BEW strategic allocation, the use of the private access off the A29 to serve the site would not compromise the layout of any future development on the main part of the BEW strategic allocation site. There are 1.5m wide pavements on both sides of the A29; and the site is in walking distance of a number of services and amenities including the village store, primary school and nursery school in Westergate. The future infrastructure improvements that will be delivered as part of the BEW strategic development will ensure new services and amenities are provided closer to the site than the existing services in Westergate and Eastergate. The use of the private access lane and the junction to the A29 (Lidsey Road) is acceptable in terms of road/junction layout, and accords with Policy T SP1 of the Arun Local Plan and Policy GA1 of the Aldingbourne NP2.

BIODIVERSITY

Condition 15 imposed on AL/103/18/PL required the installation and retention of bat tubes and bird boxes on the 2 houses; and the continued management of the site to ensure that reptile habitat does not develop on-site, in the interests of enhancing the ecological habitats on the site. This condition should be re-imposed on this planning permission.

The site is within 12km of Singleton and Cocking Tunnels Special Area of Conservation (SAC). The LPA has carried out an Appropriate Assessment which concludes there will be no likely significant adverse effects upon the Singleton and Cocking Tunnels SAC or the bat species associated with the site and functionally linked habitats. Natural England has been consulted on the Appropriate Assessment and the LPA is awaiting the submission of a response from Natural England.

There is a Biodiversity Corridor which runs along the private access lane immediately south of the site and another Biodiversity Corridor in the fields to the north. The siting of the 2 houses on site would be in 50m of the Biodiversity Corridors but the development would not cause demonstrable or significant harm to the Biodiversity Corridors. In response to the objection by Aldingbourne Parish Council, the Examiner's Report (May 2021) into the Aldingbourne NP2 recommended the deletion of the 50m stand-off distance in Policy EH2.

Subject to re-imposing Condition 15, the proposed amendments to the 2 houses on the site comply with Policy ENV DM5 of the Local Plan and Policy EH2 of the Aldingbourne NP2.

RESIDENTIAL AMENITY

There would be oblique views from the house on Plot 1 to the rear garden of the existing bungalow ("L' Apache"), however this would not result in overlooking, or adversely affect the residential amenity of the existing bungalow which would be retained on the site. No first floor bedroom windows are proposed along the west elevation of the house on Plot 1 which faces the "L' Apache". The first floor bedroom windows on Plot 1 are located on the north and south elevations and will not lead to any overlooking of the east elevation of "L' Apache". The windows in the first floor en-suite and the bathroom on the west elevation of the house on Plot 1 would need to have obscure glazing fitted. It is necessary to impose a condition requiring obscure glazing in the first floor windows on the west elevation of the house on Plot 1. There is the potential for a limited amount of overlooking of the garden at the rear of L' Apache from the first floor windows in the rear elevations of the 2 houses, but this would be at an oblique angle and should not result in direct overlooking.

The adjacent property (Caigers Lodge) is a single storey bungalow with no roof accommodation and its ground floor windows are screened out by existing boundary fencing and the neighbours own outbuildings. There is no possibility for overlooking from the site. The 2 detached houses are set well

away from the shared boundary such that there is no possibility of loss of light to the neighbours garden or overlooking from proposed first floor windows. The layout also relates well to the land allocated for residential development to the east - i.e. the main part of the BEW strategic allocation, due to the north / south orientation of the two houses on site. The 2 detached houses do not turn their backs on the main part of the BEW strategic allocation.

Bearing in mind the built environment in the vicinity of the site and the design and appearance of the 2 proposed detached houses which is to be high quality, it is necessary to impose a condition restricting permitted development rights. The removal of the permitted development rights by way of condition would ensure that the privacy and amenity of adjoining residents is safeguarded; and safeguard the cohesive appearance of the development, which is visually attractive.

Subject to a condition restricting permitted development rights and a condition requiring obscure glazing to be fitted in the windows in the first floor en-suite and the bathroom on the western elevation of the detached house on Plot 1, the proposed development is acceptable in respect of residential amenity, in accordance with Policy D DM1(3) of the Local Plan.

EXTERNAL SPACE STANDARDS

The layout plan (Drawing No. 210005 03 - Proposed Site Plan) shows the 2 houses with rear gardens predominantly orientated north/south that would measure a minimum of 10.5m in length, in accordance with the Arun Design Guide and Policy H8 of the Aldingbourne NP which specifies that dwellings must have adequate private or shared amenity space. The rear garden of the "L' Apache" measures 11m which is acceptable. The development complies with Policy D DM1(3) of the Local Plan and Policy H8 of the Aldingbourne NP2 in terms of the provision of sufficient private amenity space for the 2 houses.

INTERNAL SPACE STANDARDS

The floor plans of the 2 houses where it specifies the number of bedrooms and the square metres of floor space have been cross referenced with the Nationally Described Space Standard table (NDSS Table 1). The minimum gross internal floor areas of the two detached houses comply with Policy D DM2 of the Local Plan and meet the NDSS requirements.

CLIMATE CHANGE

It is appropriate that provision is made for electric vehicle charging points at the 2 detached houses to accord with paragraph 2.8 of the ADC Parking Standards SPD, January 2021. This should be conditioned. Subject to a new condition requiring the provision of electric vehicle (EV) charging points, the development complies with Policy ECC SP1 of the Local Plan and Policy EH7 of the Aldingbourne NP2, in terms of mitigating climate change.

INFRASTRUCTURE PROVISION

The size and scale of the development approved by AL/103/18/PL, comprising of 2 houses on a 0.34 hectare site in part of the BEW strategic allocation did not justify the need to masterplan the site or be required to contribute to the infrastructure provision on BEW. Equally, the current proposal to vary Condition 2, to amend the layout and appearance of the 2 houses constitutes such small scale development that it neither needs to be master-planned or be required to contribute to the infrastructure provision on BEW.

The Fire and Rescue Service requested the provision of a fire hydrant. This was not a requirement on AL/103/18/PL and this is a s73 application to vary the layout and appearance of what has been approved. A fire engine can travel down the lane but probably cannot turn, therefore sprinkler systems could be installed in the 2 houses, but these would be covered by Building Regulations. There is no justification to impose a condition requiring the provision of a fire hydrant as part of an application to vary the layout and appearance of 2 houses. The land to the east of the site will be developed as part of the

BEW strategic allocation which would include the provision of fire hydrants.

SUMMARY

This application seeking to vary Condition 2 of AL/103/18/PL to change the dwellings from semi-detached houses to detached houses, to increase the number of bedrooms from 3 bedrooms to 4 bedrooms, to change the style of the houses with more traditional windows and appearance, and for the addition of 2 more car parking spaces providing the 2 detached houses with 3 spaces each is acceptable, and in accordance with the policies in the Local Plan, the Aldingbourne NP and the NPPF.

RECOMMENDATION

It is recommended this application is approved and that Condition 2 imposed on AL/103/18/PL be varied, but Conditions 1 and 3-17 inclusive remain unchanged. An additional condition is required to be imposed relating to the provision of electric vehicle (EV) charging points; an additional condition is required relating to the installation of obscure glazing to the windows in the first floor en-suite and the bathroom on the western elevation of the detached house on Plot 1; and an additional condition is required for a new landscaping scheme to be submitted and approved in place of Condition 14 which was imposed on AL/103/18/PL.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun by 7th February 2022.

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

- 2 The development hereby approved shall be carried out in accordance with the following approved plans and submitted materials:
- Drawing No. 210005 - 01 - Site Location Plan.
 - Drawing No. 210005 - 02 - Block Plan.
 - Drawing No. 210005 - 03 - Proposed Site Plan.
 - Drawing No. 210005 - 04 - Proposed Plan & Elevations (Plot 1).
 - Drawing No. 210005 - 05 - Proposed Plans & Elevations (Plot 2).
-
- Drawing No. RCo 250 / 02 Rev. 01 - Tree Protection Drawing
 - Drawing No. RCo 250 / 01 - Tree Constraints Drawing
 - Design and Access Statement, prepared by Vivid Design Studio.
- 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 a schedule of materials and finishes to be used for external walls and roofs of the proposed houses and the extension to the existing house known as "L'Apache" have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the two houses and the extension.
- Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with Policy D DM1 of the Arun Local Plan.
- 4 No construction activities shall take place, other than between the hours of 08:00 - 18:00 hours Monday to Friday, 08:00 - 13:00 Saturday and no working activities at any time on Sundays, and bank and public holidays.
- Reason: In the interests of amenity in accordance with Policy D DM1 of the Arun Local Plan.
- 5 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 provide adequate on-site car parking and turning space for the development, in accordance with Policy D DM1 and Policy T SP1 of the Arun Local Plan.
- 6 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans to be submitted to and approved by the Local Planning Authority, after consultation with the County Highway Authority.
- Reason: To provide alternative travel options to the use of the car in accordance with Policy D DM1, Policy T SP1 and Policy T DM1 of the Arun Local Plan.
- 7 Prior to the occupation of the two dwellings hereby approved, the 'Keep Clear' markings shall be re-instated on the carriageway of Lidsey Road adjacent to the private road access.
- Reason: To ensure that vehicles queuing back from the level crossing do not block the entrance/egress from the access road, in accordance with Policy T SP1 of the Arun Local Plan.
- 8 Prior to the commencement of the development hereby approved, a detailed level survey of the site including existing and resulting ground levels and the slab levels of the buildings the subject of this approval, shall be submitted to and approved by the Local Planning Authority.

The development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and neighbouring residents, and to ensure the appearance and height of the two new dwellings are in keeping with the adjacent housing, in accordance with Policy D DM1 of the Arun Local Plan. This condition is required to be pre-commencement as the levels need to be surveyed prior to any works commencing.

- 9 No development shall take commence until a surface water drainage scheme, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policy W SP1, 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 surface water disposal scheme is agreed before construction commences.

- 10 The sustainable urban drainage system (SUDS) shall be implemented in accordance with the approved details and agreed timetable, and shall be permanently retained thereafter. The details shall include a detailed site specific SUDS Maintenance and Management Plan, setting out the ongoing maintenance and management of the SUDS, including financial management. 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.

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

- 11 Prior to the commencement of construction works, the applicant shall connect into the 150mm diameter foul water sewer that runs along the private access lane towards the application site, subject to Southern Water's consent.

Reason: To prevent pollution of water bodies and to ensure the satisfactory drainage of the site and to prevent flooding, in accordance with Policy D DM1 and 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.

- 12 Prior to commencement of construction, details shall be submitted for approval setting out how the development will incorporate decentralised, renewable and low carbon energy supply systems. The approved details should thereafter be implemented prior to occupation of any of the dwellings and any approved renewable energy supply systems shall be permanently retained and maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and provides climate change mitigation in accordance with Policy ECC SP1 of the Arun Local Plan.

- 13 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning

(General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

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

14 No development above damp proof course (DPC) level shall take place until details of the landscaping have been submitted for approval in writing by the Local Planning Authority. The approved landscaping details shall be installed prior to occupation of the 2 dwellings and thereafter will be permanently retained and maintained.

- i. The submission of a detailed planting plan and specification detailing species choice, actual plant quantities, planting densities and size at time of planting;
- ii. Details of screen planting along the boundaries of the site;
- iii. Details of the positions, height, design, materials and type of boundary treatment to be provided.

Reason: In the interests of residential amenity and of the environment of the development in accordance with Policy D DM1 of the Arun Local Plan and Policy EH6 of the Aldingbourne NP.

15 The two semi-detached houses hereby approved shall not be occupied until the following ecological enhancements have been implemented on the site:

- the installation of a 1FR Bat Tubes on the external walls of the two houses, for bat roosting; and
- the installation of a 1SP Schwegler Sparrow Terrace for bird nesting on the two houses.

These ecological enhancements shall thereafter be retained.

Continued management of the site must take place to ensure remains unsuitable for reptiles and reptile habitat does not develop on-site.

Reason: In the interests of enhancing the ecological habitats on the site, in accordance with Policy ENV DM5 of the Arun Local Plan and Policy EH2 of the Aldingbourne NP.

16 No external lighting shall be installed on 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 scheme should seek to conform with the recommendations within BS5489:1-2013 but also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the amenity of existing neighbouring properties, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with Policy QE SP1, Policy QE DM2 and Policy ENV DM5 of the Arun Local Plan and Policy H8, Policy EH2 and Policy EH10 of the Aldingbourne NP.

17 Prior to the occupation of the two dwellings hereby approved, the following noise mitigation measures should be implemented:

- The installation of enhanced double glazing (6/12/6.4 PVB) (29dB(A) in the ground floor kitchens and living areas and in the first floor bedroom windows on the southern elevations of the two houses; and

- The installation of acoustic trickle vents to ensure sufficient ventilation with a D(new) of 38 decibels in the first floor bedroom windows on the southern elevations of the two houses.

Reason: To avoid unacceptable high levels of noise from the railway line and in the interests of residential amenity, in accordance with Policy D DM1 and Policy QE DM1 of the Arun Local Plan and Policy H7 of the Aldingbourne NP. It is considered necessary for this to be a pre-occupation condition to ensure the agreed acoustic mitigation measures are implemented prior to the residents moving into the new dwellings.

18 No development above damp proof course (DPC) level shall take place until details of the Electric Vehicle Charging Points serving the 2 dwellings have been submitted for approval in writing by the Local Planning Authority. The approved charging point(s) shall be installed prior to occupation of the 2 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 Parking Standards SPD (January 2020) and the National Planning Policy Framework.

19 Prior to the occupation of the house on Plot 1, obscure glazing shall be fitted in the windows in the first floor en-suite and the bathroom on the western elevation of the house. The obscure glazing will be permanently retained and be maintained in good working condition.

Reason: To safeguard the privacy and amenity of adjoining residents, in accordance with Policy D DM1 of the Arun District Local Plan.

20 INFORMATIVE: The applicant is advised to contact the proprietor of the private lane to obtain formal approval to carry out the site access works.

21 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

22 INFORMATIVE: No development or new tree planting should be located within 3 metres either side of the external edge of the public sewer and all existing infrastructure should be protected during the course of construction works.

23 INFORMATIVE: No new soakaways should be located within 5 metres of a public sewer.

24 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 (with 24 hours of any work).

25 INFORMATIVE: This planning permission could not be lawfully implemented until the Section 106 Agreement is discharged. Following the granting of planning permission for residential development on the site, the land that is subject to the S106 Agreement will no longer serve a 'useful planning purpose'.

26 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)

AL/50/21/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: BE/59/21/PL

LOCATION: 339 Chichester Road
Bersted
PO21 5AN

PROPOSAL: Replacement of blockwork boundary wall with fence and new vehicular access (resubmission of BE/149/21/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Access to Bedford Avenue (off Chichester Road) with gates and wooden fence (1.8m) to property.

RELEVANT SITE HISTORY

BE/149/20/PL	Replacement of blockwork boundary wall with fence & new vehicular access. This site is in CIL Zone 4 (Zero Rated) as other development.	Withdrawn 04-03-21
BE/102/19/CLP	Lawful development certificate for a proposed office & off road parking.	PP Required 09-12-19

REPRESENTATIONS

Bersted Parish Council:
Objection on the grounds of highway safety - the new vehicular access is on a bend and the plan showing the visibility splay does not take into account that residents cars are parked near the bend which makes it impossible for the visibility splay of 43m to be achieved. It is a safety issue for pedestrians, children and cars if this access is allowed. Bedford Avenue, where the vehicular access is, is subject to a traffic mitigation scheme.

- 17 Letters of objection from nearby occupiers regarding:
- Location of the proposal
 - Safety of pedestrians
 - Concerns regarding the use of the land
 - Viability Splays
 - Fence is too high

Comments on Representations:

Highway safety is addressed below. The application is for the fence/gates and crossover only - there is

no proposal for a change of use of the land which has permission for a bed and breakfast use.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways:

This proposal is for the replacement of boundary wall and creation of new vehicular access. The site is on Bedford Avenue, an unclassified road subject to a 30mph speed restriction. WSCC in its role as Local Highway Authority (LHA) raise no highway safety concerns, subject to the below comments and conditions.

Access and Visibility

As Bedford Avenue is subject to a speed restriction of 30 mph. Minimum stopping sight distance of 43m in each direction, set back 2.4m from the back edge of the carriageway is required. The applicant submitted a site plan demonstrating visibility splays to this requirement. These splays shall thereafter be kept clear of all obstructions to visibility above a height of 0.6m above the adjoining road level, and this can be secured by condition.

The LHA acknowledges written representations, highlighting that on-street parking occurs close to the proposed access. Parking in visibility splays in built up areas is quite common, yet it does not appear to create significant problems in practise. The absence of wide visibility splays at minor accesses will encourage drivers to emerge more cautiously, similarly to how vehicles emerge onto the highway when visibility along the carriageway is restricted.

An inspection of collision data provided by Sussex Police for the last 5 years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. There is no evidence to suggest the nearby road network is operating unsafely or the proposal would exacerbate an existing safety concern.

Parking and Turning

The applicant has demonstrated the parking area, with provision for four car parking spaces. There is adequate space for on-site turning to be achievable, allowing cars to exit the site in a forward gear.

Conclusion

The LHA 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 National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, condition to be added.

POLICY CONTEXT

Designation applicable to site:
Pagham Harbour Zone B
Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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CONCLUSIONS**PRINCIPLE**

In this case, the key policies are D DM1 and T SP1 of the Arun Local Plan.

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

Policy T SP1 requires that the access does not have a negative safety impact on the local highway.

Policy ES1 of the Bersted Neighbourhood Plan seeks good design

DESIGN AND VISUAL AMENITY

Within the street scene, there are other examples of properties with vehicle crossovers and as such there will be little impact upon the visual amenity of the locality. It is not considered to have an unacceptable adverse impact upon the character or spatial pattern of the area and accord with D DM1 of the Arun Local Plan.

The proposal seeks to construct fencing and gates to the side of the rear garden space of 339 Chichester Road to a height of 1.8m. The fence only requires permission due to the location next to the highway and the fact it is above 1m high. The scheme is going from concrete block to wooden fencing which is considered to be an aesthetic improvement.

Although the materials used to construct this proposal do not match the existing, the fence is not out of character the suburban location with the area due to other properties having fencing which surrounds their property. As a result, this proposal will be integrated with the area and will not have an adverse impact on the street scene.

The boundary treatment is not considered to adversely impact the appearance of the area and accord with D DM1 of the Arun Local Plan. Whilst the fence is not of a particularly good design, as required by ES1, it is not of an unusual design for a sub-urban area,

NEIGHBOURING RESIDENTIAL AMENITY

The installation of a dropped kerb is not considered to give rise to any unacceptable adverse harm to the residential amenity and is considered to be in accordance with D DM1 of the Arun Local Plan.

HIGHWAY SAFETY

In the professional opinion of the Local Highway Authority the proposal does not result in any 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.

On balance therefore there is compliance with policy T SP1 of the Arun Local Plan with regards to highway safety.

SUMMARY

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

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Location and Block D.1084-00A
- Visibility Splay D.1084-01 A

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

- 3 No use of the access shall take place until such time that visibility splays of 2.4 by 43m have been provided at the proposed site vehicular access onto Bedford Avenue in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level or as otherwise agreed.

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

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

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)

BE/59/21/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: BN/150/20/PL

LOCATION: Land at Chantry Mead &
Rear of 14 -18 Downview Road
Barnham
PO22 0EG

PROPOSAL: 3 No dwellings including access, landscaping & associated works (resubmission following BN/51/20/PL). This site is in CIL Zone 2 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>This is a resubmission of a refused application for 4 new dwellings. This application is for 3 dwellings in the same area.</p> <p>Plots 1 & 2 would be developed the same way as proposed in BN/51/20/PL: link-detached 2-storey 3 bed houses of brick and light render elevations and orange/brown clay tile roofs. Plots 3 & 4 would become a single plot (plot 3) and would be occupied by 1 detached 4 bed dwelling instead of the previously proposed 2 smaller dwellings. The house would be an L-shaped, one and half storey dwelling with the first floor partly accommodated in a hipped roof with 4 gabled dormers and 2 single roof-lights. Upper walls would be covered with weatherboarding and lower walls would be rendered, grey slate tile roof.</p> <p>The proposals include a cul-de-sac access off Chantry Mead, driveways and attached garages for car/cycle and bin storage, and soft landscaping. Each property has a private garden. The proposal includes visitor parking.</p>
SITE AREA	0.17ha
RESIDENTIAL DEVELOPMENT DENSITY (NET)	18 dwellings/hectare
TOPOGRAPHY	Predominantly flat.
TREES	Mainly trees of low (garden trees) to moderate (larger trees) quality, but some of which provide visual amenity value and contribute to the verdant character of the area.
BOUNDARY TREATMENT	Trees, hedgerow, shrubs, timber fence panels.
SITE CHARACTERISTICS	The site consists of garden land to the rear of 14 and 15 Downview Road and vacant land to the rear of 8, 9, 10 and 11 Chantry Mead. The land is grassed with scattered trees, hedgerows and shrubs and garden structure/s (e.g. summerhouse). The site is enclosed by fencing and

hedgerows.

CHARACTER OF LOCALITY

An established residential area characterised by dwellings of different types and designs set in predominantly spacious plots. Properties are set back from the road behind front gardens which provide off road parking. This, together with mature trees and small grass verges, gives the area a pleasant verdant appearance.

Murrell Gardens and Chantry Mead have been planned as comprehensive developments with dwellings fronting a single access road, successfully integrating into this established residential area.

RELEVANT SITE HISTORY

BN/51/20/PL	4 No dwellings including access, landscaping & associated works.	Refused 27-07-20
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BN/51/20/PL was refused for the following reasons:

By reason of the siting, size and orientation of the dwellings on Plots 3 & 4, the proposals appears cramped within the plot, represent overdevelopment of the site, and would fail to reflect the established general pattern and layout of development in the area. The proposals results in harm to the immediate street scene and visual amenity of the area, in conflict with the NPPF, Arun Local Plan policies D SP1 and D DM1 and policies ES5, ES6 and H4 of the Barnham & Eastergate Neighbourhood Plan. The adverse visual impacts would significantly and demonstrably outweigh any benefits of the proposal.

By reason of the siting, scale and close proximity to neighbouring plots, the dwellings on Plots 3 & 4 result in an unneighbourly relationship and a harmful enclosing, overshadowing and overlooking impact to neighbouring occupants. The proposals would fail to protect the residential amenity of neighbouring occupants, in conflict with the NPPF and Arun Local Plan policies D DM1 and QE SP1. The adverse amenity impacts would significantly and demonstrably outweigh any benefits of the proposal.

REPRESENTATIONS

Barnham and Eastergate Parish: An objection.

- Potential flooding and drainage risks and issues with the development; policies ES1, H7.
- Previous application was not refused on these grounds, but only on grounds of density of property - number of houses has been reduced, but concerns remain over the potential flood risk of additional properties being built in this area so close to the proposed A29 realignment and Strategic Site development of 600 homes and on existing properties.
- ADC Drainage Engineers are expected to analyse this application with the utmost care.

25 letters of objection:

- The village is to be bombarded with thousands of dwellings and against this backdrop three further dwellings causing so much upset is both unnecessary and unkind.
- There is no need to squeeze 3 more houses in spoiling area.
- Three more houses in addition to the thousands already proposed are simply not required to be packed into a tiny plot carved out by garden grabbing.

- The land in this area has flooding issues with an underground river under the garden of No 21 and more building would enhance the chance of further problems.
- Nothing has changed other than there is to be 1 less dwelling. Would be sorely affected; loss of privacy and outlook.
- The proximity of the proposed houses will dwarf the adjacent bungalows in Downview Road.
- Note in the the Arun Design Guide, the front to front distances of the new properties to existing.
- Parking, congestion and pedestrian safety (there are no pavements here) will be further compromised.
- Chantry Mead, Downview Road, Murrell Gardens and Ewens Gardens, existing and fully completed developments will be affected.
- The character of the local area will be compromised.
- There will be inevitable destruction of wildlife, flora and fauna, removal of mature trees and shrubs.
- An inadequate assessment of increased flood risks to all the local properties.
- The new buildings would lead to privacy issues with overlooking into existing properties and gardens.
- The special character of this area derives from the, mainly, large dwellings standing in substantial gardens and grounds set back from the roadway.
- The access is in completely the wrong place, disregarding the privacy of existing dwellings.
- No examples of houses being built in back gardens in this area; it would create a precedent.
- The water table will change with 3 more properties being built in such a confined area.
- There are a considerable number of mature trees within the area
- The tarmac roadway of Downview Road, and the block roadway of Chantry Mead were not built to withstand the wear and tear of heavy builder's lorries.
- Developer/new homeowners would have to contribute to maintenance costs for road, green spaces and SUDs on Chantry Mead which is a private road.
- Feels like a repeated proposal of the one that has already been declined.
- The application of a homeowner in Downview Road to build in the back garden property was refused and dismissed at appeal as it would have set a precedent.
- When Chantry was developed an Engineers report stated that " peak ground water levels were found to be very close to the surface, therefore ground infiltration was not feasible ".
- Making the small road more crowded.
- Would lead housing sprawl and would fail to reflect the established pattern and layout of the area.
- Allowing more houses and to reduce the current compromised surface drainage area, will inevitably lead to more severe and more frequent flooding.
- The view from the new build will be straight into the gardens and main living areas of the adjoining properties (bungalows in Downview Road and houses in Chantry Mead), loss of privacy.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Potential flooding/drainage risks are discussed in the Drainage Engineers comments.

- Land ownership, covenants and access consents for private roads are a legal/civil matters not a material planning consideration as well as contribution to maintenance cost road, SUDs and green spaces.
- Loss of view is not a material planning consideration, although sense of enclosure/loss of outlook or overbearing is.

Other planning issues will be discussed in the Conclusions section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

DRAINAGE ENGINEERS - No objection, subject to condition/informative requiring infiltration rates for

drainage structures to be based on winter testing and requiring that full details of the surface water drainage scheme be submitted.

Comments in respect to surface water drainage are unchanged from BN/51/20/PL. Given site is in the Lidsey Waste Water Treatment Catchment Area, surface water drainage design will need to be considered carefully. The drainage design could be very challenging, but is dependent on the results of further testing/monitoring during peak winter groundwater levels. Whatever the outcome, a sustainable drainage system must be designed and employed.

SOUTHERN WATER: No objection.

Request informative regarding application to be submitted to SW for connection to public sewer.

ADC GREENSPACE: No Objection

Overdevelopment of garden plots. Site would need to be significantly cleared of trees and vegetation which would result in considerable biodiversity net loss. The proposals would need to demonstrate compliance with Arun's Design Guide 2021 and that biodiversity net gain could be achieved on completion of the proposals. The potential impact of the proposals would be significant on the street scene in this location with both the access and the general pattern of existing adjacent dwellings.

No landscape objection to the proposals subject to confirmation that the concerns raised could be mitigated with implementation of a robust landscape scheme.

CDC ECOLOGY: No objection.

Request imposition of conditions including external lighting scheme to protect bats, protection for badgers, wild nesting birds, and securing net biodiversity gains as set out in the Ecological Impact Assessment (Feb 2021) submitted and which should be incorporated into any Landscaping Scheme.

WSCC, HIGHWAYS: No objection.

Request conditions on cycle parking, parking/turning provision and Electric Vehicle Charging Spaces.

The site and access is on a private road; any parking provisions on site are to be considered an amenity issue and therefore, to be considered by the Local Planning Authority. The Local Highway Authority (LHA) do not anticipate that the proposals would generate a highways safety or result in 'severe' cumulative impacts on the operation of highway network.

ADC ENVIRONMENTAL HEALTH: No objection in principle, subject to suggested conditions.

ADC TREES OFFICER: No comments provided.

Previous comments (BN/51/20/PL) apply. The loss of these low and moderate quality trees will be detrimental to the verdant character of the area as viewed from surrounding residential properties. None of the trees are obviously worthy of a Tree Preservation Order, and if retained trees (as shown on the TRPP) are afforded adequate respect and protection during development, then no significant loss of public/visual amenity will be incurred. No objection, subject to conditions, requiring protective fencing and ground protection measures are installed adequately prior to commencement of development, and for development to be undertaken in strict accordance with the Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) submitted.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in 'Conclusions' section of report.

POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary;
 Barnham & Eastergate Neighbourhood Plan Area;
 Lidsey Waste Water Treatment Catchment Area;
 Minerals Consultation Area (Sharp Sand and Gravel);
 Area of Character.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HSP1	HSP1 Housing allocation the housing requirement
TDM1	T DM1 Sustainable Travel and Public Rights of Way
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light 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
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

<u>Barnham & Eastergate Neighbourhood Plan 2014</u> <u>POLICY ES1</u>	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H2	Windfall sites

Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H6	Attention to detail

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD8	Areas of Special Character

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.

Barnham and Eastergate has a made Neighbourhood Plan and the relevant policies are considered in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant Development Plan policies in that it would not result in harm to the visual amenities and character of the locality or to neighbouring residential amenity. in compliance with Local Plan policies D SP1, D DM1 and QE SP1, and Neighbourhood Plan policies ES5 and H4.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS**KEY ISSUES**

The key issues are principle, backland development, design and visual amenity, impact on street scene, residential amenity, space standards, highways/traffic, biodiversity and flooding and drainage.

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 provided it is in accordance with other policies of the Local Plan covering such issues as, character of area and pattern of development, residential amenity, noise, highway safety & parking and space standards and drainage.

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 (NPPF)." Para 118 (d) of the NPPF states that planning policies and decisions should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

The site is in sustainable development and accords with the provisions of the development plan as a whole.

CHARACTER AND DESIGN:

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

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

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

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

Policy ES5 of the Barnham and Eastergate Neighbourhood Development Plan affirms that new development will only be permitted where they conserve and enhance landscape character by demonstrating they are informed by landscape character, reflecting the context and type of landscape in which the development is located; integrate with the local landscape and built environment. Policy H4 requires proposals for residential development to integrate into its surroundings and is well connected to the village.

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was adopted 25th January 2021. Part P, page 126 deals with Infill Development and stresses that while infill schemes present a valuable opportunity to increase the efficiency of land use in existing urban and rural areas and provide new housing, this should not lead to overdevelopment and over-intensification of building plots - for example by building in the gardens or curtilage of existing dwellings or on communal open spaces, where this would lead to an unacceptable loss of outdoor amenity space, access or drainage facilities.

Paragraph 124 of the NPPF observes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make

development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

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

Although the Framework does not prevent development on garden land in principle, it does require new developments to respond to local character and history and to reflect the identity of local surroundings.

The National Design Guide was published on 01-10-19. Part C1 states well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

The area is characterised by linear residential development on this side of Downview Road, and small cul-de-sac development on Chantry Mead (and Murrell Gardens beyond). The site and immediate area are not in an Area of Character, however further to the south is the Barnham Road & Downview Road Area of Character. There is some degree of irregularity in terms of plot sizes/shapes and division of the garden areas in this immediate area of Downview Road and Chantry Mead. However, there is general uniformity to this continuous run of properties on Downview Road and a relatively uniform pattern of development (with Chantry Mead/Murrell Gardens forming small self-contained cul-de-sacs behind Downview Road). It is accepted Plots 1 and 2 are acceptably positioned having a frontage to Chantry Mead which retains the established linear form of development in the locality and has previously been accepted. Plots 1 and 2 did not form part of the reason for refusal.

EG/108/17/OUT for the sub-division of the plot at 10 Downview Road and a dwelling on its rear garden land was refused and dismissed at appeal, in part due to this type of backland development not being characteristic of this part of Downview Road and that the development would harm the established pattern of development. The Inspector noted that there is a 'spacious and linear arrangement which defines this area' and that the proposal would 'poorly relate to the established pattern of development in the area' and cause 'unacceptable harm to the character and appearance of the area'.

It is important that applications for backland development are determined with consistency and in the wider public interest which the planning system primarily serves. Over time the occupancy of property changes and the general level of the quality of living environments must be an important consideration.

The subdivided vacant land to the rear of 8-11 Chantry Mead would be occupied by one substantial dwelling instead of previously proposed two of almost identical appearance as those on the plots 1&2 which results in better integration in respect of retaining a spacious form of development. An L- shape one and half storey detached dwelling with the second floor partly within a half hipped roof with 4 gabled dormers and roof-lights would be sitting on land behind 2 storey 5 bed dwellings facing to Chantry Mead and bungalows facing Downview Road. The proposed chalet style detached type of dwelling would reflect the proportions of dwellings in Chantry Mead, but the overall plot size would be larger. Since its original submission the design of this dwelling has been amended to reduce its bulk by removing the east facing gable dormer and reducing the number of rooflights from 4 pairs to 1 pair and 2 single roof lights and decreasing the dwelling footprint by reducing the length of the dwelling by 2m and width by 1.5m. This has acceptably reduced its scale, bulk and visual prominence. In this location, the deep and verdant

gardens provide a sylvan backdrop to the houses on these streets, and contribute significantly to the spacious character and verdant appearance of the area. The new dwellings would be visible from the street and although their positioning in a back garden location would be at odds with the existing urban grain this cluster of built development within a swathe of garden land would not harmfully erode the predominantly open and natural appearance of the site. Trees would be retained to site boundaries and the overall space around the dwellings would not detract from the spacious character of the area.

Plot sizes vary in this locality and the properties to the north-west of plot 3 facing to Chantry Mead and a pair of semi detached bungalow to the south-east facing to Downview Road are provided with shallow gardens. The position of the dwelling would create a cluster of buildings partially disrupting the linear arrangement which defines this area but plot sizes are comparable. Murrell Gardens and Chantry Mead have been planned as comprehensive residential developments with dwellings fronting a single access road, successfully integrating into this established residential area. Whilst the pattern of development would be at odds it would not be sufficient justification for refusal of the proposal.

The development would not result in significant harm to the street scene and visual amenity of the area, in compliance with the NPPF, ALP policies D SP1 and D DM1 and policies ES5 and H4 of the B&ENP.

RESIDENTIAL AMENITY:

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.

Arun Design Guide in part H deals with Residential Amenity and particularly with separation distances between dwellings. For the purposes of privacy and to avoid overlooking, the minimum back-to-back dimension should be 21m, provided by rear gardens of minimum 10.5m. The depth of the rear garden to plot 3 accords with guidance being 11.5m.

Plot 3, with a main elevation of proposed dwelling faces to the flank wall of proposal properties at plots 1&2 and their rear gardens. A gap of 14.5m is provided between the front elevation of the dwelling and the side rear garden boundary. The depth of the rear garden to plot 3 is 11.5m to the side of the garden to the rear. 2 storey substantial dwellings facing to Chantry Lane would have their rear elevations within 15m from the proposed dwelling, but there are no windows at first floor level proposed in either side elevation. The guidance within Part H of the Design Guide refers to back to side relationships of dwellings being 14m. This distance is met. In addition PD rights to add windows have been removed by condition. In this respect there would be no materially adverse overlooking effects resulting. For Plots 1 and 2 there is a 34m back to back distance between the rear of properties to the east and the rear of these plots which exceeds the separation distances in the Design Guide.

The impact of the development on existing residential properties would come from two main sources, the first being the new dwellings themselves and the second from the use of the access to the new dwellings, having an impact on both the existing houses and also their gardens. However the use of the access was previously considered acceptable and did not form a reason for refusal. It also now serves one unit less so activity levels would be lower.

Given the reduction in number of units the distances between the existing and proposed development are improved. The new property at plot 3 is larger and although the depths of the rear gardens of the neighbouring bungalows are limited and there would be a degree of enclosure, overbearing and

overshadowing on these neighbouring properties and their gardens, exacerbated by the fact that nos.16 and 17 are only single storey bungalows, the reduced scale of proposed development and its proximity to existing buildings would not result in an overly oppressive environment.

The development would have an impact on occupiers of existing nearby properties but this is would not result in material harm upon amenity by way of adverse overbearing, overlooking and overshadowing of their gardens. Therefore it would accord with policies D DM1 and QE SP1 of the Arun Local Plan and Para 127 of the NPPF.

INTERNAL & EXTERNAL STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). Proposed two storey, 3 bedroom dwellings (plot 1&2), with a Gross Internal Area (GIA) of approximately 145sqm. would exceed the minimal internal space standards set out in the Technical Housing Standards - Nationally Described Space Standards (2015) which is 84-102 sqm for a 2-storey 3 bedroom home. Plot 3 would provide 2-storey 4 bedroom dwelling with a GIA of approximately 230sqm. This would exceed considerably the national internal space standards of 97-124sqm. The proposals would therefore accord with ALP policy D DM2 ,which requires internal spaces to be of an appropriate size and that the national standards provide guidance.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. However, Design Guide was published and the Part H.04 deals with Residential Outdoor Amenity & External Space Standard states: 'Amenity spaces should be of an appropriate size and shape to be usable and enjoyable. Private rear gardens should have a minimum depth of 10.5 metres.

Regard should be had to para 127 of the NPPF which requires that new development has a high standard of amenity for existing and future users.

Policy H5 of the B&ENP states that proposals for new housing development should include good quality outdoor amenity space and that this should be commensurate to the size and type of dwelling and the character of the area.

The proposal provides a rear garden space with a depth of 12.2m to plot 3 and 12m to plots 2 and 3 at their deepest points and which would satisfy the requirement of 10.5m in Arun Design Guide and complies with policies D DM1 & D DM2 of the Arun Local Plan, policy H5 of the Barnham and Eastergate Neighbourhood Development Plan and with the guidance in the NPPF (para. 127).

HIGHWAYS, TRAFFIC AND PARKING

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes.

The BENDP policy GA4 requires provision of the maximum level of off-street parking consistent with the current standards under the Local Plan.

Arun District Council's Parking Standards Supplementary Planning Document (January 2020) outlines

the approach to parking at new developments. The site provides car and cycle parking in line with ADC SPD Jan 2020. This indicates 2 car parking spaces, and 1 cycle space per 3 bed dwellings and 3 car parking spaces for 4 bed dwelling. This equates to a total of 7 car parking spaces and 3 cycle spaces. Each property has an integral garage with internal dimensions of 3m by 6m which meets the minimum size requirements within the Parking Standards, but the site plan indicates that these will be used for bin and cycle storage so they have not been included within the parking calculations.

The proposal also includes an electric vehicle charging point for each dwelling in accordance with Arun Parking Standards.

WSSC Highways does not consider this proposal has an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (para 109). No objection, subject to suggested conditions.

The development complies with policy TSP1 of the Arun Local Plan, policy GA4 of the Barnham and Eastergate Neighbourhood Development Plan and Arun District Council's Parking Standards.

WATER SUPPLY AND QUALITY

The site falls in the Lidsey Wastewater Treatment Works Catchment Area. Policy W DM1 (ALP) states that although minor developments are unlikely to raise significant flood risk, surface water drainage design should be carefully considered and infiltration must be fully investigated.

Policy ES1 of the Barnham and Eastergate Neighbourhood Development Plan requires all development proposals on undeveloped land (i.e. greenfield) must demonstrate that there will be no net increase in surface water run-off from the application site as a result of the development.

The site is in Flood Zone 1 (low risk of flooding) but is in the Lidsey Waste Water Treatment Catchment Area, where surface water drainage is an issue and SUDs must be carefully considered and designed. A Foul and Surface Water Drainage Statement has been supplied. The Council's Drainage Engineers have been consulted. They acknowledge that, given the ground conditions in the area (including at Chantry Mead) during peak winter levels, the drainage design for this site could be very challenging, however they raise no objection, subject to a condition and informative requiring infiltration rates for drainage structures to be based on winter testing and requiring that full details of the surface water drainage scheme be submitted to and approved by the LPA prior to commencement of development.

In the event of the Council being minded to grant permission, this condition and informative would be applied, to ensure the development would be adequately drained and would not increase flood risk on site or elsewhere, in accordance with the NPPF, ALP polices W DM2 and W DM3 and B&ENP policy ES1.

TREES:

The site contains trees of low (garden trees) to moderate (larger trees) quality, some of which provide visual amenity value and contribute to the verdant character of the area. An Arboricultural Impact Assessment and Arboricultural Method Statement plus Tree Retention and Protection Plan (TRPP) have been supplied. The Council's Trees Officer was consulted on the previous application and raised no objection. He noted the majority of the tree stock will be removed to accommodate development. The loss of these low and moderate quality trees will be detrimental to the verdant character of the area as viewed from the surrounding residential properties. With so few trees remaining across the site, there are few opportunities for conflict between trees and any construction. Those trees to be retained appear to have been afforded sufficient room to allow future growth without constraint. None are worthy of a Tree

Preservation Order (TPO). If retained trees (as shown on the TRPP) are afforded adequate respect and protection during development of the site, then no significant loss of public/visual amenity will be incurred. The requested conditions in respect of tree protection have been imposed to ensure the development adequately protected trees and local visual amenity, in accordance with policy ENV DM4 of the ALP and ES10 of the B&ENP.

ECOLOGY

An Ecological Impact Assessment (Feb 2021) was submitted. The Council's Ecologist raised no objection, subject to conditions including external lighting scheme to protect bats, protection for badgers, wild nesting birds, and securing net biodiversity gains as set out in the EIA submitted. These conditions have been imposed to ensure the development would adequately protect local wildlife and protected species and enhance biodiversity, in accordance with the Environment Bill, NPPF and policy ENV DM5 of the ALP.

MINERALS

The site is in a Mineral Consultation Area for Sharp Sand & Gravel. The County's Minerals and Waste Team raise no objection, based on the fact that they would not expect to be consulted on non-mineral (in this case residential) development with a site area less than 0.5h or for a development of less than 10 dwellings. Significant levels of mineral sterilisation would not occur for a site or development of this size, and an assessment regarding prior extraction, as set out in Minerals Local Plan policy M9, is not required in this case.

SUMMARY

The proposal would make a modest contribution to housing stock in the area, would represent sustainable development within the Built-Up Area Boundary and there are no significant objections to the design of the proposed dwellings. As such, the proposals would benefit from the presumption in favour of sustainable development, and comply with policies within the Development Plan and the NPPF.

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.

CIL DETAILS

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

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby 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:

- Elevations North, East 1008 Rev01
- Elevations South, West 1007 Rev01
- Floor Plans P3 1006 Rev02
- Site Plan 1003 Rev 02
- Context Plan 1002 Rev 03
- Block Plan 1001 Rev02

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 a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

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

4 No windows other than those shown on the plans hereby approved shall be constructed in the roofs or in the first floor elevations of the dwellings without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy D DM1 of the Arun Local Plan.

5 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate

amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun District Local Plan.

- 6 Prior to the installation of any new boundary treatment/s for the new dwellings, detailed drawings showing the proposed location, height, materials and finishes of these boundary treatments must be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in strict accordance with the details thereby approved.

Reason: In the interests of amenity in accordance with policy D DM1 of the Arun Local Plan and policies ES5 and H4 of the Barnham & Eastergate Neighbourhood Plan.

- 7 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.

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

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

- 9 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays. In addition to these hours of working, the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

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

- 10 No part of the development shall be first occupied until the car parking and vehicle turning areas have been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking spaces on-site for occupants and visitors of the development in the interests of the safe and effective operation of the highways in compliance with policies

T SP1 and T DM1 of the Arun Local Plan.

- 11 No part of the development shall be first occupied until cycle parking spaces have been provided in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

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

- 12 No part of the development shall be first occupied until electric vehicle charging points have been provided in accordance with the site plan. These charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c), T SP1 and ECC SP2 of the Arun Local Plan.

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

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

- 14 No part of the development shall be first occupied until the biodiversity enhancements set out in the Ecological Impact Assessment (Feb 2021) submitted have been implemented and shall include:

- Any trees removed should be replaced at a ratio of 2:1
- Wildflower meadow planting used
- 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 onsite
- Gaps are included at the bottom of the fences to allow movement of small mammals across the site
- A hedgehog nesting box included on the site

These measures shall remain on site in perpetuity.

Reason: To enhance biodiversity and result in Biodiversity Net Gain in accordance with the Environment Bill, National Planning Policy Framework and policy ENV DM5 of the Arun Local Plan.

- 15 As a precaution any trenches on site during construction must be covered overnight, and/or a means of escape made available and any hazardous chemicals must be suitably stored away so animals (such as badgers) cannot access them.

Reason: To ensure the protection of wildlife and protected species from development, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 16 All activity at the site is to be carried out in strict accordance with: Arboricultural Impact Assessment & Method Statement, Lizard Landscape and Design Ltd., Ref. LLD2187-ARB-

REP-001, Rev 00, 3rd February 2021. 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 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, in accordance with BS5837 and policy ENV DM4 of the Arun Local Plan.

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

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

- 18 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 and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Retention and Protection Plan, LLD2187-ARB-DWG-001, Rev 00.

Reason: 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, in accordance with BS5837 and policy ENV DM4 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to secure the tree protection measures in place prior to commencing any works on site.

- 19 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.

- 20 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 is required to be a pre-commencement condition because it is necessary to secure the details of the foul water drainage system prior to commencing any building works.

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

- 22 **INFORMATIVE:** 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:** 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.

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)

PLANNING APPLICATION REPORT

REF NO: BR/129/21/OUT

LOCATION: 26 Burnham Avenue
Bognor Regis
PO21 2JU

PROPOSAL: Outline application with all matters reserved for up to 10 No. new dwellings with associated services, landscaping, car parking & amenity (resubmission following BR/190/20/OUT).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks outline permission for the demolition of the house and erection of up to 10 dwellings (net gain of up to 9 dwellings). Details of scale, appearance, landscaping, access and layout are all reserved at this time. The application is accompanied by an illustrative drawing showing site, floor and elevation plans plus a streetscene, however, these are not being determined at this time.
SITE AREA	0.1378 hectares
RESIDENTIAL DEVELOPMENT DENSITY	Up to 73 dwellings per hectare.
TOPOGRAPHY	Predominantly flat but undulating to the rear garden. Part of the rear garden adjacent to 24 is raised slightly above a small underground cellar/store.
TREES	Some large trees in the rear garden particularly on the rear boundary and in the north east corner. Smaller trees along the north west (side) boundary, on the east side of the rear garden and in the front garden.
BOUNDARY TREATMENT	1.5m high brick wall with 2.2m high timber fencing to the rear and north west sides of the rear garden. The front has a mix of hedge & low wall/fence. There is a 1.5m high brick wall to the south east boundary with 24.
SITE CHARACTERISTICS	Large two storey detached dwelling of brown brick with some white render and timbering to front first floor. Plain clay tile roof. Sides and rear brick finish. Two chimney stacks. Detached pitched roof timber garage to side with area of hardstanding between it and no. 24. Access off Burnham Avenue to the front.
CHARACTER OF LOCALITY	Residential area with reasonably substantial detached dwellings but no purpose built flatted buildings. Mixture of design and materials. Neighbouring properties consist of: 28 Burnham Avenue - Detached two storey former house with substantial rear projection. Previously a nursing home with

permission BR/37/17/PL which allows occupation as care home for unaccompanied minors. Has several ground and flank windows on the elevation adjoining the site and these are noted to serve bedrooms, kitchens, bathrooms and an office.

24 Burnham Avenue - Detached two storey house with ground floor flank door and kitchen/utility windows facing the site. The rear elevation has a lounge window on the side away from the shared boundary but bedroom windows at first floor across the width.

1 Burnham Gardens - Semi-detached two storey dwelling which is flank on to the rear boundary. It has a few flank secondary type windows overlooking the site including a large one which appeared to serve the stairs and one in the roof (which has a side gable and rear dormer).

Brackley, Burnham Gardens - Detached bungalow situated part to the rear of the site (behind no. 1 Burnham Gardens). No visible windows on the flank which faces the site.

RELEVANT SITE HISTORY

BR/190/20/OUT	Outline application with all matters reserved for up to 10 No. new dwellings with associated services, landscaping, car parking & amenity (resubmission following BR/49/19/OUT).	Withdrawn 01-12-20
BR/49/19/OUT	Outline application with all matters reserved for 22 No. new dwellings consisting of 2 No. 1 bed dwellings, 18 No. 2 bed dwellings & 2 No. 3 bed dwellings.	Withdrawn 14-10-19
BR/213/16/HH	Demolition of existing garage, creation of 2 storey side extension to create integral garage with storage/play area above & single storey rear extension.	Approve Conditionally 18-10-16

There have previously been permissions for improvement/enlargement works to the house and gardens but these have not been implemented. The previous two applications were withdrawn due to concerns first over overdevelopment and then over a lack of biodiversity surveys and no agreement to the necessary planning obligations.

REPRESENTATIONS

Bognor Regis Town Council object on grounds of access & highway safety, traffic generation, overbearing nature, design & appearance, visual impact, layout, density of buildings and loss of ecological habitat. It is stated the scale and design of the building fails to reflect the character of the area

in conflict with Arun Local Plan policy D SP1. Due to the significant impact on the road network, it is contrary to Policy 8b of the Bognor Regis Neighbourhood Development Plan.

12 letters of objection raising the following concerns:

- (a) Overdevelopment;
- (b) Harm to local character with no other instances of flats;
- (c) Loss of old house;
- (d) Scale of the proposed flatted building;
- (e) Impact on highway safety;
- (f) Increased highway congestion due to existing on-street parking levels;
- (g) Insufficient parking provision (only 1 per flat);
- (h) Risk of structural damage to road surface/drains from additional traffic;
- (i) Harm to wildlife inc bats, birds, hedgehogs;
- (j) Ecological Survey is incorrect;
- (k) Impact on infrastructure;
- (l) Insufficient foul sewage system;
- (m) Increased surface water flooding of Burnham Avenue; and
- (n) Construction impacts inc dust

COMMENTS ON REPRESENTATIONS RECEIVED:

The application is submitted in outline with all matters reserved and solely seeks approval of the principle of demolition of the house and redevelopment with up to 10 dwellings. The plans are illustrative only and any approval of this application will not authorise the submitted layout, appearance, scale or density.

The Local Planning Authority (LPA) retain full control of the detailed scheme through a Reserved Matters application at which point it will be appropriate to consider the detailed matters including character, site layout, parking, space standards, relationship to trees and residential amenity. It may be the case that the LPA determines that the development shown on the submitted drawings is unacceptable.

As such those objections relating to any matters reserved for later approval are not relevant at this time. Instead, this report will focus on the loss of the house, the principle of residential redevelopment (including with reference to biodiversity & drainage) and infrastructure requirements.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - Raise no objection on the basis of no impact on the strategic road network.

NATURAL ENGLAND - No objection but require the Local Planning Authority carries out an Appropriate Assessment to assess the impact of increased recreational disturbance arising from the proposal on the Pagham Harbour Special Protection Area (SPA) & Ramsar Site.

SUSSEX POLICE - No significant concerns but list advisory notes regarding improving security for the development (see letter on the website dated 24 May 2021).

WSCC HIGHWAYS - No objection on safety or congestion grounds subject to additional details being provided at the reserved matters stage. Comment that:

- Burnham Avenue is unclassified public highway subject to a 30mph restriction;
- There are no parking restrictions on Burnham Avenue, on-street parking takes place on both sides of the carriageway;
- The nearby junction with Victoria Drive is protected by double yellow line junction protection markings;
- The existing dropped kerb would need to be extended to provide access to the rear;
- Access route shown on illustrative plans is not wide enough for 2 cars to pass in opposing directions;
- The LPA may want to consider the impact of the loss of existing on-street parking on local amenity;
- The site is well located in respect to options for sustainable transport use including bus, rail, walking and cycling meaning that not all daily journeys would be reliant on the private car.

ADC DRAINAGE ENGINEER - No objection subject to standard conditions. State that:

- Groundwater levels are expected to be reasonably high therefore would expect to see permeable paving to be incorporated for not only the car parking areas but the driveway also, not only to provide a water storage/infiltration structure but to aid water treatment;
- If infiltration proves not to be viable, then a public surface water sewer exists in Burnham Avenue, to which a connection will need to be sought from Southern Water. The discharge will need to be restricted to an agreed rate and onsite attenuation provided for the 1 in 100 year event plus 40% on stored volumes;
- Conditions ensure the development will be adequately drained and not increase flood risk elsewhere.

ADC LANDSCAPE OFFICER - No response - comments received to BR/190/20/OUT stated:

- Landscape mitigation required to minimise impact on the streetscene and to site boundaries;
- Existing trees will need to be retained & protected with any removals agreed with the Tree Officer;
- Should the development not be liable for CIL then contributions would be required for off-site open space, off-site children's play and off-site playing pitch facilities.

ADC ENVIRONMENTAL HEALTH - No objection. Request conditions to secure a Construction Environmental Management Plan & Electric Vehicle charging and to control hours of working conditions. Consideration must be given to air quality issues.

ADC TREE OFFICER - No response however comments to BR/190/20/OUT raised an objection on the grounds that no supporting information arboricultural information had been submitted.

COUNCILS ECOLOGIST - Any comments will be reported at the meeting. Previous comments from BR/190/20/OUT recommended a series of biodiversity enhancements.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted except where discussed below.

NATURAL ENGLAND - An Appropriate Assessment has been issued to Natural England for review and they responded on 05/07/21 to state that provided that the Pagham Harbour contribution is secured via a legal agreement, then the appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Sites for the duration of the proposed development. A copy of the Appropriate Assessment is on the website files.

WSCC HIGHWAYS - Conditions will be imposed to ensure the Reserved Matters submission is accompanied by (1) a Lambeth based Parking Capacity Survey, (2) details of swept path tracking plans

to demonstrate that cars can turn on site and (3) an appropriate width of access to allow two cars to pass. It is not appropriate to consider the impact of loss of on-street parking on amenity grounds as the application is in outline with no details on number of dwellings/access arrangements.

ADC LANDSCAPE OFFICER - As the development results in a maximum net gain of 9 dwellings, in accordance with the Councils Open Space SPD, the only off-site contribution requirement is for open space. Off-site play/playing field contributions only apply to schemes of 10 or more (net) dwellings.

ADC TREE OFFICER - Noted - as this application is outline with all matters reserved, it is not possible to consider the impact on trees at this time. A condition will be imposed to ensure that the Reserved Matters application is accompanied by sufficient supporting arboricultural information.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
 Within 5km of Pagham Harbour Special Protection Area/SSSI;
 Within 2km of Bognor Reef SSSI;
 Within 2km of Felpham SSSI; and
 PD Restriction.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HERSP1	HER SP1 The Historic Environment
HERSP1	HER SP1 The Historic Environment
HWBSP1	HWB SP1 Health and Wellbeing
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
INFSP1	INF SP1 Infrastructure provision and implementation
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

TELSP1	TEL SP1 Strategic delivery of telecomms infrastructure
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

[Bognor Regis Neighbourhood Plan 2015 Policy 1](#) Delivery of the Vision

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

Bognor Regis Neighbourhood Development Plan policy 1 is relevant to his outline application and is considered in 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 principle of a residential redevelopment of this urban site with up to 10 dwellings is in accordance with the development plan and will not have any significant adverse effects on heritage, biodiversity, drainage or climate change.

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

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

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

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 lies in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) provided it accords with other policies of the Local Plan covering such issues as heritage assets, drainage, biodiversity, climate change and infrastructure.

ALP policies D DM1 and D SP1 seek to ensure that developments make an efficient use of land whilst preserving or improving upon local character. The Arun Design Guide states density should be appropriate to location, balancing the need for efficient use of land with a design that responds to and enhances the existing character of the site or wider locality. 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.

Layout is a reserved matter and as the applicant has agreed to a description that states "up to 10 dwellings", there is no need to ensure at this time that 10 dwellings can be accommodated within the site whilst meeting all other policies. Instead, these considerations will be undertaken on a future reserved matters application. Whilst such a scale of development would likely have an adverse impact on local character, the same outline would allow for a much smaller form of development which could be accommodated with minimal impact and so it is not appropriate to consider this at the current time.

The National Planning Policy Framework (NPPF) seeks to promote the effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118d). However, this is not to be at the expense of local character.

HERITAGE:

According to historical maps, the existing building dates to the 1930's. It has not been formally designated by the Council as a Building or Structure of Character (BSC) but is noted by local residents as being an attractive old building. As such it could be considered as a non-designated heritage asset.

The National Planning Practice Guidance states that local planning authorities may identify non-designated heritage assets as part of the decision-making process on planning applications and that irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence. In this case, the sound evidence is the age of the building.

ALP policy HER SP1 states that development likely to prejudice Non-Designated Heritage Assets and their settings will be refused. Bognor Regis Neighbourhood Development Plan (BRNDP) policy 1 states that proposals must identify the significance of any affected heritage asset and assess any harm and benefit.

The NPPF sets out several steps that must be followed when considering impact on heritage assets. Para 189 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. The applicant has not provided any specific statement to address this

but the Design & Access Statement does state that the dwelling is typical of the kind of residential house built in the 1930's with traditional features such as cat-slide roof, leaded windows, brick ground floor, rendered first floor, exposed fake timber panels and a terracotta pantile roof.

Para 197 advises that harm to non-designated heritage assets should be subject to a balanced judgement having regard to the scale of any harm/loss and the significance of the heritage asset. The loss of an attractive building would be unfortunate however beyond it being from the 1930's, it has no real heritage value and demolition would facilitate new housing development with associated benefits to the local community and a contribution to the housing land supply shortfall. On this basis, it is acceptable to allow demolition and there is no conflict with ALP policy HER SP1 or BRNDP policy 1.

BIODIVERSITY:

ALP policy ENV DM5 requires that proposals achieve a net gain in biodiversity and protect existing habitats on site. Proposals shall incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitat.

Paragraph 175 of the NPPF is relevant and states that if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then permission should be refused. Government guidance states the Local Planning Authority (LPA) must consider how a development might affect protected species on or near a development site when assessing a planning application and this requires the submission of appropriate surveys. Permission should be refused if there is insufficient information to assess the effect on a protected species.

The proposal results in the demolition of the house and detached garage plus the development of the gardens. Anecdotal evidence from local residents reports bats, slow worms and bird species are active in the area. The application is accompanied by a Preliminary Ecological Appraisal including a Preliminary Roost Survey. This is based on a desktop study/site visit and identified the potential for bat/small bird roosts in the house. The bird roost potential is acceptable provided that the dwelling is demolished outside of the bird breeding season (or is checked by an ecologist prior to demolition).

The survey recommends dawn/dusk bat surveys are carried out in mid-May to August to determine if the house is used as a bat roost. The applicant stated these further surveys are being progressed and that the results will be available by the date of the Committee. Subject to these finding no roosts the proposal will be acceptable and there will be no policy conflict. If roosts are found, then permission may still be granted with additional mitigation measures.

The survey states hedgehogs may be active in the gardens but that there is no suitable habitat for reptiles and there is no reason to doubt this assessment given the qualifications of the consultant.

The application proposes no details of biodiversity net gain however this is acceptable on the basis of it being in outline with no detailed proposals. Conditions will be imposed requiring the reserved matters scheme include full details of biodiversity enhancements reflecting the recommendations of the report as well as comments of the Councils ecologist from the previous application. On this basis and subject to the results of the bat surveys (which may necessitate the need for additional conditions), there is no conflict with ALP policy ENV DM5.

SURFACE WATER DRAINAGE:

The site is not affected by any flooding from rivers/sea. ALP policy W DM3 requires that all development identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SuDS) appropriate to the size of development, at an early stage of the design process. The application states surface water

drainage will be disposed of to soakaways or SuDS but no details are given as the application is in outline.

The Council's drainage engineer did not object and considers either infiltration & permeable paving could be used or, with agreement from Southern Water, discharge to a public sewer. Conditions are recommended and the engineer states these will ensure the development will be adequately drained and will not increase flood risk elsewhere. As there are no objections to the principle of drainage, there is no conflict with the relevant policy.

FOUL DRAINAGE:

ALP policy W DM1 states all major developments must demonstrate adequate foul drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there is a requirement that facilities are upgraded prior to the completion and occupation of development.

Although this proposal is for up to 10 dwellings, so is correctly classified as a major application, given the presence of a house on site, the net number of dwellings is up to 9 and on that basis it would not be a requirement to demonstrate foul drainage capacity.

The application does not specify how foul sewage will be disposed of but it is likely that this will be to a Southern Water sewer as per the house. This would be an acceptable arrangement and there is no conflict with the relevant policy.

CLIMATE CHANGE:

ALP policy ECC SP2 requires residential development be energy efficient and should incorporate decentralised, renewable and low carbon energy supply systems. The application is silent on this policy requirement a condition will be imposed to secure the provision of renewable energy measures and this will ensure compliance with the policy.

INFRASTRUCTURE:

ALP policy INF SP1 requires development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing community. The introduction of the Community Infrastructure Levy (CIL), it is no longer possible to secure financial contributions for off-site projects through a s106 unless the CIL charging schedule does not cover the type of development proposed.

This development is liable for the Community Infrastructure Levy (CIL) but it is not possible to calculate this at outline stage due to there being no confirmation of the number of dwellings/floor areas. Whilst new houses in this location would be subject to CIL, new flats are not - and it is appropriate to use s106 to collect infrastructure contributions for flatted developments.

The proposal is for up to 10 dwellings and so there is no certainty as to the number of dwellings that will be permitted. It is proposed any s106 contributions (only relevant for new flats) be secured on the basis of a contribution per net new flat. This will ensure that the sum collected reflects the final mix of flats and houses. Any houses proposed will then be subject to CIL in the normal way.

With the net number of dwellings being only 9 and as per the relevant policies including the Council's Open Spaces SPD, there are no requirements for contributions to education, libraries, fire & rescue or for off-site Public Open Space, playing pitches, sports or leisure facilities. It is only proposed the s106 secure a contribution of £1730.30 for off-site play per net new flat alongside the Pagham Harbour

contribution as discussed below.

Overall, there is no conflict with ALP policies ENF SP1, OSR DM1 or the Open Space SPD.

PAGHAM HARBOUR:

ALP policy ENV DM2 requires residential developments in a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £871 per new unit was agreed by the Council's Cabinet on 10 April 2017. The site lies in the designated Zone B and the proposal results in a net increase of up to 9 dwellings. This would require a contribution of £871 per new dwelling to a maximum of £7,839. Subject to this being secured by a s106, there will be no conflict with policy ENV DM2.

SUMMARY:

This application seeks agreement to the principle of a residential redevelopment of a residential site in the built up area boundary with up to 10 dwellings. This report concludes no harm in respect of principle, heritage, biodiversity, drainage or climate change and identifies no policy conflicts. It is not appropriate to consider other matters raised by objectors until reserved matters stage. The approval of this outline application does not give agreement to the scheme presented by the illustrative plans.

The proposal is recommended for approval subject to conditions and s106 agreement. As the s106 has not been completed, it is requested the final decision be delegated to the Group Head of Planning with authority to make minor amendments to s106 agreement if required.

Should the s106 not be signed within 4 months of the date of the Planning Committee's resolution to grant planning permission, then the application shall be refused for the following reasons:

(1) In the absence of a signed Section 106 agreement, the development makes no provision for contributions to off-site public open space, and is thereby contrary to the aims and objectives of the National Planning Policy Framework, Arun Local Plan policies INF SP1, HWB SP1 & OSR DM1 and the Council's supplementary planning document "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020).

(2) In the absence of a signed Section 106 agreement, the application fails to make a financial contribution towards the cost of providing accessible natural open green spaces to mitigate the harm to the Pagham Harbour Special Protection Area and the proposal is therefore not in accordance with Arun Local Plan policies ENV DM1 and ENV DM2.

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.i

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

This decision will be subject to a s106 legal agreement to include the following obligations:

PAGHAM HARBOUR - a contribution of up to £7,839 (£871 per new dwelling) towards agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area.

PUBLIC OPEN SPACE & PLAY - a contribution of up to £15,572.70 (£1730.30 per net new flat) to be spent on off-site play equipment at Hotham Park, Bognor Regis.

CIL DETAILS

This application is not CIL Liable due to it being in Outline.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

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

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

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

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

3 The development hereby approved shall be carried out in accordance with the approved

drawing ADS-005-P which includes the location plan, existing block plan and existing streetscene. The approval of this outline application does not give any agreement to the scheme presented by the illustrative plans.

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

- 4 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).

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

- 5 The demolition of the house and garage should be carried out between September and January inclusive to avoid impacting on breeding birds. If demolition during the breeding season is unavoidable, the buildings shall be first checked before work commences by a suitably qualified ecologist to identify active birds' nests. Should any nests be present, the nest and a suitable buffer around it, must be retained until it has been confirmed by an ecologist that the young have left the nest or that the nest is no longer active.

Reason: To mitigate harm to breeding bird in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 6 No development shall commence until a Construction Environmental 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 of the works;
- b) Details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works;
- c) Measures to minimise the noise (including vibration) generated by the construction process to include proposed methods of piling for foundations, the careful selection of plant & machinery and use of noise mitigation barrier(s);
- d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- e) The parking of vehicles of site operatives and visitors;
- f) Loading, unloading and storage of plant & materials, including permitted times for deliveries;
- g) The erection and maintenance of security hoarding, where appropriate;
- h) The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway;
- i) Measures to control the emission of dust and dirt during construction;
- j) A scheme for recycling/disposing of waste resulting from demolition and construction works i.e. no on-site burning permitted;
- k) The covering of deep pits, trenches or holes on the site overnight (or providing these with a plank as a means of escape);
- l) The storage and safe disposal of any chemicals or pollutants used or created by the development.

Reason: To protect the amenity of local residents and local wildlife in accordance with policies ENV DM5 and QE SP1 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

- 7 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.

- 8 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.

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

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

- 10 Prior to the commencement of development a detailed level survey of the site including existing and resulting ground levels and the slab levels of the building the subject of this approval, shall be submitted to and approved by the Local Planning Authority. The development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy D DM1 of the Arun Local Plan.

11 The development shall be carried out in complete accordance with the recommendations of the Preliminary Ecological Appraisal and Preliminary Roosts Assessment Survey (29 March 2021) by Arbtech and the Reserved Matters submission shall include the following mitigation measures built into the scheme:

- Bat bricks/tiles integrated into the buildings facing south/south westerly and positioned 3-5m above ground;
- Sufficient Swift boxes for 6 pairs of birds to be installed on the buildings and/or trees within the garden;
- Log piles on the site;
- Gaps included in the bottom of fences to allow movement of small mammals across the site;
- Two hedgehog nesting boxes included on the site;
- Full details of lighting proposals in accordance with the recommendations of the Survey report.

Reason: To mitigate harm to wildlife species using the site particularly bats, hedgehogs and reptiles in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

12 The landscape details referred to in condition 1 shall include details of all existing trees and hedgerows on the land indicating which are to be retained and which are to be removed. These required details are to include a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule', a 'Tree Constraints Plan', and in the event that a root protection area of any tree which is proposed for retention overlaps the development, then an 'Arboricultural Method Statement' and a 'Tree Protection Plan'. Development shall be carried out in accordance with the approved details. No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the local planning authority.

Reason: In the interest of amenity and the quality of the environment of the development in accordance with policies D DM1 and ENV DM4 of the Arun Local Plan.

13 The landscape scheme required by and referred to in condition 1 shall incorporate the following biodiversity improvements

- additional planting benefitting invertebrates and bats including both day & night flowering species;
- any trees removed should be replaced at a ratio of 2:1 with new native species;
- the use of wildflower meadow planting;
- filling in any gaps in tree lines or hedgerows with new native species;
- management of grassland areas to benefit reptiles.

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

14 The layout, scale and appearance details referred to in condition 1 shall include a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3(c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

15 The layout and access details referred to in condition 1 shall include the following supporting

information:

- A Lambeth methodology based Parking Capacity Survey;
- Swept Path drawings to demonstrate that a car can turn on the site; and
- Sufficient access road width to ensure that two cars can pass each other.

Reason: In accordance with Arun Local Plan policy T SP1 and the National Planning Policy Framework.

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

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

- 17 If any residential properties are to be completed and occupied prior to the whole development being finished, then a scheme to protect those early occupants from noise and vibration associated with construction activities should be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in full and retained throughout the rest of the construction process.

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

- 18 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.

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

located here <https://www.arun.gov.uk/surfacewater>. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> and this should be submitted with a Discharge of Conditions Application.

- 20 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.
- 21 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which is available to read on:- <https://beta.southernwater.co.uk/infrastructurecharges>.
- 22 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to the following obligations:
- PAGHAM HARBOUR - a contribution of up to £7,839 towards the agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area.
- PUBLIC OPEN SPACE & PLAY - a contribution of up to £15,572.70 (£1730.30 per new dwelling) to be spent on off-site play equipment at Hotham Park in Bognor Regis.
- 23 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 24/05/21) as available on the Councils website.
- 24 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.
- 25 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 26 INFORMATIVE: This application may be liable for CIL in accordance with the Councils CIL Charging Schedule available to view at: <https://www.arun.gov.uk/cil>.
- 27 INFORMATIVE: The applicant should be aware that a Natural England Protected Species License may be required for the demolition works, and this will need to be obtained prior to any works taking place.
- 28 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on (01903) 737555

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

BR/129/21/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: LU/158/21/PL

LOCATION: Open space at junction of Arun Parade & South Terrace

PROPOSAL: Installation of Portacabin for temporary toilet facilities between 1st July 2021 and 9th September 2021. This application is in CIL Zone 5 (zero rated) as other development).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application seeks permission for installation of temporary toilet facilities between 1st July 2021 and 9th September 2021. The structure is 5.270m in depth and 8.649m in width. External finishing consist of white render paint finish and single ply flat roof.

SITE AREA 50sqm

SITE CHARACTERISTICS The site is on the junction of the Arun Parade/South Terrace with close proximity to Oyster Pond.

CHARACTER OF LOCALITY Mixed character and combination of residential and few commercial uses. Predominantly beach environment. River to the north and tourist attraction spot.

REPRESENTATIONS

Town Council: Objected - proposal would have an adverse impact on the character of the area. In view of the proximity of the site to existing public toilets Members questioned the need for the facilities and considered that if they were required they could be more relocated in the Banjo Road area.

Three letters for representation received from members of the public:

One objection: Will increase already antisocial behaviour in this area which is residential;
One letter for no objection and one letter in support

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Engineers Surface Water Drainage Comments:

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

Environmental Health: No objection, condition for construction timing/activities has been recommended.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
TOUDM1	TOU DM1 Tourism related development
CSP1	C SP1 Countryside
EMPSP1	EMP SP1 Strategic Economic Growth
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
WDM2	W DM2 Flood Risk

[Littlehampton Neighbourhood Plan 2014 Policy 21](#) Proposals to increase the recreational and tourist use of the River Arun

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

POLICY COMMENTARY

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

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that the toilets, due to their design and appearance, are not considered to have any significantly harmful impact on the established character of the locality, nor have any significantly harmful impact on the residential amenities of nearby dwellings.

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 outside the built-up area and in the Strategic Economic Growth Area. The relevant planning policies are listed within the policy section.

The principle of the development is assessed on the C SP1 Countryside. Outside the Built-Up Area Boundaries land will be defined as countryside and will be recognised for its intrinsic character and

beauty. Development will be permitted in the countryside unless it is for specified development or is in accordance with other policies in the plan.

Policy TOU DM1 supports the development outside the Built-up Area Boundary where the proposals are related to the tourist facilities and are expected to be small-scale. Policy EMP SP1 for Strategic Economic Growth supports the attraction of Littlehampton coastal areas for leisure and recreation investment.

Temporary provisions facilities are helpful in attracting tourism and to meet basic requirements of visitors.

Littlehampton Neighbourhood plan Policy 21: supports the implementation of any scheme that maximises the use of the river; encourages tourism activity along the waterway.

In this case the principle of the development is considered to be acceptable under C SP1 f) as the proposal complies with Arun Local Plan and Littlehampton Neighbourhood Plan policies.

TOURISM:

Policy TOU DM1 supports tourism related buildings and outside the built up area they are expected to be small scale. Such development has to demonstrate it is required and is compatible with its location and sensitively designed.

Whilst outside the built up area the facilities are in a generally built up position adjacent to houses/leisure uses. The design of the temporary building is not overly pleasing but due to the temporary nature would not cause long term harm.

The proposal is in compliance with adopted planning policies TOU DM1 and TOU SP1.

VISUAL AMENITY AND CHARACTER OF THE AREA:

The siting of the facilities on open space adjacent to the junctions of Arun Parade and South Terrace form part of the prominent location. When assessing the relationship to existing built form the proposal is not considered to be out of character given the temporary nature of the proposal.

External finishing consists of white render and the height is below 2.5m and the structure, on a temporary basis, does not appear to be detrimental to the visual amenities of the surrounding area; due to size and scale.

The Town Council objected on the visual amenity grounds and drew attention to locating these facilities in an alternative location. These types of developments are not unusual in tourist areas and recreational locations to meet the needs of the tourist and visitors; this development is only for temporary provisions. As per Neighbourhood Plan policy 21 it supports the provision of facilities to create more tourist activities. Whilst the facilities are not an attraction in themselves they do help support a vibrant tourist destination.

The application site is surrounded by development which varies in terms of scale, design and materials. Given the overall pattern of development in the locality the proposal does not warrant refusal and complies with planning policy D DM1 of the Arun Plan.

RESIDENTIAL AMENITY

In terms of residential amenities one letter of the representation from a nearby neighbour expressed concern for anti-social behaviour. The facilities would be locked at night and they would only remain operational during the day and evenings. Overall the proposal does not appear to have any significant impact on the residential amenities. The surrounding area is well defined tourist spot and the proposal would not give rise any additional residential amenity issues which would be detrimental to the living

conditions of the nearby by occupiers.

Therefore the proposal complies with policy D DM1 of the Arun Local Plan.

Open Space

The site is on open space as allocated in the Arun Local Plan. Policy OSR DM1 does not encourage the loss of open space. The proposal does not comply with OSR DM1 as none of the criteria are met. However given the extreme temporary nature of the structure no long term harm will arise to the amount or usability of the open space.

CONCLUSION

The application is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Location Plan - 1057/06
Toilet Plans and Elevation: 1057/04

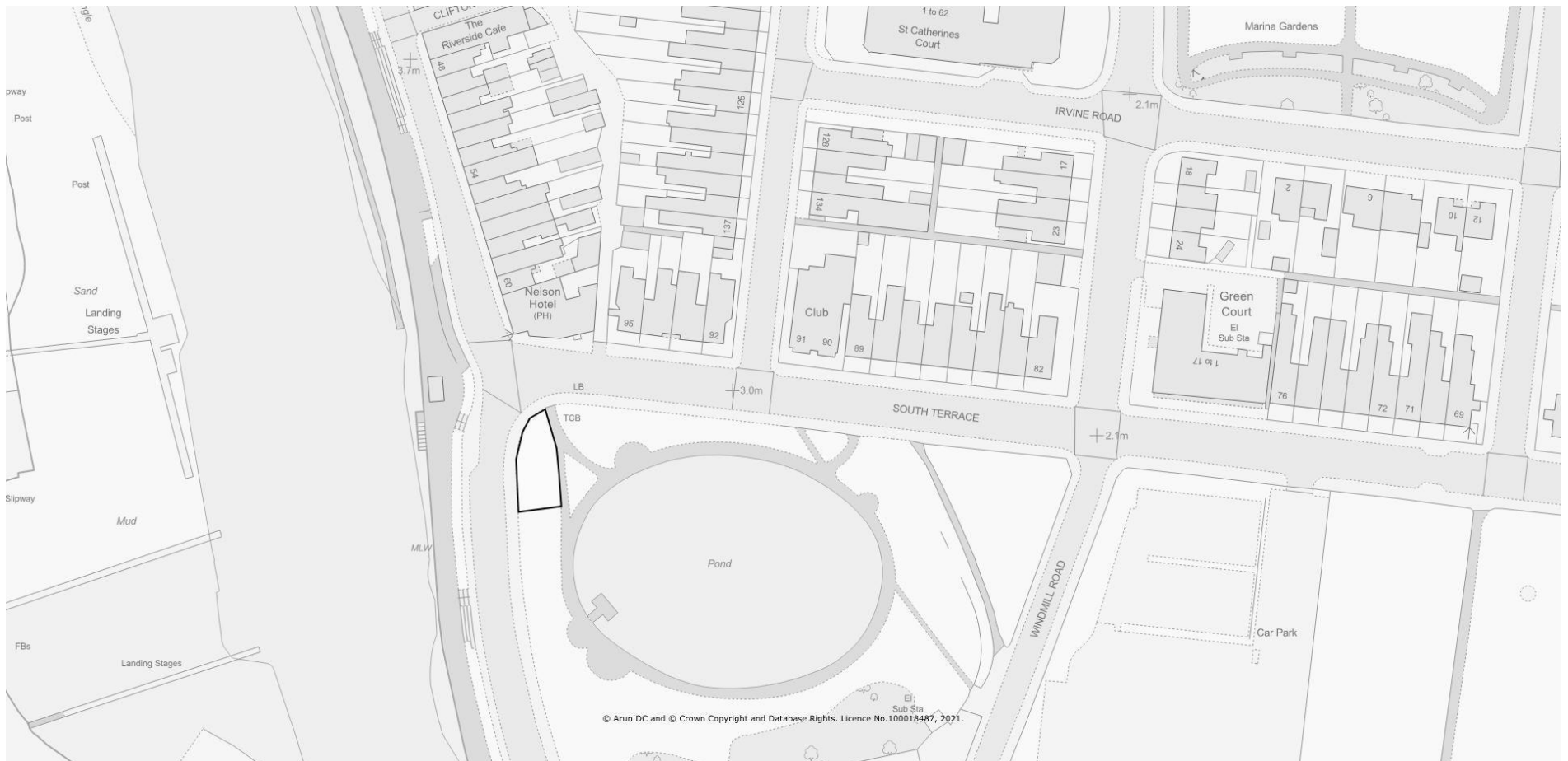
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 No construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays. DATA ERROR!!!
- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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/158/21/PL - Indicative Location Plan (Do not Scale or Copy)
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AGENDA ITEM NO.

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF PLANNING COMMITTEE ON 28 JULY 2021

PART A : REPORT

SUBJECT: Review of pre-application planning advice fees

REPORT AUTHOR: Dan Vick
DATE: June 2021
EXTN: x 37771
PORTFOLIO AREA: Development Management

EXECUTIVE SUMMARY: The report recommends changes to the fees charged for pre-application planning advice

RECOMMENDATIONS:

- i) That the pre-application planning advice fees be amended in accordance with the attached report;
- ii) The fee schedule to be implemented on 1 September 2021 after this report is agreed to allow notification to planning agents, changes to the web etc
- iii) That the pre-application advice fees be reviewed 2 years from the date of the changes agreed by this report being implemented.

1. BACKGROUND:

1.1 The current pre-application planning advice system and charging schedule was formulated approximately 10 years ago. The last review of the application fees was October 2018.

1.2 The pre-application planning advice system is designed to give service users the opportunity to get detailed, written advice on proposals so that they have an idea of the likely success of any application that may be submitted. It gives the Council the opportunity to influence schemes prior to submission by providing advice to applicants such that details relating to aspects of the development can be amended and applications received are of a higher quality through raising issues of design and highlighting the relevant policies for applicants to consider.

1.3 The NPPG gives the following advice on fees:-

Local planning authorities, including Urban and Mayoral Development Corporations, may charge for providing discretionary services under [section 93 of the Local Government Act 2003](#). Where charges are made they must not exceed the cost of providing the service. It is important that any charging does not discourage

appropriate pre-application discussions. In this context, local planning authorities need to consider whether charging is appropriate in all cases, given the potential for pre-application engagement to save time and improve outcomes later in the process. Where possible, local planning authorities are strongly encouraged to provide at least a basic level of service without charge.

To ensure transparency, where local planning authorities opt to charge for certain pre-application services, they are strongly encouraged to provide clear information online about:

- the scale of charges for pre-application services applicable to different types of application (eg minor or major and other)*
- the level of service that will be provided for the charge, including:*
- the scope of work and what is included (eg duration and number of meetings or site visits)*
- the amount of officer time to be provided (recognising that some proposed development requires input from officers across the local authority; or from other statutory and non-statutory bodies)*
- the outputs that can be expected (eg a letter or report) and firm response times for arranging meetings and providing these outputs*
- It is also helpful for local planning authorities to provide links to any charges that [statutory consultees](#) may levy for pre-application advice, where this is known.*

Paragraph: 004 Reference ID: 20-004-20180222

- 1.4 The current pre-application planning advice service has a range of fees from free (for commercial applications e.g. business uses, shop fronts etc), £30 for extensions to dwellings, £204 for 1-2 residential units, £380 for 3-9 residential units, £700 for 10-99 residential units, £1,500 for 100-199 residential units. 200 plus dwellings have a minimum charge of £1,500 up to a maximum of £3000 Retail schemes providing a floor space of between 500 and 9,999 sqm attracts a fee of £700 with 10,000 sqm of retail floor space has a fee between £1,500 and £3,000. Additional fees of between £30 to £300 are charged for a meeting.
- 1.5 It was concluded that the Council should not charge for pre-application advice for commercial development in order to try and encourage investment. As noted below, commercial pre-application submissions make up over 20% of the workload and this is a significant amount of work to carry out for no fee income to cover costs.
- 1.6 In 2020, 137 pre-application advice requests were received attracting fees of £54,000. The breakdown for the most popular categories is as follows:-
- 36 (26%) related to household extensions
 - 30 (22%) commercial (free)
 - 23 (17%) 1-2- dwellings
 - 14 (10%) 3-9 dwellings
- 1.7 It should be noted that 137 enquiries would require 2-3 to be issued every week and that 22% of this work was done for free in 2020 (in accordance with our current charging schedule).

- 1.8 Since the fee schedule was originally drafted costs have risen (wages) and more information is required to be included in responses with the advent of numerous neighbourhood plans and additional/more detailed Supplementary Planning Documents such as the Arun Design Guide. Therefore, the service needs to reflect additional time spent.
- 1.9 The time spent on responding to a pre-application planning advice request can vary within each category. For example a simple household request for a single storey extension in an area with no restrictions takes less staff hours than a request for a single story rear extension, dormer windows and garage conversion in a Conservation Area, adjacent to a listed building with protected trees on site. It is therefore necessary to set the fee to be an average of all types of enquiries.
- 1.10 In preparation of this report consideration has been given to the pre-application fees at nearby Council's all of which provide different fee schedules and for some of the categories it is difficult to provide a direct comparison but some are listed below:-
- Household extensions charges go up to £102 (Arun's fee is £30).
 - 1-2 dwellings vary between £140 to £486 (Arun's fee is £204)
 - 3-9 dwellings vary between £255 to £780 (Arun's fee is £380)
 - 10-99 dwellings between £360 to £2000 (Arun's fee is £700)
 - 100 plus dwellings between £700 to £4,500 (Arun's fee is £1,500 for up to 199 dwellings and a maximum of £3,000 for more than 200 dwellings)
 - Some other Council's offer a fee charging service for advice on Listed Buildings (£15 - £470) and trees £30 - £120 which Arun currently do not charge.
- 1.10 The above demonstrates that the charges that Arun has are at the very low end of the scale relative to our peers and a review of fees is required to match the time spent in dealing with such requests to cover costs and to be comparable to other authorities.

2. PROPOSAL(S):

2.1 The key proposals are to change the fee structure by including an element of charging for some commercial schemes and generally the increase the fees for categories previously charged. The fees are broadly in line with other nearby Councils. In some cases, they are significantly less. The main proposed changes are set out below, but a full new fee schedule is attached to this report. It is proposed that these fees are applicable for all applications submitted from 1 September 2021.

- £60 for a household extension instead of £30.
- £300 for schemes of 1-2 dwellings instead of £204
- £720 for schemes of 3-9 dwellings instead of £380
- £1,500 for schemes of 10-99 dwellings instead of £700
- £3,000 for schemes of +100 dwellings instead of £1,500

Some new fees are proposed to be introduced:-

- Development in the curtilage of a dwelling house that is a Listed Building - £70
- Shop fronts £40 - (previously free) unless the shop is part of a Listed Building (£60)
- Food retailing schemes under 500 sq.m. (new build or change of use) £200 (previously free)
- Commercial floorspace up to 999sq.m (including change of use and use of land for solar farms etc) £400 – previously free
- Commercial floorspace up to 1000sq.m – 4999sqm - £720 (previously free)
- Commercial floorspace up to 5000sq.m – 9999sqm - £960 (previously free)
- Alterations to commercial buildings that do not result in new floor space - £100 (previously free)
- Some meeting fees have been reduced (now £100 for up to 1 hour). Where the Conservation Officer is required an additional fee is charged.

Some new terms and condition are also introduced.

- Meetings will mainly be held via electronic means (Teams/Zoom). Where regulations permit on site/in office meetings may be possible subject to agreement with the Council and an additional payment of 20% of the meeting fee.
- Meetings will be with the case officer and where the Council considers it necessary an appropriate manager. Where applicants wish staff to attend from services other than Planning Services e.g. Environmental, Health, Engineers, Parks and Green Spaces this may be possible subject to agreement of an appropriate further charge.
- Where the fee does not fit into a defined category a bespoke fee will be agreed between the Council and the applicant.
- These give greater flexibility to the process as previously pre-application advice has been sought and it fell outside of a category – therefore no fee was charged. The change to the meetings detail allows for charging on a bespoke level if applicants require other service areas to attend, the fee for attendance of other service areas would be subject to negotiation.

See attached details for proposed fee schedule.

It is estimated that these proposals would generate an additional £18 - £25k in income annually.

2. OPTIONS:

- Do not provide a pre-application planning advice service;
- Keep the pre-application advice service fees as the currently are;
- Change the pre-app fees in any one of a number of ways too numerous to mention.

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		x
Relevant District Ward Councillors		x

Other groups/persons (please specify)		X
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	X	
Legal		X
Human Rights/Equality Impact Assessment		X
Community Safety including Section 17 of Crime & Disorder Act		X
Sustainability	X	
Asset Management/Property/Land		X
Technology		X
Other (please explain)		X
6. IMPLICATIONS:		
<p>Financial – the changes to the fees (increase to some and introduction of new ones) has the potential to raise income. There is a possibility that the increase in fees may result in less people making pre-application requests therefore reducing fees.</p> <p>Sustainability – the use of the pre-app system helps raise planning policies relating to sustainability so these can be included in developments.</p>		

7. REASON FOR THE DECISION:

The planning pre-application advice fee schedule is out-of-date and needs amending to reflect the current situation.

8. BACKGROUND PAPERS:

Current pre-app charging schedule

<https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n12935.pdf&ver=13075>

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Arun Planning Services Pre-Application Enquiry Service Schedule of Charges

July 2021

(applicable from 1 September 2021)

CATEGORY	Fee (inclusive of VAT)
Development within the curtilage of a dwelling	
Development in the curtilage of a dwelling. (Not new residential units in the curtilage)	£60 for enquiry and £40 for a meeting (up to 1hr) following written response.
Alterations to a dwelling that is a Listed Building or development in the curtilage. (Not new residential units in the curtilage)	£70 for enquiry and £40 for a meeting with planning officer (£60 if Conservation Officer is to attend) (up to 1hr) following written response.
Minor Residential Developments	
1-2 residential units	£300 for enquiry and £40 for a meeting with planning officer (£60 if Conservation Officer is to attend) (up to 1 hr).
3 – 9 residential units or residential development on sites less than 0.5 hectare.	£720 for enquiry and £100 for a meeting following a written response £130 if Conservation Officer is to attend (up to 1 hr).
Smallscale Major Developments – small residential	
10 – 99 residential units, or site area between 0.5 hectare and less than 2 hectares	£1,500 for enquiry and £100 for a meeting following a written response £130 if Conservation Officer is to attend (up to 1 hr).
Smallscale Major Development-residential	
100-199 residential units, or site area between 2 hectares and 4 hectares	£3000 for enquiry and £100 for a meeting following a written response £130 if Conservation Officer is to attend (up to 1 hr).
Largescale Major Development-residential	
200 residential units and over, or site area greater than 4 hectares.	£3600 for enquiry plus £360 per additional 50 units to a maximum of £8000 and £100 for a meeting following a written response £130 if Conservation Officer is to attend (up to 1 hr).
Commercial	

Shop fronts	£40 for enquiry unless the shop is part of a Listed Building (£60)
Food retailing schemes under 500 sq.m. (new build or change of use)	£200 for enquiry and £100 for a meeting following a written (up to 1 hr).
Food retail schemes between 500 and 9,999 sq.m. or site area is between 1 hectare and less than 2 hectares (new build or change of use)	£960 for enquiry and £200 for a meeting following a written response (up to 1 hr).
Food retail schemes greater than 10,000 sq.m. or site area greater than 2 hectares (new build or change of use)	Minimum charge of £3,000 plus £400 for every 1000 sq.m. to a maximum of £4800 to include a meeting .
Commercial floorspace up to 999sq.m (including change of use and use of land for solar farms etc)	£400 for enquiry and £100 for a meeting with planning officer (£130 if Conservation Officer is to attend) (up to 1 hr)
Commercial floorspace up to 1000sq.m – 4,999sqm (including change of use and use of land for solar farms etc)	£720 for enquiry and £100 for a meeting with planning officer (£130 if Conservation Officer is to attend) (up to 1 hr)
Commercial floorspace up to 5000sq.m – 9,999sqm (including change of use and use of land for solar farms etc)	£960 for enquiry and £100 for a meeting with planning officer (£130 if Conservation Officer is to attend) (up to 1 hr)
Alterations to commercial buildings that do not result in new floor space e.g. addition of flues, micro-generation equipment, security fencing etc	£100 for enquiry and £100 for a meeting with planning officer (£130 if Conservation Officer is to attend) (up to 1 hr)

All charges are inclusive of V.A.T. @ 20%.

A fee is payable for each proposal, so if you require advice on more than one scenario a fee is payable for each one.

Where a change of use is involved it will be charged on the basis of either the number of residential units created or the amount of floor space involved if it is commercial and or retail.

In cases where your proposal falls within one or more categories, the fee applicable will be taken as the higher of those indicated.

There are some exemptions to these charges:

All charitable organisations and Local Parish/Town Council's are exempt from charges.

Enquiries for the carrying out of works solely to provide access for disabled persons into/within a building/premises to which members of the public are admitted are exempt. In case of doubt, please contact the Planning Department for further advice.

Meetings will mainly be held via electronic means (Teams/Zoom). Where regulations permit on site/in office meetings may be possible subject to agreement with the Council and an additional payment of 20% of the meeting fee.

Meetings will be with the case officer and where the Council considers it necessary an appropriate manager. Where applicants wish staff to attend from services other than Planning Services e.g. Environmental, Health, Engineers, Parks and Green Spaces this may be possible subject to agreement of an appropriate further charge.

Where the fee does not fit into a defined category a bespoke fee will be agreed between the Council and the applicant.

The Council reserves the right to waive charges at its discretion.

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APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

<p>AW/131/19/T <i>Original Decision</i> = Refused <i>Received:</i> 12-07-19</p>	<p>12 Hunters Close Aldwick Bay Estate Aldwick <i>Decision Level</i> = Delegated Reduce height by 8m to 1 No. Lombardy Poplar tree. <i>Written Representations</i> PINS Ref: APP/TPO/C3810/7494</p> <hr/>
<p>BE/109/19/OUT <i>Original Decision</i> = Refused <i>Received:</i> 15-02-21</p>	<p>Land east of Shripney Road & south of Haddan House Shripney Road Bersted <i>Decision Level</i> = Committee Outline application with some matters reserved for up to 46 No dwellings together with access. This application is a Departure from the Development Plan & may affect the character & appearance of the Shripney Conservation Area. <i>Informal Hearing</i> PINS Ref: APP/C3810/W/20/3264105</p> <hr/>
<p>BN/142/20/OUT <i>Original Decision</i> = Refused <i>Received:</i> 26-05-21</p>	<p>Land south of Barnham Station Barnham <i>Decision Level</i> = Delegated Outline planning application with all matters reserved, other than principal means of access, for up to 200 No. dwellings, with access taken from Marshall Close, associated infrastructure & landscaping & demolition of existing buildings. This application is a Departure from the Development Plan, may affect the setting of listed buildings, may affect the Church Lane, Barnham Conservation Area & affects a Public Right of Way. <i>Public Inquiry</i> PINS Ref: APP/C3810/W/21/3273087</p> <hr/>
<p>BN/51/20/PL <i>Original Decision</i> = Refused <i>Received:</i> 15-04-21</p>	<p>Land at Chantry Mead & rear of 14-18 Downview Road Barnham <i>Decision Level</i> = Delegated 4 No dwellings including access, landscaping & associated works. <i>Written Representations</i> PINS Ref: APP/C3810/W/20/3265442</p> <hr/>
<p>BR/31/20/PL <i>Original Decision</i> = Refused <i>Received:</i> 12-10-20</p>	<p>77 Aldwick Road Bognor Regis <i>Decision Level</i> = Delegated 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) <i>Written Representations</i></p>

BR/347/19/T

Original Decision = Refused

Received: 20-03-20

4 Pinewood Gardens Bognor Regis

Decision Level = Delegated

Fell 1 No. Liquid Amber tree.

Informal Hearing

PINS Ref: APP/TPO/C3810/7809

BR/86/20/PL

Original Decision = Refused

Received: 03-03-21

Aldwick House Care Home 41-45 Nyewood Lane Bognor Regis

Decision Level = Delegated

Part change of use from a 32-bed nursing home (C2 Residential Institutions) to a 38-bedsit House in Multiple Occupation (sui generis) comprising 24 No single person & 14 No two-person bedsits along with separate shower rooms & wcs, demolition of rear conservatory & store & erection of single storey rear extension & with minor external alterations to side elevations & insertion of 4 No roof lights on rear elevation & insertion of dormer window serving Room 38 (as detailed in amended plans dated 30 April 2020).

Informal Hearing 22-06-21

PINS Ref: APP/C3810/W/20/3264847

FG/123/20/PL

Original Decision = Refused

Received: 13-05-21

Land at former McIntyre Nursery Littlehampton Road Ferring

Decision Level = Committee

Demolition of a polytunnel, storage building & scaffolders' shelters & racking, use of land for Class B8 container self-storage & the siting of 79 No. single-stacked storage containers, part regrading of the ground, new fencing, CCTV & lighting. This site is in CIL Zone 3 (Zero Rated) as other development & is a Departure from the Development Plan.

*Written
Representations*

PINS Ref: APP/C3810/W/21/3269319

FG/92/20/T

Original Decision = Refused

Received: 26-04-21

3 Lavender Court Ferringham Lane Ferring

Decision Level = Delegated

Fell 1 No. Himalayan Cedar

Informal Hearing

PINS Ref: APP/TPO/C3810/8172

FP/179/20/PL

Original Decision = Refused

Received: 10-05-21

7 Ambleside Close Felpham

Decision Level = Delegated

1 No 3 bedroom detached chalet bungalow. This site is in CIL Zone 4 and is CIL Liable as new dwelling.

*Written
Representations*

PINS Ref: APP/C3810/W/21/3273009

FP/184/20/PL

Rear of 7 Middleton Road Felpham

Original Decision = Refused

Received: 10-05-21

Decision Level = Delegated

Demolition of existing garage/outbuilding & construction of a pair of semi-detached houses & associated works. This site in in CIL Zone 4 & is CIL Liable as new dwellings.

**Written
Representations**

PINS Ref: APP/C3810/W/21/3269281

FP/189/20/PL

Original Decision = Refused

Received: 15-04-21

Land between 49 & 51 Summerley Lane Felpham

Decision Level = Delegated

1 No dwelling to replace existing garage. This site is in CIL Zone 4 and is CIL Liable as new dwelling.

**Written
Representations**

PINS Ref: APP/C3810/W/21/3268981

LU/257/20/HH

Original Decision = Refused

Received: 14-01-21

2 Meadow Way Littlehampton

Decision Level = Delegated

Two storey brick side extension under tiled roof

**Written
Representations**

PINS Ref: APP/C3810/D/20/3264683

P/1/21/PL

Original Decision = Refused

Received: 13-05-21

Land at Summer Lane Pagham

Decision Level = Committee

Material change of use of land from agricultural use to use for open space. This application is in part a Departure from the Development Plan, affects a Public Right of Way & is in CIL Zone 5 (Zero Rated) as other development.

**Written
Representations**

PINS Ref: APP/C3810/W/21/3270415

WA/79/20/PL

Original Decision = Refused

Received: 12-05-21

Spindlewood Yapton Lane Walberton

Decision Level = Delegated

Demolition of existing dwelling & erections of 8 No. new dwellinghouses with associated landscaping & parking (resubmission following WA/30/20/PL). This application is a Departure from the Development Plan & is in CIL Zone 3 and is CIL Liable.

**Written
Representations**

PINS Ref: APP/C3810/W/21/3269025

ENF/115/17

Received:

44 Christchurch Crescent West Meads Aldwick

Written Representations

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

ENF/470/15/

Valhalla High Street Bognor Regis

Received:

Written Representations

PINS Ref: APP/C3810/F/20/3257966