



Public Document Pack

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Committee Manager Andrew Bishop (Ext. 37984)

27 August 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 8 September 2021 at 11.30 am** and you are requested to attend.

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

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 safe 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: [Arun District Council](#)

- a) Where a member of the public has registered a request to speak, they will be invited to submit the question in advance of the meeting to be read out by an Officer. In response to the continuing health guidelines, there will be very limited public access to this meeting. Admission for public speakers will be by ticket only, bookable when submitting questions. 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 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 safe 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.

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. DECLARATIONS OF INTEREST

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

Members and officer should make their declaration by stating:

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

3. VOTING PROCEDURES

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

4. MINUTES

(Pages 1 - 8)

To approve as a correct record the Minutes of the meeting held on 28 July 2021.

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

DEFERRED ITEM

6. **EP/16/21/PL - LAND EAST OF 1 THE WAY, EAST PRESTON BN16 1QJ** (Pages 9 - 16)

PLANNING APPLICATIONS

7. **P/132/20/RES - LAND NORTH OF HOOK LANE, PAGHAM** (Pages 17 - 40)
8. **P/96/21/DOC - LAND NORTH OF SEFTER ROAD & 80 ROSE GREEN ROAD, PAGHAM** (Pages 41 - 44)
9. **M/88/21/PL - 155 MIDDLETON ROAD, MIDDLETON-ON-SEA, PO22 6DF** (Pages 45 - 54)
10. **LU/238/20/OUT - LAND WEST OF BRIDGE ROAD ROUNDABOUT, LITTLEHAMPTON BN17 5DF** (Pages 55 - 84)
11. **FP/136/21/PL - BEACHCROFT HOTEL, CLYDE ROAD, FELPHAM PO22 7AH** (Pages 85 - 92)
12. **F/5/20/PL - FORD AIRFIELD MARKET, FORD BN18 0FL** (Pages 93 - 114)
13. **EP/57/21/PL - LAND REAR OF BEECHLANDS COTTAGES, BEECHLANDS CLOSE, EAST PRESTON BN16 1JT** (Pages 115 - 126)
14. **AW/228/20/RES - REAR OF 34, 36, 38, 40 & 44 CARLTON AVENUE, ALDWICK, BOGNOR REGIS PO21 3LR** (Pages 127 - 142)
15. **AL/20/21/PL - LAND AT WINGS NURSERY, LIDSEY ROAD, WOODGATE PO20 3SU** (Pages 143 - 182)
16. **AL/66/21/PL - LAND REAR (SOUTH) OF SUNDOWN, LITTLEHEATH RD, ALDINGBOURNE BN18 0SR** (Pages 183 - 200)
17. **AB/48/21/PL - LAND ADJ TO WOODS WAY HOUSE, 3 TORTON HILL ROAD, ARUNDEL BN16 9HF** (Pages 201 - 212)
18. **A/26/21/RES - LAND WEST OF BROOK LANE AND SOUTH OF A259, ANGMERING BN16 3LJ** (Pages 213 - 232)
19. **A/130/21/PL - 16 PINE TREES CLOSE, ANGMERING BN16 4LT** (Pages 233 - 242)

20. **RAMPION 2 WIND FARM CONSULTATION RESPONSE**

Report to follow separately ahead of the meeting.

PLANNING APPEALS

21. **APPEALS**

(Pages 243 -
246)

OFFICER REPORT UPDATES

Will be circulated on the day of the meeting should there be any.

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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Claire Potts (Ext 37698) email Claire.potts@arun.gov.uk

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

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

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

These meetings are webcast live.

To watch recorded webcasts use the following link – Planning Committee [Webcast Page](#)

PLANNING COMMITTEE

28 July 2021 at 2.00 pm

Present: Councillors Chapman (Chair), Lury (Vice-Chair), Blanchard-Cooper, Bower, Charles, Coster, Edwards, Kelly and Thurston

184. APOLOGIES FOR ABSENCE

Apologies for Absence had been received from Councillors Tilbrook and Goodheart.

185. MINUTES

The Minutes of the meeting held on 21 July 2021 were approved by the Committee.

186. DECLARATIONS OF INTEREST

Councillor Edwards declared a Personal Interest in Agenda Item 9 [BE/59/21/PL] as a former West Sussex County Councillor for Bersted who had spoken at length with some of the Public Speakers on related matters. He confirmed that he would judge this application on its merits and make his decision on that basis.

187. 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

The Chair explained that following the revision of the Council's Constitution with regard to Planning matters [Public Speaking at Planning Committees – Part 8, Section 3 – Planning Protocol, Paragraph 11.5], it had become clear that the restricted time of three minutes allowed for each group, rather than individuals, on applications before the Committee was unduly restrictive. In particular for applications on which there was a high level of public and professional interest the time restriction would effectively disenfranchise parties with particular and personal interests.

He proposed a motion in response to this, which was seconded by the Vice-Chair and debated by the Committee.

The Committee

RESOLVED

That this Committee agrees that for this meeting (28th July 2021) the Chairman will exceptionally use his discretion as Chairman to allow each registered public speaker to speak for up to 3 minutes on each application for which they have registered their interest.

Planning Committee - 28.07.21

The Committee

RECOMMEND TO CONSTITUTION WORKING PARTY

That they urgently review the provisions on public speaking on Planning matters, so that the reputation of the Council as an open and transparent Authority be safeguarded.

A Member asked if it could be confirmed whether site visit protocol was in the new Constitution. The Council's Solicitor confirmed that guidance for site visits was in the Constitution and referred the Member to the Planning Protocol at Part 8, Section 3, Paragraph 13.

The Chair also confirmed that the running order of the meeting would vary from that of the published agenda due to the Covid-19/Health and Safety restrictions in place at this meeting, and the new running order would be as follows [published agenda item numbers in brackets]:

6. BE/59/21/PL [Item 9]
7. AL/40/21/PL [Item 7]
8. AL/50/21/PL [Item 8]
9. BN/150/20/PL [Item 10]
10. BR/129/21/OUT [Item 11]
11. Review of Pre Planning Application Advice Fee Report [Item 13]
12. Appeals [Item 15]

AL/20/21/PL [Item 6] and LU/158/21/PL [Item 12] had been withdrawn ahead of the meeting.

188. BE/59/21/PL 339 CHICHESTER ROAD, BERSTED

[Councillor Edwards re-declared his Personal Interest made at the start of the meeting. Councillor Charles declared a Personal Interest as a Member of West Sussex County Councillor.]

5 Public Speakers

Cllr Dennis Thompson – Bersted Parish Council
Gary Bottwood - Objector
Graham Wingate – Objector
Daniel Delaney – Applicant
Tom Hayes – Agent

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

The Planning Team Leader presented his report. This was followed by 5 Public Speakers.

Members then took part in a full debate on the application where a number of points were raised including:

- the presence of small or medium commercial vehicles in the vicinity of the proposed access
- that parking could not be controlled on Bedford road (the site of the proposed access) and that West Sussex County Council had tried by previously installing bollards which were no longer there
- parking on the pavement in a crowded residential road being a District matter
- another road immediately opposite the proposed access and the need to ensure the plan is located precisely
- visibility splays and maintaining them, especially when the road is full of parked cars
- concerns over the height condition and whether the applicant could control this
- ensuring that conditions were enforced, and whether double yellow lines could be installed to this end
- the addition of a non-commercial vehicle condition
- the lack of photographs of the site in the report to understand the implications of the decision
- the need for a Traffic Regulation Order (TRO) for reoccurring parking issues or whether a TRO would just shift parking issues elsewhere
- the lack of objection from the Highways Authority, and this being an issue if the Committee was minded to refuse the application
- whether representation from the Committee should be sent to West Sussex County Council
- only being able to decide on the application based on the information available now and not on any future interventions that may or may not take place
- the lack of room on the pavement for pedestrians and those with disabilities, wheelchair users, people with prams etc
- whether a new access would further reduce parking space on this road

The Planning Team Leader and Director of Place provided Members with answers to all points raised during the debate. It was confirmed an additional condition ensuring the use of the land to the rear of the building should remain associated to 339 Chichester Road and not for separate business use in accordance with policy D DM1 of the Arun Local Plan and the NPPF would be added to the decision notice if the application were approved by the Committee.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions outlined.

Planning Committee - 28.07.21

189. AL/40/21/PL LAND ADJACENT TO BYFIELDS, NYTON ROAD, WESTERGATE PO20 3US

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

The Planning Team Leader presented his report with updates.

Members then took part in a full debate on the application where a number of points were raised including:

- the need for an independent bat survey before consent could be given
- the whole of Aldingbourne being a bat corridor, with 9 species of bat being present
- delays from Natural England
- the Cost of bat surveys and whether a single bat survey could be produced by/for the Council that all future applicants could use
- that it was irresponsible to put such stress on a bat survey for this application
- the application not having all the necessary information for Members to reach a decision – no response from the Council's Tree Officer despite many trees being mentioned in the report
- whether any removed trees would be replaced

The Planning Team Leader provided Members with answers to all points raised during the debate, confirming that planning applications could not be delayed due to delays in consultee responses and that if approved the applicant would have 14 days from the date of the meeting to get a bat survey done or the application would be refused under delegated authority.

The Committee

RESOLVED

That the Planning Committee delegate the decision to the Group Head of Planning (in consultation with the Chair). The decision will be made following the submission of a further ecology report by the applicant and further consultation thereafter with the Council's Ecologist. If no further ecology report is received by the Council within 14 days of this resolution the application will be refused for the following reason:

Due to the lack of suitable information regarding the bats the Council cannot 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.

190. AL/50/21/PL L'APACHE, WESTERGATE STREET, WOODGATE PO20 3SQ

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

The Planning Team Leader presented his report with updates.

Members then took part in a full debate on the application where a number of points were raised including:

- the access to these properties
- the width of the access road and whether it was narrower than a standard width
- that it was regrettable that applicants resubmit for larger development once planning permission had been given on a smaller proposal
- Concerns over more cars in the area
- Whether the materials used would be different to what was previously agreed in AL/103/18/PL

The Planning Team Leader provided Members with answers to all points raised during the debate.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions outlined.

Planning Committee - 28.07.21

191. BN/150/20/PL LAND AT CHANTRY MEAD & REAR OF 14-18 DOWNVIEW ROAD, BARNHAM PO22 0EG

2 Public Speakers

Linda Wale – Objector

Kerry Simmons - Agent

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.

The Planning Team Leader presented his report with updates. This was followed by 2 Public Speakers.

Members then took part in a full debate on the application where a number of points were raised including:

- sympathy for residents
- the possibility of alternative access to the site
- precedent and its relevance for future planning decisions
- that this application was an improvement on a previously refused application [BN/51/20/PL] and the applicant was commended for this

The Planning Team Leader and Director of Place provided Members with answers to all points raised during the debate.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions outlined.

192. BR/129/21/OUT 26 BURNHAM AVENUE, BOGNOR REGIS PO21 2JU

2 Public Speakers

Nick Hopper – Agent

Christian Brian – Applicant

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).

The Planning Team Leader presented his report with updates. This was followed by 2 Public Speakers.

The Committee

RESOLVED

That the Planning Committee recommend that the application be granted subject to a s106 Agreement. As the s106 Agreement has not been completed the Planning Committee delegate the decision to the Group Head of Planning (in consultation with the Chair) to make on completion of a s106 Agreement. The Group Head of Planning has authority to make minor amendments to the s106 Agreement if required. Should the s106 Agreement not be completed within 4 months of the date of this resolution, the application shall be refused for the following reasons:

1. In the absence of a signed s106 Agreement, the development makes no provision for the contributions to off-site public open space, and is thereby contrary to the aims and objectives of the NPPF, Arun Local Plan policies INF SP1, HWB SP1 and 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 s106 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.

Planning Committee - 28.07.21

193. REVIEW OF PRE PLANNING APPLICATION ADVICE FEE REPORT

Upon the invitation of the Chair, the Planning Team Leader presented his report to the Committee and confirmed that the service had been reviewed in 2018 and was now being reviewed again particularly with regards to fees. He explained that by using this service, applicants gave the Council a good idea about what projects were coming up in the District and that the Council could influence applications at early stage.

The recommendations were then proposed and seconded.

The Committee

RESOLVED that

1. The pre-application planning advice fees be amended in accordance with the attached report;
2. 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;
3. The pre-application advice fees be reviewed 2 years from the date of the changes agreed by this report being implemented.

194. APPEALS

The Committee noted the Appeals list.

(The meeting concluded at 3.42 pm)

Report of the meeting of the Development Control Post-Committee Site
Inspection Panel held on 03-08-2021

REF NO: EP/16/21/PL

LOCATION: Land East
of 1 The Way
East Preston

PROPOSAL: Replacement garage. This site in in CIL Zone 4 (Zero Rated) as other
development.

Following the deferral of the application at the Committee of 21st July 2021 a subsequent site visit took place attended by Councillors and the Group Head of Planning. Members viewed the site and the local area.

REPORT UPDATE

Application No: EP/16/21/PL

Reason for the Update / Changes

Reason for update: Condition three of this application has been amended to say the proposed garage shall be occupied solely for purposes ancillary to the occupation and enjoyment of Chance Cottage as a dwelling and shall not be used as a separate unit of accommodation

Note: The changes to condition show under Officers Recommendation at the end of the attached report.

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

PLANNING APPLICATION REPORT

REF NO: EP/16/21/PL

LOCATION: Land East
of 1 The Way
East Preston
BN16 1QJ

PROPOSAL: Replacement garage. This site in in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal seeks to replace an existing garage and erect an outbuilding. The use of materials that will be used to construct this garage will be similar to what is existing. The walls will be face brickwork render and the roof will be clay tiles. The proposed building has a height of 5.44m which is a 0.7m increase from the existing garage and width of 5.1m.

At the side elevation, two windows will be located within the roof on the first floor at this elevation. Two windows will be located at this elevation on the first floor within the roof and one door will be located on the ground floor. The first floor will be used for associated household storage including water sports equipment.

The existing garage has a height of 4.72m and length of 4.94m.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

The application site is bordered by a mixture of fencing and foliage.

SITE CHARACTERISTICS

At present, the site is populated by a dilapidated garage which has been empty for a number of years.

CHARACTER OF LOCALITY

The area is host to a wide variety of dwelling styles, types and sizes.

REPRESENTATIONS

Parish Council - Objection. Proposal would be overbearing, the scale and mass is significant and the proposal conflicts Policy 1 of the East Preston Development Neighbourhood Plan.

Parish Council - Objection after re-advertisement stating - None of its previous objections have been addressed and therefore they all still stand.

One letter of support:

- The development of the site is necessary, the proposed garage will be in-keeping with the area and the proposal of a garage will stop overdevelopment in the future.

Four letters of objection from nearby occupiers:

- The elevation of the garage is out of character with the area. The window on the south elevation will result in a loss of privacy to the residential garden at the southern boundary.
- The new garage will overpower existing neighbouring properties and conflicts with policy D DM1 of the Arun Local Plan which states development should reflect the character of the area.
- The proposal conflicts with Policy 2 of the East Preston Neighbourhood Development Plan which states development should preserve the street scene, this development transforms the street scene.
- The height of the gable frontage is significantly higher than existing. The door on the west elevation would require access to the road resulting in hard standing.
- Concerns on the drainage ditch.
- The front elevation is disproportionately high for the street scene and is too close to the road to be either practical or in keeping. The west side access door will require hard stand too close to the drainage ditch and in contravention of Arun drainage guidance. The building proposed is not a 'replacement garage' as claimed but a two storey building with mixed use likely on the second storey.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted, the comments raised will be addressed within the conclusion section.

CONSULTATION RESPONSES RECEIVED:

None.

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

DSP1 D SP1 Design

[East Preston Neighbourhood Plan 2014 Policy 1](#)

Housing - General Principles

East Preston Neighbourhood Plan 2014 Policy 2

Design in Character Area One

PLANNING POLICY GUIDANCE:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

NPPDG National Design Guide

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.

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:-

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

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

The proposal is considered to comply with relevant Development Plan policies in that it is not considered to have any significantly harmful impact upon the character of the locality or the residential amenities of the neighbouring dwellings.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS**PRINCIPLE**

In this case, the key policies are D DM1 and D DM4 of the Arun Local Plan. Additionally, Policy 1 and 2 of the East Preston Neighbourhood Development Plan.

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

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

Policy 1 of the East Preston Neighbourhood Development Plan sets out general principles for development within the Parish. Part (i) relates to the scale, density, massing, height, landscape design, layout and materials of development proposals, and how proposals must reflect and enhance the established character of the area.

Policy 2 of the East Preston Neighbourhood Development Plan sets out the criteria for development within Character Area One. These ensure that proposals preserve the character of the street scene, and resist any increases in density that would alter this character. It also seeks to avoid apartment block development, and protect the view from the beach.

Further guidance is contained in section J.01 of the Arun Design Guide which outlines that built form and character varies considerably throughout the Arun District as a whole and within the settlement character areas identified in section C.06 of the design guide.

DESIGN AND VISUAL AMENITY

The proposed outbuilding replaces the existing garage and although the scale of the development is larger such as the length, the proposal does not result in a significant harmful impact to the neighbours of at 1 and 5 The Way.

The materials which are used to construct this proposal are similar to those used on the existing garage, therefore allowing the garage to be well-integrated with the area.

The Design Guide does not outline any issues which the proposed garage replacement could lead to. Therefore, this results in the proposal being acceptable in terms of design. Therefore, the proposal will be in accordance with policy D DM1 of the Arun Local Plan and policies 1 & 2 of the East Preston Neighbourhood Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed garage has a significant boundary at the north of 18.09m and 3.73m at the western boundary.

The windows which are located at the side east and west elevations on the first floor do not result in any harmful overlooking to the neighbours due to the significant boundaries and removal of the dormer which leads to a reduced overlooking impact. They are also rooflights that are located very high in the roof slope and will afford daylight with no opportunity for overlooking.

The elevations are not going to provide any harmful overlooking to private amenity spaces. The windows on the side (west and east) elevation are not going to result in any harmful overlooking or overbearing impacts to the neighbours. This is due to the removal of the dormer and the boundary of these side elevations which is 3.73m at the west which looks to 5 The Way.

The proposed development is in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMARY

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

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

- Location, block, existing and proposed floor and elevations plans 1241.01.h

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of Chance Cottage as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies D DM4 of the Arun Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.
- 4 No windows (other than those shown on the plans hereby approved) shall be constructed in

the east or west elevation of the building hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

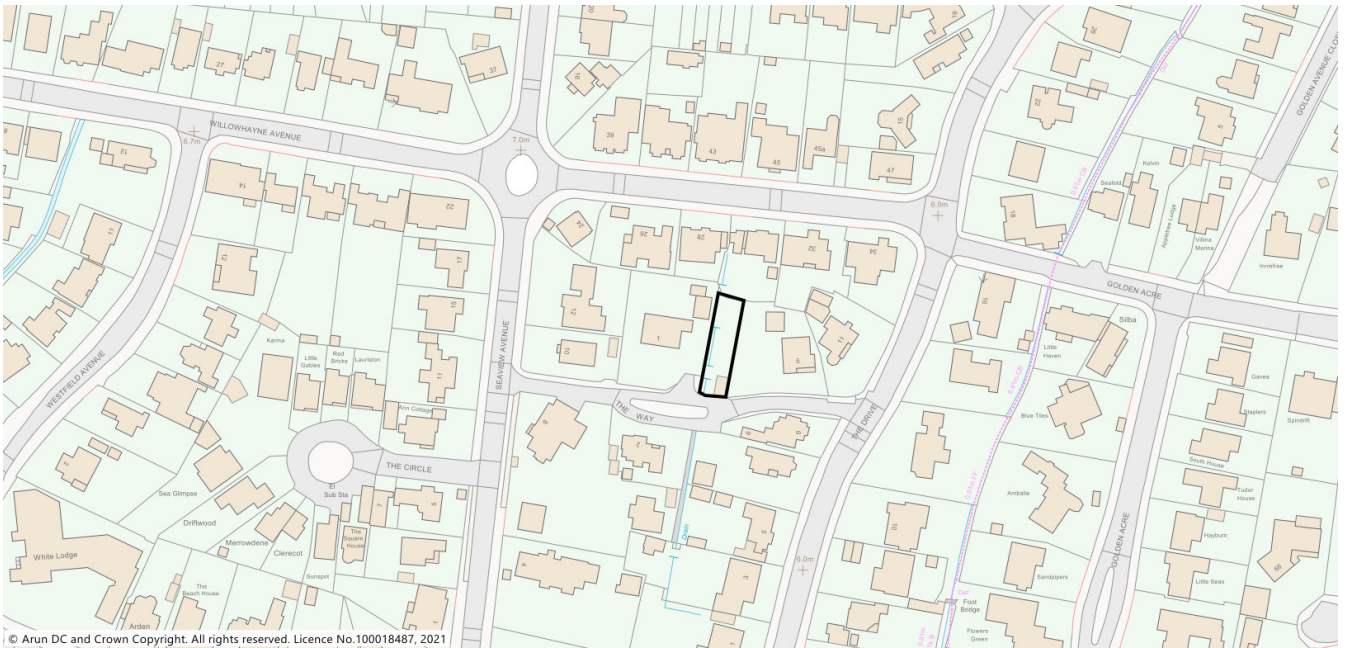
Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM4 of the Arun Local Plan.

- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by 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)

EP/16/21/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: P/132/20/RES

LOCATION: Land north of Hook Lane
Paghham

PROPOSAL: Approval of reserved matters following P/30/19/OUT for 300 No. new homes, internal roads, footpaths & cycleways, car parking & landscaping. This application affects the setting of a listed building & falls within Strategic Site H SP2, CIL Zone 1 (Zero Rated).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application seeks approval of Reserved Matters for the erection of 300 dwellings (including 90 affordable dwellings), internal roads, footpaths and cycleways, car parking and landscaping.

The reserved matters that are being applied for comprise appearance, scale, layout and landscaping.

Separate discharge of condition (DOC) applications will be submitted which will cover surface water drainage and foul water drainage, ecology, archaeology, energy, noise, tree protection measures, phasing, pedestrian/ cycle access, travel plan, broadband, electric vehicle charging and the submission of a construction management plan. The archaeology condition has been discharged.

SITE AREA Approximately 17.5 hectares.

RESIDENTIAL DEVELOPMENT DENSITY Approximately 17.14 dwellings per hectare (based on overall site area). 30 dwellings per hectare based on net developable area.

TOPOGRAPHY Predominantly flat.

TREES Trees are situated along the boundaries of the site. No trees of any significance are affected by the proposed development and TPO tree no 6 is retained.

BOUNDARY TREATMENT The western and northern boundaries of the site feature mature trees and hedgerow planting of between 2 and 5 metres in height. The eastern boundary (adjacent to Hook Lane) primarily consists of hedgerow planting measuring approximately 2 metres in height. However, there are portions of the eastern boundary which feature hedgerow planting measuring less than 1.2 metres and sections which are devoid of any hedgerow planting.

SITE CHARACTERISTICS The existing land use is a greenfield site in agricultural use and it is situated within the built up area boundary of Paghham.

The application site is situated to the east of Pagham Road and measures approximately 17.5 hectares. Further agricultural land is situated to the west of the application site, with Pagham Harbour situated approximately 1.9km to the south-west.

Pagham Road runs along the western boundary of the site, with Sefter Road to the north and Hook Lane to the east and south-east. The site is identified as falling within Flood Zone 1 with the exception of a portion of the site measuring approximately 22m² in the north-western corner of the site identified as Flood Zone 2.

CHARACTER OF LOCALITY

The locality of the site is predominantly rural in character but on the edge of the existing built up area. However, development is present to the east of Pagham Road which is characterised predominantly by two storey dwellings and bungalows of various designs and styles which are set back from the highway. A cluster of two storey residential development is situated to the north-west of the application site. There are a number of listed buildings in proximity to the site.

Bus stops are situated along the western boundary of the site along Pagham Road.

RELEVANT SITE HISTORY

P/30/19/OUT	Outline application with some matters reserved for the construction of up to 300 No. new homes, a care home of up to 80 beds, D1 uses of up to 4,000 sqm including a 2 form entry primary school, the formation of new means of access onto Hook Lane & Pagham Road, new pedestrian & cycle links, laying out of open space, new strategic landscaping, habitat creation, drainage features & associated ground works & infrastructure. This application may affect the setting of a listed building (resubmission following P/6/17/OUT).	App Cond with S106 02-09-19
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P/6/17/OUT	Outline application with some matters reserved for construction of up to 300No. new homes, Care home of up to 80No. beds, D1uses of up to 4000sqm including a 2 form entry Primary School, formation of new means of access onto Hook Lane & Pagham Road, new pedestrian & cycle links, the laying out of open space, new strategic landscaping, habitat creation, drainage features & associated ground works & infrastructure.	Refused 24-01-19
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Appeal: Withdrawn
16-10-19

P/14/99/

Outline application for development of land to provide a maximum of 175 dwellings (6.55ha), public open space (1.42ha) and structural landscaping (1ha).
(Departure from the Development Plan)

NON DET APPEAL
28-03-00

Appeal: Dismissed
05-09-00

REPRESENTATIONS

PAGHAM PARISH COUNCIL

Object.

Application has omitted the Care Home and D1 Uses including the primary school. Concerns raised that the school site won't come forward on land South of Summer Lane with resulting lack of places for school children. Lack of comprehensive masterplan for all of the sites. Lack of Advisory Group meetings since January 2020. Scheme not delivering what was promised at outline stage. Support the concerns of Highway Authority in relation to crossing points on Hook Lane. Concern over the width of the roads - too narrow. Concern in relation to navigation of roads by emergency services vehicles. No mention of the Approved Monitoring Scheme as detailed in the S106 Agreement.

Comments on amended scheme:

Remain concerned about the width of the road and the prospect of parking on the roadside preventing access by emergency and refuse vehicles. Concerns that refuse vehicle turning is 'incredibly tight'. Supports WSCC Highways comments in relation to the pedestrian crossing points and cycle route design. Share drainage officer concerns regarding making sure surface water is dealt with effectively and takes account of whole of Pagham area. Would like to see alternative style of play equipment within the development and be involved in the planning of the play areas. Remain unhappy with S106 arrangements for this and other Pagham developments and would like to see them varied to provide contributions for facilities in Pagham.

24 letters of objection. Below is a summary of the key issues raised:

Traffic:

Development will result in increased traffic on Pagham Road

Roads in the area heavily trafficked with HGVs and commuters leading to congestion

Proposed crossing and access points on Hook Lane are dangerous

Insufficient parking for proposed residents will lead to parking on Hook Lane increasing hazards to pedestrians and drivers

Access road from Hook Lane narrow and large vehicles will cause traffic to back up

Existing road widths on Pagham/ Lagness road unsuited for amount of traffic

Site entrance and exit onto Pagham Road and Hook Lane will cause chaos and danger

Hook Lane access dangerously positioned

Lack of employment prospects for new residents in Pagham area will led to increased out commuting and associated air pollution outside Mundham village school

Report submitted setting out highway infrastructure shortcomings in relation to the Pagham strategic allocations, including in relation to cycling and pedestrian safety to support view that Highways England and WSCC Highways should implement and complete all of the highway improvement works before occupation of the 400th dwelling in any and all developments combined since 18th July 2018.

Ecology:

Concerns raised in relation to impact on Skylarks,

Hedgerow an important habitat

Wildlife corridors and habitat will be lost

Ecology of Pagham Harbour and waterways will be impacted by foul drainage pollution

Flooding/ drainage:

Hook Lane provides flood drainage for Nyetimber Estate

General concerns about surface water drainage in an already waterlogged area.

Drainage systems can't cope

Flood risk will increase

Should take into account more extreme levels of rainfall than 1 in 100 years

Site floods during wet weather which results in discharge of excess water from the sewage treatment works

Foul drainage:

Foul drainage sewage works over-capacity and discharges into the river

Concerns sewage will back up into properties

Operational capacity of Pagham Wastewater Treatment Works needs to be expanded before development

Network reinforcements proposed are insufficient

4 pipework spills recorded at Hunston in 2020, new development will add to pollution

Site for Care Home is constrained by existing foul sewers

Southern Water unable to say what network reinforcements are necessary to support the development

Layout, scale and appearance:

Proposed layout with 300 houses is over-intensive use of the site and an unsatisfactory form of development resulting in significant and demonstrable harm to the rural character of the edge of settlement location.

Unclear how 6.65ha of greenspace within the development site to mitigate impact on Pagham Harbour does not form part of the current proposals and unclear how it can be with current scheme.

Properties do not blend in or enhance the area and are not locally distinctive

Amount of development not in keeping with locality.

Report submitted following an investigation into untreated effluent being discharged into Pagham Harbour demonstrating that the Pagham Waste Water Treatment Works does not have the capacity to accommodate 1,200 new homes without being expanded and supporting request that the treatment works and network is enhanced to provide the capacity to meet a list of conditions.

Principle:

Outline planning permission contrary to development plan policy

Reserved matters application does not accord with outline permission, conditions and S106 Agreement and the development plan

Relevant development plan policies are out of date so presumption in favour of sustainable development is engaged.

No 5 year housing land supply and site would not contribute to supply as undeliverable

Framework policies relating to habitat sites, designations, heritage and flooding provide clear reasons for refusal

Adverse impacts of granting significantly and demonstrably outweigh the benefits

Local petition needs to be considered and debated prior to consideration of the application

Reform of planning system and Parliamentary Petition highlighted and circulated by Cllr Hamilton a material consideration

The approved Design Code discharged under condition 6 of the outline permission is not considered to meet the requirements of the condition or accord with the outline permission as it does not reflect the objectives of the Development Framework, Landscape Masterplan and Design and Access Statement.

The reserved matters approval does not accord with the outline and appears to seek to discharge other conditions, this is ultra vires.

The conditions on the outline application will not be able to be discharged if the reserved matters scheme

is implemented.

Pre-occupation conditions should be resolved now to ensure they can be complied with.

Large scale applications should be considered as a whole

Will lack of buyer for care home result in more housing

Pagham does not need any more houses

Agricultural Land:

Council should take into account and consider the loss of best and most versatile agricultural land and learn from judgement at Barnside, Hook Lane, Aldingbourne.

Land will be lost forever, brownfield sites should be developed first

Food production and self sufficiency important

Infrastructure:

Members should be made aware of when highway improvements and medical services will be delivered.

Primary school could not be built in this site and no other detailed permission for such uses exist in Pagham.

No local infrastructure to support the extra population

Healthcare will be severely strained and already oversubscribed

Schools will be severely strained, with teachers already in short supply

Just housing with no infrastructure for community

Affordable Housing:

Housing won't be affordable for first time buyers or local people

Sustrans and Bognor Regis Cycle Forum:

Security of bin and bicycle stores and car barns with cycle parking not clear - cycle parking should be high quality and secure, including concreted Sheffield stands

Cycle parking provided for houses meets standards but disappointing no attempt made to make them more adequate by providing 1 secure bike space per bedroom built

Disappointing that concept of independent cycle path running across the middle of the site has been abandoned and is instead around the perimeter. Not clear if it would be shared use nor how it would be marked out.

Internal road width varies between 5m and 6m - safer if consistent 6m throughout

Dropped kerbs should be provided at exit points onto Hook Lane to allow access to external road network.

COMMENTS ON REPRESENTATIONS RECEIVED:

All planning related comments are noted and matters relating to the appearance, scale and landscaping are covered in the Conclusions section of this report. The impact of traffic on the local highway network, infrastructure provision, foul water capacity, flooding, the principle of development are matters which have already been assessed at the outline permission stage and appropriate conditions and S106 Agreement obligations used to control the development. The site is deliverable.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND:

No objection.

LOCAL HIGHWAY AUTHORITY:

Comments on initial layout:

Parking layby opposite plots 234-235 should be inset into the foot/cycleway

Road width should be consistent

Visibility splays shown as suitable for 20mph road, but road will be 30mph unless 20mph applied for

Refuse tracking incomplete and concerns about overhanging frontages

Principle of crossing points onto Hook Lane acceptable but application includes additional and revised locations for these crossing with little consideration given to landings of the points on Hook Lane.

Crossing points should be revised.

LPA should be satisfied it complies with parking standards

Allocated parking cannot be provided if highway is being adopted

Visitor parking should include disabled car parking spaces

Cycle route through the site should be clearer and provide a continuous off highway route, but accepted this would not accord with the approved Design Code.

Cycle route should be a shared route rather than segregated

Cycle route between plots 292-297 should be revised.

Comments on revised layout

The proposed vehicle tracking is incredibly tight to some parking spaces (i.e. Plots 14, 194,195, 271 and 274).

Carriageway width and visibility splay concerns have been addressed but other points outstanding.

WSCC FIRE & RESCUE SERVICE:

No objection.

A condition is requested for additional fire hydrant(s) for the proposed development. This is to ensure that all dwellings on the proposed site are within 150 metres of a fire hydrant for the supply of water for firefighting. Evidence will also be required that fire service vehicle access meets the specified requirements.

ADC HOUSING:

No objection to the Affordable Housing mix nor the location of the affordable housing.

SPORT ENGLAND:

No objection.

If existing sports facilities do not have the capacity to absorb the additional demand, then new and / or improved sports facilities should be secured and delivered.

SOUTHERN WATER:

No objection.

No discharge of foul sewerage from the site shall be discharged into the public system until off-site drainage works to provide sufficient capacity within the foul network to cope with additional sewerage flows are complete. Southern Water is in the process of designing and planning delivery of off-site sewerage network reinforcements.

ENVIRONMENT AGENCY:

No consultation response was submitted.

LEAD LOCAL FLOOD AUTHORITY:

No consultation response was submitted.

ADC DRAINAGE:

Holding objection.

Surface water drainage must be considered up-front and form part of the layout. Leaving drainage design until after a layout has been agreed would prejudice drainage design and potentially result in a lack of sufficient capacity for surface water drainage.

1. The proposed infilling of a watercourse is not supported.
2. Are the proposed swales for storage or to replace the existing watercourse?
3. The levels of existing watercourses must be provided.
4. A buffer plan should be provided evidencing all proposed buildings are at least 3m from top of bank.
5. A long section of the swale should be provided to evidence if proposals to divert the watercourse are acceptable.
6. The layout should be adjusted to remove the retaining wall at the swale closest to Pagham Road.
7. The surface water drainage strategy must follow existing natural catchments.
8. No greenfield run-off calculations supporting the discharge rates have been submitted to support storage areas.

Updated response: Still missing some of the information required. Proposed layout relies on re-aligning an ordinary watercourse. Insufficient information provided on the levels of upstream and downstream watercourses to determine if this is achievable (points 3 and 5 above). Natural catchments should be followed and a second location for discharge should be provided (point 7 above).

ADC ENVIRONMENTAL HEALTH:

No comments to make.

ADC ECONOMIC REGENERATION:

No comments to make.

NATURAL ENGLAND:

No objection.

The proposals are unlikely to have significantly different impacts on the natural environment than P/30/19/OUT.

ADC ECOLOGY:

No objection.

There are a number of conditions (29, 30, 31 and 32) on P/30/19/OUT relating to protected species and habitats which need to be addressed and discharged before any works can commence on-site including further survey and mitigation work for reptiles and water voles.

ADC ARCHAEOLOGY:

No objection.

The archaeological evaluation of this site and subsequent mitigation measures have been secured by a condition imposed on P/30/19/OUT.

ADC CONSERVATION OFFICER:

Provided comments on closest listed buildings; Rookery Farm, Nyetimber Mill and Sefter Farmhouse and Sefter Granary. Comments also provided in relation to locally listed buildings; 56/58 Hook Lane.

Concluded that the layout of the site, along with the contained settings provided for by virtue of existing development, and the presence of boundary hedging, will mean that the proposal will not harm the significant of the heritage assets and should be determined in accordance with the relevant policies within the development plan, along with comments provided. Condition recommended to secure quality of the materials used.

ADC GREENSPACE:

The landscape details for boundary, on plot and Public Open Space landscape provision provide a varied landscape scheme. The green east west corridor needs to establish trees to allow for 'hop overs' to

ensure habitat connectivity. Cycle connectivity should be demonstrated. Tarmac is more appropriate for highly trafficked areas through the Public Open Space

Further information is required.

Confirmation is required of the quantum of public open space, excluding surface water drainage features. The provision of play areas (ELEAPs and LAPs) needs to be detailed and submitted for approval, with further LAPs provided. The maintenance and responsibility should be confirmed in conjunction with the maintenance specification detail.

ADC ARBORICULTURE:

Objection

The proposed layout is achievable without undue detriment to retained trees and hedgerow, although important information is lacking in relation to the surface water drainage strategy and the relationship between the existing/ future root protection areas and appropriately buffered SUDs features.

SUSSEX POLICE:

No objection.

The development should be designed to Secure by Design standards. Communal parking must be within view of an active room within a property. Ground planting should be not higher than 1.0 metre, with tree canopies no lower than 2 metres. Bollard lighting is not appropriate as it does not project sufficient light at the right height.

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:

Strategic Allocation in the Local Plan (Policy H SP2a Site SD2 Pagham North).

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

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
HSP2	H SP2 Strategic Site Allocations
HSP2A	HSP2a Greater Bognor Regis Urban Area
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character

HERDM3	HER DM3 Conservation Areas
HERDM4	HER DM4 Areas of Character
HERSP1	HER SP1 The Historic Environment
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

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 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.

On 25th February 2021, Arun District Council received an instruction from the Pagham Parish Council to withdraw the Neighbourhood Plan. The Parish Council has decided not to progress further with the Neighbourhood Plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

Section 70(2) of TCPA provides that:-

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

The development is considered to comply with the relevant Development Plan policies as the appearance, scale, layout and landscaping of the proposed residential development is in keeping with the approved Design Code and the proposed level of landscaping and the proposed quantum of housing in the Character Areas would materially enhance the character and appearance of the adjacent residential estates off Hook Lane, in Pagham.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The principle of residential development on this site was established when P/30/19/OUT was granted on 2nd September 2019 for up to 300 homes, the provision of a care home and related infrastructure. The means of access onto Pagham Road and Hook Lane was approved at the outline stage and technical approval for the access has been issued and the S278 legal agreement has reached the approved stage.

Some of the representations have queried the lack of a care home and D1 uses in this application. However, it is permissible for an applicant to seek reserved matters approval for only part of the overall development with outline planning permission. A subsequent reserved matters application can be made in respect of the care home and the submitted layout has been designed to enable that to happen. Following legal advice, it was decided as a matter of fact and degree that the omission of the D1 uses including the primary school would not put an application for the approval of reserved matters outside the terms of the outline planning permission (P/30/19/OUT). The S106 Agreement requires a contribution towards the new 1 form of entry (FE) (expandable to 2FE) primary school to be provided on the site at Land South of Summer Lane which is the subject of planning permission P/140/16/OUT, rather than any obligation or condition to provide land or on-site delivery of the primary school or other D1 uses on this site.

ENVIRONMENTAL STATEMENT

Development of the scale, type and character proposed has been screened to determine whether it constitutes EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations, first in 2016 and then in 2019; resulting in the issuing of two negative screening opinions (i.e. the development proposed was not EIA development). As a subsequent application over the Schedule 2 threshold, this application has been screened and does not require an Environmental Statement.

ASSESSMENT

This reserved matters application seeks to deliver detached and semi-detached houses, bungalows and maisonettes. Key issues to be considered are ones of detail and relate to the layout, scale, appearance and landscaping. Condition 6 of the outline permission required the submission of a Design Code

Masterplan to be approved prior to the submission of the reserved matters application. Design Codes are documents which create a framework for a new development, considering the layout, approach to landscaping, ensuring buildings are of high quality and that they take account of the local vernacular and heritage. The Design Code for the site has been approved and the assessment considers compliance with the approved Design Code. An update on the application was given to the Pagham and Aldwick Advisory Group on the 30th March 2021 prior to the amendments to the scheme being made. Discussion focussed around play provision and infrastructure. The amended application was presented to the Pagham and Aldwick Advisory Group meeting on the 15th July 2021 and comments were made in relation to the adequacy and convenience of parking provision and the need for further discussion on the play equipment.

SITE LAYOUT

The layout of the site consists of two development parcels, separated by an east-west greenspace. The parcels are joined by a spine road running north/ south through the site between the access points on Hook Lane and Pagham Road. The development parcels are set back from Hook Lane, which limits the integration with the existing built form on Hook Lane, however, this enables the retention of the trees and hedgerows on the eastern boundary (except where the approved access points are formed). As the existing trees and hedgerows around the boundaries of the site are important for both ecology and landscape value, their retention and incorporation into the development scheme is supported.

The frontage behind the retained hedgerow on the eastern boundary consists of a mixture of gable ends and a terrace in the northern parcel, with detached properties mainly facing Hook Lane in the southern parcel. Where the side elevations are facing Hook Lane these are detailed to provide an interest and avoid blank elevations.

The parcels facing the western boundary and Pagham Road, comprise detached properties with an informal irregular building line which provides a softer edge to the development. The boundary treatments accord with the approved Design Code and include brick walls, close boarded fence and estate railing to dwelling frontage. Landscaping is integrated into the boundary treatments which will create a soft edge.

The spine road provides the main vehicular route through the site. It has been designed to a width of 6m at each entrance into the site, with the remainder at 5.5m. The change in width on the spine road has been queried by the Local Highway Authority, however, the greater width at the entrances to the site provides a sense of arrival into the site and is supported in design terms. The spine road has a 2m footway to each side segregated by a verge, with the exception of the area of road adjacent to the northern open space, where the verge is to one side only. Tree planting along the route and the formal arrangement of the houses fronting the spine road reinforce the primary role of the route. This accords with the Design Code and helps to ensure that the site can be navigated easily by vehicles and non-motorised users. The secondary routes provide access to the residential parcels and lead to shared surface streets and private drives. Whilst there is no vehicular connectivity between secondary or tertiary streets (as they are all cul-de-sacs) there is good non-motorised user connectivity.

Cycle connectivity is provided by a mainly segregated route running north/ south along the western edge of the development, then looping round to allow for a connection with Land North of Sefter Road. A potential connection to the north to link to Land North of Sefter Road is shown on the Design Code Access and Movement Plan and is indicated on the layout plan to demonstrate where this could be provided. A cycle route also runs adjacent to Hook Lane, with an east/west link through the site to connect with the western boundary cycle route. The cycle routes do include short sections of shared surface roads and there is a 'dog leg' around the entrance to the care home land, which decreases the legibility and directness of the route, but these are a minor negative when weighed against the benefits of the scheme as a whole. The network of shared surface streets also provide a low speed environment for

cyclists as well as pedestrians. The cycle route will be a shared route with pedestrians, rather than a segregated route, which is acceptable.

The materials proposed for the roads provide legibility within the site; with tarmac on the spine road and block paving for the shared surface streets and private drives.

Connectivity with Hook Lane is provided through the main access point, and also pedestrian/ cycle paths along the Hook Lane frontage. The suitability of the crossing points on Hook Lane have been raised as an issue by WSCC as there are instances where they would 'land' on private driveways on Hook Lane (rather than connecting to pavement). However, there are only 2 crossing points shown either side of the access onto Hook Lane. These crossing points both land on pavement with no conflict with driveways. There are other pedestrian and cycle access points into the site from Hook Lane, but these do not include any formal crossing points. One of the access points shown would require pedestrians to cross over to the pavement on the opposite side of Hook Lane and this does conflict with a garage access to the east of Hook Lane. However, as the details of the pedestrian and cycle access points have to be submitted and approved under condition 24 of the outline approval, this issue can be resolved. A new footway along part of the Pagham Road frontage provides a pedestrian connection to the south.

Parking across the site is largely on plot and to the sides of properties. Where parking is provided perpendicular to the units, it is in blocks of up to 6 spaces with landscaping at either end to soften the appearance. Larger blocks of perpendicular parking and parking courts are softened with landscaping. There is one exception, the parking for plots 226 - 228, which doesn't include landscaping, but as this is to the rear of properties it would not be visible from the street. The Local Highway Authority commented that the parking layby opposite plots 234/ 235 should be set back into the shared cycle/ pedestrian path. However, this would interrupt the line of the shared path and would result in a two less trees in the street scene.

Parking provision totals 869 spaces, 670 are allocated parking spaces or driveways, 139 are allocated garage or car-barn spaces and 60 are un-allocated visitor spaces. The number of allocated and visitor spaces accords with the Parking Standards SPD. Secure cycle storage provision is either within garages, cycle sheds in gardens or communal cycle stores, with the amount of provision according with the Parking Standards SPD. The Local Highway Authority have requested that some disabled parking spaces are provided for visitors, in addition to the allocated spaces provided for the wheelchair accessible units. The Parking Standards SPD does not include any specific requirements but refers to Manual for Streets which also is unclear on quantum of provision. Whilst it would have been preferable to see some unallocated disabled spaces provided for visitors, the lack of compliance with the guidance has limited weight and is outweighed by the benefits of the scheme in terms of the housing supply.

The Refuse Strategy layout plan illustrates the location of bin storage and collection points, as well as the refuse vehicle route. Bin storage for houses is located within rear gardens and communal bin storage buildings are provided for maisonettes. Refuse vehicle tracking demonstrates that there is sufficient space for a 12m refuse vehicle to service the plots. The LHA initially raised concerns about a refuse vehicle overhanging private frontages. Whilst additional tracking information has been provided there are two areas (by plots 63 and 29) where the overhanging could lead to damage to the planting. The Refuse Collection Team at the District Council have been consulted and an update will be provided.

Overall, the layout provides a legible scheme which responds to the characteristics of the site and provides a good movement network and appropriate parking strategy in accordance with D SP1, D DM1, T SP1, T DM1 and the Arun Design Guide SPD.

SCALE, BUILDING HEIGHTS AND DENSITY

The buildings are predominantly 2 storey with some single storey bungalows. The ridge heights are up

to 9.5m with some lower, which provides interest in the street scenes. They are under the indicative heights set out in the Design and Access Statement at the outline stage. The overall density of the site is 30 dwellings per hectare. The density varies between the character areas, with lower density on the western edge of the site. The scale, density and height of the buildings accords with Policies D SP1, D DM1 and the Arun Design Guide SPD.

CHARACTER AND APPEARANCE

The site is divided into four character areas: 'Sefter Meadow and the Rural Edge' (along the western edge of the site), 'Southern Gateway and Downs View Spine' (through the centre of the site), 'Hook Lane and Pagham Rife Green' (along the eastern boundary) and 'Streets and Mews' (in the central areas east of the spine road). The principles and the layout, boundaries and built form in each of the character areas is set out in the approved Design Code. The proposed buildings take forward principles from the local area, for example, front to back gable roof forms, hipped roofs, white framed windows with a vertical emphasis, red brick with feature render and cladding, brick detailing, roof dormers, chimneys, bay windows and tile hanging. Boundary treatment features which have been taken forward include hedge planting and lower boundary features.

The Sefter Meadow character area has an informal form and a country vernacular, which is appropriate as this part of the site forms a transition with the countryside to the west. The Southern Gateway and Downs View Spine has a more formal appearance as the buildings are in the same alignment along the street. This provides a strong streetscene along the spine road, which emphasises it's purpose as the main route through the site. The Hook Lane and Pagham Rife Green provides a transition to the existing built form on Hook Lane, with dwellings set back behind a landscape buffer. The appearance of the dwellings reflects the character of existing dwellings in Hook Lane and the farmyard cluster at the entrance to the site helps provide a sense of arrival into the site. The Streets and Mews character is the internal streets which includes has more wide-fronted, semi-detached and terraced properties, with dwellings grouped to frame spaces such as courtyards.

The materials palette reflects the locality, with predominately brick in red, orange, brown and rustic red. Render is used on key buildings within the site, particularly along the spine road. Tile hanging is used as a feature in the Sefter Meadow character area. Grey weatherboarding provides interest in the Hook Lane and Pagham Rife Green character area.

The reserved matters application complies with the principles set out in the Design Code for each character area and complies with Policies D SP1, D DM1 and the Arun Design Guide SPD providing a high quality development.

LANDSCAPING AND PUBLIC OPEN SPACE

The scheme has been designed with different areas of public open space. The quantum of open space is 5.03 hectares excluding SuDs provision. This includes 0.69ha parks and gardens, 1.12ha amenity greenspace and 3.06ha natural and semi-natural greenspace, 0.27ha play provision. This exceeds the requirement of 2.84ha of public open space set out in the Open Space, Playing Pitches, Indoor and Built Sports Facilities SPD (2020).

The Northern and Western Edges includes native woodland planting, wet meadow planting, bulbs. The landscaping will enhance existing boundary hedges which will soften the transition between the development and the wider landscape.

Sefter Meadow includes two areas separated by the realigned rife. The planting includes areas of native coppice mix planting, wildflower meadow mix, amenity grass and tree planting. Street furniture includes timber benches, dog waste bins and litter bins. An informal Local Area of Play (LAP) would provide natural play opportunities (e.g. logs, stumps, earth mounding). A key feature of this area is the viewing

mound which will provide views to the surrounding area. This area will provide an informal recreation and meeting space which will be suitable and accessible for all users, with good natural surveillance provided by the houses which front onto the space.

The Eastern Edge landscaping provides for the reinforcement of the existing hedgerow, with meadow planting behind, groupings of trees will also help soften the appearance of the housing. Two more LAPs are provided within this Eastern Edge, providing informal play opportunities.

The Rife Green is a green corridor leading from Hook Lane to Sefter Meadow and includes tree planting, meadow planting and amenity grassland.

The Children's Play Area (an Enhanced Locally Equipped Area of Play - ELEAP) is located in the western part of the site, in a square arrangement. The Play Area has good natural surveillance from the surrounding dwellings and is an appropriate distance from properties to avoid causing amenity impacts.

Pagham Parish Council have requested input into the play equipment provided on the site and are seeking something more innovative than the equipment originally proposed, to complement existing provision. The play equipment was detailed on the hard landscaping plans which need to be agreed as part of the approved plans under the reserved matters application. However, as there is also the requirement under the S106 agreement for the submission of a Public Open Space Scheme which includes the specification for the ELEAP, further consideration to the play equipment can be given prior to the submission of the Scheme. Amended hard and soft landscaping plans have been provided without the ELEAP specification.

The landscaping along the spine road includes tree planting in verges, which helps provide a formal appearance to the street not found elsewhere in the scheme.

The hard landscaping helps to reinforce each of the public open space areas detailed above through the use of appropriate surfacing materials, for example, the use of red gravel tarmac for the cycle route through Sefter Meadow. The boundary materials used include a mixture of dwarf walls, estate rails and knee rails. Back garden fencing is close board timber fencing, with walls to side gardens, particularly where more prominent in the streetscene.

Overall, the landscaping provides for a high quality, useable and well defined public realm and contributes to the character areas within the site, providing for good legibility in accordance with the Arun Design Guide SPD, Policies D SP1, D DM1, GI SP1, OSR DM1, HWB SP1 and Open Space, Playing Pitches, Indoor and Built Sports Facilities SPD (2020).

AFFORDABLE HOUSING

Of the 300 units proposed, 210 are private and 90 are affordable which accords with the policy requirement for 30% provision. The affordable housing is in small clusters throughout the site which meets policy requirements. As there are no private 1 bed units, this house type is only affordable, which means that it will be distinguishable from market housing. Different house types are used for the affordable and private dwellings, however, when viewed in the street scene alongside the market units, it is not considered that this will be an issue as they do not stand out (e.g. in the same way that a large apartment block would).

HOUSING MIX

The proposals are for the following:

Private:

62 No. 2 bed units (20%)

85 No. 3 bed units (40%)
63 No. 4 bed units (30%)

Affordable:

22 No. 1 bed units (24%)
42 No. 2 bed units (47%)
20 No. 3 bed units (22%)
6 No. 4 bed units (7%)

The mix of market housing broadly accords with the need for 3 bed properties, although the percentage of 4 bed properties is higher and the percentage of 2 beds lower than set out in the Strategic Housing Market Assessment (SMHA) (Sept 2016). This is not compliant with the recommended mix, but the benefits of the scheme as a whole, combined with the positive contribution that detached units make towards a lower density edge on the west of the site, are considered to outweigh the lack of compliance.

The affordable housing size mix accords with the SHMA and is acceptable. The tenure mix is 61% affordable rented and 20% intermediate housing. No objection was raised to the affordable housing mix or location by the Councils Housing Strategy Officer and the affordable housing provision accords with Policy AH SP2.

HERITAGE ASSETS

The impact of development on heritage assets was assessed at the outline stage, which considered the following Grade II listed buildings: Rookery Farm, Nyetimber Windmill, Mill Cottage, Mill Farm, Inglenook Hotel, Sefter Farm House and Sefter Granary. It was concluded that the proposal would not result in any harm to the significance of the heritage assets. It was also concluded that the proposal would not give rise to any harm to the significance of the locally listed 56/58 Hook Lane or impact of the Barton Close Area of Character. The Conservation Officer has commented that the layout of the site, along with the contained settings provided for by virtue of existing development, and the presence of boundary hedging, will mean that the proposal will have little impact on the assets and application will not cause harm to the significant of the heritage assets. The quality of the materials can be secured through Condition 5 of the outline which requires a schedule of materials and finishes to be submitted and approved. Therefore, the development accords with policies HER SP1, HER DM1, HER DM2, HER DM4 of the Arun Local Plan and does not result in any harm to the significance of any designated or locally designated heritage assets.

RESIDENTIAL AMENITY

The layout of the site does not give rise to any concerns about impact on the amenity of existing residents due to the separation distance of the new properties from existing properties on Hook Lane in accordance with Policy Q SP1.

EXTERNAL SPACE STANDARDS

The Arun Design Guide SPD recommends a minimum garden depth of 10.5m. A Garden Depth plan has been provided which demonstrates that all of the properties meet the minimum requirement. The gardens are largely regular in shape and a few plots with more irregular garden shapes have longer depths to compensate. The maisonettes (type SO/GL) have small front gardens rather than rear gardens which provides them with private amenity space of a similar size to a balcony - in accordance with the recommended size in the Arun Design Guide SPD. The scheme complies with the external space standards set out in the Arun Design Guide SPD.

INTERNAL SPACE STANDARDS

Condition 34 of the outline permission required at least 50% of the units (150) to be designed and constructed to M4(2) standards (accessible and adaptable) and an additional 12 to M4(3) standard

(wheelchair accessible). 7 of the private house types proposed meet M4(2) standards for accessibility, amounting to 108 units. 78 of the affordable units also comply with M4 (2) standards. A total of 186 units are M4(2) compliant, exceeding the minimum of 150 units required. The Romsey house type is M4(3) compliant and there are 12 proposed on the site, meeting the requirement for 12 wheelchair accessible units. The remainder of the units meet the Nationally Described Space Standards. The scheme complies with Policy D DM2 in terms of internal space standards and provides for adaptability in accordance with D DM1 and the Arun Design Guide SPD.

CLIMATE CHANGE

The layout provides some opportunity to maximise solar gain where the streets are laid out in an east/west pattern. Condition 33 of the outline permission requires the submission of a scheme for electric vehicle charging point provision. Condition 26 of the outline requires that at least 10% of the total predicated energy requirements are from renewable or low carbon energy. The approved Design Code also sets out measures to improve thermal efficiency of the dwellings and reduce energy consumption. Therefore, the scheme accords with policy ECC SP1, Adapting to Climate Change and ECC SP2 Energy and Climate Change Mitigation.

DRAINAGE

The detailed drainage strategy will be considered through the discharge of the conditions attached to the outline permission, however, it is important to ensure that there is sufficient space within the layout to allow for the site to be satisfactorily drained. A Flood Risk Assessment was submitted and considered as part of the outline application and a Flood Risk Assessment Addendum has been submitted with this application to provide further detail. The proposed surface water drainage strategy will drain to the existing watercourse via a series of basins and swales and will naturalise the existing water course by realigning it through the east/west open space. The cycle/ footway network will cross the swales over culverts. Foul drainage will be through a gravity sewer network and existing mains crossing the site will be diverted. ADC Engineers have raised a holding objection and are seeking further clarification on the upstream and downstream watercourse levels (which is needed to demonstrate that the watercourse can be realigned as shown on the layout) and a second location for discharge. Dialogue is continuing on this matter for discharging the drainage conditions, however, it is considered that there is likely to be sufficient space within the layout to allow for any increase to the size of the attenuation ponds if required. If this proves not to be the case, then the applicant would need to apply to vary the reserved matters approval. Concern has been raised by the tree officer in relation to the root protection area of an protected oak (T6), however, the existing alignment of the watercourse is close to the tree and this is not being altered. Condition 9 of the outline permission requires detailed information to be submitted to ensure the protection of the trees.

NOISE

Noise was considered at the outline application stage and the reserved matters planning statement confirms that the mitigation measures specified will be implemented on the site. This includes the provision of appropriate glazing with trickle vents and solid fences or walls to screen garden areas from the noise sources (Pagham Road and Hook Lane). This will ensure that the noise environment for future residents is acceptable in accordance with Policy QE DM1.

LIGHTING

Lighting plans have been submitted with this application as required by condition 7, however, condition 15 of the outline application requires the submission of a lighting scheme. Therefore, the submitted plans won't be listed as approved plans and can be submitted for consideration to discharge the condition. This will also ensure that the scheme addresses the concerns about use of bollard lighting raised by the Police.

ECOLOGY

The outline application includes conditions requiring detail of hedgerow enhancement for bats, an updated badger survey, and the submission of an Ecological Protection and Enhancement Plan based on the Ecological Appraisal submitted with the outline application. This needs to include mitigation for water voles, bats, birds, hedgehogs and reptiles and to demonstrate net biodiversity gain. The greenspace within the site provides recreational space for people and dogs, which, combined with the financial contribution secured at outline towards the Pagham Harbour Strategic Access Management Strategy (SAMM) will provide mitigation for the impacts on Pagham Harbour SPA/Ramsar site.

RECOMMENDATION

It is therefore recommended that this application for reserved matters is approved subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

- Site Layout SL.01 F
- Site Layout North SL.01-N F
- Site Layout South SL.01-S F
- Coloured Site Layout CSL.01 F
- Affordable Housing Layout AHL.01 C
- Boundary Materials Layout BML.01 D
- Dwelling Materials Layout DML.01 D
- Garden Depths Layout GDL.01 C

Location Plan LP.01 A
Parking Strategy Layout PSL.01 C
Refuse Strategy Layout RSL.01 C
Noise Assessment Layout NAL.01
Street Elevation A-A SE.01 D
Street Elevation B-B SE.02 C
Street Elevation C-C SE.03 D
Street Elevation D-D SE.04 D
Street Elevation E-E SE.05 D
Street Elevation F-F SE.06 B
Coloured Street Elevation A-A CSE.01 D
Coloured Street Elevation B-B CSE.02 C
Coloured Street Elevation C-C CSE.03 D
Coloured Street Elevation D-D CSE.04 D
Coloured Street Elevation E-E CSE.05 D
Coloured Street Elevation F-F CSE.06 B
Road Layout and Visibility 10461-HL-01 C
Road Layout and Visibility 10461-HL-02 C
Road Layout and Visibility 10461-HL-03 C
Refuse Vehicle Swept Paths 10462-VT-01 F
Refuse Vehicle Swept Paths 10462-VT-02 E
Refuse Vehicle Swept Paths 10462-VT-03 E
Finished Floor Levels 10461-EW-001 C
Finished Floor Levels 10461-EW-002 C
Finished Floor Levels 10461-EW-003 C
Vegetation Retention and Removal Plan 167-RM-01
Hardworks Plan Sheet 1 167-RM-02 C
Hardworks Plan Sheet 2 167-RM-03 C
Hardworks Plan Sheet 3 167-RM-04 C
Hardworks Plan Sheet 4 167-RM-05 C
Hardworks Plan Sheet 5 167-RM-06 D
Hardworks Plan Sheet 6 167-RM-07 D
Hardworks Plan Sheet 7 167-RM-08 C
Softworks Plan Sheet 1 167-RM-09 C
Softworks Plan Sheet 2 167-RM-10 C
Softworks Plan Sheet 3 167-RM-11 C
Softworks Plan Sheet 4 167-RM-12 C
Softworks Plan Sheet 5 167-RM-13 D
Softworks Plan Sheet 6 167-RM-14 D
Softworks Plan Sheet 7 167-RM-15 C
Softworks Schedule 167-RM-16 D
Footpath/Cycle Path Phasing Plan 167-RM-17 C
Play Provisions Plan 167-RM-18 B
Open Space Standards Plan 167-RM-19 A
Rife Green / Sefter Meadow Structural Planting Detail 167-RM-20 -
Sub Station SS.01.pe A
Gas Governor GG.01.pe A
Arkwright-Country-Brick-Plans and Elevations HT.AR.C.01.pe B
Arkwright-Country-Tile-Plans and Elevations HT.AR.C.02.pe B
Arkwright-Town-Brick Detail-Plans and Elevations HT.AR.T.01.BD.pe B
Arkwright-Town-Brick-Plans and Elevations HT.AR.T.01.pe C
Arkwright-Town-Weatherboard-Plans and Elevations HT.AR.T.03.pe C

Baker(2 block)-Country-Brick- Elevations HT.BA.2Blk.C.01.e B
 Baker(2 block)-Floors Plans HT.BA.2Blk.p A
 Bowyer-Country-Brick-Plans and Elevations HT.BO.C.01.pe B
 Bowyer-Country-Tile-Plans and Elevations HT.BO.C.02.pe B
 Bowyer-Country-Tile-Half Hip-Plans and Elevations HT.BO.C.02.HH.pe B
 Bowyer-Town-Brick-Plans and Elevations HT.BO.T.01.pe C
 Bowyer-Town-Brick Detail-Plans and Elevations HT.BO.T.01.BD.pe B
 Bowyer-Town-Render-Plans and Elevations HT.BO.T.02.pe B
 Bowyer-Town-Weatherboard-Plans and Elevations HT.BO.T.03.pe B
 Coiner(2 block)-Floors Plans HT.CN.2Blk.p A
 Coiner(2 block)-Town-Brick Detail-Elevations HT.CN.2Blk.T.01.BD.e A
 Coiner(2 block)-Town-Brick Detail-Gable-Elevations HT.CN.2Blk.T.01.BDG.e B
 Coiner(2 block)-Town-Brick-Elevations HT.CN.2Blk.T.01.e A
 Coiner(2 block)-Town-Brick-Gable-Elevations HT.CN.2Blk.T.01.G.e A
 Cooper(2 block)-Town-Brick-Gable-Plans Elevations HT.CO.2Blk.T.01.G.pe A
 Cooper(2 block)-Town-Brick-Plans and Elevations HT.CO.2Blk.T.01.pe A
 Coopersmith-Country-Brick Detail-Plans and Elevations HT.CS.C.01.pe C
 Coopersmith-Town-Brick Detail-Plans and Elevations HT.CS.T.01.BD.pe A
 Coopersmith-Town-Brick-Gable-Plans and Elevations HT.CS.T.01.G.pe B
 House Type Coopersmith)2 block)-Town-Brick-Gable- Elevations HT.CS.2Blk.T.01.G.e A
 House Type Coopersmith(2 block)-Town-Brick-Gable-Plans HT.CS.2Blk.T.01.G.p A
 Coopersmith-Town-Brick-Plans and Elevations HT.CS.T.01.pe B
 Cartographer(2 block)-Floors Plans HT.CT.2Blk.p A
 Cartographer(2 block)-Country-Brick-Elevations HT.CT.2Blk.C.01.e B
 Cartographer(2 block)-Town-Brick-Elevations HT.CT.2Blk.T.01.e A
 Frammer-Country-Brick-Plans and Elevations HT.FM.C.01.pe B
 Frammer-Country-Weatherboard-Plans and Elevations HT.FM.C.03.pe B
 Frammer-Town-Brick Detail-Plans and Elevations HT.FM.T.01.BD.pe B
 Frammer-Town-Brick-Plans and Elevations HT.FM.T.01.pe C
 Frammer-Town-Render-Plans and Elevations HT.FM.T.02.pe B
 Goldsmith-Country-Brick-Half Hip-Plans and Elevations HT.GO.C.01.HH.pe B
 Goldsmith-Country-Brick-Plans and Elevations HT.GO.C.01.pe A
 Goldsmith-Country-Tile-Half Hip-Plans and Elevations HT.GO.C.02.HH.pe B
 Goldsmith-Country-Tile-Plans and Elevations HT.GO.C.02.pe B
 Goldsmith-Town-Brick Detail-Plans and Elevations HT.GO.T.01.BD.pe B
 Goldsmith-Town-Brick -Plans and Elevations HT.GO.T.01.pe A
 Goldsmith-Town-Render-Baywindow-Plans and Elevations HT.GO.BW.T.02.pe A
 Goldsmith-Town-Render -Plans and Elevations HT.GO.T.02.pe B
 Mason-Country-Brick-Plans and Elevations HT.MA.C.01.pe B
 Mason-Town-Brick Detail-Plans and Elevations HT.MA.T.01.BD.pe A
 Mason-Town-Brick-Plans and Elevations HT.MA.T.01.pe B
 Quilter-Country-Brick-Plans and Elevations HT.QU.C.01.pe B
 Quilter-Town-Brick-Plans and Elevations HT.QU.T.01.pe C
 Romsey(2 block)-Floors Plans HT.RO.2Blk.p A
 Romsey(2 block)-Town-Brick.Elevations HT.RO.2Blk.T.01.e A
 Romsey(2 block)-Town-Brick-Gable-Elevations HT.RO.2Blk.T.01.G.e A
 Romsey-Town-Brick-Plans and Elevations HT.RO.T.01.pe A
 Souter/Glover(2 block)-Country-Brick-Elevations HT.SG.2blk.C.01.e B
 Souter/Glover(2 block)-Floor Plans HT.SG.2blk.p A
 Souter/Glover(2 block)-Town-Brick-Elevations HT.SG.2blk.T.01.e A
 Souter/Glover1(2 block)-Country-Brick-Elevations HT.SG1.2blk.C.01.e B
 Souter/Glover1(2 block)-Floor Plans HT.SG.2blk..C.01.p A

Sculptor-Country-Brick-Plans and Elevations HT.SR.C.01.pe B
 Sculptor-Country-Tile-Plans and Elevations HT.SR.C.02.pe B
 Sculptor-Town-Brick-Plans and Elevations HT.SR.T.01.pe B
 Sculptor-Town-Render-Plans and Elevations HT.SR.T.02.pe B
 Tailor(2 block)-Town-Brick Detail-Gable-Plans and Elevations HT.TA.2Blk.T.01.BD.G.pe A
 Tailor(2 block)-Town-Brick-Plans and Elevations HT.TA.2Blk.T.01.pe B
 Thespian-Country-Brick-Plans and Elevations HT.TH.C.01.pe C
 Thespian-Town-Brick-Plans and Elevations HT.TH.T.01.pe B
 Tillman(2 block)-Country-Brick- Elevations HT.TI.2Blk.C.01.e B
 Tillman(2 block)-Floor Plans HT.TI.2Blk.p A
 Tillman(2 block)-Town-Brick- Elevations HT.TI.2Blk.T.01.e A
 Tillman(2 block)-Town-Brick- Gable-Elevations HT.TI.2Blk.T.01.G.e B
 Tillman(2 block)-Town-Render- Elevations HT.TI.2Blk.T.02.e A
 Tanner-Floor Plans HT.TN.p A
 Tanner-Town-Brick-Elevations HT.TN.T.01.e B
 Tanner-Town-Weatherboard-Elevations HT.TN.T.03.e B
 Weaver-Country-Brick-Plans and Elevations HT.WE.C.01.pe B
 Weaver-Country-Tile-Plans and Elevations HT.WE.C.02.pe B
 Weaver-Town-Brick-Plans and Elevations HT.WE.T.01.pe A
 Woodcarver-Town-Brick-Plans and Elevations HT.WO.T.01.pe B
 Woodcarver-Town-Weatherboard-Plans and Elevations HT.WO.T.03.pe B
 Quilter-Country-Encased-Render-Plans and Elevations HT.QU.01.ER.pe A
 Plots 8-9 - Elevations P.8-9.e B
 Plots 8-9 - Floor Plans P.8-9.p A
 Plots 12-13 - Floor Plans and Elevations P.12-13.pe B
 Plots 24-26 - Elevations P.24-26.e B
 Plots 24-26 - Floor Plans P.24-26.p A
 Plots 31-32 - Elevations P.31-32.e B
 Plots 31-32 - Floor Plans P.31-32.p A
 Plots 35-36 - Elevations P.35-36.e B
 Plots 35-36 - Floor Plans P.35-36.p A
 Plots 38-39 - Floor Plans and Elevations P.38-39.pe B
 Plots 42-43 - Elevations P.42-43.e B
 Plots 42-43 - Floor Plans P.42-43.p A
 Plots 45-46 - Elevations P.45-46.e C
 Plots 45-46 - Floor Plans P.45-46.p B
 Plots 99-101 - Elevations P.99-101.e B
 Plots 99-101 - Floor Plans P.99-101.p A
 Plots 102-103 - Floor Plans and Elevations P.102-103.pe B
 Plots 123-128 - Elevations P.123-128.e B
 Plots 123-128 - Floor Plans sheet 1 of 2 P.123-128.p1 B
 Plots 123-128 - Floor Plans sheet 2 of 2 P.123-128.p2 B
 Plots 149-150 - Elevations P.149-150.e B
 Plots 149-150 - Floor Plans P.149-150.p A
 Plots 159-160 - Floor Plans and Elevations P.159-160.pe B
 Plots 161-162 - Elevations P.161-162.e B
 Plots 161-162 - Floor Plans P.161-162.p A
 Plots 197-202 - Elevations P.197-202.e A
 Plots 197-202 - Floor Plans sheet 1 of 2 P.197-202.p1 A
 Plots 197-202 - Floor Plans sheet 2 of 2 P.197-202.p2 A
 Plots 207-209- Elevations P.207-209.e A
 Plots 207-209 - Floor Plans P.207-209.p A

Plots 216-217 - Floor Plans and Elevations P.216-217.pe B
 Plots 224-226 - Elevations P.224-226.e B
 Plots 224-226 - Floor Plans P.224-226.p A
 Plots 231-233 - Elevations P.231-233.e A
 Plots 231-233 - Floor Plans P.231-233.p A
 Plots 236-238 - Elevations P.236-238.e A
 Plots 236-238 - Floor Plans P.236-238.p A
 Plots 239-241 - Elevations P.239-241.e A
 Plots 239-241 - Floor Plans P.239-241.p A
 Plots 261-263 - Elevations P.261-263.e A
 Plots 261-263 - Floor Plans P.261-263.p A
 Plots 282-284 - Elevations P.282-284.e B
 Plots 282-284 - Floor Plans P.282-284.p A
 Plots 291-292 - Floor Plans and Elevations P.291-292.pe B
 Plots 296-297 - Elevations P.296-297.e B
 Plots 296-297 - Floor Plans P.296-297.p A
 Plots 298-300 - Elevations P.298-300.e B
 Plots 298-300 - Floor Plans P.298-300.p B
 Plots 19-20 - Elevations P.19-20e A
 Plots 19-20 - Floor Plans P.19-20.p A
 Garage Single-Floor Plans and Elevations GAR.01.pe C
 Garage Double- Floor Plans and Elevations GAR.02.pe C
 Garage Twin Town-Floor Plans and Elevations GAR.02.2.T.pe C
 Garage Single Country- Floor Plans and Elevations GAR.01.C.pe B
 Garage Double Country- Floor Plans and Elevations GAR.02.1.C.pe B
 Garage Twin Country- Floor Plans and Elevations GAR.02.2.C.pe B
 Bin and Cycle Store 1-Plans and Elevations BCS.01.pe B
 Bin and Cycle Store 2-Plans and Elevations BCS.02.pe B
 Car Barn with Bin/Bicycle Store Floor Plans and Elevations CBBS.01.pe B
 Car Barn Plot 167 CB.P_167.pe A
 Car Barn Plot 168 CB.P-168.pe A
 Garage Twin-Alternative Access-Town-Floor PlansandElevations GAR.02.T.pe A
 Bin and Cycle Store 3 - Plans and Elevations BCS.03.pe A
 Bin and Cycle Store 4 - Plans and Elevations BCS.04.pe 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 2011-2031.

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

BACKGROUND PAPERS

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

[this link.](#)

P/132/20/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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P/96/21/DOC

Recommendation Report for Approval of Details Reserved by Condition

REF NO: P/96/21/DOC
LOCATION: Land North of Sefter Road & 80 Rose Green Road, Pagham
PROPOSAL: Approval of details reserved by condition imposed under ref P/134/16/OUT relating to Condition No 34 - statement of how WW2 Infantry Section Post will be retained & integrated.

RELEVANT SITE HISTORY

P/134/16/OUT Outline application for the development of up to 280 dwellings (including affordable homes), land for a replacement scout hut, land for an Ambulance Community Response Post Facility and land for either a 1FE primary school or care home. Provision of a primary vehicular access from Sefter Road and demolition of No. 80 Rose Green Road and creation of a pedestrian and emergency only access. Provision of Public Open Spaces including associated children's play areas, landscaping, drainage and earthworks. This application also falls within the parish of Aldwick
Approve Conditionally 15-10-2019

P/24/20/RES Approval of Reserved Matters pursuant to condition 1 (Reserved Matters details), condition 6 (Design Code Masterplan) and condition 7 (landscaping and layout details) following the approval of Outline planning permission P/134/16/OUT for the erection of 280 dwellings, (including affordable homes), replacement scout hut & Ambulance Community Response Post Facility; provision of a primary vehicular access from Sefter Road; demolition of No. 80 Rose Green Road & creation of a pedestrian & emergency only access; provision of Public Open Spaces including associated children's play areas, landscaping, drainage & earthworks. This application also lies within the parish of Aldwick. This site falls within the Pagham North SD2, CIL Zone 1 (Zero Rated).
Refused 26-06-2020

P/40/20/DOC

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

Part Approved 16-07-2020

Condition 34 was originally part of this application for approval of details, however, inadequate details were provided to demonstrate its retention and condition 34 was not discharged.

CONSULTATIONS

ADC Archaeology Adviser – Agree that the retention strategy submitted with the application is appropriate and that it should be undertaken as described. The relevant planning condition (no. 34) has therefore been fulfilled and may be discharged.

ADC Conservation Officer – The approach as set out would seem to be a logical one, that of incorporating the retained Infantry Section Post into the landscape strategy of the proposals. This is followed by building recording and the creation of a strategy for the retention and interpretation of the structure. The latter being directly informed by the Historic Building Recording.

It is positive to note that the statement identifies that no physical works will be undertaken to the Infantry Section Post without consultation with the LPA on the nature of works before they are undertaken.

COMMENTS ON CONSULTATION RESPONSES:

The consultation responses are noted.

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES:

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

PLANNING POLICY GUIDANCE

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

CONCLUSIONS

BACKGROUND

Condition 34 of outline planning permission (P/134/16/OUT) granted on 15 October 2019 states:

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

The reason for the condition reads:

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

As part of application P/40/20/DOC condition 34 was recommended to only be partly discharged. However, members were uncomfortable with this as they felt it would not ensure the proper retention of the WW2 Infantry Post. Condition 34 was not discharged. The recommendation for this application for the discharge of condition 34 seeks to have condition 34 discharged in full.

ASSESSMENT

The details submitted to discharge condition 34 include: a WW2 Infantry Section Post Retention Strategy and appendices including Written Scheme of Investigation (Level II Recording) to Inform a Programme of Retention and Interpretation.

The Infantry Section Post is a non-designated heritage asset. It lies within an overgrown area of agricultural land north of Sefter Road and the residential areas of Rose Green Road. It lies near a field boundary in a field enclosed by tall hedgerows and mature planting. The strategy to retain the Infantry Section Post describes how proposed development described in the current reserved matters application (ref: P/49/21/RES) will retain the structure in situ, and how it is integrated as part of the proposals.

The Infantry Section Post will be incorporated into the landscape strategy proposals in order to minimise potential impacts to its significance. The landscape strategy ensures that no built development will be constructed in close proximity to the Infantry Section Post. The Infantry Section Post is proposed to be retained and within an area of green space separated from proposed buildings by planting and landscaping. 1.1m high fencing will surround the Infantry Section Post. This fencing will be constructed of timber to be in keeping with the semi-rural location of the structure. There will also be a strategic break in the fencing allowing views from the road.

The strategy for the in situ retention of the Infantry Section Post includes: clearance of overgrown planting; a programme of historic building recording (described in the Written Scheme of Investigation) which will be used to inform later steps of the strategy including short and long term strategies for retention; short term strategies for retention which may include any emergency remediation works required to stabilise the Infantry Section Post and make it structurally sound and interventions to secure it from any intrusive public access; and long term strategies for retention to include the installation of interpretation boards.

The strategy will ensure the preservation of the fabric of the structure and the interest in its historic and architectural significance. In particular, the proposal to integrate the structure within the landscape design proposals of the current reserved matters application will create a setting befitting its heritage status and will protect it from public intrusion the impact of which will prolong its longevity for present and future generations to enjoy.

RECOMMENDATION

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

PLANNING APPLICATION REPORT

REF NO: M/88/21/PL

LOCATION: 155 Middleton Road
Middleton-On-Sea
PO22 6DF

PROPOSAL: Coffee trailer business to be located on the shingle area adjacent to the paved forecourt. This application may affect the setting of a listed building & is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposal relates to the provision of a trailer for the sale of hot and cold drinks and food on the forecourt of an existing business. The proposal is a 'grab and go' facility with no cooking facilities and no seating.

The trailer will be approximately 2.3m high and made from steel. The site area is approximately 4m by 6.7m.

The trailer will be located on the gravel area to the west of the paved forecourt area. All adjacent shrubs, bushes and grassed areas are outside of the application site.

BOUNDARY TREATMENT Part of frontage is open, rest has a 1m high evergreen hedge.

SITE CHARACTERISTICS The site comprises an existing 1.5 storey detached beauty salon with parking area to the front. The property is not purpose built but has been previously converted to its business use. The site has 2 entrances onto the main road, B2132, and access road to the parking area at the rear.

CHARACTER OF LOCALITY The site is located in the village centre amongst a mixture of building types ranging from 1.5 to 3 storeys in height with a mixture of residential and business uses. To the West there is a 3 storey purpose built block of flats to the East there are some traditionally built shops with residential accommodation at 1st floor level.

REPRESENTATIONS

Middleton Parish Council - Objection

- Out of character with the streetscene.
- Will impinge on the privacy and living conditions of adjoining properties.
- Will set a precedent.
- Concerns in respect of parking, traffic and safety.

30 Objections

- Location is wholly unsuitable when adjacent parking belongs to other businesses.

- Coffee trailer passing customers are likely to encroach on this to the detriment of other established local businesses.
- The only area in front of the proposed coffee business has double yellow lines, which if parked on will cause obstructions and danger to motorists and pedestrians alike.
- There is an island in the road that is in frequent use and incorrect parking for the trailer would considerably increase the risk of an accident with pedestrians.
- The proposed trailer is inconsistent with the Village Design Statement.
- The proposed trailer does not fit in with the street scene.
- The village is adequately served by another nearby restaurant.
- From both directions drivers will have driven past without seeing the trailer and if interested would have to negotiate the awkward traffic situation to return and park.
- The flint walls opposite have been knocked down.
- Where will the rubbish be disposed of?
- This proposal which will adversely affect the appearance and setting of a building of character and local interest, which is included on the local list of an Area of Character.
- There is already significant congestion around the site as it is close to the junction of Middleton Road and Sea Lane. The arrival of the coffee trailer could make the situation worse because the 3 parking spaces parallel with the road and the front elevation of the Beauty Salon would be occupied by customers queuing for/purchasing cups of coffee.

63 Support

- Fantastic idea.
- Perfect opportunity for nice hot drinks for locals.
- Very crowded and busy part of the street with heavy traffic and serious parking problems and a Bus Stop which buses struggle to stop at.
- Would be great to have a grab and go speciality 'barista' coffee offering, and something very different from existing options.
- The trailer has been carefully thought through and designed very sympathetically (in terms of colour, size and location) to be in keeping with the style of the village, the area of special character and the street scene.
- Will attract attention, potentially encouraging younger customers into our shops.
- There is nothing similar in the vicinity and it is much needed.

COMMENTS ON REPRESENTATIONS RECEIVED:

Representations are addressed in the conclusions section of this report.

The provision of a litter bin and hours of operation are conditioned.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Comment.

Conservation Officer - No Objection.

The proposal is for the introduction of a coffee trailer business on an area of shingle which is adjacent to the existing paved forecourt. It would appear to cover an area of 2.6m by 1.5m, and be located so as to be visible from the road to the front of the site. However, it would also be located in a vibrant village centre where there a mixture of shops and other uses, along with pedestrians and vehicles.

The trailer itself, would not be a permanent fixture and could be easily removed. The trailer would be a black colour with white lettering. This appearance would be acceptable.

The trailer would not harm the established character of this part of the village centre, nor the area of character or the setting of the Listed Building.

County Highways - No Objection.

The site benefits from existing hardstanding which can be utilised for visitors. Given the scale of the proposed development, the LHA anticipates that the existing parking area will be sufficient for this proposal. There are also parking bays on-street that can also be utilised in the event that the hardstanding area is full. There are comprehensive parking restrictions in place on Middleton Road, preventing vehicles from parking in places that would be a detriment to highway safety.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
 Within Built Up Area Boundary
 Within Middleton On-Sea Area of Character
 Host building is a Building of Character

DEVELOPMENT PLAN POLICIES

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

EMPDM1	EMP DM1 Employment Land: Development Management
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
DDM1	D DM1 Aspects of form and design quality
RETSP1	RET SP1 Hierachy of Town Centres
TSP1	T SP1 Transport and Development
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM4	HER DM4 Areas of Character
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment

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
SPD7	Middleton on Sea Village Design Statement

POLICY COMMENTARY

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

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

Middleton does not have an adopted Neighbourhood Plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that there would no adverse impact on the character of the area or visual and residential amenity.

Section 70(2) of the 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,
- (a) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site lies within the built-up boundary where the principle of development is considered acceptable subject to compliance with other development plan policies. The key policies are D SP1, D DM1, TSP1, QE SP1 and RET SP1 of the Arun Local Plan.

Policy D SP1 of the Arun Local Plan - Design states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

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 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.

The main issues are whether or not the development would be out of character, and overly dominant, taking account of heritage assets, the impact on neighbouring dwellings and the retail hierarchy of the parade.

Policy QE SP1 of Arun Local Plan states that the Council requires 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. It goes on to state that the location of existing industrial and commercial uses, must be taken into account when considering proposals sensitive to noise, light, odour outputs to the air.

Policies that relate to the proposed development are EMP DM1 and RET SP1. Policy EMP DM1 seeks to protect and enhance existing employment sites and states that it will promote and support measures to upgrade existing areas.

Policy RET SP1 states village and suburban centres, including stand alone shops and parades form an important resource for businesses, visitors and residents. The expansion and additional provision of such facilities to a scale appropriate to the existing settlement will be welcomed provided it adds to the range of goods and services. When considering this proposal against this policy it provides a supplementary role, providing an alternative to a coffee shop where seats and a wider range of food are provided. The proposal is considered to accord with this policy.

VISUAL AMENITY AND CHARACTER OF THE AREA

Policies D SP1 and D DM1 of Arun Local Plan seek to ensure that development:

- Reflects or improves the character of the site and the surrounding area.
- Minimises the impact on neighbouring land/residents.
- The scheme is easily accessible on foot or by public transport.
- The design is adaptable and appropriate in design and scale.

The proposal will be a small trailer which will not be visually prominent and will result in no adverse impact on the character of the area. The proposed colour of the trailer (black with sympathetic white logo/signage) is consistent with the traditional style of a number of buildings in the village, including 155 Middleton Road (with black timber beams and white walls). The trailer is a very simple design, and the proposal will not detract from the existing outlook of the village and is very much in scale with existing buildings.

It is not much bigger than a large car or small van and there are numerous vehicles parked on the car showroom forecourt to the south and off-road parking of cars by residents & local businesses both during the day and at night time occurs within the immediate area. There are also existing commercial frontages where products for sale are being stored outside. The trailer will be located 2.6m from the site frontage and would be readily assimilated into the appearance of the streetscene. The trailer would be easily accessible on foot and by public transport.

EMPLOYMENT

ADC policy EMP DM1 part 1 states that the Council will promote and support positive measures to make more efficient use of under-used employment sites and premises; and work developers to achieve better management of employment areas, including measures which increase sustainability and reduce crime.

Paragraph 86 of the NPPF states policies and decisions should support the role that town centres play at the heart of local communities.

The proposed trailer will bring additional employment opportunities for the owner and possibly one other member of staff and would utilise a small section of the existing commercial forecourt and will complement the range of faculties offered within the village centre which serve the local community. The proposal is therefore compliant with this policy.

ACCESS AND PARKING

Policy T SP1 of the Arun Local Plan discusses transport issues including safe highway access.

Regard should be had to paragraph 111 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe". Policy 108 refers to maximum parking standards for residential and non-residential development.

The proposal is for a small scale use. The Highway Authority have confirmed that the likely level of activity would result in no highway safety concerns for this application.

Arun's Parking Standards Supplementary Planning Document provides guidance on parking standards and states the amount of parking in commercial developments should be based on:

- the developments land-use,
- trip rate associated with the development (including base and forecast mode share) and
- the user group of staff/visitors of the site.

Parking for the existing business is served by the forecourt to the front of the premises, it is proposed that the trailer is sited to the Western end of this area. The site has an in/out access way which serves as a drive to the properties behind the premises; from the details submitted it is clear the in/out access way will not be blocked from the trailers positioning.

No dedicated parking provision is provided as part of the proposal, but it is anticipated that existing on road parking would be used to serve the development and much of the business would be derived from people passing on foot.

There is sufficient space to accommodate all business needs and the proposal is compliant with policy TSP1 of Arun Local Plan.

HERITAGE CONSIDERATIONS

Policy HER DM2 and HER DM4 deal with locally listed buildings and areas of character. Policy HER DM1 refers to the setting of listed buildings Policy HER DM2 states that proposals for alteration or extension to a locally listed building should be sensitive to its setting.

Policy HER DM4 states that proposals within these area will be granted permission subject to retention of buildings and other features, maintenance of an appropriate mix of uses, new development preserving, and enhancing the special character of these areas. As this proposal does not physically alter the existing building or the site it is believed that the proposal is in accordance with these heritage policies.

Para 200 of the NPPF requires the LPA to identify the significance of the heritage asset affected by a development. The heritage asset is of some significance. Para 201 requires the LPA consider the significance of the impact upon that heritage asset. This guidance has been followed.

The siting of the trailer to the front of the existing building will cause the openness of the frontage, as mentioned within the 'Area of Character' description, to be altered slightly however the temporary nature of the structure means that the proposal would cause no harm to the locally listed building and its setting. The Conservation Officer has advised that the trailer would not harm the established character of this part of the village centre, nor the area of character or the setting of the Listed Building. In accordance with paragraph 203 of the NPPF the effect of the proposal on the significance of a non-designated heritage asset has been taken into account. No harm or loss results.

RESIDENTIAL AMENITY

Environmental Health have provided no comment on the proposal.

The proposal would not cause a nuisance to neighbouring properties given that:

- the conditioned hours of operation are appropriate for this location and business type;
- the trailer would not be reliant on an external generator and would take power from the business at 155 Middleton Road therefore keeping excess noise to a minimum;
- The trailer would only be serving hot and cold drinks and pastries to take away therefore keeping excess smells to a minimum.

Due to the location of the development, it is sited sufficient distance from nearby occupiers as not to result in adverse overbearing or overshadowing impacts.

It is considered to comply with policies D DM1 and QE SP1 and therefore there would be no impact to residential amenity as a result of the development.

CONCLUSION

Given the position and limited scale of the proposal it is recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the

following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Proposed Coffee Trailer Proposed Block, Location and Elevation Plans 010621 / SL-30 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 The use hereby permitted shall not be operated at any time otherwise than between the hours of 8am and 6pm on Monday to Saturday and 9am to 2pm Sundays and Public Holidays.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun Local Plan policies QE SP1 and D DM1.

4 The use hereby permitted shall not commence until provision has been made within and in the vicinity of the site for the disposal of litter resulting from the use, and such provision shall be in accordance with details agreed in writing with the Local Planning Authority.

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

5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by 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)

M/88/21/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: LU/238/20/OUT

LOCATION: Land west of Bridge Road Roundabout
Littlehampton
BN17 5DF

PROPOSAL: Outline planning permission with some matters reserved for demolition of existing treatment works and redevelopment of a former camp site on the edge of the River Arun to provide up to 105 homes, 100sqm of A1 Shops use, 220sqm of A3 Restaurant use and 420m of pontoons to provide approximately 32 leisure moorings along with associated landscaping, sluice gate, flood defence works, car parking and highways works, including access. This application also lies within the parish of Clymping, may affect a Public Footpath and is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks outline planning permission for "demolition of existing treatment works and redevelopment of a former camp site on the edge of the River Arun to provide up to 105 homes, 100sqm of A1 Shops use, 220sqm of A3 Restaurant use and 420m of pontoons to provide approximately 32 leisure moorings along with associated landscaping, sluice gate, flood defence works, car parking and highways works, including access".

Approval is sought for access to the site and the scale of the development as part of this application. The appearance, landscaping and layout of the proposed development are reserved matters.

The application comprises a comprehensive set of plans, drawings and documents. It does not include an Environmental Statement, as the proposal does not meet the applicable thresholds and criteria set out in Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

While there have been recent amendments to the Use Classes, for planning applications such as this one that was submitted before 1 September 2020, the Use Classes in effect when the application was submitted must be used to determine the application (i.e. Class A1 Shops and Class A3 Restaurants and cafes).

SITE AREA

2.15 hectares

RESIDENTIAL DEVELOPMENT 49 dwellings per hectare (gross)

DENSITY

TOPOGRAPHY

Varies from a relatively flat plateau to steep-sided embankment.

TREES

None of any significance affected by the proposed development.

SITE CHARACTERISTICS

The application site comprises 2.15 hectares of vacant land on the east bank of the River Arun in Littlehampton. The site is bound by the A259 road to the east, the A259 road bridge to the south and the River Arun to the West. Additional vacant land in the applicant's ownership adjoins the northern part of the site.

The main pedestrian and vehicular access to the site is from the A259 Bridge Road Roundabout to the east. There is a further pedestrian access into the land adjoining the northern part of the site from the public footpath numbered 3098_1.

In addition to a short 60m long access road, the site contains a flood defence structure (wall and embankment), a main river and two disused water treatment beds.

While much of the site is understood to have been cleared for relatively recent flood defence works, the adjoining A259 road embankment to the east and south-east features well established trees and vegetation.

CHARACTER OF LOCALITY

The site is located on the edge of the urban area and is surrounded by a mixture of land uses. To the east of the A259, there is a superstore, petrol filling station and two further retail units. To the south-east of the A259, there is an industrial estate. To the south, on the opposite side of the river, are the moorings of Littlehampton Marina. To the west of the river and to the north, there is open countryside that provides the setting for Arundel. To the north-east, there is the Kingley Gate residential development.

There is no recent history of any planning applications having been made in respect of this land.

REPRESENTATIONS

LITTLEHAMPTON TOWN COUNCIL - Objection

Encouraged to see a development of this type come forward but could not support the application because of concern about (i) the impact of additional turning at the Bridge Road Roundabout to access the site, (ii) contributions towards education and healthcare facilities and (iii) the proposed level of affordable housing. Objection maintained following consultation on amended highways plans.

CLYMPING PARISH COUNCIL - Objection

Potentially an imaginative and prestigious gateway development for Littlehampton. However, concerns about (i) the impact of additional vehicular traffic using the roundabout to access the site, (ii) inadequate provision for non-motorised users to cross the A259 close to the roundabout, (iii) the safeguarding of land to enable future bridge works, maintenance, widening or replacement, (iv) the visual impact from Clymping and up the river valley towards Arundel (the height of the proposed buildings rather

dominating), and (v) the sensitivity of the river bank to environmental impacts and future flood risk. Acknowledged that amended plans include a controlled pedestrian crossing, but re-iterated their objection.

REPRESENTATIONS have been made by 14 people (12 supporting and 2 objecting).

The objections include the following comments:

- Will exacerbate congestion on the A259 between Wick Road Roundabout and Clymping Roundabout;
- Will increase pressure on GP surgeries;
- Will increase pressure on Littlehampton Academy;
- Controlled crossings are required at the entrance to the development and across the A259; and
- The railing on the bridge over the River Arun needs to be increased in height, rather than have a sign indicating cyclists should dismount.

The representations in support include the following comments:

- A bold, comprehensive, and thoughtful plan;
- An imaginative and ambitious redevelopment;
- A high-quality design;
- A project of the highest architectural quality;
- The buildings are elegantly designed;
- The character of the architecture sets an appropriate tone for the West Bank;
- Will make a positive statement on the approach from the west;
- Will add interest and value;
- Will help the local economy;
- Will bring much needed investment in new facilities for the area;
- Will regenerate a disused part of Littlehampton;
- Will help continue the slow renaissance of the town;
- Will support ongoing enhancement along the Arun;
- A catalyst for regeneration that will benefit the town and the district;
- Additional work for local businesses;
- Additional leisure moorings will be an asset;
- Will help to meet some of the District's housing requirement;
- A win-win for the environment and housing needs;
- Respects ecology;
- Benefits for wildlife;
- Will provide walking and cycling routes in accordance with health guidelines;
- Ability to access the town centre by boat;
- Important that affordable housing is protected;
- Vital that proper pedestrian/cycle routes are provided across the roundabout; and
- Vital that flood defence, surface water and sewerage are addressed to the satisfaction of the Environment Agency and Southern Water.

COMMENTS ON REPRESENTATIONS RECEIVED:

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

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - No Objection

The development will have a small additional cumulative impact on the A27 junctions, as well as the local highway network. A contribution of £20,563.20 is required towards mitigation at the A27 junctions in Arun. Subject to the collection of that contribution, Highways England is satisfied that proposal would not materially affect the safety, reliability and/or operation of the strategic road network.

ENVIRONMENT AGENCY - No Objection

The Environment Agency's position is subject to nine conditions being attached to any planning permission granted, in order to deal with flood risk, groundwater and contaminated land, and biodiversity.

SOUTHERN WATER - No Objection

Can facilitate water supply to service the development.

Can facilitate foul water disposal to service the development.

The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide adequate protection to basements from the risk of flooding.

The drainage serving the kitchen(s) (at any proposed commercial hot food business) to be fitted with a grease trap/separator (of a proportionate capacity to effectively contain grease residue arising from the estimated numbers of hot meals served and wastewater flow rate).

If new on-site drainage and pumping station to be offered for adoption, must be designed and constructed to the specification of Southern Water.

Any hardstanding that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors.

The surface water drainage details submitted to the LPA should (i) specify the responsibilities of each party for the implementation of the SuDS scheme, (ii) specify a timetable for implementation, and (iii) provide a management and maintenance plan for the lifetime of the development.

WSCC LEAD LOCAL FLOOD AUTHORITY - No Objection

Current mapping shows that the site is at moderate risk from surface water flooding and at moderate risk from groundwater flooding. It also shows ordinary watercourses running across the site. Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone to be incorporated into the design of the scheme. The LLFA has no records of surface water flooding within the site.

Sustainable drainage techniques (permeable paving, bio-swale with a discharge to the main river) are proposed to be used to control surface water from the development. All works will need to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site. The maintenance and management of the SuDS system should be set out in a site-specific manual submitted to, and approved in writing by, the LPA. The scheme subsequently to be implemented in accordance with the approved designs.

ADC DRAINAGE ENGINEER - No Objection

Flood Risk - Safe access and egress should be provided, and finished floor levels should be above peak flood levels. Surface water flow paths should also be maintained.

Surface Water Drainage - The proposals include the infilling/diversion of an ordinary watercourse, which will require land drainage consent. A buffer of 3m must be provided between the top of the bank of watercourses and proposed structures that will limit access. Uncontrolled discharge to tidal bodies is acceptable. However, the impact of tidal locking on outfalls must be considered. Therefore, if proposals are to discharge to the tidal body, it is highly likely that storage will be required to ensure that the surface water does not flood the site during high tide. Full calculations, layout plans, and construction details will be required. The detailed design should be supported by winter groundwater monitoring. Winter groundwater monitoring is required even when infiltration is not proposed to ensure that the effects of flotation are adequately accounted for in the design.

The use of four model planning conditions is recommended to ensure the development is adequately drained throughout its lifetime.

WSCC HIGHWAYS AUTHORITY - No Objection

The local highway authority has fully considered the Transport Assessment and a revised Technical Note and does not wish to raise an objection to the proposals. The application is considered to accord with the NPPF. The use of model conditions is recommended to secure (i) provision of the access and footway prior to first occupation, (ii) the submission and approval of a Construction Management Plan and (iii) the submission and approval of a Travel Plan.

WSCC FIRE AND RESCUE SERVICE - Advice

Request the use of a planning condition to secure the provision of hydrants for the supply of water for firefighting.

NATURAL ENGLAND - No Objection

The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

ADC ECOLOGY ADVISOR - Further Information Required

Information required about the trees to be felled to ensure suitable mitigation where bats are present. Conditions required to secure (i) the mitigation measures contained in the submitted Ecological Impact Assessment (June 2020) and (ii) an ecological enhancement plan.

ENVIRONMENTAL HEALTH - No Objection

Model conditions recommended to deal with a construction management plan, noise assessment, contaminated land, lighting, electric vehicle charging infrastructure and air quality.

ADC HOUSING STRATEGY AND ENABLING MANAGER - Objection

The application falls a long way short of meeting ADC's affordable housing requirements.

ADC ARCHAEOLOGY ADVISOR - No Objection

Recommended the use of a model condition to secure an archaeological investigation of the site in advance of the development.

SUSSEX POLICE - No Objection

Sussex Police has no major concerns with the proposals. However, additional measures to mitigate against identified local crime trends and site-specific needs should be considered. The response directs the applicant to relevant guidance available online.

MARINE MANAGEMENT ORGANISATION - No Objection

A generic response was received.

Activities taking place below the mean high-water mark may require a marine licence in accordance with the Marine and Coastal Act 2009.

Refer to the Marine Policy Statement for guidance on any planning activity that includes a section of coastline or tidal river.

ADC GREENSPACE - No Landscape Objection

Provides an opportunity for a quality and exciting form of development. The building and waterfront interface will require careful consideration to blend the two and to retain any saltmarsh habitat. All areas should be connected for biodiversity. Proposed trees should be planted at a size that allows instant impact, but which will subsequently establish and mature.

ADC COMMUNITY WELLBEING - As this is a CIL site, no comments on this application.

ADC TREE OFFICER - No objection

There is a considerable amount of native trees and hedgerows on the perimeter of the site which provide valuable screening and ecological benefit. No substantial removal is proposed. Only facilitation pruning works and carefully selected tree removal is proposed to achieve adequate site access and traffic sightlines. An Arboricultural Method Statement and associated Tree Protection Plan will need to accompany a detailed (Reserved Matters) application. Mitigation for the proposed removal of moderate value trees should be ambitious and involve the use of native trees with long-term landscape value wherever appropriate and submitted as part of a detailed landscape scheme.

SOUTH DOWNS NATIONAL PARK AUTHORITY

Given the site's distance from the National Park boundary, it is unlikely to affect the setting of the National Park in landscape terms. Recommend consultation with Natural England and the Environment Agency regarding the potential loss of inter tidal mud and salt marsh.

COMMENTS ON CONSULTATION RESPONSES:

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

POLICY CONTEXT

Designations applicable to site:

- C SP1 Countryside
- EMP SP2 Littlehampton Economic Growth Area
- ENV DM3 Biodiversity Opportunity Area
- LAN DM2 Setting of Arundel
- T SP3 (m) Safeguarding the Main Road Network

DEVELOPMENT PLAN POLICIES

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

- AHSP2 AH SP2 Affordable Housing
- CSP1 C SP1 Countryside
- DDM1 D DM1 Aspects of form and design quality
- DSP1 D SP1 Design
- ECCSP1 ECC SP1 Adapting to Climate Change
- ECCSP2 ECC SP2 Energy and climate change mitigation
- EMPSP2 EMP SP2 Economic Growth Areas
- ENVDM1 ENV DM1 Designated Sites of Biodiversity or geographical imp
- ENVDM3 ENV DM3 Biodiversity Opportunity Areas
- ENVDM4 ENV DM4 Protection of trees
- ENVDM5 ENV DM5 Development and biodiversity
- ENVSP1 ENV SP1 Natural Environment
- HDM1 H DM1 Housing mix
- HSP1 HSP1 Housing allocation the housing requirement
- HWBSP1 HWB SP1 Health and Wellbeing

INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
LANDM2	LAN DM2 The Setting of Arundel
OSRDM1	Protection of open space, outdoor sport, comm & rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TOUDM1	TOU DM1 Tourism related development
TSP1	T SP1 Transport and Development
TSP3	T SP3 Safeguarding to Main Road Network
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Littlehampton Neighbourhood Plan 2014 Policy 1	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 21	Proposals to increase the recreational and tourist use of the River Arun
Littlehampton Neighbourhood Plan 2014 Policy 22	Design of New Development
Littlehampton Neighbourhood Plan 2014 Policy 23	Infrastructure Investment Priorities
Littlehampton Neighbourhood Plan 2014 Policy 3	Housing Supply

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities
SPD13	Arun District Design Guide (SPD) January 2021
SPD3	Parking Standards

POLICY COMMENTARY

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

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

The Littlehampton Neighbourhood Development Plan was 'Made' in November 2014. Relevant neighbourhood plan policies have been taken into account and are addressed in the Conclusions sections 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 consideration, so far as material to the application, and
 - c. any other material considerations.

The proposal is considered to comply with relevant Development Plan policies in that small scale retail, cafe and restaurant uses, and additional moorings are supported in the Littlehampton Economic Growth Area. However, the site lies outside the built-up area boundary and is not allocated for housing. The proposed housing would, therefore, constitute a departure from the development plan.

OTHER STATUTORY PLANS

[South Inshore and South Offshore Marine Plan 2018:](#)

South Marine Plan Policy S-ACC-2

South Marine Plan Policy S-TR-1

South Marine Plan Policy S-TR-2

South Marine Plan Policy S-WQ-2

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan. The District does not currently have a five year housing land supply, which means that the 'tilted balance' in paragraph 11(d) of the NPPF is engaged.

CONCLUSIONS

The main issues to be considered in the determination of this application are:

- The principle of the development;
- The housing mix and provision of affordable housing;
- Flood risk and drainage;
- The means of access and impact of traffic; and
- The scale of the development and its landscape and visual impact.

PRINCIPLE

The site lies outside the Built-Up Area Boundary shown on the Policies Map of the Arun Local Plan. The boundary follows the eastern edge of the A259 adjacent to the retail park and the south-eastern edge of the A259 adjacent to the industrial estate.

Policy SD SP2 of the Local Plan states that development should be focused within the Built Up Area Boundaries. Outside the Built Up Area Boundaries, Policy C SP1 states that land will be defined as countryside and will be recognised for its intrinsic character and beauty. Development will be permitted in the countryside where it is for specific types of development.

The site is designated as part of the Littlehampton Economic Growth Area. It is also designated as part of a Biodiversity Opportunity Area. Additionally, part of the site is designated as being within the Setting of Arundel.

Policy EMP SP2 of the Local Plan deals with the Littlehampton and Bognor Regis Economic Growth Areas. For Littlehampton, it states that: "Development will be encouraged which delivers the comprehensive safeguarding of the Harbour as well as addressing flood risk, contaminated land, access and nature conservation issues and must also be consistent with other Local Plan Policies."

It adds: "Such development will...

- Provide new linkages between the East and West bank areas at appropriate locations;
- Provide for additional or enhanced commercial and leisure activities, including small scale retail, hotel, cafe and restaurant uses, and possibly an exhibition/visitor centre;
- Provide for boat building or other marina-related commercial uses;
- Improve and develop marina berthing, including additional moorings, providing that the development is not detrimental to the integrity of tidal defences or the ability to maintain and improve them".

Therefore, while the site lies outside the built-up area boundary and is defined as countryside, the principle of development for 100sq.m. of A1 Shops, 220sq.m. of A3 Restaurants and cafes, and 32 leisure moorings is considered to be acceptable.

Policy 2 of the Littlehampton Neighbourhood Development Plan states that future housing, economic and community-related development will be concentrated within the built up area boundary as shown on the Key Diagram. The Key Diagram excludes the site from the built up area.

The Littlehampton Neighbourhood Development Plan was made (adopted) in November 2014 on the basis of the saved policies in the former Arun Local Plan (2003) and the policies in what was then the emerging Local Plan. The test in section 38(5) of the Planning and Compulsory Purchase Act 2004 is: "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". As the Arun Local Plan was adopted by the Council on 18 July 2018, the policy in the Local Plan (EMP SP2) is to be considered in favour of that in the Neighbourhood Plan.

Housing Land Supply

The latest monitoring report (2019/20) indicates that the District has a 3.3-year housing land supply.

Paragraph 11 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development, which is at the heart of national planning policy. In the absence of a five year housing land supply, the 'tilted balance' in paragraph 11(d) of the NPPF is engaged. This would require

an application for planning permission to be granted unless the proposed development conflicted with the policies of the NPPF or that any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

When a proposal has the benefit of the tilted balance, it does not necessarily mean that it will be granted planning permission. The requirement to apply section 38(6) of the Planning and Compulsory Purchase Act 2004 is not displaced. Paragraph 11 does not say that where relevant policies in the development plan are out of date, the plan must be ignored. It does not prevent a decision-maker (the local planning authority) from giving as much weight as they judge to be right to a proposal's conflict with the strategy in the plan or, in the case of a neighbourhood plan, the vision.

Conclusion on Principle

The principle of development for the proposed commercial and leisure uses is considered to be acceptable. The principle of the proposed residential development is subject to the housing land supply position and paragraph 11(d) of the NPPF. The site is considered to be in a sustainable location, being situated on the edge of the urban area and within reasonable proximity of public transport services. Subject to an assessment of the information submitted to demonstrate that there would be no adverse impact on habitats sites, the South Downs National Park or the risk of flooding, the principle of residential development could be considered to be acceptable.

HOUSING MIX

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

The most up to date recommendations are contained in a report published in September 2016. The suggested mix of housing by size and tenure is as follows:

	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
Market	5-10%	40-45%	35-40%	10-15%
Intermediate/Starter Homes	15-20%	50-55%	25-30%	0-5%
Affordable Rented	35-40%	35-40%	15-20%	5-10%

The application contains an indicative mix of 24% 1-bedroom units, 38% 2-bedroom units, 38% 3-bedroom units and 0% 4+ bedroom units in the market sector. It contains an indicative mix of 37.5% 1-bedroom units, 37.5% 2-bedroom units, 25% 3-bedroom units and 0% 4+ bedroom units in the intermediate (shared ownership) category. No affordable rented homes are proposed. Affordable housing requirements are considered further below.

The Council's guidance on the Provision of Accommodation Suitable for Older People and People with Disabilities states that for schemes greater than 51 units inclusive, 50% of units should be designed to M4(2) standard - Access and adaptable dwellings, plus two additional units should be designed to M4(3) standard - wheelchair accessible, for every 50 units proposed thereafter. The provision of these units should be in both the open market and affordable sectors. Additionally, the guidance advises that schemes larger than 100 units should make some provision for bungalows. Given the form and character of the proposed development, it is considered that provision of the latter would be inappropriate as part of this scheme.

The applicant's Design and Access Statement explains how the proposal is intended to provide a good

multi-generational mix, with sufficient space within each of the units to support all ages and to adapt to different needs.

While the proposed mix contains a greater number of units with fewer bedrooms than the SHMA recommendations, it is considered that the balance in terms of dwelling sizes would not be unreasonable. This type of development also lends itself more towards the provision of smaller units. The precise mix will, of course, be determined at the reserved matters stage.

AFFORDABLE HOUSING

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

The policy states: "Where it can be proven, however, that 30% affordable housing provision is not viable, then a reduction in the amount of affordable housing on a site or off-site provision as part of another development within Arun District may be considered (as agreed with the local planning authority). The provision of affordable housing on a site at less than 30% or on an alternative site or by way of a commuted sum will only normally be allowed in very exceptional circumstances if supported by robust evidence including, where appropriate, viability evidence."

The application was accompanied by an Affordable Housing Statement and Viability Report, which concluded that the scheme was at the margins of viability. The report showed that no surplus was generated to support the provision of any affordable housing but, accepting a lower level of return, the applicants offered 6 one-bedroom apartments for shared ownership.

Consequently, Arun District Council instructed an independent assessor, Dixon Searle Partnership, to appraise the evidence provided with the application. In December 2020, Dixon Searle concluded that there was insufficient evidence to agree to a reduced level of affordable housing and recommended that the Council request further information from the applicant. Additional information was submitted and the proposed affordable housing provision was increased to 8 units for shared ownership (3no. 1-bedroom units, 3no. 2-bedroom units and 2no. 3-bedroom units).

Dixon Searle carried out a further appraisal and reported that, in their view, the scheme still has the potential for a significant surplus (indicating scope to do more towards meeting affordable housing needs). Attention was also drawn to paragraph 64 (now paragraph 65) of the NPPF which, for major development involving the provision of housing, expects at least 10% of the homes to be available for affordable home ownership. One option that was put to the Council was to consider accepting the 8 affordable homes offered and insist on a late stage review mechanism within the section 106 agreement. A late stage review undertaken on the basis of development values and build costs as these pan out (compared with current viability assumptions) could be used to capture any positive movement in the relationship between the development costs and values.

A late stage review has been discussed and agreed with the applicant and is included in the draft Heads of Terms for a s.106 agreement. The agreement will require a late stage (viability) review to be carried out upon disposal of 75% of the units in accordance with a recognised formula. 60% of any surplus profit identified in a late stage review will be required as a contribution towards the provision of affordable housing on an alternative site in the District.

FLOOD RISK AND DRAINAGE

The NPPF requires inappropriate development in areas at risk of flooding to be avoided by directing

development away from areas at highest risk. Where development is necessary in such areas, it should be made safe without increasing flood risk elsewhere (Paragraph 159). A sequential, risk-based approach to the location of development is required to avoid flood risk to people and property (Paragraph 161). The aim of the sequential test is to steer new development to areas with the lowest risk of flooding (Paragraph 162).

If it is not possible for development to be located in areas with a lower risk of flooding the exception test may have to be applied. This will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification (Paragraph 163).

"To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall." (Paragraph 164)

Additionally, it needs to be demonstrated that:

- "a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan." (Paragraph 167)

These requirements are repeated in Policy W DM2 of the Arun Local Plan 2011-2031.

The Environment Agency Flood Map for Planning shows that most of the proposed development lies within Flood Zone 3a, with a high probability of greater than 1 in 100 (1%) of river flooding or a high probability of greater than 1 in 200 (0.5%) of tidal flooding in any year. As part of the site extends into the River Arun in front of the defences (for the pontoons and moorings), it is assumed that these areas are within the functional floodplain and would thus be classified as Flood Zone 3b. Access to the site from the roundabout on the A259 is located in Flood Zone 1.

The application has been accompanied by a Flood Risk Assessment, which draws attention to the Sequential and Exception Test (2009) that was used to inform strategic development allocations in the Local Plan. A comparison is made with the Littlehampton West Bank Strategic Housing Allocation (SD4), which has flood risk constraints that are similar to the application site. The applicant draws the conclusion that, as the Littlehampton West Bank is an allocated site, development within Flood Zone 3 can be considered sequentially acceptable within the District. The Flood Risk Assessment adds that (unlike the application site) some of the allocated sites do not have direct access and egress routes to Flood Zone 1. However, the applicant's reliance upon a Sequential and Exception Test published in 2009 in support of the local plan strategic housing allocations is not strictly compliant with National Planning Practice Guidance (NPPG) or Local Plan Policy W DM2(a). The site is not one of the strategic housing allocations.

NPPG states that for individual planning applications, where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. It adds that, when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken.

The proposal is a residential-led mixed use development that includes pontoons and moorings. By their very nature, pontoons and moorings require a water-based location. Consequently, there are no practical alternative locations for the development in areas with a lower risk of flooding.

The components of the scheme have different flood risk vulnerability classifications. The proposed 105 homes fall within the 'More vulnerable' classification where, in Flood Zone 3a, the exception test is required. The proposed shops, restaurants and cafes fall within the 'Less vulnerable' classification and their development is appropriate in Flood Zone 3a. The pontoons and leisure moorings are 'Water-compatible development' and are appropriate in Flood Zone 3b.

The proposed development will deliver much-needed housing in a sustainable location, as well as the provision of small-scale retail, cafe and restaurant uses and the provision of additional moorings in the Littlehampton Economic Growth Area. Thus, it will provide wider sustainability benefits to the community that outweigh the flood risk.

The submitted Flood Risk Assessment report explains how the proposed development has been designed to be safe for its lifetime without increasing flood risk elsewhere.

The proposed apartment blocks are located within an area that benefits from the presence of recently upgraded flood defences. The design level adopted for the finished floor level for all habitable uses is 5.60m AOD, which is 0.60m above the 1:200 year (2115) tidal flood level for the site. Safe access from the lower ground floor car parking areas to the higher level, via stairs, is included in the design. The podium level over the car park will connect with the main vehicular route through the site and provide a safe access and egress route between the development and the A259. The Flood Risk Assessment report also contains an emergency plan should it be necessary to evacuate.

A Main River and an Ordinary Watercourse cross the site and discharge via a 600mm diameter outfall through the flood defences. As the inlet culverts of the two watercourses are larger than the outlet structure, the total inflow could exceed the outflow and fluvial flooding could occur. The Flood Risk Assessment notes that at ground floor level, car parking is proposed and other 'less vulnerable uses' which are compatible with the fluvial flood risk. It adds that it is proposed to create a new additional headwall, increasing the discharge capacity from the site, on the Ordinary Watercourse to the north of the site and integrating this into the proposed landscaping. This would result in the loss of an existing open channel. To offset the loss, a high-level swale is proposed along the edge of the development facing the River Arun. This channel will collect and convey surface water run-off from the roofs and podium deck, with outfalls set at a level to discharge over the top of the flood defences and into the River Arun.

The Environment Agency has raised no objection to the proposal subject the use of suitably worded conditions. ADC's Drainage Engineer has also raised no objection subject to the use of conditions.

The proposal is therefore considered to satisfy the sequential and exception tests of the NPPF and accords with the requirements of Policies W DM2 and W DM3 of the Arun Local Plan 2011-2031.

ACCESS

The application proposes access from the western arm of the A259 Bridge Road Roundabout. The roundabout arm features two lanes, allowing a dedicated access and egress to the site. This connects to an existing 6.0m wide road that heads northwards into the site. A new road of the same width, serving the southern part of the site, will branch off from this. Both roads will descend into the site at a maximum gradient of 8% and will feature a turning head at the end. The proposed width will allow for two cars or

lorries to pass. A new 3m wide footpath and cycle way is proposed alongside both roads within the site. The proposed footpath and cycleway will connect with a new riverside path. Off site, the proposal includes improvements to the Bridge Road Roundabout, including a controlled crossing on the A259 to facilitate pedestrian and cycle connections between the site and Littlehampton town centre.

The application was accompanied by a Transport Assessment. The assessment showed a minimal effect upon the existing and expected future highway conditions with less than one vehicle movement per minute being generated onto the Bridge Road Roundabout during the AM and PM peak hours. Nevertheless, the applicant is committed to reducing the traffic impact of the development on the local highway network and has agreed to prepare and implement a residential travel plan to help promote active and suitable modes of travel, other than the car. This can be secured through the use of a suitably worded planning condition.

Highways England has confirmed that, subject to a contribution towards mitigation at the A27 junctions in Arun, it is satisfied that the proposal would not materially affect the safety, reliability and/or operation of the strategic road network. The draft Heads of Terms for a section 106 agreement includes provision for this type of contribution.

West Sussex County Council, as local highway authority has also fully considered both the Transport Assessment and a revised Technical Note and does not wish to raise an objection to the proposals. It accepts that the proposed development will not have a material impact on the operation of Bridge Road roundabout and it is satisfied that the proposed pedestrian and cycle improvements have been designed to facilitate the future implementation of a road widening scheme.

The Arun Transport Study improvements in this location comprise widening of the A259 (South) entry and the A259 (North) exit on the roundabout. The submitted plan (Drawing no. 18-270/010 Rev. F) shows that there will be no conflict between the proposed development and these improvements safeguarded in the local plan.

It is therefore concluded that the proposed development accords with Policies T SP1 and T SP3 of the Arun Local Plan 2011-2031.

As the layout of the development does not form part of this application, compliance with the adopted Parking Standards Supplementary Planning Document (SPD) is a matter that will need to be considered at the reserved matters stage.

SCALE

From the Design and Access Statement, it is clear that a thorough analysis of the site and an appraisal of its context has been undertaken. The sections of the document setting out the constraints and opportunities also help to explain how the proposed development responds to the site and its setting.

The application proposes four apartment buildings set around shared communal spaces that open out onto the river. A landmark building set on the edge of the A259 would mark the gateway into Littlehampton from the west. From here the buildings would descend in height towards the north where they would form the edge of the town. The buildings would be raised above undercroft car parking and linked by a new landscaped deck that meets the top of the flood defences.

The Proposed Parameter Plan - Heights and Levels, shows the 'Bridge Reach' building up to 8 storeys above the parking level and around 32.6m (AOD) in height. It shows the 'South Court' building up to 5 storeys above the parking level and around 21.6m in height. 'North Court' is shown to be up to four storeys above the parking level and around 18.6m in height, while 'The Saltings' is shown to be up to 3

storeys above the parking level and around 17.6m in height. For comparison, the gasholder at Littlehampton is estimated to be 45-50m in height and the Kingmere block of apartments in Littlehampton is estimated to be 33m in height.

Scale means not just the height, but the width and length of each building proposed within the development in relation to its surroundings. The width and length of each building is not stated in the application but, from a drawing entitled Proposed Location Plan, a favourable comparison may be made with the dimensions of some of the smaller buildings on the industrial estate to the south-east. There is also a set of indicative elevations to illustrate how the proposed buildings would appear in relation to their surroundings, particularly when viewed from the west against the background of the A259 road embankment with trees on its slopes.

As mentioned above (under the heading 'Principle'), the northern part of the site is designated as being within the Setting of Arundel and is subject to Policy LAN DM2. The policy states that development which would adversely affect views of the town of Arundel, its Castle, Cathedral and its special setting will not be permitted. Development is required to be of a high design standard that reflects the quality of the landscape and the setting of Arundel.

A Landscape and Visual Impact Assessment (LVIA) has therefore been undertaken and a report of its findings submitted with the application. The report notes that the site lies at the periphery of the Lower Arun Valley next to the settlement of Littlehampton, where floodplain pastures merge with Coastal Plain. "Stretches of the tidal river are contained by high banks engineered to control flooding, with suburban and urban fringe development visible over a distance". The site can be viewed at short distances from the A259 and public rights of way along the west bank of the river. At short to medium distances, views of the site are obscured by vegetation and buildings. The site is likely to be viewed from the railway running north of the site and through glimpses along the Arundel to Littlehampton green link.

The LVIA notes that, while the northern part of the site is within the setting of Arundel, the area that is proposed to be developed lies outside this policy boundary. The proposal has been designed to reduce in scale towards this boundary and a high-quality landscaping scheme will help to soften the built form in its setting. The report finds that there would be a negligible adverse - neutral effect on the setting of Arundel due to obstructed and filtered views towards the site.

The LVIA concludes that the proposal will have a negligible beneficial to minor beneficial significance of effect on landscape receptors within the study area. The proposal will be visible in a short range of the site resulting in a minor adverse to moderate beneficial significance of effect. Most medium range views will be obstructed or partially filtered by buildings and vegetation between the viewpoint and the site, resulting in a negligible adverse to neutral significance of effect. A small amount of the proposal will be able to be seen from long range views north of the site, resulting in a negligible adverse to minor beneficial significance of effect. ADC officers agree with these conclusions.

In response to consultation on the application, the South Downs National Park Authority has stated that, given the site's distance from the National Park boundary, it is unlikely to affect the setting of the National Park in landscape terms. ADC officers are of the same opinion and thus satisfied that the proposed development meets the requirements of paragraph 176 of the NPPF.

It is therefore concluded that the scale of the proposed development accords with Policies D SP1, D DM1, LAN DM1 and LAN DM2 of the Arun Local Plan 2011-2031.

OTHER MATTERS

Noise

Given the proximity of the A259 and the railway, an Environmental Noise Assessment has been undertaken and a report of its findings submitted with the application. The report concluded that satisfactory noise levels are capable of being achieved but recommended that a further assessment be undertaken and a site noise management plan be agreed by the local planning authority prior to commencement of the development.

The Council's Environmental Health Officer has considered the proposal and recommended the imposition of a two pre-commencement conditions to secure satisfactory internal and external noise levels for the residential units. This will accord with Policy QE DM1.

Contamination

A Phase 1 Environmental Report, submitted with the application, concluded that there is moderate risk of potentially significant contamination on the site. However, provided that the recommendations contained in the report are implemented, there would be no risk to human health from redevelopment of the site for the proposed uses.

Policy QE DM4 of the Arun Local Plan 2011-2031 supports the remediation of contaminated land to ensure that land is brought back into use, subject to specific requirements.

The Council's Environmental Health Officer has considered the proposal and recommended the imposition of a pre-commencement condition requiring a scheme, to deal with the risks associated with contamination of the site, to be submitted to and approved in writing by the Local Planning Authority. This will accord with Policy QE DM4.

Biodiversity

The western part of the site (and land to the north, west and south) is shown on the Local Plan Policies Map as a Biodiversity Opportunity Area (BOA) and is subject to Policy ENV DM3. Where a proposal is likely to have an impact on species or habitats within a BOA, the policy requires an application for planning permission to include a properly conducted survey of the presence of that species or habitat and impact(s) that the development may have on the BOA.

An Ecological Impact Assessment report was submitted with the application. The report notes that the most ecologically important feature of the site is the coastal saltmarsh habitats, which support a specialist plant community. The terrestrial habitats support a small population of common lizard and an assemblage of common breeding birds, while a drainage ditch running through the site supports water voles intermittently. Surveys revealed that the site is not important for foraging bats and no notable invertebrate species were found. Wintering bird surveys showed that the intertidal mudflat and saltmarsh supports only a small number of common and widespread shorebirds and gulls foraging at low tide and no significant high-tide roosts.

In the absence of mitigation, the report notes that the proposed development has the potential to impact upon all ecological receptors including damage to priority salt marsh habitat and intertidal mudflat, disturbance to wintering birds, harm to nesting birds, common lizard and water voles, together with permanent loss of habitat for these species. However, the floating pontoon has been positioned in the river beyond low water to avoid direct impacts on intertidal habitats and reduce disturbance to wintering shorebirds. Pre-construction mitigation is proposed to reduce the impacts on protected species including trapping and translocation of common lizard and careful timing of site clearance works to avoid nesting birds. The watercourse is proposed to be realigned and restored for the long-term benefit of water voles and on-going monitoring for this species will determine the need for licensed trapping and translocation

to a predetermined receptor site.

The report includes a chapter setting out opportunities for biodiversity enhancements that could be secured through the production of a Landscape and Ecological Management Plan.

ADC's Ecology Advisor is satisfied that the biodiversity enhancements outlined in the report would be suitable and has requested that further information be included in an ecological enhancement plan submitted as part of a reserved matters application. This could be secured through the use of a suitably worded planning condition.

It is therefore concluded that the proposed development accords with Policies ENV DM3 and ENV DM5 of the Arun Local Plan 2011-2031.

Marine Plan

The intertidal zone between the high water and low water mark is covered by both the land-use planning and the marine planning systems. The principles of both systems are the same; enabling sustainable development.

The marine planning system has been designed to work alongside the land-use planning system and marine plans must be used as part of regulatory and decision-making processes. The South Marine Plan does not form part of the development plan, but it is a material consideration in the decision-making process.

- Policy S-INF-1 supports appropriate land-based infrastructure which facilitates marine activity.
- Policies S-TR-1 and S-TR-2 support proposals that facilitate, promote, or enhance tourism and recreation activities.
- Policy S-ACC-2 supports proposals which enhance public access to the marine area.

The proposed leisure moorings are considered to accord with these policies .

- Policy S-WQ-2 encourages the restoration of habitats such as coastal saltmarsh and intertidal mudflats.

The proposals accord with this policy by avoiding development on the adjoining land to the north and through the mitigation measures set out in the Ecological Impact Assessment.

CONCLUSION

The principle of development for the proposed retail, restaurant and cafe uses, and the pontoons and leisure moorings, is considered to be acceptable and in accordance with policy. As the district does not currently have a five-year housing land supply, paragraph 11(d) of the NPPF is engaged. The application of policies in the NPPF relating to flood risk, the National Park, and habitats do not provide a clear reason for refusing the development proposed.

There is uncertainty over the viability of the proposed development, leading to a level of affordable housing being proposed below that which is required under Policy AH SP2. A reduction in the amount of affordable housing on a site or off-site provision as part of another development is allowed in very exceptional circumstances. Evidence has been presented and assessed and it has been concluded that a late stage viability review should be carried out upon the disposal of 75% of the units, with a proportion of any surplus profit being required as a contribution towards the provision of affordable housing on an alternative site in the District. This would be secured through a s.106 agreement.

A mixed use development including pontoons and leisure moorings cannot reasonably be located away from the river on a site elsewhere, with a lower risk of flooding, identified through a sequential test. A Flood Risk Assessment has been undertaken in accordance with the requirements of Policy W DM2. The risk from flooding is considered to be acceptable with the more vulnerable uses being satisfactorily located within the development and any resultant risk being satisfactorily mitigated.

Subject to a contribution towards mitigation at the A27 junctions in Arun, secured through a s.106 agreement, the proposed development would not materially affect the safety, reliability and/or operation of the strategic road network. Neither will the proposed development have a material impact on the operation of Bridge Road roundabout. The proposed pedestrian and cycle improvements have been designed to facilitate the future implementation of a road widening scheme in this location too.

The scale of the proposed development is considered unlikely to affect the setting of the National Park in landscape terms. It is also considered unlikely to have a significant adverse effect on the setting of Arundel. At closer distances, the scale of the proposed development will be viewed against the background of the A259 road embankment, the bridge across the River Arun and suburban and urban fringe development generally. The landscape and visual impact is considered to be acceptable.

RECOMMENDATION

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

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

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

The proposed development would be required to make a CIL contribution on the reserved matters application, not at this outline planning stage. The site is located in Charging Zone 3 and would therefore be liable to pay CIL at £100 per square metre of net additional floorspace, based on the information submitted at the reserved matters stage.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

1 The permission hereby granted is an outline permission under Section 92 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) Appearance;
- (c) 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 begin either before the expiration of 5 years from the date of this permission, or before the 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 permitted shall be carried out in accordance with the following approved plans:

- Existing Location Plan - 030-S3-E001 Rev. A
- Proposed Offsite Improvements & Allowance for Future Improvements - 18-270/010 Rev. F
- Proposed Parameter Plan Access and Easements - 030-S3-P043 Rev. A
- Proposed Parameter Plan Heights & Levels - 030-S3-P042 Rev. 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 2011-2031.

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

Reason: The site is of archaeological significance and in accordance with Policy HER DM6 of the Arun Local Plan 2011-2031.

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

- an indicative programme for carrying out the works,
- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste, including permitted times for deliveries,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- 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 any floodlighting, including location, height, type and direction of light sources and intensity of illumination,
- measures to control the emission of dust and dirt during construction,
- a scheme for recycling/disposing of waste resulting from demolition and construction works i.e. no burning permitted, and
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and to protect the amenity of local residents in accordance with Policies TSP1 and QE SP1 of the Arun Local Plan 2011-2031.

- 6 Prior to the commencement of development an Employment and Skills Plan for the construction phase of the development shall be submitted to and approved by the Local Planning Authority. Thereafter, the developer shall implement and promote the objectives of the approved plan.

Reason: In accordance with Policy SKILLS SP1 of the Arun Local Plan 2011-2031. It is considered necessary for this to be a pre-commencement condition as it relates to the construction phase of the development.

- 7 Prior to the commencement of development, a scheme to demonstrate that the internal noise levels within the residential units will conform to the 'Indoor ambient noise levels for dwellings' guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014, compiled by a competent acoustician on sound insulation and noise reduction for buildings, 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 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 2011-2031.

- 8 Prior to the commencement of development, a scheme to 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 Guidance on sound insulation and noise reduction for proposed developments shall be submitted to and approved in writing by the Local Planning Authority. The work 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 2011-2031.

- 9 Prior to the commencement of development, details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall be designed to comply with the recommendations of the Institute of Lighting Professionals (ILP) 'Guidance Notes for the Reduction of Obtrusive Light' (GN01:2011).

Reason: To protect the amenity of local residents in accordance with Policy QE DM2 of the Arun Local Plan 2011-2031.

- 10 The development hereby permitted shall not commenced until such time as a scheme to ensure access to/improvement/protection and maintenance of existing and proposed flood defences has been submitted to, and approved in writing by, the local planning authority.

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

Reasons: To reduce the risk of flooding to the proposed development and future occupants. To ensure the structural integrity of the existing and proposed flood defences thereby reducing the risk of flooding.

- 11 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources or equivalent fabric first standards that would secure a 10% reduction in energy use. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the requisite infrastructure is designed into the buildings.

- 12 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.

- 13 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 and in accordance with current policies. No construction is permitted, which will restrict current and future landowners 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.

- 14 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.

- 15 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.

- 16 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 sewage in accordance with Policies W DM1 and W DM3 of the Arun Local Plan 2011-2031.

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

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

- 18 Prior to each phase of the development being occupied, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 19 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

- 20 Piling and investigation boreholes using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reasons: To ensure that the proposed development, does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework and Groundwater Protection Position Statement of the 'The Environment Agency's approach to groundwater protection'.

The penetrative methods associated with piled foundations and investigative boreholes can

create preferential pathways for mobilised contaminants to reach shallow groundwater and their associated receptors.

- 21 A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of each phase of development.

Reasons: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 174 of the National Planning Policy Framework and 'The Environment Agency's approach to groundwater protection'.

Any borehole could provide a preferential pathway for mobilised contaminants or site generated effluent to enter shallow groundwater, it is therefore vital that any borehole not required for further monitoring be decommissioned in line with industry standard.

- 22 No development shall take place until a landscape and ecological management plan (LEMP), including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), has been submitted to, and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

Reason: To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy.

- 23 The development shall be carried out in accordance with the mitigations proposed in the submitted Ecological Impact Assessment (EIA) dated 25th June 2020 by The Ecology Co-op; specifically:

- Section 5.6 of the EIA relating to water voles accepts that there will be loss of water vole habitat through development. Therefore a fully specified mitigation plan should be in place for loss of water vole habitat across the site.

- This to be informed by up to date monitoring prior to commencement of site clearance and construction. Options proposed for translocation of water vole off site will require suitable licencing and a confirmed release location, not currently occupied, and with fully mature habitat.

- This location must be secured prior to development. If water vole are to be retained on site then created habitat, such as the proposed bio-swale, must be of suitable quality to receive water vole prior to the culverting and re-alignment of the north/south ditch. Especially as water vole appear to populate the site from ditch systems to the North. Retaining water vole off site during construction should very much be a last resort.

- The 5 year monitoring of the current salt marsh extent including the compensatory habitat created by the Environment Agency as described in Section 5.1.2 is essential for the retention and hopeful expansion of this priority habitat.

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

Reason: The National Planning Policy Framework (paragraph 180) states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an

alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

24 The landscaping and layout particulars to be submitted in accordance with Condition 1 shall include:

- i. Details of all existing trees and hedgerows on the land, showing which are to be retained and which removed;
- ii. Details of the positions, height, design, materials, and type of boundary treatment to be provided;
- iii. Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree;
- iv. The detailed landscape design for the development including the layout and design of the public realm within the development;
- v. Details of the play area/s and public open spaces;
- vi. Details of the surfacing, lighting, and signage of all footpaths and cycle routes.

No tree or hedge 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 interests of amenity and of the environment of the development in accordance with Policies D DM1, HWB SP1, OSR DM1 and ENV DM4 of the Arun Local Plan 2011-2031.

25 a. Prior to the commencement of development or other operations likely to affect trees being undertaken on site, a scheme for the protection of the retained trees produced in accordance with BS5837:2012 (Trees in relation to design, demolition and construction. Recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

b. No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

c. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved scheme.

d. Protective fencing shall be retained intact until completion of the development and shall not be removed or re-positioned without the prior written approval of the Local Planning Authority.

Reason: In the interests of amenity and of the environment of the development in accordance with Policies D DM1 and ENV DM4 of the Arun Local Plan 2011-2031.

26 Landscaping (hard and soft) shall be carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of that phase of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of that phase 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 2011-2031.

- 27 No part of the development shall be first occupied until such time as the vehicular access and footway link serving the development has been constructed in accordance with the details shown on the drawing titled 'Proposed Offsite Improvements & Allowance for Future Improvements' and numbered 18-270/010 Rev. F.

Reason: In the interests of road safety and in accordance with Policy T SP1 of the Arun Local Plan 2011-2031.

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

Reason: To encourage and promote sustainable transport and in accordance with Policies D DM1 and T SP1 of the Arun Local Plan 2011-2031.

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

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

- 30 No demolition or construction activities shall take place other than between 08.00 hours and 18.00 hours (Monday to Friday) and between 08.00 hours and 13.00 hours (Saturday) with no work on Sundays or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan 2011-2031.

- 31 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for the external walls and roofs of the proposed buildings has 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 buildings of visual quality in accordance with Policy D DM1 of the Arun Local Plan 2011-2031.

- 32 The development hereby permitted shall be carried out in accordance with the submitted flood risk assessment (ref 4732, Ambiental, 10/06/2020) and the following mitigation measure it details:
 - Finished floor levels shall be set no lower than 5.6 metres above Ordnance Datum (AOD).
 These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

33 The leisure moorings hereby permitted shall not at any time be used as residential moorings.

Reason: Permanent residential use would change the flood risk vulnerability classification for this part of the development and place occupants in a higher category of risk.

34 At least 50% of the total number of dwellings shall be designed and constructed to M4(2) (accessible and adaptable) standard and two additional units shall be designed and constructed to M4(3) (wheelchair user dwellings) standard, for every 50 dwellings developed on the site, as defined by 'Access to and use of buildings: Approved Document M'.

Reason: To ensure that dwellings are adaptable and meet the needs of different groups in the community in accordance with Policies H DM1 and D DM1 of the Arun Local Plan 2011-2031 and Paragraph 62 of the NPPF.

35 INFORMATIVE: Information and advice on contaminated land studies, including an explanation of conceptual models, is available in the Environment Agency/NHBC publication "Guidance for the Safe Development of Housing on Land Affected by Contamination" ISBN 0 11 310177 5.

36 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 event plus 40% on stored volumes/rainfall intensity (allowance for climate change) 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 storm event plus 40% on stored volumes/rainfall intensity. 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 at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.

37 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.

38 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.

39 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

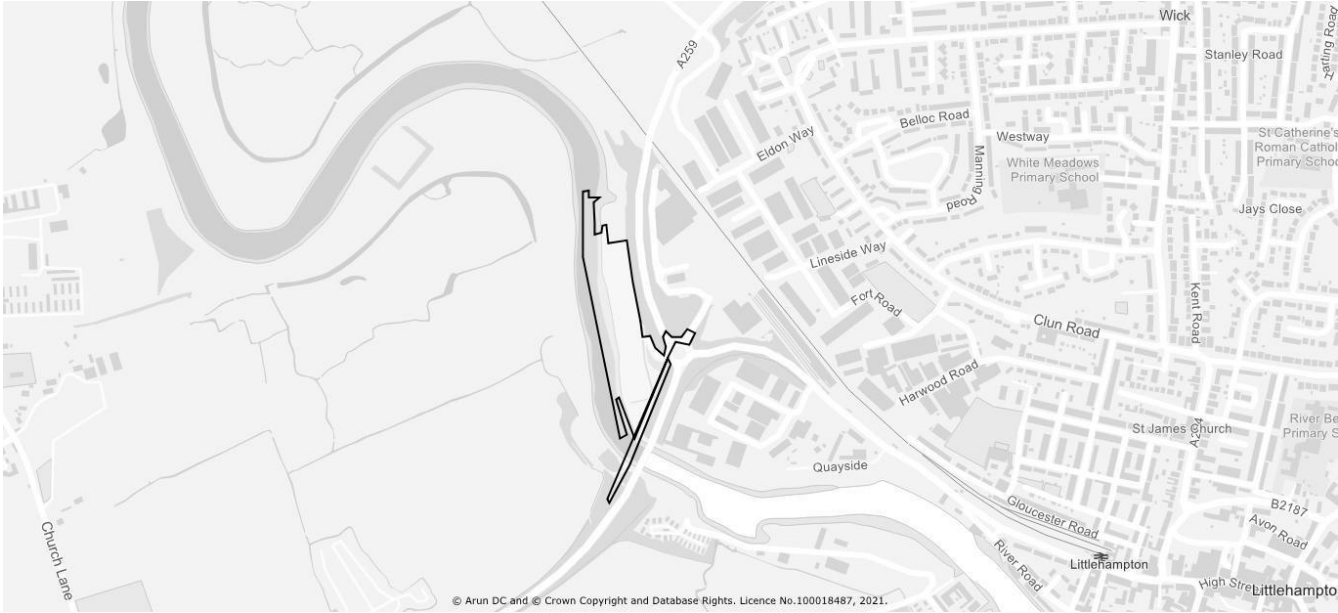
www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

- 40 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.
- 41 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND PAPERS

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

LU/238/20/OUT - Indicative Location Plan (Do not Scale or Copy)
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PLANNING APPLICATION REPORT

REF NO: FP/136/21/PL

LOCATION: Beachcroft Hotel
Clyde Road
Felpham
PO22 7AH

PROPOSAL: Re-modelling of existing swimming pool with re-clad elevations and private roof terrace over. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to remodel the swimming pool which will involve re-cladding and the addition of a first floor roof terrace.
BOUNDARY TREATMENT	The site has a brick wall to the north elevation.
SITE CHARACTERISTICS	The site is on the sea front, with the rear boundary backing onto Canning Road; It comprises a hotel complex of two storey buildings and a single storey flat roof front projections and a single storey flat roof extension to the rear with a pitched roof swimming pool building in the north-east corner with two sheds on its west side.
CHARACTER OF LOCALITY	Clyde Road and Canning Road are cul-de-sacs giving access to residential properties, the Beachcroft Hotel and the promenade. Residential properties on Clyde and Canning Road are predominantly two storey semi-detached and terrace structures. To the west is Butlins.

RELEVANT SITE HISTORY

FP/56/21/PL	Two storey rear extension, to create two, two-bedroom family suites, new entrance doors & new accessible toilets. This site is in CIL Zone 4 (Zero Rated) as other development.	ApproveConditionally 06-05-21
FP/181/20/PL	2 storey rear bedroom extension. This site is in CIL Zone 4 (Zero Rated) as other development,	ApproveConditionally 06-01-21
FP/65/11/	Extension to rear of hotel providing conference facilities and 6 guest bedrooms	ApproveConditionally 06-10-11

Noted.

REPRESENTATIONS

Felpham Parish Council provided a objection.

- Overlooking to neighbouring properties.
- Lack of privacy.

Amended plans and comments were received.

- This development although now screened is still at first floor level of the neighbours and only a short distance away thus extending the impact on their outlook already compromised by the planned room development
- There are no restrictions on the times the gardens may be used and thus there could lead to noise and light disturbance to those in Canning Road possibly going late into the night especially in the summer
- The desire to add this garden feature has been done so with little or no consideration to the neighbours.

5 letters of objection received from nearby occupiers. 2 letters received from the management company for a nearby block of flats.

- Intrusion of privacy.
- It will result in additional noise pollution.
- The terrace could be use as an entertainment facility.
- It will result in direct views into the flats opposite.
- Overlooking.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

[Felpham Neighbourhood Plan 2019-31 Policy BT1](#) Business Expansion

Felpham Neighbourhood Plan 2019-31 Policy BT6 Tourism Activities

Felpham Neighbourhood Plan 2019-31 Policy Quality of Design

ESD1

PLANNING POLICY GUIDANCE:

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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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 that it would not have a significantly adverse impact on the residential amenities of nearby properties sufficient to justify a refusal nor would it have a significant adverse impact upon the established character of the surrounding area.

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

- (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/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The key policies considered are D DM1 and D DM4 of the Arun Local Plan.

Felpham has a made Neighbourhood Plan with policy ESD1, BT6 and BT1 of relevance.

DESIGN AND VISUAL AMENITY

The proposal seeks to refurbish a swimming pool which involves the addition of a roof terrace for use of by 2 cottages approved under FP/56/21/PL.

The development fronts Canning Road. There is a pitched roof structure used as a swimming pool which will be remodelled and to form a flat roof with roof terrace above. The height of the development will be around 4.4m with a further 1.7m balcony screening. This is only slightly higher than that the pitched roof swimming pool at 5.3m and the footprint will remain the same.

The elevations consist of blue cladding. The external design is to be similar to that of the beach hut suites to be constructed next to it. This is acceptable as it ensures it appears well integrated with the remainder of the site.

The existing brick wall running along the boundary to be rendered and painted to match the hotel.

Arun adopted a Design Guide which seeks to raise design in the district. Section J relates to building design. This states 'The design process should respond to the specifics of the site' and 'Reflect the scale of existing buildings'. The proposal complies with the Design Guide, which upgrades an existing structure with the appearance matching development in the area considered acceptable.

The proposal complies with ESD1 of the Felpham Neighbourhood Plan as the design and appearance of the development is appropriate to its location. Policy BT6 and BT1 is complied with in that the development supports tourism opportunities in the area and upgrades sites which contribute to employment within the district.

The proposal due to the design and location does not deemed ham the appearance of the street scene or wider area and accord with D DM1 and D DM4 of the Arun Local Plan and ESD1, BT1 and BT6 of the Felpham Neighbourhood Plan.

RESIDENTIAL AMENITY

The building is not considered to result in overbearing or overshadowing with the structure already in existence. The roof terrace above results in overlooking to the north and south. To the north, flats are located opposite and as a result, it may give rise to direct views into the properties with around 14m separation distance. Views are available to the hotels room to the south. As a result the screening has been increased in height to 1.7m. This is considered sufficient to overcome adverse overlooking and ensure that views available into neighbouring residential properties will not be significant.

It is acknowledged that the proposal will introduce a structure where there are opportunities for additional and unacceptable overlooking but officers consider that a glazed screen at a height of 1.7m would just about mitigate these impacts. It has to be acknowledged though that a slightly higher screen (1.8m) would further mitigate these impacts. Members may also consider that a different material resulting in a solid screen would also further mitigate these impacts by introducing a screen where activity is no perceptible from outside of the site.

To the east sits a block of flats at 'Coastguards'. There would be some overlooking available into the first floor windows, predominately from terrace 1 due to the height and location of the terrace and the fact that only a 1.1m screen is proposed facing south towards these properties in order to provide sea views from the terrace. The position of the windows on this building are located at a sharp angle to the terrace and as such direct views would be largely restricted. The balcony screening has been set back to the eastern elevation by 2.5m to increase the separation which is around 10m. A green roof and planting will be

located to the remaining roof of the terrace. Officers acknowledge that this is a very difficult relationship but, on balance, conclude that the amended designs, which reduce the useable area of the deck, this would not be so significant such that a refusal is justified.

There may be some increases in noise as a result of the use of terrace however this is only accessible by residents of the 2 cottages that are to be built and therefore the number of people using it will be relatively small. As such the noise will be excessive in which a refusal is justified. Environmental Health have powers to deal with noise nuisance.

With the addition of screening, the proposal is not considered to result in adverse harm upon amenity and accords with and D DM1 and D DM4 of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan 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 Plan - IBA-550-01
- Proposed Site Plan - IBA-550-02
- Proposed Ground Floor Plan - IBA-550-07
- Proposed East and West Elevation - IBA-550-11 Rev A
- Proposed South Elevation and Part Floor Plan - IBA-559-09 Rev A
- Proposed North Elevation - IBA-550-10 Rev A
- Proposed Roof Terrace - IBA-550-08 Rev B

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

- 3 The roof terrace shall not be occupied unless and until the obscured glazed balcony screening has been constructed in accordance with the approved plans (IBA/550/10/Rev A and IBA/550/11/Rev A). This shall be retained in perpetuity. The area of green roof shall not be used as a balcony.

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

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

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)

FP/136/21/PL - Indicative Location Plan (Do not Scale or Copy)
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PLANNING APPLICATION REPORT

REF NO: F/5/20/PL

LOCATION: Ford Airfield Market
Ford
BN18 0FL

PROPOSAL: Reconfiguration of Ford Market, including revised market access, hardstanding for replacement vehicular parking and associated infrastructure, landscape, ancillary and site preparation works.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Planning permission is sought for the reconfiguration and regularisation of the operation of the Ford Market. The existing market has been in operation for approximately 20 years from the site and is currently accessed from Ford Road to the east and Yapton Road to the west. The market currently operates from the former runway with the eastern and western arms used for car parking and the northern and southern arms used as the market trading area.

The application has been made in order to enable it to continue to operate following the allocation of the wider airfield site under policy SA1 of the Ford Neighbourhood Plan and SD8 of H SP2c of the Arun District Local Plan for a development of up to 1,500 dwellings.

The proposed reconfiguration will consist of the removal of the western arm of the runway (excluded from the application site boundary), continued use of the eastern arm of the runway for visitor parking with a new pedestrian footpath along the southern edge of the eastern runway. A new overflow car park is proposed to the north of the vehicular access from Ford Road with a new pedestrian access proposed from the west where the new residential development would be located. It is proposed for the northern and southern runways to remain in their current form but to be available for flexible use as either market or additional parking provision.

SITE AREA 7.12 hectares

TOPOGRAPHY Predominantly flat.

BOUNDARY TREATMENT The runways are bounded by a mixture of mature hedgerow and tree planting.

SITE CHARACTERISTICS The application site consists of the eastern and southern arms of the former runway and a portion of the northern runway, as well as land to the north of the existing vehicular access from Ford Road. Currently a car boot, farmers' market and market

operate on Thursdays, Saturdays and Sundays from the site. Some of the site remains in agricultural use.

CHARACTER OF LOCALITY

A soft play (Flying Fortress) and Arun Sports Arena are situated to the north of the application site on the remainder of the northern arm of the runway. Land immediately surrounding the application site is allocated for residential development under policy SA1 of the Ford Neighbourhood Plan and SD8 of H SP2c of the Arun District Local Plan for a development of up to 1,500 dwellings.

The airfield also accommodates a range of waste uses, including the waste water treatment works operated by Southern Water, a recycling facility and a waste management facility operated by Grundon and Viridor. Two industrial estates are also located within the wider airfield with Rudford Industrial Estate to the south and Ford Industrial Estate to the north-west.

Neighbouring uses include HMP Ford to the east of the application site, anaerobic digestion plant and lagoon to the north and concrete batching plant to the west.

RELEVANT SITE HISTORY

F/15/88	Continuance of use with amendments to Conditions 3 & 4 of planning consent F/7/86; to allow 4 fruit & vegetable stalls onto the site at 7.30 a.m. on Sundays and increasing the number of portacabins to 3 & removing them from the site by 8 a.m. each Monday.	Refused 30-08-88
F/14/95	Renewal of temp.permission F/1/94 for continuance of use without Conds. 3 & 4 imposed on F/40/92 and the imposition of a new Cond.3 "No stall-holder vehicles shall enter the site prior to 07.30hrs and the erection of stalls shall be completed by 09.30hrs. All stalls shall be dismantled and removed from the site by 16.30hrs on the same day".	ApproveConditionally 23-08-95
F/10/07/	Use of market site for Thursday car boot sales	App Cond with S106 17-10-07
F/12/10/	Variation of Condition No 1 imposed on planning permission F/35/99 to permit the operation of a Farmers Market. Substitution of Condition No 10 to read "No vehicles shall enter the site before 7.30 hours and all	App Cond with S106 23-04-12

vehicles shall be removed from the site by 16:30 hours on the same day".

F/12/18/WS	New access road - This application is a County Matter Waste Application & will be determined by West Sussex County Council (EIA)	No Objection 23-07-18
F/4/20/OUT	<p>Outline planning application (with all matters reserved except for access) for the development of up to 1,500 dwellings (Use Class C3), 60-bed care home (Use Class C2), up to 9,000 sqm of employment floorspace (Use Classes B1), local centre of up to 2,350 sqm including up to 900 sqm retail / commercial (Use Classes A1-A5) and 1,450 sqm community / leisure floorspace (Use Classes D1-D2), land for a two-form entry primary school (Use Class D1), public open space, allotments, new sports pitches and associated facilities, drainage, parking and associated access, infrastructure, landscape, ancillary and site preparation works, including demolition of existing buildings and part removal of existing runway hardstanding. This application affects a Public Right of Way. This application is the subject of an Environmental Statement. This application may affect the setting of a Listed Building. This application falls within CIL Zone 1 - Zero Rated.</p>	

No comments.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ford Parish Council

Objection

Comments received 25 May 2020

The Ford Neighbourhood Development Plan (NDP) seeks to ensure that a co-ordinated approach for the whole site is pursued. We now have a Market application, airfield application, information that a 10 form school site will be imposed and have now been informed that a new application by Grundon and Viridor for a large incinerator site will be submitted in June. It is the view that all these should be considered together to ensure the people of Ford do not have large scale businesses imposing a worsening of their environmental living conditions. Its time for both WSCC and Arun District Council to enforce applicants to follow a joint and co-ordinated approach.

The Ford NDP sets out a vision for the village, some of these have been met in 'The Landings' application but many are now shown on the general site plan. More details are needed together with all

the other applications.

CLYMPING PARISH COUNCIL - Objection

Comments received 3rd April 2020

- The application is contrary to Clymping Neighbourhood Plan policy CPN14 (Traffic and the Environment)
- The market is a major traffic generating activity as the Transport Study point out. The market is only suitable for car users. All traffic is proposed to enter from Ford Road only.
- Modelling shows that the resulting impact on Horsemere Green Lane will be severe with over 500 movements during peak periods (Sundays). On Church Lane on Thursdays and Saturdays the additional traffic will mix with the HGV movements already approved for the proposed Incineration at Ford Airfield.
- No highway mitigation is proposed including at the Hunter Junction with Ford Road. With the possibility of thousand of cars visiting the market together with industrial traffic on Thursdays and Saturdays this will inevitably lead to queuing and hold ups on Ford road to the detriment of Clymping residents.
- This application is not consistent with proposals included in F/4/20/OUT for a sustainable route for pedestrians and cyclists along Horsemere Green Lane, across Church Lane linking with the new route along the A259.

Comments received 18th March 2021

- The Parish Council's previous objection still stands. Additionally, there should be an archaeological survey of the entire site given the recent findings on land to the south of the airfield.

20 No. letters of objections were received in relation to the proposed development. A summary of the key points raised in these letters has been provided below but the full responses can be found on the Arun District Council website.

- Given that that we are all in lockdown now and given that all essential business activities have been superseded, it is wholly inappropriate to proceed with this planning application at this time. We have neither the time, ability nor resources to give this matter the consideration it deserves. To continue with all but essential planning is undemocratic.
- Clymping already takes a huge increase in traffic from HGVs from various waste sites, all the delivery lorries and vehicles associated with the same and the current application for 1500 houses.
- Horsemere Green Lane is an unclassified road and is not designed for heavy traffic or volumes of traffic. The application negatively impacts on Horsemere Green Lane.
- Closure of the Yapton Road access will increase traffic on Horsemere Green Road and adversely impact upon the junction with Church Lane.
- It defies belief that the application does not include any mitigation for local roads affected by the proposed development.

GRUNDON - Objection

A letter of objection has been received from Grundon's who operate the recycling centre and waste management facility and the key points raised in this letter have been summarised below:

The Ford Circular Technology Park (CTP) currently operates as a waste transfer station, which is only part of the development permitted at the site in 2015 for a comprehensive large-scale waste treatment facility handling 200,000 tonnes of waste annually. A subsequent planning permission in 2019 allowed for a new access road to the Ford CTP from Ford Road, with additional lorry movement associated with the waste management site as well as extended delivery hours, compared to what is currently generated.

The Plans included in the planning application do not show the Ford CTP new access road (which runs alongside the wastewater treatment works). This access road is now complete and in operation.

Whilst the proposal does not seek to intensify the market use, it proposes a single point of access from Ford Road, diverting all traffic visiting the market onto Ford Road and the existing service road which will significantly increase vehicular traffic at the junction of the service road (Hunterford) and Ford Road.

The Transport Assessment only considers the current operation and associated vehicular movements and does not take account of the recently permitted additional lorry movements as part of the new access road. Therefore, the application has failed to consider the planning baseline and potential cumulative impacts.

We are also concerned about the proposed market layout, in particular the overflow car park immediately to the east of the CTP's new access road. This would create a new vehicular access and pedestrian crossing point near the CTP access point, with issues in terms of safety and conflicts between vehicles visiting our site.

VIRIDOR - Objection

A letter of objection has also been received from Viridor Waste Management Limited who operate the recycling facility at Ford. This representation is summarised below, but their full comments can be found on the Arun District Council website.

The use of a single access point for the market will significantly increase traffic at the junction of the service road (Hunterford) and Ford Road. Therefore, it is concerning that the Transport Assessment does not appear to take account of all the permitted vehicular movements associated with that access. The assessment should take account of all existing and potential vehicular movements including the movements associated with both Viridor's MRF and Grundon Waste Management's recent permitted to increase the number of lorry movements associated with its Circular Technology Park (CTP). As it stands the assessment falls short and therefore the application has not fully considered the planning baseline and potential cumulative impacts.

The proposed overflow car park would create a new access point and two pedestrian crossings, with the associated issues of safety and conflict between commercial vehicles and those visiting the market. Therefore, the safe and efficient operation of these strategic waste management uses will be compromised as a result of the development.

The planning application does not provide any evidence to demonstrate that the new arrangements will be compatible with the existing and future strategic waste related operations. The application therefore fails to provide the evidence and comfort that is required to allow permission to be issued.

FORD ENERGY FROM WASTE LTD - Objection

An objection has also been received from Ford Energy from Waste Ltd a joint venture company owned by Viridor Waste Management Ltd and Grundon Waste Management Ltd. The objections raised in this letter reflect those raised independently by both Viridor and Grundon and as such have not been summarised below. However, the full response is available through the Arun District Council website.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are noted. The proposed developments impact upon the operation of the highways network and the safeguarded waste sites will be considered in the conclusion to this report.

CONSULTATIONS

WSCC Strategic Planning

Environmental Health
Arboriculturist
Engineering Services Manager
Engineers (Drainage)
Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

Below is a summary of the consultation responses received. Please note that these are a summary of the comments received and the full comments are available on the Arun District Council website.

COUNTY PLANNING - MINERALS AND WASTE PLANNING AUTHORITY (MWPA) - comments received 16 April 2021

These comments follow the submission of a revised Waste Infrastructure Statement (WSI) dated February 2021 and should be read in conjunction with comments made on the 2 April and 25 June 2020.

Existing and allocated waste management facilities/sites must be protected from inappropriate neighbouring development that could prejudice their efficient operation and future development. Whilst the development proposed could impact upon the operation of three major safeguarded waste management sites which remains cause for some concern, subject to suitable conditions to ensure appropriate mitigation of any potential internal access conflict, and a comprehensive landscaping scheme, it is not considered that the proposed development is so prejudicial to safeguarded waste sites such as to warrant an objection.

Therefore, WSCC as MWPA offers advice to the LPA to ensure the development would be consistent with the requirements of policies W2 and W10 of the Waste Local Plan.

DRAINAGE ENGINEERS - comments received 16 March 2021

We note that an updated drainage strategy has been submitted. This does not alter our previous request for our standard pre-commencement condition to be applied. The detail submitted is inadequate to avoid the need for a pre-commencement condition. We note that the applicant has now completed further infiltration testing in the winter, and some more groundwater monitoring. This supports the provision strategy design for using infiltration to drain the new hardstanding areas.

It should be noted that at detailed design stage we will require evidence to be submitted that adequate treatment of surface water will be provided prior to disposal.

ENVIRONMENTAL HEALTH - Comments received 2 March 2021

In response to the amended submission for the above, Environmental Health has no objections to the proposed hours of access/operation, as detailed in the Barton Wilmore letter of further information dated 9 February 2021.

Conditions regarding the following matters were proposed:

- External Lighting
- Electric vehicle charging points
- Construction hours
- The use of sound/amplification equipment
- Measures to control noise

If groundworks are proposed it is recommended that a condition concerning contamination is included on

any approval.

ARCHAEOLOGY - Comments received 25 January 2021

The site of the proposed overflow car park is an area that has been demonstrated to contain features and deposits of archaeological interest. In the circumstances this site should be evaluated ahead of development in order to identify anything of interest that it might contain and the enable measures to ensure suitable conservation. This process should be secured via the imposition of standard condition ARC1.

WEST SUSSEX COUNTY COUNCIL HIGHWAYS - Comments received 24 March 2020

No objection is raised to the application subject to the following basis of conditions:

- Pedestrian and emergency access
 - Details required on the pedestrian and emergency access which is to be provided prior to the closure of the eastern access.
 - Parking - the total number of spaces in use should not exceed 2,000
- Informative - Temporary developer signage.

ECONOMIC DEVELOPMENT - Comments received 9 March 2020

No comments.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The matters raised in the consultation responses will be considered further in the conclusion to this report.

POLICY CONTEXT

Designations applicable to site:

Policy H SP2c Ford (SD8) Strategic Allocation

Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
GISP1	GI SP1 Green Infrastructure and Development
HERDM1	HER DM1 Listed Buildings
HERDM6	HER DM6 Sites of Archaeological Interest
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
LANDM1	LAN DM1 Protection of landscape character
QEDM1	QE DM1 Noise Pollution
SDSP1	SD SP1 Sustainable Development

SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
RETDM1	RET DM1 Retail development

West Sussex Waste Local Plan 2014:

West Sussex Waste Policy W10 Strategic Waste Allocations

West Sussex Waste W2 Safeguarding Waste Management Sites

Ford Neighbourhood Plan 2019 Policy BUA1

Built Up Area (BUA) boundary

Ford Neighbourhood Plan 2019 Policy EH1

Protection of trees and hedgerows

Ford Neighbourhood Plan 2019 Policy EH4

Surface water management

Ford Neighbourhood Plan 2019 Policy EH5

Grade 1, 2 and 3a Agricultural Land

Ford Neighbourhood Plan 2019 Policy EH8

Light Pollution

Ford Neighbourhood Plan 2019 Policy SA1

Ford Airfield

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD6	Archaeology

POLICY COMMENTARY

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

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

The Ford Neighbourhood Development Plan 2017-2031 was made on 9th January 2019. Relevant neighbourhood plan policies have been taken into account and are addressed in the Conclusions section of this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is part of a strategic allocation within the built-up area boundary and the application (in

association with F/4/20/OUT) has adequately demonstrated that it would accord with the requirements of policies H SP2 and H SP2c of the Arun Local Plan 2011-2031.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The application site is located within the built-up area boundary as defined by policy SD SP2 of the Arun Local Plan (ALP) and policy BUA1 of the Ford Neighbourhood Development Plan (FNDP) as well as falling within strategic allocation SD8 through policy H SP2c of the ALP.

Policy SD SP2 states that development should be focused within the Built Up Area Boundaries (BUAB) and will be permitted, subject to consideration against other policies of this Local Plan.

Policy H SP2c as far as it relates to strategic allocation SD8 identifies that development proposals within the strategic allocation will provide at least 1,500 dwellings over the plan period as well as identifying a number of key design and infrastructure requirements which must be met through any development of the site. Policy H SP2c (SD8) makes no reference to Ford Market or its retention and as such the proposal would accord with the policy subject to it being demonstrated that the requirements of the strategic allocation can be met with Ford Market being retained.

A masterplan for the Ford Strategic Site Allocation was considered by the Development Control Committee at its meeting held on 3rd February 2021, where it was resolved:

"That authority be delegated to the Director of Place to endorse 'The Landings' Masterplan Document following:

A. The receipt of an amended document that satisfactorily demonstrates:

1. Improved provision for pedestrians, cyclists and equestrians, and
2. The historic alignment of the canal; and

B. Confirmation that there is agreement between a recognised education provider and the landowners regarding the transfer of land for the delivery of a new secondary school at Yapton/Ford."

The Masterplan considered by Members demonstrated that the requirements of policy H SP2c (SD8) could be adequately delivered alongside the retention of Ford Market in the reconfigured format proposed by this application. Therefore, the proposed development will not undermine the delivery of strategic allocation SD8 and as such would not conflict with the objectives of policy H SP2c of the ALP. Policies SP1 and SA1 of the FNDP requires any development of the Ford Airfield site to be subject to a masterplan. Given that the reconfiguration hereby proposed is informed by the wider master planning of the site then the proposal is deemed to accord with policies SP1 and SA1 of the FNDP.

Therefore, the proposed reconfiguration of Ford Market is deemed to be acceptable in principle subject to accordance with all other relevant development plan policies as considered below.

LOSS OF AGRICULTURAL LAND

The application site falls within the wider Ford airfield strategic allocation under policy H SP2c (SD8)

which comprises agricultural land classified as "best and most versatile" (Grades 1, 2 and 3a land in the Agricultural Land Classification system). Due to the nature of the proposals, the overflow carpark would result in the irreversible loss of agricultural land.

Policy SO DM1 of the Arun Local Plan states that development will not be permitted on this type of land unless 'designated by this plan' or unless the need for the development outweighs the need to protect such land in the long term. As the site falls within the strategic allocation it would not normally be the subject of consideration under policy SO DM1.

However, in this case the market does not form part of the allocation and as such cannot be considered to be designated through the Arun Local Plan. Therefore, parts (a) - (c) of policy SO DM1 would apply in this case and it would be necessary to demonstrate that the requirement to protect the best and most versatile land is outweighed by other considerations. In this case the development is related to the existing market which has operated from the site for 20 years and is land most appropriately located and associated with the existing use and as such is considered to be the best and most appropriate in accordance with SO DM1(b).

Whilst, the development does not relate directly to the implementation of the strategic allocation it does facilitate the reconfiguration of the market in support of the implementation of the proposed masterplan and the delivery of 1,500 residential units. Given that the Council is currently only able to demonstrate a 3.3 year housing land supply (HLS) it is considered that the reconfiguration of the market to deliver much needed residential development outweighs the need to protect such land in the long term.

Policy EH5 of the FNDP identifies that no development (other than that specified as permitted development) will be permitted on land Graded 1, 2 and 3a, but does identify the exception as being land allocated for development in the development plan. Therefore, as identified above this reconfiguration will facilitate the implementation of the wider master plan for the implementation of strategic allocation SD8 as required by policy H SP2c of the ALP and policies SP1 and SA1 of the FNDP.

Details concerning the measures to ensure the protection of the soil resource will be secured through the Construction Management Plan. Therefore, in this case the proposed development is deemed to accord with Policy SO DM1 of the ALP and EH5 of the FNDP.

DESIGN AND LANDSCAPE

The proposed operation of the northern, eastern and southern arms of the runway are largely unchanged from the existing scenario on site with no specific elements proposed which would give rise to any harm to the established character of the site or the wider locality. It is intended for the western arm of the runway to be removed as part of the wider residential development of the site. However, the western arm falls outside of the redline boundary for the proposed development and as such its removal would need to be considered in the determination of F/4/20/OUT rather than through this application.

The application proposes the provision of a footpath along the southern edge of the eastern arm of the runway which will segregate pedestrian movements from the primary parking area. It is intended for this to be constructed using a no dig methodology in order to protect the roots of existing trees. However, despite this it is identified that this will result in the removal of some trees (stump diameter less than 20cm). This element of the proposal is not considered to give rise to any unacceptably adverse harm to the established character of the site or wider locality by virtue of its scale and the mature screening.

The southern boundary of the eastern arm of the runway will feature a 2m high fence consisting of galvanised steel frames with mesh infill (black). The same fence will be present along the western boundary of the northern and southern arms of the runway with access gates proposed to provide pedestrian access from the west of the application site. The proposed fencing will be screened by

existing planting on the southern arm, whilst views of the shorter section of fencing adjacent to the northern arm will be obscured from Rollaston Park by the existing hedgerow prior to the implementation of the strategic allocation. Therefore, the proposed boundary treatments are deemed to be acceptable and would not result in unacceptably adverse harm to the established character of the locality.

The proposed overflow car park will be sited to the east of the existing Waste Water Treatment Works (WWTW) with access from Ford Road via the existing access road. A new vehicular access will be created within the Ford Airfield to facilitate access to the overflow car park and a separate pedestrian access is proposed linking the car park with the Ford Market. The car park is shown as being constructed from 'aggregate surface' with a green buffer shown on the eastern boundary of the car park.

Views of the proposed car park from the west will be obscured by the WWTW whilst views from the south will be obstructed by existing mature planting. Ford Lane is located to the north and the proposed car park will be screened by a mixture of existing development, hedgerows, trees whilst the topography of the site will further restrict its visibility. As such, the car park will not have any significant presence within the street scene from Ford Lane. Views from Ford Road to the east will also be significantly obscured by existing trees and hedgerows with the proposed planting buffer providing additional screening. Therefore, the proposed overflow car park is not considered to result in any unacceptably adverse harm to the established character of the site or the wider locality.

The proposed development is acceptable in both design and landscape terms with visibility of the proposed alterations largely restricted to internal views within the Airfield. The measures proposed will appear in keeping with the established character of the site and would not undermine the future development of the site.

Therefore, the proposals are in accordance with policies D DM1, D SP1, LAN DM1 and ENV DM4 of the ALP and policy EH1 of the FNDP.

HIGHWAYS & TRANSPORT IMPACTS

The proposed development has been the subject of consultation with WSCC as Local Highway Authority (LHA) who have raised no objection to the proposed development subject to the inclusion of appropriately worded conditions. The LHA in their consultation response have confirmed that the reconfigured layout would retain a total of 2,000 parking spaces to reflect the maximum permitted number of visitors.

Traffic counts have been provided to assess the existing accumulation of vehicles at the site with 468 vehicles on site on Thursday and 370 on Sunday. The site access has been modelled with existing flows factors up by 4.4x to account for the maximum permitted visitors of 2,000. In these circumstances the access would be approaching capacity, but the junction would still operate satisfactorily with a maximum delay of 80 seconds when leaving the site. Queue data has also been provided which has demonstrated that the revised access would provide sufficient holding area for pre-set up trader parking.

Objections have been raised by the operators of the neighbouring waste management sites due to a perceived conflict between the proposed operation of the market and its impact upon their business due to conflict between pedestrians and heavy goods vehicles accessing the sites. Concerns have also been raised in regards to the operation of the 'Hunterford' and Ford Road junction and the delays at this junction.

However, the impact of a single access to the market has been considered by the LHA above who have confirmed that the existing junction when tested in the worst case scenario would still operate within capacity. In terms of the safety concerns identified by the nearby businesses the LHA have considered this potential for conflict and raised no objections. The application proposes pedestrian crossing points

along with pedestrian footways to segregate pedestrian movements from the road. In addition the applicant has proposed pedestrian signage and demarcation to make drivers aware of the presence of pedestrians. These measures, are considered adequate to address the safety concerns raised and as such have been secured through the use of an appropriately worded condition.

Objections have also been raised by local residents in regards to the proposed closure of the western access onto Yapton Road due to the impacts that this would have upon Horsemere Green Lane with traffic diverting along this road and the associated delays and impacts this would have upon highway safety.

However, this matter has been considered by the LHA at the request of the LPA and it has been confirmed that the proposals would not generate any additional vehicular trips across the network but that there would be some redistribution across the wider network. Based upon the trip distribution included within the application 11% of trips distributed from the B2233 (Yapton Road) have the potential to be redistributed via either North End Road / Ford Road or continue through Yapton and utilise Horsemere Green Lane. Assuming a 50/50 split on these routes this would equate to 25 additional trips during a single peak period within the week. Therefore, this potential uplift in vehicular movements along Horsemere Green Lane would not be considered sufficient to adversely impact upon the safe operation of the highway or provide adequate justification for refusal of the application.

Therefore, in this case it is considered that the proposed reconfiguration of the market would accord with the aims and objectives of policy T SP1 and would not result in an unacceptable impact upon highway safety or a severe cumulative impact upon the operation of the road network in accordance with paragraph 111 of the National Planning Policy Framework (NPPF).

SAFEGUARDED WASTE SITES

The application site is situated within close proximity to a number of safeguarded waste sites and as such the West Sussex Waste Local Plan (WLP) forms part of the development plan in the consideration of the proposed development. The key policy considerations in this case are deemed to be policies W2 and W10 of the WLP.

Policy W2 pertains to safeguarding waste management sites and infrastructure and identifies that development that would prevent or prejudice the use of existing waste management sites or infrastructure that make an important contribution to the transfer of waste will not be permitted unless they accord with specific requirements.

In this case, as identified above, concerns have been raised by the waste operators for the neighbouring sites that the proposed closure of the western access onto Yapton Road would place undue pressure on the operation of the 'Hunterford' and Ford Lane junction which would prejudice the operation of the waste management sites. However, this has been considered through the submitted Transport Assessment and the Local Highway Authority (LHA) and in this case it is considered that even when operating at the maximum number of visitors (2,000) the junction would still operate within capacity.

Concerns have also been raised in regards to the proposed overflow car park to the north of the access road and the proposed pedestrian crossing. The waste operators have raised concerns that this will give rise to safety implication by virtue of conflict between pedestrian and heavy goods vehicles accessing the site. In this case it is considered that there is no evidence to suggest that this relationship would give rise to unacceptably adverse safety impacts.

Therefore, in this case there is no evidence to suggest that the proposed reconfiguration of the existing market would prevent or prejudice the use of the existing management sites.

Policy W10 of the WLP relates to strategic waste allocations and identifies the site north of Wastewater Treatment Works, Ford. W10(d) identifies that sites allocated through this policy will be safeguarded from any development either on or adjoining the sites that would prevent or prejudice their development (in whole or in part) for that allocated waste management use or uses.

In this case no objections have been raised that the proposed reconfiguration of the existing market would prevent or prejudice future development of the allocated waste management site at Ford.

The proposed development would not conflict with the aim and objectives of policies W2 and W10 of the WLP.

RESIDENTIAL AMENITY

The existing Ford Market operates from the site and this application seeks to reconfigure it to facilitate the development of Strategic Allocation SD8 on the wider Airfield. In this case the proposed reconfiguration whilst introducing various additional elements, a new overflow car park and closure of the Yapton Road access would not give rise to any unacceptably adverse harm to the residential amenity of neighbouring properties beyond the current scenario.

In regards to future residents of the strategic allocation the market benefits from screening which will mitigate any the majority of impacts upon future occupiers of the site. However, in the interests of further protecting residential amenity a condition has been proposed by the Council's Environmental Health team restricting the use of any public address system or amplification system to ensure that it is not audible from outside of the site. Conditions have also been included in regards to construction and details in regards to the control of noise from the site.

As such, subject to the proposed conditions the development is deemed to accord with policies D DM1 and QE SP1 of the Arun Local Plan as well as the NPPF.

BUILT HERITAGE AND ARCHAEOLOGY

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In this case there is a Grade II listed buildings (now subdivided into multiple properties) located approximately 275m to the north of the application site, with the proposed overflow car park situated in closest proximity. This listed buildings formerly known as Ford Place is a large L shaped building which features mature planting to the eastern, southern and western boundaries with a row of trees running from the western boundary to the south of the site. Given the separation distance and the nature of the development proposed (overflow car parking with associated landscaping) the proposal would not result in any harm to the setting or significance of the designated heritage asset.

It is considered that the runway itself would constitute a non-designated heritage asset. However, whilst it is understood that as part of the wider redevelopment of the airfield site as a strategic allocation it is intended for the western arm to be removed, this falls outside the scope of this application and as such is not a matter for consideration in the determination of this application which pertains to the reconfiguration of the market.

However, the reconfiguration of the market to facilitate the implementation of strategic allocation SD8 will secure the retention of the remaining arms of the runway ensure the continued protection of this non-designated heritage asset highlighting the historical importance of this site.

Therefore, the proposal accords with policies HER DM1 and HER SP1 of the ALP and the NPPF.

The Authority's Archaeological advisor has been consulted in relation to the proposed development and has identified that the site of the proposed overflow car park is an area that has been demonstrated to contain features and deposits of archaeological interest. As such, it has been identified that this area should be evaluated ahead of development in order to identify anything of interest that it might contain and enable measures to ensure suitable conservation. It has been recommended that an appropriately worded condition be included on any recommendation for approval to secure these details. Therefore, subject to the inclusion of the proposed condition the proposed development would accord with policies HER SP1 and HER DM6 of the ALP.

DRAINAGE

The application is supported by a Flood Risk Assessment and Drainage Strategy which confirmed that the existing access road and runways will not be altered and therefore the drainage regime for these elements will remain unchanged. It is proposed for the overflow car park to have a permeable surface and to discharge to ground through infiltration.

Unfortunately, in this case infiltration testing was carried out in the summer which suggested that infiltration could be possible, but summer testing cannot inform design with winter testing identified as necessary by the Authority's Drainage Engineer. On this basis an updated drainage strategy was submitted in support of the proposals but it was confirmed by the Authority's Drainage Engineer that the detail provided was insufficient to avoid the inclusion of a pre-commencement condition. However, subject to the use of appropriately worded condition, to secure the details, of the provisional drainage strategy the use of infiltration for new hardstanding areas is supported.

Therefore, the proposed development, subject to the below drainage condition, accords with policy W DM3 of the ALP and the NPPF.

ECOLOGY AND BIODIVERSITY

Policy ENV DM5 of the ALP relates to development and biodiversity and identifies that, in the first instance, development should seek to achieve a net gain in biodiversity and protect existing habitats on site and also incorporate elements of biodiversity.

The proposal was accompanied by an Ecological Impact Assessment (December 2019) which concluded that the site had suitable habitat to support roosting, foraging and commuting bats, breeding birds, reptiles and invertebrates. The supporting statement has identified the adverse impacts on these ecological features and has sought to identify appropriate mitigation and compensation measures.

It is identified that the proposed development would result in the loss of approximately 0.04 hectares of unmanaged semi-improved grassland. It is intended for this to be mitigated and further enhanced through the provision of 0.36 hectares of new shrub planting and 0.14 hectares of new tree planting which would result in a biodiversity net gain at the site. In addition to these measures a precautionary clearance method will be undertaken during the reptile active season (March and October inclusive), consisting of strimming of the sward to a height of 15cm to encourage reptiles to move into adjacent areas of suitable habitat. Subsequently, the top soil will be removed under the supervision of a suitably qualified ecologist and any reptiles identified at this time will be relocated with the site maintained as unsuitable for reptiles until construction works can commence.

In this case the proposal secures a net gain in biodiversity whilst ensuring that the loss of habitats is minimised. Therefore, subject to the inclusion of appropriately worded conditions the proposal is deemed to accord with policy ENV DM5 of the ALP and the NPPF.

CONCLUSION

The proposed development would not undermine the delivery of the strategic allocation as identified through the masterplan previously considered by the Authority's Development Control Committee. Nor would the reconfiguration of the market give rise to any unacceptably adverse harm to the established character of the locality or wider landscape or be prejudicial to the operation of the existing safeguarded waste uses nearby.

Therefore, the proposal accords with all relevant development plan policies and is recommended for approval subject to the below conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Market Site Boundary Plan - 23885 - RG-M-108G
- Proposed Site Plan - 23885 - RG-M-118F
- Market Operation Diagram - 23885 - RG-M-116E
- Tree Protection Plan - 18189-BT6

- Ford Market and Car Boot Parking Access Arrangements - ITB13091-GA-036 Rev E

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

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

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

Reason: In the interests of highway safety and the amenities of the area in accordance with policy TSP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition in order to ensure that measures are in place to mitigate the impacts of construction prior to development taking place.

4 No development shall take place before a scheme has been submitted to and approved in writing by the Local Planning Authority, which specifies the provision to be made for the control of noise emanating from the site. Thereafter, the use of the proposed development shall not commence until the approved scheme has been fully implemented.

Reason: To protect the amenity of local residents in accordance with policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031. It is considered necessary for this to be a pre-commencement condition to ensure that the development does not adversely impact upon the amenity of nearby uses and property during construction.

5 The development hereby approved shall not be commenced 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 completion of the development, 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. It is considered necessary for this to be a pre-commencement condition to ensure that the tree intended for retention on the site are adequately protected during development.

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

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. It is considered necessary for this to be a pre-commencement condition to ensure that archaeological interest features are adequately identified and recorded prior to the commencement of development.

- 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 part of the overflow carpark shall be brought into use until the complete surface water drainage system serving that part of the site is in use and 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 Immediately following implementation of the approved surface water drainage system and prior to the overflow car park being brought into use, 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.

- 9 Prior to the commencement of the development hereby permitted details of ecological mitigation and enhancement in accordance with the methodology identified within the Ecological Impact Assessment - Final Document (Revision 1) December 2019 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details so submitted as well as the methodology and precautionary measures identified within the Ecological Impact Assessment - Final Document (Revision 1) dated December 2019.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy ENV SP1 and ENV DM5 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure appropriate measures are in place to protect wildlife and habitats on site prior to any disturbance.

- 10 Prior to the overflow carpark hereby permitted being brought into use the safety measures identified on drawing 'Ford Market and Car Boot Parking Access Arrangements - ITB13091-GA-036 Rev E' shall be implemented in full.

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

- 11 The market shall be in operation only on Thursdays, Saturdays and Sundays and on no other

days of the week. The market shall be in operate for the following sales on each day:

Thursday - Car boot sale only.

Saturday - Car boot sale and farmers' market only.

Sunday - Car boot sale and market only.

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

- 12 No vehicular traffic will access the market prior to 4am and there will be no access to the market trading area prior to 6.30am. Trading will be restricted to the following times:

Thursday - 7.30am and 3.00pm.

Saturday - 7.30am and 3.00pm.

Sunday - 8.30am and 3.00pm.

All vehicles must be removed from the site by no later than 4.30pm on Thursday, Saturday and Sunday.

Reason: In the interests of residential amenity and highway safety in accordance with policies D DM1, QE SP1 and T SP1 of the Arun Local Plan.

- 13 The total number of stalls at the site shall not exceed 200 and no more than 250 cars present within the trading market enclosure at any one time.

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

- 14 No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of proposed light equipment (luminaire type, mounting height, aiming angles and luminaire profiles). The approved scheme shall be installed, fully assessed by a competent individual when operational to ensure no light creep/bleed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area/the environment and wildlife/local residents from light pollution.

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

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 air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework (NPPF). It is considered necessary for this to be a pre-commencement condition to ensure that infrastructure is installed prior to the commencement of the use hereby permitted.

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

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Local Plan 2011 - 2031.

- 17 No sounds reproduction or amplification equipment (including Public Address (PA) systems, tannoy or loudspeakers, etc.) which is audible outside the site boundary shall be installed or operated on the site.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 -2031.

- 18 Prior to the closure of the western access from Yapton Road details of the pedestrian and emergency access to the site shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be fully implemented within 2 months of the closure of the western access.

Reason: In the interest of highway safety in accordance with policy T SP1 and the National Planning Policy Framework (NPPF).

- 19 The total number of parking spaces on site shall not exceed 2,000. The western arm of the runway and associated parking spaces as well as the overflow car park shall be used solely for the parking of vehicles and for no other purpose associated with the operation of the market.

Reason: In the interests of highway safety in accordance with policy T SP1 and the National Planning Policy Framework (NPPF).

- 20 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 event plus 40% on stored volumes/rainfall intensity (allowance for climate change) 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 storm event plus 40% on stored volumes/rainfall intensity. 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 at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.

- 21 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.

- 22 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)

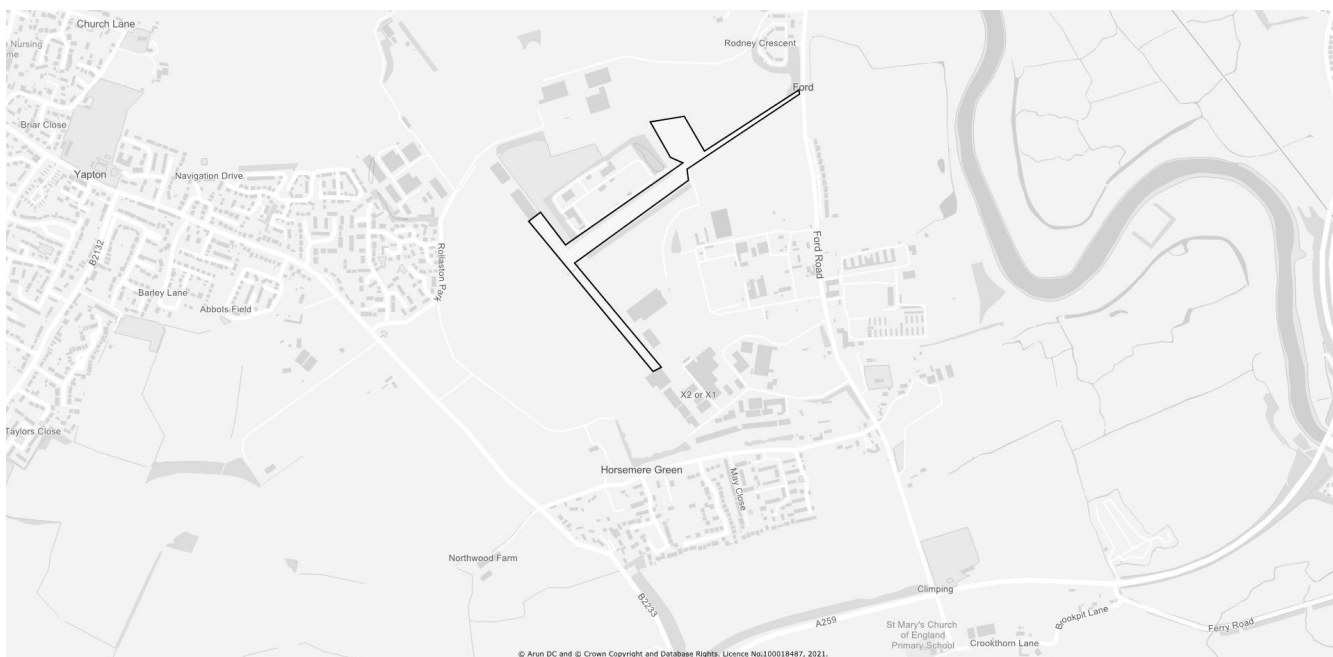
for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 23 INFORMATIVE: The applicant is advised that the erection of temporary signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

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)

F/5/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: EP/57/21/PL

LOCATION: Land rear of Beechlands Cottages
Beechlands Close
East Preston
BN16 1JT

PROPOSAL: Demolition of existing buildings and erection of 2 No. dwellings with associated car ports/parking, alterations to existing access and relocation of staircase to flats. This site is in CIL Zone 4 and is CIL Liable as dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Demolition .of existing commercial building and construction of two linked detached residential properties.
SITE AREA	1127 sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing/hedging to eastern boundary to 2m height. Garages on rear boundary approx. 3m high. Close boarded fencing to rear gardens of Beechlands Close to approx. 1.8m high.
SITE CHARACTERISTICS	The dwellings would be situated in a garage compound, with existing buildings being demolished.
CHARACTER OF LOCALITY	The site is located within a central village location where there is a mix of property design. There is a terrace of new dwellings to the immediate south of the site. There is further residential development to the east and north. To the west there are parades of shops which are located on Sea Road. There are residential flats above and to the rear of these shops..

RELEVANT SITE HISTORY

EP/7/18/PL	Demolition of existing buildings and erection of 2 no. dwellings with associated car ports/parking, alterations to existing access and relocation of staircase to flats - Amendment to EP/138/17/PL	ApproveConditionally 06-06-18
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EP/7/18 granted permission for an identical development as that applied for here.

REPRESENTATIONS

East Preston Parish Council - The proposed development would represent an overdevelopment of the site which would appear unduly cramped and would therefore be contrary to Policy D DM1 within the Arun District Local Plan, Policies 1 and 2 of the East Preston Neighbourhood Plan and the National Planning Policy Framework (NPPF).

1 letter of objection on the following grounds;

- Interfere with right of access to 125 North Lane.
- Overlooking and loss of light and privacy to 125 North Lane
- Re-positioning of the metal staircase to the Northern end of the existing balcony at the rear of the flats would be unsightly and intrusive causing a loss of privacy.
- This development ,if approved, will prohibit the current delivery of goods or retrieval of waste from the rear of the parade of shops by making it difficult for large vehicles to manoeuvre .
- Displacement of car parking will be harmful to area.
- Emergency access to the flats would be affected.
- Overdevelopment

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Drainage - No objection subject to conditions.

WSCC Highways - The LHA does not consider that this proposal would have an unacceptable impact on highwaysafety 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.No objection subject to conditions.

ADC Environmental Health - No objection subject to conditions.

ADC Greenspace - No objection subject to a landscaping condition.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN
NO PUBLIC SEWER
PD RESTRICTION
CLASS C ROAD

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design

QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

East Preston Neighbourhood Plan 2014 Policy 1	Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 3	Design in Character Area Two

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.

Policies 1 and 3 of East Preston Neighbourhood Plan are considered relevant.

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 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.

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

OTHER MATERIAL CONSIDERATIONS

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

Development Plan.

CONCLUSIONS

The two main issues in this application are considered to be design and residential amenity.

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.

D SP1 - Design requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of its character and design.

Policy 1 of the East Preston Neighbourhood Development Plan sets out general principles for development within the Parish. Part (i) relates to the scale, density, massing, height, landscape design, layout and materials of development proposals, and how proposals must reflect and enhance the established character of the area.

Policy 3 of the East Preston Neighbourhood Development Plan sets out the development criteria for development in character area 2. This seeks to maintain a consistent low building height of no more than 1.5 storeys and ensures that rooms in the roof do not increase the building height.

The design of the dwellings would not directly replicate that of any neighbouring dwellings within the immediate surrounding area, but the use of hipped roof and ground floor eaves level does reflect chalet style bungalows in the area generally. The main characteristic of Character Area Two is the predominance of bungalows.

The scheme has sought to lower the roof level close to the rear of the shops and flats above on Sea Road to the west and reduce the overall bulk of the roofscape by both of the ends of the dwellings. The central roof area has also been reduced in length and visually broken up. It is not considered to be unduly high, discordant or visually out of keeping with its immediate surroundings comprising flats to the east and Beechlands Cottages to the north. The overall height of the proposal is acceptable and not out of place given its location adjacent to higher development.

The scheme has been reduced to provide two dwellings and whilst they remain as two storey they are now proposed to be link detached dwellings. Unit 1 to the east will have a ridge height of 7.6m and unit 2 will have a ridge height of 8.5 m. The scheme also includes car ports with a bedroom above at the western end and between the two properties. This reduces the overall massing of the proposal as these ridge heights are limited to 6.2m and 6m respectively. There are buildings surrounding the development site that are 2 or more storeys such that the development will not affect the character of the area and is an acceptable exception to the neighbourhood plan policy 3.

There is no set design of dwelling styles present. There are a number of terraced two-storey properties nearby, particularly to the south, but the residential dwellings to the east are bungalows and the position of the application dwellings relates more to the layout and position of these properties than the two storey terrace to the south. This terrace fronts Beechlands Close and reflects the uniform terrace on the opposite side of that road frontage.

The dwellings are proposed to be constructed in materials in keeping with other developments in the locality. In this respect the dwellings will be constructed in brick with fibre cement boarding used to break up elements on the front elevations and wrap around the east elevation. The roof will be plain clay tiles with bonnet hips. In design terms therefore the dwellings will be similar to other developments recently

approved in the locality.

The density and plot sizes are also in keeping with other development in the locality. The plot sizes are similar to those approved in the new development to the north at Beechlands Close. Some front garden area/landscaping space is provided to the front of both units. All neighbouring dwellings meet or exceed rear garden lengths of 10m and the proposal now accords with this depth. The bungalows to the east have wider and deeper plots and are of much lower density. It is therefore considered that the proposal represents an acceptable form of development in keeping with the existing pattern of development and the character of the locality. The proposal is therefore in compliance with policies D SP1, D DM1 and Policies 1 and 3 of East Preston Neighbourhood Plan.

The Arun Design Guide at part P:Infill Development states backland development such as this should be subservient in scale to surrounding buildings which these buildings are given the three storey character of the parade of shops with flats above adjacent to the development. Development should maintain usable and appropriate external amenity space which the properties have with 10 metre deep back gardens and careful consideration should be given to preservation of existing amenity through designs which avoid overlooking which this design achieves.

Each property will have a living, dining room, kitchen and w.c. on the ground floor with three bedrooms and two bathrooms at first floor level. The eastern property (Unit 1) will have a Gross Internal Area (GIA) of 108sqm and the western unit (Unit 2) will have a GIA of 118sqm. Externally, the properties will have 119sqm and 93sqm gardens respectively and a depth of 10m which provides for an acceptable amount of outside amenity space and accords with the Nationally Described Space Standards.

Officers have previously referred to the potential for overlooking from the walkway to the flats to the west. This has been addressed in the positioning of windows on the rear elevation of Unit 2. There is only one bedroom window at the eastern end of the rear elevation which is approximately 13m from the end of the walkway and at an oblique angle which will preclude materially adverse overlooking resulting. It is also proposed to raise the fence on the western boundary with trellising to restrict overlooking to the garden. The relationship proposed between the garden and the walkway is the same as that approved at Beechlands Cottages to the south where it was considered acceptable.

The windows that face south in the development would overlook the rear gardens of Beechlands Cottages at a distance of approximately 10 metres which is considered acceptable.

In terms of the relationship of the proposed dwellings with the rear elevations of Beechland Cottages, the scheme has been designed so that there are only 3 first floor habitable rooms on the south elevation which are approximately 21m from the rear of the existing cottages including the end property which has planning permission. The properties are also at an oblique angle. In terms of the north elevations, these will be situated 20m and more from the northern boundary dwellings which represents an appropriate distance to preclude overlooking in accordance with standards in the Arun Design Guide.

The development will obliquely overlook the rear garden of 1 Beechlands Close however a distance of 20 metres from the rear elevation of the property to the front elevation of the new development will be maintained which is considered acceptable. The gable end of the new development will face the front elevation of properties on Beechlands Court due east with a separation distance of 21 metres which is considered acceptable.

The application also proposes improvements to the existing service access which passes along the west side of Beechlands Cottages. This will maintain and improve access to the rear of the shops for delivery purposes. Such access is only by agreement with the owner of the shops as the majority of deliveries take place to the front due to ease of access there. The tenants of the shops and flats have no right to

park on the application site. All other rights of access such as for UK Power Network and 125 North Lane will remain. An area for the shops to store delivery trolleys and bins is also proposed which also represents an improvement on the current situation where no such storage facilities exist.

The proposal includes relocation of the existing fire escape staircase from the rear of the shops to the northern end of the parade. This would increase the potential for overlooking in this area and potentially increase activity adjacent to the boundary. The relocated staircase, as previously mentioned, is for emergency use only and despite resulting in no additional overlooking than the existing balcony, is indicated on the north elevation plan to be screened with 1.8m high obscured glass. Therefore whilst the staircase would be located adjacent to the northern boundary it would not result in direct overlooking of the neighbouring dwelling.

The garden spaces would have a length of 10 metres which is acceptable for provision of reasonable amenity space. The separation distance to the nearest properties is 16 metres at an oblique angle of 90 degrees to the bungalow behind the application properties at the closest to unit 2.

HIGHWAY CONSIDERATIONS

County highways have no objection to the proposal in terms of highway safety and car and cycle parking provision. The Arun Parking Standards SPD indicates the requirement for 4 no. parking spaces where each property has two allocated spaces. The proposal provides 5 spaces with two spaces for Unit 2 (one in the car port and 1 in front), two for Unit 1 (one in the car port and one in the courtyard and a fifth space is provided for visitors). The proposal provides sufficient on-site parking to meet its needs and is in a highly sustainable location where other means of transport are available.

A condition relating to the submission of a Construction Management Plan has been suggested since the site is located adjacent to the rear service area for the shops and without clearly defined areas for contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles obstruction and congestion on adjoining roads could result.

CONCLUSIONS

The application is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application is CIL Liabe 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:

Proposed Plans and Elevations dwg.no. 2.10 Rev C dated Jan 2018

Proposed Site Plan, Block Plan and Location Plan dwg.no.2.11 Rev E dated Jan 2018

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 building(s)/extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

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

- 4 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.

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

Reason: To provide car-parking space for the use in accordance with policy T 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 and details to be submitted to and approved by the Local Planning Authority.

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

- 7 No part of the development shall be first occupied until the electric vehicle charging spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies, policy T DM1 of the Arun Local Plan..

- 8 No demolition/construction activities shall take place, other than between 08.00 and 18.00 hours (Monday to Friday) and between 08.00 and 13.00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 - 2031

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

- a) An indicative programme for carrying out of the works;
- b) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- c) The parking of vehicles of site operatives and visitors;
- d) Loading and unloading of plant and materials, including permitted times for deliveries;
- e) Storage of plant and materials used in constructing the development;
- f) The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- g) Measures to control the emission of dust and dirt during construction;
- h) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 - 2031

- 10 Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the 'Indoor ambient

noise levels for dwellings' guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014. Details complied by a competent acoustician on sound insulation and noise reduction for buildings 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 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 Adopted Arun Local Plan 2011 - 2031

- 11 Prior to the commencement of the development hereby approved, a scheme to 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. Guidance on sound insulation and noise reduction for proposed developments shall be submitted to and approved in writing by the Local Planning Authority. The work 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 Adopted Arun Local Plan 2011 - 2031

- 12 Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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 (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
2. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A Verification Report 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.

Note: Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

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 protect the amenity of local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan 2011 - 2031

- 13 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.
- 14 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 event plus 40% on stored volumes (allowance for climate change) 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 storm event plus 40% on stored volumes. 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 Council on Arun District Councils website. A surface water drainage checklist is available on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.
- 15 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.
- 16 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act, 1990 and the Clean Air Act, 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and/or ash from fires or noise from the cutting and/or chipping of trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should be contacted regarding Exemption Permits to burn on site.

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)

EP/57/21/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: AW/228/21/RES

LOCATION: Rear of 34,36,38,40 & 44
Carlton Avenue
Aldwick
Bognor Regis
PO21 3LR

PROPOSAL: Approval of reserved matters following outline consent AW/130/18/OUT (layout, scale, landscape & appearance) for the erection of 8 No dwellings with access between 34 & 36 Carlton Avenue.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks reserved matters approval for 8 detached dwellings with parking, road provision, landscaping and ancillary works. Approval of scale, layout, external appearance and landscaping are sought. Access and principle of development were approved by AW/130/18/OUT.

The proposal is for 7 x 3 bed houses and 1 x 4 bed house. Plot 1 will be a bungalow, plot 5 will be two storey with the others all having their first floor in the roof. Materials have not been finalised so will require a condition however they are indicated to be brick with flint or weatherboarding and clay tiles. Roofscapes are mixed with gable ends, hips, half hips, front projecting gables, dormers, half dormers and velux windows.

Each house has at least 2 parking spaces with plot 5 having 3 and plots 2/8 having a double garage. Two visitor spaces are proposed. Cycle storage is to be accommodated in garages/sheds. Bin storage spaces will be in gardens with collection from a designated area to the north of plot 1 or from dwelling frontages.

As per the outline the site has a 4.8m wide shared (vehicles/pedestrians) access to Carlton Avenue which reduces to 4.1m on the driveway and then back to 4.8m in the site. No footway is shown to the sides but there is verge space for landscaping to buffer the adjacent dwellings. As per the outline, there is access to the front of 36 for 1 parking space.

The application includes a comprehensive hard & soft landscaping scheme which includes 17 new trees, shrubs, climbers, gardens, tarmac roads, concrete paviour parking

	areas and sandstone patio/paths. Boundaries are proposed to be a mix of 1.8m high timber fencing and low brick walls with integrated fence panels.
SITE AREA	0.4907 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	16 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There is extensive tree planting to the east end of the site and across the boundary in the Avisford Park recreation ground. Some of these trees are notable but all are to be retained and are to the rear of proposed gardens. One small Lawson Cypress and a group of 6 Leylandii in the northwest corner are to be removed to facilitate new internal site road and parking. These have been categorised as class C trees.
BOUNDARY TREATMENT	Mix of dwarf walls, fencing and hedging to the front of site, fencing to sides and rear with mature hedging. There is a small watercourse running the length of the eastern site boundary.
SITE CHARACTERISTICS	Residential gardens located behind 34, 36, 38, 40 and 44 Carlton Avenue (there is no number 42).
CHARACTER OF LOCALITY	The site forms part of an established residential area in the built up area boundary. Carlton Avenue has a fairly uniform character with detached properties set in medium plots and set back from the highway with gardens to the rear. Properties on this eastern section of Carlton Avenue have very deep gardens whilst those to the northern and southern ends of the road and on the western side are much shorter in comparison. There is an existing back land chalet bungalow dwelling (32a) to the south of the site. This is around 12m from the shared boundary. In terms of scale, there is a mix of dwelling heights within the streetscene with mostly traditional bungalows on the eastern side but some chalet bungalows and a few genuine two storey dwellings on the west side.

RELEVANT SITE HISTORY

AW/130/18/OUT	Outline application with some matters reserved for the erection of 8 No. dwellings with new access between 34 & 36 Carlton Avenue.	App Cond with S106 08-08-18
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Outline planning permission was given in August 2018 and approved the principle of 8 dwellings and the access arrangements from Carlton Avenue.

REPRESENTATIONS

Aldwick Parish Council:- object to the access as it will be dangerous to pedestrians and the internal access will not provide a convenient or safe route for pedestrians or cycles.

8 objections from nos. 32 and 32a Carlton Avenue raising issues of:

- Overdevelopment;
- Overlooking (particularly the relationship between plot 2 and 32a Carlton Avenue);
- Harm to existing views;
- Extra noise, disturbance & traffic;
- Insufficient parking leading to overspill on local roads;
- Harm to wildlife including bats/birds in the trees;
- Access will be harmful to highway safety and is not wide enough for 2 cars; and
- Security of existing homes.

COMMENTS ON REPRESENTATIONS RECEIVED:

The objections from the Parish/residents relating to the number of dwellings/increase in traffic and access to Carlton Avenue cannot be considered as these matters were approved through the Outline application. The internal road layout is proposed as a shared surface arrangement and is wide enough to allow pedestrians and a car to pass each other safely. There are no WSCC Highway objections. Overlooking, noise, parking and security will be considered in the conclusions however there is no right to a view in planning law. Conditions are proposed to mitigate the impact on wildlife.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - no objection subject to conditions to secure a construction management plan (CMP) and cycle parking. Comment that:

- no issues with the 4m wide access or with the ability for refuse and fire vehicles to turn within the site;
- existing parking for plot 36 will be accessed from the new access but given the low number of trips, no objections are raised;
- The access is a crossover arrangement ensuring pedestrians have a continuous pavement layout on Carlton Avenue, but consideration needs to be given to surface treatments;
- a Traffic Regulation Order is required to implement the access;
- No objection to the parking provision; and
- Require electric vehicle charge points.

ADC DRAINAGE ENGINEERS - no objection with the following comments:

- Groundwater monitoring has found groundwater to peak at 49.28m which is 0.52m below ground level;
- Infiltration testing has shown shallow infiltration to be viable;
- The overarching strategy and proposed levels are acceptable and there will be sufficient surface water storage on the site; and
- The applicant stated they wish to resolve surface water drainage matters now and avoid pre-commencement conditions however there are already such drainage conditions on the Outline and these need to be discharged separately.

ADC LANDSCAPE OFFICER - no objection and recommend no conditions. The soft landscape detail shown in revised Landscape Plan 002 Rev A provides the outstanding information with the inclusion of species choice, quantities and size at time of planting, with a scheme suitable for location. The Landscape Plan shows more native species to reinforce the easterly tree line but the use of non-native

evergreen species to ensure all year round screening is acceptable.

ADC TREE OFFICER - no objection and recommend conditions.

ADC ENVIRONMENTAL HEALTH - no objection. The Phase 2: Site Investigation Report is acceptable. Further investigation is required for the parts of the site unavailable at the time of survey. A verification report will be required to demonstrate any contamination found has been appropriately dealt with.

COMMENTS ON CONSULTATION RESPONSES:

WSSC HIGHWAYS - The outline has conditions relating to a CMP, cycle storage, the traffic regulation order and access visibility. A new condition is needed to secure electric vehicle charge points.

ADC ENVIRONMENTAL HEALTH - Contamination should have been considered at outline stage. The same report was provided at that time but Environmental Health did not request a condition. The survey found no contaminants in site areas that were surveyed. Given these comments have been given, it is proposed to apply a condition to secure remediation should unsuspected contamination be found.

POLICY CONTEXT

Designations applicable to site:

Within the Built up Area Boundary;
CIL Zone 4; and
Pagham Harbour Zone B.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
HDM1	H DM1 Housing mix
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
TELSP1	TEL SP1 Strategic delivery of telecomms infrastructure
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

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
SPD10	Aldwick Parish Design Statement

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.

Aldwick have not developed a Neighbourhood Development Plan but has published a Design Guide which is a material consideration in the determination of this application..

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 proposal would not cause demonstrable harm to the character of the area, to the amenity of neighbouring residents or to local biodiversity and trees.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The principle of 8 dwellings with access from Carlton Avenue was established by AW/130/18/OUT and it is only necessary to consider outstanding matters of layout, appearance, landscaping & scale - and the policies that relate to these matters.

COMPLIANCE WITH OUTLINE CONDITIONS:

Condition 3 imposed on the Outline stated the reserved matters scheme should be in accordance with the "Feasibility Site Plan" dwg. 2.01 Rev P3. The access arrangements are as per this drawing and the rest of the layout is broadly in accordance with the drawing.

LAYOUT, APPEARANCE AND SCALE:

ALP policy D DM1 requires the Council seek to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping and design features. The policy requires the scale of development keep in 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.

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

The Arun Design Guide is a material consideration. The Design Guide suggests a density of 10-20 dwellings per hectare in suburban locations. The site density has been set by the Outline which allowed up to 8 homes but at 16 dwellings per hectare accords with the Design Guide.

Page 128 of the Design Guide has a section on back land development. The proposal meets this guidance as the dwellings are set far away from the existing, are predominantly single storey in scale, provide opportunities for landscaping along the access road to mitigate the impact of vehicles on existing residential amenity, is for an appropriate amount of houses, maintains a good standard of external space for the existing houses, provides sufficient parking & turning facilities and upgrades boundary treatments.

The Aldwick Parish Design Statement (2015) states Carlton Avenue is a mix of bungalows and houses and that many local builders had a hand in constructing Carlton Avenue, making it an interesting road of varying designs with no two properties being identical. Carlton Avenue is in the Rose Green character area and the proposal meets relevant development criteria as buildings are predominantly single storey, reflect the character of the streetscene, are appropriately spaced apart and the layout preserves important trees.

The layout accords with the feasibility plan presented at outline stage. It consists of 7 dwellings at the rear of the site backing onto the park plus and 1 bungalow behind 36 & 38. This bungalow respects the character of the Carlton Avenue streetscene. Those to the rear are higher with some roof level accommodation and a two storey dwelling, however these are some distance from the Carlton Avenue frontage (58m) so will have very limited impact on the streetscene. The layout preserves the vast majority of existing trees and proposes new trees. There is a large expanse of hardstanding in the layout but this is necessary to provide parking and turning facilities for 8 dwellings and the size/shape of the site does not allow for these areas to be hidden from view.

Dwellings are appropriately mixed with different materials (brick, flint, weatherboarding), roof heights and roof forms (mix of hipped, half-hipped & front/side gables). 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.

LANDSCAPING & 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.

The proposal results in the loss of 7 category C (low quality) trees plus vegetation in private gardens. The landscaping scheme proposes more than sufficient compensatory tree planting (17 new trees) plus new areas of grass and shrub planting some of which will form new hedges to front boundaries.

The Council's Tree officer raises no objections to trees to be felled, to the site layout or protection measures. Due to the orientation of the site and layout, the largest off-site/retained trees are on the east boundary and so will shade gardens in the morning. These will be 8-9m from the rears of the new houses. The street trees in the scheme all appear to have plenty of room to grow and develop.

There are no concerns with the soft & hard landscaping scheme and so the scheme accords with ALP policies LAN DM1, D DM1 and ENV DM4.

OTHER MATTERS:

(A) Housing Mix

ALP policy H DM1 provides for a mix of housing to meet local needs and requires that all housing development provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. The policy does not prescribe a specific housing mix that must be met by individual applications, with the policy stating that each must be considered on its own merits. The policy preamble (12.2.4) acknowledges that the final mix will be negotiated on a site by site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA). The SHMA identifies a broad mix of market housing by size for the District however no market housing proposed.

The development comprises 7 x 3 bed dwellings (87.5%) and 1 x 4-bed dwellings (12.5%). As this excludes any 1 or 2 bed dwellings, it is in conflict with the SHMA guidance however this is not intended as one rule to cover all sites and the proposed mix is acceptable having regard to the small scale of the development and the character of the area (being predominantly family sized dwellings).

(B) Housing for Older People

The Local Planning Authority has an agreed policy on provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This does not apply to schemes of less than 10 dwellings. The Design and Access Statement indicates homes will be designed to Part M Building Regulations standards suitable for disabled persons.

(C) 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 all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The Council has an adopted Design Guide which sets out guidance on 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.

The layout has been checked and with the exception of the front to front distance between plots 1 and 4/5 (at 12.5m/15.3m), all interface distances in the site comply with the standards. The plot 1 to 4/5 relationship is acceptable given plot 1 is a bungalow whilst the interfaces will have additional screening by the way of ground level landscaping and parked cars. There are significant interface distances to existing neighbouring properties and these are indicated on the site layout. The site levels all appear to either be at the existing ground level or at most 0.2m higher which is within normal tolerances.

No. 32a Carlton Avenue has objected on grounds of overlooking. This property is a bungalow and is 12m to the south of the site. The intervening space is taken up with vehicle parking and turning so there is no overlooking of their garden area which is to the south of their dwelling. Due to the presence of velux windows in their north facing roof plane, a condition will be imposed to ensure the south facing mid-floor landing window on plot 2 is obscure glazed below an internal height of 1.7m.

It is necessary to consider the impact of the site access on existing properties which border it. Given the close proximity, it is likely that there will be harm to these properties due to noise/disturbance from vehicles. However, the layout ensures good space on either side for landscaping and new boundary treatment mitigating such impacts. Road speeds will be low and the road surface will be smooth (i.e. not gravelled) thus further reducing noise.

There is a local concern regarding security of existing dwellings. All boundaries will be secured with fencing and communal (road/parking) areas benefit from natural surveillance from the dwellings.

All relationships between proposed/existing and between proposed dwellings are acceptable and ensure a high standard of amenity for existing and future users. The scheme accords with ALP policies D DM1, QE SP1 and with the Design Guide.

(D) Parking, Roads and Public Footpaths

ALP policy T SP1 states that proposals will be supported where they explain how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements; (iii) create safe and secure layouts for traffic, cyclists and pedestrians

whilst avoiding street clutter.

The proposal will be accessed from Carlton Avenue with a 4.8m wide shared crossover style access. The internal site road reduces to 4.1m on the driveway and then back to 4.8m in the site. Pedestrians using Carlton Avenue will be able to use the eastern footway and cross the access easily with good visibility of cars coming in and out. The access is wide enough to allow cars and pedestrians to pass each other safely in the site. WSCC Highways raise no objections with the internal site arrangements.

The parking requirement according to the Arun Parking SPD is 19 spaces based on 2 spaces per the 3 bed dwellings, 3 spaces per the 4 bed dwelling and 2 visitor spaces. The proposal consists of 16 allocated spaces, 2 double garages and 2 visitor spaces. The SPD states garage spaces must be 3m by 6m to qualify as half a space. As the double garages are 5.09m by 6.2m, they do not provide 2 garage spaces of the appropriate size and can only be considered as single garages providing half a space each. The overall total number of spaces still meets the standards.

The SPD sets out a requirement for cycle storage and this requires that 3+ bed houses have 2 spaces. The application states cycle storage will be either in garages or sheds for which plans are not provided. There is a condition on the Outline to secure these details separately. The proposal therefore accords with ALP policies T SP1 & T DM1 and the Arun Parking Standards SPD.

(E) 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.

WSCC Highways have no objections to the ability of refuse vehicles to access and leave the site in a forward gear. There is no highway safety issue with the collection of refuse. The application states bins will be stored in gardens and bins will be brought to either the frontages or a designation kerbside collection point on collection day. As such, the proposal complies with policy WM DM1.

(F) Surface Water Drainage

The site is not affected by current or future flooding from rivers/sea. ALP Policy W DM3 states development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development.

The Councils drainage engineer has no in principle objections with the drainage strategy and notes this will be agreed through the discharge of the conditions imposed on the Outline. As there are no objections to the principle of drainage, there is no conflict with the relevant policies.

(G) Internal & External Space Standards

As per ALP policy D DM2, it is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if buildings will be suitable for residential use. The applicant provided an accommodation schedule which demonstrates that all of the dwellings far exceed the required amount of internal space:

- plot 1: 118m² vs 86m² requirement;
- plots 2/8: 139m² vs 102m² requirement;
- plots 3/4/6/7: 122m² vs 93m² requirement; and
- plot 5: 170m² vs 115m² requirement.

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

- Private Rear Garden: min. 10.5m depth; and
- Private Front Garden: min. 2m depth.

All plots have front gardens at least 2m deep. The majority of rear gardens to new plots and retained dwellings exceed 10.5m. The exceptions are plot 1 (10.3m) and the retained garden to 36 (10m). These instances are acceptable as the Design Guidance does not set out a policy requirement and instead allows for a flexible approach. Plot 1 is still least 21m from the rear of 38.

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

(H) Climate Change

ALP policy ECC SP2 requires residential and commercial development be energy efficient and should incorporate decentralised, renewable and low carbon energy supply systems.

The application doesn't include details of sustainability/renewable energy measures but states in the Design & Access Statement that in the context of rising summer temperatures, main habitable rooms have been located to the east of the buildings minimising impact of solar gain from afternoon sun and reducing the requirement/necessity of home cooling equipment. Gardens run west to east allowing for the important southerly aspect during winter but creating shelter from hot late afternoon sun in summer.

The application states the size, position and amount of windows allow for good natural internal ventilation flows whilst wide side passageways between properties allows future occupiers to install mechanical ventilation and cooling systems with minimal impact on amenity of surrounding properties. A condition will be imposed to secure the details of such provisions and this will ensure that the proposal is developed in accordance with policy ECC SP2.

(I) Biodiversity Net Gain

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 180 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 proposal results in the loss of 7 trees and garden vegetation however this is more than compensated by the planting of 17 trees plus shrubs and areas of lawn. The ratio of new trees to those lost ensures a biodiversity net gain in itself. The applicant has provided a statement which refers to bat and bird boxes being provided plus hedgehog gaps through fences. A condition will be imposed to secure details of these proposals and hedgehog nesting boxes. The proposal complies with ALP policy ENV DM5 and the NPPF para 180.

SUMMARY:

There are no materially harmful concerns with the reserved matters scheme and the application is in accordance with the development plan when read as a whole. There are a couple of conflicts with the Design Guide but these are acceptable on the grounds that this is guidance not policy and allows for a flexible site by site approach. It is therefore recommended that permission be granted subject to additional conditions alongside those imposed on AW/130/18/OUT.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

It is not possible to secure CIL for this development as infrastructure contributions have already been secured through the S.106 Agreement attached to the Outline planning permission.

RECOMMENDATION

APPROVE CONDITIONALLY

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

- Location Plan No. 1 Rev A;
- Site Layout & Block Plan 001 Rev A;
- Parking Plan 003 Rev A;
- Landscaping Plan 002 Rev A;
- Swept Path Analysis using a DB32 Fire Appliance 1645-002 Rev A
- Swept Path Analysis using a large 3 axle Refuse Vehicle 1645-001 Rev B
- Roof Plans and Street Scenes 005;
- Unit 1 Floor Plan and Elevations 006;
- Units 2 & 8 Floor Plans 007;
- Units 2 & 8 Elevations 008;
- Units 3, 4, 6 & 7 Floor Plans 009;
- Units 3, 4, 6, 7 Elevations 010;
- Unit 5 Floor Plans 011;

Unit 5 Elevations 012;
Site Sections 013;
Garages 014; and
Design and Access Statement (June 2021).

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

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

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

- 3 All activity at the site is to be carried out in strict accordance with the "Tree Survey & Arboricultural Impact Assessment" (June 21) by Arbortech.

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 within the root protection areas are commenced 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.

- 4 Before the site is occupied or any heavy plant/equipment is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place (but not including survey work) 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 2 drawing entitled "Tree Retention/Removal Plan indicating Tree Protection Measures".

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.

- 5 The development shall be carried out in accordance with the "Phase 2: Site Investigation Report, 36-44 Carlton Avenue for Counterpoint Properties Ltd.' (dated 23/5/2018) as produced by Constructive Evaluation. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy

detailing how this unsuspected contamination shall be dealt with. Following removal of the contamination, a verification report shall be submitted and approved in writing prior to occupation of any of the houses.

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.

- 6 No development above damp-proof course (DPC) level shall take place until details (including elevations and materials) of all new boundary treatments within and around the site have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such boundary treatments associated with them have been erected. The details to be provided shall also ensure that gaps are provided at the bottom of the boundary treatments to ensure that hedgehogs and other small mammals are able to move into/out of and around the development.

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

- 7 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 houses and garages 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.

- 8 No development above damp proof course (DPC) level shall take place until full details of the placement of bird and bat boxes as described by the submitted Biodiversity Enhancement Statement (August 2021) have been submitted to and approved in writing by the Local Planning Authority. In addition, details of hedgehog nesting boxes will also be required. The approved boxes shall then be implemented in full prior to occupation and thereafter retained to the satisfaction of the Local Planning Authority.

Reason: To safeguard the ecology of the area, and in the interests of birds & bats in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 9 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.

- 10 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.

- 11 Prior to occupation of any of the dwellings, the applicant/developer shall submit a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of any of the dwellings and any approved renewable energy supply systems shall be permanently retained & maintained in good working order 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.

- 12 No external lighting shall be installed on any of the buildings or within any parts of the site unless and 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 surrounding 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.

- 13 Any tree pruning considered essential to enable the agreed development must meet the requirements of BS3998:2010 Tree work - Recommendations:

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

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

- 14 All bathroom and toilet windows in the elevations of any of the buildings 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.

- 15 The landing/stairs window on the southern flank of plot 2 hereby approved shall be glazed with obscured glass below an internal floor height of 1.7m and permanently retained so thereafter.

Reason: To protect the amenities and privacy of the existing chalet bungalow to the south of the site in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 16 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.

- 17 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.

- 18 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.

- 19 INFORMATIVE: The applicant is advised to contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with the proposed waiting restrictions. The applicant would be responsible for meeting all costs associated with this process. The applicant should note that the outcome of this process cannot be guaranteed.

- 20 INFORMATIVE: This permission does not formally discharge any of the drainage conditions imposed on the Outline planning permission.

BACKGROUND PAPERS

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

AW/228/21/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: 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 with 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. The layout also ensures that new footpaths and roads are outside of the root protection areas of important trees.

Car parking is in the form of 142 allocated spaces (no garages)

or 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

SITE CHARACTERISTICS	fencing around the existing dwelling. Former garden nursery and 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. The site was then 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 but have not responded with any further comments.

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 £36,090.60 towards further mitigation of A27 junctions in Arun. They have confirmed that this is calculated on the net number of new dwellings.

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 was prepared and issued to Natural England for review.

They responded on 20/07/21 to state that without appropriate mitigation, the application would have an adverse effect on the integrity of Singleton and Cocking Tunnels Special Area of Conservation (SAC) and damage or destroy the interest features for which Singleton and Cocking Tunnels Site of Special Scientific Interest (SSSI) has been notified. They stated that to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required by condition:

- Measures to avoid work taking place an hour before, during and an hour after sunset and sunrise.
- Measures to ensure that lights will not impact areas used by bats.
- The protection of valuable habitat features through the implementation of secure buffers.

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 TREE OFFICER - Following revisions to the scheme, the Tree Officer has stated that he is satisfied that the scheme is now at a place where he can recommend conditions in respect of Tree Protection Measures, should we be minded to approve the application.

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 barbastrelle 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:

HIGHWAYS ENGLAND - Highways England have been requested to confirm a specific named project for the s106 contribution as it is not appropriate to simply state it will be spent on A27 mitigations. Any response from them will either be reported at the meeting or if received later then the wording of the draft s106 will be adjusted to suit.

NATURAL ENGLAND - The applicant provided a written response to the comments received and Arun has revised the Appropriate Assessment accordingly. The proposed conditions have also been amended to take account of Natural England's comments and included within the Appropriate Assessment. This was submitted to Natural England on 13/08/21 for their further advice. Their response will be reported at the meeting.

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:](#)

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
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 EH10	'Unlit Village' status
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 revised Aldingbourne Neighbourhood Development Plan was made on 14/07/21 and its policies 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 is within the built-up area boundary of the Neighbourhood Plan 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 policies most important for the determination in the ALP have reduced weight as Arun cannot demonstrate an adequate supply of housing land (3.3 years). The revised ANDP has recently been made (14/07/21) and so has greater weight.

Paragraph 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. In this case, all four are applicable and therefore the NPPF confirms that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. However, in this case, there is no conflict with the neighbourhood plan.

The Arun Local Plan:

Policy H SP1 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 includes housing allocations totalling 48 new homes.

Policy SD SP1 states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

The site is 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):

The new ANDP was made on 14/07/21 and shows the site as being within 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 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 the proposal is therefore 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 194).

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 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 two sections of conifer hedge (43m & 55m) 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 solely on that basis. The applicant has also amended the layout to relocate or remove sections of pedestrian path that were within the presently unsurfaced root protection areas of the important trees.

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 applicant has also provided written assurance that no root protection area incursion will occur during works to install/enhance surface water drainage features or foul water apparatus in relation to the retained TPO trees. The only exceptions to this are in respect of the site ditch diversions that have already been agreed with ADC through the Ordinary Water Consent which was given in May 2021 (and represent improvements on existing incursions into the root protection areas).

The Council Tree Officer has withdrawn the previous objection and now recommends conditions. 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 180 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 the 12km buffer zone for 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 has prepared a revised Appropriate Assessment as per the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). This determines that 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 their 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 sections of hedge around the existing dwelling 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 ALP policy ENV DM5, ANDP policies EH2 2019 & EH6 and South Downs policy SD10 and the NPPF para 180.

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 110 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 111 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, 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 HDM1 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 as this 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 are 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 10 residential units require a minimum provision of 30% affordable housing on site as per the ANDP policy H4 (over 11 as per ALP policy AH SP2). The ALP 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.

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=docm93jjm4n15799.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 will go towards. Subject to receipt of this information by the date of the Planning Committee, this can be included in the recommendation but otherwise it will be included within the s106 using delegated powers.

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 recently 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 including the addition of the specific project concerning the Highways England contribution.

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

Travel Plan and Monitoring Fee.

STRATEGIC HIGHWAY IMPROVEMENTS

A contribution of £36,090.60 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 3;
 19-121_0004 Proposed Site Plan Rev 6;
 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 separately amended Appendix 6 "Development Proposal Plan" (13/05/21), Appendix 7 "Tree Protection Plan" (13/08/21), Appendix 13 - Tree 1 detail phase 1 protection (13/08/21), Appendix 14 - Tree 1 detail phase two protection (13/08/21) and Appendix 15 - T15 detail.

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 a 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 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 (defined as not involving any machinery/plant) on Sunday or Bank/Public Holidays. In addition, there shall be no external working an hour before, during and an hour after sunset and sunrise even if those times fall 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 and the separately amended Appendix 6, 7, 13, 14 & 15 plans.

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 heavy plant/equipment is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place (but not including survey work) 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 following Tree Protection Plans:

- (i) Appendix 7 - tree protection plan, 13/08/2021;
- (ii) Appendix 13 - T1 detail - phase 1 protection, 13/08/2021;
- (iii) Appendix 14 - T1 detail - phase 2 protection, 13/08/2021; and

(iv) Appendix 15 - T15 detail, 13/08/2021.

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. This will be subject to consultation with ADC's Drainage Engineers and Tree Officer.

- 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 and in accordance with current policies. No construction is permitted, which will restrict current and future landowners 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 implemented the program of archaeological works in accordance with the written scheme of investigation by Wessex Archaeology (ref 247740.1, Issue 4, Aug 2021) which has been agreed with the Council's Archaeological Officer. A verification report must be submitted for approval by the Planning Authority prior to commencement.

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 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 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 scheme 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.

- 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. In particular, there should be no external lighting that illuminates the wildlife buffer areas to the western and southern site boundaries. 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 to 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 event plus 40% on stored volumes/rainfall intensity (allowance for climate change) 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 storm event plus 40% on stored volumes/rainfall intensity. 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/drainage-planning-consultations>. A surface water drainage checklist is available 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](https://www.arun.gov.uk/weekly-lists) and entering the application reference or directly by clicking on [this link](#).

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/66/21/PL

LOCATION: Land Rear (South) of Sundown
Littleheath Road
Aldingbourne
BN18 0SR

PROPOSAL: 1 No. 4 bedroom detached dwelling with a detached 3 bay garage (2 open bays and 1 enclosed), associated foul field drain, storm soakaway, new front boundary treatment, roof mounted PV & Ground Source Heat pump System (resubmission following AL/62/19/PL). This site is in CIL Zone 3 and is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION 2 storey 4 bed detached dwelling with a detached 3 bay garage (2 open bays and 1 enclosed), associated foul field drain, storm soakaway, new front boundary treatment, roof mounted PV & ground source heat pump.

The dwelling has a T shape and be built over two floors and characterised by a 7.9m high half hipped roofs. The ridge of the 7.35m deep southern projection would be lowered by 1.65m and have a 2.9m deep single storey addition with hipped roof. The building would be 17.5m wide (4m wider than the previous proposal), and would be set back from the front boundary by approximately 10m. Two flat roofed dormers are on the southern projection (one each side) and four roof-lights are in the northern roof plane of the main building and three to the southern. A triple garage with half hipped roof would be situated on the southern shared boundary. It would be 4.8m high, 6.5m wide and 10m deep.

The property would be constructed from brick with timber boarding at the first floor level. Solar panels would be to the southern roof plane of the main building and to the southern roof plane of garage.

SITE AREA 1778.00 square metres

RESIDENTIAL DEVELOPMENT DENSITY 5.6 dwellings per hectare

TOPOGRAPHY Predominantly flat.

TREES The site has been cleared and some semi-mature trees, have been cut down. The boundary oak tree at the southern boundary would be affected by the development.

BOUNDARY TREATMENT New timber panel fence and a new timber panel fence dividing

SITE CHARACTERISTICS
CHARACTER OF LOCALITY

the site from Sundown.

The site is garden land to the property to the north.

Semi-rural location to the north of the A27. Residential plots scattered on east side of Littleheath Road and some on part of the west side. Open agricultural land to the west, north and east. The overriding character of the area is of large detached dwellings in spacious plots.

The dwelling to the south is a semi-detached house set in a much smaller square shaped plot but around 20m from the boundary with Littleheath. To the east lies 21 Dukes Road, a detached dwelling sited closer to the shared boundary followed by a row of two storey semi-detached properties of almost identical appearance on the south-west side of the road with an agricultural land on the other side.

RELEVANT SITE HISTORY

AL/62/19/PL	1 No. new dwelling. This application is a Departure from the Development Plan.	Refused 29-11-19 Appeal: Allowed+Conditions 10-12-20
AL/117/17/CLE	Application for a Lawful Development Certificate for an existing use - 1No. dwelling.	Refused 17-01-18

AL/62/19/PL was refused for the following reason:-

"The site lies in a rural area outside of the built up area and the proposal, which comprises an undesirable intensification of residential development, would be prejudicial to the rural character of the area in which it is intended that permission for development unrelated to an essential rural activity will not normally be granted. The development would be unsustainable by reason of its location. "

The refusal was challenged at appeal which was allowed by the Inspectorate.

REPRESENTATIONS

Aldingbourne Parish Council: Object.

- Departure from Aldingbourne Neighbourhood Development Plan and outside Built Up Area Boundary (BUAB) contravening policy EH1.
- Supports comments of Environmental Health Officer and support conditions from Drainage Engineers.
- The area is also in a dark skies area and policy EH10 needs to be considered.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments of Aldingbourne Parish Council noted and will be discussed in the Conclusion.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Tree Officer: Objection.

- Tree Survey lists seven trees for consideration whilst twenty-one are shown on Addendum plans that will or could be affected by this development.
- Tree Protection Plan fails to adequately illustrate relationship between tree root protection areas and development proposals.
- Does not appear to be an overriding justification for the siting of a dwelling within the RPA of Oak (T1).
- Installation of subterranean utility apparatus using conventional methods of construction carries high risk of damage to what appears to be the most valuable tree on site.

ACD Green Space Officer: No objection subject to submission of details. Further information required demonstrating what will be included in the scheme and what level of net gain will be created.

CDC Environment Officer: No objection subject to conditions.

SOUTHERN WATER: Would not support the proposals for septic tank or private treatment plant in presence of a public foul sewerage network in the close vicinity of the site. The Environment Agency should be consulted by the applicant regarding use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.

DRAINAGE ENGINEERS: The applicant has revised the surface water drainage design following the refusal of AL/31/21/DOC. As the testing has been undertaken at an inappropriate time of year standard condition PCENGD2 is requested. The EA will need to be consulted regarding the use of infiltration, as the site is in a Groundwater Protection Zone.

SOUTH DOWNS NATIONAL PARK: Neither object or support development which would likely result in minor impacts on the setting of National Park. Consideration should be given to the visual impact of the development on the landscape character of the National Park. The National Park is an internationally designated Dark Night Skies Reserve; a sensitive approach to lightning is required.

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

NATURAL ENGLAND: The lack of comment does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. LPAs are advised to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

WSCC: Does not consider proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

The Environmental Agency has been consulted, however no response has been received.

POLICY CONTEXT

Designation applicable to site:

Outside Built-Up Area (Countryside C SP1);
Area of Special Control (Adverts);

HRA Buffers (SD10);
 WSCC Mineral Consultation Area;
 Barnham Special Consultation Area;
 Source Protection Zone 2.

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
ECCDM1	ECC DM1 Renewable Energy
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
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

<u>Aldingbourne Neighbourhood Plan 2019-31 Policy EH1</u>	Built up area boundary
Aldingbourne Neighbourhood Plan 2019-31 Policy EH2	Green infrastructure and eco systems.
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 EH7	Renewable and low carbon energy
Aldingbourne Neighbourhood Plan 2019-31 Policy EH10	'Unlit Village' status
Aldingbourne Neighbourhood Plan 2019-31 Policy GA1	Promoting sustainable movement
Aldingbourne Neighbourhood Plan 2019-31 Policy GA3	Parking and new developments
Aldingbourne Neighbourhood Plan 2019-31 Policy H3	Housing Density
Aldingbourne Neighbourhood Plan 2019-31 Policy H9	Attention to detail

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.

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 is not considered to comply with relevant development plan policies in that it results in a dwelling in countryside, however the principle of development has been established following appeal APP/C3810/W/19/3241407.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**KEY ISSUES**

The key issues are principle, natural environment, design and visual amenity, residential amenity,

highways/traffic and space standards.

PRINCIPLE

The site is outside of the built up area boundary for which Local Plan Policy C SP1 states development is generally unacceptable unless it falls into a certain category or is otherwise in accordance with a Local Plan policy which refers to a specific use or type of development and it would lead to the provision of a new dwelling in the countryside.

The Aldingbourne Neighbourhood Development Plan policy EH1 "Built Up Area Boundary" is relevant. It states that Proposals for development of land located to the west of Westergate Street and outside of the BUAB will not be supported. Policy H6 (residential windfall sites) only applies to sites in the built up area boundary. Policy GA1 states proposals that increase travel demand are to be in places accessible to public and community transport.

Paragraph 79 of NPPF states that policies and decisions should avoid the development of isolated homes in the countryside unless one or more of circumstances set in the paragraph apply.

The principle of development is contrary to policies in the Development Plan, however, the principle of development was established following appeal APP/C3810/W/19/3241407. The Inspector stated in appeal decision APP/C3810/W/19/3241407: 'There are no services within the collection of dwellings around the appeal site, but there are some local facilities at a service station at Fontwell. While these have the appearance of being aimed at passing traffic on the A27, they could support some day to day needs of nearby residents. The services would be a fairly lengthy walk from the appeal site on an unlit road with no footway, but it would be possible to access them by bicycle, crossing the A27 safely via an underpass.'

The Inspector noted the proposal would increase travel demand (the site is not accessible to public and community transport) and the conflicts with the development plan, considered as a whole. In his conclusion considering housing land supply, the benefits, together with the presumption in favour of sustainable development outlined in the Framework, and echoed in policy SD SP1, indicate permission should be granted.

The NPPF is an important material consideration in determining planning applications. It sets out a presumption in favour of approving sustainable development.

Para 11d) states where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Policies in the framework do not provide a clear reason for refusing the development and the adverse impacts of approving the development does not significantly and demonstrably outweigh the benefits.

Further para 14 of the NPPF confirms that, in situations where the presumption (at paragraph 11d) 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 specific criteria apply.

Whilst the all of the criteria apply, there is permission for a single dwelling already therefore there is no additional gain in housing numbers and the benefits have been clearly expressed at a previous appeal.

Policy SD SP1 "Sustainable Development" states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will work to secure development that contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

This application is not unacceptable in principle and development of this site can be considered acceptable. The proposal is for a larger dwelling than that allowed at appeal. Therefore the development should be assessed as to whether any adverse impacts of granting permission would significantly and demonstrably outweigh benefits when assessed against the NPPF as a whole.

NATURAL ENVIRONMENT

Arun Local Plan policy ENV SP1 states that Arun District Council encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites.

The ANDP policy EH6.2 highlights that part of the Plan area falls in the 12km buffer to the Singleton and Cocking Tunnels SAC created policy SD10 of the South Downs Local Plan. Protection of the habitats, many of which are located within the biodiversity corridors is important for feeding and roosting sites.

Paragraph 174 of NPPF (2021) requires planning policies and decisions to contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible. This paragraph calls for the establishment of coherent ecological networks that are more resilient to current and future pressures.

The site is in the Habitats Regulations Assessment Buffer, in a distance of up to 1.5km from Slindon where barbastelle bats use woodland as a maternity roost and they can forage 10-15 km from roosting sites. The Habitats Regulations require additional consideration during the planning stage to ensure that the development does not affect the reasons for designation. Planning documents should detail fully the potential impacts and how these will be avoided or reduced.

A Shadow Habitats Regulations Assessment (SHRA) has been submitted and assessed by CDC's Environment Officer. This document should be read in conjunction with the Phase I Ecological Report (Ecosupport Ltd, 2020), and has been produced to provide further assessment of the presence of potential significant impacts upon nearby Barbastelle (*Barbastella barbastellus*) maternity roosts in Slindon Park woods to the east. These maternity woods, and the site itself, fall in the 12km buffer of Singleton and Cocking Tunnels Special Area of Conservation. The SHRA concludes there will be no likely significant adverse effects upon Singleton and Cocking Tunnels SAC or Barbastelles associated with the site/functionally linked habitats. ADC as Competent Authority are not required to progress the application to the Appropriate Assessment stage of the HRA process.

It is proposed to mitigate adverse impacts through the approval of an external lighting strategy and prohibition of other external lighting. This can be controlled by condition.

CDC's Environment Officer does not object to the development subject to conditions. Therefore it is considered that the development complies with requirements of ALP policies ENV SP1 and ENV DM1.

CHARACTER AND APPEARANCE OF THE AREA / VISUAL IMPACT

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

Policy H3 of the Aldingbourne Neighbourhood Development Plan affirms the density of development shall be appropriate to its location by virtue of size, siting and relationship to existing properties. Policy EH10 'Unlit Village' status declares that development proposals which detract from the unlit environments of the Parish will not be supported.

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was adopted 25th January 2021. Part G.O1 deals with Neighbourhood, Centres and Local Facilities stresses the accessibility of facilities and services is fundamental to the proper functioning of a neighbourhood.

NPPF (2021) para 126 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.

NPPF paragraph 130 states "Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

The Inspector (APP/C3810/W/19/3241407) with respect to AL/62/19/PL for a smaller dwelling and two bay detached garage observed: "Although the proposal would be larger than some other nearby houses, the appeal site is also large and so the low density character of spacious, informally arranged dwellings, and the area's woodland appearance, would not be harmed, even if the roadside boundary were reduced."

The current proposal would be substantially larger (L-shape was replaced with a T-shape) and be approximately 4m wider and higher with 3 a bay detached garage (instead of a 2 bay) situated on the south boundary. The current proposal has a greater visual impact in context with existing bungalows;

Sundown to the north and Oaklands to the south. As the Inspector noted, the site is rather spacious, however narrowing towards the road where the dwelling is proposed.

The dwelling and garage would have an impact on the character of this location, however due to a substantial separation distance from neighbouring dwellings it would be acceptable. The impact can be mitigated, re-introducing boundary screening comprising trees and hedgerow. The proposal would be in general conformity with ALP policies D SP1 and D DM1 and the ANDP policy EH1 and the provision of the Framework. The requirement of the ANDP policy EH10 can be secured by a condition.

NEIGHBOURHOOD AMENITY

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".

Regard should be had to para 130 (f) of the NPPF (2021) which states developments should provide a high standard of residential amenity for existing and future users.

The dwelling, due to substantial separation distance between proposed and neighbouring dwellings, and given the fact that no habitable windows are proposed at the first floor level of the south and north elevation would have a minimal impact to users and occupiers of nearby properties considered to result in adverse harm upon the neighbouring amenity by way of overshadowing, overbearing or overlooking and as such accords with D DM1 and QE SP1 of the Arun Local Plan.

HIGHWAY ISSUES:

Local Plan policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes. Policy GA3 of the Aldingbourne Neighbourhood Development Plan requires a provision of adequate parking in accordance with the standards adopted at the time.

Arun District Council's Parking Standards Supplementary Planning Document (January 2020) outlines the approach to parking at new developments.

Access gates open inwards and are set back 5m from the back edge of the carriageway, allowing cars to pull off the carriageway and wait whilst the gates are in operation. The 3 bay garage has space to park in front of it which would satisfy the requirement of Arun Parking Standards.

The Local Highway Authority do not consider the proposal has an unacceptable impact on highway safety or result in 'severe' cumulative impact on the operation of the highway network, therefore it is not contrary to the NPPF para 111, and there are no transport grounds to resist the proposal subject to suggested condition. As such the development would comply with policy TP1 and policy GA3 of the Aldingbourne Neighbourhood Development Plan.

WATER SUPPLY AND QUALITY

The site falls in the Lidsey Wastewater Treatment Works Catchment Area. Policy W DM1 (ALP) states although minor developments are unlikely to raise significant flood risk, due to the cumulative impact all development within this area must also be accompanied by a Drainage Impact Assessment.

The ANDP policy EH5.4 stresses where applicable, surface water management measures will be required for development proposals to ensure that the risk of flooding both on site and downstream is not increased. No development should be commenced until full details of the proposed surface water drainage scheme have been submitted and approved in writing by the LPA.

Arun District Council's Drainage Engineers requested a condition be imposed to ensure the development can be adequately drained and does not increase flood risk elsewhere. Conditions requiring a Surface Water Drainage scheme prior to commencement of development (notwithstanding site survey and investigation) meets the tests outlined in paragraph 57 of the 2021 NPPF.

The site falls within Flood Zone 1 and is at low risk of flooding and as mentioned above within the Lidsey Wastewater Treatment Works Catchment Area. The applicant failed to provide a Drainage Impact Assessment, contrary to requirement policy W DM1, however it will be secured via condition.

The use of a Package Treatment system is proposed. As stated in their comments Southern Water would not support the proposals for a private treatment plant in the presence of public foul sewerage network in the close vicinity of the site and foul sewerage shall be disposed of in accordance with Part H1 of Building Regulations hierarchy.

COMPLIANCE WITH SPACE STANDARDS

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use. The proposal relates to gross internal floor spaces of approx. 242 sqm for the 4 bed units, which substantially exceeds the minimum gross internal floor areas requirement for a two storey dwelling (124 sqm for 4 bed, 8persons).

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This replaces policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. The Arun Design Guide stresses the design of new homes should provide clear delineation of public and private spaces; incorporating a 'public front' and private 'back' to the rear of the site, providing private gardens. Regard should be had to para 130(f) of the NPPF(2021) which requires development has a high standard of amenity for existing and future users. The proposal provides a large garden exceeding requirements of Arun Design Guide and complying with policies D DM1 and D DM2 of the Arun Local Plan and guidance in the NPPF (para. 130)

PROTECTION OF TREES

Policy ENV DM4 of the Local Plan emphasises that development will be permitted where it can be demonstrated that trees protected by the Tree Preservation Order (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:

c. The benefits of the proposed development in a particular location outweigh the loss of trees.

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

The ADC Tree Officer objected stating the Tree Protection Plan fails to adequately illustrate the

relationship between tree root protection area and development proposals and considers there is no overriding justification for the sitting of a dwelling within the Root Protection Area (RPA) of Oak (T1).

The dwelling would be larger than allowed at appeal and as a result would be in the RPA of Oak (T1). A meeting of the applicant's Arboriculturist and ADC Tree Officer has been arranged followed by the necessary arboricultural report and plans which can override undue detriment to on and off-site trees.

Conditions will be imposed to ensure development would not result in a loss of trees and would comply with policy ENV DM4 of the Arun Local Plan, policy ES6 of the Aldington Neighbourhood Development Plan and relevant NPPF's paragraphs.

BIODIVERSITY

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

Policy EH6 of the ANDP emphasises development proposal must be designed to incorporate biodiversity within and around developments and enhance ecological networks.

Para 180 of the NPPF (2021) states: "If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

The proposal is for a new building in garden land. The Phase I Ecological Report (Ecosupport Ltd, 2020) and Shadow Habitats Regulations Assessment has been submitted. ADC's Greenspace Officer did not have a landscape objection subject to submission of landscape details. The potential impact of the proposal could be blended into the environment; landscape provision to the dwelling and improvement with native species infill plus further boundary screening is required and information on Biodiversity Net Gain will need to be provided.

The opportunity to increase biodiversity and mitigation measures will be secured via condition.

SUMMARY

Para 11 (d) of the NPPF sets out the application of the 'presumption' for sustainable development which is triggered where the Council's policies most important for determining the application are out-of-date. This states permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. This report finds no significant adverse impacts associated with the proposal and there are significant benefits to take account of. Therefore the presumption in favour of sustainable development is engaged.

The proposal considers the development of 1 dwelling in countryside. The principle is contrary to policies in the development plan, however the principle of development on this site has been established following appeal decision APP/C3810/W/19/3241407. The proposal represents sustainable development and the NPPF presumption in favour of sustainable development is engaged.

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:

Dwg No 17-1197-PL401, Rev A, Proposed Side Plan/Location & Block Plan;
Dwg No 17-1197-PL402, Rev A, Plans and Elevations;
Dwg No 17-1197-PL403, Rev A, Detached Garage, Plans, Elevations and Section.

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 and samples of such materials and finishes to be used for external walls and roofs of the 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 development above damp proof course (DPC) level shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and the dwellings shall not be occupied until such screen walls and/or fences associated with them have been erected.

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

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

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

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

Reason: To provide car-parking space for the use and in accordance with policy T DM1 of the Arun Local Plan.

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

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

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

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

- 9 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled "Proposed Site Plan" and numbered "17-1197 - PL401".

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

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

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

- 11 Prior to the commencement of the development hereby permitted a scheme for the protection of all retained trees and boundary vegetation shall be submitted to and approved in writing by the Local Planning Authority. The approved tree protection scheme shall be fully implemented prior to the commencement of any other works on site and shall thereafter be maintained for the duration of the construction of the development.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area and with policy ENV DM4 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to verify the fitness of tree protection scheme.

- 12 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing will be inspected to verify it is 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan, TPP.LR.517.V1, 11th November 2019.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area and with policy ENV DM4 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to verify the fitness of protective fencing and ground protection measures prior to commencement of the proposed works.

- 13 Details of the proposed landscape provision should be submitted for approval. The opportunity to increase the biodiversity of the site and potential screen the proposals should also be considered. Any trees and shrubs specified should be at a size which allows instant impact, but which will establish and mature as the site develops. Landscape details will be required to be submitted in plan form detailing species choice, quantities, planting densities and size at time of planting. The details so approved shall be implemented prior to the occupation of the approved dwelling.

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

- 14 Prior to its installation, full details of any external lighting together with their mechanisms and timings of operation shall be submitted to and approved in writing by the Local Planning Authority. The use of timed black out blinds and/or low transmission glazing is required due to the biodiversity sensitivities of the site and not disturb or harm wildlife, given the priority woodland habitat. The lighting shall be installed in strict accordance with the approved details and shall thereafter be maintained and operated in accordance with those details. No other

external lighting shall be installed on the site.

Reason: To control the residential amenities of the local environment in accordance with Arun Local Plan policies QE SP1, QE DM2, D DM1 and ENV DM5.

- 15 The solar PV panels and ground source heat pump described in the application and indicated on the drawings hereby permitted shall be provided and operational prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained as such.

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

- 16 **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 event plus 40% on stored volumes/rainfall intensity (allowance for climate change) 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 storm event plus 40% on stored volumes/rainfall intensity. 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 at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.

- 17 **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.

- 18 **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.

- 19 **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.

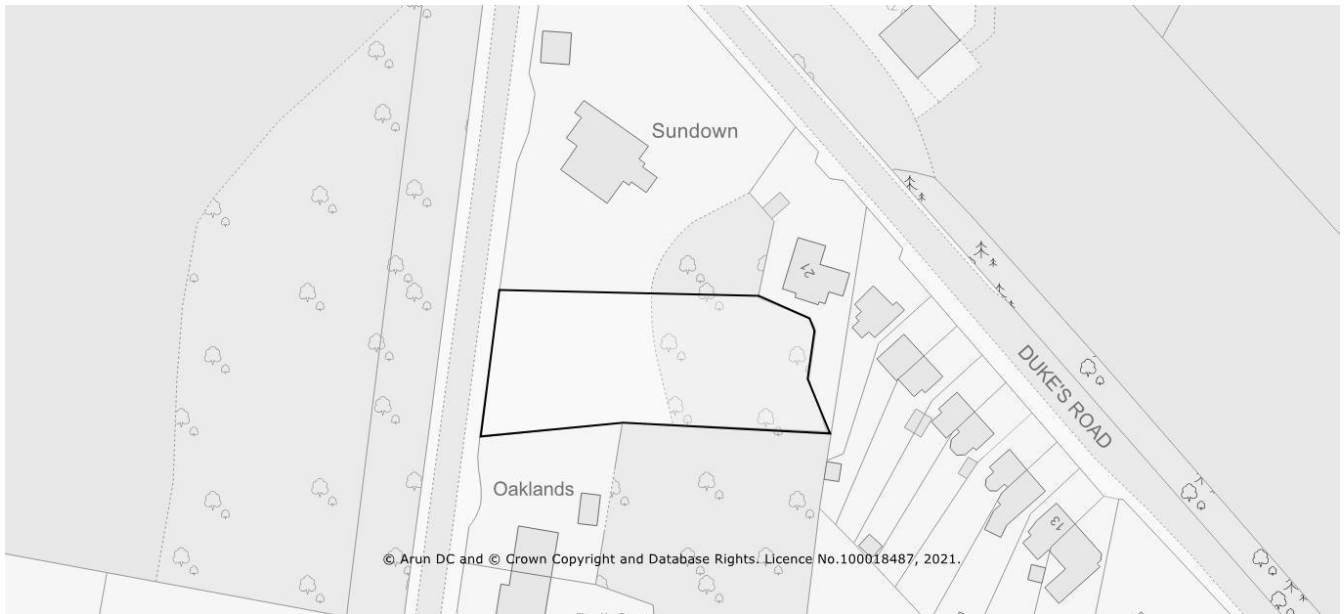
<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

- 20 **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/66/21/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: AB/48/21/PL

LOCATION: Land adjacent to Woods Way House
3 Torton Hill Road
Arundel
BN18 9HF

PROPOSAL: Construction of 1 No. three bedroom dwelling & associated works. This site is in CIL Zone 2 & is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	A two storey 3 bed detached dwelling is proposed. The same proposal was approved by AB/17/18/PL. This application seeks to renew the previously granted permission.
SITE AREA	0.33ha
TOPOGRAPHY	The site is on a slope. The land rises from the north east to the south west.
TREES	None of any significance affected by development.
BOUNDARY TREATMENT	Brick retaining wall with timber fence above to the north-east, timber fence to south-east boundary, hedge to north-west boundary.
SITE CHARACTERISTICS	The site forms part of garden space for the property at 3 Torton Hill Road. It is rectangular in shape and mainly laid to lawn and planted with shrubs/trees.
CHARACTER OF LOCALITY	Predominantly residential with detached two storey dwellings of varying designs on medium/large plots set back from the road. Torton Hill Road is a tree lined avenue which rises up to the south west just south of the A27 roundabout leading to Arundel town centre.

RELEVANT SITE HISTORY

AB/17/18/PL	Construction of 1 No. three bedroom dwelling on land adjacent to 3 Torton Hill Road Arundel and associated works	ApproveConditionally 13-06-18
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REPRESENTATIONS

Arundel Town Council - objection.
- Overdevelopment and the street scene is not in keeping.

No letters of representation received from the adjoining neighbours.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health: No objection - request conditions regarding working hours and acoustic assessment.

WSSC Highways: No objection. Request conditions regarding car parking layout to be submitted.

Natural England: No comment to make on the applicaiton.

Parks & Landscape: No objection, subject to submission of landscape details to provide ornamental and native improvements and biodiversity gain. Tree protection methods should be confirmed.

Engineer (Drainage): A holding objection. It is unclear if there is enough space to support infiltration features (5m from buildings and highway, 2.5m from property boundaries). Having insufficient space is an unacceptable excuse for not following the hierarchy, particularly as there is no surface water sewer in the vicinity of the site and we oppose all connections of surface water to the foul sewer.

If the applicant has evidence that infiltration will not be viable on site this should be supplied and a basic attenuation design with an appropriate outfall location should be supplied. If minded to approve apply standard ground monitoring conditions.

Southern Water- Requires a formal connection to be made to the sewer.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

The acoustic assessment is not necessary with the proposal being an infill dwelling located within a built up area. Noise from the road is considered similar to that experienced by neighbouring dwellings and acceptable. The surface water drainage condition has been agreed and included.

POLICY CONTEXT

Designation applicable to site:
Within 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
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment

SDSP1	SD SP1 Sustainable Development
DDM2	D DM2 Internal space standards
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation

Arundel Neighbourhood Plan 2014 POLICY 2:	A Spatial Plan for the Town
Arundel Neighbourhood Plan 2014 POLICY1:	The Presumption in Favour of Sustainable Development

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 have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site is in the Built-Up Area Boundary defined by policy SD SP2 of the Arun Local Plan (ALP). Whilst the area is suitable for residential development in principle, being in the built up area boundary, such development should comply with the policies in the development plan. The key policies are D SP1, D DM1, D DM2, T SP1 and W DM2 of the Arun Local Plan and Policy 1 and 2 of the Arundel Neighbourhood Plan.

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

This application seeks renewal of AB/17/18/PL. Arundel Town Council raised no objections at the time this application was determined.

DESIGN AND VISUAL AMENITY

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 two storey dwelling which infills vacant garden space to the east of 3 Torton Hill Road.

The property incorporates a hipped roof garage and first floor projecting gable to the front. These features are present at neighbouring properties and the design and appearance respects the character of the street scene and appears in keeping with neighbouring development. It will have a width of 7.5m and 12.5m depth, which is a similar footprint to development that has previously been approved and comparable to dwellings in the locality.

The principle elevation will not extend beyond the established development line and does not appear unduly dominant but as a sympathetic addition in the street scene, with approximately 9.5m retained to the front boundary and 1m retained to both side boundaries. The detached form maintains the character and form of dwelling in the immediate area.

Materials consist of multi facing brick, contrasting brick quoins vertical tile hanging and plain tiles with bonnet tiles to hips. These are acceptable and integrate with the street scene.

The Arun Design Guide is a supplementary document adopted in 2021. Part P refers to infill development and requires any scheme to accord with the following criteria;

- The development should be in harmony with the prevailing character, building pattern and architectural style of the area
- That it is developed in a site that is large enough to accommodate proposed uses and vehicular access, parking and turning, while retaining gardens and open spaces of an adequate size.
- Provides a cohesive and unified response to the existing scale, form, massing and design details of surrounding development.
- Ensures that any deviations from the prevailing character of the area form a high quality design response which complements its surroundings and is appropriate to the scheme's location in the existing street hierarchy.
- Avoids tandem developments as a matter of principle.

The development respects the established pattern of building height, scale and plot size and accords with the Design Guide.

The proposal does not lead to overdevelopment or over-intensification of the site as the development comfortably sits in the plot and provides a valuable opportunity to increase the efficiency of land use to provide a new dwelling. The proposal retains the character of the street scene, with the size of the plot and design and appearance of the dwelling, comparative to that of others elsewhere in the immediate locality and accords with D DM1 of the Arun Local Plan, Part P of the Arun Design Guide and Policy 1 and 2 of the Arundel Neighbourhood Plan.

RESIDENTIAL AMENITY

Arun Local Plan 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 rear building line of the dwelling will not extend beyond neighbouring properties and will not result in adverse overbearing with acceptable separation retained. The distance between the side elevations to Seldon House to the east and 3 Torton Hill Road to the west will be 2.5m and 4.85m respectively.

There is a conservatory to the rear of Seldon House, however the dwelling does not extend beyond this and due to the separation and with vegetation along the boundary, the dwelling is not deemed to result in adverse harm by way of overlooking or overshadowing.

There will be 2 first floor windows to the rear of the dwelling with the window to the east side featuring a juliet balcony. Due to its siting of the property, this will not result in adverse views on neighbouring amenity. There will be first floor windows to both side elevations. These serve bathrooms however will be conditioned to remain obscured glazed to ensure no adverse overlooking. There will be bifold doors to the ground floor however views are not considered additional to that which can already be achieved from the garden. Windows to the front overlook the street scene.

The proposal would not give rise to adverse overlooking, overshadowing or overbearing and as such the impact on the residential amenity of neighbouring properties would be acceptable and accords with policy D DM1 of the Arun Local Plan.

SPACES 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 therefore 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 would have an internal floor space of 116sqm. The nationally described space standards for a 3 bed 2 storey dwelling is 96sqm therefore the floor area is above the standards.

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 be had to para 127 of the NPPF which states "Planning policies and decisions should ensure that developments (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users".

482sqm external amenity space is provided and this is acceptable exceeding the guidance. The rear garden has a depth of 6.3m and is smaller than is recommended. Whilst this does not comply with the guidance the external amenity space provided is comparable to that of neighbouring gardens and deemed adequate in size and acceptable. There is a cemetery to the rear of property which supports the rear garden being of a smaller size as there are no properties directly behind. There is also a sizeable front garden.

Due to the garden size a permitted development restriction will be included to ensure extensions can be assessed by the LPA.

PARKING

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

Regard should be had to paragraph 111 of the NPPF 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."

WSCC Highways have not objected. ADC Parking Standards for a 3 bed property in this location (Parking Behaviour Zone 1) requires an expected level of 2 car parking spaces on site. The garage is to form 1 parking space. The guide states the garage should measure at least 6m x 3m internally. The garage has approximate internal dimensions of 3m x 5.5m and falls slightly short of the requirements and therefore does not form a parking space.

The width of driveway measures approximately 4.2m and the distance from the garage to the front boundary is 9m. Therefore, space is available to the front of the garage, providing room for additional parking which can meet requirements. Whilst the size of the internal garage is smaller than required, it is considered the number of spaces required is achievable on site and it will not result in harm on the highway.

In terms of bicycle storage, the applicant demonstrated cycle storage to the rear of the plot. The inclusion of secure/covered cycle parking helps promote the use of sustainable transport methods.

Planning conditions have been included to secure cycle storage and electric charging points for the vehicles. The proposal complies with policy TSP1 of the Arun Local Plan.

BIODIVERSITY GAIN

Arun Local Plan 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)."

Section E.03 of the ADC Design SPD seeks to protect and enhance biodiversity in the development site and the wider area.

The details provided do not include any measures for biodiversity net gain. The Council's greenspace officer confirmed no objection to the proposal subject to conditions for landscaping provision. This

should include a detailed planting plan and specification detailing species choice, actual plant quantities, planting densities and size at time of planting. Planting of trees specified should be at a size which allows instant impact, but which will establish and mature as the site develops.

All proposed planting should be considered and its connection for biodiversity and habitat explored.

The site does not fall in the Arun Valley SPA which is an area within foraging distance of Beswick Swans. However, it does fall within 2k buffer of Arundel Park SSSI. Due to its distance from the site, and with the plot forming an infill development within existing built up area, the development is not considered to result in harm upon protected areas or species. Natural England also have no comment to make with regards to the impact.

A condition will be included to ensure details of landscaping and net gain will be provided on site.

CONCLUSION

The proposal complies with relevant development plan policies and the dwelling is considered to be in keeping with the character of the immediate area and will not have unacceptable impact on the residential amenity of neighbouring residents. Permission 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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required for 116sqm payment of £17,347.90.

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 and Block plan;001.01
- Proposed site plan: 02.01
- Proposed roof plan, floor plans & sections: 02.02
- Proposed elevations: 02.03
- Proposed street view: 02.04
- Design and Access Statement

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DD M4 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. 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.

- 4 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 scheme for biodiversity net gain. The approved scheme shall be complete within two months of the occupation of the dwelling.

Reason: In the interests of amenity and of the environment of the development in accordance with policy ENV DM5 of the Arun Local Plan

- 5 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.

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

6 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with the approved plans. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with Policy T SP1 of the Arun Local Plan

7 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans Location/Block Plan 02.01.

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

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

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

9 The windows on the side elevations of the building at first floor level shall be glazed with obscured glass and fixed to be permanently non-opening below 1.7m.

Reason: To protect the amenities/privacy of the adjoining property in accordance with policies D DM4 of the Arun Local Plan.

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

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

11 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 electric vehicle provision shall be retained in perpetuity.

Reason: To provide sustainable travel options in accordance with current sustainable transport policy TSP1 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 event plus 40% on stored volumes/rainfall intensity (allowance for climate change) 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 storm event plus 40% on stored volumes/rainfall intensity. 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 at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.

- 13 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 our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 14 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)

AB/48/21/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:	A/26/21/RES
LOCATION:	Land west of Brook Lane and South of A259 Angmering BN16 3JL
PROPOSAL:	Approval of reserved matters following outline consent A/44/17/OUT for appearance, landscaping, layout & scale for the demolition of existing buildings on site & erection of a mixed use development comprising of 90 No. residential dwellings & a care home & ancillary facilities including railway crossing together with associated access, car parking & landscaping. This application also lies within the parishes of Rustington & Littlehampton.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>This is an application for the approval of reserved matters in respect of external appearance, landscaping, layout, open space and scale at the above site pursuant to outline planning permission allowed at appeal under reference A/44/17/OUT. A/83/18/RES granted approval for the access.</p> <p>The proposed development seeks to deliver 90 no. residential dwellings as part of this reserved matters application. The proposed dwellings comprise of a mixture of dwelling types (flats and houses) spread out across the site. A summary of the housing mix is set out below:</p> <ul style="list-style-type: none">· 1 Bed Flat: 10 no. dwellings (11% of the total provision);· 2 Bed Flat: 14 no. dwellings (16% of the total provision);· 2 Bed House: 28 no. dwellings (31% of the total provision);· 3 Bed House: 37 no. dwellings (41% of the total provision); <p>and</p> <ul style="list-style-type: none">· 4 Bed House: 1 no dwelling (1% of the total provision). <p>The proposed development will provide 31% affordable housing on-site and this provision of affordable housing is in compliance with Schedule 1 of the Section 106 Agreement secured under the outline planning permission. The affordable housing tenure is broken down into 79% Affordable dwellings (22 units) and 21% Intermediate dwellings (6 units), providing a range of dwelling types between 1 bed 2 person flats and 3 bed 5 person houses.</p> <p>Based on 90 no. dwellings, 6,336m² of POS and 1,089m² of play space is to be provided within the proposal. There are 3 areas of Local Area of Play (LAP) and 1 large Locally</p>
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Equipped Area of Play (LEAP).

The 72 bed care home includes three types of accommodation, namely residential clusters, resident shared spaces and support accommodation over three levels totalling 4,533 sqm in area (GEA), with a main central living or activity space on each floor. It is also proposed to have an additional lounge and recreation space for residents. Support accommodation is primarily on the ground floor, with stores, sluices and nurses stations distributed around the home. The care home entrance faces south onto the car park serving it.

SITE AREA	Approx 5.9 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approximately 27.5 dwellings per hectare.
TOPOGRAPHY	The topography of the site is predominantly flat but is set at a lower level than the A259 to the north.
TREES	The site, due to its largely undeveloped nature, features a number of mature trees and hedgerows.
BOUNDARY TREATMENT	The site boundaries consists predominantly of mature trees and hedgerows.
SITE CHARACTERISTICS	<p>The site is situated to the south of the A259 and to the west of Brook Lane. It is accessed directly from the A259 and falls within both Angmering Parish as well as Littlehampton, with the proposed railway bridge providing direct access to Rustington (situated to the south of the site).</p> <p>The site is largely undeveloped and has historically been used as grazing land. The site currently features a detached dwelling and an old stables which was the subject of a personal planning approval for the siting of two caravans for use by travellers.</p>
CHARACTER OF LOCALITY	The character of the locality is varied with the A259 abutting the northern boundary of the application site. Land immediate to the east is currently undeveloped but is the subject of a planning application for the construction of an A1 retail unit as well as an A3/A4 unit. Further east is Manor Retail Park. The railway line runs along the southern boundary of the site with a residential estate located to the south along with an allotment. A mixture of commercial uses are located to the south-east.

RELEVANT SITE HISTORY

A/83/18/RES	Approval of reserved matters following outline approval A/44/17/OUT for access only for the demolition of existing buildings on site & the erection of a mixed use development comprising up to 90 No. residential units & a care home (Use Class C2 & C3) & ancillary facilities, including railway crossing, together with associated	ApproveConditionally 04-10-18
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access, car parking & landscaping. This application also lies within the parishes of Littlehampton & Rustington.

A/44/17/OUT Outline application (with all matters reserved) for Refused
demolition of existing buildings on site and the erection of 29-08-17
a mixed use development comprising up to 90No.
residential units and a care home (Use Class C2 and C3)
& ancillary facilities, including railway crossing, together
with associated access, car parking & landscaping.
Departure from the Development Plan. This application
also falls within the parishes of Littlehampton &
Rustington.

**Appeal: Allowed+Conditions
05-04-18**

Planning application A/44/17/OUT granted outline permission (with all matters reserved) for the erection of a mixed use development comprising of up to 90 No. residential units and a care home (Use Class C2 and C3) & ancillary facilities, including railway crossing, together with associated access, car parking & landscaping.

A/44/17/OUT was recommended for approval but was refused by the Development Control Committee on the 29th August 2017 due to the sites unsustainable location and proximity of the development to the railway line. The subsequent appeal was allowed on the 5th April 2018.

REPRESENTATIONS

Angmering Parish Council - Objection

- Concerns over the absence of a Travel Plan (Condition 11 of the Appeal). A safe route for pedestrians must be provided from this site to the proposed development immediately to the east and to the other retail units etc. between this site and Mill Lane. The proposal should include an agreement to upgrade Penfold Lane from the new bridge over the railway to the B2187. The Lane is in a poor state of repair, insecure with no surveillance or lighting and generally unfit for purpose.
- Due to the proximity of the railway and the A259 it is expected that the Care Home should have safeguarding measures in place to protect residents with dementia inadvertently leaving the home unaccompanied.

Rustington Parish Council - Objection

- Concern that, in the absence of a Travel Plan (Condition 11 of the successful Appeal), the requirement of a safe route for pedestrians and cyclists to bus services, schools and shops has not been satisfactorily defined.
- The construction of a bridge over the railway for pedestrian/cyclist use is welcomed but there is the need to emphasise that the use of Penfold Lane (Footpath No. 2159) in any plan is not suitable. The Lane is in a very poor state of repair.
- Concern Penfold Lane is used by a large number of vehicles, to access its Allotment Site at the northern end, on a daily basis. With no specifically determined pedestrian path along the Lane, it would be impossible to protect pedestrians. Penfold Lane should not be considered suitable for use as the pedestrian access route from the railway bridge to the schools, bus services and shops, until measures have been imposed for it to be brought up to the standard necessary to address all of the above concerns.

15 Objections

- How can you sandwich a care home between an extremely busy road and a rail line?
- Where is the infrastructure to cope with this - schools, dentists, Drs etc.
- How will they access the dual carriageway?
- Object to every available space being used for new builds.
- Damaging to wildlife as Buzzards etc nesting there.
- Area has many trees that would require felling.
- There is already a huge care home being built next to the rugby club in Angmering.
- It is a Green Open space area that is home to birds and other Important wildlife in between increasing amounts of built up area in Rustington.
- The continued infilling of any available space in Arun continues to spoil the area and add to the increased amount of traffic around the village and the A259.
- The extra traffic on the A259 is a serious concern.
- Noise and pollution from the A259 and the railway makes it a very unhealthy place to live.
- This surrounding area is already built on a flood risk site.
- The size and scale of this development is entirely unsuitable.
- Penfold Lane is entirely unsuitable for mixed-use as it combines access to the Penfold Lane allotments. The S106 highlights a sum of £28,000 to be provisioned to resurface part of the PROW north and south of the railway line. It is not clear in the plans where the footbridge will come out (in Penfold Lane or the adjacent Industrial/Commercial estate) and where pedestrians will access their onward route. Penfold lane is too narrow for both cars and pedestrians.
- Pedestrian traffic exiting the footbridge, may have access to the greenspace area of the Parklands estate, placing additional usage. There is a residential charge paid annually by those residents for the upkeep of this area.
- Concern about the trees at the footbridge southside exit, are they mature trees and will these be removed?
- This development is too dense.
- Insufficient visitor parking.
- Additional footfall would also increase the likleyhood of crime, litter and anti-social behaviour and would negatively affect the lives of those living near Penfold Lane.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish concerns in respect of the suitability of Penfold Lane to access as a pedestrian route for residents and the submission of a Travel Plan are not relevant to consideration of this reserved matters application which does not include the principle of the development or travel plan details. The use of Penfold Lane was accepted by the appeal Inspector at outline stage and submission of a Travel Plan is covered by condition 11 and any subsequent DOC.

Comments in respect of access, amount of development, loss of wildlife, impact on infrastructure have all been considered by the appeal Inspector and relate to the principle of the development not the matters to be considered as part of this proposal.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

West Sussex Fire Services - No Objection

Request condition for the requirement of additional fire hydrant(s) for the proposed development. This is to ensure that all dwellings on the proposed site are within 150 metres of a fire hydrant for the supply of water for firefighting.

Public Rights of Way Officer - No Objection

Railway Bridge - Welcome a grade separated crossing over the railway and note the developer will be working with Network Rail on this. As this bridge connects Footpath 2159 north and south of the railway line we will also need to be involved in the discussions over the design of the bridge to ensure it is suitable for lawful pedestrian users.

Footpath 2160 - It is noted that the line of PRow Footpath 2160 on the developer's plans does not follow the legal line as shown on the Definitive map.

County Highways - Further Information required

- 2 vehicle tracking plans and a parking and cycling schedule have been provided. The proposed layout could be served by refuse vehicle and fire tender.

- Visitor parking is poorly spread though the development with two main concentrations at the east and west of the scheme and should be provided more evenly through the site.

- No details have been provided on the following as requested in original response:

- Ped/Cycle access - The existing footway will continue through the site. Details should be provided as to how rights for cyclists would be achieved.

Network Rail - No Objection

The proposed layout of the development is in conflict with Network Rail's Asset Protection informatives. As a result, we request that the applicant / developer contacts Network Rail's Asset Protection and Optimisation (ASPRO) team as soon as possible.

Landscape Officer - Recommend approval of the submitted soft landscape detail with objection to the detail provided for play provision in LAP and LEAP. The detail is not sufficient enough in detail to be able to recommend support of the play proposals.

Drainage Engineer - Request further information

No details of the proposals for surface water drainage have been presented with this reserved matters application. It can be seen that a "new basin" is proposed in part of the site. We would however highlight that our records indicate that there is already a pond in this location.

It is unclear whether there is adequate space for surface water drainage within the proposed layout. Drainage and layout must be considered concurrently. We would therefore request that further surface water drainage information is submitted prior to determination of this application to ensure that the development can adequately drain.

Prior to determination please can the applicant submit:

- a drainage strategy drawing;
- high level calculations; and
- a buffer plan showing at least 3m easement between top of bank of ordinary watercourses and structures/ proposed trees that will limit access for maintenance.

Southern Water - No Objection

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

Highways England - No Objection

Archaeologist - No Objection

The archaeological evaluation of this site and any subsequent mitigation measures will be secured via the archaeology condition (no. 6) imposed on permission A/44/17/OUT.

Natural England - No Comment

Environment Agency - No Objection.

Crime Officer - No Objection,

Affordable Housing Officer - No Objection.

Ecology Officer - Objection

With the outline permission we requested that a Construction and Environmental Management Plan be submitted with the Reserved Matter application, which would detail how the mitigation as proposed within the preliminary ecological appraisal and subsequent species surveys accompanying the outline application, was to be incorporated within the development and in particular the landscaping plan. With the documents accompanying this application for reserved matters, there does not appear to be a CEMP report.

Economic Development - No further comment. Would like to see an Employment and Skills Plan in place for the development and are happy to work with developers to put in place and assist with achieving targets in such a plan.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The conditions proposed by the Council's Drainage Engineers, were covered by Conditions 7 and 8 of appeal decision APP/C3810/W/17/3185128 which required that prior to occupation surface water drainage works shall be implemented in accordance with details to be submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system.

The comments of the fire officer relate to the layout of the site which is being considered within this application. It is therefore appropriate to impose the condition as requested.

The agent has considered the consultation response provided by the LPA's Greenspace officer in respect of the planting schedule and quantities of planting and revised landscaping information has been submitted (drawing no. 176-SCH-001_P3) to confirm the actual plant quantities. The associated Planting Plans detail the proposed planting mix in the locations of soft landscaping proposed. The Landscape Officer has been re-consulted on the revised plans and her comments will be provided as an update.

The request from the ecologist was included as a condition 13 in the decision and would be the subject of a separate DOC application.

The comments made by the economic development officer cannot be addressed at this stage and would have been part of the outline proposal considerations. They do not specifically relate to the reserved matters.

The agent has considered the second consultation response provided by the County Highways Officer in respect of pedestrian and cycle access and County have been re-consulted Their comments will be provided as an update.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary
Right of Way
Biodiversity Opportunity Area

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HERSP1	HER SP1 The Historic Environment
HWBSP1	HWB SP1 Health and Wellbeing
OSRDM1	Protection of open space, outdoor sport, comm & rec facilities
SDSP1	SD SP1 Sustainable Development
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

<u>Angmering Neighbourhood Plan 2014 POLICY HD3</u>	Housing Mix
Angmering Neighbourhood Plan 2014 POLICY HD4	Materials
Angmering Neighbourhood Plan 2014 POLICY HD5	Built Form
Angmering Neighbourhood Plan 2014 POLICY HD6	Housing Layout & Design
Angmering Neighbourhood Plan 2014 POLICY HD7	Housing Density
Angmering Neighbourhood Plan 2014 POLICY HD8	Parking for New Developments
Littlehampton Neighbourhood Plan 2014 Policy 1	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 22	Design of New Development

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

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

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The relevant policies within Angmering and Littlehampton Neighbourhood Plans have been taken into account.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse impact upon the established character of the surrounding area.

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 proposed application relates to appearance, landscaping, layout and scale which benefits from outline permission (with all matters reserved) under reference A/44/17/OUT. The extant outline approval establishes the principle of the development and as such the key considerations in the determination of this application will concern the design and impact of the proposed development in terms of the layout, design and scale of the dwellings and the associated landscaping.

LAYOUT, APPEARANCE AND SCALE:

ALP policy D DM1 requires the Council seek to make the best possible use of land by reflecting or improving on the character of the site/surrounding area taking account of scale, massing, aspect, siting, layout, density, building materials, landscaping and design features. The policy requires the scale of development keep in 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. ALP policy LAN DM1 requires that new development repair or reinforce the character of the landscape. There are several policies within Angmering Neighbourhood Plan relating to the provision of housing; HD3 Housing

Mix, HD4 Materials, HD5 Built Form, HD6 Housing Layout and Design, HD7 Housing Density, HD8 Parking for New Developments and HD9 Phasing of Residential Development.

The western end of the Site falls within the area covered by the Littlehampton Neighbourhood Plan. There are no site specific allocations for the Site, however a number of more general themes and overarching objectives are considered to be relevant. Policy 22 (Design of New Development) sets out proposals should demonstrate proposed developments accommodate forecasted requirements for parking and that roads incorporated into developments are sufficiently wide to support movements for various forms of vehicles.

Paragraph 126 of the NPPF July 2021 refers to the creation of high quality, beautiful and sustainable buildings and places being fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 suggests decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; sympathetic to local character, establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible and which promote health and well-being.

ALP policy AH SP2 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. This application goes beyond the policy requirement and proposes all dwellings be affordable therefore there is no clustering.

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

The Arun Design Guide is a material consideration in determining applications. The 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 that development relates sensitively to its setting and addresses the edges of the site in a positive way. It states this is particularly important to development which is adjacent to the settlement particularly where there are open fields. The site density has been set by the Outline permission which allowed up to 70 homes but at 27.5 dwellings per hectare, is only slightly above the density within the Design Guide and the overall density of the site is lower than some of the surrounding developments.

The layout is appropriate to the characteristics of the site and will function well in accordance with para 130 of the NPPF. The amended submission has been assessed and resolves the concerns identified such that the definitive footpath is accurately plotted and the Greenspace Officer's comments are addressed. Visitor car parking is also now better spread though the development and rights for cyclists improved and provision considered in line with guidance. Further thought has also been given to the potential for the units to the north of the LAP open space plots 38-43 to front onto the area, rather than rear/side elevations and the possibility of combining this LAP area with that to the east to allow some adjustment to plot orientation. The agent was also asked to alter the position of some of the units to the west of these units. The layouts and orientations of residential dwelling Plots 38-43, situated to the south

of the central LAP have been amended so the dwellings front onto the LAP to afford an element of natural surveillance. The layout of the visitor parking provision has been amended to position 4 no. visitor car parking spaces between the two main concentrations at the east and west of the scheme so to contribute towards a more even distribution across the site. County Highways are seeking further details of how rights for cyclists would be achieved. The layout has been amended to the northern boundary around PRow Footpath 2160.

The design and form of the dwellings reflects the surrounding residential developments and ensures there is an element of uniformity and consistent vernacular treatment in the area. The main commonality amongst nearby developments is in the material palette and scale of dwellings. There is a consistent two-storey, pitched roof language amongst most of the developments, with slate or fibre-cement tiled roofs. The prevailing external wall material is red brick, in differing hues, with the inclusion of timber element to accent certain elements.

The clusters/groupings of dwellings is a mix of detached, semi-detached and short terraces, with private defensible space to the road frontage and private gardens to the rear. The proposed appearance of the dwellings reflects this. The palette will feature anthracite grey roof tiles, red brick, stained timber cladding with grey to frames for the windows and doors. The dwelling form and massing has also been informed by surrounding developments. The precise details of the generic materials reference on the elevation plans is conditioned.

The care home acts as a gateway to the development, with its massing serving to transition from the public areas into the more private housing development. The height of the care home is 3 storeys, but given its limited site coverage the extent of higher development proposed is acceptable and is in accordance with the outline permission. On accessing the site via the improved junction at Brook Lane, the access road winds through a well-landscaped setting before arriving at the care home which acts as the entrance to the development and provides a statement building.

The housing layout itself is largely defined by the retained PRow that divides the site and provides a series of public space/landscaped nodes throughout the development. Dwellings generally face onto this public route, encouraging a sense of community and promoting interaction.

The scale of development is solely two storey with no roof development. Future roof development would not be inappropriate in the development given the buffer planting around the site and distance to the site boundaries protecting views into the site. It is not necessary to impose a condition removing permitting development rights for roof development. Dwellings and materials are acceptable and are consistent with nearby schemes.

There is a simple pallet proposed for the boundaries treatment around the site. Within the rear gardens of private residential dwellings, away from the public view, timber fencing has been proposed. In areas that are on public view, such as rear and side gardens, a combination of hedging and brick walls are proposed.

For safety purposes, estate railing and hedging is used around the care home facility. Fencing has also been proposed around the LEAP to ensure safety to the play area. As the site is bounded by the railway line to the south and A259 to the north, acoustic fencing has been proposed for noise screening to the residential properties along the northern and southern boundaries.

The layout, appearance and scale are in accordance with ALP policies D DM1, D SP1 & AH SP2, the NPPF, the National Design Guide and the Arun Design Guide and Angmering Neighbourhood Plan Policy HD4, Policy HD5 and Policy HD6.

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 requires that housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. Policy HWB SP1 seeks to ensure development is designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities. This is more important in the current climate with nationally imposed lockdowns and the increase in home working.

The Councils supplementary planning document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out specific requirements for on-site public open space (POS) and play provision.

The S.106 agreement agreed with A/44/18/OUT set out a requirement for the provision of public open space (POS) to include a LEAP and a LAP. The scheme proposes 6,336m² of POS and 1,089m² of play space.

The proposal is therefore acceptable in respect of ALP policies OSR DM1 and HWB SP1.

LANDSCAPING & TREES:

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

There are no TPO or ancient trees in the site. The majority of trees and hedges to boundaries will be retained and enhanced with further planting as set out on the landscaping plans. The existing trees provide an additional landscape buffer to the north, clearly separating the site from the A259. In addition to visual screening, the buffer also offers some acoustic benefit which will be enhanced further by the acoustic treatment as set out in the proposals.

The site is more open to the south, though the existing tree screen will grow and become more established in years ahead. The existing tree line and hedgerow that runs north-south towards the west of the site also defines a further water course that is to be retained. The tree line provides a definitive edge to the development area, with the land to the west accommodating an existing pond which forms part of the site drainage strategy as established in the outline consent.

The existing routes and boundaries around and across the site benefit from the existing tree lines and hedgerows. Within the site these features define a series of smaller parcels of land which are largely open, with no established planting and features.

The scheme features a wildlife corridor, wetland attenuation ponds, retained existing significant trees and hedgerows. The scheme proposes new trees and landscape planting to maintain and enhance biodiversity as well as the screening along the site boundaries. Dedicated public spaces (including a LEAP and 3No LAPs) provide a variety of external meeting environments. Further LAP and LEAP details will be provided prior to Committee and the landscape officer's comments will be provided as an update.

The proposed landscaping is therefore considered to be of a high quality and in accordance with Arun Local Plan Policies D SP1, D DM1 and ENV DM4 and Angmering Neighbourhood Plan Policy HD5.

OTHER MATTERS:

(A) Housing Mix

The mix of house types across the site reflects the Local Policy requirements for a minimum 30% affordable housing. The unit sizes and types are distributed across the whole site. This meets the requirements of the outline consent and associated s106 documentation.

ALP policy H DM1 provides for a mix of housing to meet local needs and requires that all housing development provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand.

(B) 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 all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity.

The Council has an adopted Design Guide which 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.

The layout has been checked and all interface distances between dwellings in the site meet these standards or are very close to them. The Design Guide provides guidance and allows for flexibility.

All relationships between proposed & existing and between proposed dwellings are acceptable and ensure a high standard of amenity for existing and future users. The scheme accords with ALP policies D DM1, QE SP1, with the Design Guide and with the guidance in the NPPF on amenity.

Condition 12 of appeal decision APP/C3810/W/17/3185128 requires the submission of details of appropriate measures to mitigate the impact of road noise upon sensitive residential receptors. Therefore, it is considered that adequate measures are already in place to avoid any unacceptably adverse harm to residential amenity.

(C) Parking, Roads and Public Footpaths

WSCC Highways had concerns with the cycleway provision and have been re-consulted on the substitute plans and their comments will be provided by way of an update.

The application includes a parking schedule which complies with Arun District Council Parking Standards Supplementary Planning Document, January 2020. The application site falls within Appendix 2, Parking Behaviour Zone, Brookfield and Angmering - Zone 2. The proposal is for a total of 90 resident spaces and 18 visitor spaces.

Arun Parking Standards SPD sets out a requirement for cycle storage provision and this requires 1 & 2 bed homes have 1 space each whilst 3+ bed houses have 2 spaces. The cycle storage provided accords with these standards.

The proposal accords with ALP policies T SP1 & T DM1 and the Arun Parking Standards SPD.

(D) 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.

WSCC Highways have no objections to the ability of refuse vehicles to access and leave the site in a forward gear. There is no highway safety issue with the collection of refuse. The application states bins will be stored in gardens and bins will be brought to frontages on collection day. The proposal complies with policy WM DM1

(E) Surface Water Drainage

ALP Policy W DM3 states development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development.

Whilst Engineers do not object, it is clear that the layout may not facilitate adequate surface water drainage. As drainage is not a reserved matter (it is to be agreed by a separate condition discharge - condition 7), if it is clear at a later stage that the drainage conditions cannot be agreed due to the layout not providing sufficient space then a new Reserved Matters application will need to be submitted to account for the necessary drainage features. This reserved matters application can be determined without support of drainage engineers and it is not necessary to demonstrate compliance with policy W DM3 at this time.

(F) 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 agent has provided confirmed compliance with the 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;
- Balconies: max. 2m beyond the building frontage, subject to minimum balcony to balcony distances of 17m. At least 3sqm of useable space; and
- Communal Shared Spaces for flats: minimum 40sqm plus 10sqm for each unit if not provided as balcony space.

The layout has been assessed and the majority of the garden depths are 10.5m or more. This is acceptable as the Design Guidance does not set out a policy requirement and instead allows for a flexible approach. The shortfall is not so great as to justify a permitted development right restriction for rear extension/outbuildings on these plots.

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

(G) Climate Change

ALP policy ECC SP2 requires residential and commercial development be energy efficient and should incorporate decentralised, renewable and low carbon energy supply systems. It states for major developments, 10% of the total predicted energy requirements should be produced from renewable/low

carbon energy generation on site, unless it is demonstrated this is unviable.

The application doesn't include details of sustainability/renewable energy measures and there were no relevant conditions imposed at outline stage. Therefore they can't be considered as part of this proposal in respect of reserved matters.

SUMMARY

This report demonstrates there are no materially harmful concerns with the reserved matters scheme and the application is in accordance with the development plan.

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

It is not possible to secure CIL for this development as infrastructure contributions have already been secured through the S.106 Agreement attached to the Outline planning permission.

RECOMMENDATION

APPROVE CONDITIONALLY

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

- 3670-BRK-SRA-XX-XX-DR-A-04-010 Rev P03 Proposed Site Plan
- 3670-BRK-SRA-XX-XX-DR-A-04-011 Re P02 Proposed Site Levels
- 3670-BRK-SRA-XX-XX-DR-A-04-015 Rev P02 Block Plan
- 3670-BRK-SRA-XX-XX-DR-A-04-020 Rev P04 Housing Plan

3670-BRK-SRA-XX-XX-DR-A-04-030 Rev P03 Tenure Plan
3670-BRK-SRA-XX-XX-DR-A-04-040 Rev P03 Housing Types
3670-BRK-SRA-XX-XX-DR-A-04-025 Rev P03 Site Plan Floor Layouts
3670-BRK-SRA-XX-XX-DR-A-04-081 Rev P02 Existing Site Section CC & DD
3670-BRK-SRA-XX-XX-DR-A-04-083 Rev P02 Existing Site Section GG &HH
3670-BRK-SRA-XX-XX-DR-A-04-084 Rev P02 Existing Site Section JJ
3670-BRK-SRA-XX-XX-DR-A-04-090 Rev P03 Ancillary Building
3670-BRK-SRA-XX-XX-DR-A-04-100 Rev P03 Care Home Site Plan
3670-BRK-SRA-XX-XX-DR-A-04-150 Rev P04 Care Home Ground Floor
3670-BRK-SRA-XX-XX-DR-A-04-160 Rev P04 Care Home South West Elevation
176_801_P3 Illustrative Landscape Masterplan
176-001_P3 Landscape Plan (Location Plan for Landscape Plans)
176-002_P3 Landscape Plan
176-003_P3 Landscape Plan
176-004_P3 Landscape Plan
176-005_P3 Landscape Plan
176-006_P3 Landscape Plan
176-007_P3 Landscape Plan
176-201_P3 Planting Plan
176-202_P3 Planting Plan
176-203_P3 Planting Plan
176-204_P3 Planting Plan
176-205_P3 Planting Plan
176-206_P3 Planting Plan
176-401_P3 Tree Pit Details in Soft Landscape
176-402_P3 Tree Pit Details in Hard Landscape
176-403_P3 Bow Top Railing with Matching Gate Detail
176-404_P3 Estate Railing Detail
176-405_P3 Timber Fencing Detail
176-406_P3 Tree Protective Fencing Detail
176-SCH-001_P3 Planting Schedule
3670-BRK-SRA-XX-XX-DR-A-04-005 Rev P02 Existing Site Plan
3670-BRK-SRA-XX-XX-DR-A-04-060 Rev P01 Existing Site Section AA
3670-BRK-SRA-XX-XX-DR-A-04-061 Rev P01 Existing Site Section CC & DD
3670-BRK-SRA-XX-XX-DR-A-04-062 Rev P01 Existing Site Section EE
3670-BRK-SRA-XX-XX-DR-A-04-063 Rev P01 Existing Site Section GG and HH
3670-BRK-SRA-XX-XX-DR-A-04-064 Rev P01 Existing Site Section JJ
3670-BRK-SRA-XX-XX-DR-A-04-080 Rev P01 Site Section AA
3670-BRK-SRA-XX-XX-DR-A-04-082 Rev P01 Site Section EE
3670-BRK-SRA-XX-XX-DR-A-04-151 Rev P02 Care Home First Floor
3670-BRK-SRA-XX-XX-DR-A-04-152 Rev P03 Care Home Second Floor
3670-BRK-SRA-XX-XX-DR-A-04-153 Rev P03 Care Home Roof Plan
3670-BRK-SRA-XX-XX-DR-A-04-161 Rev P03 Care Home North West Elevation
3670-BRK-SRA-XX-XX-DR-A-04-162 Rev P03 Care Home North East Elevation
3670-BRK-SRA-XX-XX-DR-A-04-163 Rev P03 Care Home South East Elevation
3670-BRK-SRA-XX-XX-DR-A-04-200 Rev P02 Plots 1-2 Plans
3670-BRK-SRA-XX-XX-DR-A-04-205 Rev P02 Plots 3-6 Plans
3670-BRK-SRA-XX-XX-DR-A-04-206 Rev P02 Plots 3-6 Roof Plans
3670-BRK-SRA-XX-XX-DR-A-04-210 Rev P02 Plots 7-8 Plans
3670-BRK-SRA-XX-XX-DR-A-04-215 Rev P02 Plots 9-12 Plans
3670-BRK-SRA-XX-XX-DR-A-04-216 Rev P02 Plots 9-12 Roof Plan
3670-BRK-SRA-XX-XX-DR-A-04-220 Rev P02 Plots 13-16 Plans

3670-BRK-SRA-XX-XX-DR-A-04-221 Rev P02 Plots 13-16 Roof Plans
3670-BRK-SRA-XX-XX-DR-A-04-225 Rev P02 Plots 17-20 Plans
3670-BRK-SRA-XX-XX-DR-A-04-226 Rev P02 Plots 21 Plans
3670-BRK-SRA-XX-XX-DR-A-04-230 Rev P02 Plots 17-20 Roof Plans
3670-BRK-SRA-XX-XX-DR-A-04-235 Rev P02 Plots 22-23-24 Plans
3670-BRK-SRA-XX-XX-DR-A-04-240 Rev P02 Plots 25 Plans
3670-BRK-SRA-XX-XX-DR-A-04-245 Rev P02 Plots 26-32 Plans
3670-BRK-SRA-XX-XX-DR-A-04-250 Rev P02 Plots 27-30 Plans
3670-BRK-SRA-XX-XX-DR-A-04-251 Rev P02 Plots 27-30 Roof Plan
3670-BRK-SRA-XX-XX-DR-A-04-255 Rev P02 Plots 31-68 Plans
3670-BRK-SRA-XX-XX-DR-A-04-260 Rev P02 Plots 33-34 Plans
3670-BRK-SRA-XX-XX-DR-A-04-265 Rev P02 Plots 35-36-37 Plans
3670-BRK-SRA-XX-XX-DR-A-04-270 Rev P02 Plots 38-39 Plans
3670-BRK-SRA-XX-XX-DR-A-04-275 Rev P02 Plots 40-43-60-61-77-78-87-88 Plans
3670-BRK-SRA-XX-XX-DR-A-04-280 Rev P02 Plots 44-47 Plans
3670-BRK-SRA-XX-XX-DR-A-04-285 Rev P02 Plots 48-51 Plans
3670-BRK-SRA-XX-XX-DR-A-04-286 Rev P02 Plots 48-51 Roof Plans
3670-BRK-SRA-XX-XX-DR-A-04-290 Rev P02 Plots 52-55-56-59 Plans
3670-BRK-SRA-XX-XX-DR-A-04-291 Rev P02 Plots 52-55-56-59 Roof Plans
3670-BRK-SRA-XX-XX-DR-A-04-295 Rev P02 Plots 62-67-69-76 Plans
3670-BRK-SRA-XX-XX-DR-A-04-300 Rev P02 Plots 79-86 Plans
3670-BRK-SRA-XX-XX-DR-A-04-305 Rev P02 Plots 89 Plans
3670-BRK-SRA-XX-XX-DR-A-04-310 Rev P02 Plots 90 Plans
3670-BRK-SRA-XX-XX-DR-A-05-200 Rev P02 Plots 1-2 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-205 Rev P02 Plots 3-6 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-210 Rev P02 Plots 7-8 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-215 Rev P02 Plots 9-12 Elevations 2-1
3670-BRK-SRA-XX-XX-DR-A-05-216 Rev P02 Plots 9-12 Elevations 2-2
3670-BRK-SRA-XX-XX-DR-A-05-220 Rev P02 Plots 13-16 Elevations 1-2
3670-BRK-SRA-XX-XX-DR-A-05-221 Rev P02 Plots 13-16 Elevations 2-2
3670-BRK-SRA-XX-XX-DR-A-05-225 Rev P02 Plots 17-20 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-230 Rev P02 Plots 21 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-235 Rev P02 Plots 22-23-24 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-240 Rev P02 Plots 25 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-245 Rev P02 Plots 26 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-250 Rev P02 Plots 27-30 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-255 Rev P02 Plots 31-68 Elevations
3670-BRK-SRA-XX-XX-DR-A-04-230 Rev P02 Plots 21 Plans
3670-BRK-SRA-XX-XX-DR-A-04-235 Rev P02 Plots 22-23-24 Plans
3670-BRK-SRA-XX-XX-DR-A-04-240 Rev P02 Plots 25 Plans
3670-BRK-SRA-XX-XX-DR-A-04-245 Rev P02 Plots 26-32 Plans
3670-BRK-SRA-XX-XX-DR-A-04-250 Rev P02 Plots 27-30 Plans
3670-BRK-SRA-XX-XX-DR-A-05-255 Rev P02 Plots 31-68 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-260 Rev P02 Plots 33-34 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-265 Rev P02 Plots 35-36-37 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-270 Rev P02 Plots 38-39 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-275 Rev P02 Plots 40-43-60-61-77-78-87-88 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-280 Rev P02 Plots 44-47 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-290 Rev P02 Plots 52-55-56-59 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-295 Rev P02 Plots 62-67-69-76 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-300 Rev P02 Plots 79-86 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-301 Rev P02 Plots 79-86 Gable Elevations

3670-BRK-SRA-XX-XX-DR-A-05-305 Rev P02 Plots 89 Elevations
3670-BRK-SRA-XX-XX-DR-A-05-310 Rev P02 Plots 90 Elevations

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

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

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

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

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

- 4 Landscaping (hard and soft) shall be carried out in accordance with the details hereby approved. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, 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 and ENV DM4 of the Arun Local Plan.

- 5 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 indicated on the approved elevation plans 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.

- 6 Prior to occupation of the dwellings fire hydrants shall be installed in compliance with details showing the proposed location of the required fire hydrants which shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

The hydrants will be installed at the developer's expense in a phased programme and

connected 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.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, (BS5588 Part B 5) for further information please contact the 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.

7 INFORMATIVE: Any change to the legal line is subject to an application by the developer to Arun District Council to divert it via a Public Path Order (PPO) under Section 257 of the Town & Country Planning Act 1990 before works start. The WSCC PROW Team will be a formal consultee as part of this diversion Order application process and its prior agreement to a specification will be required before lending formal support to any diversion proposal.

A temporary closure of FP2160 will be necessary during development. Any temporary closure application for FP160 cannot be granted if development is planned over the current legal line as recorded on the Definitive Map unless the diversion has been legally confirmed first.

Development affecting the currently recorded legal lines of the footpaths must not begin until and unless the path has been formally accommodated else an offence is being committed and may invalidate any diversion Order procedure.

Neither Footpath 2159 or 2160 must be blocked, restricted, obstructed by vehicles, plant, scaffolding, the storage of materials, be made difficult to pass over or along or be unavailable at any stage to lawful path users without Temporary Closure Orders (TTRO) being applied for and approved. There is a cost associated with this, a 6 - 8 week lead time and advice on the process can be sought from WSCC's PROW Team. Please note that should closures be requested, the County Council will expect an alternative provision for members of the public to pass safely through the site given its size and location within the Rights of Way network.

Any damage to the footpaths needs to be rectified to the same or better standard than it was prior to any damage done during the development activity, to a specification agreed by West Sussex County Council as the Highway authority. No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.

Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.

Any alteration to or replacement of the existing boundary with the PROW, or the erection of

new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

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

BACKGROUND PAPERS

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

A/26/21/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: A/130/21/PL

LOCATION: 16 Pine Trees Close
Angmering
BN16 4LT

PROPOSAL: Demolition of existing garage, conversion of extension (approved under A/66/21/HH) to 1 No. 2 bed dwelling, provision of 4 parking spaces and cycle/refuse storage. This application is within CIL Zone 2 and is CIL liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This planning application is for the the sub-division of the plot to create an additional new dwelling house. A single storey pitched roof extension measuring approximately 7.3m in width to the full depth of existing property (which was approved under A/66/21/HH) is proposed to be converted into a new 2 bed dwelling following the demolition of the detached garage; together with the provision of 4 parking spaces (2 spaces to serve the existing dwelling and 2 spaces to serve the new dwelling), and the provision of cycle parking and a bin store for the new dwelling.

SITE AREA 0.50 hectares.

TOPOGRAPHY Predominantly flat.

TREES None of any significance affected by the proposed development; but there are a number of ornamental trees in the side and rear garden.

BOUNDARY TREATMENT Site boundaries consist of 1.8 metre high close boarded fencing to the north and east; a garden fence separates the rear garden of No. 16 Pine Trees Close with the adjoining bungalow to the west; and to the south a hard-standing at the front of the dwelling opens out onto a shared driveway with the adjoining bungalow.

SITE CHARACTERISTICS The site comprises a single storey semi-detached bungalow with a detached garage and vehicular access onto Pine Trees Close. The existing bungalow has a large garden to the side and rear.

CHARACTER OF LOCALITY The site is located at the end of a hammer head on Pine Trees Close on the northern of the settlement of Angmering. The site is bounded to the north by the St Margaret's CE Primary School playing field; and to the south and west by bungalows which front onto Pine Trees Close. There is a public right of way (PRoW) in between the application site and the neighbouring house to the east.

RELEVANT SITE HISTORY

A/66/21/HH Erection of single storey side extension and provision of 2 parking spaces following demolition of existing garage. ApproveConditionally 04-06-21

Planning permission (A/66/21/HH) for the erection of a single storey side extension and provision of 2 parking spaces following the demolition of existing garage has not been implemented.

REPRESENTATIONS

ANGMERING PARISH COUNCIL:

Object. The previous application (A/66/21/HH) was for an extension to the existing bungalow. The proposal is for a totally separate dwelling which is over-development.

COMMENTS ON REPRESENTATIONS RECEIVED:

Planning related comments noted and addressed in the 'Conclusions' section below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC DRAINAGE:

No objection. Due to the scale, location and type of application ADC Drainage have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

COMMENTS ON CONSULTATION RESPONSES:

Planning related comments noted and addressed in the 'Conclusions' section below.

POLICY CONTEXT

Designation applicable to site:

Within the Built-Up Area Boundary in the Arun Local Plan and in the Angmering Neighbourhood Plan.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
QEDM3	QE DM3 Air Pollution
SDSP2	SD SP2 Built-up Area Boundary
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

TSP1 T SP1 Transport and Development

[Angmering Neighbourhood Plan 2014 POLICY HD1](#) Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for 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

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.

Relevant Angmering Neighbourhood Plan (NP) policies have been taken account of and are addressed in the Conclusions section of this report. The Angmering NP was made on 11th March 2015.

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 proposed residential development, which is located within the built-up area boundary (the BUAB) complies with relevant policies in the Development Plan.

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 developing a single storey extension, measuring 7.3 metres long, onto the existing semi-detached bungalow was established when permission was granted (A/66/21/HH) on 4th June 2021 together with the provision of 2 car parking spaces following the demolition of the detached garage.

The key policy consideration in the determination of A/130/21/PL is Policy D DM4 of the Arun Local Plan (2011-2031) which deal with extensions and alterations to existing buildings (residential and non-residential).

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' of the Design Guide).

The proposed development is almost identical to A/66/21/HH, apart from the sub-division of the plot to create a new dwelling house. Externally, the single storey pitched roof side extension to 16 Pine Trees Close would mirror the previously approved scheme.

The single storey extension to the side of the semi-detached bungalow would create a new dwelling house which would consist of 2 bedrooms, a lounge, a kitchen/diner and a bathroom. The front door would be positioned to the side of the dwelling and the sub-division of the plot would not affect the appearance of the dwellings when viewed from Pine Close. The extension has been sympathetically designed, with an eaves height and ridge-line which run through to existing levels and therefore its scale and style is appropriate for its intended use. The extension would be visible from the street, however, it does not have a direct street frontage and has the effect of disappearing into the side garden of the host dwelling. Additionally, it maintains the building lines of the existing dwelling and is subservient to the existing dwelling. It is proposed to increase the size of the property by nearly 100% of the existing dwelling. Current guidance in the Local Plan and Arun Design Guide states that extensions over 50% increase of floor space would be considered disproportionate and are unlikely to be acceptable, although it is noted that this property has the benefit of a slightly larger rear/side garden, a single garage is to be demolished and as the site is located at the head of Pine Trees Close with no direct neighbours and in this instance this is not a reason to refuse the application. Given the above and the good visual integration through appropriate material and style choice the single storey pitched roof extension is acceptable.

The design and appearance of the single storey side extension complies with Policy D DM4 and Policy D SP1 of the Local Plan, Policy HD4 and Policy HD5 of the Angmering NP, the NPPF and the Arun Design Guide.

SCALE AND BUILDING HEIGHTS

The dwelling types in the vicinity of the site on Pine Trees Close are single storey semi-detached and detached bungalows. The single storey extension would fit in with the scale of the buildings in this part of Angmering. The scale and height of the single storey extension would be in scale with the surrounding area. The development complies with Policy D DM1 and Policy D SP1 of the Local Plan and Policy HD5 of the Angmering NP in terms of the scale and building heights.

NEIGHBOURING RESIDENTIAL AMENITY

In terms of overbearing and overshadowing, the single storey extension should not affect neighbouring properties. Further to development there will still be a good-sized rear and side garden maintained and an appropriate space about the building when compared to neighbouring properties. The site is located at the end of a hammer head and the development will occur at the furthest point from any of the neighbours on Pine Trees Close heading in an easterly direction. There is a public right of way (PRoW) in between the site and the neighbouring house to the east. To the north is a school playing field. As such, even with the addition of this substantial single storey extension, any overshadowing would affect the application site only. The proposal has introduced ground floor front and back facing windows only, therefore, no views which could cause a loss of privacy to adjoining properties would be created. As the single storey extension is built flush with the existing rear wall the 45-degree rule is not relevant in this instance. By virtue of not being overbearing, overshadowing and overlooking the proposed single storey extension accords with Policy D DM4 of the Arun Local Plan and Part M of the Arun Design Guide.

Bearing in mind the built environment in the vicinity of the site and the design and appearance of single storey extension, 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 the proposed development is acceptable in respect of residential amenity, in accordance with Policy D DM1(3) and Policy D DM4 of the Local Plan in seeking to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

EXTERNAL SPACE STANDARDS

The Block Plan (Drawing No. 1485-01) shows the single storey extension with a rear garden orientated north/south that would measure in excess of 10.5 metres in length. The Arun Design Guide specifies that dwellings must have adequate private or share amenity space and provides a figure of 10.5 metres in length. The development complies with Policy D DM1(3) of the Local Plan and the Arun Design Guide in terms of the provision of sufficient private amenity space for the new bungalow.

INTERNAL SPACE STANDARDS

The floor plan of the single storey extension where it specifies the number of bedrooms and the square metres of floor space has been cross referenced with the Nationally Described Standard table (NDSS Table 1). The minimum gross internal floor area of the single storey extension complies with Policy D DM2 of the Local Plan and meets the NDSS requirements.

ACCESS

The existing driveway access serving 16 Pine Trees Close would be retained and it would also be used to access the proposed single storey extension. Consequently, there would be no highway safety issues and the proposed development would comply with Policy T SP1 of the Local Plan.

PARKING

The single storey extension would have 2 car parking spaces, one on-plot facing the front elevation and the second on the site of the garage which is proposed to be demolished. The provision of 2 car parking spaces is in compliance with the ADC Parking Standards SPD, January 2020 and in accordance with Policy HD8 of the Angmering NP. The existing semi-detached bungalow would be provided with 2 on-plot parking spaces located on the existing hard-standing. A total of 4 parking spaces are to be provided to serve the proposed development in compliance with the Parking Standards SPD. 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 a garden shed in the rear garden, in compliance with Policy T DM1 of the Local Plan and the ADC Parking Standards SPD.

LANDSCAPING

The existing side and rear garden at 16 Pine Trees Close includes ornamental trees and shrubs and a well maintained lawn. The proposed single storey extension would occupy part of the existing side and rear garden and it is appropriate to impose a condition for the submission of a landscaping scheme to ensure that compensatory numbers of trees and shrubs are planted in the garden. Subject to a landscaping condition, the proposed development is acceptable and would comply with Policy D DM1 of the Local Plan and the Arun Design Guide.

DRAINAGE

The site is located in Flood Zone 1. Surface water drainage for the existing dwelling would remain connected into the existing surface water drainage system already serving the site. Surface water from the roof of the single storey extension would be dispersed into a soakaway into the rear garden. Foul drainage would be connected to the existing main sewer system. ADC Drainage Engineers are satisfied with the proposed development. The proposed development is acceptable and it complies with Policy W DM2 and Policy W DM3 of the Local Plan.

CLIMATE CHANGE

It is appropriate that provision is made for an electric vehicle charging point to serve the 2 new parking spaces to accord with paragraph 2.8 of the ADC Parking Standards SPD, January 2021. This should be conditioned. Subject to a condition requiring the provision of an electric vehicle charging point, the development complies with Policy ECC SP1 of the Local Plan in terms of mitigating climate change and Policy QE DM3 in terms of reducing air pollution.

SUMMARY

The proposed development of a single storey extension on a 0.50 hectare site within the BUAB of Angmering is acceptable, in accordance with the policies in the Arun Local Plan, the Angmering Neighbourhood Plan, the NPPF and the Arun Design Guide.

RECOMMENDATION

It is recommended that this application is approved and the following conditions be imposed.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the

following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

CIL DETAILS

This application is CIL Liabe 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 and submitted documents:

- Drawing No. 1485-01 - Site Location and Block Plan.
- Drawing No. 1485-04 - Proposed Floor Plan and Roof Plan.
- Drawing No. 1485-05 - Proposed Elevations.

- Planning, Transport, Design and Access Statement, June 2021.
- Foul Sewage & Utilities Statement, July 2021 (Ref. FS20/16PA Rev. 2)

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 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.

4 The new dwelling hereby approved shall not be occupied until the car parking spaces serving the new dwelling and the car parking spaces serving the existing dwelling at Number 16 Pine Trees Close have been constructed in accordance with the approved site plan. Once provided, the parking spaces shall thereafter be retained at all times for their designated purpose.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in accordance with Policy D DM1 of the Arun Local Plan and Policy HD8 of the Angmering Neighbourhood Plan.

5 The new dwelling hereby approved shall not be occupied until covered and secure cycle parking spaces serving the new dwelling have been provided in accordance with the approved layout plan.

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

- 6 Provision should be made for the installation of a Electric Vehicle (EV) Charging Point serving the new dwelling. The EV charging point shall be installed prior to occupation of the new dwelling and thereafter will be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with Policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017), the ADC Parking Standards SPD (January 2020) and the National Planning Policy Framework (2021).

- 7 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 new dwelling 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.

- 8 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 landscaping details should include a planting plan and specification detailing species choice, actual plant quantities, planting densities and size at time of planting. The approved landscaping details shall be installed prior to occupation of the new dwelling and thereafter will be permanently retained and maintained.

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 the Arun Design Guide.

- 9 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by 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)

A/130/21/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

A/151/20/OUT

Original Decision = Refused

Received: 14-07-21

Land to South of Downes Way(north of 15 Ambersham Crescent)
Downes Way Little Hampton

Decision Level = Delegated

Outline application for all matters reserved for the erection of 1 No. detached dwelling with associated landscaping and parking.

**Written
Representations**

PINS Ref: APP/C3810/W/21/3268934

AL/70/20/PL

Original Decision = Refused

Received: 22-07-21

West Barn Old Dairy Lane Norton

Decision Level = Delegated

Residential Mews consisting of 6 No dwellings. This application may affect the Norton Lane, Norton Conservation Area, may affect the setting of a listed building, is a Departure from the Development Plan & is in CIL Zone 3 & is CIL Liable.

**Written
Representations**

PINS Ref: APP/C3810/W/21/3275037

AW/131/19/T

Original Decision = Refused

Received: 12-07-19

12 Hunters Close Aldwick Bay Estate Aldwick

Decision Level = Delegated

Reduce height by 8m to 1 No. Lombardy Poplar tree.

**Written
Representations**

PINS Ref: APP/TPO/C3810/7494

AW/31/21/HH

Original Decision = Refused

Received: 15-07-21

3 Haydon Close Aldwick

Decision Level = Delegated

Single storey rear extension and front porch

**Written
Representations**

PINS Ref: APP/C3810/D/21/3274708

BE/109/19/OUT

Original Decision = Refused

Received: 15-02-21

Land east of Shripney Road & south of Haddan House Shripney Road
Bersted

Decision Level = 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.

Informal Hearing

PINS Ref: APP/C3810/W/20/3264105

BE/148/20/OUT
Original Decision = Refused
Received: 14-07-21

Nursery Fields Land to the North of Chalcraft Lane West Bersted

Decision Level = Delegated

Outline application with all matters, except for site access, reserved for the development of up to 225 residential units with associated infrastructure, open space and vehicular and pedestrian access. This application affects a Public Right of Way.

*Written
Representations*

PINS Ref: APP/C3810/W/21/3275040

BN/142/20/OUT
Original Decision = Refused
Received: 26-05-21

Land south of Barnham Station Barnham

Decision Level = 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.

Public Inquiry *21-09-21*

PINS Ref: APP/C3810/W/21/3273087

BR/31/20/PL
Original Decision = Refused
Received: 12-10-20

77 Aldwick Road Bognor Regis

Decision Level = 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)

*Written
Representations*

PINS Ref: W/4001823

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-bed sit 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*

FG/34/21/HH

Original Decision = Refused

Received: 22-07-21

50 Ocean Drive Ferring

Decision Level = Delegated

1st floor side extensions, two storey front extension, side and rear extensions, installation of balcony to rear and 2 x front dormers including demolition of existing garage.

*Written
Representations*

PINS Ref: APP/C3810/W/21/3275010

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

K/54/20/PL

Original Decision = Refused

Received: 14-07-21

Land East Of Kingston House Kingston Lane Kingston

Decision Level = Delegated

Single storey 4 bed dwelling & stable block (resubmission following K/16/19/PL. This application is a Departure from the Development Plan & is in CIL Zone 3 & is CIL Liable.

*Written
Representations*

PINS Ref: APP/C3810/W/21/3277563

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

R/138/20/PL

Original Decision = Refused

Received: 22-07-21

55 Milton Avenue Rustington

Decision Level = Delegated

Demolition of garage & construction of 1 No. 2-storey chalet dwelling (resubmission following R/182/18/PL).

*Written
Representations*

PINS Ref: APP/C3810/W/21/3271218

R/197/20/OUT

Original Decision = Refused

Received: 22-07-21

Croft Works 52 Mill Lane Rustington

Decision Level = Committee

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

**Written
Representations**

PINS Ref: APP/C3810/W/21/3271024

Y/50/21/DOC

Land to the south of Ford Lane and East of North End Road Ford

Original Decision = DOC Refused

Decision Level = Delegated

Received: 14-07-21

Approval of details reserved by condition imposed under ref Y/82/20/RES relating to Condition No 8 - electric vehicle charging strategy

**Written
Representations**

PINS Ref: APP/C3810/W/21/3275509

ENF/115/17

44 Christchurch Crescent West Meads Aldwick

Received:

Written Representations

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

ENF/470/15/

Valhalla High Street Bognor Regis

Received:

Written Representations

PINS Ref: APP/C3810/F/20/3257966