



Public Document Pack

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Committee Manager Andrew Bishop (Ext. 37984)

21 January 2022

PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Council Chamber at the Arun Civic Centre, Maltravers Road, Littlehampton BN17 5LF** on **Wednesday 2 February 2022 at 2.00 pm** 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 this [link](#).

- a) Where a member of the public has registered a request to speak, they will be invited to submit their statement 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. 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 ONLINE AT 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 - 4)

To approve as a correct record the Minutes of the meeting held on 5 January 2022.

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. **AL/20/21/PL - LAND AT WINGS NURSERY, LIDSEY ROAD, WOODGATE PO20 3SU** (Pages 5 - 6)

PLANNING APPLICATIONS

7. **P/165/21/PL - LAND AT SPINNAKER VIEW, PAGHAM PO21 3FL** (Pages 7 - 18)
8. **P/159/21/PL - 253-255 INGLENOK HOTEL, PAGHAM ROAD, PAGHAM PO21 3QB** (Pages 19 - 36)
9. **LU/340/21/PL - THE OLD PRINTWORKS, 7 ARUNDEL ROAD, LITTLEHAMPTON BN17 7BY** (Pages 37 - 48)
10. **AL/113/21/OUT - LAND AT BAYARDS, LEVEL MARE LANE, EASTERGATE PO20 3RZ** (Pages 49 - 86)

PLANNING APPEALS

11. **APPEALS** (Pages 87 - 90)
12. **APPEALS PERFORMANCE & COSTS 2021 AND APPEALS SUMMARY 2021** (Pages 91 - 122)
13. **PERFORMANCE IN PLANNING** (Pages 123 - 126)
14. **SECTION 106 SPENDING** (Pages 127 - 130)

OFFICER REPORT UPDATES

Will be circulated ahead 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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Daniel Vick (Ext 37771) email dan.vick@arun.gov.uk
Juan Baeza (Ext 37765) email juan.baeza@arun.gov.uk
Claire Potts (Ext 37698) email Claire.potts@arun.gov.uk

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

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

Note: Filming, Photography and Recording at Council Meetings - The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link – [PART 8 - CP - Section 5 Filming Photographic Protocol](#)

These meetings are webcast live.

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

365

PLANNING COMMITTEE

5 January 2022 at 2.00 pm

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

Apologies: Councillor Charles

543. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

544. MINUTES

The Minutes of the Special meeting held on 15 December 2021 were approved by the Committee and signed by the Chair.

545. 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 confirmed that there were no urgent items.

546. LU/315/21/PL - 12 CORNWALL ROAD, LITTLEHAMPTON BN17 6EE

Change of use from (C3) Dwelling house to 7 bed House in Multiple Occupation (Sui Generis) including the demolition of the existing garage and erection of single storey side extension (resubmission following LU/240/21/PL). This site is in CIL Zone 4 and is CIL Liable as a House in Multiple Occupation.

The Planning Area Team Leader presented the report with updates. Members then took part in a full debate on the application where a number of points were raised and responded to by Officers, including:

- the electric vehicle charging standards for new residential development, and whether this development should have been considered new residential development (rather than change of use) with a condition for more charging points
- the relationship between HMOs and housing land supply, and whether the 7 units of this development translated to 7 houses, 1 house or a percentage of houses in the housing land supply
- the electric vehicle charging standards given that the Council had declared a climate emergency
- the need to future-proof development with regards electric vehicle charging points, especially as the upfront costs of electric car ownership reduce over time, and whether more charging points being made available would encourage greater uptake of electric vehicles sooner

Planning Committee - 5.01.22

- whether the concerns around parking demonstrated that this application was overdevelopment
- Members' disappointment that work had begun onsite before planning approval had been given and that the application was in part retrospective
- concerns over the removal of a number of trees from the site and the impact to the quality of life for residents, though appreciation that non-protected trees could have been removed if the property remained a private residence
- the need for HMOs as an affordable place to live in the town
- the electricity infrastructure improvements needed across the District and nationally once a critical number of charging points were installed
- whether there were material planning considerations to refuse the application
- whether there was sufficient vehicle manoeuvring space onsite
- concerns over the size of the amenity space proposed
- recognition of the work done by Officers to work with the developers on the re-submission
- determining the allocation of the parking space with the electric vehicle charging point, considering the placement of windows and proximity to car parking and associated noise and fumes

The Committee

RESOLVED

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

547. P/147/21/RES - LAND ADJACENT TO SEFTER SCHOOL HOUSE, SEFTER ROAD, BOGNOR REGIS PO21 5EE

1 Public Speaker

Cllr June Hamilton, on behalf of Pagham Parish Council

Approval of reserved matters following P/116/19/OUT for 4 No semi detached 3 bed & 2 No detached 4-bed dwellings with associated access, parking & gardens (resubmission following P/111/21/RES). This site is in CIL Zone 5 and is CIL Liable as new dwellings.

The Planning Area Team Leader presented the report. This was followed by 1 Public Speaker.

Members then took part in a full debate on the application where a number of points were raised and responded to by Officers, including:

- concerns over elements of the scheme's design and layout
- the size and limits imposed by the stream of some of the gardens of what could be family homes and how that might lead children to play in the wildflower area adjacent to Sefter Road

- the riparian responsibility of each new property and the practical implications of maintenance having divided the responsibility between 6 households
- the importance of maintaining a significant waterway that took a large amount of discharge from other developments in area
- concerns over pollution getting into the stream and the potentially significant environmental consequences of this

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report subject to the conditions as detailed

548. APPEALS

The Committee noted the Appeals list.

(The meeting concluded at 2.57pm)

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Report following a request for further information, negotiations or consultation

REF NO:	AL/20/21/PL
LOCATION:	Land At Wings Nursery Lidsey Road Woodgate
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.

Members resolved on 08/09/21 to delegate the final approval of this application to the Group Head of Planning with authority to make minor amendments to the s106.

At that meeting, members were advised that National Highways (formerly Highways England) had not responded to the request for them to advise on the project that their contribution would be spent on, and so this contribution was removed from the s106. Members should note that National Highways were asked to confirm the project details on four separate occasions (on 07/07/21, 16/07/21, 06/08/21 and 01/09/21) without success.

Subsequently on the 24th December 2021, National Highways (NH) wrote to Arun DC to apologise for not previously responding, but to advise that as the contribution was not now being sought, their previous comments must be treated as an objection and the decision to approve without the contribution must therefore be referred to the Secretary of State before being issued.

NH also state that the "Arun Local Plan A27 mitigation project" is the identified scheme. This contribution is required because of the changes or improvements to the Arun Local Plan A27 mitigation scheme that would be required in order to accommodate the additional cumulative traffic impacts of development that is additional to the Local Plan development.

Officers accept this position and have discussed this with the applicant who has agreed to put the National Highways contribution back into the s106. However, this cannot be done under delegated powers and so requires the further approval of the planning committee. Members are therefore requested to agree the inclusion within the s106 of a contribution of £36,090.60 to be spent on the "Arun Local Plan A27 mitigation project".

The s106 is nearing completion and the applicant has requested that we proceed to include the National Highways contribution within the document and progress the s106 towards completion. Therefore, it may be complete by the time of February Committee (members will be advised by an update if this is so).

Separately, members are also requested to agree a variation to condition 5 of the previous recommendation. This condition states:

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.

The applicant has requested that it be amended to allow working when bats are not active and so by adding "between March and October (when bats are generally active)" after "sunrise" and before "even" to read as follows:

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 between March and October (when bats are generally active) even if those times fall within the above time periods.

As the condition was specifically set out in full within the previously agreed Appropriate Assessment, it is not appropriate to simply change it in the recommendation. Therefore, Natural England have been requested to agree the change and have been given until the 31st of January to respond. Members will be updated at the meeting as to whether Natural England have responded and what their advice is.

It is therefore requested that members resolve to (a) agree the inclusion of the National Highways contribution within the s106 and (b) to agree the change to the wording of condition 5.

PLANNING APPLICATION REPORT

REF NO: P/165/21/PL

LOCATION: Land at Spinnaker View
Pagham
PO21 3FL

PROPOSAL: New vehicular access entrance, relocated parking bays, and pedestrian access associated with the redevelopment of the rear of Inglenook Hotel as 9 No. dwellings. This application is in CIL Zone 4 (zero rated) as other development. This application may affect the setting of a Grade II Listed Building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The purpose of this application is to agree changes to land rear of the Inglenook Hotel/Spinnaker View sites where they adjoin to enable the creation of a vehicular access and separate pedestrian access from the Inglenook site. The new access will result in the loss of a three bay visitor parking area and it is proposed to relocate these to the west in place of landscaping. The pedestrian access will be just west of these. The vehicle access will be 4.8m wide (matching Spinnaker View) with 5m radii and visibility splays of 2.4m by 43m.
TREES	Replacement parking spaces are in the Root Protection Area (RPA) of a Poplar tree (TPO/P/2/15) on the southern side of Spinnaker View. This was designated at the time of P/125/14/PL and its RPA is shown on plans approved at that time.
SITE CHARACTERISTICS	The site consists of part hardstanding (including footway), part grassed space and part shrub landscaping alongside a 1.8m high close boarded fence. The site area is 87 square metres and the site is predominantly flat.
CHARACTER OF LOCALITY	Residential location between one established site and one in the process of being constructed.

RELEVANT SITE HISTORY

P/159/21/PL	Variation and removal of conditions imposed under P/58/19/PL for the variation of condition 2-plans condition & 16-external lighting of roads & footpaths & removal of conditions 11-footpath access through Hotel site & 13-signage of vehicular access previously proposed.
P/171/21/DOC	Approval of details reserved by condition imposed under

ref W/4001476 (P/58/19/PL) relating to Condition Nos 10
- proposed location of one fire hydrant or stored water
supply, 12 - soft & hard landscaping, 14 - materials &
finishes and 15 - boundary treatments.

P/119/21/DOC	Approval of details reserved by condition imposed under ref W/4001476 (P/58/19/PL) relating to Condition Nos 5 - Construction & Environmental Management Plan, 6 - surface water drainage, 7 - maintenance & management of surface water drainage and 14 - materials, finishes & detailing for external walls and roofs.	DOC Part Approved 15-10-21
P/84/21/DOC	Approval of details reserved by condition imposed under ref W/4001476 (P/58/19/PL) relating to Condition Nos 5 - Construction & Environmental Management Plan, 6 - surface water drainage, 7 - maintenance & management of surface water drainage, 8 - badger survey and 9 level survey.	DOC Part Approved 22-07-21
P/58/19/PL	Erection of 9 No. dwellings with associated access, parking, cycle & refuse storage & landscape design. This application is a Departure from the Development Plan & may affect the setting of a listed building.	Refused 05-03-20 Appeal: Allowed+Conditions 18-12-20
P/53/19/L	Listed building consent for the demolition of modern side extension & 2.25m of boundary wall.	ApproveConditionally 12-03-20
P/125/14/PL	Demolition of existing dwelling & ancillary buildings & erection of 40 no. dwellings with associated access, car parking, cycle & refuse storage, hard & soft landscaping & amenity space. This application is a Departure from the development plan	App Cond with S106 30-06-16

P/159/21/PL is an application for changes to the Inglenook development, part of which concerns the access to the development and will see the approved access to the south of the Inglenook cease other than for emergency access. Access will be from Spinnaker View subject to the approval of this application.

P/171/21/DOC is a current application to discharge conditions relating to P/58/19/PL. This may need to be withdrawn & resubmitted should P/165/21/PL be granted as the condition numbers will be different (or the applicant could have these granted against P/58/19/PL and then reapply against P/165/21/PL).

P/119/21/DOC and P/84/21/DOC have already agreed the discharge of certain conditions related to

P/58/19/PL.

P/58/19/PL was allowed on appeal in December 2020 and included access from Pagham Road alongside the southern side of the Inglenook Hotel. The permission has been lawfully commenced although some conditions are in breach due to development being above damp proof course level. Some plots have been built in accordance with the proposals set out in P/159/21/PL (in respect of extra height and accommodation in the roof of plots 8/9) in conflict with the approved scheme.

On P/58/19/PL Pagham Parish Council expressed a desire for access to be from Spinnaker View. This was raised with the applicant at the time who advised this was not possible due to two ransom strips which would decrease profitability of the site by two thirds. This was reported in the Committee report from 06/11/19 as a response to the Parish Council comments.

The desire to create access into Spinnaker View came up during Committee debates on P/58/19/PL and is a matter of public record via the online video recordings of the meetings on 06/11/19 & 04/03/20 and the printed minutes of the 04/03/20 meeting.

P/53/19/L relates to demolition & alteration works to the hotel which are required to upgrade the access to serve the dwellings. This has been part implemented (removal of the boundary wall and the outer wall of the modern side extension). P/125/14/PL relates to the Spinnaker View development.

REPRESENTATIONS

Pagham Parish Council - this application vindicates its previous view that access alongside the Inglenook Hotel was not viable. An access through Spinnaker View is the safer option. However recognise concerns of residents and so whilst minded not to object urge ADC members to arrive at a decision which ensures safety without compromising the rights of residents in Spinnaker View.

As at 12/01/22, thirty-four letters of objection raising the following concerns:

- Loss of turning area within Spinnaker View;
- Loss of landscaping and harm to wildlife corridor running along the fence;
- Using Spinnaker View land to create new parking for the Inglenook site;
- Insufficient parking provision particularly visitor parking;
- Loss of Spinnaker View footway means that residents will have to walk in the road;
- Harm to views of Spinnaker View residents;
- Loss of privacy as Spinnaker View will no longer be private;
- No capacity in Spinnaker View bin store for bins from the development;
- Refuse vehicles will block Spinnaker View for a longer period to collect refuse from the site;
- Harm to existing services in Spinnaker View;
- Harm from access to the Root Protection Area of Poplar Tree in the Spinnaker View;
- Highway safety concerns due to intensification of Pagham Road/Spinnaker View junction;
- Spinnaker View residents would have to foot the bill for increased maintenance costs arising from the increased use of the private road;
- Spinnaker View residents are the legal owners and will not give permission for the access, removal of the fencing or landscaping;
- Notice was not initially correctly served and then not received by Spinnaker View Management company until 20/12/21 despite the applicant saying it was done on the 10/12/21;
- The approved Inglenook access is perfectly fine as it was agreed by the Inspector;
- The objection of the previous site owner/applicant to having access adjacent to the Inglenook should be discounted;
- This proposal makes a mockery of the planning process as costs were awarded against Arun DC in the

appeal;

- The whole development is driven by greed and the residents are being punished;
- The Council decided the agreed access is not safe despite giving it permission and now want to change it;
- Harm to Mill Farm residents due to overlooking and loss of light from enlarged buildings;
- P/58/19/PL has not been implemented correctly as the hotel side extension was not completely removed; and
- Enforcement action should be taken against the new houses not being built to approved plans;

COMMENTS ON REPRESENTATIONS RECEIVED:

Pagham Parish comments are noted. On P/159/21/PL they stated they supported the application in respect of the proposed access through Spinnaker View without comment about the residents.

Matters relating to highway safety, loss of landscaping and impact on trees are discussed in the report conclusions. The following comments are provided in respect of the other issues:

- The application does not propose to create new parking spaces for the Inglenook. The new parking spaces are to replace the 3 to be lost by the access and will continue to serve Spinnaker View residents. There is no loss of parking (and no requirement in the site area for any additional);
- The proposal will alter the streetscene but there is no right to a view in planning law and this change will not be so significant to result in harm to local character;
- Additional movements associated with the Inglenook development will not have a noticeable impact on the environment of Spinnaker View and there will be no loss of privacy from such movements;
- It is not proposed that Inglenook residents use the Spinnaker View bin store, their own bin storage arrangements are the subject of condition 17 in the recommendation associated with P/159/21/PL;
- The additional wait due to refuse servicing from Spinnaker View would not be significant;
- It is accepted the applicant did not serve Notice on the Spinnaker View management company but this was rectified on 10th December and a subsequent email from a resident included correspondence from Southernbrook Estate Management Limited which confirmed it was received on this day;
- Planning applications are considered on their own merits and although the planning history is a material consideration this does not mean that a different proposal cannot now be considered;
- The Inglenook site owner has not commented on this application and there is nothing to prevent a different proposal from being considered;
- It is not possible to reconsider the merits of the previous appeal decision or the costs decision;
- The Council has not yet decided anything and are not driving this application;
- Objections concerning overlooking/loss of light, removal of the hotel side extension and non-compliance with approved plans relate to P/159/21/PL and have been considered in that report; and
- It is not possible to consider the motives of applicants, land ownership, associated land maintenances costs or impacts on services as these are not material planning considerations in planning law. Should there be disruption to services then the developer would need to make arrangements with the relevant land owner to relocate these.

It is not necessary to own land to make a planning application provided notice is served on the landowner (notice was served on the Spinnaker View Management Company on 10/12/21). A planning permission cannot be implemented without the approval of the landowner.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - the proposals are comparable to P/159/21/PL to which no objections were raised. Their comments on that application raised no objections and stated that:

- Spinnaker View is a private road not maintained at public expense, therefore the comments on this road are advice only;
- Comments relating to capacity/accessibility would be as advised in comments on P/58/19/PL;
- The access would take the form of a 4.8m wide bellmouth. This has been designed in accordance with design speeds from Manual for Streets of 20 mph with visibility splays provided at 25m from the point of access which is appropriate;
- There is sufficient visibility in both directions at the junction of Spinnaker View/Pagham Road and there have been no recorded Road Traffic Collisions in the vicinity of the existing junction;
- A 2m pedestrian link has been included to connect Spinnaker View with the site; and
- No concerns with the replacement visitor parking spaces.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Part within/part outside the Built Up Area Boundary;
 Close to a Grade II Listed Building (The Inglenook Hotel);
 Pagham Harbour Zone B;
 Within 2km Buffer of Pagham Harbour SSSI;
 Within 2km Buffer of Bognor Reef SSSI;
 Area of Special Control of Adverts;
 Current/Future Flood Zone 1; and
 TPO/P/2/15.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

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

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, 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.

Where applicable, Neighbourhood Development Plan's, once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. There is no current Pagham Neighbourhood Plan to consider as the emerging Plan was withdrawn in September 2020.

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 conflict with policies relating to countryside development and biodiversity but also complies with policies relating to highway safety, amenity, trees and heritage.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, 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."

The proposal complies with this in that it preserves the setting of the nearby Listed Buildings due to the existing planting and other development in the intervening space. This proposal will also contribute to a reduction in vehicle movements alongside the listed Inglenook Hotel which is positive.

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,
- (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 other material considerations to be weighed in the balance with the Development Plan and these are discussed in the Conclusions below.

CONCLUSIONS

PRINCIPLE:

The site is predominantly located in the Built Up Area Boundary (BUAB) but a few small parts of the red

edge are in land associated with the Inglenook which is designated countryside. Although there is some very minor conflict with Arun Local Plan (ALP) policy C SP1, there is no associated harm to the character or appearance of the countryside as the works are between two residential developments and so entirely in character with the surroundings.

The new access to Spinnaker View will determine whether changes to P/159/21/PL can physically go ahead or not (although they can still be determined regardless). Should P/159/21/PL and P/165/21/PL be granted then the developer would have a choice of permissions to implement on the Inglenook site (P/58/19/PL or P/159/21/PL) and both remain valid unless and until the implementation of one makes the implementation of the other physically impossible. Should the developer not be able to get legal permission for the access into Spinnaker View they may still be able to revert back to the original permission and thus use the approved access alongside the Inglenook.

HERITAGE ASSETS

There are Listed Buildings to the east including the Grade II Listed Inglenook Hotel as well as other Listed Buildings located close to the Inglenook (Mill Cottage; a group of Four Barns at Mill Farm and 247 Pagham Road).

ALP policy HER SP1 states development likely to prejudice heritage assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. The NPPF provides guidance on how to determine impacts on heritage assets.

Para 194 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 195 then requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that is affected by a proposal. The Local Planning Authority must consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm'. It is necessary to counterbalance any harm with the level of public benefits associated with the proposal (as set out in para 202).

The submission does not consider heritage impacts however, this was fully considered on P/58/19/PL and a heritage statement was submitted at that time which was accepted by the Conservation Officer who did not consider there to be any harm.

The Conservation Officer has not responded to this consultation but did comment on P/159/21/PL and stated the proposal would not result in any harm to the significance or setting of the nearby heritage assets. The Conservation Officer was aware of the proposed alternative access when considering P/159/21/PL as it was stated the reduction in use of the access alongside the Inglenook may have a positive impact. There is no harm and it is not necessary to assess the benefits per para 202.

The proposal is in accordance with ALP policies HER SP1 and HER DM1 in that there is no harm to the setting of the nearby Listed Buildings. The proposal complies with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

HIGHWAY SAFETY:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking.

Para 110 of the NPPF states: "In assessing .. specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 111 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 effect of the application will be to enable the Inglenook scheme to be accessed from Spinnaker View and thus allow the changes proposed by P/159/21/PL to take place. The existing Inglenook access would then be retained in its current state for emergency use only.

WSCC Highways raise no objections. They consider the Spinnaker View/Pagham Road junction is suitable for the additional movements associated with the Inglenook scheme. They advised on P/58/19/PL that an additional 43 two-way vehicular movements would be anticipated per day and this would be expected to generate 4-5 movements in the a.m. peak of 8-9am and 4-5 movements in the p.m. peak of 5-6pm. They raise no concerns with the Inglenook/Spinnaker View junction design.

A resident raised concern that the effect of this proposal would be to remove the footway on the northern side of Spinnaker View and force residents to walk in the road. The proposal will result in the loss of approximately 50m of this footway and it is noted there is no footway on the opposite side of the road. The loss is not significant and there is mown grass on the opposite side where persons could walk safely. As an alternative, residents could walk into the Inglenook site, use the shared surface and exit back onto pavement within Spinnaker View. Traffic speeds are very low on the Spinnaker View estate and there is plenty of pedestrian visibility so this will not generate any harm to the safety of pedestrians.

The parking bays will in part be located opposite the turning head in Spinnaker View but they do not intrude on the carriageway and there is no loss of the approved turning provision. The 3 bay visitor parking spaces (where the access will go) may alternatively currently be used for turning but they were approved as visitor spaces and it was noted on a site visit there was a car parked in this area.

The proposal accords with ALP policy T SP1.

LANDSCAPING, TREES & BIODIVERSITY:

The proposal results in the loss of parts of a narrow strip of landscaping along the northern edge of Spinnaker View. This has a width varying between 1.3m at the west end and around 5m at the east end. As will be seen from the officer presentation, this area has is part grassed/part planted with shrubs/trees which are 1.8m high (shrubs) or 5m high (small trees). The proposal introduces new hardstanding in the RPA of a TPO Poplar tree on the south side of Spinnaker View.

ALP policy D DM1 states all new developments will be expected to incorporate existing and new tree planting as an integral part of development proposals. Policy ENV DM4 requires TPO protected trees or trees that contribute to local amenity are not damaged or felled unless the development meets certain criteria including that the benefits outweigh the loss. ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect existing habitats on site. The Arun Design Guide encourages the provision of street trees in development layouts.

The loss of parts of the landscaped area is unfortunate and will result in some localised harm to the environment and the amenities of residents but it clear that this is required in order to facilitate access to the site and so the benefits do outweigh the loss. There is conflict with policy ENV DM5 in that the proposal harms biodiversity and does not make any alternative provision. A landscaping condition could not be imposed to require new planting on a 2:1 ratio as there is no available space in the application site area for replacement planting. However, the loss to biodiversity is very minor.

In respect of the impact on the TPO Poplar tree, the Spinnaker View access road and turning head is within the RPA and this was acceptable due to it being constructed using a no-dig methodology. It would seem appropriate that this same approach can be taken here. The Tree Officer has been consulted and the response will be reported to the Committee by a report update. Should this result in new conditions then the recommendation will be amended at that time.

Subject to there being no concerns with the impact on the TPO tree, then the proposal is in accordance with ALP policies D DM1, ENV DM4 and ENV DM5.

SUMMARY:

Notwithstanding the concerns of the local residents and the conflict with countryside and biodiversity policies, any resulting harm will be very minor and it would not be sustainable to refuse on this basis. There are no concerns with highway safety, amenity or heritage impact. Therefore, it is recommended that this application be approved with 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 type of development is not liable for CIL.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from the

date of this permission.

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

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

- Location Plan 2020-6289-LO01 Rev C;
- Site Layout 2020-6289-000 Rev E*;
- Block Plan 2020-6289-BL01 Rev C*; and
- Access Overview and Visibility Splays 2020-6289-002 Rev E.

* Only insofar as they relate to the vehicular access, pedestrian access & new visitor parking spaces.

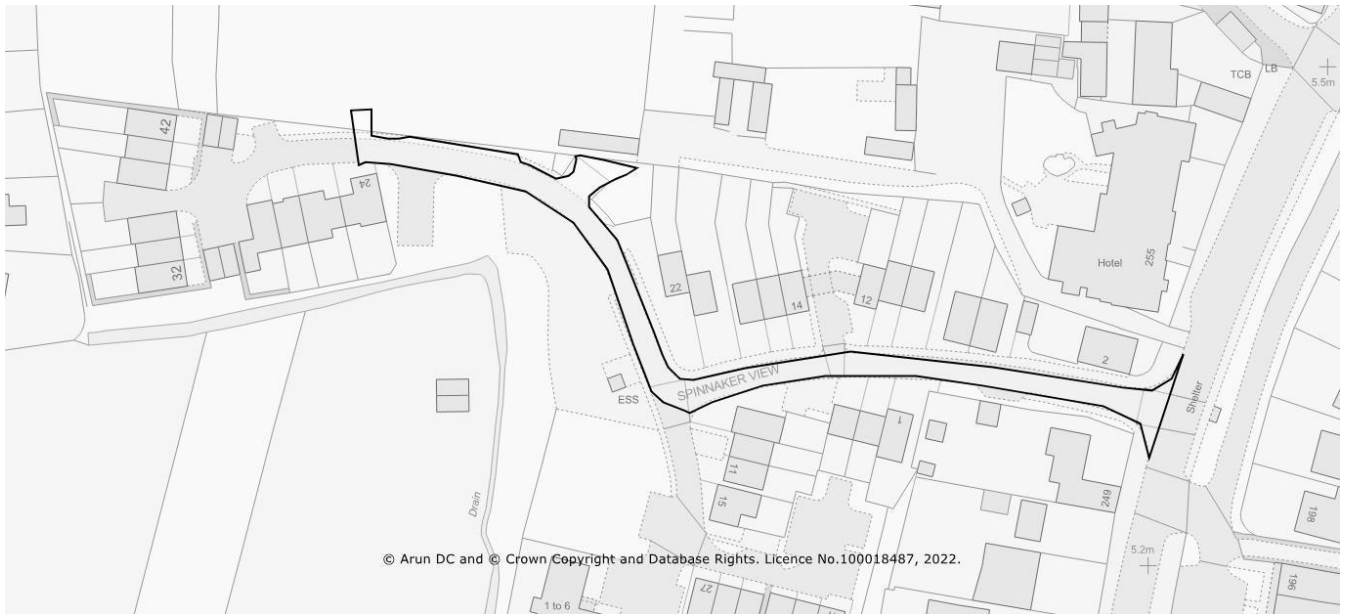
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, QE SP1 and T SP1 of the Arun Local Plan.

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

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/165/21/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/159/21/PL

LOCATION: 253-255 Inglenook Hotel
Pagham Road
Pagham
PO21 3QB

PROPOSAL: Variation and removal of conditions imposed under P/58/19/PL for the variation of condition 2-plans condition & 16-external lighting of roads & footpaths & removal of conditions 11-footpath access through Hotel site & 13-signage of vehicular access previously proposed.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The purpose of this application is to agree revisions to the previously approved scheme to:

(1) access the site from Spinnaker View to the south. This consists of a new vehicular access, separate pedestrian access and minor alterations to the road layout. The physical accesses to Spinnaker View will be determined by P/165/21/PL. The access via the Inglenook would remain in its existing state but for emergency use only (i.e. should the Spinnaker access be blocked) and secured by removable bollards. This change renders previous conditions 11 & 13 redundant and requires changes to previous conditions 2 & 16;

(2) make minor amendments to the scale, appearance and internal layout of plots 5/6 & 8/9 to add accommodation (new bedroom and en-suite bathroom) on a new second floor in the roof space. This entails raising the ridge line by 0.55m and adding a rear dormer, front window, flank window & rear velux window to each of the dwellings. This requires changes to previous condition 2;

(3) make minor amendments to plot 7 to revise the internal layout. This requires changes to previous condition 2; and

(4) amend the layout to show an extra parking space each for plots 5/6 & 8/9 to cater for the additional parking demand created by the new bedrooms. This requires changes to previous condition 2.

There are no changes to plots 1-4 on the east side of the development.

SITE AREA 0.4 Hectares.

RESIDENTIAL DEVELOPMENT 22.5 dwellings per hectare.
DENSITY

TOPOGRAPHY Site levels were approved by the discharge of condition 9 on P/84/21/DOC and show all road and parking areas as being 6.05/6.10m AOD with finished floor levels at 6.15m AOD but garden levels lower. There is to be a short length of retaining wall behind plot 7's garage on the northern boundary.

TREES There are no trees on the site but there are notable specimens in the adjoining land to the east which partially overhang the eastern boundary.

BOUNDARY TREATMENT Existing boundaries consist of approx. 1m high post and rail fence to the east & north boundaries, 1.8m high close boarded fencing to the south boundary and a mix of low fencing and hedging to the west boundary. New boundary treatments are subject to condition and have not yet been approved.

SITE CHARACTERISTICS Current building site associated with the implementation of P/58/19/PL which has commenced.

CHARACTER OF LOCALITY The site is bordered by dwellings to the south (Spinnaker View approved by P/125/14/PL), residential mobile homes forming part of Mill Farm to the north, a further area of grassed land forming part of Mill Farm to the west and land forming part of the Inglenook to the east (on which there are mobile homes used for staff accommodation).

The mobile homes to the north are single storey with ground floor rear principal windows, some have conservatories to the rear. In Spinnaker View there is a roadway and part amenity landscaping with houses beyond. Spinnaker View houses that would be affected are two storeys but there are three houses in that development that have additional accommodation in their roofs.

RELEVANT SITE HISTORY

P/165/21/PL New vehicular access entrance, relocated parking bays, and pedestrian access associated with the redevelopment of the rear of Inglenook Hotel as 9 No. dwellings. This application is in CIL Zone 4 (zero rated) as other development. This application may affect the setting of a Grade II Listed Building.

P/171/21/DOC Approval of details reserved by condition imposed under ref W/4001476 (P/58/19/PL) relating to Condition Nos 10 - proposed location of one fire hydrant or stored water supply, 12 - soft & hard landscaping, 14 - materials & finishes and 15 - boundary treatments.

P/119/21/DOC	Approval of details reserved by condition imposed under ref W/4001476 (P/58/19/PL) relating to Condition Nos 5 - Construction & Environmental Management Plan, 6 - surface water drainage, 7 - maintenance & management of surface water drainage and 14 - materials, finishes & detailing for external walls and roofs.	DOC Part Approved 15-10-21
P/84/21/DOC	Approval of details reserved by condition imposed under ref W/4001476 (P/58/19/PL) relating to Condition Nos 5 - Construction & Environmental Management Plan, 6 - surface water drainage, 7 - maintenance & management of surface water drainage, 8 - badger survey and 9 level survey.	DOC Part Approved 22-07-21
P/58/19/PL	Erection of 9 No. dwellings with associated access, parking, cycle & refuse storage & landscape design. This application is a Departure from the Development Plan & may affect the setting of a listed building.	Refused 05-03-20 Appeal: Allowed+Conditions 18-12-20
P/53/19/L	Listed building consent for the demolition of modern side extension & 2.25m of boundary wall.	ApproveConditionally 12-03-20
P/125/14/PL	Demolition of existing dwelling & ancillary buildings & erection of 40 no. dwellings with associated access, car parking, cycle & refuse storage, hard & soft landscaping & amenity space. This application is a Departure from the development plan	App Cond with S106 30-06-16

P/165/21/PL is the separate application for the vehicular and pedestrian accesses into Spinnaker View and covers the replacement visitor parking in Spinnaker View. P/171/21/DOC is a current application to discharge conditions relating to P/58/19/PL. This may need to be withdrawn & resubmitted should P/165/21/PL be granted as the condition numbers will be different (or the applicant could have these granted against P/58/19/PL and then reapply against P/165/21/PL). P/119/21/DOC and P/84/21/DOC have agreed the discharge of certain conditions related to P/58/19/PL.

P/58/19/PL was allowed on appeal in December 2020 and included access from Pagham Road alongside the south side of the Inglenook Hotel. The permission has been lawfully commenced although some conditions are in breach due to development being above damp proof course level. Some plots have been built in accordance with the proposals set out in this application (in respect of extra height and accommodation in the roof of plots 8/9) and currently conflict with the approved scheme.

On P/58/19/PL, Pagham Parish Council expressed a desire for the access to be from Spinnaker View. This was raised with the applicant at the time who advised this was not possible due to two ransom strips

which would decrease profitability of the site by two thirds. This was reported in the Committee report from 06/11/19 as a response to the Parish Council comments.

The desire to create access into Spinnaker View came up during Committee debates on P/58/19/PL and is a matter of public record via the online video recordings of the meetings on 06/11/19 & 04/03/20 and the printed minutes of the 04/03/20 meeting.

P/53/19/L relates to demolition & alteration works to the hotel which are required to upgrade the access to serve the dwellings. This has been part implemented (removal of boundary wall and outer wall of the modern side extension). P/125/14/PL relates to the Spinnaker View dwellings to the south.

REPRESENTATIONS

Pagham Parish Council support the application in respect of access through Spinnaker View as it is preferable in safety terms than the approved access alongside the hotel. They object to new accommodation in roofs of units 5, 6, 8 & 9 as the design is not in keeping with the surrounding developments and will result in overlooking of Mill Farm. Extra bedrooms create additional parking demand.

As at 10/01/22, thirty-three letters of objection raising the following concerns:

- Building changes result in harm to character;
- Harm to Mill Farm/Spinnaker View residents due to overlooking/loss of light from enlarged buildings;
- Highway safety concerns due to intensification of Pagham Road/Spinnaker View junction;
- The turning circle for a fire tender is not big enough as it overhangs plot 6's parking space;
- Insufficient parking provision particularly visitor parking;
- Need restriction on garages to prevent conversion as construction suggests suitable as living accommodation;
- Loss of three parking spaces in Spinnaker View;
- Loss of turning area within Spinnaker View;
- The approved Inglenook access is perfectly fine as it was agreed by the Inspector;
- No capacity in Spinnaker View bin store for bins from the development;
- Refuse vehicles will block Spinnaker View for a longer period to collect refuse from the site;
- Harm to mental health as Spinnaker View will no longer be private;
- Harm to mental health due to being sandwiched between two active building sites;
- Loss of green spaces in Spinnaker View to make way for replacement parking;
- No benefits to Spinnaker View;
- Enforcement action should be taken against the new houses not being built to the approved plans;
- The whole development is driven by greed and the residents are being punished;
- The appeal decision was flawed and the site visit was carried out in lock down;
- Spinnaker View residents are the legal owners and will not give permission for access or removal of the fencing;
- Arun should be investigated for saying that they have no interest in whether the developers have permission to access into Spinnaker View;
- Spinnaker View residents would have to foot the bill for increased maintenance costs arising from the increased use of the private road;
- P/58/19/PL has not been implemented correctly as hotel side extension was not completely removed;
- Crayfern Homes did not previously disclose the potential of an access from this site; and
- The objection of the previous site owner/applicant to having access adjacent to the Inglenook should be discounted.

COMMENTS ON REPRESENTATIONS RECEIVED:

Matters relating to parking provision, character/design, residential amenity and highway safety are discussed in the report conclusions. The following comments are provided in respect of other issues:

- There is a condition to restrict conversion of garages. This is numbered 13 on the recommendation;
- The new access into Spinnaker View and the arrangements in respect of Spinnaker View's parking are subject of application P/165/21/PL. There is no loss of parking as it is proposed to create three replacement spaces in Spinnaker View. There is no loss of a turning facility as according to plans approved by P/125/14/PL, the location of the new access is shown as being a visitor parking area (3 spaces). It may be used sometimes for turning (on a site visit there was a car parked in it) but it is not required to allow vehicles to turn on site. There is a formal turning head a short distance to the west which is not affected;
- Planning applications are considered on their own merits and although the planning history is a material consideration this does not mean that a different proposal cannot now be considered;
- It is not proposed for Inglenook residents to use the Spinnaker View bin store, their own bin storage arrangements are the subject of condition 17 in the recommendation;
- The additional wait due to refuse servicing from Spinnaker View would not be significant;
- Whilst health & wellbeing are material planning considerations, it is not considered additional movements associated with the Inglenook development will have a noticeable impact on the environment of Spinnaker View;
- The loss of green spaces in Spinnaker View to make way for the replacement visitor parking will be assessed by application P/165/21/PL;
- The current situation of Spinnaker View being between two active building sites is unfortunate but is a temporary arrangement and is not a result of the current application;
- It is not necessary to demonstrate benefits to Spinnaker View for this application to be accepted;
- The planning system allows any person/organisation to seek planning permission retrospectively. If they undertake works without permission they do so at their own risk in the full knowledge that if planning permission is refused (and any subsequent appeal dismissed) they may need to modify what they have erected.
- It is not possible to reconsider the merits of the previous appeal decision;
- There was no condition imposed requiring the removal of the hotel side extension prior to works taking place. There would be a breach of planning if the development was completed (and the houses occupied) in accordance with P/58/19/PL and the extension had not been fully removed as then the development would not be in accordance with the approved plans. If this application is granted this would no longer be a requirement;
- The Inglenook site owner has not commented on this application and as already stated there is nothing to prevent a different proposal from being considered; and
- It is not possible to consider the motives of applicants, the actions or non-actions of the Spinnaker View developer, land ownership or associated land maintenances costs as these are not material planning considerations in planning law.

It is not necessary to own land to make a planning application provided notice is served on the landowner (in the case of P/159/21/PL, this was not necessary as all land subject to the application is in the applicants control). A planning permission cannot be implemented without the approval of the landowner (which is relevant in respect of application P/165/21/PL).

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - raise no objection and recommend no new conditions. Comment that:

- Spinnaker View is a private road not maintained at public expense, the comments on this road are advice only;
- Comments relating to capacity/accessibility are as advised within the comments on P/58/19/PL;
- The access would take the form of a 4.8m wide bellmouth. This has been designed in accordance with design speeds from Manual for Streets of 20 mph with visibility splays provided at 25m from the point of access which is appropriate;
- There is sufficient visibility available in both directions at the junction of Spinnaker View and Pagham Road and there have been no recorded Road Traffic Collisions within the vicinity of the existing junction;
- The proposal demonstrates turning on site for a refuse collection vehicle and fire tender;
- A 2m pedestrian link has been included to connect Spinnaker View with the application site; and
- No concerns with principle of extra parking or replacement visitor parking spaces but requested a further plan to demonstrate the fire tender turning does not interfere with parking spaces outside plot 6.

ADC ENVIRONMENTAL HEALTH - do not wish to make any comments.

ADC CONSERVATION OFFICER - the proposal will not result in any harm to the nearby Listed Buildings (The Inglenook Hotel, Mill Cottage, 4 Barns at Mill Farm & 247 Pagham Road). It should be determined in accordance with relevant policies in the Development Plan and in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). Comment as follows:

- The Inglenook Hotel is Grade II Listed Building. Further development has taken place to the rear so that the oldest part is somewhat surrounded by modern built fabric but the age of the core part of the building, along with its use means it is considered to be of historic and communal significance;
- The other listed buildings are associated with Pagham Road, are illustrative of the development of the village and are of historical (fortuitous) significance;
- Pleasant mature trees & vegetation which are incorporated in a private garden area make a positive contribution to the general character of the land in the curtilage of the listed building and help to screen the listed building from the application;
- The other listed buildings are located so as to not be directly impacted upon as a result of the proposal with other development in between;
- The alternate access route for the site will mean that traffic is no longer brought close to the listed building, or its 'pub garden' area which is positive; and
- The scale of the alterations, along with their location will mean that they will not impact upon the setting of the listed buildings.

COMMENTS ON CONSULTATION RESPONSES:

WSCC HIGHWAYS - members will be advised by report update of the resolution of the conflict between parking and the fire tender turning.

Otherwise all comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Close to a Grade II Listed Building (The Inglenook Hotel);
Pagham Harbour Zone B;
Within 2km Buffer of Pagham Harbour SSSI;

Within 2km Buffer of Bognor Reef SSSI;
Area of Special Control of Adverts;
Current/Future Flood Zone 1; and
TPO/P/2/15 (Within the site to the south).

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
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and 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
SPD13	Arun District Design Guide (SPD) January 2021
PDS	Pagham Parish Council's Village Design Statement by PaghamPC

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.

Where applicable, Neighbourhood Development Plan's, once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. There is no Pagham Neighbourhood Plan to consider as the emerging Plan was withdrawn in September 2020.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that the changes would not result in any significant harm to the character of the area, to the amenities of residents, to the safety of the highway or to the nearby heritage assets.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, 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."

The proposal complies with this in that it preserves the setting of the nearby Listed Buildings due to the existing planting and other development in the intervening space. This proposal will also reduce vehicle movements alongside the listed Inglenook Hotel which is positive.

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,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The site benefits from an extant permission which has been lawfully commenced. This application seeks to make alterations to the scale, appearance and internal layout of plots 5, 6, 7, 8 & 9 (plots 1-4 unchanged) and to take vehicular & pedestrian access from Spinnaker View to the south, leaving the existing access as an emergency route only. The latter change enables the deletion of two conditions and the variation of a third (insofar as they related to the approved access) with the whole of the proposal necessitating an amendment to the approved plans condition.

Due to the nature of the changes proposed, it is only necessary to assess the impact on the character & appearance of the site/local area, on the existing nearby Listed Buildings, on the amenity of nearby residents, on the amenities of future residents and in respect of highway safety.

The new access from Spinnaker View is dependant on the separate approval of P/165/21/PL (and the agreement of the owners of Spinnaker View but this is separate to planning).

Should P/159/21/PL be granted the developer would have a choice of permissions to implement and both would remain valid unless and until the implementation of one makes the implementation of the other physically impossible. Should the developer not be able to get planning or legal permission for the access into Spinnaker View then they may still be able to revert back to the original permission and thus use the approved access alongside the Inglenook.

This report will determine whether the changes now sought cause additional harm compared to the approved scheme, and if harm is considered to arise, is it sufficient to warrant refusal.

HERITAGE ASSETS:

There are Listed Buildings to the east including the Grade II Listed Inglenook Hotel as well as those close to the Inglenook (Mill Cottage; a group of Four Barns at Mill Farm and 247 Pagham Road).

ALP policy HER SP1 states development likely to prejudice heritage assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. The NPPF provides guidance on how to determine impacts on heritage assets.

Para 194 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 195 requires Local Planning Authorities to identify and assess the particular significance of the heritage asset affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance any harm with the level of public benefits associated with the proposal (as set out in para 202).

The submission does not consider heritage impacts however, this was fully considered on P/58/19/PL and a heritage statement was submitted at that time which was accepted by the Conservation Officer who did not consider there to be any harm.

The Conservation Officer assessed this proposal and states the proposal will not result in any harm to the significance or setting of the nearby heritage assets. It is not necessary to assess the application benefits per para 202. The Conservation Officer notes the reduction in use of the access alongside the Inglenook may have a positive impact.

The proposal accords with ALP policies HER SP1 and HER DM1 in that there is no harm to the setting of the nearby Listed Buildings. The proposal also complies with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

ACCESS & PARKING:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. The Council has a Parking Standards SPD.

Para 110 of the NPPF states: "In assessing .. specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 111 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 effect of the application will be to abandon the agreed access improvements to the access alongside the Inglenook Hotel and take access from Spinnaker View. The existing access would be retained in its current state for emergency use only (and will be secured by removable bollards). The actual access through to Spinnaker View will be determined by application P/165/21/PL and so the success of this variation application is dependant on that (and on agreement from the Spinnaker View land owners

although this is not a material planning consideration).

WSCC Highways raise no objections. They consider the Spinnaker View/Pagham Road junction is suitable for the additional movements associated with the Inglenook scheme. WSCC Highways advised on P/58/19/PL that an additional 43 two-way vehicular movements would be anticipated per day and this would be expected to generate 4-5 movements in the a.m. peak of 8-9am and 4-5 movements in the p.m. peak of 5-6pm. Subject to the resolution of the parking space/fire tender turning conflict, it is clear that the advice of WSCC Highways does not state there would be an unacceptable impact on highway safety or a severe impact on the road network.

The parking requirement for the scheme as per the Arun Parking Standards SPD is 27 spaces (including 2 visitor spaces). Initially the layout showed 19 spaces (including 2 visitor) and 5 garages but the garages are less than the required 6m x 3m size so cannot be considered to provide any spaces resulting in a shortfall of 8 spaces.

It is acknowledged the whole development has been approved by P/58/19/PL and so it is not appropriate to reassess the whole scheme. The previous decision was made before adoption of the Arun Parking Standards SPD. The applicant was requested to amend the layout to provide 4 more allocated parking spaces to cater for additional demand generated by extra bedrooms to plots 5/6/8 and 9. The applicant agreed and provided a revised plan. On this basis, there is no objection on parking grounds. Whilst the garages are undersized when measured against the standards, they were approved by P/58/19/PL, they are still large enough to accommodate a car and so provide space for parking of additional cars.

The proposal accords with ALP policy T SP1 and the Arun Parking Standards SPD.

DESIGN CONSIDERATIONS:

ALP policies D SP1 and D DM1 require development to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. The National Design Guide (NDG) has weight as a material consideration in the determination of this application. This states achieving a well-designed place comes about through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials and their detailing.

The Arun Design Guide is a material consideration and Section J refers to new building design and states new development must ensure the existing character and sense of place of an area is respected and enhanced. This can allow for new design forms but only where these take cues from well-designed elements of the existing area. New development should also generally reflect the scale of existing buildings and should avoid overshadowing of neighbouring properties.

The amendments to the buildings concern their scale (0.55m increase in height of plots 5/6 & 8/9), appearance and internal layout. There are no changes to plots 1-4 and no changes to the footprint of any of the dwellings. The height increase is not significant in itself and will not cause additional demonstrable harm to the character of the area.

Houses with new roof accommodation (facilitated by dormers/other windows) all face Mill Farm which is single storey in character. This does not automatically mean that this roof development is out of character as the houses are already much higher than the residential mobile homes on Mill Farm.

There are three houses in Spinnaker View to the south which have roof accommodation with front dormers/rear velux windows, two of which are closer to Mill Farm than any of the 4 dwellings in this proposal. There are other instances of roof development/dormers in the surrounding areas of Pagham.

In allowing the appeal the Inspector did not consider a permitted development rights restriction on extensions/alterations to the roofs of plots 1 to 7 (closest to Mill Farm) to be necessary to protect Mill Farm residents. It was stated that:

"The Council has recommended a condition restricting permitted development rights for alterations to the roof of the proposed new dwellings. However, Planning Practice Guidance notes that these conditions should only be used in exceptional circumstances. The circumstances of this case (dwellings, separated by reasonably sized gardens from the nearest residential properties) do not amount to exceptional circumstances".

Roof dormers could be added to other houses on the development (such as plots 1-4 & 7) through permitted development rights and the Local Authority would not be able to prevent this (subject to compliance with the conditions & limitations of the permitted development rights).

There are no concerns with the changes to plot 7 as these are very minor and do not result in any harm to character.

The Pagham Village Design Statement is 14 years old but remains a material consideration in the determination of applications. The site falls in the "Pagham Road" area and this sets out the following development criteria relevant to this site/proposal: (1) Highest quality layout and design; (2) Exclude development in existing Open Spaces; (4) Preserve character of area; (5) Front boundaries should contribute to overall street scene; (6) Traditional materials where appropriate; (9) Maintain existing pattern e.g. setback, density. The proposal does not conflict with the guidance and overall, there is no conflict with development plan policies or the Design Guide in respect of design and character.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. 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's Design Guide sets out guidance on interface distances between houses which is relevant to this application only in respect of the new roof level windows to plots 5/6 & 8/9.

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings.
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property.
- Front to Front: min. 16m between habitable rooms of properties facing each other.
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.
- There are no standards for either side to side or front to back.
- The Design Guide does not make any special provisions for distances from roof level windows.

The distance from the edge of the new rear dormer on plots 5/6 to 17/19 Mill Farm is 26m whilst the distance from the new front roof level window to the nearest dwelling on Spinnaker View is 24m. The distance from the edge of the new rear dormer on plots 8/9 to the nearest Mill Farm mobile home is 47m and the new front windows face east across the Inglenook site (there is no difference in the approved distance to the other proposed dwellings on the site). No flank windows are proposed which face towards dwellings outside of the site.

All interface distances are well within tolerances of the Design Guide. Although the Design Guide is guidance not policy, it would be difficult to sustain an objection on grounds of overlooking. The appeal Inspector found no harm to the residential amenities of Mill Farm residents and did not consider it necessary to prevent rear dormers from being added later through permitted development rights.

Although these dwellings are to the south and east of Mill Farm, the additional 0.55m of height increase to plots 5/6 & 8/9 is not significant and will not result in demonstrable harmful loss of light to the mobile homes. A refusal on these grounds would also not be sustainable.

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 proposal was found to be appropriate versus the space standards with all dwellings having greater floor areas than required. The effect of this amendment will be to further increase the amount of floor space for four of the plots and so is positive in this respect. The alterations do not generate the need for any enlargement of residential gardens and these were previously considered to be acceptable.

CONDITIONS:

The original permission has been implemented and some of the previous conditions have been discharged and are either no longer relevant or relevant only insofar as they relate to details approved by them. The applicant proposes deletion of two of the previous conditions and changes to two more. It has been necessary to delete conditions 8, 11 & 13 and amend previous conditions 2, 5, 6, 7, 9 & 16. Due to the deletions, the amended conditions are numbered 1, 4, 5, 6, 7 & 12. No new conditions are proposed.

SUMMARY:

Notwithstanding the concerns of the local residents, the scheme as amended by will not result in any demonstrable harm to local character, highway safety or residential amenity. It will not result in any harm to nearby heritage assets. It is recommended that this section 73 planning application be granted subject to the following updated conditions and the signed Deed of Variation (DoV).

Should the DoV not be completed by the date of the Committee then it is requested that the final decision be delegated to the Group Head of Planning with authority to make minor amendments to the 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.

SECTION 106 DETAILS

This decision is made in accordance with a Deed of Variation to the previously approved section 106 legal agreement as agreed on P/59/21/PL which related to a contribution of £7,839 towards the provision of accessible natural open green spaces to serve the Pagham area. The Deed of Variation allows the original s106 to also apply to this new permission.

CIL DETAILS

Due to the additional second floor accommodation in plots 5, 6, 8 & 9, this s73 application is liable for additional CIL beyond that already sought in connection with P/58/19/PL.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

- Location Plan 01 Rev A;
- Site Overview 001 Rev E;
- Refuse Vehicle Swept Path Analysis & Bin Collection Distances 003 Rev B;
- Fire Tender Swept Path Analysis & Building Regulations Requirements 004 Rev A;
- Car Parking Swept Path Analysis 005 Rev B;
- Car Parking Swept Path Analysis 2 006;
- House Plans (units 1-4) 1594-07;
- Plots 5 & 6 (3 Storey Option) Ground Floor Plan 61 Rev A;
- Plots 5 & 6 (3 Storey Option) First Floor Plan 62 Rev A;
- Plots 5 & 6 (3 Storey Option) Second Floor Plan 63 Rev A;
- Plots 5 & 6 (3 Storey Option) Roof Plan 64 Rev A;
- Plots 5 & 6 (3 Storey Option) Front and Side Elevations 65 Rev A;
- Plots 5 & 6 (3 Storey Option) Rear and Side Elevations 66 Rev A;
- Bungalow Plot 7 Elevations and Floorplan 14 Rev B;
- Plots 8 & 9 (3 Storey Option) Ground Floor Plan 81 Rev A;
- Plots 8 & 9 (3 Storey Option) First Floor Plan 82 Rev A;
- Plots 8 & 9 (3 Storey Option) Second Floor Plan 83 Rev A;
- Plots 8 & 9 (3 Storey Option) Roof Plan 84 Rev A;
- Plots 8 & 9 (3 Storey Option) Front and Side Elevations 85 Rev A; and
- Plots 8 & 9 (3 Storey Option) Rear and Side Elevations 86 Rev A.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in

accordance with policies QE SP1, D DM1 and T SP1 of the Arun Local Plan

- 2 All activity at the site is to be carried out in strict accordance with the submitted Arboricultural Report by Beechdown Arboriculture Ltd (ref: B/0189/18) as approved by P/58/19/PL.

Reason: 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.

- 3 All activity at the site is to be carried out in strict accordance with the mitigation and enhancement measures as set out within section 6.0 of the "Preliminary Ecological Appraisal and Bat Building Assessment" by Arbeco Ltd dated 09/04/18; and section 6.0 of the Reptile Survey Report by Arbeco Ltd dated 22/05/18 (all approved by P/58/19/PL). The mitigation and enhancement measures shall be implemented as per the documents and permanently retained and maintained thereafter.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 4 The development shall proceed in full accordance with the Construction & Environmental Management Plan as approved on 15/10/21 through application ref P/119/21/DOC. This plan shall be in force throughout the construction process.

Reason: In the interests of the amenity of the occupiers of any nearby noise sensitive premises, the general amenities of the area and in the interests of highway safety in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the NPPF.

- 5 The development shall proceed in full accordance with the surface water drainage scheme as approved on 15/10/21 through application ref P/119/21/DOC. The drainage scheme shall be implemented in accordance with the approved scheme and permanently retained 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.

- 6 The development shall be occupied in full accordance with the "SuDS Drainage Maintenance Schedule" as approved on 15/10/21 through application ref P/119/21/DOC. 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.

- 7 The site ground levels and the finished floor levels of buildings that are the subject of this approval shall be in accordance with the plans and details approved by application P/84/21/DOC on 20/07/21

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

- 8 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, details showing the proposed location of one fire hydrant or stored water supply. No part of the development shall be occupied unless and until the approved details are installed and connected to a water supply which is appropriate in terms of both pressure and volume for the purposes of fire fighting. Thereafter, the fire hydrant or stored water supply shall be permanently retained and

maintained in accordance with the approved details.

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

- 9 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a soft and hard landscape design scheme including details of all hard and soft landscape design elements (including hard surfacing to any new/upgraded roadways/footpaths or accesses). The approved planting 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. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of development, shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of amenity, the environment of the development and pedestrian safety/convenience in accordance with policies D DM1, T SP1 & T DM1 of the Arun Local Plan.

- 10 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a schedule of materials, finishes and detailing to be used for external walls and roofs of the proposed buildings. No part of the development shall be occupied unless and until the development has been implemented in accordance with the details hereby approved. Thereafter, these details shall be permanently retained.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and the setting of the nearby listed buildings by endeavouring to achieve buildings of visual quality in accordance with policies HER SP1, HER DM1, D DM1 and D SP1 of the Arun Local Plan.

- 11 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, details of all new and improved boundary treatments. No part of the development shall be occupied unless and until the development has been implemented in accordance with the boundary treatments hereby approved. Thereafter, these boundary treatments shall be permanently retained.

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

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

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 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with the approved site plan. The parking spaces and garages shall thereafter be retained at all times for this purpose.

Reason: To provide adequate on-site car parking for the development in accordance with policies D DM1 and T SP1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 14 No part of the development shall be first occupied until details of covered and secure cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. The covered and secure cycle parking spaces approved shall be installed prior to the first occupation of any dwelling and thereafter shall be permanently retained.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with policies T SP1 & T DM1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 15 No part of the development shall be first occupied until the roads, footways, and visitor parking areas serving the development have been constructed, surfaced, and drained in accordance with the approved plans and details. The roads, footways, and visitor parking areas serving the development shall thereafter be retained at all times for this purpose.

Reason: To secure satisfactory standards of access for the proposed development in accordance with policies D DM1 and T SP1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 16 No part of the development shall be first occupied until a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings have been submitted to and approved in writing by the Local Planning Authority. The facilities to enable the charging of electric vehicles shall be installed prior to the first occupation of any dwelling and thereafter shall be permanently retained and maintained in accordance with the approved details.

Reason: New petrol and diesel 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 District Council Electric Vehicle Infrastructure Study (November 2017) and the NPPF.

- 17 No part of the development shall be first occupied until detailed drawings of dustbin enclosures showing siting and design have been submitted to and approved in writing by the Local Planning Authority. The approved bin storage enclosures or spaces shall be installed prior to the first occupation of any dwelling and permanently retained in accordance with the approved details.

Reason: To ensure sufficient refuse facilities and to safeguard the appearance of the development & the amenities of the area in accordance with policies D DM1 and WM DM1 of the Arun Local Plan.

- 18 No part of the development shall be first occupied until a scheme to demonstrate that the new houses will incorporate decentralised, renewable and low carbon energy supply systems has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to the first occupation of any dwelling and thereafter shall be permanently retained and maintained in accordance with the approved details.

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

- 19 No construction / demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.
- Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.
- 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 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.
- 21 INFORMATIVE: It is noted that this permission will be granted pursuant to Section 73 of the Town and Country Planning Act 1990 and is Community Infrastructure Levy (CIL) liable. As there is an increase in floorspace (due to the new second floor accommodation) since the original permission, there is a change in the amount of CIL payable. Therefore, a new Liability Notice that supercedes CIL Liability Notice ref 994 will follow.
- 22 INFORMATIVE: This decision is subject to a Deed of Variation to the previously approved section 106 legal agreement agreed on P/59/21/PL which related to a contribution of £7,839 towards the provision of accessible natural open green spaces to serve the Pagham area. The Deed of Variation allows the original s106 to also apply to this new 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.

P/159/21/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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 100018487. 2015

PLANNING APPLICATION REPORT

REF NO: LU/340/21/PL

LOCATION: The Old Printworks
7 Arundel Road
Littlehampton
BN17 7BY

PROPOSAL: Application for works to existing building including; Insertion of new windows and rooflights, infilling of windows, replacement of windows, addition of French doors and Juliette balcony, and replacement of roofs and new coping to flint wall. This application is in CIL Zone 4 and is zero rated as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>As above. The application is partially retrospective as most of the works are understood to have been completed.</p> <p>The pre-existing ground floor windows consisted of a mixture of dark (grey/black) painted steel framed casement windows and multi-paned crittal windows with obscure glazing and restricted outward opening casements and fanlights. At first floor level the windows were clear glazed. The replacement ground floor windows would mainly consist of dark grey powder coated aluminium framed single paned top-hung windows with obscure glazing and restricted outward opening to the outer edge of the window cill. The new ground floor window on the southern elevation is clear glazed. The replacement first floor openings on the northern elevation consist clear glazed window and French doors with Juliette balcony. The replacement gable end window on the eastern elevation is clear glazed. The replacement first floor window and ground floor window on the western elevation is clear glazed.</p> <p>The application also shows the addition of 3 new velux rooflights and 1 lantern rooflight. A new ground floor window is added to the south elevation, a first floor window infilled on the west elevation, and 3 ground floor windows on the north and east elevations infilled or partially infilled.</p> <p>The works also include the removal of the parapet and chimneys and replacement with a new roof to the flat roof parts of the building, and replacement of the concrete lintel with new brick detail and coping to the southern wall.</p> <p>The drawings have been amended during the course of the determination period to clarify the pre-existing, existing and</p>
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proposed framing material, type of glazing and opening mechanism. The new roof light on the northern roof slope is also now labelled as obscure-glazed.

SITE CHARACTERISTICS

The site consists of a part single part two storey old industrial building (The Old Printworks) located at the rear of no.7a Arundel Road (The Georgian House), in Littlehampton. The building was most recently in use as a printing workshop (former B1 use class, now E use class). The building has a dual-pitched tiled roof section and flat roof sections. The building is constructed of part brick, part plain concrete render elevations. The southern boundary wall adjacent to the retail parade car park is a brick and flint wall with concrete lintels. On the north and east elevations the building faces into the private garden courtyard belonging to the neighbouring property, no.7a, The Georgian House.

CHARACTER OF LOCALITY

Town centre location with mixture of residential and commercial uses and different ages and styles of buildings. Just to the east of the site adjacent is no.7a Arundel Road 'The Georgian House', which is a Locally Listed Building and Structure of Character.

RELEVANT SITE HISTORY

LU/86/16/PL	Conversion & first floor extension of vacant printing works to form 2No. 2 bed dwellings	ApproveConditionally 22-07-16
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In 2016, planning permission was granted under ref. LU/86/16/PL for the conversion and extension of the first floor of the former printing works to form 2 x 2 bed dwellings.

This planning permission has now expired (beyond 3 year time limit). The current application shows the provision of 2 workshops and 2 shower rooms at ground floor level and an office and shower room at first floor level. Any change to the layout to include new residential units would require separate planning permission.

REPRESENTATIONS

Littlehampton Town Council -
Objection.

Adverse impact on residential amenity of neighbouring property, due to close proximity, overlooking and loss of privacy and opening of windows into neighbour's premises.

2 other letters of objection were received, summarised as:

- New windows open into the courtyard garden of the neighbouring property no.7a The Georgian House, resulting in trespass. New windows less thick/effective obscure glazing than previous windows and degree they open results in threat to privacy and security of The Georgian House.
- Proposal includes installation of French doors and Juliette balcony and use of the flat roof as a garden terrace, which would look directly down into the courtyard garden and across to the windows including bedroom window of The Georgian House. A solid fence of at least 5ft in height should be installed along

the perimeter of the flat roof.

- New Velux window on northern elevation is directly outside bedroom window to The Georgian House, providing direct views into bedroom and loss of privacy.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. These matters will be addressed in the Conclusion section of the report.

It is also noted that matters of ownership, covenants on land and buildings and trespass are a legal civil matter not a planning matter.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Heritage Officer -

No objection.

The proposed alterations to fenestration and flint wall will have a neutral impact on nearby Locally Listed Building and Structure of Character.

Natural England -

No comments to make.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in Conclusion section of report.

POLICY CONTEXT

Designation applicable to site:

Built-Up Area Boundary (Littlehampton)

Littlehampton Economic Growth Area

Adjacent to a Building of Special Character (The Georgian House)

Within 2km of SSSI

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
QESP1	QE SP1 Quality of the Environment
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
EMPDM1	EMP DM1 Employment Land: Development Management

[Littlehampton Neighbourhood Plan 2014 Policy 17](#) Buildings and Structures of Character

Littlehampton Neighbourhood Plan 2014 Policy 1 The Presumption in Favour of Sustainable Development

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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 policies contained within the Littlehampton Neighbourhood Plan are relevant in the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

Section 70(2) of 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,
- (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 an acceptable impact on residential amenity, visual amenity and heritage.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS**KEY ISSUES:**

The key issues in the determination of this application are as follows:

- Impact on residential amenity.
- Impact on visual amenity.
- Impact on heritage assets.
- Enhancement of employment premises and sites.

RESIDENTIAL AMENITY:

Paragraph 130 (f) of the National Planning Policy Framework (NPPF) 2021 states development should have a high standard of amenity for existing and future users.

Policy D DM1 of the Arun Local Plan (ALP) 2018 states new development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. Policy D DM4 (c) requires that alterations do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. Policy QE SP1 states the Council requires development to contribute positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity.

The ADC Design Guide SPD 2021 includes detailed guidance on the protection of residential amenity, including setting out the required separation distances between habitable rooms to ensure privacy (Section H.04) and measures to maintain privacy (Section J.02).

The Littlehampton Neighbourhood Plan (LNP) 2014 contains no policies specifically in relation to residential amenity.

The works have replaced the pre-existing ground floor obscure glazed casement and multi-paned crittal windows which had restricted opening with new obscure glazed single paned windows also with restricted opening. The ground floor windows on the northern and eastern elevations of the Old Printworks building face directly inward toward the courtyard garden of the neighbouring property, no.7a, The Georgian House. Since the drawings show that all of these new ground floor replacement windows are/will be fully obscure glazed and with restricted opening (top-hung, opening to outer edge of window cill), there is no increase to overlooking or loss of privacy to this neighbouring garden or property as a result of the proposals, in comparison to the previous obscure glazed restricted opening windows. If anything, the opening mechanism of the new windows being top-hung rather than the side opening casements or top fanlights of the previous windows arguably reduces the views out from the new windows and the degree of overlooking toward the garden courtyard as only limited and acceptable downward views out are possible from the new windows.

The replacement first floor windows on the eastern elevation of the Old Printworks are also obscure glazed and with restricted opening, thus avoiding any overlooking to no.7a, and improving on the previous situation where these windows were clear glazed and had unrestricted opening. The proposed enlarged window to the eastern gable end of the single storey section of the building would be clear glazed rather than the previous obscure glazed, however, this would be a high-level window well above 1.7m above finished floor level so would not provide any intrusive angles of view to no.7a.

The replacement openings at first floor level on the northern elevation of the building replace 2 clear glazed windows with 1 clear glazed window and French doors with Juliette balcony. The previous windows in this location were clear glazed and as such there is no material increase in overlooking or loss of privacy to the nearest occupants at no.7a and 9 Arundel Road or the flats at Drummond Court as a result of the changes.

Concern has been raised by objectors that the inclusion of French doors and a Juliette balcony is and will give rise to the use of the adjacent flat roof as a roof terrace serving the occupiers of the Old Printworks.

A roof terrace has not been applied for, nor any perimeter treatment i.e. railing/fencing around the flat roof area shown on the drawings. Notwithstanding, for the avoidance of doubt, a planning condition is recommended to be applied to ensure no use of this flat roof as a terrace to avoid overlooking impacts on no.7a and Drummond Court.

On the western elevation, at first floor level, one existing window is infilled and one clear glazed window is replaced with a new clear glazed window. Given the previous window in this location was clear glazed, there would be no material increase in overlooking or loss of privacy to the directly facing occupants at Drummond Crt. At ground floor level the replacement window would be clear glazed but given this window is behind a tall wall it would be screened and would not give rise to overlooking toward Drummond Court.

On the southern elevation, at ground floor level, there is a new clear-glazed window, however given its partially screened behind a wall and would face toward the boundary wall and customer car park it would not result in any harmful overlooking.

The 3 new rooflights and roof lantern are at a sufficient height above finished floor level of the Printworks building that it would not be possible to achieve clear views towards neighbours. The rooflight on the northern roof slope serves a shower room and in order to protect the privacy of the future occupiers of the application property, the drawing has been amended to show this will be obscure glazed and a planning condition will be added that this needs to also be fixed shut.

In conclusion, subject to planning conditions to ensure the replacement windows as shown on the approved drawings as so are to remain obscure-glazed and with restricted opening in perpetuity, that the flat roof not be used as a roof terrace, and that the northern rooflight be obscure glazed and fixed shut, the proposals would not give rise to harmful overlooking or loss of privacy to neighbouring occupants or future occupants of the development. The proposals would thus protect residential amenity, in accordance with the NPPF, policies D DM1, D DM4 and QE SP1 of the Arun Local Plan, Policy 1 of the Littlehampton Neighbourhood Plan, and the ADC Design Guide SPD.

VISUAL IMPACT:

Para 124 of the NPPF states that planning decisions "should support development that makes efficient use of land, taking into account..." amongst other things "(d) the desirability of maintaining an area's prevailing character and setting". Para 130 requires that applications for developments (b) are visually attractive as a result of good architecture and (c) are sympathetic to local character and history, including the surrounding built environment. Para 134 states "Development that is not well designed should be refused".

Policy D SP1 of the Arun Local Plan (ALP) states development should seek to make efficient use of land but reflect the characteristics of the site and local area. ALP policy D DM1 looks at aspects of design quality, including; character and appearance. Policy D DM4 sets out criteria for which applications relating to alterations of existing buildings must be assessed against including (a) the alteration sympathetically relates to and is visually integrated with, the existing building in siting, massing, design, form, scale and materials and (b) the alteration is visually subservient to the main building. The ADC Design SPD provides detailed guidance on alterations.

The Littlehampton Neighbourhood Plan contains no specific policies in respect of the design of minor alterations (only Policy 22 which relates to the design of major development proposals).

The more traditional pre-existing casement and multi-paned crittal windows were more suitable and sympathetic in appearance to the industrial character of The Old Printworks building, than the

replacement top-hung single paned windows and French doors. Notwithstanding, the majority of the replacement openings are not visible in public views within the street scene and only in visible in private views from surrounding properties. In addition, the replacement fenestration, whilst less traditional and industrial in character than the previous fenestration, simply provides a more contemporary appearance to the fenestration of the building as it evolves over time. The altered fenestration does visually integrate with and is subservient to the building. The dark grey coloured framing is similar to the dark coloured framing of the previous windows. The previous windows and doors were in a poor state of repair with corroded metal framing and peeling paintwork so there is an argument that these alterations actually improve the overall appearance of the building. The proposed roof lantern and roof lights are minor alterations with acceptable visual impact. In conclusion, the alterations to the fenestration do not appear visually prominent or harmful and have an acceptable impact on the appearance of the building and visual amenity of the area.

The works also include the removal of the parapet and chimneys and replacement with a new roof to the flat roof parts of the building, and replacement of the concrete lintel with new brick detail and coping to the southern wall. The removal of the parapet and chimneys has an acceptable visual impact and the replacement flat roof has a neutral impact. The removal of the previous poorly constructed concrete coping and its replacement with flat black coping improves the appearance of this southern boundary wall.

In conclusion, the alterations to the building have an acceptable visual impact on the appearance of the building, the character and visual amenity of the area, in accordance with the NPPF, policies D SP1, D DM1, D DM4 of the Arun Local Plan, Policy 1 of the Littlehampton Neighbourhood Plan, and the ADC Design SPD.

HERITAGE:

Paragraph 195 of the NPPF requires the LPA to identify and assess the significance of any heritage assets affected by a proposed development. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset 'great weight' should be given to the heritage assets conservation. Para 202 states that where proposals would lead to 'less than substantial harm' to the significance of a heritage asset, this harm should be weighed against the public benefit of the proposal.

Arun Local Plan policy HER SP1 requires that development proposals must conserve or enhance the historic environment, which includes the highest protection being given for designated heritage assets including listed buildings/structures, their settings and Conservation Areas. Policy HER DM2 relates to Locally Listed Buildings and Structures of Character.

Policy 17 of the Littlehampton Neighbourhood Plan relates to Buildings and Structures of Character stating that "The effect of a planning application proposal on the significance of these non-designated heritage assets will be taken into account in determining the application in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal."

The former Old Print Works is not a Listed Building, and it is not located within a Conservation Area. However, the Georgian House (7a Arundel Road) has been identified by the Local Planning Authority and the Littlehampton Town Council as a Locally Listed Building or Structure of Character. The Georgian House is a well maintained and pleasant three bay (i.e. the number of windows in a horizontal line across a facade rendered house of two storeys, with multipaned sliding sash windows.

The Council's Conservation Officer has commented on the proposals, summarised as follows:

The proposal is for works to refurbish the former print works building so that it can be put back into use. This includes replacement windows and doors as well as repairs to a flint wall on the southern elevation.

The method of opening/operation of the windows has changed: A review of the photographs/plans identified that the previous windows were black (or similar) painted steel Crittall framed casements, some of which were multi-paned, whereas the newly installed windows are dark grey powder coated aluminium framed single paned and top hung. Whilst it is regrettable that the method of operation of the windows has changed, their simple appearance and dark colour will have a neutral impact on the appearance of the Old Printworks and the significance/setting of the Locally Listed Georgian House.

The removal of the poorly constructed concrete coping and replacing it with a black flat coping above the flint wall, whilst not necessarily ideal, will discretely cover the layer of bricks below it and appear better than the previous poor quality concrete version. As such, it will have a neutral impact on the appearance of the Old Printworks and the significance/setting of the Locally Listed Georgian House.

In conclusion, overall, the proposals would have a neutral impact on the appearance of the Old Printworks and the significance/setting of the Locally Listed Georgian House, and therefore accords with the NPPF, policies HER SP1 and HER DM2 of the Arun Local Plan and policy 17 of the Littlehampton Neighbourhood Plan.

ENHANCEMENT OF EXISTING EMPLOYMENT PREMISES/SITE:

Policy EMP DM1 of the Arun Local Plan states the Council will seek to enhance existing employment sites and premises, and will support appropriate proposals for upgrading and/or modernising existing premises.

The proposals refurbish an existing employment premises (former Printworks) with new roofing and windows and this would upgrade and modernise the existing premises which are to be brought back into use as workshops.

SUMMARY:

The proposals, subject to planning conditions as recommended in this report, would have an acceptable impact on the residential amenity of existing and future occupiers, the visual appearance of the building and area, and the significance and setting of the adjacent Locally Listed Building of Character. It would also support the enhancement of an existing employment premises and site. As such, the proposals accord with all relevant Development Plan policies and are 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 approved shall be carried out in accordance with the following approved plans:

- Pre existing elevations north & east (drawing no. TA 1374/ 04 Rev B)
- Pre existing elevations south & west (drawing no. TA 1374/ 05 Rev B)
- Existing elevations north & east (drawing no. TA 1374/ 12 Rev B)
- Existing elevations south & west (drawing no. TA 1374/ 13 Rev B)
- Proposed elevations north & east (drawing no. TA 1374/ 22 Rev B)
- Proposed elevations south & west (drawing no. TA 1374/ 23 Rev C)
- Proposed ground floor plan (drawing no. TA 1374/ 20)
- Proposed first floor plan (drawing no. TA 1374/ 21)
- Proposed roof plan (drawing no. TA 1374/ 24)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1, D DM1, D DM4, QE SP1, HER SP1 and HER DM2 of the Arun Local Plan.

2 The brick infill of the previous windows as shown on the existing and proposed approved drawings shall be in brickwork to match the existing brickwork of the building.

Reason: To ensure a consistent appearance, in the interests of visual amenity, in accordance with policies D SP1, D DM1 and D DM4 of the Arun Local Plan.

3 The windows and doors shown as obscure-glazed and with restricted opening to the outer edge of the window cill as shown in the existing and proposed approved drawings must in perpetuity;

- (i) at all times be and remain glazed entirely with obscure glass.
- (ii) at all times be and remain on restricted openers, opening to a maximum of the outer edge of the window cill.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies D DM1, D DM4 and QE SP1 of the Arun Local Plan.

4 The flat roof area/s of the building shall not be used at any time as a balcony, roof garden or similar amenity area, without the grant of further specific planning permission from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining property in accordance with policies D DM1, D DM4 and QE SP1 of the Arun Local Plan.

- 5 The new velux rooflight on the northern roof slope of the building shall be both obscure glazed and fixed shut at all times and remain as such in perpetuity, with the exception of for maintenance purposes only where the prior written agreement from the Local Planning Authority will be required.

Reason: To safeguard the amenity of the future occupants of the application property, in accordance with policies D DM1, D DM4 and QE SP1 of the Arun Local Plan.

- 6 INFORMATIVE: For the avoidance of doubt, the current permission does not grant permission for use of the building for residential accommodation and this would require a separate planning application and permission.
- 7 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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/340/21/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/113/21/OUT
LOCATION:	Land at Bayards Level Mare Lane Eastergate PO203RZ
PROPOSAL:	Outline application with all matters reserved, apart from access, for up to 69 No dwellings with access, parking, landscaping & associated works. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Although layout is a reserved matter, an indicative layout has been provided which shows areas of new homes and open space to the northern, eastern, part south western and the western corner (the latter shows areas of play). The plans indicate existing boundary trees are to be retained with the exception of those removed to create the access on the eastern side. The plan indicates a pedestrian access point to Level Mare Lane. There would be no boundary treatment on the eastern edge (save for existing planting) meaning people can potentially cross between the two sites other than by the new road access.

The application proposes a main access taken from the adjoining site which benefits from an approved new access point onto Fontwell Avenue. There are no changes proposed to the approved access. The connection to the approved road would have a bellmouth arrangement and be 5m wide (tapering back to 4.8m) with a kerb radii of 6m. This will be accompanied by a 1.2m wide footway at the connection point and this is consistent with the footway widths provided in the approved scheme. There will be a new secondary access to Level Mare Lane to serve no more than 6 homes in that part of the site. This will be 4.5m wide with a dropped kerb arrangement. The field gate access on Level Mare Lane would then be stopped up.

It is proposed to make improvements to the bus stop on the western side of Fontwell Avenue. This will comprise of additional hardstanding (2m by 7m) with concrete/wooden edging and a tactile paved crossing point to the other side of the road.

SITE AREA	2.53 hectares.
RESIDENTIAL DEVELOPMENT	27.3 dwellings per hectare.

DENSITY	
TOPOGRAPHY	Predominantly flat.
TREES	There are trees to all site boundaries but particularly to the northern, eastern and south western areas. The proposal suggests the only tree loss will occur on the eastern boundary where the new access punches through and these are a Sweet Chestnut and a group of Ash, Sycamore, Cypress & Hawthorn. It will be necessary to remove a 190m long section of hawthorn hedge in the site (towards the western corner) but not the category B Pine tree which is in this hedge. TPO/AL/3/21 protects several trees in and to the boundaries of the site.
BOUNDARY TREATMENT	Mix of open boundaries, hedging, post and rail fencing (1.2m high) and close boarded timber fencing (1.8m).
SITE CHARACTERISTICS	The site comprises grade 2 agricultural pasture land used for grazing in association with a private equestrian use at Bayards. The site has an unmade vehicle access from Level Mare Lane on the north boundary and further access from Bayards.
CHARACTER OF LOCALITY	Rural character with relatively few neighbouring residential properties. The area is not densely populated and is largely characterised by open agricultural land and fallow fields, some in equine use plus Fontwell Park racecourse to the north. The nearest dwellings are 1 Northfield Cottages to the southeast corner, Bayards to the north west corner and a collection of dwellings at Northfields Farm to the south west corner. The site excludes the all-weather riding surface at Bayards.

RELEVANT SITE HISTORY

AL/100/21/ESO	Screening opinion for 75 Dwellings	ES Not Required 11-08-21
BN/50/20/PL	Demolition of existing structures on-site & erection of 42 No. dwellings with access, parking, landscaping & associated works. This application is a Departure from the Development Plan.	App Cond with S106 11-12-20

AL/200/21/ESO was a request for an Environmental Impact Assessment (EIA) Screening Opinion and the Local Planning Authority confirmed in August 2021 that an EIA would not be required. Prior to this, pre-application advice was given in May 2021 for a scheme of around 70 dwellings with access from Fontwell Avenue via the adjacent site. This advice concluded that:

"At the present time this proposal would be in conflict with development plan policies relating to development in the countryside and loss of agricultural land. Subject to the proposal being considered as sustainable development it is likely that the benefits of the proposal would outweigh any harm and as

such, the proposal may be capable of support."

The site to the east received permission in December 2020 for 42 dwellings under BN/50/20/PL and this permission has been commenced.

REPRESENTATIONS

Aldingbourne Parish Council provided a 5 page objection. Their main points are that:

- Objectors had limited time to respond as the application was advertised as being in Eastergate;
- Countryside development in conflict with the Development Plan;
- As the Housing Land Supply (HLS) exceeds 3 years, the Aldingbourne Neighbourhood Development Plan (ANDP) has full weight in the determination of new housing applications;
- The ANDP has accommodated a substantial increase in its housing allocation therefore weight should still be given to the plan's housing policies;
- This site is listed as developable not deliverable in the Councils Housing and Economic Land Availability Assessment (HELAA) and so may not be available in the short term;
- Harm to landscape & character as this site is more closely related to open countryside than the approved site next door;
- Concerns with the nature and extent of ecological survey work relating to bats and reptiles;
- Therefore, not possible to demonstrate biodiversity net gain;
- The applicant has not engaged with the Aldingbourne, Barnham and Eastergate Community Land Trust (ABE CLT) regarding the affordable housing provision; and
- The proposal does not propose allotments and does not gain support from ANDP policy LC4.

Barnham & Eastergate Parish Council objected. The following is a summary of their detailed concerns:

- Countryside development in conflict with the Development Plan;
- Harm to the Site of Nature Conservation Interest (SNCI) at Fontwell Racecourse;
- Significant & unacceptable impact on the traffic levels already using Fontwell Avenue;
- The HLS is sufficient to give full weight to the ANDP;
- Loss of hedges;
- Need improved connections to Barnham and Eastergate;
- More survey work is needed for both reptiles and bats;
- The service level agreement with Chichester District Council to provide ecological advice is not adequate and should not be relied upon;

39 objections including from the local MP and one from the ABE CLT raising the following concerns:

- Countryside development;
- Conflict with the ANDP which has full weight;
- The Neighbourhood Plan proposes Level Mare Lane as a quiet lane;
- Conflict with ANDP Conservation Area policy;
- Impact on nearby SNCI;
- Concerns with the adequacy of ecological survey work and harm to bats;
- Traffic impact and safety inc from construction traffic on Level Mare Lane;
- Traffic impact to the A27 Fontwell and the A29 War Memorial roundabouts;
- Safety issues from increase in vehicles entering the A27 at Level Mare Lane junction;
- The access onto Fontwell Avenue was only assessed for 42 dwellings (not 105);
- Access should only be from Fontwell Avenue;
- The Traffic study needs to be revisited;
- Need for a controlled crossing point on Fontwell Avenue;

- Level Mare Access is at a different location to the existing;
- Highways England (National Highways) previously expressed concern about capacity of local highways to cope with increased housing;
- The accessibility of the proposals relies on the A29 realignment scheme;
- Local bus services are inadequate;
- Air pollution from increase in car traffic;
- Inadequate local school and medical facilities;
- Level Mare Lane has no mains gas, sewage, streetlights or fibre broadband;
- Significant visual impact;
- Density is out of character with quiet rural environment;
- Erosion of visual gap between Aldingbourne and Barnham settlements;
- Proposed tree screening on Level Mare Lane will take time to grow;
- Increased surface water flooding on Level Mare Lane;
- Application was falsely advertised as being in Eastergate;
- Access change to Level Mare Lane was not publicised in the community consultation material;
- Loss of agricultural land;
- The houses should be fully sustainable and of net zero carbon construction;
- Where are the jobs for new residents;
- Impact on existing house prices;
- Will set a precedent for further development of land and gardens on Level Mare Lane; and
- Affordable housing must be delivered for local people first.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments of both Parish Councils and the objectors are noted and the majority of the objections raised are considered in the conclusions section with the exception of the following points:

- The application was not advertised by the Council as being in Eastergate or having access only onto Fontwell Avenue, this was on the applicant's pre-application community consultation material and there is no requirement in planning law or policy to carry this out;
- The concerns regarding the adequacy of the ecological survey work are noted but no objection has been raised to these by either the Councils ecologist or Natural England;
- The Local Planning Authority (LPA) has a service arrangement with Chichester DC Ecology to provide professional ecology advice.
- Should permission be granted it will be necessary to prepare a s106 legal agreement to secure the affordable housing and the involvement of the ABE CLT will be sought at that time. The applicants confirmed they have spoken with the CLT about their involvement;
- The provision of allotments is not requirement of the ANDP, their omission just means that the proposal does not achieve support from ANDP policy LC4;
- Quiet Lanes seek to control traffic speeds and make roads more attractive for non-car modes of transport however they are not a policy designation and would not prevent development taking access from them;
- The site does not lie in a Conservation Area. The postamble to ANDP policy EH9 (Conservation Areas) states views to and from historic lanes used for recreational purposes (including Level Mare Lane) towards the Rifes, woodlands and copses are important to residents and the historical context of the Parish. This is not a part of the actual policy wording;
- The impacts of construction traffic on Level Mare Lane will be temporary and managed by the LPA;
- WSCC Highways have not requested that the traffic assessment needs to be revised and have not stated that the approved Fontwell Avenue access is not suitable for the increase in dwellings;
- Notwithstanding the implications of construction vehicles, the access to Level Mare Lane is for 6 dwellings;
- WSCC Highways do not consider it necessary to provide a controlled crossing point on Fontwell

Avenue;

- Regardless of any previous statements by National Highways, it is material that they raise no objections provided that a contribution is paid towards the improvement of the Fontwell roundabout junction (this will be secured by a s106 legal agreement);
- It is not a planning requirement for homes to have access to mains gas. Conditions will be imposed to control new lighting proposals and to ensure the homes are provided with superfast broadband;
- The site does not lie with a designated strategic gap and although this development will mean development on both sides of the Parish boundary, there is no coalescence of existing settlements;
- Climate change and building sustainability is considered in this report however current policy does not require net zero carbon construction;
- All applications are assessed on their own merits on a case-by-case basis and as such, any permission here will not automatically result in new developments along Level Mare Lane; and
- The availability of jobs for residents and the impact on house prices are not material planning considerations.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATIONAL HIGHWAYS - no objection provided the development secures a contribution of £11,316 towards junction modification of the A27 Fontwell Avenue Roundabout. The impact of traffic on the operation of the Strategic Road Network (SRN), will add to the cumulative impacts of planned development at junctions which suffer from severe traffic congestion in peak periods however, the additional impacts can be mitigated by appropriate minor modifications to the agreed A27 improvements. Should this not be secured the application would need to be referred to the Secretary of State for Transport.

NATURAL ENGLAND - state no comments.

SOUTHERN WATER - no objection subject to a condition to phase occupation of the site to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development. Request an informative to secure a connection to the sewer system.

PORTSMOUTH WATER - no objection provided all requested conditions (surface water drainage, foul drainage, contamination, construction management & no piled foundations) are imposed. Comment:

- The site lies 150m south of a potable abstraction owned by Portsmouth Water and is located within the Source Protection Zone 1c (SPZ1c) for this Public Water Supply Source;
- Subterranean activities such as deep drainage solutions and/or piling may pose a risk to groundwater quality at the local public water supply source; and
- All measures to prevent pollution during and post construction are required in order to safeguard the local public water supply.

SUSSEX POLICE - no objection but list a number of advisory notes regarding improving security.

SUSSEX GARDENS TRUST - no objection as will not affect the significance of Denmans Garden but the peaceful nature of the Garden may be affected should traffic increase on Level Mare Lane

WSCC LEAD LOCAL FLOOD AUTHORITY - no objection and state that:

- Current surface water mapping shows the site is at low risk from surface water flooding although the adjacent carriageway is shown to be at higher risk;
- Area of development shown to be at high risk from groundwater flooding based on current mapping but this does not mean the site will suffer flooding;
- No ordinary watercourse in close proximity to the site; and
- No records of historic surface flooding within the confines of the site.

WSSC FIRE & RESCUE - no objection subject to conditions to secure a new fire hydrant.

WSSC HIGHWAYS - raise no objections subject to conditions to secure the accesses, visibility splays and a Construction Management Plan (CMP). Comments as follows:

- there have been a few recorded injury accidents on the local road network within 300m of the site but no incidents were recorded on the site frontage and no incidents were related to a defect with the junction/ road layout;
- a RSA for the site has been provided and includes the access to Level Mare Lane and into the BN/50/20/PL site. This identifies two problems. The first concerns vegetation on Level Mare Lane affecting visibility and can be resolved as the land is in the applicants control. The second concerns the speed limit on Fontwell Avenue but WSSC advise the BN/50/20/PL access was designed in accordance with 85th percentile speeds so it is not necessary to alter the speed limit;
- no concerns with access to Level Mare Lane by 6 dwellings or the 2m by 120m visibility splays;
- TRICs trip rates from the approved development have been used to estimate an additional 37 vehicle movements in AM and 35 in PM peak hours with an additional 329 trips over the 12-hour day. The two phases combined could see 60 trips in the AM and 56 trips in the PM peak hours with 529 trips over the 12-hour day. These increases are not anticipated to result in a road network capacity issue;
- considering the level of trips anticipated to travel to/from south (14 in peak hours) and the reduction that may occur if/once the A29 realignment phase 1 is built out, there is no requirement for modelling of the impact on the Eastergate Square Roundabout to the south;
- the site access and Fontwell Roundabout to the north have been modelled and the increase in capacity terms on the WSSC maintained arms of the roundabout are considered negligible;
- no concerns with site sustainability but require improvements to the northbound bus stop. The Council should also look to secure a fee of £1500 for monitoring and auditing of the Travel Plan Statement (TPS) via a s106 Agreement. The TPS proposes travel vouchers for first occupiers, the promotion of walking & cycling routes, provision of bus timetable info, the promotion of car sharing and a dedicated website for residents;
- a RSA for the bus stop improvement works has been provided and identifies a problem concerning vegetation interfering with visibility splays but this can be resolved by trimming the vegetation back;
- the bus stop improvement works should be secured by s106;
- the final CMP should include full swept path tracking within the site to ensure all construction vehicles can turn on site;
- the applicant has offered to rectify any damage caused to Level Mare Lane as a result of construction and this will be resolved through a s59 Highways agreement; and
- have aspirations for pedestrian/cycle improvements on the A29 related to an increase in potential use as part of the BEW development. At this stage there are no feasibility designs, no costing figures and it is not possible to use TAD to calculate this due to CIL limitations. Therefore, asked the applicant to suggest an amount considered to be appropriate & proportionate. It is not yet known whether a facility on Fontwell Avenue will be deliverable and the contribution should be flexible so this can be used on pedestrian/cycle facilities in Fontwell and Eastergate.

WSSC MINERALS & WASTE - no objection with the following comments:

- The site is in an identified safeguarding area for Sharp Sand and Gravel and mineral sterilisation will

occur;

- The Mineral Resource Assessment (MRA) concludes that prior extraction would not be economically viable due to the significant treatment any sharp sand and gravel would require if extracted, the environmental constraints at the site, the limited demand for the resource and the potential delay that prior extraction would cause to the delivery of housing;
- The applicant has not demonstrated a potential value or quantity of the resource at the site, nor demonstrated a discussion with local operators;
- However, agree with the findings of the MRA and note the site is constrained by its semi-rural nature, proximity to existing residential properties and potential for harm from mineral extraction to ecology, utilities & the water environment;
- ADC need to be satisfied there is an overriding need for the non-mineral development that outweighs the safeguarded resource as per Policy M9 (b) (iii) of the Joint Minerals Local Plan (2018);
- The developer should be encouraged to use minerals found during groundworks; and
- The site is in 350m of a safeguarded scrap vehicle waste site. Do not consider the development would impact this but ADC should be satisfied the development would not prevent or prejudice the operation of this waste infrastructure as per Policy W2 of the West Sussex Waste Local Plan (2014).

ADC DRAINAGE ENGINEERS - no objection with standard conditions and comment that:

- The surface water drainage strategy identifies it is proposed to use infiltration. As per BN/50/20/PL a specialist geotechnical report will be required to identify the risk of solution features and the required easements of soakaways from highways and buildings;
- As the site lies in a source protection zone, infiltration to ground may not be possible and any discharge will need to be treated first.

ADC ENVIRONMENTAL HEALTH - no objection subject to consideration of air quality and conditions re dust from construction, electric vehicle charging, contaminated land, construction management, noise from electric substations, protection of early occupiers from construction noise and construction hours.

ADC TREE OFFICER - no objection. Sympathetic and high-quality development is achievable without undue detriment to retained on and off-site trees. Whilst the illustrative layout is far from sympathetic, there is plenty of time for the design to evolve. Does not see any obvious problem with the access linking the two sites and notes an area has been cleared in the tree line to facilitate this construction.

ADC LANDSCAPE OFFICER - no objection subject to a landscape scheme and provision of on-site play/open space. Trees have been considered and respected in the development proposals; and that allotment provision is not required.

ADC CONSERVATION OFFICER - the proposal will not result in harm to the setting of nearby heritage assets and should be determined in accordance with relevant development plan policies. Full comments on the Councils website but these are the pertinent points:

- There are some heritage assets in the larea including a Listed Building (650m from the site), a Registered Park & Garden (580m) and a Building of Special Character (125m);
- Denmans Gardens are best experienced from in their boundaries, the Gardens are a significant distance from the site and there is no evidence of any functional ownership link between the Gardens and the site;
- As such there will not be any harm to the setting of the Gardens;
- The nearby Building of Special Character (Northfields Farm) is physically separated from the site by the boundary treatment and so there will be no harm to it; and
- Any increase in vehicle movements along Level Mare Lane may give rise to indirect impacts but it is assumed that majority of vehicles will use the A29.

ADC AFFORDABLE HOUSING - no objection subject a s106 legal agreement to secure 21 affordable dwellings comprising 16 rented and 5 intermediate with the mix to be according to the Councils Strategic Housing Market Assessment (SHMA).

COUNCILS ECOLOGIST - no objection subject to conditions to secure landscape enhancements, site management to prevent reptile habitat from developing, a precautionary approach to site clearance, provision of bird boxes on the new houses, provision of bat bricks/tiles, hedgehog nesting boxes, removal of hedgehog habitat outside of the hibernation period, careful removal of trees outside the bird nesting season, details of how habitats will be managed during & after construction and gaps placed in new boundary treatments. The application should be subject to HRA Screening Assessment / Appropriate Assessment.

COUNCILS ARCHAEOLOGIST - no objection subject to a condition to secure an archaeological investigation.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted except as discussed below:

NATURAL ENGLAND - given the location of the site within 12km of the Singleton & Cocking Tunnels SAC, an Appropriate Assessment was prepared and issued to Natural England for review. They responded on 25/11/21 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). They state that to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required to be secured by condition:

- The Construction Environmental Management Plan (CEMP) should detail how certain activities will be limited in time, location or noise level to minimise the risk of disturbance to SAC bat features.
- Construction/demolition works are to avoid working in hours of darkness.
- Enhancement of boundary habitats of the site, as well as hedgerow enhancement measures are to compensate against loss of foraging and commuting habitat across the site, including the gap in hedgerow to be created in the Shaw. Full details on how habitats will be enhanced should be included within a Landscape and Management Plan (LEMP).
- Two native trees are to be planted to compensate for every tree lost.
- Future development lighting proposal to be designed in accordance with the BCT/ILP Guidance Note 08.18, and to avoid lighting along the wooded Shaw and other light sensitive boundary habitats.

WSCC HIGHWAYS - Neither the proposed contribution for pedestrian/cycle improvements nor the bus stop improvement works are within the application red edge and so cannot be secured by s106 due to CIL restrictions. Further, WSCC Highways are not even sure that the pedestrian/cycle improvements will take place on Fontwell Avenue. As such, these must instead be delivered through CIL. However, a condition is included to require the developer to enter into a s278 agreement for the bus stop improvement works and to prevent occupation of the dwellings until this is complete.

ADC ENVIRONMENTAL HEALTH - as no electricity substations are proposed, a condition would not be reasonable and this could be imposed at reserved matters stage instead. It is not appropriate to require a dust assessment as it is covered by the CMP condition and there are few nearby dwellings.

COUNCILS ECOLOGIST - it is not appropriate to impose a condition to protect birds nests as this is covered by separate legislation and would fail to meet the 6 tests as per para 55 of the NPPF.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary (BUAB);
 WSCC Mineral Consultation Area (Sharp Sand & Gravel);
 WSCC Waste Consultation Zone;
 CIL Zone 3;
 Within 12km of Singleton & Cocking Tunnels Special Area of Conservation (SAC);
 Tree Preservation Order ref TPO/AL/3/21;
 Current & Future Flood Zone 1;
 Water Source Protection Zone; and
 Grade 2 Agricultural Land.

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
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HSP1	HSP1 Housing allocation the housing requirement
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
TELSP1	TEL SP1 Strategic delivery of telecomms infrastructure
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

Joint Minerals Local Plan 2018:

Joint West Sussex M9 Safeguarding Minerals

West Sussex Waste Local Plan 2014:

West Sussex W2 Safeguarding Waste Management Sites

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 EE8

Communications infrastructure

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 EH12

Protection of bat habitats

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

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
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, 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 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 conflicts with the relevant development plan policies in that it would result in development outside of the defined settlement boundary and will result in a loss of grade 2 agricultural land.

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,
- (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

There are other material considerations to be weighed in the balance with the Development Plan and these are discussed in the conclusions section below.

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. For this application, the development plan comprises the Arun Local Plan 2011-2031 (ALP), the Aldingbourne Neighbourhood Development Plan (ANDP) 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". Therefore, any conflict between the ALP and the ANDP should be resolved in favour of the latter.

Paragraph 14 of the NPPF states 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.

The Council has published its Authority Monitoring Report (AMR) for 2020/21 and this will be presented at the Planning Policy Committee on 25/01/22. This shows that the Housing Land Supply (HLS) has decreased from the previous 3.3 year figure to 2.4 years. This reflects a more rigorous assessment of housing trajectories following recent appeals including the very recent appeal concerning Land South of Barnham Station (BN/142/20/OUT) which was issued on 05/01/22 and which stated that the HLS is approximately 2.63 years.

On the basis of the new AMR, the policies most important for the determination in the ALP (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land. The revised ANDP has recently been made (14/07/21) and does have greater weight but due to the HLS being below 3 years does not benefit from the weight given to recently made plans from para 14 of the NPPF and so the presumption in favour of sustainable development would be unaffected by the Neighbourhood Plan.

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 is to be subject to a formal review. The ANDP has been reviewed and has allocated additional land for housing.

Policy C SP1 states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal. Policy SD SP2 states development should be focused within the BUAB. The proposal conflicts with ALP policies C SP1 and SD SP2.

Aldingbourne Neighbourhood Development Plan:

The ANDP was made on 14/07/21 and shows the site outside the BUAB. Policy EH1 recognises the need to provide more housing to meet the current housing land shortfall as defined by the ALP and so provides an opportunity for development outside the BUAB provided it meets various criteria, being:

- (i) the scale of development is proportionate to the housing supply shortfall and local housing needs of the Parish and can be deliverable in the short term;
- (ii) the development will protect the local landscape character and wider setting of the South Downs National Park and support the dark skies policy;
- (iii) the proposal is sensitively designed and located and respects the character and built heritage of neighbouring settlements;
- (iv) it is demonstrated through appropriate assessment that there would be no significant harm to biodiversity, including the roosting, feeding and commuting of bat species, or to bat species associated with the Singleton and Cocking Tunnels Special Area of Conservation (SAC) and Slindon Woods;
- (v) the proposal is sustainably located and accessible to local facilities and services and sufficient capacity exists or can be provided to accommodate additional needs;
- (vi) there would be no unacceptable environmental, amenity or traffic implications including an increased risk of groundwater flooding; and
- (vii) the development does not lie within 50m of the biodiversity corridors where these are used by roosting or feeding or commuting bats.

Policy GA1 is relevant but has the same requirements as part (v) above. The following is an analysis of the EH1 criteria:

- (i) The proposal will contribute 6.9% (according to the applicant) towards the annual housing requirements and so is clearly proportionate to the housing supply shortfall defined by the ALP. It is unclear from the submission how this proposal will meet the specific needs of Aldingbourne particularly as according to ANDP policy H1 2019, the Parish has exceeded its allocation by 48 units.

The Council's HELAA states the site has been promoted recently therefore is considered available for development. Given that development was quick to commence on the adjacent site (which has the same

applicant), there is no reason to doubt that the site is available in the short term albeit it will be necessary to secure a reserved matters consent (unlike BN/50/20/PL which was a full permission).

(ii) A Landscape Visual Impact Assessment (LVIA) has been submitted and this states that the site is acceptable in visual terms and would not have an adverse visual impact upon the South Downs National Park. The Council's Landscape Officer has not raised any concerns.

(iii) Matters of layout, scale, appearance & landscaping are reserved for a future application but it is clear from the indicative layout that the site can be developed through a landscape led approach with a framework of landscaped spaces being created around the boundaries of the site.

(iv) Natural England have accepted the Council's Appropriate Assessment and consider that subject to conditions being imposed, there will be no adverse effect on the integrity of the Singleton and Cocking Tunnels SAC.

(v) This report concludes although the site will be car reliant, when considering the NPPF as a whole, it is still a sustainable site. The adjacent site, permitted by BN/50/20/PL (which the site will be linked to) was considered to be in a sustainable location.

(vi) This report concludes no adverse environmental, amenity, ground water flooding or traffic impacts.

(vii) The site does not lie within 50m of the ANDP designated biodiversity corridors.

There is a slight conflict in respect of (a) in that the proposal does not make it clear how it relates to the needs of the Aldingbourne Parish. It is material that the site is closely related to the Parish of Barnham & Eastergate so the new houses will serve a wider area than just Aldingbourne Parish.

Other Material Considerations

In February 2020 the government published Arun's Housing Delivery Test (HDT) result for November 2019. The HDT was 68% triggering the application of a 20% buffer to be included in the calculation of the authorities 5-year HLS. The HDT results for 2020 were published on 19 January 2021 and show Arun achieved 61% thus triggering the application of the presumption in favour of sustainable development (although this is already being applied due to the HLS shortfall).

The Council's Action Plan (June 2019) made a series of recommendations to boost housing delivery. This includes relying on the 'presumption in favour of sustainable development' until such time as the 5-year housing land supply is re-established and the HLS is progressed through plan making. It recommended the Council consider inviting applications from landowners/developers on 'deliverable' HELAA sites to re-establish the 5 year housing land supply. It is acknowledged the site is not listed as deliverable in the HELAA due to it being outside of the settlement boundary. The HELAA states the site is "within 400m of the BUAB and may be accessible to services, jobs and leisure".

In February 2021, Arun published an Interim Policy Statement for Housing Delivery. This is not policy but it meant as a guide for developers proposing development on sites outside the BUAB and to inform planning decisions. However, it is stated to only apply to sites adjacent to settlement boundaries and so would not apply to this site.

Sustainability

ALP 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. Para 8 of the

NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Although in the countryside, the site is sustainably located as it adjoins approved site (BN/50/20/PL) which was itself considered acceptable as it was roughly equidistant between the edges of two nearby BUABs. The site is 170m (as the crow flies) from the edge of the BUAB to the south and 315m from the edge of the BUAB to the north (this being the edge of the Fontwell Avenue site approved for new residential dwellings and employment/other non-residential floorspace).

Residential occupiers can realistically use alternative methods of transport to the car to access nearby shops, services and places of employment. These include walking & cycling and public transport. Whilst public transport may not be particularly attractive in terms of frequency, it does exist as an alternative.

The application includes a travel plan which proposes new residents be provided with vouchers towards cycling equipment/bus travel. In addition, improvements are proposed to a nearby bus stop. In terms of other environmental considerations, the development will not result in significant loss of trees or important wildlife habitat and in any case, new trees and other planting will be sought. The application suggests the application will respond directly to the climate change standards set out by ADC and it is estimated the scheme will deliver carbon dioxide emissions saving of 12.9%.

The proposal will include 21 affordable homes and up to 69 dwellings to contribute to the current housing land supply shortfall & helps to meet future needs. There will be a requirement that a percentage of the new housing be designed to be suitable for the older population and for those with mobility issues.

The application includes a statement on likely economic benefits of the development which quantifies the impacts and includes references to new jobs and new spending by occupiers. This includes 38 direct construction jobs, 43 indirect & induced construction jobs, resident expenditure per annum of £2.2m, £141,000 per annum additional Council Tax receipts and £137,000 in New Homes Bonus payments. The Statement does not specify where the jobs will be created (i.e. whether local, regional or national). CIL receipts could be used to contribute towards local infrastructure. This does need to be contrasted with the impact of the loss of the agricultural land but it is material that the land is not presently used for agriculture and there is no realistic prospect of it being so used in the future.

The New Homes Bonus and Community Infrastructure Levy are local finance considerations and as noted in the Development Plan Background section above, section 70(2) of Town and Country Planning Act 1990 (as amended) provides that local planning authorities should have regard to any local finance considerations, so far as material to the application. However, council tax revenues are not capable of being considered in the same way.

It is considered that the proposal does meet the economic, social and environmental aspects of sustainable development and therefore the presumption in favour of sustainable development is engaged. 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.

Conclusion on Matters of Principle:

The principle of development on this countryside site is in conflict with the ALP but broadly in accordance with policy EH1 of the ANDP. The conflict between the two would be resolved in favour of the newer ANDP. Even if it were considered that the proposal was in conflict with policy EH1 (due to a lack of information as to how the proposal meets the needs of Aldingbourne), because the Councils HLS is now below 3 years, paragraph 14 of the NPPF would not apply and the application would then fall to be

determined by the NPPF presumption in favour of sustainable development.

AGRICULTURAL LAND:

The application is accompanied by an Agricultural Land Classification (ALC) Report which concludes that all of the site is in Grade 2. The site is not used for agriculture and historic aerial photography back to 1991 does not evidence arable use. The adjacent manege is clearly shown as being in situ in 1991 suggesting that the land has been used for equestrian purposes for a number of years.

ALP policy SO DM1 states unless land is allocated, then the use of Grades 1, 2 and 3a of the ALC 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 states development proposals affecting best and most versatile agricultural land will be resisted unless it can be demonstrated that the need for the development clearly outweighs the harm.

In allowing an appeal at Clays Farm, Yapton which concerned a refusal on loss of grade 2 agricultural land (Y/62/18/OUT), the Inspector noted the site was not being used for agriculture and that there was no evidence that the site would be so used in the future. The Inspector stated whilst this does not in itself justify the loss of agricultural land, it does act to reduce the level of environmental and economic harm caused by its development. The Inspector considered that the loss of the grade 2 agricultural land represented only moderate harm and that the benefits of 33 new homes outweighed this harm.

The need for this development to boost the Council's HLS shortfall is such that the loss of the grade 2 agricultural land can be outweighed particularly as the land is not currently used for agriculture. This echoes the approach taken by the Inspector concerning the site at Clays Farm.

The policy makes it clear that in order to fully justify the loss of the agricultural land, the policy criteria (a) to (b) and (d) to (g) should be met. The applicant states that a 2.1 hectare site would not be able to support viable agricultural activities in isolation and that its loss represents an insignificant reduction in district wide agricultural land area in overall terms. There is no response to these policy criteria (which require assessment of the land's economic status, the land's environmental & other benefits and mitigation measures) and so whilst the need for the development is accepted, there is conflict with the remaining parts of the policy. However, a condition can be imposed to secure a Soil Resource Plan to protect and secure reuse of the important soils.

MINERALS SAFEGUARDING:

The site is in a Sharp Sand and Gravel Mineral Safeguarding Area as defined by the West Sussex Joint Minerals Local Plan. Policy M9 (b) states that proposals for non-mineral development within the Minerals Safeguarded Areas will not be permitted unless: (i) Mineral sterilisation will not occur; or (ii) it is appropriate and practicable to extract the mineral prior to the development taking place, or (iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.

The applicant provided a Mineral Resource Assessment and the Council has consulted with WSCC Minerals & Waste. They agree the prior extraction is not practicable and raise no objections. The proposal would comply with criteria (iii) of the policy as there is an overriding need for new residential land development to counter the Council's current HLS deficit.

WASTE SAFEGUARDING:

The site is within 350m of a safeguarded scrap vehicle waste site defined by the West Sussex Waste

Local Plan (2014). Policy W2 of this Plan states that development should not prevent or prejudice the use of an existing waste management site. The site is currently in use as a car salvage centre. The application site is a significant distance away and there are other uses in between. It is not considered there will be any impact on the waste site and therefore no conflict with this policy.

HERITAGE ASSETS:

The site is around 600m from Denmans Garden which is a Grade II Listed Park/Garden of Special Historic Interest in England. There is also a Listed Building at 650m from the site and a Building of Special Character 125m away.

ALP policy HER SP1 states that development likely to prejudice heritage assets including Non-Designated Heritage Assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. HER DM2 only offers protection to the Building of Special Character itself (i.e. it does not protect the building's setting). ANDP policy EH8 also refers to Buildings of Character and does refer to the setting of these.

Para 194 of the NPPF requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 195 then requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that is affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is no harm, less than substantial harm or substantial harm. It is then necessary to counterbalance any harm with the level of public benefits associated with the proposal (as set out in para 202). In respect of non-designated heritage assets, para 203 requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.

The applicants provided a Heritage Desk Based Assessment which highlights the importance of Denmans Gardens and states its significance derives from its historic interest and innovative/on-going design. The Conservation Officer reviewed the scheme and concluded it be determined in accordance with the relevant development plan policies. The Sussex Gardens Trust have also raised no objections. As such, it is not necessary to consider the NPPF requirements at paras 202 and 203.

There will be no harm to the setting of the nearby heritage assets and so no conflict with the relevant policies. There may be some indirect impacts if there is an increase in vehicle movements along Level Mare Lane, however, as the Level Mare Lane/A27 junction is not as attractive in road safety terms to the A29 roundabout (particularly in terms of getting onto the A27), it is not considered any increase will be significant and therefore there will be no harm to the heritage assets.

ARCHAEOLOGY:

ALP Policy HER DM6 states that 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 that a desk based archaeological assessment be submitted with the application. The Councils Archaeologist raises no objections. The application is accompanied by an archaeological assessment (forming part of the Heritage Desk Based Assessment) and so there is no conflict with policy HER DM6.

TRAFFIC & ROAD SAFETY:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes

should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes.

ANDP policy GA2 states support will be given to proposals that improve walking & cycling routes whilst GA3 requires parking be provided to meet current standards. Para 110 of the NPPF states: "In assessing .. specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 111 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 application proposes a main access from the adjoining site which benefits from an approved access onto Fontwell Avenue. The connection to the existing approved road would have a bellmouth arrangement and footway consistent with the footway widths provided within the approved scheme. There will also be a new secondary access onto Level Mare Lane to serve no more than 6 homes in that part of the site. The existing field gate access on Level Mare Lane would then be stopped up. A condition will be imposed to ensure that the reserved matters submission has no more than 6 dwellings accessed from Level Mare Lane.

BN/50/20/PL included a uncontrolled pedestrian crossing point on Fontwell Avenue. On this application, the applicant has agreed to fund improvements to the nearby northbound bus stop on Fontwell Avenue and this will be secured by a condition (requiring the applicant enter into a s278 agreement). These improvements will include an additional uncontrolled pedestrian crossing point and new hardstanding.

The comments of WSCC Highways are set out in full on the Councils website and summarised elsewhere in this report. They raise no objections and state no unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe (NPPF para 111).

As there are no details as to layout, the size of the houses or the exact form of parking provision, it is not appropriate to consider parking provision at this time. Compliance with the Arun Parking Standards SPD will be considered at the reserved matters stage. This will include a requirement to ensure 5% of all spaces are suitable for the disabled and a condition is included to remind the developer of this requirement.

Local residents objections are raised in respect of the proposal in the draft Construction Management Plan that all construction vehicles access the site from Level Mare Lane. This would be a temporary arrangement whilst the site is constructed and any adverse impacts would not be long lasting and will be managed during the site's construction to minimise impacts.

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

LANDSCAPE, CHARACTER & DENSITY:

ALP policies D SP1 and D DM1 require development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy LAN DM1 states development should respect the particular characteristics & natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. ANDP policy H3 states density should be appropriate to location.

The indicative layout shows a mix of detached, semi-detached and terraced dwellings. Section G of the

Arun Design Guide suggests a density of 5-15 for detached/semi-detached houses and 15-20 for terraced houses in rural locations. The density should also be appropriate to the location, balancing the need for efficient use of land with a design that responds to and enhances the existing character. The overall proposed density is 27.3 dwellings per hectare.

The Design Guide states each scheme is to be assessed based on the context, accessibility, proposed building type, form and character of the development of the individual site - and as a result, the density may be outside of the indicative ranges. It is material that permission is applied for up to 69 dwellings and the Local Planning Authority would be able to seek a lower number at reserved matters stage.

As stated, the application is outline and does not seek the approval of layout, external appearance, scale or landscaping. The indicative masterplan suggests that the site layout will ensure a landscaped soft edge to all of its boundaries. This also has the result of maintaining existing boundary trees ensuring that the new homes will be screened from nearby public viewpoints.

The layout is similar in form and density to the approved site next door. It is positive that the layout proposes an open buffer on the east side which reflects the open area on the west side of the approved development. This will have benefits to biodiversity and the health & wellbeing of future occupiers.

There will be a visual change to the character of Level Mare Lane in respect of views of the land however, this is presently partially mitigated by existing tree & hedge planting. New landscaping will, over time, enhance the existing planting and further screen the development from Level Mare Lane. There is proposed to be a new access onto Level Mare Lane but this will only serve a small number of dwellings and will not result in significant harm to the quiet character of the Lane.

The submitted LVIA states the site is acceptable in visual terms and would not have an adverse visual impact upon the South Downs National Park. The Landscape Officer has not raised any objections.

Although the proposal will result in a change to the character of the area particularly in respect of Level Mare Lane, this is outweighed by the benefits of the proposal including the contribution to the HLS shortfall. The proposal is therefore acceptable in respect to density, landscape and character.

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.

Despite this being an outline application, it is appropriate to assess whether the indicative layout would give rise to any harm to existing residential properties. The closest existing/approved dwelling to the site is on land rear of 1 Northfields Cottage. It is only 3m from the site boundary however the indicative layout shows a distance of 23m between it and plots 57-64 which would be sufficient to meet the Design Guide requirements. All other existing/approved dwellings are much further away.

The new access to Level Mare Land is not near any existing dwellings whilst the dwellings on the adjacent site are not built yet and so their future occupiers will not suffer any change in amenities arising from extra traffic traversing their estate.

Subject to a more detailed consideration of privacy issues at the reserved matters stage, there is no conflict with ALP policies D DM1 or QE SP1.

POLLUTION IMPACTS:

ALP Policy QE DM3 requires that major developments are 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.

The layout will allow persons to walk or cycle out of the site either directly onto Level Mare Lane via a new footpath or the secondary access, or out towards Fontwell Avenue via the main road access. Application BN/50/20/PL proposed a new uncontrolled crossing point on the A29 to enable pedestrians to reach the existing footway on the opposite side.

The site is in a sustainable location between the edge of Eastergate and the new Fontwell development to the north. New residential occupiers will be able to walk, cycle or use existing bus services to access nearby facilities. A condition can be imposed to require electric charging points to serve the new dwellings.

ALP policy QE DM1 refers to noise pollution but is not relevant to this determination as the site is not adjacent to a main road/other noise source and the policy does not require the assessment of noise from new residential developments.

ALP policy QE DM2 states outdoor lighting should not have adverse impact on neighbouring uses or the wider landscape, particularly with regard to the South Downs International Dark Sky Reserve designation. Further that schemes proposing outdoor lighting be accompanied by an assessment. ANDP policy EH10 states proposals which detract from unlit environments of the Parish will not be supported and that new lighting will be required to conform to the highest standard of light pollution restrictions in force at the time.

An indicative Lighting Strategy is set out within the Design and Access Statement. It has been formulated around achieving safe light levels across the site whilst also incorporating feature lighting in line to minimise light pollution in accordance with policy QE DM2(b). Full details will be provided at reserved matters stage. A condition would be imposed at reserved matters stage and would ensure that lighting is designed to be sensitive to bats and other wildlife using the site boundaries.

The application is accompanied by a Noise Assessment, Odour Assessment and an Air Quality Assessment. The Councils Environmental Health officer has reviewed these and raises no objections. Conditions are requested to control dust from construction, control construction hours, secure electric vehicle charging, deal with land contamination, secure a construction management plan and protect any early residential occupiers from construction noise. There is no conflict with the relevant policies.

TREES:

ALP policy ENV DM4 requires TPO protected trees, Ancient Woodland, those in a Conservation Area or trees that contribute to local amenity are not damaged or felled unless the development meets the certain criteria including that the benefits outweigh the loss of trees or woodland. ANDP policy EH6 states loss of trees contributing to amenity can be sanctioned where the benefits outweigh the loss.

The proposals suggests tree loss will be limited to the position of the access on the eastern side and comprise of category B and U trees. A planted hawthorn hedge will also need to be removed from within the site. The Councils Tree Officer visited the site prior to the submission, identified the trees worthy of protection and the Council served a TPO on these. The Tree Officer raises no objection at this outline stage and although there are concerns with the layout presented, these will be resolved through the future submission of the reserved matters scheme.

Landscaping will also be considered at the reserved matters stage and the Council will require that two trees are planted for each that is lost and also require that new hedgerow is planted. This is also included in a condition. It is clear however that the tree and hedgerow loss are required to facilitate the development of the site, are not excessive and that there will be space available within the site to allow tree planting on a 2:1 ratio. The benefits of this development to the Councils HLS outweigh the harm in respect of the lost trees and there is no conflict with the relevant policies.

BIODIVERSITY:

Fontwell Park Racecourse on the opposite side of Level Mare Lane is designated as a Site of Nature Conservation Importance (SNCI). SNCI's are areas which are designated locally for their wildlife importance but do not benefit from any statutory protection. ALP Policy ENV DM1 states that development which would have an adverse effect on this area would not normally be permitted.

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. ANDP policy EH6 requires that developments retain hedgerows, incorporate biodiversity in layouts and demonstrate biodiversity net gain.

The site is in the 12km buffer zone for the Singleton and Cocking Tunnels Special Area of Conservation (SAC). 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 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 tree lines. Such features should be retained unless it is proven that they are not used by Barbastelle, Bechstein or other bats linked with nearby roosting sites.

The application is accompanied by an Ecological Impact Assessment (EIA), a Biodiversity Net Gain Assessment, a Biodiversity Net Gain DEFRA Metric 2.0 Calculations document and a document entitled "Information to Inform an Habitat Regulations Assessment". The EIA found no protected species were recorded utilising the site but the mature vegetation to the western boundary is likely to be utilised by common light-tolerant bat species such as Pipistrelle. The site is considered to be of low to negligible value to other protected species.

The EIA states evidence from bat activity surveys suggests the loss of canopy connectivity will have no significant impact upon the bats using the local area, as these also forage in open ground. It is proposed to add new semi-mature tree planting to each side of the gap where the access will be to allow overhang and close the gap as much as possible. The EIA includes various mitigation and enhancement proposals. The Councils ecologist reviewed the documents and raises no objections and recommends conditions. No concerns are expressed in relation to impacts on the SNCI.

The Council prepared an Appropriate Assessment (AA) 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 reviewed the AA and agree without appropriate mitigation, the application would have an adverse effect on the integrity of the SAC but conditions can be imposed to make the development acceptable. These conditions will be imposed on any permission granted. On this basis, there is no conflict with South Downs policy SD10 or ANDP policy EH12 2019.

The proposal results in the loss of 11 trees and a 190m section of hawthorn hedge. New planting to be

detailed at reserved matters stage will ensure these losses are mitigated. Other biodiversity enhancement measures can be secured through conditions. The Biodiversity Net Gain documents state the indicative layout suggests the proposals would result in a net gain of 8.11% in habitat units and 23.41% in hedgerow units thus providing new habitat for a diverse range of biodiversity interests.

The proposal complies with the relevant policies.

FLOODING & SURFACE WATER DRAINAGE:

The site is not affected by any current or future flooding from rivers/sea and is within Flood Zone 1. As per the WSCC drainage response, there are no records of any surface water flooding on the site and the current risk is low. ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development. ANDP policy EH5 requires new development make appropriate provision for accommodating the surface water arising from the development.

There was significant negotiation between drainage engineers and the applicant in respect to the adjacent site due to its location in a groundwater source protection zone and the same is true of the new application site. The experience of the previous application has streamlined considerations relating to this site. The Council's drainage engineers raise no objections in principle and request standard conditions. Portsmouth Water raise no objections provided that similar conditions are imposed to those placed on BN/50/20/PL (in respect of protecting the below ground aquifers). On this basis, there is no conflict with the relevant policies.

FOUL DRAINAGE:

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.

The response of Southern Water notes the nearest public sewer is in the adjacent site BN/50/20/PL. The applicants would be able to link to this either as a brand new connection or an extension of the foul drainage system approved by BN/50/20/PL. Southern Water raise no objections as long as the site is delivered in a phased manner to align with necessary network reinforcement measures. There is no conflict with policy W DM1.

TELECOMMUNICATIONS:

ALP policy TEL SP1 and ANDP policy EE8 state all proposals for new residential, employment and commercial development must be designed to be connected to high quality communications infrastructure. These policies will be adhered to by means of a condition to require evidence of such a connection before the homes are occupied.

CLIMATE CHANGE:

ALP policy ECC SP2 requires 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 and that all major developments must produce 10% of total predicted energy requirements from renewables unless unviable.

The application includes a Sustainability Statement which states resource & water efficiency will be maximised, whilst the production of waste & pollution will be minimised. It states by designing to rigorous energy standards and employing low carbon & renewable technology, the application will respond directly to the standards set out by ADC achieving a carbon dioxide emissions saving of 12.9%. A condition will need to be imposed to ensure the measures proposed are carried into the reserved matters application and the final build. On this basis, there would be no conflict with the relevant policies.

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.

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.

It is not possible at this stage to determine the proposal against these policies due to layout not being for consideration however a condition has been included in the recommendation to require that the reserved matters scheme take account of these requirements.

AFFORDABLE HOUSING:

As per ANDP policy H4, developments over 10 residential units require a minimum provision of 30% affordable housing on site (over 11 units as per ALP policy AH SP2). The Councils Housing Strategy & Enabling Manager has stated that 21 affordable dwellings should be secured by a s106 legal agreement. The response states the tenure split should be 75% rented & 25% intermediate housing with the mix to be in accordance with the Councils Strategic Housing Market Assessment (SHMA).

The Council recently adopted an interim affordable housing policy which sets out the need to secure first homes as part of the mix. In order to be in accordance with this policy, the mix will need to comprise of 5 First Homes, 2 intermediate/shared ownership and 14 affordable rented. The affordable housing provision will be secured by the s106 legal agreement and on this basis, the proposal will accord with policy AH SP2. The preparation of the s106 will also seek to involve the ABE CLT.

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 5693.5m² of Public Open Space (POS) including 835m² of play provision comprising of on-site Local Area of Play (LAP) and Local Equipped Area of Play (LEAP).

The on-site POS & play can be secured by conditions and so are not dependant on the agreement of a s106. There would be no requirement for other sport/recreation/fitness provision to be provided on the actual site. As it is not possible to secure any off-site contributions through a s106 Agreement due to CIL, contributions to these would need to be funded by CIL instead. On the basis that on-site POS and play would be secured by conditions, there would be no conflict with ALP policy OSR DM1.

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.

This development would be liable for CIL but this will not be calculated until the reserved matters stage when the proposed floorspace is known. Infrastructure providers such as WSCC and the NHS can then make a bid for a portion of the CIL payments collected to spend on their own projects. The Parish Council will also be provided with 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, para 5 of the most up-to-date ADC Community Infrastructure Funding Statement details ADC's CIL infrastructure list which does not include strategic highways, it is evident that no ADC CIL money will be spent on strategic highways. Paragraph 6.3 makes it clear that ADC do not generally collect via s106 for strategic highways (i.e. the strategic road network as managed by National Highways) and there is nothing in WSCC CIL Infrastructure Funding Statement that indicates that CIL will be passed on to National Highways where there are impacts on the strategic road network. It is clear that National Highway's consultation is an objection unless the LPA seeks to collect a contribution for A27 Fontwell Roundabout junction improvements.

Subject to the applicant entering into a s106 Agreement to secure the National Highways contribution and the Travel Plan monitoring/auditing fee required by WSCC Highways then there would be no conflict with ALP policy INF SP1. The WSCC Highways contribution cannot be secured by s106 as the proposed works are not within the site area and will instead need to be delivered through CIL. The bus stop improvements cannot be secured by s106 for the same reason but will instead be delivered through a s278.

The applicant advised that they are not prepared to initiate the s106 process as there is no guarantee the recommendation will be accepted. Therefore, any money that has already been spent on progressing the S106 would have been abortive.

SUMMARY:

There is conflict with policies in the development plan concerning development of a countryside site and loss of agricultural land. The proposal will make a meaningful contribution to the housing land supply (HLS) shortfall and this along with the other benefits serve to outweigh these policy conflicts. The proposal broadly complies with the requirements of ANDP policy EH1 and it is material that the Councils HLS has fallen below 3 years (now 2.4 years). The housing policies in the ANDP do not now benefit from the weight afforded by para 14 of the NPPF. The proposal represents sustainable development and the NPPF presumption in favour of sustainable development is engaged.

The proposal is recommended for approval subject to conditions and a s106 agreement. As the s106 has not yet been started, it is requested the final decision be delegated to the Group Head of Planning with authority to make minor amendments to the s106. Should the s106 not be completed in 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 NPPF 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 subject to a s106 legal agreement to secure the following obligations:

- (1) The provision of 21 Affordable Dwellings consisting of 5 First Homes, 2 Intermediate and 14 Affordable Rented. The s106 will be tailored to include local housing clauses and involve the ABE CLT.
- (2) A contribution of £11,316 towards the junction modification of the A27 Fontwell Avenue Roundabout.
- (3) A fee of £1500 for monitoring and auditing of the submitted Travel Plan Statement.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

- (a) Layout;
- (b) Scale;
- (c) Appearance;

(e) Landscaping.

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

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

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

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

Location Plan dwg 296621C_10 Rev F;
 "Access Design" dwg 020.0360.001;
 "Site Access Arrangements From Phase 1" dwg 020.0672.001 Rev A
 "Access onto Level Mare Lane" dwg 020.0672.002 Rev A
 "Level Mare Lane Visibility Splays" dwg 020.0672.007 Rev A;
 "Proposed Bus Improvements" dwg 020.0672.012; and
 "Air Quality Assessment: Land at Bayards, Eastergate, Arun" (dated August 2021).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies C SP1, D DM1, QE SP1, QE DM3, T SP1 and T DM1 of the Arun Local Plan.

- 4 The development shall proceed in accordance with section 5.0.8 of the Minerals Resource & Waste Infrastructure Assessment (August 2021) in that any pockets of gravel resource that are encountered through the preparatory earthworks required for the construction of the development shall be excavated and put to a beneficial use on the site.

Reason: In the interests of preserving valuable below ground minerals in accordance with Policy M9 of the West Sussex Joint Minerals Local plan (2018).

- 5 The site should be continually managed from the date of the decision in order to ensure that the site remains unsuitable for reptiles. If this is not possible then a precautionary approach should be taken within the site at the point of development commencement with regards to reptiles. This shall involve any removal of scrub, grassland or ruderal vegetation to be done sensitively and done with a two phased cut.

Reason: To mitigate harm to any reptiles using the site in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 6 Any brush piles, compost or debris piles on the site must be removed outside of the hedgehog hibernation period mid-October to mid-March inclusive and these piles must undergo soft demolition.

Reason: To mitigate harm to any hedgehogs using the site in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 7 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 between March and October (when bats are generally active) 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 and the NPPF.

- 8 The development shall be carried out in complete accordance with the recommendations of the Biodiversity Net Gain Assessment Report (LLD2327, 27/08/21) and the Ecological Impact Assessment (LLD2327, 19/08/21). In addition, the landscape details to be submitted pursuant to condition 1 shall incorporate the following biodiversity improvements in order to demonstrate biodiversity net gain:

- New native trees planted on a ratio of 2 for every 1 lost including street trees which are suitable to their location and are given space to grow;
- Wildflower meadow planting used;
- Bat bricks / tiles are integrated into the buildings onsite facing south/south westerly positioned 3-5m above ground;
- Bird boxes to be installed on the buildings / and or trees within the garden of the properties;
- Grassland areas managed to benefit reptiles; and
- Log piles and hedgehog boxes provided on-site.

Reason: To demonstrate biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 9 The landscape details to be submitted pursuant to condition 1 shall include the following items:

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

(2) Details of the position, design, materials, height and type of boundary treatments to be provided. The boundary treatments shall be provided to each dwelling before the dwelling is occupied or in accordance with the approved phasing plan. Gaps shall be included at the bottom of the fences to allow movement of small mammals across the site. Development shall be carried out in accordance with the approved details and permanently retained in a useable condition thereafter;

(3) A mitigation method statement which provides full details of how the retained hedgerows and the Wooded Shaw along the eastern boundary are to be protected and enhanced. The proposed protection details must include a 5m buffer zone to be secured by fencing around the retained natural areas during construction. The development shall thereafter proceed in accordance with the approved hedgerow protection and enhancement measures; and

(4) A Landscape Management Plan to provide full details on how the habitats and enhancements on the development will be managed post construction.

Reason: In the interest of visual amenity, the quality of the environment and bats in accordance with policies D DM1, ENV DM4 and ENV DM5 of the Arun Local Plan and the NPPF.

- 10 The layout and landscape details to be submitted pursuant to condition 1 shall include full details of the required public open space (POS) & play areas and management arrangements. The POS and play areas shall thereafter be implemented in accordance with the provision as agreed prior to occupation of the 34th dwelling and permanently retained thereafter. The approved management details shall then be permanently adhered to.

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

- 11 The layout, scale and appearance details to be submitted pursuant to condition 1 shall ensure that the access onto Level Mare Lane serves no more than 6 dwellings. The submission shall also include the following items:

(1) A scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings;

(2) A detailed level survey of the site including existing and resulting ground levels and the slab levels of the buildings the subject of this approval;

(3) 5% of all parking provided as suitable for disabled persons;

(4) 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 (in accordance with the BCT/ILP Guidance Note 08.18) 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 Wooded Shaw running along the eastern side of the site and care should be exercised in respect of lighting directed to the other site boundaries. The lighting approved shall be installed and maintained in accordance with the approved details; and

(5) A colour schedule of the materials and finishes to be used for the external walls and roofs of the proposed buildings.

Reasons: As set out in the submitted Transport Assessment and on the basis that the access onto Level Mare Lane has been assessed on the basis of 6 dwellings); and in the interests of visual amenity, the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime, road safety, the needs of the disabled, to minimise unnecessary light spillage outside the development site, to mitigate against any potential adverse impact of the development on local air quality and as new petrol, diesel and hybrid cars/vans will not be sold beyond 2030 all in accordance with policies T SP1, D DM1, QE SP1, QE DM2, QE DM3, ENV DM5 of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 12 The layout, scale and appearance details to be submitted pursuant to condition 1 shall include details of any temporary sales areas that may be required during the construction and marketing of the development. Such details shall include any temporary buildings or temporary changes to buildings and any temporary change to the development layout. The approved details shall be for a temporary period only ending on or before the date that the last dwelling on the site has been sold. The buildings or area shall be returned to their approved

permanent appearance within 3 months of the date of the last building sold.

Reason: In the interest of visual & residential amenity and the character/appearance of the surrounding area in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 13 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 1 shall ensure that the scheme accords with Aldingbourne Neighbourhood Development Plan Policy H4 and with the Councils guidance note "Accommodation for Older People and People with Disabilities Guidance" in order to provide accommodation suitable for the elderly and disabled.

Reason: To ensure that part of the development allows for residents to remain in their own homes over the course of their lifetime in accordance with policies D DM1 and D DM2 of the Arun Local Plan.

- 14 No piling or any other foundation construction using penetrative methods shall be carried out other than with the express written consent of the local planning authority (who shall consult with the Environment Agency & Portsmouth Water). The development shall be carried out in accordance with the approved details.

A piling risk assessment and method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) should be submitted to and approved in writing by the local planning authority in consultation with Portsmouth Water.

It must be demonstrated that any proposed piling:

- a. Will not result in contamination of groundwater;
- b. Will not increase risk to drinking water supplies (including turbidity); and
- c. Will not deteriorate the transmissivity of the aquifer.

Reason: Piling or any other foundation designs using penetrative methods can pose a risk to potable water supplies from, for example, turbidity, mobilisation of historical contaminants, drilling through different aquifers and creation of preferential pathways. This condition is imposed in accordance with paragraph 109 of the NPPF and policies W SP1 & W DM1 of the Arun Local Plan. This is not strictly a pre-commencement condition as other means of foundations are available however, if piling must be used then these details must be agreed prior to commencement and this condition is required because otherwise the water supplies under the site could be adversely affected.

- 15 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan and accompanying Site Setup Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with National Highways, WSCC Highways, the Environment Agency, Portsmouth Water 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 anticipated, number, frequency, types and timing of vehicles used during construction (construction vehicles should avoid the network peak hours of 0800-0900 and 1700-1800 where practicable);

- 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;
- all pollution mitigation measures to be adopted during the construction phase. This should include management of overland runoff, storage of hazardous materials, chemical and hydrocarbons on site and temporary drainage infrastructure to ensure that water resources are not put at risk from leaks or spillages;
- 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), protecting groundwater supplies and in the interests of highway safety in accordance with policies D DM1, ENV DM5, QE SP1, QE DM1, QE DM2, QE DM3, W SP1, 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.

16 Development shall not commence, until full details of the proposed surface water drainage

scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency and Portsmouth Water. 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 and does not harm groundwater resources in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 17 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.

- 18 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 in consultation with the Environment Agency, Portsmouth Water and Southern Water (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 ensure that occupation of the site aligns 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 and does not harm controlled waters and the public drinking water supply 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.

- 19 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.

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 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.

20 No development 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.

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 hydrants 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 T SP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004. This is required to be a pre-commencement condition because it will be necessary to implement the hydrants and water connection at an early stage of development.

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

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

- 22 Development shall not commence, until a Soil Resource Plan has been submitted to and approved in writing by the Local Planning Authority. This shall set out how the best and most versatile soils on the site are to be protected during construction and then recycled/reused in the new development layout. The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction and development of the site.

Reason: In accordance with Arun Local Plan policy SO DM1 and the NPPF. It is necessary for this to be a pre-commencement condition to protect the best and most versatile soils on the site prior to the construction commencing.

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

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition because it is not possible to carry out archaeological survey work once development including roads, foundations and surface infrastructure has commenced.

- 24 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 and in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 25 The developer shall enter into a Section 278 agreement with the local highway authority to enable the bus stop improvements to be implemented. These shall be completed prior to the occupation of any part of the development.

Reason: In the interests of road safety and accessibility in accordance with policies T SP1 and T DM1 of the Arun Local Plan and the NPPF.

- 26 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.

- 27 If residential properties are to be completed and occupied prior to the whole development being finished, a scheme to protect those early occupants from noise and vibration from construction activities should be submitted and approved in writing by the Local Planning Authority.

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

- 28 No part of the development shall be first occupied until such time as the vehicular accesses serving the development have been constructed in accordance with the approved plans.

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

- 29 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 NPPF.

- 30 No part of the development shall be first occupied until visibility splays of (a) 2.4m by 43m have been provided at the proposed vehicular access onto the development layout approved by BN/50/20/PL and (b) 2m by 120m have been provided at the proposed vehicular access onto Level Mare Lane; both in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above the adjoining carriageway level or as otherwise agreed in writing with the Local Planning Authority.

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

- 31 If, during development, contamination not previously identified is found to be present at the site then the local planning authority must be notified immediately. No further development (unless otherwise agreed in writing with the local planning authority in consultation with the Environment Agency and Portsmouth Water) shall be undertaken in that phase until the

developer has submitted and had approved a site investigation, risk assessment and remediation strategy report, detailing how to mitigate the contamination identified. The remediation strategy approved by the local planning authority shall be implemented in full before development in that phase recommences.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment & prevention of harm to human health and to ensure that risks from land contamination to drinking water supplies is controlled and mitigated in accordance with Arun Local Plan policies QE SP1, QE DM4, W SP1 and W DM1.

32 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.

33 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to:

(1) The provision of 21 Affordable Dwellings consisting of 5 First Homes, 2 Intermediate and 14 Affordable Rented. The s106 will be tailored to include local housing clauses and involve the ABE CLT;

(2) A contribution of £11,316 towards the junction modification of the A27 Fontwell Avenue Roundabout; and

(3) A fee of £1500 for monitoring and auditing of the submitted Travel Plan Statement.

34 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which is available to read on the following website: <https://beta.southernwater.co.uk/infrastructurecharges>.

35 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.

36 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.

37 INFORMATIVE: A surface water drainage verification condition guidance note is available at <https://www.arun.gov.uk/drainage-planning-consultations>.

38 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

39 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/>

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

41 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.

42 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.

43 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 07/09/21) as available on the Councils website.

44 INFORMATIVE: We encourage the highest practicable standards of building insulation and use of renewable forms of heating (such as ground and air source heat pumps) as opposed to natural gas boilers where possible. This action would contribute to the improvement of local air quality and reduce overall GHG emissions in the long term. If any heat pumps are to be included in the development the applicant shall be required to demonstrate that any pump/s

meets the criteria detailed in the Micro Certification Scheme planning standards (MCS 020).

- 45 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.
- 46 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.

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](#).

AL/113/21/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

AL/42/21/HH

Original Decision = Refused

Received: 24-11-21

32 Lime Avenue Westergate Chichester

Decision Level = Delegated

Erect a fence along the east side boundary

Written

Representations

PINS Ref: APP/C3810/W/21/3278112

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/294/21/HH

Original Decision = Refused

Received: 06-01-22

59 Marlborough Court Aldwick

Decision Level = Delegated

Erection of single storey side extension, involving demolition of attached garage, single storey side extension to other side to create garage and utility room and loft conversion with 1 x rear dormer

Written

Representations

PINS Ref: APP/C3810/D/21/3288412

AW/30/21/T

Original Decision = Refused

Received: 31-10-21

55 Christchurch Crescent Aldwick

Decision Level = Delegated

3 No. Corsican Pine trees - Crown reduction to height approx. 13.5m and spread 10.5m and Crown lift to 3m

Written

Representations

PINS Ref: APP/TPO/C3810/8499

AW/353/20/OUT

Original Decision = Refused

Received: 27-10-21

Land adjacent to 1 Cambridge Walk Aldwick

Decision Level = Delegated

Outline application with some matters reserved for 1 No. new dwelling.

Written

Representations

PINS Ref: APP/C3810/W/21/3281947

BE/119/20/PL

Original Decision = Refused

Received: 30-09-21

Land West of New Barn Lane Bersted

Decision Level = Delegated

1 No. detached house. This site falls within Strategic Site SP2, CIL Zone 1 (Zero Rated)

**Written
Representations**

PINS Ref: APP/C3810/W/21/3276647

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

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

EP/10/21/PL

Original Decision = Refused

Received: 24-11-21

4 Beechlands Close & east of 18 Beechlands Court Montpelier Road, East Preston

Decision Level = Delegated

Demolition of an existing garage & erection of 2 No. 2 bed dwellings (resubmission following EP/115/20/PL). This site is in CIL Zone 4 and is CIL Liable as dwellings.

**Written
Representations**

PINS Ref: APP/C3810/W/21/3278915

FG/130/21/HH

Original Decision = Refused

Received: 30-11-21

162 Littlehampton Road Ferring

Decision Level = Delegated

The erection of a double garage & garden store.

**Written
Representations**

PINS Ref: APP/C3810/D/21/3286028

FG/46/21/PL

Original Decision = Refused

Received: 04-01-22

Land between 11a The Grove and 30 Brook Lane Ferring

Decision Level = Delegated

Development of 1 no. 2 bed house set over 2 floors, with first floor being partially contained within roof, along with associated parking & amenity spaces. This site is within CIL Zone 4 and is CIL liable as new dwelling.

**Written
Representations**

PINS Ref: APP/C3810/W/21/3281178

FG/92/20/T

3 Lavender Court Ferringham Lane Ferring

Original Decision = Refused

Received: 26-04-21

Decision Level = Delegated

Fell 1 No. Himalayan Cedar

Informal Hearing

PINS Ref: APP/TPO/C3810/8172

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

WA/68/20/OUT

Original Decision = Refused

Received: 02-12-21

Land west of Tye Lane Walberton

Decision Level = Delegated

Outline application with all matters reserved, other than means of access, for the construction of up to 155 No. dwellings (30% affordable homes) & amendment to boundary of garden land to serve adjoining property. This application affects the character & appearance of the Walberton Village Conservation Area, may affect the setting of listed buildings & is a Departure from the Development Plan.

Informal Hearing **13-04-22**

PINS Ref: APP/C3810/W/21/3278130

ENF/470/15/

Received:

Valhalla High Street Bognor Regis

Written Representations

PINS Ref: APP/C3810/F/20/3257966

ENF/248/21

Received:

Maidenhead Aquatics (inc The Arundel Gardener) Former Bairds Farm shop
Crookthorne Lane A259 Climping

Written Representations

PINS Ref: APP/C3810/C/21/3287807

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ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF PLANNING COMMITTEE ON 2 FEBRUARY 2022

SUBJECT: Appeals Performance & Cost 2021

REPORT AUTHOR: Neil Crowther

DATE: January 2022

EXTN: 01903 737839

AREA: Place

EXECUTIVE SUMMARY:

The report outlines the Council's performance at appeal during 2021 and outlines the costs associated with those appeals.

RECOMMENDATIONS:

To note the Appeals Performance & Costs for 2021

1.0 INTRODUCTION

- 1.1 The purpose of this report is to advise Members on how the Council has performed in the calendar year of 2021 in respect of appeals. The Council has an indicator within the planning departments Business Plan that aims for 70% of all appeals being dismissed.
- 1.2 On 3 February 2021, a report to Committee reported appeal performance for the 2020 calendar year. In summary, performance for this period was as follows;
- A total of 50 appeals were determined in 2020, an increase of 7 over that determined in 2019.
 - Of these, 24 were dismissed representing a success rate for the Council of 48% of all appeals dismissed. That equated to a 13% increase in success rate over 2019.
 - Of all planning appeal decisions, 74% were made in accordance with the recommendation of officers.

- 1.3 As highlighted by the recent Planning Review, appeals performance is a good indication of the quality decision making at the Council.

2.0 ALL APPEALS

- 2.1 A total of 41 appeals against decisions to refuse planning permission were determined in 2021, a decrease of 9 over that determined in 2020. Appeals workload nearly doubled between 2019 – 2021. Of these appeals, 27 were dismissed representing a success rate for the Council of **63%** of all appeals dismissed. That equates to a 15% increase in success rate over 2020.

However, it should be noted that this overall performance is affected by appeals decisions against decisions made at Planning Committee contrary to the advice of officers. Performance in accordance with the recommendation of officers shows that **76%** of appeals were determined in accordance with the recommendation. This represents an increase of 2% on 2020.

Some members may be aware that a new process was implemented a few years ago whereby all refusals needed to be agreed by the Group Head of Planning. In 2018, appeal decisions in accordance with the officer recommendation was only 48%. The performance is now at 76% and represents a significant improvement in the quality of decision making. It has improved year on year.

There were 4 appeals arising out of a decision at Planning Committee to refuse permission contrary to the recommendation of officers in 2021 (a decrease from 13 in 2020). All these appeals were allowed. All 13 in 2020 were also allowed.

3.0 WRITTEN REPRESENTATIONS

- 3.1 A total of 38 appeals were determined by written representations in 2021. Overall, 25 of these appeals were dismissed. This equates to a success rate of 68% being dismissed - an increase in performance of 19% compared to 2020.
- 3.2 71% of decisions were made in accordance with the recommendation of officers. This represents a decrease of 7% on 2020 performance.

4.0 INFORMAL HEARINGS

- 4.1 During 2021, there were three appeals determined by way of informal hearing. These were BE/109/19/PL (east of Shripney Road), BE/135/17/PL (Wisteria Heights Caravan Park) and M/80/19/PL (Poultry Farm).
- 4.2 BE/135/17/PL was recommended for refusal, but the appeal was allowed. BE/109/20/PL & M/80/19/PL were both recommended for approval but were refused at Planning Committee. Consultants were instructed to represent the Council at the

appeal hearings but both appeals were allowed. Both also resulted in costs awards against the Council. This will be discussed in section 10.

5.0 PUBLIC INQUIRIES

5.1 During 2021, there were no appeal decisions received from appeals determined by way of public inquiries.

6.0 PERFORMANCE OF PLANNING COMMITTEE

6.1 The composition of the Planning Committee changed significantly after the May 2019 change in administration. There were further changes to this after May 2021. Last year it was reported that there has been a significant increase in the number of decisions that have been taken contrary to the advice of officers since May 2019. In the municipal year 2018/2019, there were 6 out of 88 applications (7%) that were refused planning permission contrary to the advice of officers. In the year 2019/20, there were 16 out of 81 (20%). These decisions have resulted in substantial additional costs to the Council and resulted in a large number of appeals. 25% of all appeals in 2020 were as a result of decisions at Committee.

6.2 In 2021, there have been only 4 appeals as a result of decisions made at Planning Committee contrary to the advice of officers (10% of total appeals). These appeals were;

1	M/80/19/PL	Poultry Farm, Middleton	Allowed	Costs Awarded against the Council
2	R/197/20/OUT	Croft Works, Rustington	Allowed	Costs Awarded against the Council
3	BE/109/19/OUT	Shripney Road, Shripney	Allowed	Costs Awarded against the Council
4	FG/123/20/PL	McIntire Nursery, Ferring	Allowed	Application for costs refused

6.3 The Council has not managed to successfully defend any of the above decisions made contrary to the recommendation of officers in 2021. Further, three of these decisions resulted in an award of costs against the Council for unreasonable behaviour. The costs associated with these decisions will be set out in section 8.

6.4 The areas of disagreement and conclusions in the decisions on these 4 appeals are as follows:

- Failure to properly consider the 'fall-back' position of a previously approved scheme
- Satisfaction that tree protection measures were adequate
- Lack of impact on the gap between settlements due to the relationship with

adjoining development and consequent lack of impact on the character of the countryside.

- No necessity to extend the public transport services
- Satisfactory impacts on flood risk and surface water
- The need for housing outweighs the harm to agricultural land
- Commercial structure would be surrounded by other existing structures and therefore the impact on the countryside would not be significant.
- Adequate access in accordance with Manual for Streets, especially for only two dwellings.
- No existing restrictions on use of the access
- Emergency service access acceptable in the lack of objection from Fire Service

7.0 MAJOR PROPOSALS

7.1 During 2021, there were 4 appeals classified as a 'major' scheme. Performance at appeal on 'major' applications is important for the reasons set out in section 11 of this report. These appeals were:

- BE/109/19/PL – Outline application for up to 46 No dwellings. Land to the east of Shripney Road. Planning Committee refusal allowed at appeal.
- M/80/19/PL - 66 bed care home. Poultry Farm, Land West of Yapton Road. Planning Committee refusal allowed at appeal.
- BN/128/19/OUT - 70 bed Care Home and 14 Assisted Living bungalows. Adj to Highfield House, Yapton Road. Delegated refusal dismissed at appeal.
- FG/123/20/PL - use of land for Class B8 container self-storage. Former McIntyre Nursery Littlehampton Road Ferring. Planning Committee refusal allowed at appeal.

7.2 Of these 4 appeals, only one was dismissed. However, all were determined in accordance with the recommendation of officers.

8.0 COSTS

8.1 The costs of defending appeals during 2021, where there were costs awards, and consultants used, is set out in the table below. Some of the appeals in the table below are from decisions in 2020 where costs were not known until 2021. It should also be noted that significant officer time is also required for managing appeals workloads (even in instances where consultants are used).

Site	Decision	Costs Awarded (£)	Consultant Costs (£)	Overall Cost (£)
BE/109/19/PL Shripney Rd	Allowed	Yes. No claim submitted.	£8,982	
M/80/19/PL Middleton Nursing Home	Allowed	Yes No claim submitted.	£10,700	
P/58/19/PL Inglenook Hotel	Allowed	Yes. £25,690	£7,000	£32,690
R/197/20/OUT Croft Works	Allowed	£5,700	n/a	£5,700
BR/233/19/PL 77 Aldwick Rd	Allowed	Yes. No claim submitted.	n/a	
Y/20/18/OUT Bonhams, Hoe Lane	Allowed	Yes. Claim submitted. Not yet agreed.	n/a	

TOTAL	£31,390	£26,682	
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8.2 The table above shows that the costs of defending appeals in the calendar year. All but two of the above appeals were submitted following decisions to refuse planning permission contrary to the advice of officers. It is estimated that all of these decisions will result in costs of about £90,000 being incurred by the Council.

8.3 There was one award of costs to the Council (P/1/21/PL) due to the fact that the Inspector concluded there was no prospect of the proposals ever being implemented and that the appeal was clearly an attempt to unreasonably just frustrate the strategic housing strategy. This was a decision taken at Planning Committee in accordance with the recommendation of officers.

8.4 An analysis of the reasons for a costs award against the Council for unreasonable behaviour is set out in section 10.

9.0 **SUMMARY OF ISSUES**

9.1 Attached to this report is a summary of all the appeal decisions received in the 2020 period.

The schedule for all appeals determined in 2021 highlights the issues raised by Inspectors when making decisions. Where the Inspector has disagreed with the Council's decision to refuse and granted permission, the areas of disagreement are as follows:

- In 11 of the cases approved contrary to the decision the Inspector did not agree with the Council's position on character and appearance.
- In 3 of the cases the Inspector did not agree with the Council's position on adverse impact on living conditions of neighbours.
- In 4 of the cases the Inspector did not agree with the Council's position that the adverse impacts of the development significantly and demonstrably outweighed the benefits in accordance with the NPPF.
- In 4 of the cases the Inspector did not agree with the Council on access/location issues.
- In 1 case the Inspector did not agree that the loss of tourism accommodation was harmful.
- In 1 case the Inspector did not agree that there was a requirement for a s106 relating to affordable housing/play provision.
- In 1 case the Inspector did not agree with the Council on flooding issues.
- In 1 case the Inspector did not agree with the Council on health and well-being issues.
- In 1 case the Inspector did not agree with the Council on loss of agricultural land.
- Of the above there were 3 decisions made against officer advice where the Inspector did not agree with the Council on adverse impact on character, 2 on access/transport issues, 1 each on flooding and loss of agricultural land:

10.0 COSTS AWARDS AGAINST THE COUNCIL

- 10.1 One significant element of appeals performance is the quality of decision making and the Council's ability to impose reasons for refusal that are reasonable and can be robustly defended.
- 10.2 In 2021 there were 6 applications for costs. 3 of these were against the Council where costs were awarded and 3 were unsuccessful applications made by the appellant where no costs were awarded (Barton House, Pagham, Spindlewood & McIntyre Nursery).
- 10.3 The following appeals were where costs were awarded against the Council for unreasonable behaviour.

M/80/19/PL	Former Poultry Farm, West of Yapton Road	Allowed
BE/109/19/OUT	Land to the east of Shripney Road	Allowed
R/197/20/OUT	Croft Works, 52 Mill Lane	Allowed

M/80/19/PL - Costs awarded on grounds on unreasonable behaviour due to the only matter of the planning obligation and the costs associated with the preparation thereof. The Inspector did not conclude that a planning obligation was justified.

BE/109/19/OUT - Costs awarded on grounds on unreasonable behaviour due to

reaching an unreasonable conclusion on the Built Up Area Boundary (and what harm would result) and coming to unreasonable conclusions with no evidence on flood risk where other recent development had been approved.

R/197/20/OUT - Costs awarded on grounds on unreasonable behaviour due to being unable to present a case to justify not accepting the views of the Highway Authority.

- 10.4 One very clear conclusion from these decisions is that, if the Committee are seeking to refuse an application, evidence to support this decision must be able to be produced at an appeal. Failure to be able to do this has resulted in costs awards against the Council and significant expense.

11.0 UNDER PERFORMING PLANNING AUTHORITY?

- 11.1 The Government's document 'Improving Planning Performance (2018)' says that the performance of Local Authorities in deciding applications for planning permission enables development to deliver home ownership, building homes people can afford to buy and supporting economic growth. It also states that a Local Planning Authority can be considered as not fulfilling this role by reference to the criteria in this document and it may be that "the Secretary of State considers that there are respects in which the authority are not adequately performing their function of determining applications".

- 11.2 The data used in measuring performance by the quality of decisions made by Local Planning Authorities is the proportion of decisions on applications that are subsequently overturned at appeal. If the threshold of 10% is exceeded, the department will be designated as an 'under performing authority' and applications can be submitted direct to the Planning Inspectorate for determination.

- 11.3 In the case of Arun for the period 01/04/2018 - 31/03/20 (the most up to date evidence published by the Government in Live Table 152a), it records the number of major application decisions as 122 which have resulted in 10 appeals. Of these 5 are categorised as major decisions which have been overturned at appeal. It then goes on to score Arun as 4.1% in terms of quality of decisions. This compares to 1.6% for England as a whole and places Arun 317 out of 352 local authorities in England.

- 11.4 Other authorities in West Sussex perform as follows;

Worthing	-	0% (1 major appeal)
Adur	-	0% (0 major appeals)
Horsham	-	0% (2 major appeals)
Chichester	-	1.1% (6 major appeals)
Mid Sussex	-	1.6% (6 major appeals)
Arun	-	4.1% (10 major appeals)
Crawley	-	6.7% (4 major appeals)

11.5 Whilst the performance of the Council over this period does not put it at risk of 'special measures' it has to be acknowledged that it is very poor when compared to the national average and the performance of our adjoining authorities who have similar numbers of major appeals.

12.0 CONCLUSIONS

12.1 When compared to 2020, the above shows that there has been a 15% increase in the overall success rate in terms of the Council's ability to defend appeals (though it has to be acknowledged that performance in 2020 was very poor). At a success rate of winning 63% of all appeals the Council has not met its corporate target of winning 70% of appeals for the last 5 years. However, 2021, was the best year for performance in those 5 years.

12.2 Decisions made in accordance with the recommendation of officers has improved again in 2021. There has been a 2% and decisions in accordance with the officer recommendation has exceeded the target for the past two years.

12.3 This report will form the basis of informal discussions between officers and members and these discussions will consider what further training may be required for members and officers.

2. PROPOSAL(S):

To note the performance.

3. OPTIONS:

n/a

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		x
Relevant District Ward Councillors		x
Other groups/persons (please specify)		
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	x	
Legal		x
Human Rights/Equality Impact Assessment		x

Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		

6. IMPLICATIONS:

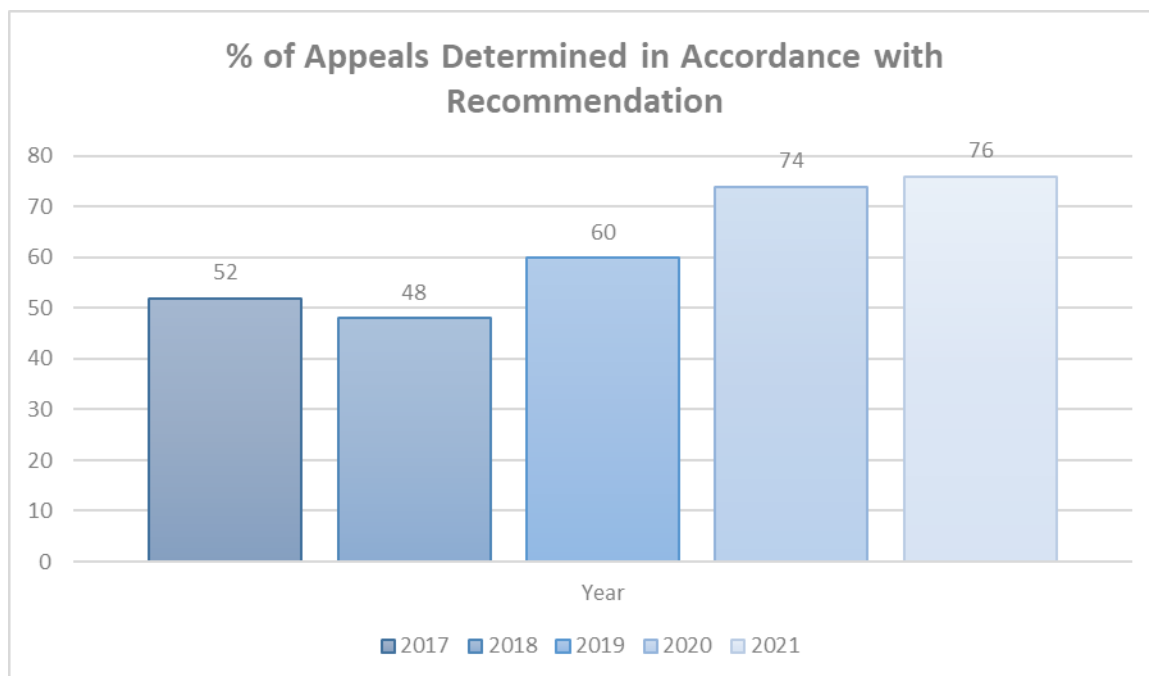
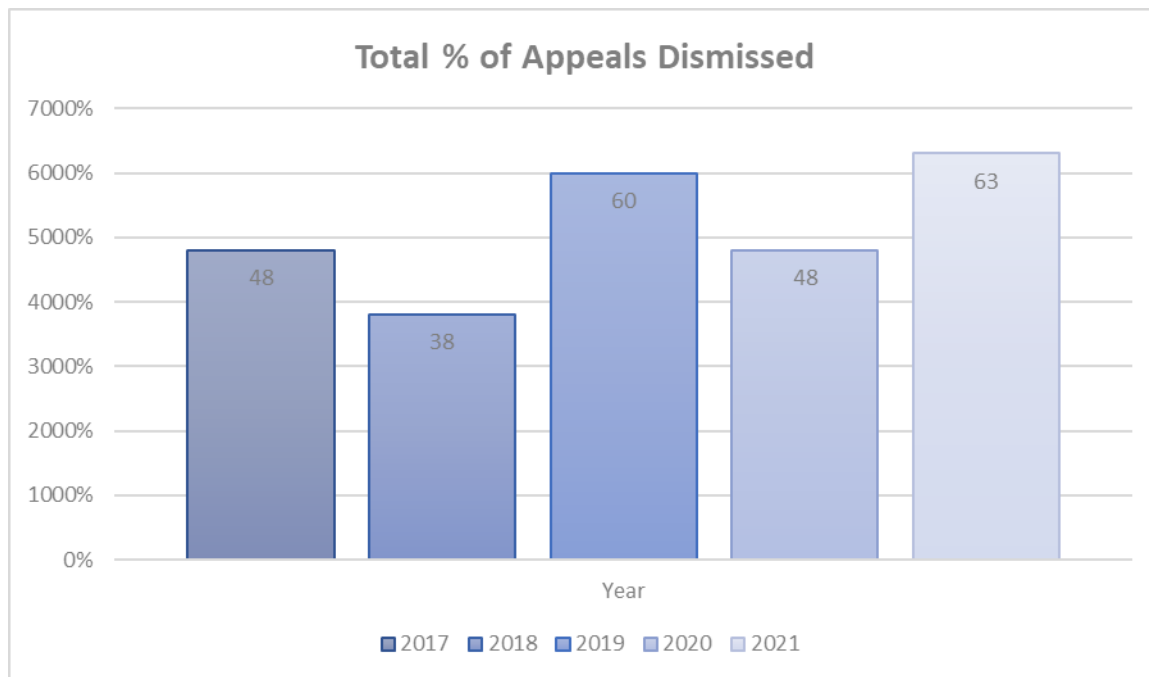
The financial implications are set out in the report.

7. REASON FOR THE DECISION:

n/a

8. BACKGROUND PAPERS:

Schedule of appeals in 2021



Appeals Summary 2021

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
AL/27/20/PL Springfield, Hook Lane (SD)	Demolition of the existing dwelling & construction of 2 No. 2-bed, 3 No. 3-bed & 4 No. 4 bed houses including access, landscaping & associated works (resubmission following AL/51/19/PL).	R-R-D	<p>WR</p> <p>AL/27/20/PL & AL/51/19/PL were subject to a joint Appeal with AL/37/20/PL being "Appeal A" and AL/51/19/PL "Appeal B".</p> <p>The main issues were the effect of the proposed development on:</p> <ul style="list-style-type: none"> i) in respect of Appeal A and Appeal B, the character and appearance of the area, with particular regard to the trees on the northern boundary of the site. ii) in respect of Appeal A and Appeal B, biodiversity. iii) in respect of Appeal B, the safe and convenient use of the highway, with particular regard to parking. <p>(i) The Inspector concluded that both Appeal schemes would harmfully affect the character and appearance of the site and area through the loss and potential loss of significant trees. The Inspector had regard to the fact that an alternative solution with a lesser likely effect on the Root Protection Areas is possible (having regard to approved application AL/64/20/PL.</p> <p>(ii) The Inspector concluded that the loss of trees on the northern boundary associated with both Appeals would diminish the biodiversity value of the site.</p> <p>(iii) The Inspector concluded that the Appeal B scheme would be harmful to the safe and convenient use of the highway due to the shortfall in parking provision.</p>

Appeals Summary 2021

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			Overall, the Inspector found that the harm to the character & appearance of the site and area, to biodiversity and, from the Appeal B scheme, to the safe and convenient use of the highway would significantly and demonstrably outweigh the limited benefits of one additional dwelling when assessed against the policies in the Framework taken as a whole. As a result, the Inspector stated that the presumption in favour of sustainable development does not apply.
AL/51/19/PL Springfield, Hook Lane (SD)	Demolition of the existing dwelling & erection of 3 No 2-bed, 3 No 3-bed & 4 No 4-bed dwellings, access, landscaping & associated works	R-R-D	WR See above (AL/27/20/PL)
A/32/20/PL White Lodge, Hangleton Lane (AG)	Erection of 1 No. detached low-profile bungalow with attached garage. This application is a Departure from the Development Plan & may affect a Public Right of Way.	R-R-D	WR The Inspector found the adverse impacts of the appeal proposal would be significant. In particular, the appeal proposal would be located in an unsuitable and unsustainable location for new housing, and would result in significant harm to the development plan's strategy that seeks to restrict new development within the countryside and distribute new housing to the designated built-up areas that are more accessible and sustainable. The harm identified would significantly and demonstrably outweigh the moderate benefits of the appeal scheme, when assessed against the policies in the Framework taken as a whole.

Appeals Summary 2021

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			Consequently, the presumption in favour of sustainable development envisaged in the Framework does not apply in this instance. The Framework is not a material consideration in this instance that indicates a decision other than in accordance with the development plan.
M/80/19/PL Former Poultry Farm, Land West of Yapton Road (AG)	Demolition of the existing structures & redevelopment to provide a new 66-bedroom care home (Use Class C2) arranged over two storeys together with associated access, car and cycle parking, structural landscaping and amenity space provision	DIS DC Comm-APP Cond sub to S106-R-ALC Costs Allowed as per the terms set out in the Decision	Hearing The Inspector some harm to the character and appearance of the area would arise; however, the additional harm associated with the appeal scheme is only marginally more than would arise from the care home permission. This harm therefore carried limited weight in the overall assessment of the scheme. The limited adverse effects of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development applies in this case. Costs decision A costs award was justified with respect to ground c) with regard to the planning obligation and only the costs relating to the preparation of the planning obligation were awarded.
M/40/20/HH 12 East Avenue, Ancton	First floor and ground floor side extensions	R-R-D&A Dismissed (First Floor Side Extension) Allowed + Conditions (Ground Floor Side Extension)	WR The Council has no objection to the proposed ground floor extension on the southern elevation. I have no reason to take a different view. The main issue in dispute is the effect of the proposed first floor extension on the living conditions of the occupiers of 14 East Avenue, with reference to outlook and privacy.

Appeals Summary 2021

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			<p>The proposed first storey addition would be materially harmful to the living conditions of the occupiers of 14 East Avenue and for this reason it is unacceptable.</p> <p>For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.</p>
FP/61/20/PL at 10 Felpham Gardens, Felpham	Demolition of 1 No. house & erection of 2 No. chalet style dwellings with garaging & car parking (resubmission following FP/274/18/PL)	R-R-ALC	WR
BN/24/20/PL Tile Barn, 32 Hill Lane, Barnham	Erection of 1 No. dwelling & formation of new vehicular access.	R-R-ALC	WR
BE/135/17/PL Land at Wisteria Heights Caravan Park, Shripney Lane, Bersted	Continuance of use without compliance with condition 4 imposed under BE/151/11/ relating to occupancy	R-R-ALC	<p>Hearing</p> <p>Main issues were:</p> <p>(1) The effect of removing condition 4 on the provision of visitor accommodation</p> <p>(2) Whether the development makes adequate provision for affordable housing and essential infrastructure contributions</p>

Appeals Summary 2021

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			<p>(3) Whether there are any material considerations, including the housing land supply position and any benefits of the development, which would mean that the development should be determined otherwise than in accordance with the development plan.</p> <p>(1) The Inspector found that the harm would be relatively moderate but still in conflict with ALP Policy TOU DM1.</p> <p>(2) The Inspector considered that Mobile homes are a form of low-cost housing and are 20% below local market value so met the NPPF definition therefore no additional AH requirement. The appellant offered a legal agreement to secure the other contributions but the request for off-site play was not accepted as there was no evidence that the existing play space is inadequate, nor that there is a need for improvements of the play space as a result of any additional demands placed on it by the development.</p> <p>(3) Overall determined that the benefits of 12 permanent homes outweighed the moderate harm in respect of loss of visitor accommodation.</p>
AL/54/20/HH Reed Cottage, Westergate Street	Garden shed and adjoining open potting area	R-R-ALC	<p>WR</p> <p>The main issue is the effect of the proposed development on the living conditions of neighbouring occupants at 26 Belle Meade Close, with regard to dominance and overshadowing. having regard to the alterations that are underway at the neighbouring property, the proposed development would not give rise to a harmful impact on the living conditions of its occupants by reason of dominance or overshadowing</p>

Appeals Summary 2021

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
BN/128/19/OUT Land Adj to Highfield House, Yapton Road	Application for outline planning permission for development of 70 bed Care Home and 14 Assisted Living bungalows with associated car parking, landscaping and access	R-R-D	WR
BN/46/20/PL Poachers, Eastergate Lane	Construction of 1 No. 4-bed detached dwelling with detached carport.	R-R-ALC	WR
R/117/20/OUT Croft Works, 52 Mill Lane	Demolition of existing dilapidated storage buildings and erection of 4 no. semi detached 2- bedroom dwellings with associated gardens, car	R-R-D	WR

Appeals Summary 2021

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
	parking and landscaping.		
FG/70/20/HH 9 Telgarth Road, Ferring	Hip to Gable remodel of exiting loft conversion	R-R-D	<p>WR</p> <p>The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers with particular reference to the privacy of the dwelling to the west.</p> <p>The proposed development would create first floor windows on the west elevation and would result in direct overlooking in close proximity to these areas. There would be a significant loss of privacy to the neighbouring property. A condition could be used to require the first-floor west elevation windows to be fixed shut and obscure glazed, however this would result in bedrooms with very limited outlook and is unreasonable. As such, the proposed development would not accord with the development plan and would have a harmful effect on the living conditions of neighbouring occupiers with particular reference to the privacy of the dwelling to the west.</p>
R/156/20/PL 31 Albert Road, Rustington	Extension and alteration of existing residential dwelling and subdivision to form 2no. two bedroom residential dwellings,	R-R- D	WR

Appeals Summary 2021

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
	together with formation of new vehicular access and entrance drive.		
LU/287/20/A 50 High Street, Littlehampton	Retention of 2 No. internally illuminated fascia boards.	R-R-D	<p>WR</p> <p>The main issue is the effect of the advertisement on the amenity of the area.</p> <p>The entire external appearance of the building is bright and uses bold contrasting colours to distinguish the ground-floor, fascia signs and first floor level. The design of the advertisements, particularly in their use of colour and the size of their font, creates an imposing and obtrusive appearance among shop fronts which are generally more muted. They are unsympathetic to the character of the area and are poorly sited alongside the historically distinctive building of character which adjoins the appeal site to the left. The proposed advertisements cause harm to the visual amenity of the area.</p>
P/18/20/PL Land West of Barton House, Manor Park	Change of use from highway land to residential use for the development of 4 No. 3 bed terraced houses with associated	R-R-D Costs dismissed	WR

Appeals Summary 2021

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
	parking & access. This application affects the setting of a listed building.		
P/1/21/PL Land at Summer Lane	Material change of use of land from agricultural use to use for open space.	R-R-D Costs refused (appellant) Costs allowed in Part (LPA)	WR The main issues were: (1) whether the proposal would prejudice the delivery of housing, and (2) whether there is safe and suitable access to the site. (1) This appeal failed as the proposal would prejudice the delivery of housing, and as a result would conflict with the Arun Local Plan policies which identify the amount and location of new housing in a comprehensive planned manner, together with supporting infrastructure. The Inspector also stated that whilst the proposal may find support from other Local Plan policies, the most important policies in the development plan relate to the delivery of housing which it conflicts with. (2) The Inspector considered that use of the land as open space would require parking but that this could be accommodated on Pagham Road or at Pagham Village Hall, further that access by public transport via a bus service is also available nearby. The hedging and drainage ditches adjacent to the land would not prevent access. Access for maintenance purposes could be secured by a

Appeals Summary 2021

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			<p>condition. Therefore no conflict with Policies T SP1 or T DM1 of the Arun Local Plan.</p> <p>Separately the costs application by the appellant was dismissed as the Inspector found there to be no evidence of unreasonable behaviour by the Council which had justifiable grounds on which to refuse planning permission and defend the appeal.</p> <p>However, the costs application by the Council was allowed in part on the grounds that the appeal was in conflict with the development plan, in conflict with the allocated/permitted use of the majority of the site, there was no realistic prospect of it ever being implemented. Therefore, the appeal was unreasonable on this basis. There was no award of costs in relation to the access refusal reason hence why only allowed in part.</p>
BN/74/20/PL 3 Woodside, Barnham	Change of use of some land from public amenity land to private garden, and erect new 1.8m wooden fence with concrete posts.	R-R-D	<p>WR</p> <p>The main issue is the effect of the proposal on the character and appearance of the area.</p> <p>There would also be scope to retain some vegetation at the rear corner of the property where the new fence line steps in. However, this does not adequately mitigate the harm.</p> <p>Accordingly, I conclude that the proposal would cause material harm to the character and appearance of the area.</p>
FP/61/20/PL 10 Felpham Gardens	Demolition of 1 No. house & erection of 2 No. chalet style dwellings with	R-R-ALC	WR

Appeals Summary 2021

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
	garaging & car parking (resubmission following FP/274/18/PL).		
FP/189/20/PL Land between 49 and 51 Summerley Lane	1 No dwelling to replace existing garage	R-R-ALC	WR The main issue is the effect of the proposed development on the character and appearance of the area. The proposed house would be a lot smaller, both in height and width, than the adjacent properties. However, since it would retain a similar set back from the street than the neighbouring bungalow and garage, it would not be prominent and only limited harm to the spacious character of the street would result. In the context of the wider area, it would not be uncharacteristic of other development along Summerley Lane. I conclude that the proposed development would not harm the character and appearance of the area.
WA/79/20/PL Spindlewood, Yapton Lane	Demolition of existing dwelling & erections of 8 No. new dwellinghouses with associated landscaping & parking (resubmission following WA/30/20/PL).	R-R-ALC Costs refused	WR

Appeals Summary 2021

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
BN/51/20/PL Land at Chantry Mead	4 No dwellings including access, landscaping & associated works.	R-R-D	WR
FP/179/20/PL 7 Ambleside Close	1 No 3 bedroom detached chalet bungalow.	R-R-D	WR
FP/184/20/PL R/O 7 Middleton Road	Demolition of existing garage/outbuildin g & construction of a pair of semi- detached houses & associated works.	R-R-ALC	WR
AW/31/21/HH 3 Haydon Close	Single storey rear extension and front porch.	R-R-ALC	<p>WR</p> <p>The main issue is the effect of the proposed development on: (1) the character and appearance of the host building and the surrounding area; and (2) the living conditions of adjoining occupiers.</p> <p>(1) Despite its large footprint and providing more floorspace than the existing bungalow, the lower height and lesser width of the proposed extension means that it would appear as a visually subservient addition that would not unacceptably dominate the original building. Its flat roof would reflect other nearby flat roof features. Due to the varying size of surrounding properties, I conclude that the</p>

Appeals Summary 2021

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			<p>proposed development would not harm the character and appearance of the host building or surrounding area.</p> <p>(2) The proposed rear extension would be in close proximity to the boundaries with Nos 4 and 37 and would project above the existing fencing. However, it would not about the boundaries and its bulk and height would not be significant given its single-storey flat-roof form. It would not result in significant overshadowing or loss of light to No 4. I conclude the proposed development would not harm the living conditions of adjoining occupiers.</p>
K/54/20/PL Land East of Kingston House, Kingston Lane	Single storey 4 bed dwelling & stable block (resubmission following K/16/19/PL	R-R-D	WR
A/151/20/OUT Land to the South of Downes Way	Outline application for all matters reserved for the erection of 1 No. detached dwelling with associated landscaping and parking.	R-R-ALC	WR
R/138/20/PL 55 Milton Avenue	Demolition of garage & construction of 1	R-R-D	<p>WR</p> <p>The Inspector found the proposed development would harm the character and appearance of the area in conflict with Policies D</p>

Appeals Summary 2021

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
	No. 2-storey chalet dwelling (resubmission following R/182/18/PL).		SP1 and D DM1 and Policy 2 of the Rustington Neighbourhood Plan which together support new development that reflects the characteristics of the site and local area in terms of density, scale, massing and character.
BR/86/20/PL Aldwick House Care Home	Part change of use from a 32-bed nursing home (C2 Residential Institutions) to a 38-bedsit House in Multiple Occupation (sui generis) comprising 24 No single person & 14 No two-person bedsits along with separate shower rooms & wcs, demolition of rear conservatory & store & erection of single storey rear extension & with minor external alterations to side	R-R-D	WR

Appeals Summary 2021

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
	elevations & insertion of 4 No roof lights on rear elevation & insertion of dormer window serving Room 38		
R/197/20/OUT Croft Works, 52 Mill Lane	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).	DIS DC Comm-AC-R-ALC Costs allowed	WR The Inspector concluded that the proposed use of the access would be safe and suitable having regard to pedestrian safety and emergency vehicles access. It would therefore accord with Policy T SP1 of the Arun Local Plan which requires development to be designed to give priority to pedestrians and provide safe and secure layouts for traffic and pedestrians. It would also comply with the Framework which sets out development should only be refused on highway grounds if there would be an unacceptable impact on highway safety. There was no substantive evidence of sprinkler systems malfunctioning. Costs decision: The refusal of planning permission constitutes unreasonable behaviour contrary to the basic guidance in the National Planning Policy Framework and the PPG and the applicant has been faced with the unnecessary and wasted expense of lodging the appeal.
FG/34/21/HH 50 Ocean Drive	1st floor side extensions, two storey front	R-R-D	WR

Appeals Summary 2021

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
	extension, side and rear extensions, installation of balcony to rear and 2 x front dormers including demolition of existing garage.		<p>The main issues are the effect of the development upon: (1) the character and appearance of the host building and the surrounding locality; (2) the living conditions of current and future occupiers of Nos 44a and 46 Ocean Drive with particular regard to access to light and appearance of the extensions; and (3) the living conditions of current and future occupiers of Nos 44a and 52 Ocean Drive, and 4 South Drive, with particular regard to privacy.</p> <p>(1) The proposal appears to be more of a reconstruction of a new dwelling as opposed to an extension. It would not be subservient to the host dwelling and would subsume the existing dwelling, eroding much of the characteristic visual gaps to either side of the property and be disproportionately large when viewed from the street scene. The proposed alterations and extensions would cause unacceptable detriment towards the architectural authenticity and integrity of the existing and cause harm towards the character and appearance of the surrounding locality.</p> <p>(2) Given the height of the proposed dwelling in close proximity to the boundary, the proposed scheme would cause material detriment to the living conditions of No.46 as a result of loss of light, and material detriment to the living conditions of No.44a as a result of loss of light and visual appearance.</p> <p>(3) The screening to the sides of the balcony would not completely obscure all overlooking opportunities. Given the suburban environment, the development would carry</p>

Appeals Summary 2021

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			a significant impact on the living conditions of surrounding occupiers. The proposed first floor balcony would create adverse detriment to surrounding occupiers of Nos 44a and 52 Ocean Drive, and 4 South Drive.
EP/22/21/HH 15 The Plantation	Erection of rear extension and loft conversion with rear dormers and side gables	R-R-D	<p>WR</p> <p>The main issue is the effect of the proposed alterations to the roof on the character and appearance of the host building and surrounding locality.</p> <p>The proposed scheme would not be subservient to the host. It would subsume the existing dwelling and erode much of the characteristic roof form and would be disproportionately large when viewed from the street scene. The proposed alterations and extensions to the roof would cause unacceptable detriment towards the architectural authenticity and integrity of the existing and cause harm towards the character and appearance of the surrounding locality.</p>
Y/50/21/DOC Land to the south of Ford Lane and East of North End Road	Approval of details reserved by condition imposed under ref Y/82/20/RES relating to Condition No 8 - electric vehicle charging strategy	R-R-D	<p>WR</p> <p>The Main issues were:</p> <p>The electric vehicle charging strategy would satisfy the numerical requirements of ADC Parking Standards SPD Table 2.2, but due to the potential trip hazards from charging cables crossing paths, the siting of the EV charging points for some of the dwellings would not be acceptable. These include Plots 47, 80, 81, 82, 90 and 91, and the charging point for one of the flats.</p>

Appeals Summary 2021

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			The proposed EV charging points strategy would not be acceptable; it would be contrary to paragraph 130 of the National Planning Policy Framework which aims to ensure that developments will function well, and to create places that are safe, with a high standard of amenity for future users.
Y/51/21/DOC Land to the south of Ford Lane and East of North End Road	Approval of details reserved by condition imposed under ref Y/82/20/RES relating to Condition No 8 - electric vehicle charging strategy	R-R-D	<p>WR</p> <p>The Main issues were:</p> <p>The electric vehicle charging strategy would be contrary to ADC Parking Standards SPD Table 2.2 because less than 20% of the remaining flats and houses without a garage or driveway would each have an EV charging point, and because the use of some EV charging points, including the charging point at Plot 80 and the charging point for one of the flats, could present unacceptable trip hazards.</p> <p>The proposed EV charging points strategy would not be acceptable; it would be contrary to paragraph 130 of the National Planning Policy Framework which aims to ensure that developments will function well, and to create places that are safe, with a high standard of amenity for future users.</p>
BE/109/19/OUT Land to the east of Shripney Road	Outline application with some matters reserved for up to 46 No dwellings together with access.	<p>DIS DC Comm-App cond with S106-R-ALC</p> <p>Costs allowed in part</p>	<p>Hearing</p> <p>The Main issues were:</p> <p>(1) Whether the proposal would accord with the Council's strategy for residential development.</p>

Appeals Summary 2021

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			<p>(2) The accessibility of the site, with particular regard to services and facilities.</p> <p>(3) The effect upon the character and appearance of the area.</p> <p>(4) Whether the proposal would result in unacceptable flood risks, with particular regard to climate change.</p> <p>(5) The effect upon agricultural land.</p> <p>(1) The Inspector agreed that the development was in conflict with policies designed to protect the countryside.</p> <p>(2) The Inspector stated that whilst 'high quality' public transport would not be immediately available at the site, the proposal would provide for appropriate opportunities to promote sustainable transport modes, including cycling, walking and public transport and therefore can be considered accessible in the context of the NPPF.</p> <p>(3) The Inspector concluded that there would be some, albeit fairly limited, harm to the character and appearance of the area mainly from the loss of the open field. Whilst this harm would be fairly limited it would be contrary to the aims of Policy C SP1.</p> <p>(4) The Inspector was satisfied that the proposal would not result in any significant flood risks, including for future residents and was in accordance with the NPPF.</p> <p>(5) The Inspector concluded that the need for housing is so significant in the District that it would outweigh the limited harm arising from loss of the agricultural land. It would also, as far as</p>

Appeals Summary 2021

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			<p>possible, use the lowest grade of land suitable for the development.</p> <p>Overall, the Inspector considered that material considerations (housing land supply, scheme benefits) indicate that planning permission should be granted for the proposed development and that it represents sustainable development as defined by the NPPF.</p> <p>Costs were awarded in respect of the refusal reasons concerning development outside the settlement boundary and future flood risk. There were no costs awarded in respect of the loss of agricultural land refusal reason.</p>
AL/70/20/PL West Barn Old Dairy Lane	Residential Mews consisting of 6 No dwellings.	R-R-D	WR
P/21/21/HH 6 The Green	Loft conversion to form new first floor with front and rear dormer projection	R-R-D	<p>WR</p> <p>The main issue is the effect of the proposal on the character and appearance of the host property and the wider surrounding area.</p> <p>The proposal would be out of keeping with the group of properties within which the appeal property lies, disrupting the regularity of the building design. Each flat – roofed box dormer would occupy a considerable amount of the retrospective roof slope of the dwelling and would not respect the traditional pitched roof construction to the original property. The dormers would appear as bulky, top heavy and discordant additions to</p>

Appeals Summary 2021

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			<p>the front and rear roof slopes and would be out of character with the prevalent roofscape within the locality.</p> <p>The incongruous nature of the proposal would be exacerbated and notably unbalance the existing visual harmony arising from the symmetry of the two dwellings. I conclude that the proposal would cause significant harm to the character and appearance of the host property and the wider surrounding area.</p>
EP/47/21/HH West House, South Strand	Erection of second floor addition, part single storey side, part two storey front, side and rear extensions and alterations to fenestration/openings	R-R-D	<p>WR</p> <p>The main issues are the effect of the proposal on (1) the character and appearance of the locality and (2) on the living conditions for neighbours.</p> <p>(1) The scheme is simply too ambitious and the design misguided. It would be too large for the site, and particularly so given proximity to boundaries. The completed home would look out of place, overdeveloped and jarring to the eye; there would be no sympathy to the existing streetscene. It would stand out as an unsubtle anomaly with an excessive size and little in the way of obvious design quality, local analysis, or architectural inspiration to commend the scheme. In summary, the scale and design of the proposal would run contrary to the character of the area and would be visually detrimental.</p> <p>(2) The appeal proposal would be an excessive bulk of a building which would simply be uncomfortably and unacceptably overbearing for adjacent residents. The development would unduly detract from the sense of</p>

Appeals Summary 2021

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			spaciousness expected from those living in the local environment. The arrangement of the planned development would result in unreasonable levels of overlooking.
R/126/21/HH 19 Botany Close, Rustington	Installation of car port	R-R-D	<p>WR</p> <p>The main issue is the effect of the proposal on the character and appearance of the locality.</p> <p>Botany close has a varied front building line, but spacious front gardens are almost always the common denominator and it is landscape and openness which set the scene not forward positioned structures. The sizeable appeal proposal would thus be an anomaly and would be regrettable in the street scene. I recognise that the front gates when closed and the pillars would block a large part of the structure from one direction. However, it would still be evident and ironically the gates and pillars, even without the car port, are fairly strident and not themselves the norm for this locality with its informal aesthetic. In summary the siting and scale of the proposal would run contrary to the character of the area and would be visually detrimental. I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the locality.</p>

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF PLANNING COMMITTEE XXX ON 2 FEBRUARY 2021

SUBJECT: Performance in Planning

REPORT AUTHOR: Neil Crowther

DATE: January 2022

EXTN: 01903 737839

AREA: Place

EXECUTIVE SUMMARY:

This report outlines the performance in Planning against the Corporate Targets.

RECOMMENDATIONS:

For noting.

1. BACKGROUND:

1.1 The report to Policy & Finance Committee on 9 December 2021 outlined the performance of the Planning Department against the Corporate Targets for Q2. Planning has the following Service Delivery Indicators

- SDP1 - Major applications determined in 13 weeks – target 805
- SDP2 - Minor applications determined in 8 weeks – target 90%
- SDP3 - Other applications determined in 8 weeks – target 90%

1.2 The following text is extracted from that reported to Policy & Finance Committee.

1.3 **SDP1 – Performance 92%** - The Council uses 'extensions of time' agreements with applicants to ensure that decisions are made within agreed time limits. In reporting performance, government guidance allows for these agreements to be used so that decisions are issued within time. When taking the use of these agreements into consideration the Council's performance was 22 out of 24 or 92%. When not taking these agreements into consideration and just providing raw data on timescales, the Council's performance on these applications was 13 out of 24 or 54% determined in 13 weeks. The Group Head of Planning carried out a full performance management review exercise in mid 2020 and has a target of getting much closer to the 80% target without using EoT's.

1.4 **SDP2 – Performance 78%** - The Council uses 'extensions of time' agreements with applicants to ensure that decisions are made within agreed time limits. In reporting

performance, government guidance allows for these agreements to be used so that decisions are issued within time. When taking the use of these agreements into consideration the Council's performance was 89 out of 114 or 78%. When not taking these agreements into consideration and just providing raw data on timescales, the Council's performance on these applications was 56 out of 114 or 49% determined in 8 weeks. This performance is below the target set. There have been some staff absences in Q2 that affected performance but it is clear that too many decisions were made without securing EoT's. The Group Head of Planning carried out a full performance management review exercise in mid 2020 and the aim is to get much closer to 90% without using EoT's.

1.5 SDP3 – Performance 90% - The Council uses 'extensions of time' agreements with applicants to ensure that decisions are made within agreed time limits. In reporting performance, government guidance allows for these agreements to be used so that decisions are issued within time. When taking the use of these agreements into consideration the Council's performance was 453 out of 504 or 90%. When not taking these agreements into consideration and just providing raw data on timescales, the Council's performance on these applications was 386 out of 504 or 77% determined in 8 weeks. This performance meets the target set. We have been very good with dealing with the smaller applications and performance is always good on this indicator. We have some very good junior Planning Officers who perform very well.

1.6 Performance will again be reported to Planning Committee at the end of Q4 with the full year performance.

2. PROPOSAL(S):

n/a

3. OPTIONS:

n/a

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		x
Relevant District Ward Councillors		x
Other groups/persons (please specify)		

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)

	YES	NO
Financial		x
Legal		x
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x

Asset Management/Property/Land		x
Technology		x
Other (please explain)		x

6. IMPLICATIONS:

none

7. REASON FOR THE DECISION:

n/a

8. BACKGROUND PAPERS:

Policy & Finance Agenda Papers 9 December 2021.

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ARUN DISTRICT COUNCIL

REPORT TO PLANNING COMMITTEE 2nd February 2022

SUBJECT: Section 106 Spending

REPORT AUTHOR: Rosalind Bentley (Planning Obligations and Monitoring Officer)
DATE: 11th January 2022
EXTN: 01903 737636
AREA: Planning

EXECUTIVE SUMMARY:

This report presents a summary of S106 funds that are on hold under Planning Permissions BN/84/20/PL Angels Nursery, Y/30/13 (land south of Fellows Gardens) and Y/22/14 (Land at Kings Close) which are all earmarked to be transferred to the relevant Parish Council to be spent on improving local open spaces. This report requests authorisation to enter into Deeds of Agreement with the relevant parish councils and formally allocate the spend.

RECOMMENDATIONS:

- i. That the committee allows deeds of agreement to be entered into and subsequently allows the expenditure by way of transfer of funding to the parish council as detailed below:

Planning Ref	Location	Amount	S106 agreed spend	Parish Council Proposed Spend
BN/84/20/PL	Angels Nursery	£160,528	Enhancing drainage, levelling, re-seeding, pitch set out & access works to Murells Field as previously agreed in the S106	Barnham & Eastergate Parish Council intend to spend as per the agreed s106
Y/30/13	Land South of Fellows Gardens	£45,009.39	Making good a deficiency in public open space provision arising from this development	Yapton Parish Council intend to spend on the replacement of the Play area on King George V Playing Field, Yapton

Y/22/14	Land at Kings Close	£39,183.42	Making good a deficiency in public open space provision arising from this development	Yapton Parish Council intend to spend on the replacement of the Play area on King George V Playing Field, Yapton
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- ii. That all future Deeds of Agreement are delegated to the Group Head of Planning, in consultation with the Chair of the Committee, in cases where the spend is entirely in accordance with the specifics set out in the section 106 agreement contained in the decision on the planning application.

BACKGROUND AND ISSUES:

The constitution under Part 6 Section 3.2.2 states that any virement of s106 funds over £25K needs authority from the relevant committee. The amounts the subject of this report exceed this limit and so the relevant committee authority is required to formally spend. In this instance the most appropriate spending manager is the Parish Council, as advised by the Greenspace Team, as the parks to be improved with this money are under the Parish Councils ownership or maintenance and not the Greenspace Team. It was considered by officers that the most relevant committee to gain authority in this instance from would be planning committee.

Officers have considered the proposed enhancements and consider they would be appropriate, meet the requirements of the s106 and consider that the project is at a sufficient stage of fruition to transfer the funds, thus limiting the possibility of it not being spent as previously approved under the s106 and developers potentially having a case to ask for it back.

Recommendation 2 is included to avoid the unnecessary process of asking the Planning Committee to agree to spend any s106 money in accordance with a decision that has already been taken. Section 106 agreements are legally binding and detailed, and the Council is unable to spend money that is not in accordance with these s106 agreements. The process of asking Committee for a subsequent agreement is unnecessary and all virements of this nature should be delegated to the Group Head in consultation with the Chairman.

1. PROPOSAL(S):

To agree the recommendation

2. OPTIONS:

Not to agree and risk the held S106 funds having to be refunded to the developer

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council	x	
Relevant District Ward Councillors		x
Other groups/persons (please specify)		x
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	x	
Legal		x
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x
6. IMPLICATIONS: The release of s106 funds over £25k must be authorised by the relevant committee and finance will not release the funds unless a deed of agreement has been completed. There is also a risk of refund if not spent in time.		

7. REASON FOR THE DECISION:

8. BACKGROUND PAPERS:

S106 dated 12/4/17 (as amended) under [BN/43/16/PL](#) (as amended)

S106 dated 11/11/14 under [Y/22/14/](#)

S106 dated 19/12/13 under [Y/30/13/](#)

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