



Public Document Pack

Arun District Council
Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

Tel: (01903 737500)
Fax: (01903) 730442
DX: 57406 Littlehampton
Minicom: 01903 732765

e-mail: committees@arun.gov.uk

Committee Managers Andrew Bishop & Carley Lavender (Ext 37547)

13 July 2021

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 21 July 2021 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 the limited space available, members of the public are in the first instance asked to watch the meeting online via the Council's Committee pages – the meeting will be available to watch live via the internet at this address: [Agenda for Planning Committee on Wednesday 21 July 2021, 2.00 pm - Arun District Council](#)

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

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

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

PLEASE ALSO NOTE THAT PLANS OF THE APPLICATIONS DETAILED IN THE AGENDA ARE AVAILABLE FOR INSPECTION ON LINE AT www.arun.gov.uk/planning<<http://www.arun.gov.uk/planning>>

AGENDA

1. APOLOGIES FOR ABSENCE

2. 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 26 May 2021.

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

PLANNING APPLICATIONS

6. **EP/16/21/PL - LAND EAST OF 1 THE WAY, EAST PRESTON BN16 1QJ [30 MINUTES]** (Pages 5 - 12)
7. **FG/19/21/PL - FIRST FLOOR FLAT, 60 FERRING STREET, FERRING BN12 5JP [30 MINUTES]** (Pages 13 - 18)
8. **AB/135/20/OUT - LAND AT FORD ROAD, ARUNDEL [30 MINUTES]** (Pages 19 - 54)
9. **AL/28/21/PL - THE GRANGE, WESTERGATE STREET, WESTERGATE PO20 3SQ [30 MINUTES]** (Pages 55 - 72)
10. **BR/85/21/HH - 12 CAVENDISH ROAD, BOGNOR REGIS PO21 2JW [30 MINUTES]** (Pages 73 - 78)
11. **CM/16/21/PL - BAIRDS FARM SHOP GARDEN CENTRE, CROOKTHORN LANE, CLIMPING BN17 5SN [30 MINUTES]** (Pages 79 - 90)
12. **CM/18/21/PL - LAND ADJACENT TO MISTLETOE FARM, HORSEMERE GREEN LANE, CLIMPING BN17 5QZ [30 MINUTES]** (Pages 91 - 102)
13. **M/47/21/HH - 22 TUDOR CLOSE, MIDDLETON-ON-SEA PO22 6DN [30 MINUTES]** (Pages 103 - 108)
14. **P/38/21/PL - LITTLE SEFTER FARM, PAGHAM ROAD, PAGHAM [30 MINUTES]** (Pages 109 - 122)
15. **P/50/21/PL - LAND WEST OF HOOK LANE AND SOUTH OF SEFTER ROAD, PAGHAM [30 MINUTES]** (Pages 123 - 132)
16. **P/57/21/PL - LAND WEST OF PAGHAM ROAD AND LAND SOUTH OF SUMMER LANE, PAGHAM [30 MINUTES]** (Pages 133 - 144)

PLANNING APPEALS

17. **APPEALS** (Pages 145 - 148)

18. **PLANNING REVIEW - UPDATE REPORT AND FUTURE ACTIONS**

This report brings together the recommendations and actions of the Hannaby Planning Review so that Members can consider the outcomes as a whole.

[60 minutes]

Documents to be circulated to Members as a supplementary pack separately to the agenda.

OFFICER REPORT UPDATES

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

BACKGROUND PAPERS

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

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

Contact Officers :

Neil Crowther (Ext 37839) email neil.crowther@arun.gov.uk

Daniel Vick (Ext 37771) email dan.vick@arun.gov.uk

Juan Baeza (Ext 37765) email juan.baeza@arun.gov.uk

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

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

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

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

These meetings are webcast live.

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

PLANNING COMMITTEE

26 May 2021 at 1.30 pm

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

Councillor Huntley was also in attendance as a guest for all or part of the meeting.

Apologies: None

17. DECLARATIONS OF INTEREST

Councillor Charles declared a Personal Interest in item 8 [*F/6/21/WS – Ford Circular Technology Park, Ford Road, Ford, BN18 0XL*] as a Member of West Sussex County Council, he advised that he had, had no involvement in the application and would keep an open mind.

18. MINUTES

The Minutes of the Special Meeting held on 18 May 2021 were approved by the Committee.

19. START TIMES

It was proposed and seconded that a new start time for the remaining meetings of the Planning Committee for 2021/22 be 14:00pm.

The Committee

RESOLVED that

the start time of all remaining meetings of the Committee for 2021/22 would be 14:00pm.

20. ERROR IN MINUTES RELATING TO FORD MASTERPLAN

The Strategic Development Team Leader gave a brief overview of her report to the Committee.

One member queried the wording of the recommendation in the report. It was confirmed that the wording for the recommendation had been read out by the Principal Planning Officer at the meeting on 3 February 2021 from the update report and it was that wording that had been subsequently approved by the Committee.

Planning Committee - 26.05.21

The Committee

RESOLVED

that the minutes of the DCC meeting on the 3 February 2021 approved by the committee on 3 March 2021 but still unsigned by Chairman due to physical meeting restrictions imposed by Corona virus regulations be amended in the following respect to correct an inaccuracy subsequently discovered and be signed by Chairman when conditions allow:

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

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

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

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

21. F/6/21/WS - FORD CIRCULAR TECHNOLOGY PARK, FORD ROAD, FORD, BN18 0XL

(Councillor Charles declared a Personal Interest as a Member of West Sussex County Council, he advised that he had, had no involvement in the application and would keep an open mind.)

The Principal Planning Officer presented his report to the Committee.

Members then took part in a full debate on the report where a number of concerns with the revised proposal were raised. These concerns primarily revolved around the impact on the roads, the environment and the landscape.

Members who spoke noted that the technology for the build was not the most up to date and that this directly impacted on the design of the building. It was also stated that a building of that scale and height would have a significant adverse impact on the landscape. Further concerns were raised in relation to the 1,500 homes that had been planned at Ford, the member who spoke stated that they were keen to not see further disruption or delay to this development. A number of members who spoke raised that this application did not comply with the Waste Local Plan and the Arun local Plan policies. All Members were in agreement that should West Sussex County Council approve this application, that a letter to the Secretary of State would be sent to request that the decision be called in.

The Principal Planning officer provided answers to all points raised by Members in the debate.

Members asked the Principal Planning Officer if he would consider adding a condition to the response that stated should WSCC approve the application the latest technology should be incorporated into the build, to ensure that emissions were at the most minimum level they could be.

The Committee

RESOLVED

that the Council raise an objection to the proposal for the reasons detailed in the report.

(The meeting concluded at 2.28 pm)

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PLANNING APPLICATION REPORT

REF NO: EP/16/21/PL

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

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

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The proposal seeks to replace an existing garage and erect an outbuilding. The use of materials that will be used to construct this garage will be similar to what is existing. The walls will be face brickwork render and the roof will be clay tiles. The proposed building has a height of 5.44m which is a 0.7m increase from the existing garage and width of 5.1m.</p> <p>At the side elevation, two windows will be located within the roof on the first floor at this elevation. Two windows will be located at this elevation on the first floor within the roof and one door will be located on the ground floor. The first floor will be used for associated household storage including water sports equipment.</p> <p>The existing garage has a height of 4.72m and length of 4.94m.</p>
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The application site is bordered by a mixture of fencing and foliage.
SITE CHARACTERISTICS	At present, the site is populated by a dilapidated garage which has been empty for a number of years.
CHARACTER OF LOCALITY	The area is host to a wide variety of dwelling styles, types and sizes.

REPRESENTATIONS

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

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

One letter of support:

- The development of the site is necessary, the proposed garage will be in-keeping with the area and the

proposal of a garage will stop overdevelopment in the future.

Four letters of objection from nearby occupiers:

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

COMMENTS ON REPRESENTATIONS RECEIVED:

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

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.

DEVELOPMENT PLAN POLICIES

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

DDM1 D DM1 Aspects of form and design quality

DSP1 D SP1 Design

[East Preston Neighbourhood Plan 2014 Policy 1](#) Housing - General Principles

East Preston Neighbourhood Plan 2014 Policy 2 Design in Character Area One

PLANNING POLICY GUIDANCE:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

NPPDG National Design Guide

POLICY COMMENTARY

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

Section 70(2) of TCPA provides that:-

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

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

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

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

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

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

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

areas identified in section C.06 of the design guide.

DESIGN AND VISUAL AMENITY

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

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

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

NEIGHBOURING RESIDENTIAL AMENITY

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

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

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

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

SUMMARY

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

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

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

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

3 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 1 The Way as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies D DM4 of the Arun Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

4 No windows (other than those shown on the plans hereby approved) shall be constructed in the east or west elevation of the building hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

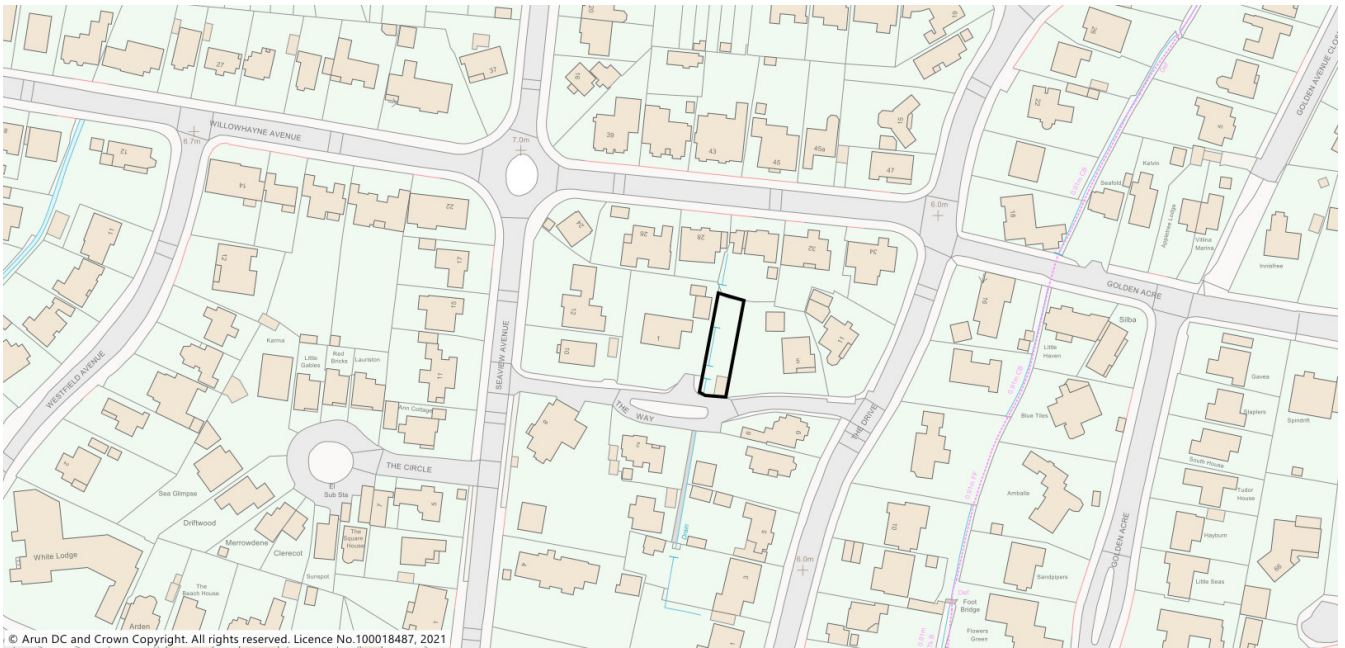
Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM4 of the Arun Local Plan.

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

BACKGROUND PAPERS

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

EP/16/21/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: FG/19/21/PL

LOCATION: First Floor Flat
60 Ferring Street
Ferring
BN12 5JP

PROPOSAL: Change of use of flat above restaurant to a bar. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Change of use of flat above restaurant to a bar.
SITE AREA	47 sq.m.
SITE CHARACTERISTICS	An existing flat above a restaurant.
CHARACTER OF LOCALITY	Ferring High Street commercial area.

REPRESENTATIONS

Ferring Parish Council - Objection

- Loss of dwelling.
- Noise impact on neighbours.
- Suitability of emergency exits.
- Possible use of outdoor patio area.

1 letter of support - Needed facility

2 letters of objection

- Noise levels on neighbouring flats.
- Traffic problems.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Environmental Health - No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

A construction hours condition is not considered necessary for such a minor development. No cooking facilities are planned at first floor level hence the requirement for extraction facilities is not considered

necessary.

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management
RETDM1	RET DM1 Retail development
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

[Ferring Neighbourhood Plan 2014 Policy 1A](#) A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

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

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

No policies in the Neighbourhood Plan are considered relevant to 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 TCPA provides that:-

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

The proposal is considered to comply with relevant Development Plan policies in that the development would not cause any harm to the residential amenity of neighbouring properties.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

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

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

Policy EMP DM1 states that the Council will promote and support positive measures to upgrade existing employment premises. It also states that there will be encouragement for existing firms wishing to expand.

Policy RET SP1 (4) refers to village and suburban centres. It states that there will be a presumption to retain existing retail uses. It also states that town centre uses should be concentrated in existing centres. It further states that Village and suburban centres, including shopping parades and stand alone shops form an important resource for businesses, visitors and residents.

There are internal alterations only and there would therefore be no impact upon the character of the area. The proposed use would include a seating area for approximately 15 customers. The number of customers of the restaurant would not grow significantly such that there would be a significant increase noise disturbance in the external environment.

There are other residential premises at first floor in adjoining properties. A scheme of noise insulation is proposed that would see plaster board and noise insulation panels attached to the existing walls. It is necessary to condition that this scheme of noise insulation is installed prior to the use at first floor. There is no external customer areas proposed or included within this application.

The loss of a flat is negligible to housing supply however the support of a thriving business sector is considered to outweigh the harm caused.

As a site within a village centre and an enlarged commercial use in that location, the proposals would accord with the requirements of EMP DM1 and RET DM1.

The parking is provided on and nearby the site in public parking serving Ferring High Street as a whole. This is considered acceptable and would meet the parking demand in accordance with the Arun Parking Standards SPD and Policy T SP1 of the Arun Local Plan.

The proposal accords with the Arun Local Plan and is recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Proposed First Floor Plan and Party Wall Detail dwg.no. 02-01 dated 02.02.2021

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

- 3 Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) and / or ducting system to be used and the method of control of noise and vibration of this plant shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise and vibration generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve: NR35 as defined within Table B.1: Noise Rating Values of BS 8233:2014. The equipment installed and commissioned shall be maintained in a condition and operated in compliance to the approved scheme whenever it is in operation so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

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

- 4 Prior to the occupation of the premises, the proposals shown on the approved drawings for the insulation of noise for the first floor shall be implemented in full and thereafter be permanently maintained.

Reason: To safeguard the environment and the amenity of the adjoining properties in accordance with Arun Local Plan policy QE DM1.

- 5 The use hereby permitted shall not be operated on Sundays or Public Holidays or at any time otherwise than between the hours of 14.00 - 22.00 on Monday - Friday and 17.00 - 22.00 on Saturday.

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

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

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

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

BACKGROUND PAPERS

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

FG/19/21/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: AB/135/20/OUT

LOCATION: Land at Ford Road
Arundel

PROPOSAL: Outline application with some matters reserved (except for access) for the development of 90 dwellings & associated amenity land, including land allocated for a community building & for a community allotment. This application affects the setting of listed buildings & affects the character & appearance of the Arundel Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This outline planning application is for the erection of 90 dwellings, together with the identification of land for a community building and for a community allotment on land at Ford Road. The applicant is applying for access to the site as part of this outline planning application. Details regarding the appearance, scale, layout and landscaping of the proposed development would be submitted for consideration as part of a reserved matters application.

SITE AREA 10.18 hectares (net developable area: 3.82 hectares).

RESIDENTIAL DEVELOPMENT DENSITY 24 dwellings per hectare.

TOPOGRAPHY The topography of the site slopes downhill from the north west to the south east.

TREES The site has a Tree Preservation Order (TPO/AB/2/16) covering a band of trees that runs north-south along the boundary between the central and the eastern fields. A further TPO (TPO/AB/1/21) was made on 22nd April 2021 and covers 1 hawthorn and 25 pedunculate oak trees on the site.

BOUNDARY TREATMENT The site is bordered by mature trees, hawthorn hedgerows and post and wire fencing.

SITE CHARACTERISTICS The site is located to the south west of Arundel and comprises of medium and small sized fields used for arable and pasture with larger arable fields to the south. The site is primarily within Flood Zone 1, with an area of Flood Zones 2 and 3 running along the eastern boundary alongside Ford Road.

The site is bordered to the north by allotments and the settlement boundary of Arundel. The north western boundary of the site adjoins an area of ancient and semi-natural woodland and is accessible via PRow 342 from Dalloway Road. Current access to the site is obtained via field gateways on Priory Lane along the southern boundary of the site. The

southern boundary of the site abuts the northern extent of Tortington Augustinian Priory and ponds, a Scheduled Ancient Monument; which incorporates Tortington Priory Barn which is a Grade II* listed building.

CHARACTER OF LOCALITY

The area is rural in character with intermittent neighbouring properties and the South Downs National Park to the north and north-west respectively. The National Park boundary is approximately 45 metres to the north of the site. The site is approximately 1.5km from the centre of Arundel.

RELEVANT SITE HISTORY

PAA/35/20/	Residential development of 90 dwellings.	Refuse Pre App 07-07-20
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A pre-app (PAA/35/20) was submitted for the development of 90 dwellings on the site and it was concluded that were an application for planning permission to be submitted it would be likely to be refused as the proposed layout required to be amended.

REPRESENTATIONS

ARUNDEL TOWN COUNCIL

No objection.

The Town Council welcomes the development, especially the 27 affordable homes.

- Careful consideration should be given to traffic calming measures comprising the construction of a mini-roundabout at the junction of Ford Road and Priory Lane; and a speed limit reduction to 20mph starting 200 metres south of Priory Lane.
- The routing of construction traffic should be from the A259 south of the development along to the Lyminster Bypass or onto Yapton Lane. Ford Road (Arundel) is not suitable for HGVs.
- Section 106 monies should go towards the funding of a new pedestrian and cycle path between Arundel and Climping to join with the existing A259 cycle path.

The Town Council submitted a second letter clarifying why it is very supportive of this development:

- It is in the Arundel NP which has been examined and been signed off by residents.
- It is a low density development and if it does not happen up to 200 homes could be built on the site.
- Careful work been done to landscape development & mitigate impact on Arun Valley & surroundings.
- Access from Dalloway Road will be emergency only and steps been taken to mitigate rat running.
- The development will provide much needed affordable housing for residents.

WALBERTON PARISH COUNCIL

Support the site's inclusion in the Arundel Neighbourhood Plan.

The Parish Council does not support Arundel Town Council's comments about HGV movements being routed to Yapton Lane instead of Ford Road.

110 letters of objection on the following grounds:

- The proposed development is in the Green Belt.
- The proposed development is located on Grade 1 Agricultural Land.
- The site is not allocated for development in the Arun Local Plan or the Arundel Neighbourhood Plan.

- A petition signed by 691 people was submitted against the allocation in the Neighbourhood Plan.
- The proposed development would destroy one of the last Green Gaps between Arundel and the sea.
- Keep Arundel and appreciate its unique setting.
- This site should not be considered until all brownfield sites in Arundel have been developed fully.
- The elevated development would be visible to everyone.
- The proposed development would adversely affect the character and beauty of the countryside.
- The architecture and building materials need to be sympathetic with the historic townscape.
- The density of the development is out of keeping with the surrounding area.
- Lower density housing should be located adjacent to Dalloway Road to avoid overlooking.
- The natural boundary of the town is along the line of the allotments and houses on northern boundary.
- The site is in Tortington which is a historic village which is separate to the town of Arundel.
- The site is extremely close to Tortington Priory, and a bank with a path runs across site to the Priory.
- There is the opportunity to create woodland pasture between the proposed housing and the Priory.
- Pieces of tiles and Roman coin have been found on the site and Historic England need consulting.
- There is inadequate infrastructure including Doctors Surgeries and Schools.
- This could be the start of development all along Ford Road, linking up with the Airfield re-development.
- The site is too close to other dwellings.
- A proposed footway on High Ridge Close would encroach on the privacy of neighbouring residents.
- The northern boundary of the site needs planting with well established trees and shrubs.
- The site is elevated and the proposed screening, if deciduous, would damage approach to Arundel.
- 200+ additional cars would add to the congestion on the surrounding roads and lanes.
- Cars travel at excessive speeds along Ford Road as it is the national speed limit at this point.
- The proposed access onto Ford Road is inadequate and dangerous.
- Tortington Lane is a dangerous rat run, which would be inundated with additional traffic.
- Dalloway Road is unsuitable to accommodate any more vehicles.
- An emergency access off Dalloway Road is not required; there is an existing access off Priory Lane.
- There is a lack of footways from the site to Arundel Railway Station and Ford Railway Station.
- Priory Lane floods with run-off from the application site.
- The proposed development could destroy the natural drainage from the existing allotments.
- The noise from the new houses and the additional vehicles would be intolerable.
- There is insufficient parking for the affordable homes and residents will park on Dalloway Road.
- Parking on Dalloway Road would make it impossible for vans/lorries to access the existing houses.
- The proposal would adversely affect wildlife including deer, bats, tawny owls and woodpeckers.
- This development would result in further reductions in biodiversity.
- The eastern part of the site could provide a net gain for biodiversity.
- The ecological effect of increased fumes from car exhausts and log burners should be discouraged.
- Are the proposed dwellings to be carbon neutral with solar panels and / or heat pumps?
- A footway/cycleway should be provided along the Ford Road frontage.
- Cycle storage should be provided for each property and cycle vouchers for new residents.
- Electric vehicle charging points should be provided.
- Provision should be made on site for a free standing nursery to compliment the nearby CE School.

14 letters of objection to the revised plans on the following grounds:

- The density of housing is still out of keeping with the area.
- This development is out of keeping with Arundel as a historic town.
- The proposal would compromise a site of historic significance.
- There are no plans for shops, schools or a medical centre.
- There is a lack of infrastructure in Arundel to serve the proposed development.
- This is a piecemeal residential development on the floodplain.
- Brownfield land should be developed first before greenfield sites.
- Agricultural land acts as a carbon store and should not be developed for housing.
- The open countryside should be retained and not be developed for housing.

- Housing developments will eventually link up Arundel with Ford.
- This proposal would destroy "Brooklands" reputation as a retreat venue.
- Are the existing allotments to be included in new development or are these additional allotments?
- The proposed development would increase traffic on Ford Road close to the roundabout in Arundel.
- Access from High Ridge Close/Stewards Rise/Priory Lane/Dalloway Road for pedestrians/cyclists.
- The new residents will not be able to walk to town.
- The existing allotment users park on the adjacent roads and this would increase with new allotments.
- The nearby bus stops have a limited service, especially for secondary school children.
- There is no current bus route that could be diverted into the site.
- Every household would have at least one car and probably 2 or more.
- The community building should be served by sufficient car parking spaces.
- The community building needs to be part of the development.
- The walk-through between the site and High Ridge Close should be removed.
- The development would increase traffic congestion along Ford Road.
- A new footway should be added at junction of Stewards Rise and Priory Road.
- A new car park should be constructed below the allotments.
- A new footway should be created along eastern and southern boundary of allotments and connect to the new car park.
- The destruction of habitats of red listed birds and dormice as well as the South Downs night sky.
- The revised plans have failed to address concerns raised by Historic England and the SDNPA.

Arun District Conservation Area Advisory Panel objected on the following grounds:

- Quality of setting of Arundel is contrast between built form & the open landscape of its surroundings.
- The northern boundary of application site forms a coherent visual edge to the BUAB.
- The fields on the site form an important part of the rural setting of the town and castle.
- The fields are more visually distinctive by the way they rise in height in a north westwards direction.
- The proposal would suburbanise an area which contributes to the rural setting of the town and castle.
- The new access on Ford Road, with footways and lighting would detract from the rural setting.
- The views from Priory Lane of the Castle and town would be compromised by the new houses.
- The land rises up from Ford Road and the planting of deciduous trees would not screen the houses.
- A management plan is required to ensure the open spaces provide a long term rural ambience.
- Ensure that the surface materials and finishes of new roads, footways and kerbing are appropriate.
- Minimise the extent of new street lighting, subject to safety standards, given the rural setting.
- The planting of appropriate species to minimise impact on rural ambience and screen the development
- A much denser line of planting on eastern boundary of the houses to screen them from Ford Road.
- Standardised 'anywhere' estate layout and house designs would not be appropriate.
- A specialist historic environment architect or design review panel should be involved at an early stage.

CPRE Sussex recognise that the site is allocated in the Neighbourhood Plan, but the Arundel Community Land Trust should deliver the affordable homes through the Section 106 Agreement.

A letter of representation has been received from Sustrans and the Bognor Regis Cycle Forum objecting to the proposed development on the following grounds:

- There should be cycle links to High Ridge Close and Priory Lane.
- Traffic calming measures are required at the main site access off Ford Road.
- Section 106 monies should be required towards the Arundel / Ford Station cycle link.
- Electric vehicle charging points should be provided.

7 letters have been received supporting the proposed development on the following grounds:

- The proposed development complies with the Arundel Neighbourhood Plan.
- The development would be an asset as it includes affordable housing managed by Arundel CLT.
- The Norfolk Estate has been providing houses in Arundel for many centuries.

- The Norfolk Estate provided the large stock of Council houses built before 1974 when ADC took over.

COMMENTS ON REPRESENTATIONS RECEIVED:

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

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND:

No objection. Highways England recommend that Arun District Council requests an appropriate proportional contribution of £18,027.00 (90 dwellings x £200.30) from this particular site towards mitigation at the A27 / A284 Ford Road roundabout in Arundel.

LOCAL HIGHWAY AUTHORITY:

No objection. Conditions are requested relating to the pedestrian connectivity, the pedestrian infrastructure improvements and pedestrian visibility splays, the construction of the accesses, the provision of parking for cars and bicycles and the submission of a construction management plan. A contribution towards auditing a travel plan is required in a Section 106 Agreement. WSCC are aware of the potential infrastructure improvements for a cycle route between Ford and Littlehampton, given this scheme is not considered to be site specific mitigation necessary to make the development acceptable WSCC consider that CIL has a potential to help fund this infrastructure.

WSCC FIRE & RESCUE SERVICE:

No objection. A condition should be imposed regarding the proposed location of the fire hydrants.

ENVIRONMENT AGENCY:

No objection. The EA recommends that any new residential developments are located above the 0.5% (2125) tidal flood level and 1% (105%) fluvial level.

SOUTHERN WATER:

No objection. The exact position of the water mains and surface water sewer within the site must be determined by the applicant in consultation with Southern Water before the layout of the proposed development is finalised. Conditions should be imposed.

WSCC FLOOD RISK MANAGEMENT:

No objection. Current surface water mapping shows that the majority of the site is at low risk from surface water flooding. Higher risk exists on the western and southern boundaries. Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk. The site is shown to be at low risk from groundwater flooding based on current mapping. Current mapping shows ordinary watercourses running across and adjacent to the site.

ADC DRAINAGE:

No objection. The masterplan incorporates the ordinary watercourses that are within and bound the site. The drainage strategy has been formed based on attenuation. Attenuation features must be located outside of areas at risk of flooding, e.g. flood zone 2 and 3. Conditions are requested to ensure that the development is adequately drained and does not increase flood risk elsewhere.

SOUTH DOWNS NATIONAL PARK AUTHORITY (SDNPA):

Object. This objection could be overcome by a condition which requires an appropriate lighting strategy

to be submitted. The lighting details in the Addendum to the Design and Access Statement are unlikely to mitigate upward light pollution and would contribute to the general upward glow of the surrounding residential area. The scheme has the potential to not impact upon the setting of the National Park either in visual terms and experiential qualities, provided impacts upon dark night skies are given proper consideration. The objectives of improving green infrastructure connectivity within and outside of the site should be secured; and improvements are sought to link the development with surrounding public rights of way.

ADC HOUSING:

No objection. All of the affordable dwellings would be delivered via a Section 106 Agreement. The affordable dwellings should be distributed throughout the site in small clusters and be indistinguishable from the market housing.

ADC ENVIRONMENTAL HEALTH:

No objection. Conditions should be imposed relating to land contamination, air quality, electric vehicle charging points, noise, a construction management plan, controlling the hours of construction and the provision of external lighting.

NATURAL ENGLAND:

No objection.

Natural England considers that the proposed development would not have significant adverse impacts on the Arun Valley Special Protection Area (SPA) or Ramsar site.

ADC ECOLOGY:

No objection. The results of the overwintering birds surveys indicated that the site is not functionally linked to the Arun Valley SPA/Ramsar and therefore the proposed development would not have any significant effect on this site. The reptile mitigation plan and the dormice mitigation plan are acceptable and their recommendations should be conditioned. A water vole survey was undertaken which concluded that the ditch was not suitable for water voles; but the ditch should be re-surveyed as part of any reserved matters application. A 30 metre buffer is in place around the badger sett, but a follow-up badger survey will be required for any reserved matters application. The proposed net biodiversity enhancements are acceptable and should be conditioned.

HISTORIC ENGLAND:

No objection. Historic England is pleased to see that an Addendum to the Heritage Statement and an amended Illustrative Masterplan have been produced in response to their advice. The proposed development in tandem with the proposed A27 Arundel bypass is likely to cause less than substantial harm to the Tortington Priory scheduled monument, but further harm reduction could be delivered through amendments to the masterplan at the reserved matters stage.

ADC CONSERVATION OFFICER:

There are no heritage assets on the site, but there are a number within a 1km area of the site. The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (2019). The Addendum to the Heritage Statement identifies that the cumulative impact of the development in tandem with the proposed A27 Arundel bypass, would cause less than substantial harm.

ADC ARCHAEOLOGY:

No objection. Agree with the assessments of significance, potential and impact contained in the Archaeological Desk-Based Assessment, and with its conclusion and recommendations regarding appropriate mitigation of impact through a programme of archaeological fieldwork. A condition should be imposed to secure a programme of trial trenching prior to development to identify significant

archaeological deposits and implement appropriate measures for their preservation.

ADC GREENSPACE:

No objection. The proposed development provides the opportunity to create an attractive and well considered gateway/threshold to Arundel, in the form of a naturalised parkland setting. The proposed quantum of public open space is in excess of the SPD minimum standards and this in turn will assist in maintaining the important setting of this development to Arundel. Considerable buffer areas have been shown to the perimeter and along tree line areas which should accommodate and protect the significant trees across this site.

ADC ARBORICULTURE:

No objection. There are significant trees on this site and a Tree Preservation Order was recommended to protect 1 hawthorn and 25 pedunculate oaks on the site. The principle of development and access is achievable without undue detriment to the retained trees on the site.

SUSSEX POLICE:

No detailed comment to make at this outline planning stage.

COMMENTS ON CONSULTATION RESPONSES:

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

POLICY CONTEXT

Designation applicable to site:

- Outside the Built-up Area Boundary (BUAB) in the Arun Local Plan.
- Setting of Arundel in the Arun Local Plan.
- Biodiversity Opportunity Area in the Arun Local Plan.
- Allocation in the Arundel Neighbourhood Plan.
- The northern and western parts of the site are within the BUAB in the Arundel Neighbourhood Plan.
- The southern and eastern parts of the site are outside the BUAB in the Arundel Neighbourhood Plan.

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
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM3	ENV DM3 Biodiversity Opportunity Areas
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERDM6	HER DM6 Sites of Archaeological Interest
HERDM3	HER DM3 Conservation Areas
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment

LANDM1	LAN DM1 Protection of landscape character
LANDM2	LAN DM2 The Setting of Arundel
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SKILLSSP1	SKILLS SP1 Employment and Skills
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TELSP1	TEL SP1 Strategic delivery of telecomms infrastructure
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

Arundel Neighbourhood Plan 2014 POLICY 1:	The Presumption in Favour of Sustainable Development
Arundel Neighbourhood Plan 2014 POLICY 2:	A Spatial Plan for the Town
Arundel Neighbourhood Plan 2014 POLICY 3:	Housing Supply
Arundel Neighbourhood Plan 2014 POLICY 4:	Housing Site Allocations
Arundel Neighbourhood Plan 2014 POLICY 6:	Transport, Access & Car Parking
Arundel Neighbourhood Plan 2018-2031 AR1	Arundel Built Up Area Boundary
Arundel Neighbourhood Plan 2018-2031 AR2	Land Off Ford Road

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

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

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

The revised Arundel Neighbourhood Plan (NP - 2018-2031) was made on 15th January 2020 on the basis of the policies in the Arun Local Plan (2018). Relevant Neighbourhood Plan (NP) policies have

been taken account of and are addressed in the Conclusions section of this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

Section 70(2) of TCPA provides that:-

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

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

The proposed area of residential development is located within an allocated site within the built-up area boundary (the BUAB) in the Arundel Neighbourhood Plan and it is considered to comply with relevant up-to-date Development Plan policies.

There are impacts principally to agricultural land, the natural environment, heritage assets and the visual impact of the proposed development on the South Downs National Park and the setting of Arundel. Having regard to the tests set out in the National Planning Policy Framework in relation to these issues, these impacts have been assessed and the need for housing on this site has been found to be sound when weighing up all relevant issues.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

This is an outline planning application for the erection of 90 dwellings with means of access details only.

A revised Illustrative Masterplan (Drawing No. IM003 Rev. E) has been submitted with the outline planning application which demonstrates that 90 dwellings could be provided on the site together with an access road, public open space including a Locally Equipped Area of Play (LEAP), 2 Local Areas of Play (LAPs), two attenuation basins, car parking and landscaping, with sufficient land that could be allocated for a community building and land for allotments,

Some policies in the Local Plan (policies C SP1, SD SP2) have reduced weight because Arun cannot demonstrate an adequate supply of housing land (only 3.3 years). Policies in the revised Arundel NP that relate to the supply of housing have weight because the NP is less than 2 years old.

The Arun Local Plan:

The key policy considerations in the determination of this outline planning application are considered to be Policies SD SP1, SD SP2 and C SP1 of the Arun Local Plan (2011 - 2031).

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 National Planning Policy Framework (NPPF). It will work to secure development that contributes to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland). As a site that is allocated for development within a development plan document (Arundel Neighbourhood Plan), the proposals are automatically sustainable development in accordance with 11c in the NPPF.

The site lies outside the BUAB as shown on the Policies Map in the Arun Local Plan. Policy C SP1 "Countryside" states that residential development in the countryside outside the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. It is noted that none of these relate to the proposed development at the application site.

As the site lies outside BUAB in the Local Plan, it is categorised as being within the countryside and the scheme would therefore conflict with Local Plan policies SD SP2 and C SP1.

Arundel Neighbourhood Plan (2018-2031):

The Land at Ford Road, has been allocated in Policy AR2 and the Policies Map of the revised Arundel NP for 90 dwellings and community facilities. The details of the 90 dwellings, the community building and the allotments would be submitted as part of a reserved matters application.

The revised Arundel Neighbourhood Plan (NP) was made on 15th January 2020 on the basis of the policies in the Arun Local Plan (2018). The revised Arundel NP amends the settlement boundary and it allocates the northern and western parts of the application site within the settlement boundary (which is covered by Policy AR1 of the Arundel NP) and residential development of this part of the site complies with the Arundel NP. The eastern part of the site fronting onto Ford Road is outside the BUAB and is still classed as countryside; and this part of the site is located in Flood Zones 2 and 3 and it includes the green infrastructure.

There is a conflict between the Arundel NP and the Local Plan, but the conflict has been resolved in favour of the NP and the NP is more recently made than the adopted Local Plan; and the site has been the subject of a referendum and a recent examination. Consequently, the principle of development on this site is considered to be acceptable, in accordance with the policies in the revised Arundel NP.

Conclusion on Matters of Principle:

The principle of residential development on this site is in accordance with the policies in the Arundel Neighbourhood Plan (2018-2031) which was made on 15th January 2020 as it is an allocated housing site in the NP (Policy AR2). The northern and western parts of the site are identified as being within the BUAB (which is covered by Policy AR1 of the Arundel NP) and residential development of this part of the site complies with the Arundel NP. Consequently, the principle of development on this site is considered to be acceptable, in accordance with the policies in the revised Arundel NP.

TECHNICAL MATTERS

LOSS OF AGRICULTURAL LAND

Part of the site is identified as subgrade 3a on the Agricultural Land Classification Maps. Consequently, part of the site is classed as 'best and most versatile' land which is the most flexible, productive and efficient. The NPPF (paragraph 170) requires that the Council takes into account the economic and other benefits of this type of land. The Local Plan's Sustainability Appraisal recognised that most of the undeveloped coastal plain within the District is high grade agricultural land. However, in allocating the site, the Neighbourhood Plan will have had to demonstrate to an Inspector that this issue was outweighed by the benefits of the allocation.

Policy SO DM1 requires the submission of an Appraisal of Agricultural Land Quality, a Soil Resources Plan and a Sustainability and Options Appraisal, which needs to demonstrate that care would be taken to preserve the soil resource, such that it could be incorporated into a productive green environment following development. A Desktop Review of Soils and Agricultural Quality (Report. 1808/1, 16th March 2021) has been submitted with this outline planning application which concludes that the site is most likely to be dominantly of subgrade 3b agricultural quality, possibly with some patches of subgrade 3a on mid slopes in the centre of the site, and grade 4 on the eastern margins. The Desktop Review recommends that the nature and quantity of available resources should be checked with a site survey to inform a soil management plan. Consequently, it is considered necessary to impose a condition requiring the submission of a soil management plan which will set out how the subgrade 3a soils will be retained and re-used on the site. Consequently, subject to a condition requiring a soil management plan, it is considered that the proposal complies with Policy SO DM1 of the Local Plan.

LANDSCAPE

The site is in close proximity to the South Downs National Park. The boundary of the National Park to the west of the site runs along Tortington Lane and is defined by mature ancient woodland. The statutory purposes of the National Park are:

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

It is a duty of the LPA to assess the application carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. Paragraph 172 of the NPPF (February 2019) sets out the Duty of Regard for LPAs when dealing with planning applications within or affecting the setting of a National Park:

The outline planning application was accompanied by a Landscape and Visual Impact Assessment (LVIA) which considered views from the north were confined by the existing houses and the wooded ridgeline; that views from the west were confined by the adjacent woodland along the ridgeline and the hedgerow lined lanes which restrict views from the National Park. Long distance views from the east are limited to within 2km by the wooded ridgelines to the north east and the low lying land to the south east, and intervening hedgerows. Views of the site from the south along Priory Lane are open as the site slopes downhill from the north west to the south east and there are gaps in the hawthorn hedge. Views from Priory Lane would be limited to the views of upper storeys of the new houses by the introduction of a woodland buffer in the southern part of the site; and the re-instatement and enhancement of the hedgerow along Priory Lane. The LVIA recommended the planting of a wide landscape buffer with additional native planting along the northern boundary of the site to mitigate the visual impact on the existing houses on Dalloway Road, High Ridge Close and Priory Road.

The landscape-led approach set out in the LVIA is followed in the Illustrative Masterplan (Drawing No. IM003 Rev. E). The Masterplan splits the site into the three existing fields: the western field, the central field and the eastern field; and due to the sensitive views of Arundel from Tortington to the south and the Flood Zones 2 and 3 along the eastern side of the site, the residential development has been focussed in the northern and western parts of the site. The Masterplan includes a wide landscape buffer with additional native planting along the northern boundary of the site to mitigate the visual impact on the existing houses to the north, and a woodland buffer in the southern part of the site to limit the views from Priory Lane to the views of upper storeys of the new houses, as recommended in the LVIA.

The Masterplan (Drawing No. IM003 Rev. E) identifies that an area of land in the eastern part of the site would not be developed in order to maintain the views of the skyline of Arundel; the views and setting of

Arundel and important and appear to have been taken into account. It is considered that the views both northwards towards the town and the protection of views outwards from Arundel ensure that the development complies with Policy LAN DM2 in the Local Plan: 'The Setting of Arundel'.

It is considered that views into the site from the National Park would be limited by the existing area of ancient and semi-natural woodland cover to the north west of the application site, and by the existing residential developments in Arundel immediately north of the application site; and that views from the National Park are restricted by the existing woodland along the ridgeline and the hedgerow lined lanes.

Consequently, subject to a condition ensuring that the reserved matters layout substantially accords with the Illustrative Masterplan (Drawing No. IM003 Rev. E) and the Parameter Plans (Drawing No. PP001), the proposal is acceptable visually, it does not harm the setting of Arundel, or have a detrimental impact on the South Downs National Park and it complies with Policies LAN DM1, LAN DM2 and D DM1 of the Local Plan and Policy AR2 of the Arundel NP.

DESIGN AND ILLUSTRATIVE LAYOUT

The Addendum to the Design and Access Statement explains that a full site appraisal has been carried out; a concept plan was prepared which was based on the appraisal work and which was influenced by the Landscape Strategy; a design rationale was developed which focussed on the village green with streets and spaces reducing in intensity away from the central space. Consideration of the wider landscape strategy has influenced the pattern of development by establishing a strong landscape framework.

The Illustrative Masterplan (Drawing No. IM003 Rev. E) proposes 90 dwellings in the northern and western parts of the site which is predicated on the settlement boundary set out in the revised Arundel NP (Policy AR1) and the footprint for residential development which is set out in Policy AR2 of the NP. A Parameter Plan (Drawing No. PP001) has been submitted which limits the area of residential development to 3.82 hectares in the northern and western part of the site. There would need to be limited groundworks required to create a development plateau in the central part of the site and the proposed development would protect the existing tree root protection areas (RPAs).

The Illustrative Masterplan (Drawing No. IM003 Rev. E) identifies land within the red-line boundary that could be allocated for a community building and allotments. Policy AR2(c) of the Arundel NP requires the provision of a community building and allotments. It is acknowledged that this outline application is not capable of changing the use of the land for a community building and allotments. This would require a full application or a hybrid part full part outline. A belt of trees is proposed to screen the land identified in the masterplan as the location of a community building when viewed from Ford Road. The tree belt is considered to be acceptable as it would mitigate the views of the community building from the south and east.

The Illustrative Masterplan (Drawing No. IM003 Rev. E) includes the provision of a large Central Green incorporating a Local Equipped Area of Play (LEAP) in accordance with Policy AR2(j) of the Arundel NP. The Green and Blue Infrastructure Parameter Plan (Drawing No. PP001) identifies 4.96 hectares of public open space and 0.10 hectares of new allotments. There are areas of peripheral open space in the southern and eastern parts of the site which are proposed to be formal and informal recreation parkland incorporating Local Areas of Play (LAPs).

The Infrastructure Parameter Plan (Drawing No. PP001) identifies 0.67 hectares of surface water drainage features including 2 attenuation basins in the southern part of the site. A sustainable drainage strategy has been submitted with the outline planning application. The submission of a sustainable drainage strategy is a requirement of Policy AR2(k) of the Arundel NP.

The proposed vehicular access to the site off Ford Road is identified on the Illustrative Masterplan (Drawing No. IM003 Rev. E), in accordance with Policy AR2(f) of the Arundel NP; and the emergency vehicle access onto Dalloway Road, in accordance with Policy AR2(f). The location of the primary street, the secondary street and the shared surface lanes are identified in the Movement Parameter Plan (Drawing No. PP001). The internal road layout avoids all of the root protection areas (RPAs) of the trees within the site. The proposed pedestrian and cycling access points from Ford Road, Dalloway Road, High Ridge Close and Priory Lane are identified on the Illustrative Masterplan, in accordance with Policy AR2(g) which would enable the development to connect and integrate with the existing community at Torton Hill in accordance with Policy AR2(l). Footpath connections are identified on the site between Dalloway Road and Ford Road, in accordance with Policy AR2(h).

Sufficient information has been submitted on the parameters plans and the Illustrative Masterplan to demonstrate that the site could accommodate 90 dwellings, a community building and allotments within a parkland setting.

DENSITY, SCALE AND MASSING

The proposed footprint of the residential development comprises 3.82 hectares all of which is located within the BUAB, in accordance with Policy AR2(a). The proposed development of 24 dwellings per hectare is considered to be acceptable in this visually sensitive location on the southern edge of Arundel. Lower density housing would be situated on the upper slopes of the site and overlooking the woodland buffer next to Priory Lane. The Design and Access Statement says that the new houses would generally be 2 storey in height. The scale and height of the buildings would be dealt with in more detail at the reserved matters stage, but the principle of developing 2 storey dwellings on this site is considered to be acceptable in principle.

TRANSPORT

A27 Junctions:

The Local Plan includes agreed highway mitigation measures for the impact on the A27 junctions resulting from the strategic development sites, with funding to be provided from developer contributions. Additional residential development will have a cumulative impact on the A27 junctions as well as the highway network and is likely to require further mitigation. Highways England (HE) is requesting an appropriate proportional contribution of £18,027.00 towards mitigation at the A27 / A284 Ford Road roundabout in Arundel.

Paragraph 5 of the most up-to-date ADC Community Interest Funding Statement details ADC's CIL infrastructure list which does not include highways, it is therefore evident that no ADC CIL money will be spent on highways. Paragraph 6.3 makes it clear that ADC do not generally collect via s106 for highways and there is nothing in WSCC CIL Infrastructure Funding Statement that indicates that CIL will be passed on to Highways England where there are impacts on the strategic road network. It is clear that Highways England's consultation is an objection to the application unless the LPA seeks to collect £18,027.00 for the A27 roundabout improvements. This can be achieved by requiring the owner to enter into a s278 agreement for this sum before the commencement of the development and for this to be covered in a S106 Agreement.

The ADC website states: the introduction of Community Infrastructure Levy 2020 (CIL) does not mean that S.106 obligations will no longer be used. In some cases, CIL and S.106 will work alongside each other to ensure adequate mitigation is provided to address the impacts of development.

Trip Generation, Distribution and Assignment:

A Transport Assessment accompanied the planning application as required by Policy T SP1(e) of the Local Plan. The proposed development of up to 90 houses on the site is anticipated to generate 41 two way vehicle movements in the AM peak and 44 two way vehicle movements in the PM peak. This level of

two way vehicle movements at peak times in the morning and evening is acceptable and would not place undue pressure on the local highway network.

Site Access:

Site access is being approved at this stage and a Transport Assessment (Ref. 173483-04) has been submitted with the outline planning application which proposes a site access onto Ford Road with 3.0 metre x 129 metre visibility splay to the south and 3.0 metre x 153 metre splay to the north.

Future year traffic flows have been extrapolated by the Local Highway Authority from the Transport Assessment for the Ford Strategic site (F/4/20), which includes a number of consented and live application sites. The modelling indicates the site access would operate well within capacity. A Stage 1 Road Safety Audit (RSA) has been submitted to assess the safety of the proposed site access onto Ford Road, which did not highlight any issues.

The proposed development with a vehicular access point onto Ford Road would provide safe access onto the highway, in accordance with Policy T SP1 of the Local Plan.

Emergency Vehicle' Access:

This application includes the provision of an emergency vehicle' access onto Dalloway Road in the north west corner of the site, which could also be used by cyclists and pedestrians to access Arundel town centre and the South Downs National Park. Collapsible bollards would be installed to restrict general traffic from using the emergency vehicle access. The proposed location of the emergency access off Dalloway Road is considered to be acceptable due to the width of the carriageway in this location, and its siting complies with Policy AR2(f) of the Arundel NP.

Routing of Construction Vehicles:

Arundel Town Council has raised concerns about contractor vehicles travelling along Ford Lane and Walberton Parish Council has objected to contractor vehicles using Yapton Lane. It is considered necessary to include the routing of contractor vehicles in a Construction Management Plan, which should be conditioned.

Traffic Calming Measures

In response to the Town Council's comments, the Local Highway Authority and the Local Planning Authority consider that traffic calming along Ford Road would not be required to mitigate the impacts of the development. The provision of a mini roundabout at Ford Road/Priory Lane would not meet design standards due to unbalanced flows/existing speeds. A speed limit reduction 200 metres south of Priory Lane, would not meet the WSCC speed limit criteria.

Public Transport:

The nearest bus service is from the junction of Priory Lane and Ford Lane at the south east corner of the application site, where the No. 228 bus service provides access to Ormiston Six Villages Academy and the No. 615 service provides access to Littlehampton Academy. There are bus stops located on Pearson Road approximately 600 metres from the proposed emergency site access onto Dalloway Road, from where there is an hourly service to Littlehampton, Angmering, Worthing and Shoreham. In addition, there are railway stations at Ford and Arundel.

Consequently, it is considered that the proposed development complies with Policy T SP1(a) of the Local Plan and Policy 6 of the Arundel NP by improving access to public transport services.

Footways and Cycle Provision:

The proposed development includes the provision of a new 2.0 metre wide footway from the site entrance on Ford Road, which would link up with the existing footway running northwards into Arundel.

Improvements are proposed to the local walking network comprising the provision of additional footway and uncontrolled pedestrian crossing with tactile paving for east-west pedestrian movements at the junction of Dalloway Road/Stewards Rise; and the provision of additional footway and uncontrolled pedestrian crossing with tactile paving for north-south pedestrian movements on Dalloway Road to the west of the junction with Torton Hill Road.

The proposed development includes the provision of sufficient footway links from the site into Arundel, the South Downs National Park and the surrounding area, in accordance with Policy HWB SP1(a), Policy T SP1 and Policy T DM1 of the Local Plan and Policy AR2(g) of the Arundel NP. It is acknowledged that there are no cycleway links from the site which is contrary to Policy AR2(g) of the Arundel NP, but it is recommended that a condition is imposed requiring the provision of a cycle path from the site onto Priory Lane. There is a linkage for cyclists onto High Ridge Close which is shown on the Masterplan, and this should be further detailed at the reserved matters stage.

Travel Plan:

A Travel Plan should be conditioned to ensure that the proposed development complies with Policy T SP1(e) of the Local Plan. The Local Highway Authority is requesting a contribution of £3,500 towards the auditing of a Travel Plan, which would need to be covered by a Section 106 Agreement, which is considered to be acceptable.

Conclusion on Transport

Subject to a S106 Agreement requiring the submission of a scheme of proposed mitigation measures at the A27 / A284 Ford Road roundabout in Arundel, sufficient information has been submitted identifying the impacts of the proposed development on the strategic and the local road network. The proposed development including an emergency vehicle' access and footway links onto Dalloway Road, Priory Lane and Ford Road, to make the site more accessible from Arundel town centre is acceptable and that the proposed development is in compliance with Policy TSP1, Policy T DM1 of the Local Plan and Policy 6 of the Arundel NP.

AFFORDABLE HOUSING

There is high demand for affordable housing throughout the Arun District for both rent and low-cost home ownership. As of September 2020, there were 1,021 households in housing need on the Council's housing register.

To meet the requirement of the Council's Affordable Housing policy, the applicant will need to provide 27 affordable dwellings (i.e. 30% affordable provision), in compliance with Policy AH SP2 of the Local Plan. The Council's Affordable Housing policy requires a tenure split for this site of 75% rented and 25% shared ownership. The proposal equates to 20 rented houses and 7 shared ownership houses.

The proposed affordable housing mix is considered to be acceptable. The affordable housing should be constructed to be indistinguishable from the market housing and should be pepper-potted throughout the development in small clusters of no more than five dwellings.

The number and tenure split of the affordable housing would be proposed in a Section 106 Agreement. There is an opportunity for the affordable dwellings to be managed on the site by the Arundel Community Land Trust (CLT); and it is considered that the CLT should be listed in the Section 106 Agreement as a potential deliverer.

ACCOMMODATION SUITABLE FOR OLDER PERSONS AND PEOPLE WITH DISABILITIES

The LPA has a Guidance Note setting out standards aimed at securing a percentage of homes as disabled friendly and adaptable, meeting suitable standards. Under building regulations optional requirement M4(2): Category 2 - Accessible and adaptable dwellings can be enforced where it is

required by a planning condition, in accordance with Policy D DM1 of the Local Plan. For schemes greater than 51 unit inclusive - 50% of units (i.e. 45 units) need to be designed to M4(2) standard plus 4 additional units to be designed to M4(3) wheelchair accessible, for every 50 units proposed thereafter. This can be secured adequately via a suitably worded condition.

OPEN SPACE PROVISION

A development of 90 dwellings requires the provision of on-site public open space measuring a minimum area of 0.74 hectares. The Parameter Plan identifies 4.96 hectares of public open space on the site and 0.10 hectares of allotments in addition to the existing allotments, which are located adjacent to the site. Consequently, the quantum of public open space complies with the requirements of the Open Space, Playing Pitches, Indoor and Built Sports Facilities SPD, January 2020. The proposed public open space on the site would be secured through a Section 106 Agreement.

The Illustrative Masterplan (IM003 Rev. E) identifies the location of a LEAP in the Central Green on the site, and 2 unequipped natural play areas known as Local Areas of Play (LAPs) in the informal parkland to the south and east of the residential development, in accordance with by the ADC Open Space, Playing Pitches, Indoor and Built Sports Facilities SPD, January 2020.

A clear indication of the proposed future management of the open space including the responsibility for play areas and public realm areas would be secured through a Section 106 Agreement. Similarly, the provision of any surface water features within the public open spaces would require detailing including future management and maintenance requirements.

PROTECTED TREES

There are significant trees on this site and a Tree Preservation Order (TPO/AB/2/16) is in place covering a number of the trees along the boundary between the central and eastern fields. A further TPO (TPO/AB/1/21) was made on 22nd April 2021 and covers 1 hawthorn and 25 pedunculate oak trees on the site.

An Arboricultural Implications Report which includes a Tree Protection Plan and a Tree Survey Schedule, together with an Outline Arboricultural Method Statement have been submitted with this application, which identify the locations of the trees for removal and those for retention. An Arboricultural Implications Assessment (AIA) including 'Root Protection Area (RPA) Schedule', together with an Arboricultural Method Statement (AMS) would be required to be submitted at the reserved matters stage to describe and illustrate the mitigation measures and to ensure the trees survive without detriment to their vigour and vitality and they are given adequate protection.

The site layout on the Illustrative Masterplan has taken into account the root protection areas (RPAs) of the trees that are subject to Tree Preservation Orders. The proposed quantum of development can be accommodated without detriment to the trees on the site. It is considered that the proposed development is in accordance with Policy ENV DM4 of the Local Plan.

IMPACT ON THE SETTING OF ARUNDEL CONSERVATION AREA AND LISTED BUILDINGS

Arundel Conservation Area:

The impact of the proposed development on the Conservation Area needs to be considered in accordance with paragraph 193 of the NPPF and if there is harm is it substantial or less than substantial, and this needs to be weighed against the public benefits of the proposal.

Arundel Conservation Area consists of the Castle and its grounds (Grade I), the Cathedral (Grade I) and the old town. The Conservation Area contains a significant number of designated and non-designated heritage assets. The boundary of the Conservation Area covers most of the town as it existed at the end of the 19th century. There are important views of the town from the site including the Conservation Area

and many listed and locally Listed Buildings. The site is located within the area identified as being part of the setting of Arundel (Policy LAN DM2 of the Local Plan).

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

With regard to Paragraph 200 of the NPPF the main consideration is the indirect effect that the proposed residential development could have on the appreciation of the significance of the identified nationally and locally listed buildings and their settings and the setting of the Conservation Area.

The impact on the Conservation Area has been given great weight in accordance with paragraph 193 of the NPPF. The proposals have sought to minimise and mitigate the impact of the proposals on the significance of the Conservation Area through the siting of the housing development in the western part of the site and the provision of a landscape belt around the built development and a buffer strip to the north of Priory Lane, and make a positive contribution to local character by enhancing the setting of the Conservation Area as required by paragraph 192(c) of the NPPF which states that Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (hereafter referred to as "the act") states that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area'.

The Planning Statement (paragraph 7.21) identifies that there will be changes experienced immediately adjacent to the site to the north and in sections along Priory Lane. Currently, there are positive views of the town from Priory Lane, and it is assumed that these would be affected by the eastern parcel of development; but the masterplan has been amended to include a belt of trees that should screen the housing in the eastern parcel from view. It is considered that the open and undeveloped land (including a buffer strip to the north of Priory Lane) would help to reduce the impact of the proposed development on the settings of the heritage assets. The site access onto Ford Road is considered to be acceptable. However, it needs to be ensured at the detailed design stage (i.e. the Section 278 stage) that the site access is not over-engineered with road signs and road markings as this could have a negative impact upon the Conservation Area in conflict with paragraph 72 of the act.

The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (February 2019). As such, the public benefits that the development may achieve need to be considered as part of the assessment of the application, along with the contents of the act 1990 (as amended). It is therefore necessary to consider the public benefits that the development may achieve. These include:

- Providing much needed housing to meet the deficit in Arun's 5-year Housing Land Supply (HLS) and affordable housing.
- Benefitting the local economy by bringing in additional customers to the town centre shops and services.
- Benefitting the streets in the vicinity of the site from increased natural surveillance, reducing crime and anti-social behaviour.
- Creating construction jobs.
- Creating new sources of employment and economic activity at the site.
- Additional spending by new residents on local goods and services.
- Providing land for a Community Building.
- Providing land for additional allotments.

In conclusion, it is considered that the public benefits sufficiently outweigh the harm caused to the Conservation Area and the proposal is therefore compliant with Policy HER SP1 and Policy HER DM3 (a), (d), (e) and (f) of the Arun Local Plan and the NPPF.

Listed Buildings and Scheduled Ancient Monument:

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

The Revised Heritage Statement, March 2021, identifies that there are some heritage assets in the immediate area, which are of specific note, these are: Tortington Priory Barn, to the north of Priory Farm (Grade II* Listed); and Tortington Augustinian priory and ponds, including part of priory precinct, which is a Scheduled Ancient Monument. Both assets are of high significance. It is also worth noting that slightly further away to the east is the Grade II Listed Windmill on Fitzalan Road. There are also important views of the town and various assets from the site and the surrounding area (including many listed and locally Listed Buildings including the Castle).

There are concerns that the development would spread closer to these heritage assets in part of their settings. Such concerns have, in part, been raised by Historic England, particularly in regard to the setting of the Tortington Priory complex. In response to the concerns raised by Historic England, the Revised Heritage Statement says that built development would be set back from both Priory Lane and Ford Road to minimise any impact upon the setting of the Tortington Priory complex and the setting of views of the town, and avoid any sense of encroachment upon Tortington Priory. The use of appropriate landscaping and planting to screen the development and soften the built form would be used to further reduce any potential impact on the significance of the heritage assets or their settings. Historic England acknowledge the amendment to the Illustrative Masterplan to increase tree planting along the southern edge of the proposed housing is likely to ameliorate the visual impact on Tortington Priory. It is considered that the open and undeveloped land (including a buffer strip to the north of Priory Lane) would help to reduce the impact of the proposed development on their settings.

It is considered that the development could have some negative impact upon the setting of the Listed Buildings in conflict with paragraph 66 of the act. The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (February 2019). As such, the public benefits that the development may achieve need to be considered as part of the assessment of the application, along with the contents the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

It is therefore necessary to consider the public benefits that the development may achieve. These have been set out above.

In conclusion, it is considered that the public benefits sufficiently outweigh the harm caused to the listed buildings and the proposal is therefore compliant with Policy HER DM1 and Policy HER SP1 of the Local Plan, and the NPPF.

ARCHAEOLOGY

An Archaeological Desk Based Assessment (Job No. 455243, March 2021) has been submitted with the outline planning application. The site is located on the edge of the floodplain of the River Arun and is bound to contain deposits relating to concentrated activity in the later prehistoric and Roman periods. The Assessment concludes that the potential impact on below ground archaeological remains could be mitigated by the implementation of an agreed programme of fieldwork, which would need to be

undertaken in accordance with an approved written scheme of investigation.

It is considered that subject to a condition securing an investigation of the site by trial trenching in order to establish what deposits might be threatened and how to mitigate this, that it complies with Policy HER DM6 of the Local Plan as this will not be harmful to the archaeological interest.

BIODIVERSITY

The site is not within Arun Valley Special Protection Area (SPA) / Ramsar site but is within a potential zone of influence. The eastern part of the site is designated as a Biodiversity Opportunity Area where development shall retain and sympathetically incorporate locally valued and important habitats, including wildlife corridors and stepping stones; and be designed in order to minimise distance to habitats. The outline planning application was accompanied by an Ecological Assessment Report (November 2020), an Outline Reptile Mitigation Strategy and a Landscape and Ecological Management Plan.

A Further Response to Ecology Consultation document has been submitted which contains the results of wintering bird surveys in 2019/20 and 2021. The winter surveys did not find any Bewick swans using the site and it was concluded that the site is not functionally linked to the Arun Valley Special Protection Area (SPA) / Ramsar site, and the proposed development would not therefore result in a loss of land that is functionally linked to the Arun Valley SPA/Ramsar. The LPA's Appropriate Assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. Natural England agrees with this view.

Further survey work was requested by ADC Ecology to determine the population size of the dormice and the water voles and a mitigation strategy submitted, and that a 30 metre buffer is in place around the badger sett. The Further Response to Ecology Consultation document included a dormouse mitigation strategy; confirmation that ditches have been checked for water voles (it is recommended that the ditch should be re-surveyed as part of any reserved matters application); and confirmation of the protection of a possible badger sett (which is an excavation at the base of an oak tree), the Illustrative Masterplan does not have any development within 30 metres of the excavation (but it is recommended that the site should be re-surveyed as part of any reserved matters application). Therefore, subject to the imposition of a mitigation condition, and conditions requiring surveys of the ditches for water voles and a badger survey prior to the submission of the reserved matter application, it is considered the proposed development complies with Policy ENV DM3 and Policy ENV DM5 of the Local Plan and the National Planning Policy Framework in terms of species and habitat protection and mitigation.

The net biodiversity gains proposed in the Ecological Assessment Report, the Landscape and Ecological Management Plan and in "Figure 2: Illustrative Biodiversity Enhancement Plan" in the Ecology Response 1 (Ref. eg17809-EC-CR-REV00) include the planting of 370 metres of new hedgerows, the creation of seasonal water bodies, the installation of bat boxes, bird boxes and dormouse boxes, the planting of species rich grassland and scrub areas, the retention of hedgerows and trees, any trees removed should be replaced at a ratio of 2:1, barn owl boxes installed onsite within a suitable location, log piles provided onsite and wildflower grassland created. The proposed net biodiversity gains are considered to be comprehensive and acceptable. Consequently, subject to the imposition of a condition for the implementation of the net biodiversity gains, the proposed development complies with Policy ENV DM5 of the Local Plan and the National Planning Policy Framework.

RESIDENTIAL AMENITY

It is considered that the siting of the houses on the northern and western part of the site, as indicated on the Illustrative Masterplan (Drawing No. IM003 Rev. E) would ensure that there would be no materially adverse overlooking or overbearing impacts on the existing houses on High Ridge Close and Dalloway Road. In this case, subject to details of layout and design, it is considered that the proposed residential development on Land at Ford Road, Arundel would be acceptable on the residential amenities of

neighbouring properties.

Consequently, it is considered that the proposed residential development would comply with Policy D DM1(3) of the Local Plan and the Arun Design Guide, as the siting of the houses on the Masterplan (Drawing No. IM003 Rev. E) would ensure that there would be no materially adverse overlooking or overbearing impacts on the existing houses.

LIGHT POLLUTION

Due to the proximity of the South Downs National Park, a Lighting Strategy and Outdoor Lighting Reports have been submitted with the outline planning application which deal with the proposed lighting during the construction phase and the lighting columns which would be constructed prior to the occupation of the dwellings.

Environmental Health has requested a condition be imposed relating to the provision of external lighting to ensure that the lighting that is submitted at the reserved matters stage is appropriate to the wider landscape setting and minimises the impact of the development on the Dark Sky Reserve designation within the South Downs National Park.

Consequently, subject to the imposition of a condition, it is considered that the proposed residential development complies with Policy QE DM2 of the Local Plan in terms of light emissions.

NOISE QUALITY

A Noise Assessment (Ref. 173483-06), prepared by Ardent Consulting Engineers was submitted with the outline planning application. The Assessment recommended the provision of closed but not sealed windows to control internal amenity sound levels on eastern facades of dwellings on the eastern side of the development. Alternative ventilation would be provided to meet the acoustic specification and the requirements of Building Regulations Part F (ventilation in lieu of open windows). At all other dwellings, the internal sound level criteria could be achieved with open window ventilation; and no further noise control measures were considered necessary. The findings of the Noise Assessment are considered to be acceptable. Environmental Health has requested a condition whereby, prior to the first occupation of any dwelling, details of the noise mitigation measures to protect future residents from transportation noise shall be submitted to the Local Planning Authority. Environmental Health has requested the imposition of conditions requiring the submission of a Construction Management Plan and a condition controlling the hours of construction activities, both of which are considered to be acceptable.

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

AIR QUALITY

The proposed development is not located in an Air Quality Management Area, however an Air Quality Assessment Report: (Ref. - 173483-05) dated November 2020, was submitted which measured the impact of the construction works and the impact of vehicle emissions from the new residents of the development and it concluded that the impacts of construction works and vehicle emissions were acceptable. Environmental Health has requested a condition be imposed requiring the submission of a Construction Management Plan that includes dust mitigation measures.

It is also requested that a condition be imposed ensuring the provision of electric vehicle (EV) charging points, so as to mitigate against any potential adverse impact of the development on local air quality, in accordance with the ADC Parking Standards SPD. Petrol and diesel cars and vans will not be sold beyond 2040.

It is considered that, subject to the imposition of conditions requiring the submission of a Construction

Management Plan and the provision of EV charging points that the proposed development complies with Policy QE DM3 of the Local Plan, in terms of air quality.

CONTAMINATED LAND

A Desk Study Report into contamination was submitted. An Unexploded Ordnance Risk Assessment was undertaken and a preliminary unexploded ordnance risk rating of low has been determined for hand dug excavation or limited mechanical excavation or trenching. The overall risk of on-site contamination associated with historical and current land use is considered to be low to moderate. As part of a Phase 2 intensive investigation it is recommended that sampling of any topsoil or potential made ground and underlying soils is undertaken; and land gas and groundwater monitoring should be carried out on the site. In terms of the precautionary principle, Environmental Health has requested that contaminated land conditions be recommended in case further contamination is uncovered on the site during construction works.

Subject to the imposition of the contaminated land conditions, the proposed development complies with Policy QE DM4 of the Local Plan.

SURFACE WATER DRAINAGE

A Flood Risk Assessment and Drainage Strategy was submitted with the outline planning application which confirmed that the site is primarily within Flood Zone 1, with an area of Flood Zones 2 and 3 running along the eastern boundary alongside Ford Road. A sequential test is not required as one was carried out as part of the Neighbourhood Plan preparation process. It is proposed that surface water run-off would be conveyed via a piped drainage network into swales which would flow into attenuation basins prior to discharge at controlled rates. Adequate treatment of surface water must be ensured prior to discharge.

There are numerous watercourses, ditches and culverts passing through the site and along the boundary. Due consideration would need to be given to these features at the reserved matters stage, ensuring no structures and fences are located within 3 metres of the top of the ditch bank or edge of culvert.

A Hydraulic Modelling Note was submitted with the outline planning application which recommended that all residential development should be located outside the 100 year + 50% flood outline (i.e. there is no residential development in the floodplain in the eastern part of the site). The Modelling Note recommended that all finished floor levels (FFLs) are set 300mm above the tidal 200 year + Climate Change predicted flood (FFLs would need to be at 4.368m AOD or above). Finished floor levels could be conditioned. There would need to be limited groundworks required to create a development plateau in the central part of the site.

It is considered that sufficient information has been provided to demonstrate that a SuDs scheme for the site could be developed based on the principles in the Flood Risk Assessment and shown on the Illustrative Masterplan, and that subject to the imposition of conditions, the proposed development complies with Policy W DM2 and Policy W DM3 of the Local Plan and the National Planning Policy Framework.

FOUL DRAINAGE

The Drainage Strategy which has been submitted with the outline planning application proposes that the foul water would be collected by a gravity network and directed to a pumping station on the eastern part of the site. A rising main would then take flows to a proposed discharge point located 150 metres away on Ford Lane. Subject to conditions, the Drainage Strategy is considered to be acceptable.

CLIMATE CHANGE

The Illustrative Masterplan (Drawing No. IM003 Rev. E) is indicative but it does set out the potential orientation of the houses on the site. It is considered that the reserved matters application should adhere to the Illustrative Masterplan so as to maximise the number of houses set out in an east/west orientation and ensure maximum solar gain. It is considered that the proposed residential development would comply with Policy ECC SP2 through the imposition of a condition requiring 10% on-site generation from renewable or low carbon energy generation, plus the fabric first approach.

SUPPORTING INFRASTRUCTURE

The proposed development would help to support the local community by providing 90 dwellings with a mix of bedrooms (and affordable homes) to meet future needs.

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

Section 106 contributions would be limited to on-site mitigation and affordable housing provision, a developer contribution to WSCC towards the auditing of the travel plan; an appropriate proportional contribution of £18,027.00 towards mitigation at the A27 / A284 Ford Road roundabout in Arundel; and the transfer of the land for the community building and for the allotments to Arundel Town Council, in accordance with Appendix 2 of the Arun CIL Charging Schedule. All of these items are set out in the Heads of Terms Table which accompanies this committee report.

SUMMARY

This outline application considers the development of this site with 90 residential dwellings; and the red-line boundary includes land that is allocated in Policy AR2 of the Arundel Neighbourhood Plan for a community building and for community allotments. It is acknowledged that this outline application is not capable of changing the use of the land to allotments or for a community building; this which would require a full application or a hybrid part full part outline. Vehicular access is to be by a new access road to the east from Ford Road. Other matters regarding design, layout, appearance, scale and landscaping would be the subject of a reserved matters application.

In summary, it is considered that the Central Green is large enough to accommodate a LEAP and to function as a village green. The layout in the Illustrative Masterplan is predicated upon the surface water drainage strategy for the site, which includes the provision of attenuation basins in the southern part of the site, and the houses and landscaping features have been laid out around these features. Parameter Plans have been submitted identifying the heights of dwellings especially as the site is located within the setting of Arundel. The Illustrative Masterplan has taken account of the root protection areas (RPAs) of the trees that are subject to Tree Preservation Orders. The affordable housing mix is considered to be acceptable. It is considered that the proposed development on Land at Ford Road, Arundel complies with the allocation in Policy AR2 of the Arundel NP and with the policies in the Arun Local Plan and the National Planning Policy Framework.

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

RECOMMENDATION

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

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

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

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This development is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply) and will be based on floor spaces provided at the reserved matters stage.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and be approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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 layout, scale and appearance details referred to in 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 and residential amenity and the character/appearance of the surrounding area in accordance with Policies D DM1 and QE SP1 of the Arun Local Plan.

3 Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

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).

4 The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of the 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).

5 The planning permission relates to the following approved plans:

- Drawing No. 28826 - Site Location Plan, dated 01.03.21.
- Drawing No. PP001 - Parameter Plans (Developable Area; Movement; and Green and Blue Infrastructure).
- Drawing No. 173483-002 Rev. E - Site Access Arrangement.
- Drawing No. 173483-006 - Off-Site Pedestrian Connection Improvements.

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

6 The development shall be in substantial accordance with the Illustrative Masterplan (Drawing No. IM003 Rev. E) and Drawing No. PP001 - Parameter Plans (Developable Area; Movement; and Green and Blue Infrastructure).

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

7 None of the dwellings shall be occupied unless and until full details of the public open space (POS) management arrangements have been submitted to and been approved in writing by the Local Planning Authority. The POS shall thereafter be implemented in accordance with the provision as agreed by application AB/135/20/OUT (or any subsequent variation application) prior to occupation of the 45th dwelling and permanently retained thereafter. The approved management details shall then be permanently adhered to.

Reason: To ensure that the POS is provided and that a management regime is established in accordance with Policy OSR DM1 of the Arun Local Plan and Policy AR2 of the Arundel Neighbourhood Plan.

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

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

- 9 Prior to the commencement, including any works of demolition, a Construction Management Plan shall be submitted and be approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
- a) An indicative programme for carrying out of the works;
 - b) The anticipated number, frequency, routing and types of vehicles used during construction;
 - c) The method of access and routing of vehicles during construction;
 - d) Full details of the construction compound;
 - e) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
 - f) Measures to minimise the noise (including vibration) generated by the construction process to include proposed method of piling for foundations, the careful selection of plant and machinery & use of noise mitigation barrier(s). A Noise and Vibration Management Plan shall be submitted in writing for approval by the Local Planning Authority. The scheme shall include appropriate Construction Noise Limits in accordance with the ABC method described in BS 5228
- Part 1 - Noise Control on Construction and Open sites;
- g) Measures to control the emission of dust and dirt during construction
 - h) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
 - i) The parking of vehicles of site operatives and visitors;
 - j) Loading and unloading of plant and materials, including permitted times for deliveries;
 - k) Storage of plant and materials used in constructing the development;
 - l) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - m) The provision of effective wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
 - n) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: For the avoidance of doubt and to protect the amenity of local residents, the environment and highway safety, in accordance with Policy D DM1 and Policy QE DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to mitigate the impact of construction works and deliveries on neighbouring residential amenity.

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

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

- 11 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 details shown on approved Drawing No. 173483-002 Rev E - Site Access Arrangement.

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

- 12 No part of the development shall be first occupied until footway improvements are provided as shown on approved Drawing No. 173483-006 - Off-Site Pedestrian Connection Improvements.

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

- 13 Notwithstanding the illustrative masterplan layout submitted, details of a cycle path leading south west from the development site onto Priory Lane and a cycle path leading north onto High Ridge Close shall be included within the final layout submitted at the reserved matters stage and these cycle paths shall be retained in perpetuity.

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

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

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

- 15 No dwelling shall be occupied until space for the parking of cars, motorcycles and bicycles in relation to that dwelling have been laid out. These areas shall thereafter not be used for any purpose other than the parking of cars, motorcycles and cycles.

Reason: In the interests of road safety and to accord with approved policy in accordance with Policy D DM1 of the Arun Local Plan.

- 16 Garages provided on the site shall measure a minimum of 6 metres x 3 metres internally.

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

- 17 No development shall take place until a scheme for the location and installation of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition the scheme shall be in accordance with the Guidance Note: The Provision of Fire Hydrants and an Adequate Water Supply for Fire Fighting as published by West Sussex Fire and Rescue Services (as amended from time to time). No dwelling hereby permitted shall be occupied until the fire hydrant(s) required to serve that dwelling have been installed in accordance with the approved scheme.

Reason: In order to provide adequate infrastructure for emergency services, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that all dwellings on the site are within 150 metres of a fire hydrant for the supply of water for firefighting.

- 18 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework). Prior to the commencement of development details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure the provision of decentralised and renewable or low carbon energy sources on the site.

- 19 Prior to the commencement of 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 shall be carried out in accordance with the approved strategy.

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

- 20 Prior to the commencement of construction works a Landscape and Ecological Management Plan (LEMP) shall be submitted to the LPA for approval in writing and will be based on the recommendations within the submitted Ecological Assessment Report, the Outline Reptile Mitigation Strategy, the Landscape and Ecological Management Plan and the Further Response to Ecology Consultation document. All the approved details shall then be implemented in full and in accordance with the agreed timings and details.

The LEMP shall include but not be restricted to:

- timings for clearance of trees or scrub to avoid impacts on breeding birds;
- a 30 metre buffer is in place around the badger sett;
- the planting of 370 metres of new hedgerows;
- the creation of seasonal water bodies;
- the installation of bat boxes, bird boxes; barn owl boxes and dormouse boxes;
- the planting of species rich grassland and scrub areas;
- the retention of hedgerows and trees;
- any trees removed should be replaced at a ratio of 2:1;
- log piles provided onsite and wildflower grassland created.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy ENV DM4, Policy ENV DM5 and Policy ENV SP1 of the Arun Local Plan and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to protect wildlife and habitats on site prior to any disturbance.

- 21 If the reserved matters are submitted 12 months or later from the date of this decision notice, prior to the submission of the reserved matters application(s), the ditches within the site boundary should be re-surveyed for the presence of water voles; and the site should be re-surveyed for badgers. The surveys and mitigation measures should be submitted for approval in writing by the Local Planning Authority. The mitigation measures shall be implemented in

full and permanently retained and thereafter maintained as fit for purpose.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat in line with Policy ENV DM3, Policy ENV DM4, Policy ENV DM5 and Policy ENV SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 22 Prior to the commencement of development, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the dwellings shall be submitted to the Local Planning Authority for approval in writing and thereafter be implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with Policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017), the ADC Parking Standards SPD (January 2020) and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because of the need to ensure that the infrastructure for electric vehicle charging measures are in place in the residential development.

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

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

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

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

- 25 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.

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

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

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

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

- 28 Prior to the commencement of development, details of the measures to protect the public sewers/water supply mains should be submitted for approval in writing by the Local Planning Authority, in consultation with Southern Water).

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

- 29 The occupation of the development is to be phased and implemented 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. Such sewerage capacity works shall not be unreasonably withheld or delayed by Southern Water.

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

- 30 All finished floor levels (FFLs) are set 300mm above the tidal 200 year + Climate Change predicted flood (FFLs would need to be at 4.368m AOD or above - there would need to be limited groundworks required to create a development plateau in the central part of the site).

The sleeping accommodation would need to be set above the 1000 year Climate Change tidal level of 4.081m AOD. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details.

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

- 31 Prior to the commencement of development, details of the proposed outdoor lighting (Details of zone E1 lighting luminaires lux levels) should be submitted for approval in writing by the Local Planning Authority and thereafter be implemented in accordance with the approved details and the lighting shall thereafter be permanently retained and maintained in good working condition.

Reason: To protect the appearance of the area, the environment and wildlife and local residents from light pollution in accordance with Policy QE DM2 of the Arun Local Plan.

- 32 No development above damp proof course (DPC) level shall take place until details of the noise mitigation measures to protect future residents from transportation noise shall be submitted to the Local Planning Authority for approval in writing. The submitted details shall include details of the sound insulation to be provided to achieve the acoustic conditions set out in Table 4 of BS8233. This should be supported by test data of proposed glazing systems and details of the acoustic design and performance of the alternative ventilation system. The approved details shall be implemented prior to the first occupation of any dwelling and shall thereafter be maintained.

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

- 33 Noise from the pumping station, which is to be installed in the eastern area of the site, shall not exceed 45dB LAeq (15mins) with no tonal components evident at the boundary of the nearest noise sensitive property. When assessed by a competent acoustic engineer, the Vibration Dose Value (VDV) shall not exceed the applicable 'low probability of adverse comment' level for the test environment in question (i.e. residential buildings, offices, workshops) contained within BS 6472-1:2008 (Guide to evaluation of human exposure to vibration in buildings - Part 1: Vibration sources other than blasting) inside the nearest property. A test or prediction of the noise levels and a test or estimation of the expected vibration environment to demonstrate compliance with the levels shall be undertaken within 3 months of the development being implemented.

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

- 34 Prior to commencement of the development hereby approved, 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; 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 protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan.

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

If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan.

36 Prior to the commencement of development, an updated Arboricultural Method Statement (AMS) and an updated Tree Protection Plan shall be submitted for approval in writing by the Local Planning Authority, to both describe and illustrate the mitigation measures which are to be employed to ensure that the trees survive without detriment to their vigour and vitality and are given adequate protection both above and below ground in accordance with the detailed layout plans. The approved mitigation measures shall be implemented and shall thereafter be maintained.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy D DM1 and Policy ENV DM4 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure that trees are protected during the construction of the development hereby approved.

37 Fifty per cent (50%) of all dwellings (i.e. 45 dwellings) shall be designed and constructed to M4(2) standard and in addition four (4) dwellings shall be designed and constructed to M4(3) wheelchair accessible standard in accordance with 'Access to and use of buildings: Approved

Document M'.

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

- 38 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 been approved in writing by the Local Planning Authority.

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

- 39 Prior to the export of any material from site, or within six months of commencement of development, whichever is earlier, a soils management plan shall be submitted for approval in writing by the Local Planning Authority. The soil handling measures and the proposed use of on-site soils as set out in the approved soils management plan will be implemented on site to ensure that the soil resource is preserved.

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

- 40 Prior to the commencement of development, the applicant shall prepare and submit an Employment and Skills Plan for approval in writing by the Local Planning Authority. Following approval of the Employment and Skills Plan the developer will implement and promote the objectives of the approved plan.

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

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

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

- 42 **INFORMATIVE:** Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works

(temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

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

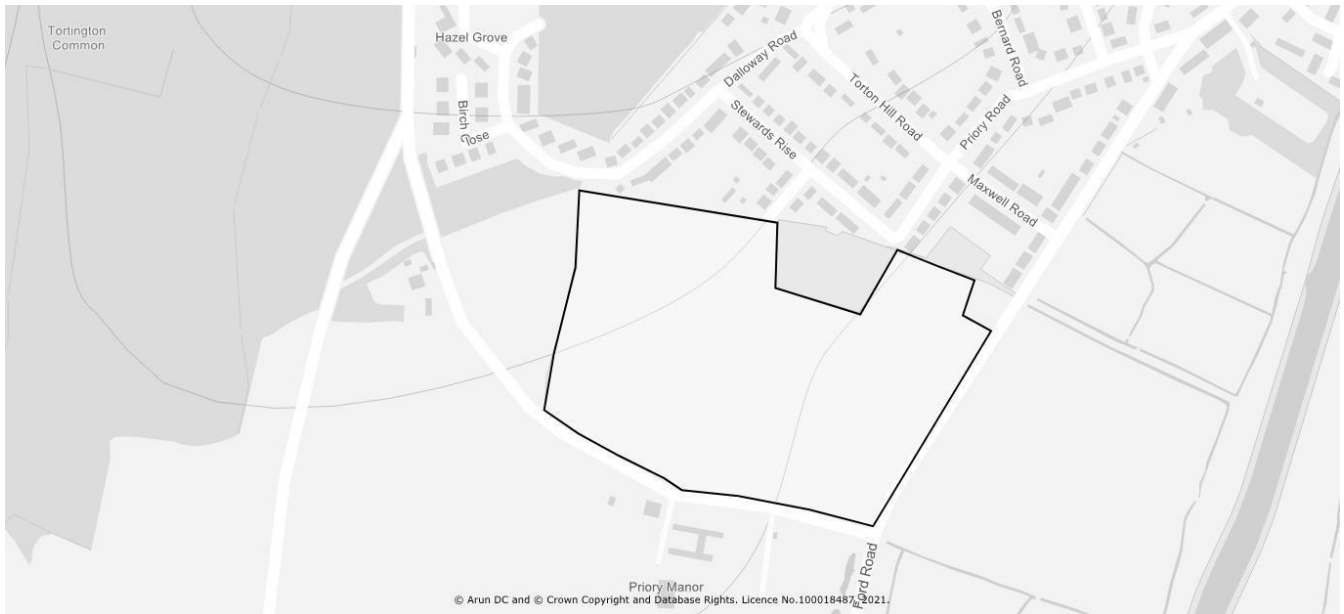
- 43 **INFORMATIVE:**
- The 500mm diameter water trunk main and 150mm water distribution main requires a clearance of 6 metres on either side of the water mains to protect it from construction works and to allow for future maintenance access.
 - No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water mains without consent from Southern Water.
 - The 300mm diameter gravity surface water sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
 - No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
 - No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers, rising mains or water mains.
 - All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.
- 44 **INFORMATIVE:** Southern Water has restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing plant. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" and the Sewerage Sector Guidance with regards to any landscaping proposals and Southern Water's restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.
- 45 **INFORMATIVE:** It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- 46 **INFORMATIVE:** The applicant is advised to enter into a Section 59 Agreement under the Highways Act, 1980, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The applicant is advised to contact the Highway Officer (Tel. 01243 642105) in order to commence this process.
- 47 **INFORMATIVE:** The applicant is required to obtain all appropriate consents from West Sussex County Council, as Local Highway Authority, to cover the off-site highway works. the applicant is requested to contact the Implementation Team Leader (Tel. 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.
- 48 **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.
- 49 **INFORMATIVE:** Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

50 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)

AB/135/20/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: AL/28/21/PL

LOCATION: The Grange
Westergate Street
Westergate
PO20 3SQ

PROPOSAL: Demolition of 2 No. outbuilding & erection of 2 No 1.5 storey dwellings, detached garage block & associated scheme of hard & soft landscaping. This site falls within Strategic Site SP2, CIL Zone 1 (Zero Rated).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This planning application is for the erection of 2 detached chalet style bungalows and a detached 4-bay garage block, following the demolition of 2 existing outbuildings.

SITE AREA 0.22 hectares.

RESIDENTIAL DEVELOPMENT 10 dwellings per hectare.

DENSITY (NET)

TOPOGRAPHY Predominantly flat.

TREES The site has a Tree Preservation Order (TPO/AL/2/16) covering a band of trees that runs along the northern boundary of the site.

BOUNDARY TREATMENT All of the site's boundaries are marked by mature vegetation.

SITE CHARACTERISTICS The application site comprises existing garden land which is L-shaped and includes two outbuildings on land to the eastern side of an existing bungalow (The Grange). There is a cluster of trees along the northern boundary of the site. The site is accessed by a private access road with a junction with the A29 Lidsey Road (Westergate Street) to the west. The site is located within the Barnham/Eastergate/Westergate (BEW) Strategic Allocation.

CHARACTER OF LOCALITY The site lies on the edge of the settlement of Westergate with open agricultural fields to the east, an access road and a railway line to the south, and an unmanaged field to the north. The closest neighbouring property is L'Apache to the east, which is a bungalow, with planning permission for 2 semi-detached houses on land immediately east of the the existing house.

RELEVANT SITE HISTORY

AL/61/93/CLE	Application for Certificate of Lawfulness for existing use of land for the storage and repair of agricultural	Approve 10-12-93
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contractors machinery, plant and vehicles.

AL/93/00/CLE Application for a Certificate of Lawfulness for an existing Approve
use - breach of agricultural occupancy condition imposed 15-01-01
on planning permission AL/40/74.

Noted.

REPRESENTATIONS

ALDINGBOURNE PARISH COUNCIL:

Object.

- The proposed development would affect the Biodiversity Corridors shown on Map A (1) and Policy EH2 of the Aldingbourne NP2.
- There is no ecological survey or accompanying mitigation proposals to protect the bats.
- Consequently, the application contravenes the existing and emerging Neighbourhood Plan.

COMMENTS ON REPRESENTATIONS RECEIVED:

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

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

LOCAL HIGHWAY AUTHORITY:

No objection. Conditions are requested ensuring the car and cycle parking are provided in compliance with the approved plans and that provision is made for electric vehicle charging points.

SOUTHERN WATER:

No objection. There is a public foul sewer within the access to the site.

ADC DRAINAGE:

No objection. The application is within the Lidsey Treatment Catchment, therefore infiltration must be fully investigated. Winter groundwater monitoring should be completed. A surface water drainage condition is requested to be imposed.

ADC ENVIRONMENTAL HEALTH:

No objection. Conditions are requested including the submission of a Construction Management Plan, together with a scheme for protecting the proposed dwellings from noise and vibration from the railway line.

ADC GREENSPACE:

No objection. A condition is required for the submission of landscape details to provide ornamental and native improvements and biodiversity net gain.

ADC ECOLOGY:

No objection. The mitigation and enhancements provided in Sections 5 and 6 of the Preliminary

Ecological Assessment are generally acceptable and should be conditioned. Following the submission of the Reptile Survey and Mitigation Strategy Report (May 2021) the proposed mitigation would be suitable and should be conditioned.

COMMENTS ON CONSULTATION RESPONSES:

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

POLICY CONTEXT

Designation applicable to site:

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

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

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

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
INFSP1	INF SP1 Infrastructure provision and implementation
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

[Aldingbourne Neighbourhood Plan 2016 POLICY EH1](#) Resist development outside

Aldingbourne Neighbourhood Plan 2016 POLICY EH10 Unlit village status

Aldingbourne Neighbourhood Plan 2016 POLICY EH2 Support adjacent to biodiversity corridors only if demonstrate no harm.

Green infrastructure and Ecosystem services

Aldingbourne Neighbourhood Plan 2016 POLICY EH6	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2016 POLICY GA1	Promoting Sustainable movement
Aldingbourne Neighbourhood Plan 2016 POLICY H2	Range of house types Housing Mix
Aldingbourne Neighbourhood Plan 2016 POLICY H3	Housing density
Aldingbourne Neighbourhood Plan 2016 POLICY H8	Dwellings must have adequate private or shared amenity. Outdoor space
Aldingbourne Neighbourhood Plan 2016 POLICY H9	Items to consider e.g. - bin stores Attention to detail

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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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.

Aldingbourne Neighbourhood Plan (NP 2014-2029) was made (adopted) on 9th November 2016. The Aldingbourne NP Review (2019-31) has successfully passed Examination. The Examiner's Report concludes that subject to the modifications in the report, the Plan should be 'made' by Arun District Council. It does not require a referendum. Aldingbourne NP2 will be taken to Full Council on 14th July 2021 to be 'made'. The Aldingbourne NP2 replaces one policy (H1), adds two new policies (EH1 2019 & EH2 2019) and amends a fourth (LC7). In line with paragraph 48 of the National Planning Policy Framework, the Local Planning Authority is giving greater weight to Aldingbourne NP2 due to its stage of preparation and the policies have been taken account of and are addressed in the Conclusions section of this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

considerations indicate otherwise."

Section 70(2) of TCPA provides that:-

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

The proposed development is located outside the built up area boundary (BUAB) of Westergate as drawn in the Neighbourhood Plan, but the BUAB boundary has been revised in the adopted Local Plan. The BUAB boundary in the adopted Local Plan prevails and the proposal is considered to be acceptable in accordance with the Local Plan as it is located within the Barnham, Eastergate and Westergate (BEW) strategic allocation.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The development plan for Arun District currently comprises the Arun District Local Plan (2011-2031), which was adopted by the Full Council on 18th July 2018 and the Aldingbourne Neighbourhood Plan (2014-2029).

Arun Local Plan:

The application site, comprising land off Westergate Street which is occupied garden land, part of which is occupied by 2 outbuildings adjacent to a bungalow (The Grange) constitutes part of the BEW strategic allocation in Policy H SP1.

Policy H SP2 of the Local Plan says that "Development proposals within the Strategic Site Allocations must be comprehensively planned". It is considered that it would not be appropriate for a site of this size, in this location, to be included in the wider site masterplan. Consequently, the applicant has not provided any evidence to demonstrate that the proposal accords with the requirement for a comprehensive masterplan required by Policy H SP2. However, the precedent for granting permission for the development of 2 houses on the adjacent site (i.e. L'Apache) provides mitigating reasons for not following the requirement of Policy H SP2 in this instance.

The site is located to the west of a residential scheme on Land East of Westergate (AL/15/17/PL) which was refused on 26th March 2020 and south of a residential scheme on Land East of Orchard Gardens (AL/129/18/OUT) which was refused on 15th May 2019. Due to the private ownership of the access track to The Grange it would not be possible to secure any joined-up vehicular access between the private access track and the wider part of the strategic site to the east, although the layout of this application does not prejudice this option. Any future pedestrian and cycle access between the private access track and the wider part of the strategic site to the east would also not be prejudiced, as the continuation of the track to the east is outside the application boundary and not affected by the proposal.

Policy H SP2c sets out specific requirements for the BEW allocation in terms of key design and infrastructure requirements. Due to the small size and location of the site, the key design aspects set out

in the policy are too high level to apply to this proposal.

The applicant is not proposing to make any contributions towards infrastructure and no contributions have been requested by consultees. In addition, the wider Consortium for the larger part of the strategic allocation has not raised any objections on the lack of contributions from this scheme. As the scheme is only proposing two additional bungalows, this would not result in any significant loss of funding towards the overall infrastructure required to be provided in relation to the allocation as a whole. Therefore, whilst not meeting the key design and infrastructure requirements of Policy H SP2c, the small size of the site, combined with its location, means that the scheme is acceptable.

Aldingbourne Neighbourhood Plan:

The Aldingbourne Neighbourhood Plan (NP) was made (adopted) in November 2016 on the basis of the saved policies in the former Arun Local Plan (2003) and the policies in what was the emerging Local Plan in 2014. The policies map for the revised Aldingbourne NP2 which will be made in July 2021 has been amended in line with the Arun Local Plan 2011-31 and the built-up area boundary (BUAB) has been amended and the site now lies within the BUAB.

Housing Land Supply & Sustainable Development:

In December 2020, the Council re-published its Authority Monitoring Report (AMR) for 2019/20. This states the Housing Land Supply has now increased to 3.3 years. The HDT results for 2020 were published on 19 January 2021 and show that 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).

Conclusion on Principle:

It is considered that the size and scale of the proposed development, comprising of 2 additional chalet style bungalows and a garage block on land within part of the BEW strategic allocation does not justify the need to masterplan the application site. There is no conflict with the Aldingbourne NP2 as the site is located within the amended BUAB. The site would also help to meet the district's 5 year housing land supply. Therefore, the principle of residential development in this location would be acceptable.

TECHNICAL MATTERS

SCALE AND BUILDING HEIGHTS

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

The dwelling types in the vicinity of the application site in Westergate are a mixture of two-storey houses and bungalows. The two proposed chalet style bungalows would fit in with the scale of the buildings in this part of Westergate. The position of the two chalet style bungalows alongside the existing bungalow at The Grange works in visual terms as the impact of the height of the roofs of the chalet style bungalows is mitigated as the pitch of the roofs sweep down on the western elevations towards the bungalow. The scale and heights of the new chalet style bungalows would be in scale with the surrounding area. The proposed development complies with Policy D DM1 and Policy D SP1 of the Local Plan in terms of the scale and building heights.

SITE LAYOUT

Policy D DM1 (10 Layout - legibility) of the Local Plan requires any application for development "deliver or contribute to the ease of navigation within a new or existing development scheme through use of focal points, and/or a variety of detail within the public realm".

There is sufficient space within the site to accommodate the layout of the 2 chalet style bungalows with their associated domestic curtilages including the side and gardens. The garage block is located in close proximity to the bungalow on the eastern side of the plot but the only window in the bungalow that would face onto its end elevation would serve a kitchen/dining area that would also benefit from windows on both of its other elevations, in the form of another window and a set of bifold doors which would open out onto the private rear garden. Consequently, it is considered that the siting of the garage block as proposed, is acceptable.

The proposed siting and layout of the two new chalet bungalows and the garage block would ensure sufficient garden area is provided beyond the root protection areas (RPAs) and the crown of the trees growing along the northern boundary of the application site, which are the subject of a Tree Preservation Order (TPO).

It is considered that the proposed layout complies with Policy D DM1(10) of the Local Plan.

DESIGN AND APPEARANCE

Policy D SP1 (Design) of the Local Plan says: "all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details". Policy D DM1(2) requires applications to "demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area". Policy H1 of the Aldingbourne NP says: "proposals for new housing should be of a high quality design that reflects the local character and reinforces local distinctiveness".

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

The proposal to construct 2 chalet style bungalows with dormer windows would create a visually attractive development, which would be in keeping with the appearance of the bungalows and houses located along the access lane.

The 2 chalet style bungalows would have a mix of brickwork / render finish at the lower level, with timber weatherboarding on the upper walls, with clay tiled roofs; and the garage block would be constructed using weatherboarding and clay tiles. It is considered appropriate to impose a condition requiring the submission of materials, in the interests of amenity by endeavouring to achieve buildings of high visual quality in accordance with Policy D SP1 and the Arun Design Guide.

It is considered that, subject to a materials condition, that the design and appearance of the 2 chalet style bungalows comply with Policy D SP1 and Policy D DM1 of the Local Plan, Policy H1 of the Aldingbourne NP, the NPPF and the Arun Design Guide.

TRANSPORT

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

Site Access

The development would be accessed along the existing private access lane leading off of Lidsey Road (Westergate Street). The current access lane, measuring 4.0 metres wide, which serves The Grange and the adjacent house (L'Apache) would remain the same for the proposed development. The existing vehicular visibility at the junction of Lidsey Road (Westergate Street) is considered to be sufficient by both the Local Highway Authority and the LPA, bearing in mind the 30 mph speed limit along Lidsey Road.

The Local Highway Authority has raised no objection to the application site being accessed off the existing access track. The track is accessed on a weekly basis by waste refuse vehicles and by delivery vehicles. The maintenance of the private access track is the responsibility of the owner of the land.

There is a level crossing located immediately south of the junction of the private access lane with Lidsey Road, and consequently, vehicles travelling along Lidsey Road are not anticipated to be exceeding the speed limit in this location. The use of the private access lane and the junction to Lidsey Road is considered to be acceptable in terms of road/junction layout, and is in accordance with Policy T SP1 of the Arun Local Plan.

There is sufficient space for vehicles to turn within the application site and exit in a forward gear, without reversing onto the highway.

The site is accessible to public transport as it is in close proximity to bus stops on Lidsey Road (Westergate Street) and to Barnham railway station. Bus stops provide connections to railway stations at Bognor Regis and Barnham, and to Walberton and retail foodstores on Shripney Road. The frequency of services is limited. The Inspector for appeal APP/C3810/A/13/2196029 on the Woodgate Centre, close to the site (although south of the railway crossing), commented 'the relative infrequency of the bus service would make travel by car a more popular choice'. The infrequent services would mean using bus services to connect to the train services would be problematic. The sustainability of the site will improve when the main part of the Barnham/ Eastergate/ Westergate strategic allocation is brought forward for development; including a new A29 route through the allocation, with a regular bus services. The development accords with Policy T DM1 of the Local Plan and Policy GA1 of the Aldingbourne NP is terms of access to public transport.

There are 1.5 metre wide pavements on both sides of Lidsey Road, and the application site is located within walking distance of a number of services and amenities including the village store, primary school and nursery school in Westergate. The future infrastructure improvements that would be delivered as part of the BEW strategic development would ensure that new services and amenities are provided even closer to the application site than the existing services in Westergate and Eastergate.

Consequently, it is considered the development complies with Policy T SP1 of the Local Plan and Policy GA1 of the Aldingbourne NP.

The development includes the construction of a new garage block comprising 4 parking bays. The ADC Parking Standards SPD recommends the provision of 6 parking spaces to serve a development of this size. There is sufficient space within the proposed parking area to accommodate 2 additional cars; and there is space for on-site turning. Consequently, a total of 8 parking spaces are proposed to be provided, together with 2 visitor parking spaces provided in a lay-by along the driveway.

LANDSCAPING

Policy LAN DM1 of the Local Plan states that: "Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas."

A detailed landscaping scheme is required to be submitted by means of condition. The condition should require the submission of a detailed planting plan and specification detailing species choice, actual plant quantities, planting densities and size at time of planting should be. Screen planting should be provided along the boundaries of the site and for noise mitigation along the southern boundary which faces the railway line.

TREES

Policy ENV DM4 of the Local Plan requires developers to provide land and tree surveys, a tree constraints plan and an Arboricultural Impact Assessment (AIA) and an Arboricultural Method Statement, which will ensure that development does not have a negative impact on existing trees. Policy EH6 of the Aldingbourne NP says "proposals which affect sites with existing trees or hedgerows should be accompanied by a survey and a management plan to demonstrate how they will be maintained".

An Existing Tree Schedule, a Tree Constraints Plan, a Tree Retention and Protection Plan and an Arboricultural Impact Assessment and Method Statement have been submitted with the application. There are a number of trees along the northern boundary of the site which are the subject of a Tree Preservation Order (TPO), which have been assessed and considered as part of the layout of the development. The applicant is proposing to remove 3 trees, none of which provide a landscape buffer. Whilst the trees are subject to a TPO, it is not considered that their removal would have an unacceptable impact on the purpose of the Order as originally made.

Consequently, the proposed development complies with Policy ENV DM4 and Policy EH6 of the Aldingbourne NP.

BIODIVERSITY

Policy ENV DM5 of the Local Plan says that "development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site". Policy EH2 of the Aldingbourne NP requires new development to demonstrate that biodiversity corridors will not have significant harm.

The site is within 12km of Singleton and Cocking Tunnel. Consequently, the LPA has carried out an Appropriate Assessment which concludes that there will be no likely significant adverse effects upon the Singleton and Cocking Tunnels SAC or the bat species associated with the site and functionally linked habitats. Natural England (NE) has been consulted on the Appropriate Assessment and NE's consultation response will be reported to the Planning Committee.

There is a Biodiversity Corridor which runs along the private access lane immediately south of the site and another Biodiversity Corridor in the fields to the north of the site. The proposed siting of the 2 bungalows on the site would be within 50 metres of the Biodiversity Corridors but the development would not cause any demonstrable or significant harm to the Biodiversity Corridors; and the Examiner's Report (May 2021) into the Aldingbourne NP2 has recommended the deletion of 'within 50 metres' of all Biodiversity Corridors in Policy EH2.

A Preliminary Ecological Survey was undertaken in October 2020 and a Preliminary Ecological Appraisal was submitted with the application to determine the ecological constraints on the site. The Preliminary Ecological Appraisal confirmed the development would result in the loss of amenity grassland and ornamental trees and shrubs. Appropriate mitigation measures in respect of bats are detailed. The Preliminary Ecological Appraisal recommends a number of biodiversity enhancements creating and enhancing new and existing habitats through the provision of bat boxes and bird nesting boxes, the provision of log piles and insect boxes, the use of flowering plants to attract invertebrates, and the creation of a pond for wildlife; all of which should be conditioned. The proposed mitigation measures set out in the Reptile Survey and Mitigation Strategy are considered to be acceptable and should be conditioned.

Subject to the submission of the consultation response from Natural England to the Appropriate Assessment and the imposition of a condition ensuring the development is carried out in accordance with the recommendations and enhancements listed in the Preliminary Ecological Appraisal and the Reptile Mitigation Strategy, the proposed development complies with Policy ENV DM5 of the Local Plan and Policy EH2 of the Aldingbourne NP.

NOISE QUALITY

Policy QE DM1 of the Local Plan and Policy H7 of the Aldingbourne NP emphasise that noise sensitive development will not be permitted if its users would be affected by noise by proposed noise generating uses.

The railway line is located approximately 38 metres south of the nearest elevations of the two proposed chalet style bungalows. Environmental Health have requested conditions including the submission of a Construction Management Plan, together with a scheme for protecting the proposed dwellings from noise and vibration from the railway line, including enhanced thermal double glazing and acoustic trickle vents. It is also considered necessary to impose a condition restricting the hours for carrying out construction activities so as to protect neighbouring residential amenity.

Therefore, subject to noise mitigation conditions, the proposed development would be in accordance with Policy QE DM1 of the Local Plan and Policy H7 of the Aldingbourne NP.

RESIDENTIAL AMENITY

Policy D DM1(3) of the Local Plan says "have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance".

There would be oblique views from the bungalow on Plot 1 into the rear garden of The Grange, however it is considered that this would not result in overlooking, or adversely affect the residential amenity of the existing dwelling which would be retained on the application site.

The dormer windows for Plot 1's east roof slope and Plot 2's west roof slope serve bathrooms to mitigate overlooking of one another. No windows are proposed for Plot 1's west roof slope or Plot 2's east roof slope to mitigate the potential for overlooking into adjoining plots.

The Grange is a single storey bungalow with no roof accommodation and its existing ground floor windows are screened out by the existing boundary fencing; therefore, there is no possibility for overlooking from the application site.

The siting of the 2 chalet style bungalows are set well away from the shared boundary such that there is no possibility of loss of light to the neighbours garden or overlooking from proposed first floor windows.

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

The development is considered to be acceptable in respect of residential amenity, in accordance with Policy D DM1(3) of the Local Plan.

EXTERNAL SPACE STANDARDS

Policy H8 of the Aldingbourne NP states that "All new dwellings must include an outdoor amenity space of adequate size and quality, either as a private garden or shared amenity area."

The submitted layout plan (Drawing No. 101 - Block Plan) shows the 2 chalet style bungalows with rear gardens predominantly orientated to the north and east that would measure a minimum of 10.5 metres in length, in accordance with the Arun Design Guide. The rear garden of the existing dwelling ("The Grange) measures in excess of 20 metres which is also considered to be acceptable. Consequently the proposed development complies with Policy H8 of the Aldingbourne NP which specifies that dwellings must have adequate private or shared amenity space.

INTERNAL SPACE STANDARDS

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

SURFACE WATER FLOODING

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

ADC Drainage has raised no objection to the proposed development, but has requested the imposition of a surface water drainage condition. Subject to a surface water drainage condition, the proposed development is acceptable and it is in accordance with Policy W DM2 of the Local Plan.

FOUL WATER DRAINAGE

Policy W DM1 of the Local Plan deals with foul water drainage: development which will materially increase foul water discharges will be refused unless the LPA is satisfied that either adequate drainage capacity exists or appropriate drainage capacity can be provided as part of the development.

Southern Water raised no objection but requires an application for a connection to the public sewer to be made by the applicant or developer; and a foul water drainage condition should be imposed. Subject to a foul water drainage condition, the proposed residential development is acceptable and it is in accordance with Policy W DM1 of the Local Plan.

CLIMATE CHANGE

Policy ECC SP1 of the Local Plan says: "the Council will support development which is located and appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding; water stress; health impacts as a result of extreme temperatures and a decline in the quality of habitats and richness in biodiversity".

In terms of energy generation, the proposed development includes the provision of photovoltaic (PV) panels on the roofs of the 2 chalet style bungalows. It is appropriate that provision is made for electric vehicle (EV) charging points at the bungalows to accord with para 2.8 of the ADC Parking Standards SPD, January 2021. This should be conditioned.

Subject to a compliance condition for the installation of the solar PV panels and a condition requiring the provision of EV charging points, that the development complies with Policy ECC SP1 and Policy ECC SP2 of the Local Plan, in terms of on-site energy generation and mitigating climate change.

SUMMARY

The provision of 2 bungalows on a 0.22 hectare site within BEW constitutes such small scale development that it neither needs to be master-planned or be required to contribute to the infrastructure provision on BEW. The proposed residential development is considered to be acceptable, in accordance with the policies in the Arun Local Plan, the Aldingbourne NP, the NPPF and the Arun Design Guide.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION**APPROVE CONDITIONALLY**

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

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

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

- Drawing No. 100 - Location Plan
- Drawing No. 101 - Block Plan
- Drawing No. 102 - Context Plan
- Drawing No. 103 - Roof / Site Plan
- Drawing No. 104 - Plots 1 & 2 (Handed) - Proposed Ground Floor Plan
- Drawing No. 105 - Plot 1 Elevations
- Drawing No. 106 - Plot 2 Elevations
- Drawing no. 107 - Garage Floor Plan and Elevations

- Drawing No. LLD2168-ARB-DWG-001 - Tree Constraints Plan.
- Drawing No. LLD2168-ARB-DWG-002 - Tree Retention and Protection Plan.

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

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

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

- 4 No construction activities shall take place, other than between the hours of 08:00 - 18:00 hours Monday to Friday, 08:00 - 13:00 Saturday and no working activities at any time on Sundays, and bank and public holidays.

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

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

- a) Measures to minimise the noise generated by the construction process, proposed method of piling for foundations, the careful selection of plant and machinery;
- b) The parking of vehicles of site operatives;
- c) Loading and unloading of plant and materials, including permitted times for deliveries;
- d) Storage of plant and materials used in constructing the development;
- e) Measures to control the emission of dust and dirt during construction;
- f) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to mitigate the impact of construction works and deliveries on neighbouring residential amenity.

- 6 The development shall not begin until a scheme for protecting the dwellings from noise and vibration from the railway line has been submitted to and been approved in writing by the Local Planning Authority.

Any works which form part of the scheme approved by the Local Planning Authority shall be completed before any permitted dwelling is occupied and retained in perpetuity.

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

- 7 No dwelling shall be first occupied until the car parking including the garage, serving the 2 chalet style bungalows and the turning spaces have been constructed in accordance with the approved site plan. Once provided these spaces shall thereafter be retained at all times for

their designated purpose.

Reason: To provide adequate on-site car parking and turning space for the development, in accordance with Policy D DM1 and Policy T SP1 of the Arun Local Plan.

- 8 No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with plans to be submitted to and be approved in writing by the Local Planning Authority.

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

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

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

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

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

- 11 Prior to the commencement of construction works details of a proposed foul drainage system shall be submitted to and be approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management / maintenance) and neither dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

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

- 12 The solar PV panels on Plots 1 and 2 shall be implemented prior to the occupation of these dwellings and be retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

- 15 Prior to the commencement of construction works a Landscape and Ecological Management Plan (LEMP) shall be submitted to the LPA for approval in writing and will be based on the recommendations within the submitted Preliminary Ecological Appraisal and the further Reptile Survey and Mitigation Strategy. All the approved details shall then be implemented in full and in accordance with the agreed timings and details.

The LEMP shall include but not be restricted to:

- provision of bat boxes and bird nesting boxes;
- provision of log piles and insect boxes;
- provision of a reptile hibernacula in the north eastern corner of the site;
- use of flowering plants to attract invertebrates;
- the creation of a pond for wildlife.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy ENV DM4, Policy ENV DM5 and Policy ENV SP1 of the Arun Local Plan and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to protect wildlife and habitats on

- 16 No development above damp proof course (DPC) level shall take place until details of the Electric Vehicle Charging Points serving the 2 dwellings have been submitted for approval in writing by the Local Planning Authority. The approved charging point(s) shall be installed prior to occupation of the 2 dwellings and thereafter will be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with Policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Parking Standards SPD (January 2020) and the National Planning Policy Framework.

- 17 INFORMATIVE:
- The 150 mm diameter gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
 - No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
 - No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
 - All existing infrastructure should be protected during the course of construction works.
 - The impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus. Please send these enquiries to: Developer.Services@southernwater.co.uk

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

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

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

BACKGROUND PAPERS

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

AL/28/21/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: BR/85/21/HH

LOCATION: 12 Cavendish Road
Bognor Regis
PO21 2JW

PROPOSAL: Proposed flat roof balcony and open framed and top glazed veranda unit.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposal is to convert a flat roof (approved by BR/48/20/HH) to a balcony with screening and to have an open framed verandah to the rear at ground floor.

RELEVANT SITE HISTORY

BR/71/21/NMA	Non material amendment following the grant of BR/48/20/HH for amendments to size & position of approved doors & windows to suit amended internal arrangements & provide additional daylight where new rooms/areas formed.	Approve 31-03-21
BR/48/20/HH	Two storey and single storey rear chalet extension	ApproveConditionally 22-05-20

REPRESENTATIONS

Bognor Regis Town Council: Objection

- Overlooking and loss of privacy
- Out of character with the local area

4 letters of objection

- Overlooking
- Noise pollution from being above any boundary
- Overshadowing
- Previous application was refused for first floor issues

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:
 2km Buffer for Site of Special Scientific Interest
 Pagham Harbour Zone B
 Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

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

PLANNING POLICY GUIDANCE:

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

CONCLUSIONS

PRINCIPLE

The key policies are D DM1 and D DM4 of the Arun Local Plan. Bognor Regis has a made Neighbourhood Plan however none of the policies are relevant to this application.

SITE HISTORY

Under BR/48/20/HH a two storey chalet style rear extension and single storey rear extension were granted permission. Further alterations were granted by BR/71/21/NMA where size and positioning of doors and windows were changed.

DESIGN AND VISUAL AMENITY

The development will be to the rear and is unlikely to be greatly visible from the street scene other than views of the obscure glazed screening.

The balcony appears well integrated with, and subservient to the dwelling due to its scale and design. The properties are mixed in appearance with the dwelling being a detached chalet bungalow and two storey dwellings either side. Although with limited viewpoints it is not considered to appear out of character in the street scene.

The Arun Design Guide provides detailed guidance that will help raise design standards across the District. Section M refers to householder extensions. The proposal is considered to comply with this in that the design responds to and complements the character and appearance of the dwelling. The scale and massing is also appropriate.

Due to its siting at the rear of the property the proposal is not deemed to adversely impact the appearance of the street scene and accord with D DM1 and D DM4 of the Arun Local Pan

RESIDENTIAL AMENITY

The varandah has a depth of 3.7m running the full width of the property. It will be a single storey addition with a maximum height of 2.5m with development of this scale it does not have an adverse impact

regarding overshadowing or overlooking due to the single storey nature of the proposal.

Due to the siting of the balcony and neighbouring properties to the side elevations the balcony may give rise to additional views over gardens of neighbouring dwellings to that which is currently achievable and there should be screening to the sides to a height of 1.8m (which will be conditioned) to ensure overlooking is reduced. The separation distance from the boundary to the rear is 18.75m which is enough to ensure there is no unacceptable overlooking to the properties to the rear.

The proposal is not considered to result in adverse overbearing, overshadowing or overlooking in accordance with D DM1 and D DM4 of the Arun Local Plan.

SUMMARY

The development is deemed to accord with relevant development policies and as such is in accordance with D DM1 and D DM4 of the Arun Local Plan.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application is not CIL Liable.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Proposed Ground Floor
- Proposed First Floor
- Proposed Elevations 21-03-GD-256-188
- Block Plan 21-03-GD-256-15A
- Location Plan

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

3 The east and west elevation of the balcony at first floor level, shall at all times be obscured to a height of 1.8m with fixed obscured glass and said screening shall be retained in perpetuity.

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

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

BACKGROUND PAPERS

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

BR/85/21/HH - Indicative Location Plan (Do not Scale or Copy)
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PLANNING APPLICATION REPORT

REF NO: CM/16/21/PL

LOCATION: Bairds Farm Shop, Garden Centre
Crookthorn Lane
Climping
BN17 5SN

PROPOSAL: Convert existing on site storage to picnic area with fast food Cafe. This application may affect the setting of a Listed Building. This application is in CIL Zone 5 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

On part of the disused storage areas, it is proposed to create a semi-permanent cafe to serve hot and cold food. There will be an option to have a drive through and a seating area. This is to the west of the on site building and would total approximately 37 sqm. The existing retail units is approximately 700 sqm.

The cafe will be constructed from two recycled shipping containers with a timber canopy. The aim of the applicant is to create a bright and bold design for their branding with an opportunity for customers to drive through or park up and use the picnic facility. The structure is single storey with an enclosed courtyard with seating and a canopy to the east of the cafe structure. The cafe is sited away from the building on site (to the west) with the courtyard between the new structure and existing building.

Access is from the A259 via the existing entrance to the aquatic centre. The proposed site does not take up any existing car parking spaces.

Proposed opening hours are 6am - 6pm Mon - Sat and 9am - 4pm on Sunday's.

The nearest residential property is a dwelling approximately 28m south west from the proposed structure. The structure is within the existing storage courtyard for the existing business and is not sited closer to adjoining properties.

BOUNDARY TREATMENT

Post and rail style fencing to site frontage.

SITE CHARACTERISTICS

Established farm shop with car parking adjacent to road frontage. It is single storey with clad elevations. The area immediately to the east of the car park contains a raised bed planted with shrubs and enclosed by sleepers. The car park area is hard surfaced with clearly defined spaces.

CHARACTER OF LOCALITY

The area is rural in character with sporadic linear development to the south. Land to the east and west of the site is predominantly undeveloped agricultural land.

RELEVANT SITE HISTORY

CM/16/18/PL	Development of a 64-bed Specialist Dementia Care Centre together with access, parking & landscaping (Use Class C2). This application is a Departure from the Development Plan & affects the setting of a Listed Building.	Refused 15-11-18 Appeal: Allowed+Conditions 21-01-20
CM/27/18/PL	Part change of use of farm shop (sui generis) to include sale of pet shop goods (A1 Retail)	ApproveConditionally 25-01-19
cm/30/18/po	Application to modify a Planning Obligation dated 16/01/2006 under planning application CM/40/02/ to allow for additional use as a pet shop	Approve 25-01-19
CM/7/18/PL	Change of use of land from agricultural field to 60 No. tent pitches operating from April to October to include 2 No. plumbed screened portable showers, 2 No. plumbed portable toilets, 2 No. screened changing cubicles, 2 No. 2 screened portable chemical toilets with hand wash facilities & washing up/drying area within existing building.	ApproveConditionally 12-07-18
CM/20/20/PL	Use of site approved for tent pitches (CM/7/18/PL) to be used for caravan/motor home camping and tent pitches and associated changes to approved layout.	ApproveConditionally 25-08-20
CM/20/13/CLE	Application for Certificate of Lawfulness for use of land as a farm shop and for purposes ancillary to the farm shop	Approve
CM/40/02/	Extension to form shop to provide sales and associated facilities.	App Cond with S106 16-01-06

The site benefits from a lawful use as a farm shop. The recent change to aquatics sales use was granted by CM/27/18/PL. As part of the farm shop use there was a previous cafe on site and there is no

restrictions on opening hours.

To the south and east of the site, permission has been granted for a 64 bed care home in a two storey building. This will be accessed from the existing access onto the A259.

Further to the east, permission has been granted for a 0.95ha site to be used for camping under CM/20/20/PL.

REPRESENTATIONS

Climping Parish Council - recognises a cafe existed in the Farm Shop but is very concerned by the potential to increase use of the shared entrance/exit onto the A259 by the introduction of a drive-thru facility and the queuing arrangements. This could impact on traffic flow on the A259. Asks that consideration be given to potential impacts on nearby listed building or planned dementia care home.

116 letters of Support

- Locally sourced products
- Good spot for a cafe
- Benefit to the local community
- Good use of empty space since closure of existing cafe
- Nice area to meet with for families
- Bring a derelict site back into use
- Positive contribution to area
- Good to have somewhere to eat rather than having to travel to Rustington/Bognor
- Good location between towns
- The facility will be in walking distance
- New housing estate will provide road improvements
- Creating Jobs for the local area
- Community asset
- Good to see local business expanding in difficult times
- Lots of parking space to accommodate all
- Useful outdoor space in current climate
- No traffic issues when busy farm shop and food truck were there
- Creating jobs for the local area
- Community facility
- Locally sourced contractors and products
- Applicants will support local community
- Applicant's support for charities
- Family run business with community at its heart.
- Successful business model looking to expand
- Better to have a local company rather than a big brand
- Benefit to other local business with passing trade
- Will bring in tourist trade as company has a lot of supporters
- Hard working applicants good for local community
- Something new to accompany garden centre
- From an economic point of view, this is what the site needs
- Application should be supported as it adheres to ADC Adopted Local Plan section 8.4.2 (Employment) as it supports local services in a rural area and enhances visitor facilities

27 letters of Objection

- Sets precedent for other fast food outlets on site
- Added congestion to main road

- Unsuitable location for drive through coffee shop, busy junction
- Contrary to Climping Neighbourhood Plan
- Unsuitable facilities, no toilets for cafe
- Out of character development
- Will attract antisocial behaviour
- Incorrect positioning/number of planning notices
- Already numerous other small cafes in local area
- Hazardous entry/exit point into site
- Permission only given to aquatics shop due to the lower number of vehicular movements
- Visual impact increased and site will be intensifying contrary to older permission
- Contrary to Section 15 NPPF in that it will not protect or enhance a valued landscape, does not recognise the intrinsic beauty of the area, does not maintain the character of the coast, no net gain for biodiversity, unacceptable levels of soil, air and light pollution.
- Increase in vehicle accidents
- Development would destroy Climping Gap
- Out of character with the Grade II building
- Increase in litter and vermin
- Concerns relating to sewage and grease in sewer system and flooding concerns
- Concerns about works already underway.
- Concerns relating to large vehicles using site
- Existing junction deemed unsatisfactory by WSCC
- Noise and smell problematic to new care home
- Wildlife concerns
- Contrary to climate change declaration to allow car reliant development in countryside location.
- Would need its own entrance

6 letters of No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. These issues have been set out in the Conclusions section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

West Sussex County Council - WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns. The existing access has sufficient visibility in both directions. Proposals will not result in the loss of car parking and existing provision is sufficient.

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

Environmental Health - No objection in principle. Details of grease traps, control of odour, delivery hours and construction hours should be conditioned.

West Sussex Fire and Rescue - owner may need to tell insurance company fire hydrant is 250m away.

ADC Conservation Officer - On the basis of the provision of additional screening, I am of the opinion that application could not cause harm to the significance of the heritage asset/ its setting.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Conditions recommended by Environmental Health have been included.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary

Within Settlement Gap

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management
HERDM1	HER DM1 Listed Buildings
SDSP3	SD SP3 Gaps Between Settlements
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
RETDM1	RET DM1 Retail development
TSP1	T SP1 Transport and Development

[Clymping Neighbourhood Plan 2015 Policy CPN11](#) Quality of Design

Clymping Neighbourhood Plan 2015 Policy CPN14 Traffic and the Environment

Clymping Neighbourhood Plan 2015 Policy CPN4 Protection of existing commercial premises or land

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans. In this case, the development plan also comprises the Climping neighbourhood Plan which was made in January 2016.

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

considerations indicate otherwise."

Section 70(2) of TCPA provides that:-

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

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

The proposal is considered to comply with relevant Development Plan policies in that the proposed use is supported by Employment and Retail Policies in the Local Plan and there would be no material impact on the Strategic Gap or the highway network.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site lies outside the built up area boundary of Climping as defined in the Local Plan and the development plan in the determination of this application will consist of the Arun Local Plan (ALP) 2011 - 2031 and the Climping Neighbourhood Plan (CNP).

Policies SD SP2 and C SP1 of the Arun Local Plan (ALP) 2011 - 2031 are relevant. Policy C SP1 states that development in the countryside will be permitted if it is for diversification of the rural economy (d) or it is in accordance with other policies that refer to specific types of development (f). Two such policies that relate to the proposed development are EMP DM1 and RET DM1.

Policy EMP DM1 seeks to protect and enhance existing employment sites and states that it will promote and support measures to upgrade existing areas. Part 6 relates to economic growth outside of the built up area boundary and states that permission will be granted if the proposals are an appropriately sized extension to an existing employment site, would not intensify uses to the detriment of access, there is a high standard of design, can be accessed by public transport and satisfactory relationship with adjoining uses. Paragraph 83 of the NPPF states policies should support economic growth and expansion in rural areas.

Policy CPN 4 of the CNP supports proposals to upgrade or extend existing employment sites if residential amenity is protected, the character of the area is respected and traffic impacts are acceptable.

Policy RET DM1 (3) states town centre uses outside of defined centre will only be permitted if it is accessible by the network and public transport, with provision for access by cycle and on foot and makes appropriate provision for access for people with disabilities. When considering the proposals against this policy it is important to note there was a previous ancillary cafe use in the farm shop until recently. The proposal is considered to accord with this policy in that it is below the threshold for an impact test, it is easily accessible by car and bus and accessible by bicycle and on foot. The site is also flat and level and is already accessed by disabled.

Paragraph 88 of the NPPF states the sequential approach should not be applied to applications for small

scale rural offices or other small scale rural development. There is no in principle objection to the proposals on the grounds of location and commercial use.

SETTLEMENT GAP AND VISUAL AMENITY

Policy SD SP3 Gaps between Settlements states that the generally open and undeveloped nature of the gaps between settlements, will be protected to prevent coalescence and retain their separate identity. It is important to note that this policy is an anti-coalescence policy; not a landscape designation policy.

The proposal is where an existing storage area is located (with means of enclosure) there will be no significant impact upon the quality of the Gap. A large two storey care home will shortly be erected to the south and west of the site and any impact on the Gap will be minimal at best.

CHARACTER & APPEARANCE

D SP1 (Design), DDM1 (Aspects of Form and Design Quality) Local Plan 2011-2031 and CPN11 (Quality of Design) and CPN7 (Protection of Open Views) of the Neighbourhood Plan. Policies D SP1 and DDM1 seek to ensure that development:

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

The proposal will be a high quality contemporary appearance through the use of recycled storage containers and a well designed courtyard. The appearance will be an improvement on the existing structures on the site and result in no adverse impact on the character of the area.

TRANSPORT

Policy T SP1 of the Arun Local Plan 2011 - 2031 discusses transport issues including safe highway access. Policy CPN 14 of the CNP requires new development which will have a detrimental impact on highway safety and the living conditions of residents will be resisted.

Regard should be had to paragraph 109 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe".

The proposal is for a small scale cafe use. This, when compared to the approved use of the access to the site to serve to aquatic sales (based on the potential maximum intensity of use (not necessarily the actual use) and approved care home and camp site, will result in a minimal additional journeys. The Highway Authority have confirmed that the likely level of activity would result in no highway safety concerns for this application and that the existing access has sufficient visibility in both directions.

Further, there is ample parking capacity on the site for a use of this intensity.

RESIDENTIAL AMENITY

The use is in a location where there is an existing external storage/sales area. There is permission for a 64 bed care home to the south and east. The closest property is approximately 28m to the south/west. The current use of the site is as a car park and external storage area and there will be existing levels of noise and disturbance. The existing retail use has no opening hours restrictions.

The cafe is intended to open at 6am. Whilst this will introduce additional activity early in the day, this has to be considered against the fact that the number of vehicles will not be substantial, they will be traveling at very low speeds in the car park and will be against a backdrop of noise from vehicles traveling on the A259.

It is proposed to erect a fence to the west of the serving hatch where cars will 'drive-thru'. This will comprise fence panels interspersed with planters which will be visually attractive as well as serving to enclose activity.

The means of enclosure on the southern boundary is currently being upgraded and will prevent vehicle headlights causing impacts outside the site. There are a number of outbuildings between the site and the nearest residential property. The private residential amenity area for this property is to the south of the building and away from the application site.

HERITAGE

Para 189 of the NPPF requires the LPA to identify the significance of the heritage asset affected by a development. The heritage asset is of some significance. Para 190 requires the LPA consider the significance of the impact upon that heritage asset. The proposal involves works adjacent to the heritage asset (Grade II Listed Building) which will have an impact on its setting. As a result of the screening proposed the Conservation Officer has concluded there will be no harm to the setting of the Listed Building and therefore the public benefits of the proposal do not need to be considered..

LIGHTING

The only illumination will be to the signage on the structure and an application for advertisement consent will be submitted. If this is restricted to the opening times of the business and is low level, it is likely that, due to the size and siting of the development and the separation distances, it will not result in significant harm upon amenity and accord with D DM1 of the Arun Local Plan.

SUMMARY

Policies in the development plan support the use. A small scale cafe use would not result in a material intensification when assessed against the lawful use of the site. There would be no significant impact or encroachment on the Strategic Gap, this is particularly true when considered along side planning permissions on adjoining sites.

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.

CIL DETAILS

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

PL1 24/21 Rev B
PL2 24/21 Rev A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 Deliveries by commercial vehicles shall only be made to or from the site between 08.00 hours and 18.00 hours Monday to Friday, 08.00 - 13.00 hours on Saturday and at no time on Sundays, Bank or other Public Holidays without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity in accordance with Arun Local Plan policies QE SP1 and QE DM1.
- 4 No work for the implementation of the development hereby permitted shall be undertaken on the site on Public Holidays or at any other time except between the hours of 8am and 6pm on Mondays to Fridays.

Reason: To safeguard the amenities of nearby residents in accordance with policy QE SP1 of the Arun Local Plan.
- 5 The use hereby permitted shall not be operated at any time otherwise than between the hours of 06.00 - 18.00 Monday - Friday, 07.00 - 18.00 Saturday and 08.00 - 14.00 on Sunday. The courtyard area shall not be open for use before 08.00 hours Mon - Sun and there shall be no external illumination outside of these times.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun District Local Plan policies QE SP1.
- 6 The drainage serving the kitchen(s) at the commercial hot food business shall be fitted with a grease trap / separator of a proportionate capacity to effectively contain grease residue arising from the estimated numbers of hot meals served and waste water flow rate. The applicant shall provide the Local Planning Authority with details of their proposed grease trap / separator in order to demonstrate design and installation will be in compliance with BS EN 1825-1:2004 and BS EN 1825-2:2002 (Current Status: 'Under Review') or other effective means of grease removal. The approved details shall be retained in perpetuity.

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

- 7 The use hereby permitted shall not be carried on unless and until details of a suitable system for the extraction of cooking odours (including details of the extract fan units, filters, extraction hoods and ducting together with method of noise abatement) has been submitted to and approved in writing by the Local Planning Authority. The equipment approved shall be installed by a competent engineer before the use permitted commences and thereafter shall be maintained in accordance with the manufacturer's instructions. The extraction system shall be in accordance with 'EMAQ -Control of Odour and Noise from Commercial Kitchen Exhaust Systems - 2018'.

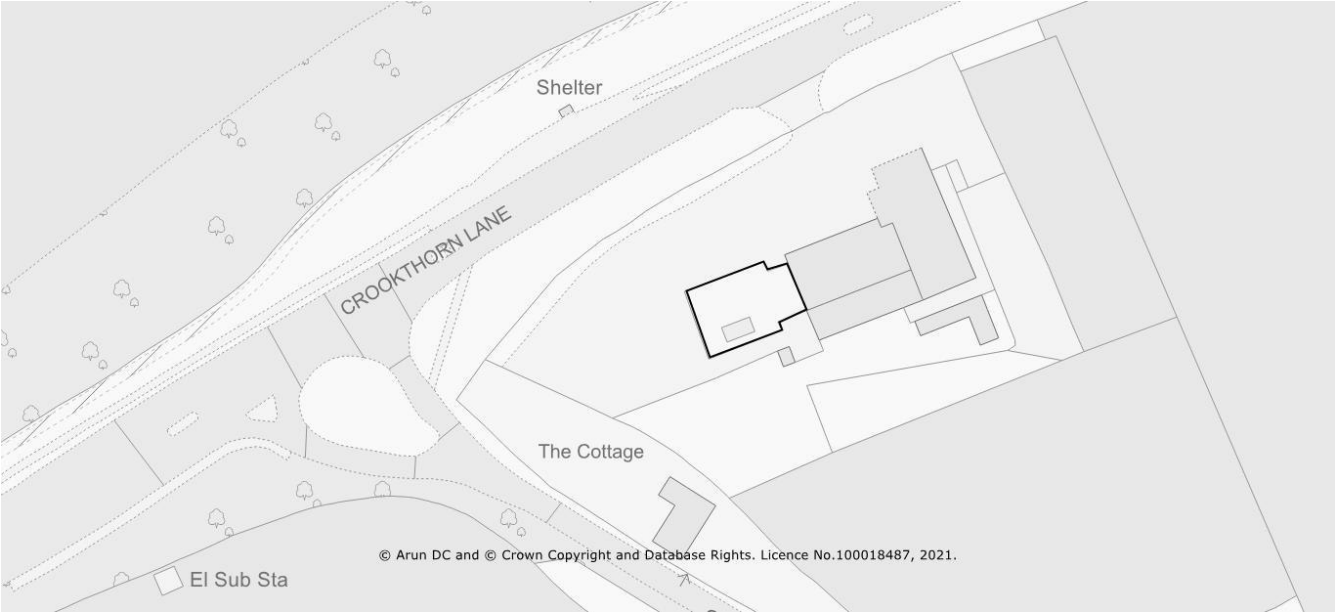
Reason: In the interests of maintaining adequate amenity to local residents and visitors to the area in accordance with Policy QE SP1 of the Arun Local Plan

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

BACKGROUND PAPERS

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

CM/16/21/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: CM/18/21/PL

LOCATION: Land adj Mistletoe Farm
Horsemere Green Lane
Climping
BN17 5QZ

PROPOSAL: Erection of 1 No. 3 bed dwelling. This application is within CIL Zone 3 and is CIL liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Permission is sought for the erection of a chalet style three bed dwelling on land formally associated with Mistletoe Farm with the creation of a new vehicular access taken from Horsemere Green Lane.

The site comprises a broadly rectangular parcel of land to the west of Mistletoe Farm, Horsemere Green Lane and formed part of its residential garden. Mistletoe Farm is a detached bungalow with elevations of render and brickwork set under a hipped tiled roof. The property is set deep in the plot, set back from the highway by approximately 25m.

SITE AREA 725 sqm

RESIDENTIAL DEVELOPMENT DENSITY 14 dph

TREES None affected by the development. Existing boundary trees will be retained.

BOUNDARY TREATMENT The site occupies a corner site with a frontage to Horsemere Green Lane to the north and Wooldridge Walk to the west. The boundary to Wooldridge Walk comprises conifer hedgerow with fencing set behind; fencing demarcates the site to 1 Wooldridge Walk to the south. Access to the site is across the highway grassed verge to Horsemere Green Lane via a field gate set in post and rail fencing.

SITE CHARACTERISTICS Horsemere Green Lane is made up of a variety of residential properties. Whilst the majority of frontages are softened by landscaping, there is no overriding material used for site boundaries, giving a varied appearance to the street scene. The varied appearance extends to the properties which range from detached two storey properties to chalet style bungalows and bungalows of a mix of materials and detail.

CHARACTER OF LOCALITY Residential properties to the east and west of the site. To the west are shallow pitched roofed detached bungalows. Open fields to the north of the site.

RELEVANT SITE HISTORY

CM/13/19/RES	Application for approval of reserved matters following outline approval CM/37/18/OUT for the redevelopment of site with 2no. 4 bed detached bungalows & associated works	ApproveConditionally 26-07-19
CM/37/18/OUT	Outline application with some matters reserved for the redevelopment of site with 2 no. 4-bed detached bungalows & associated works (resubmission following CM/10/18/OUT). This application is a Departure from the Development Plan.	ApproveConditionally 06-03-19
CM/10/18/OUT	Application for Outline planning permission with some matters reserved for redevelopment of the site with 1 No. 4-bed detached bungalow, 1 No. 3-bed detached chalet bungalows & 2 No. 3-bed semi-detached bungalows & associated works. Departure from the Development plan	Refused 28-09-18

CM/10/18/OUT was refused as it would represent an unacceptable encroachment of built form into the countryside as the number of dwellings would result in overdevelopment of the site at odds with the character and appearance of the locality.

CM/37/18/OUT granted permission for two dwellings. One was to the east of the existing Mistletoe Farm, one was to the rear. CM/13/19/RES granted reserved matters approvals pursuant to this outline.

REPRESENTATIONS

Climping Parish Council - Inadequate space on the small plot which cannot accommodate the size and footprint of the substantial chalet house. The proposed 2-storey chalet dwelling is overdevelopment and will be overbearing to the neighbouring properties contrary to Clymping Neighbourhood Plan Policy CPN 11. The driveway exits onto an already busy road (Horsemere Green Lane) within a few metres from a junction creating a potential safety issue. Should this application be approved, it is suggested that the upstairs windows should be conditioned to be obscured and fixed / restricted opening.

Six letters of objection on the grounds of:

- Would further negatively impact Mistletoe Farm and be out of character with the neighbouring one-storey houses.
- Over looking surrounding properties.
- Driveway better suited exiting to Wooldridge Walk instead of to Horsemere Green. For safety reasons.
- A two story dwelling is out of character.
- Likely to impact on privacy of residents in adjacent bungalows in Wooldridge Walk and Mistletoe Farm.
- Too much noise, pollution and road traffic.

2 letters of support

- One dwelling, rather than all large developments.

4 letters stating no objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

These matters will be considered in the Conclusions section of the report..

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSSC Highways - do not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. The applicant has demonstrated sufficient visibility for the access, with visibility splays of 2.4m x 43m achievable either side of the access. Do not anticipate the addition of a dwelling would give rise to a significant material intensification of movements on the local highway network. Recommend conditions on access, parking, cycle parking and electric vehicle charging.

Ecologist - Prior to determination we require that an extended phase one habitat survey is undertaken on the site to determine if there is potential for protected species.

ADC Engineers - Do not wish to approve the Foul and Surface Water Drainage Report because of an absence of ground water monitoring. Request that a condition is attached requiring full details of a surface water drainage scheme.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Outside built up area.

DEVELOPMENT PLAN POLICIES

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

TSP1	T SP1 Transport and Development
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
SDSP1	SD SP1 Sustainable Development
WDM3	W DM3 Sustainable Urban Drainage Systems

[Clymping Neighbourhood Plan 2015 Policy CPN11](#) Quality of Design

Clymping Neighbourhood Plan 2015 Policy CPN12 Reducing the risk of flooding

Clymping Neighbourhood Plan 2015 Policy CPN14 Traffic and the Environment

PLANNING POLICY GUIDANCE:

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

POLICY COMMENTARY

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

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

The Clymping Neighbourhood Plan has been made and the relevant policies have been taken into account in the consideration 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 TCPA provides that:-

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

The proposal is considered to conflict with relevant Development Plan policies in that the site lies outside the built-up area boundary where development or redevelopment is unacceptable in principle and is not considered to accord with policy C SP1 of the Local Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. These are that the proposal does not result in material harm to the character or appearance of the area and represents an acceptable form of development in this location adjacent to existing development. There would be no harm to the aims of policy C SP1.

CONCLUSIONS**PRINCIPLE**

The site is outside of the built up area as defined in the Local Plan and as such the development plan in

the determination of this application will consist of the Arun District Local Plan (ALP) 2011 - 2031 and the Climping Neighbourhood Plan.

The key policy considerations are SD SP1, SD SP2 and C SP1 of the Arun Local Plan (ALP) 2011 - 2031. Policy C SP1 states that 'Outside the Built-Up Area Boundaries (as identified on the Policies Maps) land will be defined as countryside and will be recognised for its intrinsic character and beauty.'

The site is outside the built up area boundary (BUAB) as specified by policy SD SP2 which seeks to focus development in the built up area. Due to the sites location outside the BUAB development would be in conflict with locational requirements of policy C SP1 of the Arun Local Plan 2011 - 2031.

The NPPF generally seeks to promote effective use of land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)). Whilst outside of the defined BUAB, contrary to Policy C SP1, there needs to be a demonstrable harm to the aims of this policy. The aims of this policy are to preserve the character and beauty of the countryside and to manage the urban/rural fringe. The site is surrounded by residential development on three sides and a road on the other. It is not a site that would be described as countryside and is well related to the developed area of Climping.

Recent decisions on adjoining sites have confirmed that development in this location would be sustainable development for the purposes of 11(d) in the NPPF.

Policy C SP1 would not benefit from full weight of being up to date and the presumption in favour would apply to the application. Even though the proposal only provides one dwelling, it is material to consider the supply at a time when the Council is unable to demonstrate an adequate supply of housing land.

MATERIAL CONSIDERATIONS

Weight should be afforded to the contribution of this housing to local supply as a positive benefit of the scheme given the development would make efficient use of land without significant or demonstrable harm arising. In addition to the presumption in favour of sustainable housing development, the NPPF accepts that development, even residential development, can occur outside settlement policy boundaries when having regard to paragraphs 78 and 79 of the NPPF. Paragraph 78 provides for development in countryside locations where the site is not located in an 'isolated location' in order to promote sustainable development.

For these reasons, it is considered there are other material considerations that weigh in favour of granting planning permission, contrary to the principles of the development plan.

DESIGN & CHARACTER

D SP1 (Design), D DM1 (Aspects of Form and Design Quality) Local Plan 2011-2031 and CPN11 (Quality of Design) and CPN7 (Protection of Open Views) of the Neighbourhood Plan. Policies D SP1 and D DM1 seek to ensure that development:

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

Policy CPN11 of the Climping Neighbourhood Plan seeks to ensure that development is in keeping with its location to protect and enhance the character of the locality. Good design is considered to mean 'responding to and integrating with the local built environment and landscape context as described in the Climping Character Assessment'.

The Arun District Council Design SPD includes detailed guidance on Building Design (Section J) including form and character, scale and massing, building frontages and roofs, and includes guidance on Ensuring Quality (Section L) including materials, details and high quality development. This includes that new buildings should have a form and character that reflect their setting and reflect the scale of buildings in the area, the need to use attractive detailing and high quality materials and that traditional materials will be actively encouraged to reflect the local vernacular of the area, the utilisation of simple roof forms with one of the prevailing roof form in the district being double pitched gable ended, and that high quality design should be maintained throughout the process from planning to delivery. Section P.01 (Infill Development) states: "Infill development is more common within rural contexts, where the surrounding landscape setting must inform the location, character and boundary treatments of any proposed development."

The scale and massing of the property sits comfortably adjacent to Mistletoe Farm when viewed from Horsmere Green Lane. The dwelling is parallel to Mistletoe Farm and respects the building line set by this property. To further conform with the character of the area, the property will have space around the building and retain ample distances between Mistletoe Farm and 1 Wooldridge Walk to ensure that a cramped appearance in the street scene does not arise.

It is considered the proposal would be in accordance with policy D DM1 (1) and D SP1 of the ALP 2011 - 2031, policy CPN11 of the CNP and paragraphs 12 and 127 of the National Planning Policy Framework.

RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 (3) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. The Arun District Council Design SPD includes detailed guidance on the protection of residential amenity, including setting out the required distances between properties to accord with the 45 and 25 degree tests for daylight, sunlight and overlooking (Section G.03), required separation distance between habitable rooms to ensure privacy (Section H.04), measures to maintain privacy (Section J.02) and minimisation of impacts of noise and overshadowing (Section J.06).

In this instance, the closest residential properties will be Mistletoe Farm to the west and 1 Wooldridge Walk to the south. The ground floor accommodation would have fenestration viewing into the curtilage of the site only; therefore these views would be contained by boundary treatments and would provide natural surveillance for security. At first floor level, there will be rooflights facing north and dormer windows facing south. These would have views towards 1 Wooldridge Walk however these views, with an intervening distance of 13.5m to the boundary, would look towards the garage and rather than any private amenity area. There would be no significant adverse harm to amenity.

Views from the dormers would extend at an oblique angle towards the southern dwelling granted permission under CM/37/18/OUT. This would look towards the driveway rather than private amenity space. Given the height and orientation of the plot, there would be no harmful impacts upon daylight or sunlight.

TRANSPORT

Policy T SP1 of the Arun Local Plan 2011 - 2031 discusses transport issues including safe highway access. Policy CPN 14 of the CNP requires that new development which will have a detrimental impact on highway safety and the living conditions of residents will be resisted.

Regard should be had to paragraph 109 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe".

The development is a traffic generating use however the creation of a single property in this location would not generate significant numbers of vehicular movements to the area ensuring no new interruption to the free flow of traffic on the highway.

The dwelling would require a new direct access from the public highway which is designed to ensure that space is available for the manoeuvring of vehicles serving the property and would have appropriate visibility onto the public highway to ensure that highway safety would not be compromised.

The proposals incorporate a long driveway with a turning head capable of accommodating two parked vehicles. They include a garage but internal dimensions are not in accordance with the Parking Standard guidance. A three bed dwelling would require two off street car parking spaces and the proposal accords with this guidance. Within the site, the dwelling would be provided with cycle storage.

Subject to conditions to secure car/cycle and Electric Vehicle Charging Point provision, the proposals have an acceptable impact on highways and parking and accord with policies T SP1 and T DM1 of the Arun Local Plan, the Arun Parking SPD and the NPPF.

ECOLOGY

Policy ENV DM5 of the Arun Local Plan related to development and biodiversity. It states development should seek to achieve a net gain in biodiversity and protect existing habitats on site.

The site comprises maintained residential gardens and no trees are to be removed as part of the proposals. The Council's Ecologist requested that protected species surveys be carried out and mitigation proposed. Bearing in mind the use of the site, it is reasonable to attach a condition to any permission requiring proportionate ecological surveys and proposals for Biodiversity Net Gain.

SPACE STANDARDS

Policy D DM2 of the Arun Local Plan states 'The planning authority will require internal spaces to be an appropriate size.... Nationally Described Space Standards will provide guidance'. The new dwelling would be two storey and have 3 bedrooms. The dwelling has a GIA of approximately 200sqm so exceeds national standards and provides good size accommodation for future occupants.

The ADC Design SPD (H.04) sets out external space standards and states that 'Amenity spaces should be of an appropriate size and shape to be usable and enjoyable. Private rear gardens should have a minimum depth of 10.5m...'. The depth of the rear garden is 13.5m and the garden size is approximately 148 sqm.

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.

CIL DETAILS

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Sheet 1 of 3
 Sheet 2 of 3
 Sheet 3 of 3
 Access Plan 11253/101 (Rev. P2)

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

- 3 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled "Access Plan" and numbered "11253/101 (Rev. P2)".

Reason: In the interests of road safety.

- 4 No work for the implementation of the development hereby permitted shall be undertaken on the site on Public Holidays or at any other time except between the hours of 8am and 6pm on Mondays to Fridays.

In addition to these hours of working, the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

Reason: To safeguard the amenities of nearby residents in accordance with policy QE SP1 of the Arun District Local Plan.

- 5 Prior to commencement of development, a Biodiversity Enhancement Site Plan detailing the proposed biodiversity enhancement measures on site shall be submitted and approved in writing by the Local Planning Authority. The approved enhancement measures must be implemented and retained thereafter.

Reason: To ensure the proposals would result in Biodiversity Net Gain, in accordance with the Environment Bill and policy ENV DM5 of the Arun Local Plan.

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

Reason: To provide car-parking spaces for the occupants and visitors of the new dwelling, in accordance with policies T DM1 of the Arun Local Plan and the Arun Parking SPD.

- 7 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

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

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

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

- 9 No development above damp proof course (DPC) level shall take place unless and until details and a timetable in the form of an Energy Statement (including details of physical works on site, sustainable construction methods, energy conservation and energy efficiency measures and renewable energy sources), have been submitted to and approved in writing by the Local Planning Authority. 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. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy, reduce energy use, and ensure the development is sustainable, in accordance with national planning policy, and in accordance with Policies ECC SP1 and ECC SP2 of the Arun Local Plan.

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

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

- 11 **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

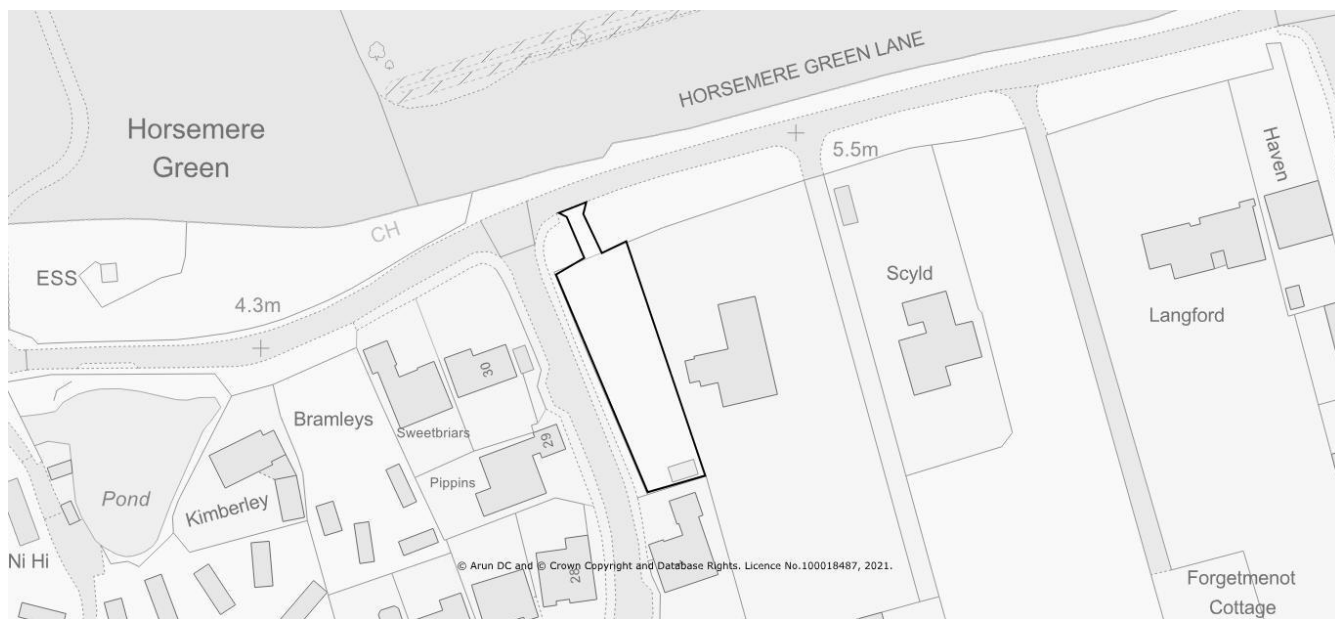
against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 12 **INFORMATIVE:** Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm event plus 40% on stored volumes (allowance for climate change) between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year storm event plus 40% on stored volumes. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located here [Drainage Planning Consultations | Arun District Council](#) on Arun District Councils website. A surface water drainage checklist is available on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

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)

CM/18/21/PL - Indicative Location Plan (Do not Scale or Copy)
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PLANNING APPLICATION REPORT

REF NO: M/47/21/HH

LOCATION: 22 Tudor Close
Middleton-On-Sea
PO22 6DN

PROPOSAL: Removal of existing roof structure, new first floor accommodation and pitched roof above and replacement rear two storey extension and new front porch extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Two storey rear extension approximately 8.6m wide by 3m in depth and extensive alterations to roof structure including new dormer window and roof lights.

RELEVANT SITE HISTORY

M/105/20/HH	Removal of existing roof structure, new first floor accommodation and pitched roof above and replacement rear single storey extension.	Refused 25-02-21
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REPRESENTATIONS

Middleton-on-Sea Parish Council - No objection

3 letters of support:-

- Various large extension in the area.
- Considers the single storey building an oddity/unremarkable
- Required for a growing family.
- Good size plots can take larger alterations.
- Dilapidated building bought back into use.
- Lots of other large alterations in the area.
- Other examples of overlooking windows, given the large distances these don't actually cause a loss of privacy.

3 letters of objection:-

- Rear extension visually dominant.
- Out of character design.
- Excessive number of rear windows.
- Excessive size of rear windows.
- Overlooking into rear gardens and into bedrooms.
- Disproportionate mass of rear extension.
- Height will be overbearing.

- Light pollution.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Engineers - Part of Lidsey Treatment Catchment and surface water drainage design should be carefully considered.

POLICY CONTEXT

Designation applicable to site:
Lidsey Catchment
Within built up area

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
WSP1	W SP1 Water

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD7	Middleton on Sea Village Design Statement
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CONCLUSIONS

PRINCIPLE

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

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

Arun recently adopted a Design Guide which provides detailed guidance that will help raise design standards. Developments should respond to the distinctiveness and characteristics of their surroundings in terms of scale, massing and materials, protect amenities of occupants and neighbours and seek to minimise energy consumption and improve environmental performance. In this instance, a rear extension should not negatively impact adjoining properties in terms of privacy and overshadowing and preserve rear amenity space to at least 10.5m in depth.

The site is outside of the Middleton Area of Special Character and therefore the village design statement does not apply in this instance.

DESIGN AND VISUAL AMENITY

The proposal seeks to erect a two-storey rear extension measuring 8.6m wide by 3m in depth along with a loft conversion including substantial roof alterations. Further to a previous refusal (which principally objected to the out of character alterations to the frontage) and discussions with the authority, the applicant produced a more sympathetic design solution.

Although it is proposed to construct a new roof structure which will be over 1.5m higher than the existing ridge height, the frontage has been designed to retain a chalet style feel and includes lowered eaves, a traditional pitched roof dormer and rooflights. As the bulk of the roof is set back from the existing gable to the front of the property, the alterations appear subservient to the front of the dwelling and of a similar character to properties surrounding it.

Space around the building is good and has been maintained and is comparable to that in the area.

To the rear alterations are more significant. On the southern elevation a two-storey extension is proposed. Its scale and visual dominance compared with the existing dwelling is contrary to D DM4(b). However, attempts have been made to soften the dominance of the roof with the addition of catslides to east and west elevations. When considering its scale and massing against the footprint increase the extension footprint is quite minimal and does not protrude further to the south than building lines extending from the rear elevations of either adjoining neighbours. Its height, although slightly higher is comparable to neighbouring properties within Tudor Close. The extension meets the 45-degree rule. A garden depth of 14.6m is retained in line with guidance. The Arun Design Guide states rear extensions provide applicants an opportunity for more creative and architectural freedom as they are visually less obtrusive than anything seen from the public realm. Although the proposal is visually dominant, it sits in a good sized plot and is acceptable as it meets with all other the criteria above.

The Council Engineers have requested that drainage design is carefully considered, whilst this is still true the need to impose a condition relating to this is felt to be onerous as the footprint of the extension could be built under permitted development allowances.

In accordance with D DM4(a) the proposal will be constructed with materials and to a design which integrates well with the dwelling. It is proposed to clad the property with weatherboard and painted render; these styles are present on site or seen locally and as such are appropriate.

Having regard to the design and visual amenity, the proposal is not deemed to adversely impact the existing house in accordance with D DM1 and, on balance even though the proposal does not accord with D DM4(b) it does accord with other parts of the policy D DM4 (a)(c)(d) and (e) of the Arun Local Plan and Part M of the Arun Design Guide.

OVERBEARING, OVERSHADOWING and OVERLOOKING

The proposal has received comments from neighbouring properties mainly referring to the proposal being overbearing and the loss of privacy to adjoining properties. The extension is thought to make effective use of the land as it only requires a small footprint increase for a large gain of habitable space.

The footprint increase does not encroach on the host dwellings nearest neighbours' maintaining a distance of 3.3m to the west boundary and providing a 4.6m gap to the east boundary. To the rear the extension allows a distance of 14.6m to the south boundary with a gap between buildings of

approximately 40m, significantly above guidance recommendations. Therefore the extension is not overbearing on neighbours.

Being located on the south elevation and because of the relatively short depth of the proposal, the extension is expected to cause a minimal increase of overshadowing to neighbours to the east and is an acceptable form of development.

The proposal has allowed for new first floor fenestration to south and north elevations, along with a new ground floor window to the east elevation. The window to the east elevation would be allowable under permitted development rights. The fenestration to the north elevation would only achieve views over the public realm and are acceptable. The objections to the rear fenestration in terms of loss of privacy to neighbours are noted. There are large separation distances between rear facing elevations of 22 and the properties fronting Middleton Road. A similar perspective of facing windows exists between the backs of 21 Tudor Close and properties fronting Middleton Road. The new windows will lead to a perceived, rather than an actual loss of privacy, and are considered acceptable. A condition relating to obscure glazing to any of these windows is considered unnecessary.

By virtue of lack of demonstrable harm due to overbearing, overshadowing and overlooking that the extensions accords with policy D DM4 (c) of the Arun Local Plan and Part M of the Arun Design Guide.

SUMMARY

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

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Design and Access Statement
- Proposed GF Plan Rev F
- Proposed FF Plan Rev D
- Proposed Elevations Rev C
- Proposed Street Scene
- Location and Block Plan

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and D DM4 of the Arun Local Plan and Part M of the Arun Design Guide

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy D DM4 of the Arun Local Plan, Part M of the Arun Design Guide and the Middleton Design Guide.

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

BACKGROUND PAPERS

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

M/47/21/HH - Indicative Location Plan (Do not Scale or Copy)
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PLANNING APPLICATION REPORT

REF NO: P/38/21/PL

LOCATION: Little Sefter Farm
Pagham Road
Pagham

PROPOSAL: Extension to existing agricultural barn. This site may affect the setting of a listed building & is in CIL Zone 5 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

It is proposed to extend the agricultural building on the south western side. The extension will measure 30.5m long with the same depth (17m) as existing. It will be built to the same eaves (6.2m) and ridge (8m) heights and use the same materials (Goosewing Grey roof cladding with roof lights, Moorland green wall cladding, concrete panel walls, exposed galvanised steel frame & galvanised steel roller shutter doors). It provides an internal vehicle wash area (replacing the external facility) and an additional storage area.

The site plan details external 'works' comprising hedging and tree planting both to the front and side of the extension, a storm-water balancing pond with new outfall to the existing drainage ditch and an extension to the concrete yard. The application proposes ecological mitigation in the form of an increase in the field margin of the field to the north (increase from 6m to 8m for 80m of length) and, as a result of the new planting, there will be a minor reduction in the crop area of the field to the south.

SITE AREA

0.13 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

There are several small to medium trees along the site frontage. The ground immediately adjacent the construction site (circa 0.09ha) was cleared of scrub & small to medium trees in December 2020.

BOUNDARY TREATMENT

1.8m high wire mesh fencing to the front. Post & rail to other boundaries.

SITE CHARACTERISTICS

Agricultural site comprising two storage buildings with hardstanding in between and grassed & planted areas. The HGV suitable access is from Pagham Road with wide visibility splays free of vegetation. The site of the extension is virgin ground with a few small trees surrounding.

Little Sefter Farm provides a hub for local field produce prior to

being delivered to the main Barfoots processing facility at Sefter Farm and for farm equipment and machinery storage & maintenance. The site is linked to the wider estate via farm tracks.

CHARACTER OF LOCALITY

Predominantly agricultural land with relatively few buildings. The Royal Oak Public House is a short walk to the north whilst immediately opposite to the east is the White House, a grade II Listed dwelling of two storeys set behind a substantial hedge with trees. Beyond this is Pennicotts Farm.

RELEVANT SITE HISTORY

P/13/17/AG	Prior Notification for agricultural development - proposed building to support farm operations.	No Objection 16-03-17
P/113/10/	Erection of replacement general purpose agricultural building	ApproveConditionally 20-12-10
P/126/06/AG	Prior Notification for an agricultural building	No Objection 23-10-06
P/125/06/	Reuse of existing redundant agricultural building as B1 office space and improved farm access.	ApproveConditionally 21-11-06

The building was allowed by P/113/10 which granted improvements to the access which enhanced the visibility splays. This was approved with a landscaping condition.

P/13/17/AG permitted an additional agricultural storage building to the west. This was a prior notification application under the Schedule 2, Part 6, Class A of the Town and Country Planning Act (General Permitted Development) Order 2015 (as amended).

There are no delivery or operating hours restrictions on the buildings in the site.

REPRESENTATIONS

Pagham Parish Council object on grounds of proximity to the Lower Bognor Road/Pagham Road junction and any increase in traffic levels at the junction. Consider the extension harms the setting of the Grade II Listed White House.

One objection from the owners of the White House on the grounds of:

- (a) Harm to views & loss of light;
- (b) Increased road traffic noise due to creation of a tunnel effect; and
- (c) Increased noise from vehicles entering/exiting site and operations on site particularly during

unsociable hours.

COMMENTS ON REPRESENTATIONS RECEIVED:

The concerns of the Parish and the objector are discussed in the conclusions. It is not considered in respect of (b) that there is any evidence to suggest the extension will exacerbate noise from existing traffic using Pagham Road.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - no objections.

ADC CONSERVATION OFFICER - the existing building is seen in the context of the listed building and it is considered the proposal to substantially extend it would also be harmful. The proposal will result in less than substantial harm to the setting of the Grade II Listed White House (on the lower end of the scale) and it is necessary in accordance with para 196 of the NPPF to consider the harm against the public benefits that the development may achieve. Comments as follows:

- The extension is substantial in size and appears to of a similar size and appearance to the existing building;
- There is a hedgerow which stretches across the area of the extension, but there is very limited planting in front of the existing building which means it is visible from the road;
- The large building is in view of the listed building when looking in a southerly direction (with The White House on the left hand side), and it is considered that the same will be said of the extension;
- Both the existing building and extension do not make a positive contribution to how the listed building is experienced when looking in a southerly direction;
- There is a line of trees to partially screen the listed building and the plans indicate the intention is to increase the buffer planting next to the agricultural building and the proposed extension;
- This would help to soften the impact of the building and ensure that it is screened from the road; and
- The new planting should be introduced in a more mature condition so as to ensure that it has the desired effect of screening/softening the building on completion.

ADC DRAINAGE ENGINEERS - no objection. State that the proposed surface water drainage strategy is acceptable but there are details which require amendment and as such a standard pre-commencement condition is required.

ADC ECONOMIC REGENERATION - keen to support local businesses and support this application.

ADC LANDSCAPE OFFICER - no objection subject to a landscaping condition to clearly show planting species, actual quantities, planting densities and size at time of planting. The mitigation planting will need to act as a buffer to both the existing & proposed extension and help to screen them from the road. The proposed planting would need to be at a size that provides instant impact and has immediate mitigating effect.

COUNCIL'S ARCHAEOLOGIST - it is unlikely works associated with the proposal would impinge on archaeological deposits to the extent that refusal or the requirement of other mitigation measures would be justified.

COUNCILS ECOLOGIST - no objection. Comment that:

- The mitigation measures in sections 4 & 5 of the ecology report should be conditioned;
- This should include a landscaping plan detailing new woodland creation, new hedge planting, new arable field margin creation and balancing pond & ditch outfall;
- A landscape and ecology maintenance plan will be required; and
- Any vegetation clearance/works to trees will need to be undertaken outside the bird nesting season.

COMMENTS ON CONSULTATION RESPONSES:

The protection of birds nests is covered by separate legislation therefore it is not appropriate to impose this as a condition.

POLICY CONTEXT

Designations applicable to site:

Outside Built Up Area Boundary;
 Within the setting of Grade II Listed Building;
 Pagham Harbour Zone B;
 Archaeological Notification Area;
 Class C Road;
 Current Flood Zone 1;
 Future Flood Zone 3a by 2111;
 CIL Zone 5; and
 Area of Special Control (Adverts).

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM2	ENV DM2 Pagham Harbour
ENVDM3	ENV DM3 Biodiversity Opportunity Areas
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
HERDM6	HER DM6 Sites of Archaeological Interest
HERSP1	HER SP1 The Historic Environment
HWBSP1	HWB SP1 Health and Wellbeing
LANDM1	LAN DM1 Protection of landscape character
SODM1	SO DM1 Soils
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution

QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

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
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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.

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 comply with relevant Development Plan policies in that it would not cause demonstrable harm to the character of the area, to the amenity of neighbouring residents or result in a severe impact on the local highway.

The proposal affects the setting of a nearby Grade II Listed dwellinghouse and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with these in that it preserves the setting of the Listed Building.

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The site is outside of the built up area boundary where, as per ALP policy C SP1, development is generally unacceptable unless it falls into a certain category or is otherwise in accordance with a Local Plan policy which refers to a specific use or type of development. One of the exceptions under policy C SP1 is where the development is for the operational needs of agriculture.

The extension aids the growth of the Barfoots business by providing additional storage for food produce and secure storage of farm vehicles & equipment. The applicant stated that in 2019 the site was the subject of a break-in which caused damage to farm vehicles in the open yard and theft of equipment.

The proposal accords with ALP policy C SP1. The proposal gains support from part 6 of ALP policy EMP DM1 which supports the economic growth of businesses outside of the built up area boundary.

The site lies in the Pagham to Selsey Strategic Gap. ALP policy SD SP3 allows development in the gaps where certain criteria are met. It is considered that the proposal complies with these as being an extension to an existing building in an existing site, it will not undermine the separation of nearby settlements and it does not make commercial sense for the development to be located elsewhere. It maintains the agricultural character of the site and surroundings. There is no conflict with this policy.

AGRICULTURAL LAND:

In order to provide tree planting to the south of the extension, there will be a minor (190m²) reduction in the crop area of the field to the south. As there will be no permanent loss of the high grade soils in this area and as the soil will be used to grow trees instead, it is not considered that there is conflict with the Council's policy on protection of agricultural land.

HERITAGE ASSETS:

The extension will be approximately 58m from a Grade II Listed dwellinghouse (the White House). It is about 94m from the Grade II Listed Pennicotts Farmhouse which sits further east beyond the White House. The relevant Local Plan policy is HER DM1 which requires that proposals protect and, where possible, enhance the setting of Listed Buildings.

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

It is necessary to consider policy guidance in the National Planning Policy Framework (NPPF) which sets out several steps when considering impact on heritage assets. Para 189 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. The applicant has not provided any heritage assessment.

Para 190 then requires Local Planning Authorities identify and assess the particular significance of the heritage asset that may be affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is any harm and if so, whether this is 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (as set out in paras 193-196).

The Conservation Officer assessed the proposal and the comments are set out in full on the Council's website and summarised above. The Conservation Officer considers the proposal results in less than substantial harm to the setting of the closest Listed Building, the White House, but this harm will be on the lower end of the spectrum.

It should be noted that there is a tall screen of trees and hedging around the White House which limits the impact of the extension on its setting. The proposal will only affect the setting of the White House when viewing it looking south from views north of the site and then only in respect of views from Pagham Road. The tree & hedge planting will soften the impact of the extension and, in time, help to screen it out from the streetscene.

In accordance with the NPPF, it is necessary to weigh the less than substantial harm against the public benefits that the development may achieve. The proposal will not generate new jobs but will support the growth of the Barfoots food growing business and support existing employment on the Barfoots site as a whole. The proposal includes a new internal vehicle wash area which reduces the need to use equipment externally and reduce noise at the site to the benefit of nearby residential occupiers. If more vehicles are stored internally then starting their engines/carrying out maintenance will have further noise reduction benefits.

It is considered the public benefits are at a level that allows for the harm to be outweighed given harm is on the lower end of the spectrum. The proposal accords with ALP policy HER DM1 as it seeks to protect the setting of the building through tree & hedge planting. A landscaping condition is proposed to require that the new trees which are planted are as mature as practically possible to help to soften & screen the extension from the start.

In respect of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, whilst the setting of the designated heritage asset will be subject to some harm, it is not considered this harm is significant and that over time, the harm will be reduced through the new planting scheme.

ARCHAEOLOGY:

The site lies in a designated archaeological notification area. ALP Policy HER DM6 states where a site on which development is proposed has potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated development will not be harmful to

archaeological interest. The policy requires a desk based archaeological assessment be submitted.

The applicant has not provided an Archaeological assessment and the proposal is in conflict with the policy. It is material that the Councils archaeologist does not object or require any form of survey take place. It is not considered there is any harm arising from the lack of an assessment taking place.

DESIGN & CHARACTER:

ALP policy D DM1 requires the Council seek to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. It requires the Council consider scale, massing, aspect, siting, layout, density, building materials, landscaping and design features. The policy requires the scale of development keep in the general confines of the overall character of a locality. ALP policy D SP1 "Design" requires development to make efficient use of land and reflect local character.

ALP Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. These generally seek to minimise the impact of the proposal on the character of the host building, its neighbours and the locality. ALP policy LAN DM1 requires that new development repair or reinforce the character of the landscape

The Arun Design Guide states new development in rural areas should respect and enhance distinctive rural character, integrate into its landscape setting and use a simple unobtrusive design. The Pagham Village Design Statement (PVDS) was adopted by the Pagham Parish Council in 2007 and is a material consideration. This has minimal weight given it is over 10 years old and predates the ALP, the NPPF and Arun Design Guide. The proposal does not conflict with any of the criteria set out for the "Rural Areas" character area.

Although it is recognised the extension almost doubles the length of the building (being only 0.2m shorter than the host building), and cannot be considered as a subservient addition, it maintains the existing form & design of the host building and is typical of other agricultural buildings in the rural area. The existing building has a somewhat negative impact on the streetscene and the extension will exacerbate this. The landscaping scheme is ambitious and will, over time, soften and screen views of the building from the road. This will be beneficial to the appearance of the whole site in the long term.

It is considered that the proposal complies with the aforementioned policies and Design Guidance.

HIGHWAY SAFETY & PARKING:

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

Notwithstanding concerns of the Parish Council regarding traffic, the application states the extension will have no discernible impact on the public highway because there will be no significant increase in vehicular traffic to/from the Pagham Road access with most movements to/from the site being via estate farm tracks, rather than the public highway. The application states the existing highway access & visibility splays cater for all types of vehicles likely to use the site. It is not considered there is any reason to doubt these statements as the purpose of the extension is to better secure vehicles & equipment, provide crop storage and carry out internal vehicle washes with no increase in staffing.

It is not considered the proposal exacerbates any existing highway safety concerns. There is space in the site for car parking and no conflict with ALP policy T SP1 or the Council's Parking Standards SPD.

RESIDENTIAL AMENITY & NOISE:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity.

It is not considered there will be overlooking or loss of privacy as no eye level windows or openings will be created on the elevation facing the White House. There will also be no harm to light for the occupiers of the White House as the extension is 58m away with a two lane road and a tall screen of trees in between.

ALP policy QE DM1 (Noise Pollution) is only relevant where new noise generating development is proposed. The proposal provides new internal storage for vehicles and crops. The effect of relocating the vehicle wash inside will be to provide additional noise mitigation to the existing use of pressure washers & compressors thus providing a reduction in noise.

It is recognised the site does not have planning restrictions on hours of operation and its use may be creating some amenity problems for neighbouring residential occupiers. It would not be reasonable to impose an hours restriction on the site because of this extension. If a restriction was imposed on the extension alone this would create operational conflicts with the rest of the site. Whilst the nearby residential dwelling has existed for a longer time than the agricultural storage site, the use is still a longstanding one and is appropriate for a countryside location alongside a busy road.

It is not considered that there are any conflicts with ALP policies D DM1, QE SP1 or QE DM1.

FLOODING & SURFACE WATER DRAINAGE:

The site of the extension is in Flood Zone 1 however, according to the Council's climate change maps it will be in part designated as Flood Zone 3 by the year 2111.

ALP policy W DM2 refers to the sequential test, need for a Flood Risk Assessment (FRA) and mitigation measures. Policy ECC SP1 states development must be located & appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding. Government guidance states this type of development is 'less vulnerable' and is appropriate in Flood Zone 3a without the need to consider the sequential or exception tests or provide an FRA. As such, it is not considered that there is any conflict with ALP policies W DM2 or ECC SP1.

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. The application proposes a surface water attenuation/balancing pond with a flow control system to ensure surface water run-off rates are no greater than existing. The pond will retain a general depth of 200-500mm and connect to the existing drainage ditch by an open channel. This will provide water vole habitat as well as surface water drainage attenuation.

The applicant provided drainage drawings and the information required by the "Surface Water Drainage Proposal Checklist" on the Council's website. Drainage engineers consider that the scheme is acceptable in principle but that additional information is required and the discharge rate needs to be altered therefore a standard condition is required to secure the changes. It is therefore considered that the application is in accordance with the requirement of policy W DM3.

BIODIVERSITY:

The site is approximately 2.5km from the Pagham Harbour SPA/Ramsar Site and is in a Biodiversity Opportunity Area designated by the ALP. It is not considered there is any conflict however with ALP policy ENV DM2 as the site lies in the Pagham Harbour Zone B where mitigation is only required for residential developments.

ALP Policy ENV DM3 states new development must retain & incorporate locally valued and important habitats; and be designed to minimise disturbance to habitats. Policy ENV DM5 seeks to achieve a net gain in biodiversity and protect existing habitats on site.

The site of the extension has been cleared however, the application is accompanied by an ecological appraisal. The report does not identify any impacts to protected species but partly in recognition of the biodiversity improvement area and partly to compensate for the lost habitat, proposes wildlife habitat comprising of woodland, hedge planting, arable field margins and balancing pond.

The Council's ecologist assessed the submission and advises no objection subject to mitigation measures being secured by condition. On this basis the proposal complies with ALP policies ENV DM3 and ENV DM5.

SUMMARY:

It is considered that the extension complies with relevant development plan policies and there are no adverse impacts to granting this permission. The application is recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application 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 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

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

Location Plan 001 Rev 04;
Existing and Proposed Site Block Plan, Floor Plan & Elevations 002 Rev 04; and
Estate Plan 004 Rev 04.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, D DM4, T SP1, ENV DM3, ENV DM5, EMP DM1, HER DM1 & QE SP1 of the Arun Local Plan.

- 4 No development above ground floor level shall take place until a detailed Landscape and Ecology Maintenance Plan has been submitted to and approved in writing by, the Local Planning Authority. The Plan should include the detailed design of the proposed mitigation measures set out at sections 4 & 5 of the Ecological Appraisal by GPM Ecology (08/03/21). The development shall then be carried out in accordance with the approved scheme and timetable.

Reason: To ensure adequate protection and enhancement of biodiversity interests in accordance with the provisions of the NPPF and policies ENV DM3 & ENV DM5 of the Arun Local Plan.

- 5 No development above ground floor level shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a landscaping scheme including details of all new hard & soft landscaping and details of trees and hedgerows to be retained,

together with measures for their protection during the course of the development. The tree planting should be introduced in a form that is as mature as practically possible so as to ensure it has the desired effect of screening & softening the building on completion.

The Landscaping details should include mitigation measures proposed in the Ecological Appraisal by GPM Ecology (08/03/21) including the woodland creation, hedge planting, area of grass field margin in the field to the north and balancing pond & ditch outfall.

The approved landscaping details shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity, biodiversity, heritage and the environment of the development in accordance with policies D DM1, LAN DM1, HER DM1, ENV DM3 & ENV DM5 of the Arun Local Plan.

- 6 The materials and finishes of the external walls/roof of the extension shall match in colour and texture with those of the existing building.

Reason: In the interests of amenity in accordance with policies D DM1 & D DM4 of the Arun Local Plan.

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

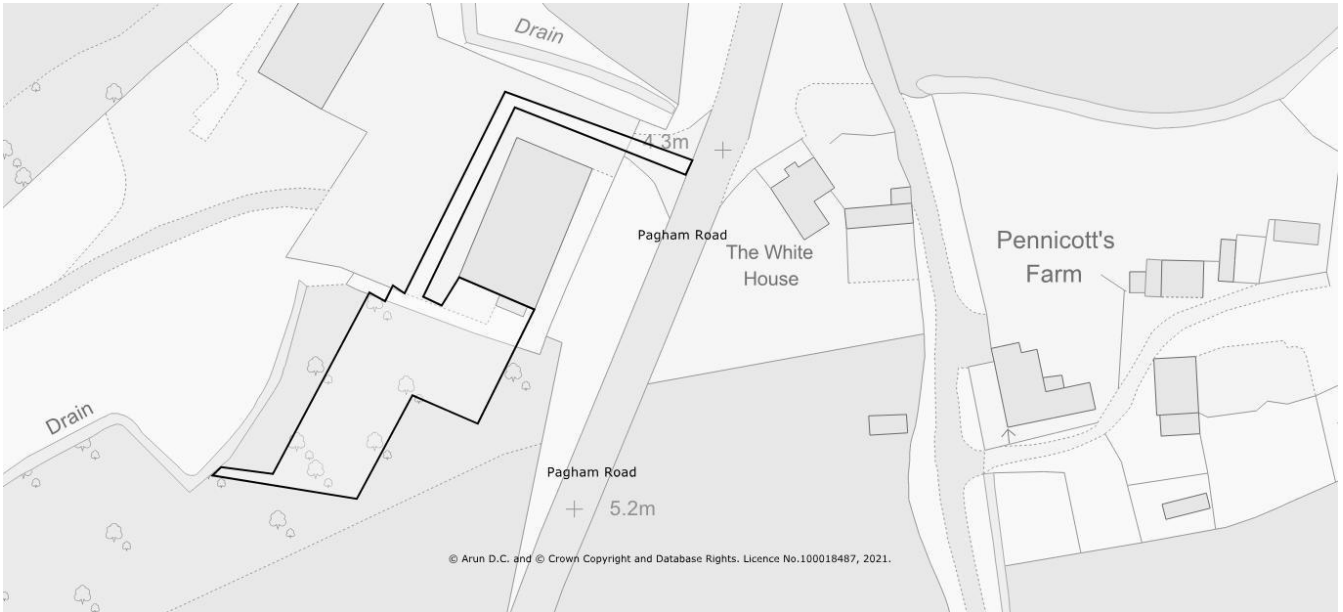
- 8 **INFORMATIVE:** Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and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

- 9 **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

BACKGROUND PAPERS

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

P/38/21/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/50/21/PL

LOCATION: Land West of Hook Lane and
South of Sefter Road
Paghham

PROPOSAL: Change of Use of Agricultural Land to Public Open Space. This application is a Departure from the Development Plan and is within Strategic Site SD2, CIL Zone 1 (Zero Rated).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks permission for a material change of use of land from agricultural use to public open space. The applicant has stated "planning permission is sought for the use of the land for the purposes of public recreation" and that "no operational development, engineering operations or landscaping are proposed as none are necessary in order to effect the change of use". The applicant has stated that public access would be via existing accesses.

No details have been submitted to show how the intended open space would be laid out, or how it would be delivered. The applicant has confirmed that they do not own the site.

No operational development is proposed, so there would be no earth moving, setting out of the land or upgrading of rights of way through this application. A further application would be required for these elements.

The applicant has not stated how they expect the delivery of open space to come about.

SITE AREA

Approximately 9.47 hectares

TOPOGRAPHY

Predominantly flat.

TREES

Trees are situated along the west, north and east boundaries of the site. No trees of any significance would be affected by the proposed development.

BOUNDARY TREATMENT

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

SITE CHARACTERISTICS

The site is to the north-west of Hook Lane and south of Sefter Road. It lies adjacent to the built-up area boundary of Pagham and its existing use is agricultural. Further agricultural land is situated to the south and west of the application site, with the Pagham Harbour situated to the south-west.

At the time of preparing this report, the northern part of the site contains some spoil heaps as a result of an archaeological field investigation (carried out in pursuance of condition 28 of planning permission (P/30/19/OUT)).

CHARACTER OF LOCALITY

The locality of the site is predominantly rural. Development is present to the south and east of Hook Lane which is characterised predominantly by two storey dwellings and chalet bungalows of various designs and styles which are set back from the highway.

Bus stops are situated to the north-west and south-west of the site along Pagham Road and east of the site on Hook Lane.

RELEVANT SITE HISTORY

P/132/20/RES

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

P/57/20/DOC

Approval of details reserved by condition imposed under ref P/30/19/OUT relating to Condition No 6 - design code masterplan. DOC Approved 09-10-20

P/30/19/OUT

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

REPRESENTATIONS

PAGHAM PARISH COUNCIL - No Objections

3 representation letters; two supporting and one objecting. The objection is on behalf of those who have an interest in the land and who are delivering the strategic housing development.

Comments in support

- Need to preserve open space in the area for the community and for nature.
- A lack of necessary and critical wastewater treatment, highways, provision for pedestrians and cyclists, and medical services for housing development.

Comments in objection

- The applicant has no legal interest in the land covered by the application and no means to secure the material change of use of the land for which permission is sought.
- The applicant has no means to enforce cessation of the agricultural activity that would be required to implement that change of use.
- The applicant has no means to undertake any landscaping or engineering works necessary for the land to be used for the purposes of public recreation.
- The applicant has no means of granting public access to the land.
- The Grampian condition, required by the Local Highway Authority to secure pedestrian access, is contrary to National Planning Practice Guidance and is therefore inappropriate.
- The site is part of the North Pagham Strategic Site allocated for development to meet the District's housing need in the adopted Local Plan.
- There is a lawful permission, some conditions have been discharged and a reserved matters application has been submitted, providing demonstrable evidence of an intention to develop the site in accordance with the development plan and the extant permission.
- There is no prospect of the landowner permitting the alternative use.
- The application is without merit.

COMMENTS ON REPRESENTATIONS RECEIVED:

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

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

LOCAL HIGHWAY AUTHORITY

The vehicular accesses on Sefter Road and Pagham Road are expected to be used for maintenance purposes only as no car parking for visitors is indicated. Given the lack of footways on Sefter Road and Pagham Road, pedestrian access would be required from Hook Lane. Subject to a condition requiring the provision of pedestrian access to the land from Hook Lane, prior to the recreational use commencing, no highway objection.

NATURAL ENGLAND

"Natural England has no comments to make on this application." Reference is made to standing advice to assess impacts on protected species or consultation with the Council's ecology services.

ADC ECOLOGY ADVISOR

- The change of use will increase footfall on site. A phase 1 habitat survey or walkover survey will need to be undertaken to assess the protected species on site. If there is potential for protected species then further surveys would be required. These surveys plus any mitigation strategies required will need to be

submitted as part of the planning application prior to determination.

- The hedgerows on site could be used by bats and other wildlife for commuting and foraging and will need to be retained and enhanced for wildlife. Any gaps should be filled using native hedge species to improve connectivity. Conditions should be used to secure this.
- Any lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

ADC GREENSPACE

Supportive in principle, but require detailed landscape plans, specification and future maintenance details.

ADC DRAINAGE ENGINEERS

- No objection to the proposed change of use from a drainage perspective.
- Further detailed information could be secured through conditions.
- Any alteration to existing land drainage systems, including connection to, culverting or bridging watercourses will require Ordinary Watercourse land Drainage Consent through WSCC.

COMMENTS ON CONSULTATION RESPONSES:

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

POLICY CONTEXT

The site is designated on the Policies Map of the Local Plan as part of a Strategic Housing Allocation - SD2 Pagham North and inside the Built-up Area Boundary. The key policies that apply are H SP1, H SP2 and H SP2a.

DEVELOPMENT PLAN POLICIES

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

SDSP1	SD SP1 Sustainable Development
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2A	HSP2a Greater Bognor Regis Urban Area
HWBSP1	HWB SP1 Health and Wellbeing
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
OSRSP1	OSR SP1 Allotments
ENVSP1	ENV SP1 Natural Environment
GISP1	GI SP1 Green Infrastructure and Development
ECCSP1	ECC SP1 Adapting to Climate Change
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

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

The (Regulation 14) Pagham Neighbourhood Plan 2020-2030 was withdrawn in September 2020 and requires no further consideration in this report. For the purpose of assessing this proposal, the focus is on the Arun Local Plan 2011-2031 only.

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 not to comply with relevant Development Plan policies because it would fail to bring forward the housing and the full range of associated infrastructure allocated to the site.

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

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

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

OTHER MATERIAL CONSIDERATIONS

There are no material considerations in this particular case of sufficient weight to indicate that a decision should be made that is contrary to the Development Plan.

CONCLUSIONS

The proposal the subject of this application gives rise to two main issues. These are:

1. Whether the proposed change of use constitutes a departure from the development plan and, if so, whether material considerations in this particular case indicate that the plan should not be followed; and
2. Whether safe and suitable access to the site can be achieved for all users.

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions.

The application site is designated on the Policies Map of the Arun Local Plan as part of a Strategic Housing Allocation - SD2 Pagham North and inside the Built-up Area Boundary. The key policies that apply to the site are H SP1, H SP2 and H SP2a. Policy H SP1 of the Arun Local Plan 2011-2031 sets out the overall provision of at least 20,000 new homes phased over the plan period. The policy allocates 800 units to the strategic housing site SD2 Pagham North. This is an important part of the strategy of the Local Plan.

Policy H SP2 requires development proposals within the Strategic Site Allocations to be comprehensively planned and to have regard to a masterplan endorsed by the Council for the respective areas which incorporates high quality imaginative design giving a sense of place and a permeable layout.

Policy H SP2a of the Local Plan focusses on the "Greater Bognor Regis Urban Area" including Pagham (both SD1 Pagham South and SD2 Pagham North). The policy sets out key design and infrastructure requirements for the two Pagham strategic allocations. The principle of the development of this site has been established by the grant of outline planning permission and the further discharge of conditions.

Outline planning permission (P/30/19/OUT) was granted on 2nd September 2019 for the construction of up to 300 No. new homes, a care home of up to 80 beds, D1 uses, a primary school and access on land north of Hook Lane, Pagham. A design code (P/57/20/DOC) was approved on 9th October 2020, in accordance with condition 6 of the outline planning permission (P/30/19/OUT). The site is currently the subject of an application for the approval of reserved matters (P/132/20/RES).

The applicants for the above applications have clearly shown a commitment to deliver strategic housing on this site in accordance with the adopted Local Plan strategy.

The change of use of the land to use for public open space would be in direct conflict with policies H SP1, H SP2 and H SP2a as it would prevent the delivery of housing and the full range of associated infrastructure allocated to the site.

The applicant has included a plan showing the site in the context of the Pagham North strategic allocation as a whole. The plan proposes the open space as being safeguarded for use as Alternative Natural Greenspace and SUDS (Sustainable Urban Drainage System) to serve the other parts of the strategic allocation, although no drainage details have been provided. His supporting statement adds that, if the change of use is granted, the housing developer would have a choice of whether or not to include that change of use in the design of their development. However, it is clear from their reserved matters application (P/132/20/RES) and representations made in response to this application that they do not intend to do so.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. The local planning authority cannot demonstrate a five year supply of deliverable housing sites. The Authority Monitoring Report published in December 2020 indicates that there is a 3.3-year land supply. Therefore, paragraph 11d of the Framework is engaged.

This leads on to paragraph 11(d)(ii) and the test of whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposed change of use has the potential to deliver some social benefits through the provision of public open space that will support the health and well-being of the existing community (policies HWB SP1, OSR DM1 & OSR SP1). It has the potential to offer some environmental benefits through the protection and enhancement of the natural environment and adaptation to climate change (policies ENV SP1, GI SP1 & ECC SP1). However, it would not provide economic support for local facilities and services, or employment through the construction of dwellings. Fundamentally, it would fail to ensure that a sufficient number and range of homes can be provided to

meet the needs of both present and future generations. These are the adverse impacts of granting permission, which are considered to significantly and demonstrably outweigh the benefits, particularly when assessed against the policies in the Framework taken as a whole.

Paragraph 59 of the NPPF states that "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay". The strategy in the Arun Local Plan 2011-2031 and the grant of outline planning permission (P/30/19/OUT) are entirely consistent with the aim in the NPPF of boosting significantly the supply of housing.

The change of use is contrary to these policies and guidance. It would, if implemented, prejudice implementation of the Local Plan housing strategy and would be contrary to the NPPF taken as a whole. Granting this permission and seeking to obstruct the delivery of strategic housing on the site will result in an even greater shortfall in housing land supply and increase the need to find other sites elsewhere in the District; sites that will be speculative and where strategic infrastructure cannot be planned.

It is important to note that the presumption in favour of sustainable development is a presumption of policy only and, even if the presumption applies, it does not displace the requirement to apply section 38(6) of the Planning and Compulsory Purchase Act 2004.

The change of use constitutes a departure from the development plan and there are no material considerations in this particular case of sufficient weight to indicate that the plan should not be followed.

Access to the site

The supporting statement accompanying the application states: "No operational development, engineering operations or landscaping are proposed as none are necessary in order to effect the change of use of the land proposed and public access to same would be via existing accesses on Sefter Road, Pagham Road and Hook Lane which are adopted Highway and no changes to these would be needed to serve the recreational land use proposed".

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

Policy T DM1 of the Local Plan begins: "New development must ensure ease of movement, prioritising safe pedestrian and cycle access to the green infrastructure network and access to public transport and community transport services where a need has been identified. Access to alternative modes of transport including public transport services, the public right of way and cycle networks, must be available and accessible to all members of the community."

Paragraph 108(b) of the NPPF requires proposals to ensure that safe and suitable access to the site can be achieved for all users.

The Arun Design Guide Supplementary Planning Document (SPD) January 2021 states, "A successful movement framework should be easily accessible by all including the young, elderly and those with movement difficulties; and should encourage healthy and sustainable choices, making it as easy to walk, cycle, horse ride or take public transport as it is to drive".

Pedestrian and vehicular access to the land is either through a gate on the south side of Sefter Road, or

gates on Pagham Road. There is no existing means of access on Hook Lane and there are no public rights of way across the site. There are no footways adjacent to the site.

WSCC Highways suggested the use of a condition which reads: "Prior to the use of the land for public recreational purposes commencing, access for pedestrians shall be provided to the land from Hook Lane in accordance with plans and details submitted to and approved in writing by the Local Planning Authority". National Planning Practice Guidance (Paragraph: 009 Reference ID: 21a-009-20140306) states "such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission". The applicant has no legal interest in the land and no means of securing public access to it. The condition required to make the development acceptable would not be appropriate and planning permission should not be granted.

Given the nature of the existing means of access and the absence of any proposed improvements, it is concluded the proposal will not provide safe and suitable access to the site for all users, contrary to Policies T SP1 and T DM1 of the Arun Local Plan, Paragraph 108(b) of the NPPF and Part F of the Arun Design Guide SPD.

Other matters

Planning permission has been granted to develop the land for housing and any approval for alternative uses could not take away that permission. Any alternative permission would mean that the landowner has two permissions, either of which they could choose to implement. In this instance, those with an interest in the land have objected, making it clear that there is no prospect of the alternative use being implemented.

The granting of permission would not mean the site has use as open space or becomes designated open space. Only a development plan could allocate the site as open space and it would either need to be in use as open space, or be able to be delivered, for it to do so.

In light of the conclusions reached on the two main issues, it is not necessary to consider conditions dealing with ecology, landscape or drainage matters.

Should the Committee decide that the application should not be refused as recommended then these matters will need to be considered further (including the need for conditions) before a decision is made.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

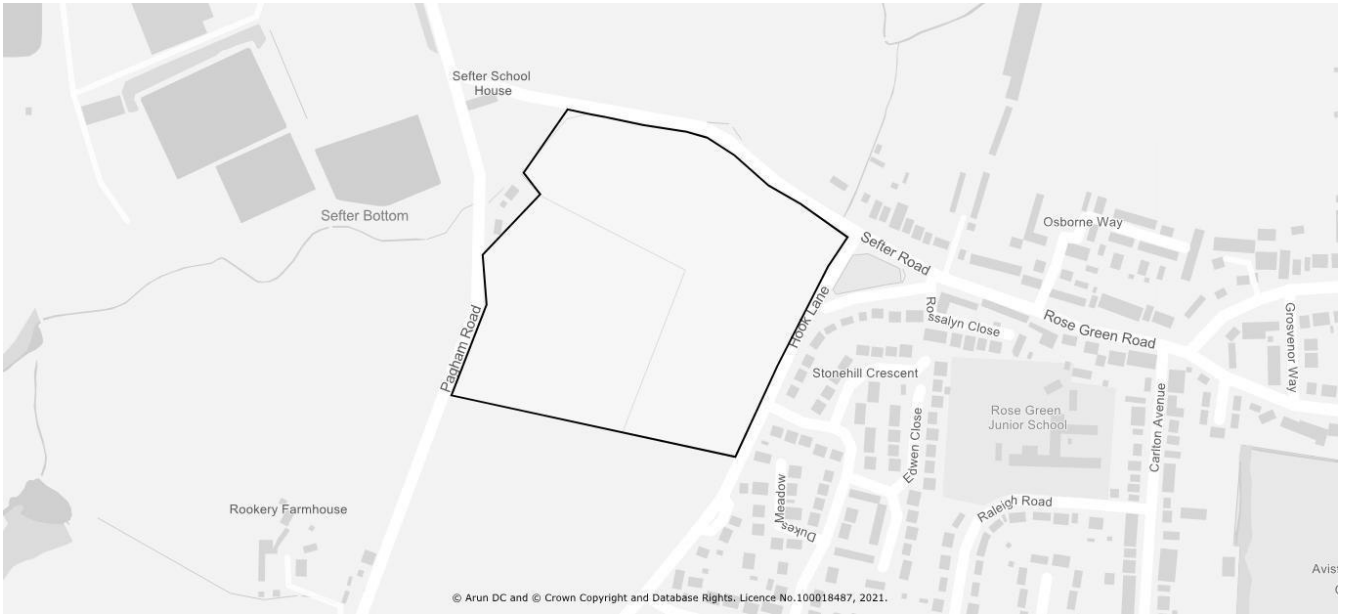
REFUSE

- 1 The proposed change of use of the land to use for open space fails to accord with policies H SP1, H SP2 and H SP2a of the Arun Local Plan 2011-2031 and would prejudice delivery of the Local Plan housing strategy, contrary to paragraph 59 of the National Planning Policy Framework.
- 2 The proposal fails to provide safe and suitable access to the site for all users, contrary to policies T SP1 and T DM1 of the Arun Local Plan 2011-2031, paragraph 108(b) of the National Planning Policy Framework and part F of the Arun Design Guide Supplementary Planning Document January 2021.
- 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 identifying matters of concern with the proposal and clearly setting these out in the reasons for refusal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

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)

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



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PLANNING APPLICATION REPORT

REF NO: P/57/21/PL

LOCATION: Land West of Pagham Road and
Land South of Summer Lane
Pagham

PROPOSAL: Change of use of 12.16 hectares of agricultural land to use for Alternative Natural Green Space, Public Open Space, Allotments & SUDS Scheme (7.48 hectares) and use for a local centre comprising a library, health, child care facilities and a 1/2 FE Primary School. This site affects a Public Right of Way & is in CIL Zone SP2 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks permission for a "Change of use of 12.16 hectares of agricultural land to use for Alternative Natural Green Space, Public Open Space, Allotments & SUDS Scheme (7.48 hectares) and use for a local centre comprising a library, health, child care facilities and a 1/2 FE Primary School".

The application is accompanied by a location plan and site plan. The site plan identifies the northern part of the site as 7.48 hectares of land for Alternative Natural Greenspace, Public Open Space, Allotments & SUDS Scheme and the southern part of the site as 4.68 hectares of land for Local Centre comprising Library, Health, Child Care Facilities and a 1FE/2FE Primary School. Thus, for the avoidance of doubt, the proposal does not include a half-form entry primary school. The site plan shows an approximate line of a public sewer crossing the site and easement in favour of Southern Water Services Ltd, confirmed in a letter dated 23rd August 2017.

There are no other supporting plans, drawings or documents accompanying the application.

No details have been submitted to show how the intended open space and SUDS scheme would be laid out, or precisely how they would be delivered. No details have been provided to show the proposed means of access to the land, the layout of the local centre, the scale and appearance of the buildings or the landscaping of the site (indicative or otherwise), despite full planning permission being sought.

SITE AREA 12.16 hectares

TOPOGRAPHY Predominantly flat.

TREES	There are some trees on parts of the west boundary, on parts of the east boundary to the rear of properties in Pagham Road and along the Pagham Road frontage. From the details contained in the application, none would be affected by the change of use.
BOUNDARY TREATMENT	The application contains no proposal to alter the existing treatment of boundaries.
SITE CHARACTERISTICS	The site is adjacent to the built up area boundary of Pagham and west of Pagham Road. It comprises two fields in agricultural use, which are separated from each other by a drainage ditch. Additional agricultural land lies to the west of the site, with Pagham Harbour situated further to the south-west. The north boundary of the site is defined by Summer Lane. The south boundary is defined by a public right of way (Footpath 101).
CHARACTER OF LOCALITY	<p>The north-east corner of the site is currently the subject of works associated with the development of land to the north of Summer Lane.</p> <p>Despite its proximity to Pagham, the site has a rural feel due to the large expanse of open countryside to the west. Pagham village hall and car park are adjacent to the east boundary and there is residential development beyond, to the east of Pagham Road, and on parts Summer Lane to the north. There is Church Barton House and farm to the west of the site.</p> <p>Bus stops are situated to the east on Pagham Road.</p>

RELEVANT SITE HISTORY

P/1/21/PL	Material change of use of land from agricultural use to use for open space. This application is in part a Departure from the Development Plan, affects a Public Right of Way & is in CIL Zone 5 (Zero Rated) as other development.	Refused 04-03-21
P/70/19/RES	Approval of reserved matters following outline consent P/58/15/OUT for 90 No. dwellings. Also seeking to address the terms of planning conditions 6 (Phasing), 8 (ecology), 9 (Surface Water), 12 (Vehicular Access), 15 (Parking), 18 (Travel Plan), 20 (Landscape Management), 24 (Parking Control), 25 (Dwelling Parking) and 26 (Materials).	ApproveConditionally 28-02-20
P/140/16/OUT	Outline application for access only - mixed use development comprising of up to 400 dwellings, a care	App Cond with S106 22-11-18

home with up to 70 beds, a Local Centre comprising up to 2000sqm of A1/A2/A3/D1/sui generis floorspace, provision of land for a 1FE primary school (with sufficient space to ensure that it is expandable to 2FE), provision of land for a scout hut, safeguarding of land to help link the site to the Pagham Harbour Cycle Route & other community uses including public open space & allotments with some matters reserved.

P/58/15/OUT	Outline application with some matters reserved for the erection of 90 No. dwellings with associated access & open space. This is a Departure from the Development Plan.	App Cond with S106 30-09-16
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REPRESENTATIONS

Pagham Parish Council - Any comments received will be reported at the meeting.

6 representation letters, five supporting and one objecting.

Comments in support

- The National Cycle Route NCN 2, proposed along Summer Lane and across fields to Honer Farm, should form part of this application.
- The public right of way needs to be upgraded for use by equestrians.
- A good alternative to houses.
- For the whole community to enjoy.
- The highway infrastructure cannot cope with thousands of additional cars.
- Preferable to many more houses because education, healthcare, highways and wastewater treatment facilities are inadequate.

Comments in objection

- The village is "now becoming a town".
- There is only one road out of Pagham with slow journey times.

COMMENTS ON REPRESENTATIONS RECEIVED:

The representations are noted and considered in the Conclusions part of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS

- There is no transport statement contrary to National Planning Practice Guidance (Paragraph: 013 Reference ID: 42-013-20140306) and the National Planning Policy Framework (Paragraph 111).
- The means of access is unclear, as there appear to be no existing vehicular accesses into the site.
- Internal site layouts and car parking plans are needed.

- There is insufficient information to enable a full assessment of this proposal.

WSSC PUBLIC RIGHTS OF WAY

Any comments received will be reported at the meeting.

WSSC FIRE & RESCUE

Recommend use of a condition to secure provision of additional fire hydrants for the development. Evidence is needed of satisfactory access for fire service vehicles.

NATURAL ENGLAND

The application could have potential significant effects on Pagham Harbour Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar site. Further information is required to determine the significance of these impacts and the scope for mitigation.

Information about Functionally Linked Land (FLL) and Water Quality is needed to enable a Habitats Regulations Assessment (HRA) to be undertaken.

ADC ECOLOGY ADVISOR

- An extended phase one habitat survey needs to be undertaken to determine if there is potential for protected species.
- Information on biodiversity net gain needs to be provided.
- There is no sustainability statement for the local centre.

ADC GREENSPACE

Supportive in principle, but require detailed landscape plans, specification and future maintenance details.

ADC DRAINAGE ENGINEERS

- No objection to the proposed change of use from a drainage perspective.
- Further detailed information could be secured through conditions.
- Any alteration to existing land drainage systems, including connection to, culverting or bridging existing watercourses will require Ordinary Watercourse land Drainage Consent through WSSC.

COMMENTS ON CONSULTATION RESPONSES:

The responses are noted and considered in the Conclusions part of this report.

POLICY CONTEXT

Most of the site is designated on the Policies Map of the Local Plan as part of a Strategic Housing Allocation - SD1 Pagham South. The whole of the site is inside the Built-up Area Boundary. The key policies that apply to the site are H SP1, H SP2 and H SP2a.

DEVELOPMENT PLAN POLICIES

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

SDSP1	SD SP1 Sustainable Development
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2A	HSP2a Greater Bognor Regis Urban Area
HWBSP1	HWB SP1 Health and Wellbeing

OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
OSRSP1	OSR SP1 Allotments
ENVSP1	ENV SP1 Natural Environment
GISP1	GI SP1 Green Infrastructure and Development
ECCSP1	ECC SP1 Adapting to Climate Change
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

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

The (Regulation 14) Pagham Neighbourhood Plan 2020-2030 was withdrawn in September 2020 and requires no further consideration in this report. For the purpose of assessing this proposal, the focus is on the Arun Local Plan 2011-2031 only.

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 not to comply with relevant Development Plan policies because it would fail to bring forward the housing and the full range of associated infrastructure allocated to the site.

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

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

OTHER MATERIAL CONSIDERATIONS

There are no material considerations in this particular case of sufficient weight to indicate that a decision should be made that is contrary to the Development Plan.

CONCLUSIONS

The proposal the subject of this application gives rise to two main issues. These are:

1. Whether the proposed change of use constitutes a departure from the development plan and, if so, whether material considerations in this particular case indicate that the plan should not be followed; and
2. Whether safe and suitable access to the site can be achieved for all users.

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions.

In assessing this proposal, the Arun Local Plan is the only element of the development plan to provide relevant policies.

The site is designated on the Policies Map of the Arun Local Plan as part of a Strategic Housing Allocation - SD1 Pagham South and also part inside the Built-up Area Boundary. The key policies that apply are H SP1, H SP2 and H SP2a. Policy H SP1 of the Arun Local Plan 2011-2031 sets out the overall provision of at least 20,000 new homes phased over the plan period. The policy allocates 400 units to the strategic housing site SD1 Pagham South. This is an important part of the strategy of the Local Plan.

Policy H SP2 requires development proposals within the Strategic Site Allocations to be comprehensively planned and to have regard to a masterplan endorsed by the Council for the respective areas which incorporates high quality imaginative design giving a sense of place and a permeable layout.

Policy H SP2a of the Local Plan focusses on the "Greater Bognor Regis Urban Area" including Pagham (both SD1 Pagham South and SD2 Pagham North). The policy sets out key design and infrastructure requirements for the two Pagham strategic allocations. The principle of the development of the site SD1 has been established by the grant of two outline planning permissions.

Outline permission with details of access (P/140/16/OUT) was granted on 22 November 2018 for a mixed used development comprising up to 400 dwellings, a care home, a primary school and other uses on land south of Summer Lane and west of Pagham Road, Pagham.

Outline permission (P/25/17/OUT) was granted on 5 September 2019 for the "erection of up to 65 No. dwellings, access roads, landscaping, open space & associated works" on land at Church Barton House, Horns Lane, Pagham. The area of the current site (P/57/21/PL) does not include the land associated with the Church Barton House permission.

The principle of the development has been established by the grant of the outline permissions which together secure permission for 465 homes. The applicants for the above applications have clearly shown a commitment to deliver strategic housing on these sites in accordance with the adopted Local Plan strategy.

The proposed change of use of the land to use for open space would be in direct conflict with policies H SP1, H SP2 and H SP2a as it would prevent the delivery of housing and the full range of associated infrastructure allocated to the site.

In support of his application, the applicant included a site plan identifying the north part of the site as 7.48 hectares of land for alternative natural green space, public open space, allotments and a SUDS scheme and the southern part of the site as 4.68 hectares of land for a local centre comprising library, health, child-care facilities and a 1FE/2FE primary school. If the proposal was granted permission, the housing developers would have a choice of whether or not to include it in the design of their development. It is clear from the representations made in response to the previous application (P/1/21/PL) that they do not intend to do so.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. The local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Authority Monitoring Report published in December 2020 indicates that there is a 3.3-year land supply. Therefore, paragraph 11d of the Framework is engaged.

This leads on to paragraph 11(d)(ii) and the test of whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposed change of use has the potential to deliver some social benefits through the provision of public open space that will support the health and well-being of the existing community (policies HWB SP1, OSR DM1 & OSR SP1). It has the potential to offer some environmental benefits through the protection and enhancement of the natural environment and adaptation to climate change (policies ENV SP1, GI SP1 & ECC SP1). However, it would not provide economic support for local facilities and services, or employment through the construction of dwellings. Fundamentally, it would fail to ensure that a sufficient number and range of homes can be provided to meet the needs of both present and future generations. These are the adverse impacts of granting permission, which are considered to significantly and demonstrably outweigh the benefits, particularly when assessed against the policies in the Framework taken as a whole.

Paragraph 59 of the NPPF states that "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay". The strategy in the Arun Local Plan 2011-2031 and the grant of outline planning permissions (P/140/16/OUT & P/25/17/OUT) are entirely consistent with the aim in the NPPF of boosting significantly the supply of housing.

The change of use is contrary to these policies and guidance. It would, if implemented, prejudice implementation of the Local Plan housing strategy and would be contrary to the NPPF taken as a whole. Granting this permission and seeking to obstruct the delivery of strategic housing on the site will result in an even greater shortfall in housing land supply and increase the need to find other sites elsewhere in the District; sites that will be speculative and where strategic infrastructure cannot be planned.

It is important to note that the presumption in favour of sustainable development is a presumption of policy only and, even if the presumption applies, it does not displace the requirement to apply section 38(6) of the Planning and Compulsory Purchase Act 2004. The proposed change of use constitutes a departure from the development plan and there are no material considerations in this particular case of sufficient weight to indicate that the plan should not be followed.

Access to the site

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

Policy T DM1 of the Local Plan begins: "New development must ensure ease of movement, prioritising safe pedestrian and cycle access to the green infrastructure network and access to public transport and community transport services where a need has been identified. Access to alternative modes of transport including public transport services, the public right of way and cycle networks, must be available and accessible to all members of the community."

Paragraph 108(b) of the NPPF requires proposals to ensure that safe and suitable access to the site can be achieved for all users.

The Arun Design Guide Supplementary Planning Document (SPD) January 2021 states that, "A successful movement framework should be easily accessible by all including the young, elderly and those with movement difficulties; and should encourage healthy and sustainable choices, making it as easy to walk, cycle, horse ride or take public transport as it is to drive".

The application form states no new or altered pedestrian or vehicular access is proposed to, or from, the public highway. Summer Lane (west of the existing dwelling "Meadow Sweet") is private to vehicles. The same is true of Horns Lane (which leads from Summer Lane to Church Barton Farm) and there is no public footpath along Horns Lane either. There is no existing pedestrian or vehicular access to the site along the Paghams Road frontage and only a short length of footway between the bus stop and the village hall on the west side of the road. There is an existing public right of way along the south boundary of the site, but it is unclear how and where pedestrians would access the local centre, including the primary school, from the footpath.

The Local Highway Authority has commented that the proposed means of access is unclear, as there are no vehicular accesses into the site and no internal layout or car parking plans have been provided.

Given the nature of the existing limited means of access described above and the absence of any proposed improvements, it is concluded that the proposal will not provide safe and suitable access to the site for all users, contrary to Policies T SP1 and T DM1 of the Arun Local Plan, Paragraph 108(b) of the NPPF and Part F of the Arun Design Guide SPD.

Other matters

Planning permission has been granted to develop the land for housing and any approval for alternative uses could not take away that permission. Any alternative permission would simply mean that the landowner has two permissions, either of which they could choose to implement. In this instance, those with an interest in the land have previously objected, making it clear that there is no prospect of the alternative use being implemented.

The granting of permission would not mean that the northern part of the site has use as open space or becomes designated open space. Only a development plan could allocate the site as open space and it would either need to be in use as open space, or be able to be delivered, for it to do so.

It is not considered that the change of use would result in any significant harm to site biodiversity, although the increase in footfall across what are currently open agricultural fields would require mitigation measures to be sought to off-set the impacts from disturbance on local habitats. However, it is likely that there would be no negative impact to Paghams Harbour or the nearby SSSI's.

In light of the conclusions reached on the two main issues, it is not necessary to consider conditions dealing with ecology, landscape or drainage matters.

Should the Committee decide the application should not be refused as recommended then these matters will need to be considered further (including the need for conditions) before a decision is made.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

REFUSE

- 1 The change of use of the land to use for open space does not accord with policies H SP1, H SP2 and H SP2a of the Arun Local Plan 2011-2031 and would prejudice delivery of the Local Plan housing strategy, contrary to paragraph 59 of the National Planning Policy Framework.
- 2 The proposal fails to provide safe and suitable access to the site for all users, contrary to policies T SP1 and T DM1 of the Arun Local Plan 2011-2031, paragraph 108(b) of the National Planning Policy Framework and part F of the Arun Design Guide Supplementary Planning Document January 2021.
- 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 identifying matters of concern with the proposal and clearly setting these out in the reasons for refusal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

BACKGROUND PAPERS

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APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

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

BE/109/19/OUT

Original Decision = Refused

Received: 15-02-21

Land east of Shripney Road & south of Haddan House Shripney Road Bersted

Decision Level = Committee

Outline application with some matters reserved for up to 46 No dwellings together with access. This application is a Departure from the Development Plan & may affect the character & appearance of the Shripney Conservation Area.

Informal Hearing

PINS Ref: APP/C3810/W/20/3264105

BN/142/20/OUT

Original Decision = Refused

Received: 26-05-21

Land south of Barnham Station Barnham

Decision Level = Delegated

Outline planning application with all matters reserved, other than principal means of access, for up to 200 No. dwellings, with access taken from Marshall Close, associated infrastructure & landscaping & demolition of existing buildings. This application is a Departure from the Development Plan, may affect the setting of listed buildings, may affect the Church Lane, Barnham Conservation Area & affects a Public Right of Way.

Public Inquiry

PINS Ref: APP/C3810/W/21/3273087

BN/51/20/PL

Original Decision = Refused

Received: 15-04-21

Land at Chantry Mead & rear of 14-18 Downview Road Barnham

Decision Level = Delegated

4 No dwellings including access, landscaping & associated works.

**Written
Representations**

PINS Ref: APP/C3810/W/20/3265442

BR/31/20/PL

Original Decision = Refused

Received: 12-10-20

77 Aldwick Road Bognor Regis

Decision Level = Delegated

Part change of use of ground floor & formation of a first floor rear extension to create 2 No. self-contained studio flats with associated refuse/recycling & cycle store (re-submission following BR/233/19/PL)

**Written
Representations**

BR/347/19/T

Original Decision = Refused

Received: 20-03-20

4 Pinewood Gardens Bognor Regis

Decision Level = Delegated

Fell 1 No. Liquid Amber tree.

Informal Hearing

PINS Ref: APP/TPO/C3810/7809

BR/86/20/PL

Original Decision = Refused

Received: 03-03-21

Aldwick House Care Home 41-45 Nyewood Lane Bognor Regis

Decision Level = Delegated

Part change of use from a 32-bed nursing home (C2 Residential Institutions) to a 38-bedsit House in Multiple Occupation (sui generis) comprising 24 No single person & 14 No two-person bedsits along with separate shower rooms & wcs, demolition of rear conservatory & store & erection of single storey rear extension & with minor external alterations to side elevations & insertion of 4 No roof lights on rear elevation & insertion of dormer window serving Room 38 (as detailed in amended plans dated 30 April 2020).

Informal Hearing 22-06-21

PINS Ref: APP/C3810/W/20/3264847

FG/123/20/PL

Original Decision = Refused

Received: 13-05-21

Land at former McIntyre Nursery Littlehampton Road Ferring

Decision Level = Committee

Demolition of a polytunnel, storage building & scaffolders' shelters & racking, use of land for Class B8 container self-storage & the siting of 79 No. single-stacked storage containers, part regrading of the ground, new fencing, CCTV & lighting. This site is in CIL Zone 3 (Zero Rated) as other development & is a Departure from the Development Plan.

*Written
Representations*

PINS Ref: APP/C3810/W/21/3269319

FG/92/20/T

Original Decision = Refused

Received: 26-04-21

3 Lavender Court Ferringham Lane Ferring

Decision Level = Delegated

Fell 1 No. Himalayan Cedar

Informal Hearing

PINS Ref: APP/TPO/C3810/8172

FP/179/20/PL

Original Decision = Refused

Received: 10-05-21

7 Ambleside Close Felpham

Decision Level = Delegated

1 No 3 bedroom detached chalet bungalow. This site is in CIL Zone 4 and is CIL Liable as new dwelling.

*Written
Representations*

PINS Ref: APP/C3810/W/21/3273009

FP/184/20/PL

Rear of 7 Middleton Road Felpham

Original Decision = Refused

Received: 10-05-21

Decision Level = Delegated

Demolition of existing garage/outbuilding & construction of a pair of semi-detached houses & associated works. This site is in CIL Zone 4 & is CIL Liable as new dwellings.

**Written
Representations**

PINS Ref: APP/C3810/W/21/3269281

FP/189/20/PL

Original Decision = Refused

Received: 15-04-21

Land between 49 & 51 Summerley Lane Felpham

Decision Level = Delegated

1 No dwelling to replace existing garage. This site is in CIL Zone 4 and is CIL Liable as new dwelling.

**Written
Representations**

PINS Ref: APP/C3810/W/21/3268981

LU/257/20/HH

Original Decision = Refused

Received: 14-01-21

2 Meadow Way Littlehampton

Decision Level = Delegated

Two storey brick side extension under tiled roof

**Written
Representations**

PINS Ref: APP/C3810/D/20/3264683

P/1/21/PL

Original Decision = Refused

Received: 13-05-21

Land at Summer Lane Pagham

Decision Level = Committee

Material change of use of land from agricultural use to use for open space. This application is in part a Departure from the Development Plan, affects a Public Right of Way & is in CIL Zone 5 (Zero Rated) as other development.

**Written
Representations**

PINS Ref: APP/C3810/W/21/3270415

WA/79/20/PL

Original Decision = Refused

Received: 12-05-21

Spindlewood Yapton Lane Walberton

Decision Level = Delegated

Demolition of existing dwelling & erections of 8 No. new dwellinghouses with associated landscaping & parking (resubmission following WA/30/20/PL). This application is a Departure from the Development Plan & is in CIL Zone 3 and is CIL Liable.

**Written
Representations**

PINS Ref: APP/C3810/W/21/3269025

ENF/115/17

Received:

44 Christchurch Crescent West Meads Aldwick

Written Representations
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PINS Ref: APP/C3810/C/20/3249296

ENF/470/15/

Valhalla High Street Bognor Regis

Received:

Written Representations

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