



Public Document Pack

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Committee Manager – Jane Fulton (Ext 37611)

19 April 2022

PLANNING COMMITTEE

A meeting of the Planning Committee will be held in **Council Chamber at the Arun Civic Centre, Maltravers Road, Littlehampton BN17 5LF** on **Thursday 28 April 2022 at 2.00 pm** and you are requested to attend.

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

PLEASE NOTE: Where public meetings are being held at the Arun Civic Centre, to best manage safe space available, members of the public are encouraged to watch the meeting online via the Council's Committee pages.

1. Where a member of the public wishes to attend the meeting or has registered a request to take part in Public Speaking physically at the Planning Committee, they are to enter the Civic Centre via the front reception and then make their way up to the Council Chamber on the second floor and take a seat in the Public Gallery [the Blue Room].
2. Although Covid-19 restrictions have now eased, it is still *recommended* that all those attending take a lateral flow test prior to the meeting.
3. Those attending the meeting will *not* be required to wear a face covering. Masks will be made available at the meeting for those who may wish to wear one.
4. We request members of the public do not attend any face to face meeting if they have Covid-19 symptoms.

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

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

AGENDA

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

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

Members and officer should make their declaration by stating

:

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

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

DEFERRED ITEMS

- 5. **PREVIOUSLY DEFERRED ITEM CM/68/21/PL THE BALD KITCHEN, SITE OF FORMER BAIRDS FARM SHOP, CROOKTHORN LANE, CLIMPING BN17 5SN** (Pages 1 - 10)
- 6. **PREVIOUSLY DEFERRED ITEM CM/69/21/PL LAND AT NORTHWOOD FARM, YAPTON ROAD BN18 0HR** (Pages 11 - 30)

TREE APPLICATIONS

There are no applications for this meeting.

PLANNING APPLICATIONS

7. **P/155/21/RES LAND WEST OF PAGHAM ROAD, PAGHAM** (Pages 31 - 46)
8. **LU/30/22/PL 32 AND 33 MARINERS QUAY, RIVER ROAD, LITTLEHAMPTON BN17 5DA** (Pages 47 - 56)
9. **BR/285/21/PL REAR OF 73-75 ALDWICK ROAD, BOGNOR REGIS PO21 2NW** (Pages 57 - 74)
10. **BN/172/21/PL EASTERGATE PUMPING STATION, FONTWELL AVENUE, EASTERGATE PO20 3RZ** (Pages 75 - 86)
11. **BE/176/21/PL THE COTTAGE, SHRIPNEY ROAD, BOGNOR REGIS PO22 9PA** (Pages 87 - 114)
12. **AL/129/21/OUT LAND ADJACENT TO WOODGATE NURSERIES, LIDSEY ROAD, ALDINGBOURNE PO20 3SU** (Pages 115 - 148)
13. **AB/148/21/PL 7 CANADA ROAD, ARUNDEL BN18 9HZ** (Pages 149 - 162)

PLANNING APPEALS

14. **APPEALS LIST** (Pages 163 - 168)

OFFICER REPORT UPDATES

Will be circulated at the meeting.

BACKGROUND PAPERS

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

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

Contact Officers :

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 – [PART 8 - CP - Section 5 Filming Photographic Protocol](#)

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Report following a request for further information, negotiations or consultation

REF NO: CM/68/21/PL

LOCATION: The Bald Kitchen
Site of former Bairds Farm Shop
Crookthorn Lane Climping

PROPOSAL: Variation of condition following grant of CM/16/21/PL relating to Condition No 5 - opening hours. This application may affect the setting of a Listed Building.

This application was discussed at Planning Committee on 02-03-2022.

Following consultation with the Council's Solicitor it is apparent the voting process was not undertaken correctly. Councillors voted against the officer recommendation however they did not then take a second vote in respect of refusing the application and detailing the reasons. Therefore, this application has not been determined and is being returned to this Committee to vote on the reason for refusal.

The suggested wording for the reason for refusal is as follows:

'The extension of opening hours to 4pm on Sundays at the premises will result in the unacceptable loss of residential amenity from levels of noise and disturbance to the occupiers of The Cottage, Clymping Street from comings and goings of customers to the site in conflict with policies QE SP1 and QE DM1 of the Arun Local Plan.'

REPORT UPDATE

Application No: CM/68/21/PL

Reason for the Update / Changes

Reason for Update

One additional representation.

The application form states the proposal serves the public and the garden centre.

The Bald Kitchen and Arundel Gardener have both recently changed their opening hours. The Bald Kitchen closes at 5.00 pm Mon - Sat . The Arundel Gardener are now advertising that they will be open until 6.00 pm. (that is 6 hours that the drive thru has decided not to be in line with the garden centre's opening times. Similarly, they open 2 hours earlier than the garden centre Mon - Sat (2.5 hours earlier on Sunday). This means that the Bald Kitchen chooses to have more than 1/3 (20.5 hours) of their current opening hours different from the garden centre. These opening hours also differ from those of Maidenhead Aquatics. It is therefore a poor argument to suggest that these 2 extra hours on a Sunday should be approved so that all the businesses have the same opening hours.

When the original planning application was approved, last July, the Council granted certain opening hours to the proposal 'To safeguard the amenities of the neighbouring properties in accordance with Arun District Local Plan policies QE SP1.' The information put forward in the application report under the headings 'Principle', 'Impact on Highway Safety' and 'Residential Amenity' are exactly the same as when the Council set the opening hours last July. This means that either the department made an error then or this application needs to be refused. If the Council is aware of any information that wasn't available to the planning department when the first application was approved, it should elicit it now.

Particularly in the winter, those couple of hours on Sunday afternoon are the only daylight hours that the resident of the adjacent Listed house can have even a tiny piece of privacy from the business at the west end of the carpark. These two hours would make very little difference to the business but would have a huge impact on the mental well-being of the resident.

Officers Comment:

There is no additional information that was not made available to the Committee or planning department when the first application was approved, in terms of residential amenity or highway safety. The application has been submitted so the agreed opening hours can be considered further, particularly since the premises have now been operating for some time.

Members are advised that condition 8 of CM/16/21/PL in respect of boundary treatment has been complied with.

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

PLANNING APPLICATION REPORT

REF NO: CM/68/21/PL

LOCATION: The Bald Kitchen

Site of former Bairds Farm Shop
 Crookthorn Lane
 Climping
 BN17 5SN

PROPOSAL: Variation of condition following grant of CM/16/21/PL relating to Condition No 5 - opening hours. This application may affect the setting of a Listed Building.

SITE AND SURROUNDINGS

| | |
|----------------------------|---|
| DESCRIPTION OF APPLICATION | <p>Condition 5 of planning permission CM/16/21/PL states:</p> <p>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.</p> <p>Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun District Local Plan policies QE SP1.</p> <p>The proposal seeks to vary this condition by increasing the opening hours on a Sunday by 2 hours until 4pm. This would accord with the closing time of the garden centre.</p> |
| 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/16/21/PL | <p>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.</p> | <p>ApproveConditionally 22-07-21</p> |
|-------------|--|--|

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 are 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.

CM/16/21/PL was approved subject to other conditions which restrict delivery times and require provision of boundary screening. These conditions are unaffected by the proposal.

REPRESENTATIONS

Climping Parish Council - Objection.

- The premises is located 28m from a Grade 2 Listed cottage which is already impacted by the noise and odours from the site. Extending Sunday trading hours is unnecessary and would increase this impact.
- The drive-through already has more extensive opening hours than the garden centre.
- Concern remains regarding the impact the use is having on the safety of the A259.
- The application compromises the character of the local area (policy CPN4 of the Climping Neighbourhood Plan) and fails to respond and integrate with the local built environment (policy CPN11).
- It is noted that the planted screening is not in place & the notice to remove car wash canopy is not complied with.

Seven Objections.

- The facility has no toilets.
- The premises is already open longer than the garden centre.
- External lights are switched on by 6am or on all night.
- Alternative facilities are available in Ford.
- There has been no change that would make the reason for imposition of the condition invalid.
- The applicants claim they are serving the same customers as the Arundel Gardener and they would therefore like similar Sunday trading hours. At present The Bald Kitchen is allowed to open 77.5 hours a week. Of these hours, nearly half (34.5) are when the garden centre is closed so this is not a valid argument for longer working hours.
- The Bald Kitchen's main clientele are not Arundel Gardener customers.
- The occupants of the adjacent, Listed Building are already suffering increased noise and lack of privacy from the establishment of this business at the west end of the site. They deserve to have a few hours on a Sunday afternoon, free from this kind of intrusion.
- Maidenhead Aquatics (formally Bairds Farm Shop) has more suitable hours for a farm shop in a rural area and the Bald Kitchen should be aligned to these hours.
- The hours of 14:00 -16:00 on Sundays will also be the busiest resident visiting time for the dementia care home on the land directly behind The Bald Kitchen fast food site. The shared entrance/exit with the dementia care home will lead to vehicle queuing on the highway increasing danger on the A259.
- Would being open for an additional 2 hours on Sunday afternoons really make a substantial contribution to The Bald Kitchen's operating profit?

COMMENTS ON REPRESENTATIONS RECEIVED:

The applicant is not suggesting that their client base is the same as the garden centre. They are seeking agreement to the same opening hours on a Sunday to achieve consistency regarding the opening hours of uses at the site.

With regard to impact on residential amenity the consideration of an additional 2 hours opening on a Sunday should take account of the hours of operation of adjacent businesses.

The provision of toilets, the presence of similar alternative cafes and the current unauthorised use of lighting are not relevant to consideration of this application.

The other issues are addressed in the Conclusions section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
 Outside Built Up Area Boundary
 Within Settlement Gap

DEVELOPMENT PLAN POLICIES

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

| | |
|--------|---|
| DDM1 | D DM1 Aspects of form and design quality |
| DSP1 | D SP1 Design |
| EMPDM1 | EMP DM1 Employment Land: Development Management |
| 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.

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

The relevant policies in Climping Neighbourhood Plan have been considered.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

INTRODUCTION

This proposal seeks only to vary the hours of use of the premises imposed on CM/16/21/PL. All other matters remain as approved and do not form part of the consideration of this application.

PRINCIPLE

The cafe use of the site is established and operating and the principle of the intensification of the use as proposed by the variation of condition development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed are contained within Arun District Local Plan policy D DM1 which seeks to prevent development that would have an unacceptable adverse impact upon visual and residential amenities and local plan policy T SP1 which relate to parking and highway safety.

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 there is a 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.

IMPACT ON VISUAL AMENITY, SETTING OF LISTED BUILDING AND THE CHARACTER OF THE AREA

The variation of condition 5 will not have a materially greater impact on the character of the area to that already approved under CM/16/21/PL and would not materially increase the use of the development. This proposal does not increase the built form on the site and has no impact on the Settlement Gap and does not result in any greater harm to the setting of the adjacent Listed Building.

The development will not involve external alterations to the building and is acceptable in design terms in compliance with policy D DM1.

IMPACT ON HIGHWAY SAFETY

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

The proposal is for a small extension to the hours of operation of the cafe on a Sunday. This, when compared to the approved use of the access to the site to serve a retail use (currently aquatic sales), camp site and approved care home (once constructed), will result in minimal additional journeys. The Highway Authority previously confirmed in the initial application (CM/16/21/PL) 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. The additional hours of opening are compliant with policy T SP1 of the Arun Local Plan.

RESIDENTIAL AMENITY

There is permission (granted on appeal) 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 additional 2 hours of business on a Sunday between 2pm and 4pm will introduce additional activity later in the day, this has to be considered against the fact that the number of vehicles will not be substantial and other businesses at the site operate until 4pm which will generate noise and activity at the site in any case. The minor increase in noise will be against a backdrop of noise from vehicles traveling on the A259.

The means of enclosure on the southern boundary is currently being upgraded and will prevent vehicle headlights causing impacts outside the site. This should have been completed within 1 month of opening. 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. The Council's Environmental Health officer has raised no objection to this proposal.

Since the other restrictions of the use as approved under CM/16/21/PL will remain, the proposed variation of condition 5 would not have an unacceptable greater impact on residential amenity and

therefore complies with policy D DM1 of the Arun Local Plan.

SUMMARY

It is therefore considered that the proposal complies with the Development Plan policies and the NPPF and should be approved subject to the following conditions.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect private and family life) 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 application form states the proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 Condition 5 imposed under CM/16/21/PL is amended to read:

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 - 16.00 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.

- 2 INFORMATIVE: For the avoidance of doubt only condition 5 attached to CM/16/21/PL has been amended by this permission. All other conditions attached to CM/16/21/PL are required to be adhered to.
- 3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal

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

BACKGROUND PAPERS

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

CM/68/21/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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Report of the meeting of the Development Control Post-Committee Site
Inspection Panel held on 29-03-2022

REF NO: CM/69/21/PL
LOCATION: Land at Northwood Farm
Yapton Road
PROPOSAL: Flexible Generator Plant and associated infrastructure. This application is in CIL Zone 3 (zero rated) as other development and is a Departure from the Development Plan.

The report that went to the March Committee explained that 'Although the proposal is not for a form of renewable energy production, Policy ECC DM1 of the Local Plan is relevant in that it refers to proposals for both renewable and low carbon development.' It needs to be noted that this policy does not specifically include proposals for low carbon development so this policy is not relevant to this application which proposes lower carbon energy development in the form of a flexible gas fuelled power plant.

However, the connection that this proposal has with policies ECC SP1 and ECC DM1 and promoting renewable sources of energy is where the glossary to the National Planning Policy Framework defines low carbon technologies alongside renewable and low carbon energy, those that can help reduce emissions (compared to conventional use of fossil fuels).

This application was deferred from last Planning Committee on 02-03-22 to allow for receipt of additional information and for a site visit to be undertaken by Members.

The committee site visit took place on 08-03-2022. Councillors Chapman, Lury, Bower, Coster, Thurston and Worne attended.

Additional information has been provided by the applicant to address the matters raised by Members.

Members requested:

Photographs of similar installations.

These have been provided. Their nearest operational site is at Down Barn Farm, Boarhunt Road, Fareham. This is a larger site than the one proposed at Bilsham. A similar sized scheme is located at Arncott near Bicester.

Where is the nearest installation to the site?

The nearest operational site is at Down Barn Farm, Boarhunt Road, Fareham. This is a larger site than the one proposed at Bilsham. A similar sized scheme is located at Arncott near Bicester.

Where would the installation be connected to in terms of output of electricity? Is it to be used in connection with the solar power site at Bilsham?

The flexible generation project will connect via an 11 kV cable to the Bilsham Primary Substation located off Bilsham Road which will be undergrounded and owned by SSE. This is an independent connection to provide power to the local grid network and benefits the immediate region.

The site does not connect into the solar farm. It does however facilitate further penetration of renewables into the network, by providing temporary power during peak period or times of system stress.

Details of catalysers.

They do not typically install catalytic converters as they use 'Lean-burn' gas engines which operate at best-in-class electrical efficiency whilst achieving low emissions to air.

The agent has confirmed that the engines Conrad select are highly efficient at utilising natural gas within the engines to produce electricity. The engines have low exhaust emissions as referenced in their Air Quality Assessment which has demonstrated they are acceptable. In addition to the planning requirements, Conrad will be required to secure a permit from the Environment Agency under the Medium Combustible Plant Directive which will regulate emissions from the plant and require monitoring for compliance.

Does the proposed equipment comply with industry standards in respect of noise and emissions? Can we have a copy of manufacturer's specifications?

An engine specification sheet has been provided for information but there is no guarantee that this particular engine will be used as this may be subject to change when the engine is selected once planning permission has been secured. All equipment that is proposed to be installed will meet relevant industry standards/regulations and the requirements set out in the planning submission.

As part of the application noise and air quality assessments have been completed which assesses any potential impact from the proposals. Where necessary, mitigation has been incorporated to ensure this remains acceptable. With regard to air quality, the applicant will also have an obligation to secure a permit from the Environment Agency to operate the site. Initial monitoring of point source emissions (from the stack) has to be done within 4 months, then every 3 years.

The Government's Department for Business, Energy and Industrial Strategy Department document entitled 'Transitioning to a net zero energy system Smart Systems and Flexibility Plan 2021' states that 'The analysis also considered the scale of low carbon flexibility deployment that could be needed to ensure energy security as we transition to net zero, and the sources that could provide this flexibility. The need for flexibility will rapidly increase as variable renewable power replaces fossil fuel sources, and we electrify heat and transport.' The analysis referred to that concerning the role of flexibility in a net zero system. This shows the Governments support for low carbon technology as that proposed by this application.

REPORT UPDATE

Application No: CM/69/21/PL

Reason for the Update / Changes

Reason for Update/Changes:

Additional information from agent

- Levels of methane generated:

Methane will vary engine to engine. Emissions of methane will be sufficiently managed by the engines control systems. Post-planning consent and prior to operation, all generation plants will require an environmental permit which will ensure all emissions do not risk human health and environment. In addition, the submitted Air Quality Assessment confirmed that concentrations were predicted to be negligible at all locations. As such, overall impacts from emissions are considered to be not significant.

The applicant has recently undertaken monitoring of methane/unburnt hydrocarbon from 2 of their sites and the levels were well below any relevant benchmark limits. This suggested that regular maintenance in accordance with best practice for engines used in flexible generation, can be considered appropriate and proportionate measures in terms of controlling methane slip.

- Distribution of Sites.

The Applicant's site distributions proposed and active sites are located around the country in locations which have the energy demand and infrastructure to require and support the technology. Most sites are located in areas of higher population density/high-energy demand (e.g. outskirts of major cities, manufacturing hotspots) as a key aspect of the technology is to generate at the point of demand instead of several larger energy plants transmitting electricity across the country. By implementing this technology, it supports the transition to renewables by reducing the reliance on the larger generation plants to a point where we no longer require them and can rely on local renewable generation instead (solar/wind/storage and back-up flexible generation).

The flexible generation facility will provide back-up to the local grid network rather than a specific renewable site. Flex Gen sites work in conjunction with renewable technologies (solar/wind etc.) to ensure energy can be supplied at any time of demand.

At the local level the development proposals would provide support to the local grid network, thus increasing the viability of Arun employment and residential related development. At a local level, the strategic residential allocations in nearby Yapton, (SD7), Ford (SD8) and Climping (SD10) and any future growth in the established Rudford Industrial Estate, will rely on 'flexible power' to help meet the surging demands for reliable power.

The agent has provided third party contact details to companies who either approve of the applicant (Conrad Energy) or recommend the use of flexible generation:

1. UK Power Network (UKPN) support letter, who are the Distribution Network Operator (DNO) in East Anglia. The letter represents a third party organisation, an Distribution Systems Operator, recognising the need for technology that can resolve system issues e.g. voltage instability. They recognise the role of Conrad Energy in providing resilience as they are able to call upon them to support the local grid network. They also state that the need for this is triggered by "the increasing number of residential and

commercial developments, along with increasing demand on the network through the roll out of Electric Vehicles and increasing electrical demand generally", which is applicable to Arun.

2. National Grid. They state "In recent years, Great Britain has seen rapid growth in renewable electricity sources like wind and solar. Despite this, gas-fired power generation still provided approximately 42% of electricity demand in 2016. As we continue our journey towards a decarbonised energy future, gas-fired power stations alongside other balancing mechanisms will be increasingly expected to meet the variability associated with renewables. This change in requirement creates operational uncertainty that we need to quantify, to understand the risk it poses."

They go on to say "At certain times of the day we may need access to sources of extra power to help manage actual demand on the system being greater than forecast or unforeseen generation unavailability. Providers of the service help to meet the reserve requirement either by providing additional generation or demand reduction."

The agent has confirmed the applicant has a grid connection offer from the local distribution network operator (DNO), Scottish and Southern Electricity Networks (SSEN).

Electricity generation in the UK is transitioning from generation at large scale by major energy providers (nuclear, coal-fired, large CCGT) to a decentralised energy system with generation at a local level. The transition fully to renewable assets (and switch off major non-renewable power stations) cannot be done without having back-up technology that can meet this energy consumption at a local level at times when renewable generation is intermittent (think solar and wind being solely reliant on weather and season). Conrad Energy are actively developing battery and hydrogen assets with the ambition of running all gas turbines across the UK on a green hydrogen/natural gas mix, including the site at Ford.

The applicant has provided a letter of approval from DNO's accompanying the application which shows a site in East Anglia where UKPN highlight the need for flexible generation assets. Whilst this relates to another site in another DNO's region (UKPN), SSEN would likely be willing to provide a similar letter, however at such short notice this is not feasible.

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

PLANNING APPLICATION REPORT

REF NO: CM/69/21/PL

LOCATION: Land at Northwood Farm
Yapton Road
BN18 0HR

PROPOSAL: Flexible Generator Plant and associated infrastructure. This application is in CIL Zone 3 (zero rated) as other development and is a Departure from the Development Plan.

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| SITE AND SURROUNDINGS |
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DESCRIPTION OF APPLICATION The development comprises :

- 4 generator engines each housed within a container 17m by 5m and 4.5m height (including pipework 7m high). Each engine will have its own external transformer and its own radiator fan beside the container;
- 4m high CCTV columns;
- 1 Substation;
- 1 Switchgear room;
- Clean/waste oil tanks;
- 1 Amenity cabin and communications room measuring 12.2m by 2.4m, with a height of 2.5m;
- 1 Gas governor and metering kiosk;
- 2.4m high palisade fence around the perimeter of the site; and
- 4m high acoustic fence on northern boundary.

The colour of the infrastructure indicated on the elevation plans is holly green.

The compound will house up to four 'genset' containers and their individual transformers along with the other GRP cabins listed above. The generators are encased in a container.

The plant will operate an average of 4 hours per day up to a maximum of 3,000 hours per year.

The application is supported by an Ecology Assessment (EA), Air Quality Assessment (AQA), Noise Assessment (NA) and Landscape Appraisal.

SITE AREA

Approximately 1.34 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development. Tree planting has been carried out in the adjoining fields to delineate field boundaries.

BOUNDARY TREATMENT

Various fences and hedging.

SITE CHARACTERISTICS

The site is located on south west corner of the western most field closest to the TJ Waste and Recycling Centre.

Access is via the existing gateway on Yapton Road. There is an existing trackway comprising concrete hardstanding, which runs parallel to the old air strip/runway and services the TJ Waste and Recycling centre and Northwood Farm. It then loops round and connects to an existing lorry storage yard/parking area. The proposed flexible generation site will be accessed from this existing track just before it curves round to the concrete batching plant to the south. To the south of the site is the 'Ceasefire Cafe', which is associated with the Ford Rifle range.

The nearest residential properties Meadow Cottages are located over 250m to the north.

CHARACTER OF LOCALITY

Predominantly rural.

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| RELEVANT SITE HISTORY |
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|-------------|---|--------------------------|
| CM/29/21/AG | Application for Prior Notification for a grainstore incorporating a conditioning floor. | No Objection 28-06-21 |
|-------------|---|--------------------------|

CM/29/21/AG related to a grainstore which was 42.7m long, 15m wide and 8m high to the ridge located to the North of the proposed site.

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| REPRESENTATIONS |
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Climping Parish Council - Objection.

- The need is unproven. Not aware of any local power restrictions and cannot see how power exported to the National Grid can be considered of benefit to local residents.
- The site is adjacent to residential developments and will add to noise and disturbance to local residents who are already experience disturbance from TJ Waste and the cement batching plant. The fact that the application states that it will only operate at night in emergency situations acknowledges noise impact.
- The use of gas is not environmentally acceptable and is in short supply. Gas boilers are to be phased out for residential developments.
- The development is out of proportion for a rural village.

8 Objections.

- Does not protect the environment.
- The proposal would affect nearby residential properties and subject them to noise, light and environmental pollution.
- Inappropriate timing. Households are being encouraged to replace gas boilers in favour of greener options. This plan to build gas powered turbines is completely out of step with current thinking.
- Would involve turning agricultural land into an industrial site.
- This massive building would be situated on the edge of a residential garden, directly impacting on privacy and security, as well as the quality of the air.
- Potential to increase likelihood of theft.
- There will be an increase in noise pollution in this quiet residential / agricultural village location.
- Congestion of local roads.
- No evidence has been produced to support the case for the need for local power generation in this area. National Grid would look at renewables as the first call for power to balance the electricity needed.
- Methane is the primary component of natural gas. It poses a significant threat to the climate because of its greenhouse gas potency, natural gas contains other hydrocarbons that can degrade regional air quality and are bad for human health.
- The applicants air quality assessment is based on nitrogen dioxide measurements which mainly arise from traffic. There is no mention of methane or carbon dioxide in this report. The Air Quality assessment is irrelevant.
- ADC have declared a climate change Emergency. This application is not consistent with that declaration.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments made are noted and are addressed in the conclusions section of the report.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Landscape Officer - Objection.

Whilst the location does offer significant screening the proximity to proposed and existing residential properties should still be a consideration of any decision.

Further detail would need to be supplied regarding actual quantities of the heavy standard trees indicated for the embankment screening. It is suggested an element of smaller understory native planting is incorporated into this area. This would provide low level screening and would assist in the stabilisation of the embankment.

Fire Officer - Comment.

Potential issues with the proximity of the development to the nearest fire hydrant which is located, 425 metres more than the required 90 metres distance for a commercial property and accessibility by a fire engine.

Environmental Health Officer - No Objection.

Request conditions to cover noise and hours of construction.

Drainage Engineer - No Objection subject to conditions.

The application is within the Lidsey Treatment Catchment, therefore surface water drainage design should be carefully considered. Infiltration must be fully investigated.

County Minerals and Waste - No Objection.

It is not expected that the proposed infrastructure would have any impact upon the normal operation of the safeguarded waste facility.

County Highways - No Objection.

Request imposition of a condition in respect of a Construction Management Plan.

Ecology Officer - No Objection.

Request conditions relating to bats, nesting birds, hedgehogs and biodiversity net gain.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

The agents have responded to the fire officer's comments confirming the proposed site is one of their most accessible flexible generation sites. The width of the access road adjoining the site is over 10m (3.7m is required). The access is already used by HGVs accessing the adjacent waste and recycling plant. Acceptable space is provided to allow a crane to safely turn and operate within the site during construction and therefore access for a fire truck would be achievable. There will also be a water connection provided onsite.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary

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 |
| ECCSP2 | ECC SP2 Energy and climate change mitigation |
| ENVDM5 | ENV DM5 Development and biodiversity |
| EMPDM1 | EMP DM1 Employment Land: Development Management |
| TDM1 | T DM1 Sustainable Travel and Public Rights of Way |
| TSP1 | T SP1 Transport and Development |
| SDSP1 | SD SP1 Sustainable Development |
| QEDM3 | QE DM3 Air Pollution |
| QEDM1 | QE DM1 Noise Pollution |
| QESP1 | QE SP1 Quality of the Environment |
| INFSP1 | INF SP1 Infrastructure provision and implementation |

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

Clymping Neighbourhood Plan 2015 Policy CPN8 Protection of Trees and Hedgerows

Clymping Neighbourhood Plan 2015 Policy CPN14 Traffic and the Environment

PLANNING POLICY GUIDANCE:

| | |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework |
| NPPG | National Planning Practice Guidance |

SUPPLEMENTARY POLICY GUIDANCE:

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

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

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

The relevant policies of Clymping Neighbourhood Plan have been considered.

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| DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND |
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Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

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

The proposal is considered to comply with relevant Development Plan policies in that there would be no materially adverse impact on residential or visual amenity.

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

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

(a) the provisions of the development plan, so far as material to the application,

(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

BACKGROUND

The application proposes lower carbon energy development in the form of a flexible gas fuelled power plant. The glossary to the National Planning Policy Framework defines low carbon technologies as those that can help reduce emissions (compared to conventional use of fossil fuels). Although the proposal is not for a form of renewable energy production, Policy ECC DM1 of the Local Plan is relevant in that it refers to proposals for both renewable and low carbon development. The rise in renewable energy is widely supported in Government policy.

The proposal would provide support to the local grid network. The proposal would assist in the transition to low carbon electricity generation by providing backup at times when renewable energy generation is low. The flexible gas generators are proposed to prevent a 'lights out' scenario in the local area, whereby the demand for electricity exceeds available supply. The proposed development seeks to support the overall vitality and viability of the local economy by ensuring that a sufficient and reliable supply of electricity is available. National Energy Policy and Statements suggest that natural gas will continue to be required as a crucial part of energy supply until at least 2050.

PRINCIPLE AND SITE SELECTION REQUIREMENTS

The site lies outside the built up area boundary of Climping as defined in the Local Plan where Policy SD SP2 of Arun Local Plan states that development should be focused and permitted subject to consideration against other policies of the Local Plan. Policy C SP1 prevents development unrestricted to the needs of agriculture unless it accords with policy elsewhere in the plan related to the development proposed.

The development proposed, by its very nature, needs to be located outside the main residential areas. This site has been selected by the applicant because it meets the following criteria:

- It is sufficiently close to a medium or intermediate gas main for connection. In this case the proposed development is in close proximity to the nearby grid substation and available gas connection on Yapton Road;
- Proximity to a sufficient 11,000Kv electrical grid connection point;
- Sufficient space for the equipment and for safe and practical separation within the site for maintenance access;
- Good existing access arrangements; and
- Suitable separation distances from any air quality or Noise Sensitive Receptors (NSRs).

Policy ECC SP1 of the Local Plan considers climate change adaption and outlines how the Council will

support development which is located and appropriately designed to adapt to impacts arising from climate change. Policy ECC DM1 concerns renewable energy and requires schemes to contribute to the social, economic and environmental development and overall regeneration of the District. This proposal meets these criteria by helping to provide a constant supply of electricity supporting the role of renewables. The policy requires development to be located and designed to minimise adverse impacts to landscape and habitats as discussed below this proposal meets these aims and the impact on the landscape is assessed in the accompanying Landscape Appraisal. The proposal would integrate and supplement existing development and would assist in provision of electricity to the new approved homes in the area and demonstrates a suitable connection to the electricity distribution network. It is considered that the proposal is compliant with these policies and therefore accords with policy C SP1.

The Council's policy SD SP1 is an overarching policy that sets out a presumption in favour of sustainable development. It links to the objectives of the planning system to achieve sustainable development set out in the National Planning Policy Framework. The NPPF states that the economic role contributes "to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure" (paragraph 7).

Although the proposal relies on fossil fuel for energy generation, it can be considered sustainable as the overarching objectives set out in the Framework are broad. The economic objective would be satisfied, as the proposal would help to secure a sufficient and reliable source of electricity to support the local economy. Renewable forms of power rely on flexible dispatchable (used on demand) generation to safeguard security of supply locally, regionally and nationally. This is supported by an abundance of market research which forecasts significant growth of plant like that submitted in this proposal between now and 2030. The development proposals would also satisfy the social objective by providing secure employment. In terms of the environmental objective set out in the Framework, the proposal would not cause harm to the natural, built or historic environment as it is a small parcel of land that is well screened along its western / north western boundary by a new bund. In addition landscaping and the existing waste and recycling centre and Northwood Farm complex directly adjoins to the east / north east.

The National Planning Policy Framework (NPPF) does not include guidance on the specific type of energy generation proposed within this application but does include policy on renewable and low carbon energy developments. Paragraph 155(c) requires Local Planning Authorities to identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers. Paragraph 158(a) states that Local Planning Authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and approve the application if its impacts are (or can be made) acceptable.

Paragraph 152 of the National Planning Policy Framework states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

The Overarching National Policy Statement (NPS) for Energy (EN-1, Department of Energy and Climate Change, 2011) sets out National policy for energy infrastructure. Para 1.2.1 states that the NPS, 'is likely to be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended)'. EN-1 supports the transition to a lower carbon economy (para. 2.2.6). It also mentions the need to improve energy security (para. 2.2.6) and the importance of secure and reliable supplies of electricity from a diverse mix of technologies or fuels (para. 2.2.20). The NPS supports the move to renewables, but para 3.6.8 states: 'It is clear that there must be some fossil fuel generating capacity to provide back-up for when generation from intermittent renewable generating capacity is low and to help with the transition to low carbon electricity generation'.

The proposal would have local benefits and enable the continued growth of variable renewables. The proposal is therefore compliant with policies CSP1 and SD SP1 of Arun Local Plan and provides a supporting role to renewable energy in accordance with the aims and objectives of policies ECC SP1 and ECC DM1.

COMMERCIAL CONSIDERATIONS

The proposal follows the provision for new employment development in accordance with policy EMP DM1 of the Local Plan which supports new employment opportunities in the District. The development proposed would also support the planned growth in the District. Policy EMP DM1 allows for development outside the built up area boundary provided there are no alternatives within existing permitted or allocated sites, there is no detriment to highways, access, design and landscaping are acceptable for the location and the relationship with neighbouring properties is acceptable. The proposal meets these requirements as discussed below.

The applicant has 46 operational sites. The majority of the workforce are operations engineers. The applicant estimates 2 full time jobs will be created by the proposal. The proposed development is compatible with nearby employment uses and will indirectly help to facilitate and support investment and regeneration in the area.

RESIDENTIAL AMENITY

Policy QE SP1 of the Arun Local Plan requires all development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity. Policy D DM1(3) of the Arun Local Plan requires development to have a minimal impact to users and occupiers of nearby property and land. Policy QE DM3 refers to air quality.

An Air Quality Assessment has been submitted as part of the planning application. This has modelled the background air quality of the area and the predicted impacts on human and ecological receptors as a result of emissions from the plant. Overall it concluded that no significant air quality effects on human health or ecological receptors are likely to occur and therefore the proposals accord with Policy QE DM3 of the Local Plan.

Policy QE DM1 of Arun Local Plan requires noise generating development to demonstrate that there are no suitable alternative locations, that a noise report is submitted and that there is no adverse impact on areas within Arun valued for their tranquillity.

Noise levels generated by the proposal are typically at or below the measured background sound level in the area. The results set out in the Noise Impact Assessment identify that the operation of the scheme, as proposed, can occur without affecting the amenity of the closest residential receptors to the site during the daytime. In addition to the bund and landscaping, an acoustic fence is also proposed along the western / north western boundary and eastern side of the development and its provision is conditioned.

It is also noted that the generators will only operate for short periods and are more likely to operate during peak load hours only, when the demand for electricity is higher. The generators are located a considerable distance from any noise sensitive receptors (250m from the nearest residential dwellings) and the noise generated would take place against the backdrop of the existing Northwood Farm and the TJ Waste and Recycling Centre.

Environmental Health officers have assessed the documents submitted and have no objection to the proposal in principle subject to imposition of conditions in respect of compliance with the noise

assessment. Given that the generators will be housed in containers, the likely level of noise emissions, the context of the site and surrounding land uses it is not considered that the development will have an unacceptable noise impact and therefore it accords with policy QE DM1 of the Local Plan.

HIGHWAY CONSIDERATIONS

Arun Local Plan policy T SP1 seeks to ensure that development provides safe access on to the highway network and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

Policy CPN 14 of the Climping Neighbourhood Plan states that development which will have a detrimental impact on highway safety and the living conditions of residents will be resisted.

Access to the site would be via the northern entrance into the former Airfield. The existing access road will mainly be used during the construction period and thereafter for infrequent maintenance vehicles. During the construction period, the gas generators will arrive in 4 containers, each on an HGV and 5 lorries transporting the remaining GRP units and oil tanks. A crane will also be required to lift the containers from the HGVs and into position on the site. The remaining requirements for construction deliveries and plant will be very limited. When operational the site will generate very little traffic. In terms of maintenance the gas generator plant will generate 2 full time jobs (although they will not be permanently based at the site) and will require only routine 'check visits' to the site by the technicians, which will not require a vehicle larger than a light van.

County Highways have no objection to the proposal in terms of vehicle movements, access, highway safety or car parking. The proposal is not considered to have an adverse impact on highway safety or the living conditions of residents and would therefore comply with policy CPN 14 of Climping Neighbourhood Plan and policy T SP1 of Arun Local Plan.

VISUAL AMENITY

Policies D DM1 and D SP1 of Arun Local Plan (ALP) state that planning permission will be granted where development meets amongst other criteria, the highest standards of design, providing a high-quality living environment in keeping with the character of the surrounding area. The Arun Design Guide suggests development in rural areas respects and enhances this distinctive rural character. In addition, paragraph 130 of the NPPF requires developments to be visually attractive and sympathetic to local character. Government advice in section 12 of the NPPF indicates that design which is inappropriate in its context should not be accepted. Policy CPN 11 of Climping Neighbourhood Plan refers to quality of design and the need to protect and enhance local character as assessed by the Climping Character Assessment. Policy CPN 8 requires development proposals to be designed to retain trees or hedgerows of good arboricultural and amenity value. Trees, woodlands and hedgerows which are important to the generally open rural environment of the Parish are identified in the Climping Character Assessment.

The development will be 'industrial' in both character and appearance but also relatively simple and low key both in terms of appearance and activity. Construction of a large grain barn has been approved adjacent to the application site which will screen the flexible generator compound from any views from the north. To the west the new proposed bund with bolstered landscaping will screen any views from the open expanse of fields.

The design of the flexible gas generators is of no architectural merit, however the holly green colour will help blend the structure into the landscape. This colour is that most commonly used for electrical enclosures in the countryside as it is acknowledged that it assimilates well with rural surroundings.

The structures are tucked away in the south west corner of the open field which will be screened by a new bund and associated landscaping along its western boundary. This will screen views of the development when looking east from the open countryside. The Northwood Farm complex and the TJ Waste and Recycling centre are dominant features in the background. Direct views of the site looking west from Yapton Road will not be possible due to the various visual barriers including intervening vegetation and topography. The acoustic fencing provided along the northern boundary and on the western side of the compound would either be screened from view by the landscaped bund or viewed with it as a backdrop. The Landscape Section plan indicates the planting on top of the bund would exceed the height of the fencing.

The proposed development will not be viewed as an isolated feature in the countryside as it is relatively close to the existing building group (130m to the north and 180m to the east) and former airfield directly to the south and to the approved concrete batching plant to the east which was approved under CM/6/18/PL and is still to be implemented. Careful siting and appropriate landscaping will mean that the infrastructure is assimilated into the appearance of existing buildings. No new internal road is required as the existing road and access arrangements will be utilised.

Landscape mitigation is being offered which seeks to make sure all existing trees and maturing vegetation to the western boundary of the site is maintained and protected. Retention of existing hedging accords with policy CPN4 of Climping Neighbourhood Plan. A landscape bund along the western edge of the site which will be supplemented by tree planting and species rich grassland will further soften the appearance of the energy compound and its boundary treatments from external viewpoints to the north-west of the site and the proposed planting will provide improvements that complement existing native hedgerows and trees. Submission of a full landscaping scheme is conditioned to be provided.

The design of the proposed structures accords with this countryside location, by replicating the appearance of modern farm structures, in accordance with the NPPF, ALP policies D SP1 and D DM1 and policy CPN 11 of Climping Neighbourhood Plan.

ECOLOGY

Policy ENV SP1 of Arun Local Plan confirms that Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. Where possible it shall also promote the creation of new areas for habitats and species. Policy ENV DM5 of the Arun Local Plan seeks a net gain in biodiversity.

An ecology assessment supports the planning application which concluded that the most suitable area for protected species was a strip of poor semi improved grassland to the west of the site boundary. However, this area is isolated with arable land on all sides thus restricting the movement of any animals into and out of the site. Furthermore, as there are no trees within the site boundary and it is made up of bare ground, there is no suitable habitat for nesting birds. Trees planted within the strip of poor semi-improved grassland are not suitable to support roosting bats or nesting birds and no evidence was found during the ecological surveys.

There is a field drain present to the west of the site within the grassland area and no evidence of water vole was found during the survey and the ditch is isolated, restricting the movement of animals. Overall the site was assessed as providing low suitability to support protected species.

Subject to conditions relating to enhancements, as suggested by the Ecology Officer, the proposals would adequately protect ecology and result in net biodiversity gains, in accordance with policy ENV

DM5 of the Arun Local Plan.

DRAINAGE

Policy W DM3 of Arun Local Plan seeks to increase the levels of water capture and storage and improve water quality by ensuring all development identifies opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS). Policy CPN 11 of Climping Neighbourhood Plan refers to adoption of the principles of sustainable urban drainage.

The site is located within Flood Zone 1 indicating a low probability of flooding from tidal and/or fluvial sources, but lies within the Lisdsey catchment area. The Council's Drainage Engineers have no objection to the proposal, subject to imposition of appropriate conditions.

The proposals would have an acceptable impact on flood risk and with the use of appropriate conditions surface water drainage can be increased in accordance with the NPPF, policy W DM3 of the Local Plan and policy CPN11 of the Neighbourhood Plan.

CONCLUSION

The proposal would ensure the provision of a local electricity supply whilst complying with the Development Plan policies and the NPPF. It should therefore be approved subject to the following conditions.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect private and family life) 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 Plan - Drg No. 20014-LP-002;
Proposed Site Plan - Drg. No. 20014-PL-004;
Proposed Site Plan - Drg. No. 20014-PP-005;
40 ft Large Amenity Cabin - Drg. No. CEL-STD-AMENL-540;
Timber Acoustic Fence - Drg. No. CEL-STD-AF-730;
CCTV Column - Drg. No. CEL-STD-CCTV-800;
Generator Ground Mounted Radiator - Drg. No. CEL-STD-GEN-361;
Gas Kiosk - Drg. No. CEL-STD-GK-400;
Oil Tank - Drg. No. CEL-STD-OT-600;
Metal Palisade Fence - Drg. No. CEL-STD-PF-G-700;
GRP Substation - Drg. No. CEL-STD-SUB-SSE-220;
Switch Room - Drg. No. CEL-STD-SW-100;
Transformer - Drg. No. CEL-STF-TX-150
Auxiliary Transformer - Drg. No. CEL-STD-TX-160

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 installation of any part of the plant a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development shall be submitted to, and approved by, the Local Planning Authority. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 4 The development shall proceed in accordance with the document entitled 'Bilsham Power Plant STOR, Burndell Noise Assessment for Planning Application' (dated 20th October 2021) produced by 'in Acoustic' with night-time operations shall limited to emergency scenarios only. The 4m high acoustic fence detailed in section 5.1.2 of the document shall be provided before the use of the site commences and shall be retained in perpetuity.

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

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

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

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

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

Reason: In the interests of highway safety and the amenities of the area in accordance with policy T SP1 of the Arun Local Plan. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

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

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

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

condition to protect existing watercourses prior to the construction commencing.

- 9 Prior to first use of the development hereby approved, a Biodiversity Net Gain Plan (setting out the proposed biodiversity enhancement measures to ensure Biodiversity Net Gain on site) shall be submitted to and approved in writing by the Local Planning Authority. These measures shall include a hedgehog box, a bat box installed on the building onsite facing south/south westerly positioned 3-5m above ground, bird boxes, replacement at a ratio of 2:1 to those removed, wildflower meadow planting, filling any gaps in tree lines or hedgerows with native species, grassland areas managed to benefit reptiles, log piles and gaps included at the bottom of any fences to allow movement of small mammals across the site. The agreed enhancements shall be installed prior to first use and the approved measures shall be retained in perpetuity.

Reason: To ensure the proposals result in a net gain in biodiversity, in accordance with the Environment Act, the National Planning Policy Framework and policy ENV DM5 of the Arun Local Plan.

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

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.

- 11 **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.

- 12 **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.

- 13 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in

accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 14 INFORMATIVE: The 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.

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| BACKGROUND PAPERS |
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[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/69/21/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/155/21/RES

LOCATION: Land West of Pagham Road
Pagham

PROPOSAL: Approval of reserved matters (layout, scale, appearance and landscaping) following outline consent P/140/16/OUT for the 'local centre' parcel which comprises of retail, community and commercial uses, 20 No residential apartments and a 70 bed care home.

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| SITE AND SURROUNDINGS |
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| DESCRIPTION OF APPLICATION | The application seeks reserved matters approval for layout, scale, appearance and landscaping for the Local Centre following outline approval P/140/16/OUT. |
| SITE AREA | 3.91 hectares |
| RESIDENTIAL DEVELOPMENT DENSITY | N/A |
| TOPOGRAPHY | Predominantly flat. |
| TREES | None of any significance affected by the proposed development. |
| BOUNDARY TREATMENT | Mature trees are situated along the eastern boundary of the site adjacent to Pagham Road. Some additional screening is present along the northern boundary of the site, which also features a drainage ditch. The eastern and southern boundaries of the site are open. |
| SITE CHARACTERISTICS | The site comprises an open, flat agricultural field to the west of Pagham Road. |
| CHARACTER OF LOCALITY | Residential development is present to the east of the site with Pagham Village Hall located to the north. The site is surrounded to the north and south by further agricultural fields with pasture located further to the east. The agricultural fields which surround the site form part of Pagham South strategic allocation. |

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| RELEVANT SITE HISTORY |
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| P/140/16/OUT | Outline application for access only - mixed use development comprising of up to 400 dwellings, a care 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 | App Cond with S106 22-11-18 |
|--------------|---|--------------------------------|

the site to the Pagham Harbour Cycle Route & other community uses including public open space & allotments with some matters reserved.

The site benefits from outline planning permission under reference P/140/16/OUT with all matters reserved save for access.

REPRESENTATIONS

PAGHAM PARISH COUNCIL - OBJECTION

- Views of St Thomas A Becket Church are not respected.
- Design is very poor - too much red brick and buildings too high.
- Lack of respect for the village design statement.
- Comments in respect of the Brent Geese mitigation land which falls outside the scope of this RM application and will be controlled through discharge of the relevant condition.
- Drainage as proposed will not work.

45 Letters of objection were received. A summary of which is set out below:

- Proposals will destroy habitat.
- Population is the problem and that is what should be addressed, not houses.
- The application should go through the whole planning process again.

In addition to the above the following matters were raised which fall outside the scope of what can be considered through the determination of this reserved matters application:

- Road are busy enough without having more traffic/pollution and strain on infrastructure.
- Proposals will adversely impact upon the nature reserve and the community with more flooding and traffic.
- Proposal allow for houses to built on agricultural land.
- Local road network is not fit for purpose.
- There is no local school.
- Southern Water do not have sufficient capacity to handle the waste that this development will produce.
- Proposals would constitute over development.
- Drainage is not fit for purpose.
- Development should be located elsewhere on Brownfield land.
- Residential development will impact upon tourism.
- Loss of Agricultural Land
- There is insufficient healthcare provision to meet the needs of the development.

SUSSEX ORNITHOLOGICAL SOCIETY

- Objects because of uncertainty about whether Southern Water can handle the increased foul water volumes that would result from this development, and the risk of increased sewerage overflows into Pagham Harbour SPA.
- Concern with the lack of progress in developing mitigation plans to compensate for the loss of Brent Geese foraging.

COMMENTS ON REPRESENTATIONS RECEIVED:

A number of representations have reference the Brent Geese Mitigation Strategy. However, this matter is the subject of condition and must be discharged prior to commencement of development. Therefore, this

is not a matter for approval at this time and as such will need to be considered through the discharge of the condition.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SUSSEX POLICE

General comments provided in respect of secured by design.

ECOLOGY

- The Ecological Survey Summary Report (2021) identified the presence of new protected species using the site, some of the key mitigation is requested here to ensure the effectiveness of the mitigation strategy.
- Request that the scheme provide information in respect of the design and installation of external lighting.
- A habitat enhancement strategy to mitigate for the loss of brent geese habitat for the development area, and enhance this zone for SPA bird species in line with Natural England Guidance.
- Construction Environmental Management Plan (CEMP) and Landscape and Management Plan (LEMP) should be provided.

WSCC HIGHWAYS

- A Stage One Road Safety Audit should be provided.
- Consideration should be given to the needs of the school site or school safety zone features.
- The raised features should be combined to create a single feature across the frontages of the school/community use.
- A servicing management plan should be secured through condition.
- It is unclear how the number of parking spaces to serve the care home has been derived. The transport statement and site layout refers to 5% of spaces being for disabled users. However, there is no disabled parking for residents or visitors of the care home.

WSCC HIGHWAYS FURTHER COMMENTS

- No objection subject to conditions relating to car parking, cycle parking, servicing management plan and construction of the access road.

WSCC FIRE AND RESCUE

- Condition requested to secure additional fire hydrant(s) for the proposed development.

ENVIRONMENT AGENCY

- No objection.

WSCC LEAD LOCAL FLOOD AUTHORITY

- No comments in respect of these reserved matters.

HOUSING STRATEGY AND ENABLING MANAGER

- Object to the application as it does not meet the Council's affordable housing requirements.

SOUTHERN WATER

- No objection to the reserved matters layout, scale, appearance and landscaping.
- The submitted drainage layout is acceptable to Southern Water.

NATURAL ENGLAND

- No objection - based on the plans submitted, it is considered that the proposed development will not have significant adverse impacts on designated sites and has no objection.

DRAINAGE ENGINEER

Holding Objection

- The proposed discharge rate is too high. The calculation of discharge rates should be based upon the positively drained area. Revised greenfield runoff rate calculations should be supplied.
- Ordinary watercourse land drainage consent is required for all new outfalls and for proposed culverts.
- FEH2013 rainfall data must be applied to calculations.
- Surcharged outfalls should be applied to calculations. The surcharged outfall levels should be set to adjacent top of bank level.
- A minimum of two perpendicular cross sections per basin must be supplied.
- We note that a number of trees are proposed in close proximity to drainage features. Root potential areas must not conflict with surface water drainage features.
- We would also like to highlight that a full winters groundwater monitoring will be required, even for an attenuation scheme. Peak groundwater level at attenuation features should be established and used in design to evidence that flotation is adequately accounted for in design.

ENVIRONMENTAL HEALTH

- Whilst there is no objection in principle to the proposed layout, scale, appearance and landscaping we anticipate further details of conditioned matters in relation to: External Lighting, Construction Management, Provision of Electric Vehicle charging points.

CONSERVATION OFFICER

- The development will not impact the setting of most of the listed buildings bar The Parish Church of St. Thomas a Becket, and as a consequence, there is no harm to the overall significance of the majority of the heritage assets. The impact to The Parish Church of St. Thomas a Becket is considered to be less than substantial harm, on the lower end of the scale.

COMMENTS ON CONSULTATION RESPONSES:

Comments in response to Ecology:

- A condition has been included as part of the recommendation to secure details of lighting and ensure no harm to bats.
- Existing conditions on the outline permission (P/140/16/OUT) and associated S106 will secure details of construction, environmental and landscape management.
- The habitat enhancement strategy to mitigate for the loss of brent geese habitat will need to be dealt with through the discharge of Condition 30 on the outline permission. It is not a matter for consideration through the determination of this reserved matters application.
- A condition has also been imposed which requires trenches to be covered and pipes capped at night to ensure that mammals and other animals do not become trapped.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

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

- AHSP2 AH SP2 Affordable Housing
- DDM1 D DM1 Aspects of form and design quality

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|--------|---|
| DDM2 | D DM2 Internal space standards |
| DSP1 | D SP1 Design |
| ENVSP1 | ENV SP1 Natural Environment |
| HDM1 | H DM1 Housing mix |
| HDM2 | H DM2 Independent living and care homes |
| HERDM1 | HER DM1 Listed Buildings |
| HERSP1 | HER SP1 The Historic Environment |
| HSP1 | HSP1 Housing allocation the housing requirement |
| HSP2 | H SP2 Strategic Site Allocations |
| HSP2A | HSP2a Greater Bognor Regis Urban Area |
| RETDM1 | RET DM1 Retail development |
| TDM2 | T DM2 Public Parking |
| WDM2 | W DM2 Flood Risk |
| WDM3 | W DM3 Sustainable Urban Drainage Systems |

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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|-------|--|
| PDS | Pagham Parish Council's Village Design Statement by PaghamPC |
| SPD11 | Arun Parking Standards 2020 |
| SPD13 | Arun District Design Guide (SPD) January 2021 |

POLICY COMMENTARY

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

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it results in a development of an appropriate scale, layout and appearance which is not harmful to the character & appearance of the area, the amenities of existing residents or the existing road and public footpath network.

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

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

The proposal affects the setting of nearby Grade II Listed buildings and section 66 (1) 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 section 66 (1) and this has been considered in further detail in the conclusion below.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

The application seeks to secure reserved matters approval for appearance, landscaping, layout and scale. These are the only matters for consideration through the determination of this application. All other matters were considered through the granting of permission P/140/16/OUT with conditions included in relation to the following matters which will require discharge prior to the commencement of development:

- Materials and Finishes (Condition 5);
- Arboricultural Method Statement and Tree Protection Plan (Condition 9);
- Surface Water Drainage (Condition 10, 11 and 12);
- Foul Drainage (Condition 13);
- Ecology (Condition 15);
- Construction Management Plan (Condition 17);
- Employment and Skills Plan (Condition 20);
- Climate Change and Renewable Energy (Condition 24);
- Travel Plan (Condition 26);
- Archaeology (Condition 27);
- Electric Vehicle Charging (Condition 29); and
- Pagham Harbour SPA (Condition 30).

PRINCIPLE

The principle of the proposed development has been established by outline permission P/140/16/OUT which granted planning permission for up to 400 dwellings, a care home with up to 70 beds, a Local Centre comprising up to 2000sqm of A1/A2/A3/D1/sui generis floorspace with two points of access from Pagham Road. The outline planning permission established the principle of development and considered matters of flood risk, impact on wildlife, loss of agricultural land, countryside location, foul drainage, flood risk and the provision of affordable housing, public open space, children's play and other related infrastructure.

This outline approval relates to the Pagham South Strategic Allocation with this application relating to the Local Centre and care home only.

COMPLIANCE OF THE PROPOSAL WITH OUTLINE CONDITIONS

Condition (3) states that development shall be carried out in accordance with approved plans which consist of

Location Plan - dwg no. DLA.1731.L003.03;
Red Line Boundary - DLA.1731.L003.01;
Proposed Northern Site Access - 1616/01 Rev L; and
Proposed Southern Site Access - 1616/02 Rev K.

In this case the development accords with the plans approved under reference P/140/16/OUT in so far as it relates to the proposals.

Condition (6) required that a Design Code Masterplan be approved prior to the submission of the Reserved Matters application and that the development then be prepared and carried out in accordance with the approved details. The Design Code in relation to the site was approved under reference P/83/21/DOC. The proposed development in this case accords with the Design Code.

Condition (7) required any Reserved Matters application to be accompanied by details concerning landscaping and layout particulars in relation to trees. The proposed application accords with the requirements with Condition (7) and this will be considered in more detail later in the report.

LAYOUT, APPEARANCE AND SCALE

Arun Local Plan policies D DM1, D SP1 and LAN DM1 are relevant in respect of design and character. In addition Policy AH SP2 seeks to ensure that affordable housing is visually indistinguishable from market housing and that layouts avoid large clusters of affordable dwellings.

The National Design Guide (NDG) is a material consideration in the determination of this application as well as the Arun Design Guide. The application has been prepared in accordance with the Design Code, approved through the discharge of Condition 6, which was itself prepared and assessed against the requirements of the Pagham Village Design Statement, NDG and Arun Design Guide as well as the parameter plans approved through P/140/16/OUT.

The design code in respect of the Local Centre identifies that the key aims for the design of this character area were:

- Designed to promote connectivity with existing communities as well as the wider residential development;
- Strong pedestrian routes through the Local Centre that a legible and prioritise pedestrians;
- A clear hierarchy of streets; and
- Create a strong sense of place with high quality public realm spaces integrated in key areas to allow people to meet and socialise.

In addition to this a precedent study was undertaken which identified the following key features:

- Traditional-style architecture to match with the rest of the development and the wider context of Pagham;
- Long stretches of facade broken up by features such as gables;
- School and community-focused buildings to be of a sympathetic materials, but may deviate in

architectural design; and

- Commercial buildings to be easily identified and have good street presence.

The applicants entered into pre-application discussions with the Local Planning Authority and presented the early proposals at the Pagham Advisory Group. Comments were provided by the LPA in respect of these early proposals with the design being amended to address those concerns. These comments related to the legibility and ease of navigation through the site through the creation of strong pedestrian links from north-south and east-west. In addition, the LPA wanted to see the inclusion of public realm spaces for people to socialise as well as the provision of private amenity space to meet the needs of future residents.

In response to these comments the applicants have amended the proposals by strengthening the pedestrian routes through the site and simplifying the parking arrangements. Additional, spaces within the public realm have been provided to facilitate outdoor socialising whilst balconies and private amenity space has been identified for the flats.

The proposed scale of the development is in accordance with the parameter plans approved through the determination of P/140/16/OUT as well as that identified through the Design Code. The height of the building immediately adjacent to Pagham Road has been reduced following a request by officers in order to provide more of a transition in scale from Pagham Road.

The scale of the development in this case is appropriate and ensures that the Local Centre will appear in keeping with the existing scale of development whilst providing a focal point for existing residents and the new development. The proposed scale will ensure that the development provides a strong frontage to the main spine road, with a lower scale of development on the northern boundary providing a transition towards the village hall.

The buildings have been designed to accord with the requirements of the approved Design Code, incorporating traditional design features and materials which have are appropriate. The roof forms are traditional in design, incorporating gables as key features with hipped ends.

Therefore, by virtue of the proposed developments accordance with the Design Code, the proposals would accord with the requirements of the NDG and Arun Design Guide as well as policies D DM1, D SP1, LAN DM1 and AH SP2 of the Arun Local Plan.

PUBLIC OPEN SPACE & PLAY

ALP policy OSR DM1 and HWB SP1 are relevant. The Council's supplementary planning document (SPD) 'Open Space, Playing Pitches, Indoor and Built Sports Facilities' (January 2020) sets out specific requirements for on-site public open space (POS) and play provision.

The application relates solely to the Local Centre of the proposals with the design code identifying that the majority of open space provision to address the needs of the allocation would be provided elsewhere. The application proposes a total of 660sqm of informal open space which falls below the requirements of the open space SPD. Given the predominantly commercial nature of this part of the site the open space provision is satisfactory.

The wider allocation will provide additional open space provision in accordance with the details of the outline planning approval (P/140/16/OUT) which will also address the needs of future occupiers. Therefore, the proposals accord with OSR DM1 and HWB SP1 of the Arun Local Plan.

LANDSCAPING & TREES

ALP policies D DM1, LAN DM1, D SP1 and ENV DM4 are relevant to consideration of landscaping and

trees.

The application was accompanied by a Arboricultural Method Statement which identifies the trees intended for removal. This is in line with the details previously approved through the determination of P/140/16/OUT and as such is acceptable. In addition to this tree protection measures are identified with development located outside of the Root Protection Areas (RPA) of trees to be retained.

A number of trees to the east of the application site are the subject of a Tree Preservation Order (TPO) under reference TPO/P/3/19. The proposals will not adversely impact upon the health or retention of these trees.

The application is accompanied by detailed landscape drawings which show the landscaping details also proposes additional tree planting throughout the site which will help to soften to built form. In this case the proposed landscaping scheme is considered to be fitting for the location and type of development.

Sufficient information has been provided to conclude that the landscaping proposals are acceptable and in accordance with policies D DM1, LAN DM1, D SP1 and ENV DM4 of the ALP.

HERITAGE

ALP policies HER SP1, HER DM1 and HER DM4 are relevant to the consideration of impacts of the development upon heritage. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant and these are set out in full in the "Development Plan Background" section above.

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

Separately, in respect of non-designated heritage assets, it is necessary to refer to the guidance in para 203 of the NPPF. This states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The heritage impacts were considered at outline stage where it was identified that the proposed development would preserve the setting of nearby designated heritage assets. This application has been accompanied by a Heritage Impact Assessment (HIA) which considered the significance of heritage assets in accordance with paragraph 194 of the NPPF. The HIA concluded that the proposed development would not result in any harm to the character, setting or significance of any designated or non-designated adjacent heritage assets.

This application has been the subject of consideration by the Council's Conservation Officer who has identified and assessed the significance of heritage assets that could be affected by the Proposals. It has been concluded that the development would not impact upon the setting of nearby listed buildings, with no harm identified to the overall significance of the heritage assets, with the exception of The Parish Church of St. Thomas a Becket.

In the case of the Parish Church of St. Thomas a Becket the proposals would result in less than substantial harm, on the lower end of the scale. As such, it is necessary to weigh the harm against the

public benefits that the development may provide. In this case the proposal will;

- Provide 20 homes to contribute towards the Council's current housing land supply shortfall;
- Provide new affordable housing;
- Provide 1,660sqm of E(a), E(b) E(c), E(e), E(f) and F1 floor space to support existing and new residents;
- Provide a new 70 bed care home to meet the needs of the elderly;
- Provide contributions and other infrastructure improvements as set out in the S106 Agreement for application P/140/16/OUT;
- Either create new construction jobs or help to maintain existing ones; and
- Result in additional spending by new residents on goods and services including within the local area.

The public benefits are of a level that the identified 'less than substantial harm' to the Parish Church of St. Thomas a Becket can be outweighed as such the proposals are in accordance with the NPPF guidance and compliant with the relevant development plan policies.

The Council's Archaeologist has been consulted in respect of this application but has not provided any comments. However, the potential for archaeological interests at the site was considered at outline stage and Condition 27 imposed on P/140/16/OUT. This condition requires the applicant to secure the implementation of a programme of archaeological work and it is considered that this condition is sufficient to ensure that any archaeological interest is identified and recorded.

The Barton Close Area of Character (AOC) is located approximately 200m to the north of the application site. It is identified that upon entering Barton Close, a single track is bordered by grass verges, with a semirural enclave created. Established hedges, cleft oak fencing and the grass verges are distinguishing features of the rural character, with the pond in the grounds of Barton Granary being an attractive focal point.

The impact of development upon the AOC was considered through the determination of P/140/16/OUT where it was identified that there would be little indivisibility between the site and the AOC. Policy HER DM4 relates to development within the AOC and as such is not applicable to the determination of this application. However, the impact of the development upon the AOC has been reviewed and there will be no harm to the setting or significance of this non-designated heritage asset.

In respect of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, whilst the setting of the Parish Church of St. Thomas a Becket will be subject to less than substantial harm, this harm can be outweighed by the strength of the public benefits. Furthermore, no harm has been identified to any non-designated heritage assets. Therefore, the proposed development will accord with policies HER SP1 and HER DM1 of the Arun Local Plan.

HOUSING MIX

ALP policy H DM1 provides for a mix of housing to meet local needs and requires all housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. The policy preamble (12.2.4) acknowledges that the final mix will be negotiated on a site by site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

The application includes 20 residential properties all of which are to be provided above the commercial uses. Therefore, the housing mix is proposed to consist of 18 x 2b4p and 2 x 1b2p flats. Therefore, whilst the proposed development does not include family sized accommodation it would be inappropriate to do so as part of the Local Centre. The housing mix as proposed is a deviation from that identified through the SHMA but given the nature and function of this portion of the strategic allocation the mix as proposed

is appropriate.

AFFORDABLE HOUSING

The original submission failed to identify any affordable housing provision and an objection was raised by the Council's Housing Strategy and Enabling Manager. However, the submitted plans were amended with the 6 no. flats contained within Block B identified as affordable units, resulting in a 30% provision of affordable housing. This aligns with the requirements of the S106 signed in association with outline planning permission P/140/16/OUT. The S106 required a tenure split of 80% Affordable Rented and 20% Intermediate Housing. The agent has confirmed that the affordable housing will consist of 5 Affordable Rented and 1 Intermediate Flat. Therefore, the proposed affordable housing provision will align with the detailed agreed at outline stage.

RESIDENTIAL AMENITY

ALP policies D DM1 and QE SP1 are relevant to the consideration of amenity. The Council's Design Guide sets out guidance in respect of the interface distances between residential windows. In this case the flats would at their closest points be approximately 20m apart, which is sufficient separation distances to avoid any unacceptably adverse overbearing or overlooking impacts. The proposals are also sufficiently distant from any existing residential buildings so as to avoid any unacceptable adverse harm.

All of the dwellings proposed in this case accord with the Nationally Described Space Standards in terms of their internal floor areas. The flats contained within Blocks B and C feature balconies which will ensure future residents have access to private amenity space. The smallest balconies proposed have an area of 3.6sqm which exceeds the minimum requirements of 3sqm identified through the Arun Design Guide. Block A features balconies on two of the 8 flats contained within the block and these again exceed the requirements within the Arun Design Guide. But in lieu of balconies a private roof terrace is proposed for residents which will measure approximately 92.45sqm which is considered to be of sufficient size to meet the needs of residents.

The application also proposed a cafe on site and it is unclear how this and other retail/commercial uses are intended to be operated. Therefore, a condition has been included to ensure that details of equipment for the movement of air are submitted to and approved by the Local Planning Authority to ensure no adverse impacts on the amenity of future occupiers.

The proposals accord with policies D DM1 and QE SP1 of the ALP and as such the development will not result in any adverse impacts upon existing residents or future occupiers of the site.

PARKING, ROADS AND PUBLIC FOOTPATHS

ALP policies T DM1 and T SP1 are relevant as well as the adopted Arun Parking Standards SPD. The initial advice from WSCC is summarised above where they have requested the submission of a Road Safety Audit as well as further information concerning disabled parking, the needs of the school site and the design of the raised features on the spine road.

This additional information was submitted by the applicant and was the subject of further consultation with WSCC as Local Highway Authority who have raised no objection to the proposals subject to the imposition of conditions concerning car parking, cycle parking, provision of a servicing management plan and construction of the access road in accordance with the proposed details.

The application would provide 149 spaces, of which 102 would be associated with the retail/commercial uses, and 44 are specifically for residential use. A total of 25 spaces are provided in association with the 70 bed care home, with 5% of the total parking provision as disabled car parking spaces. In addition 20% of the parking spaces will feature electric vehicle charging. The parking provision is in accordance with the Arun Parking Standards SPD and as such is acceptable.

The road widths align with the objectives of the design code with the main spine road being 7.3m in width, whilst the roads within the Local Centre will primarily measure 6m in width.

Therefore, subject to the proposed conditions the development as proposed would accord with Policy T DM1 as well as the Parking Standards SPD.

WASTE MANAGEMENT

Policy WM DM1 of the ALP is relevant but in this case there are no issues with refuse vehicles access the site with the layout having been designed to provide service vehicle access to the retail/commercial uses. Bin stores are provided for both the retail/commercial uses as well as the residential properties in accordance with the Arun Design Guide. Overall, the application achieves sufficient provision for the storage of waste and that collection is possible for all uses such that there is no conflict with the requirements of policy WM DM1.

SURFACE WATER DRAINAGE

Surface water drainage is covered by conditions 10, 11 and 12 imposed on the outline planning permission and will need to be agreed through the discharge of conditions. However, the Council's Drainage Engineer has been consulted and has raised a holding objection. A technical response has been provided by the applicant drainage engineer and whilst the Council's Engineer has been consulted no updated comments have been provided. However, these details will need to be agreed through the discharge of relevant conditions imposed on the outline permission not through the determination of this application.

Should it not be possible for drainage to be accommodated alongside the proposed layout then the applicant will not be able to implement the proposed layout. On this basis, this reserved matters application can be determined without the full support of drainage engineers and therefore it is not necessary to demonstrate compliance with policy W DM3 at this time.

SUMMARY

The applicant has made a number of positive amendments to the application in order to overcome the concerns raised by the LPA and statutory consultees. The proposals are in accordance with the Arun Design Guide as well as the site specific Design Code and relevant development plan policies. As such, it is recommended that the application is approved subject to the conditions proposed.

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| HUMAN RIGHTS ACT |
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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.

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| DUTY UNDER THE EQUALITIES ACT 2010 |
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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.

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| RECOMMENDATION |
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APPROVE CONDITIONALLY

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

- Location Plan - PL00
- Proposed Site Plan - PL01 Rev E
- Proposed Site Wide Context - PL03 Rev D
- Proposed Massing Plan - PL05 Rev A
- Proposed Street Elevations - PL06 Rev A
- Proposed Land Use - PL07 Rev B
- Care Home Plans - PL09 Rev B
- Care Home Plans 2 - PL10 Rev B
- Care Home Elevations - PL11 Rev C
- Block A Plans - PL13 Rev C
- Block A Elevations - PL14 Rev C
- Block B Plans - PL15
- Block B Elevations - PL16
- Block C Plans - PL17
- Block C Elevations - PL18
- Block D Plans - PL19
- Block D Elevations - PL20
- Proposed Site Sections - PL21
- Proposed Soft Landscaping - Sheet 1 of 3 - 2068-DLA-L-06 Rev P01
- Proposed Soft Landscaping - Sheet 2 of 3 - 2068-DLA-L-02 Rev P03
- Proposed Soft Landscaping - Sheet 3 of 3 - 2068-DLA-L-03 Rev P02
- Proposed Hard Landscaping - 2068-DLA-L-01 Rev P03
- Proposed Fencing - 07 Rev P01
- Spine Road and Local Centre Access - Sheets 1 of 3 - 2152-07
- Spine Road and Local Centre Access - Sheets 2 of 3 - 2152-07
- Spine Road and Local Centre Access - Sheets 3 of 3 - 2152-07

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

2 No use forming part of this planning permission shall be first occupied until covered and secure cycle parking spaces serving the respective use 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 private motor vehicle in accordance with Arun Local Plan policies T SP1 and T DM1.

- 3 No part of the retail use shall be first occupied until such time until a Servicing Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, size of vehicles, and set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved plan.

Reason: To safeguard the operation of the public highway in accordance with policy T DM1 of the Arun Local Plan.

- 4 No part of the development shall be first occupied until the access road has been provided in accordance with the details as shown on Spine Road and Local Centre Access, Sheets 1, 2 and 3, drawing number 07 Revision G, and Indicative Proposed Road Markings, sheets 1 and 2, Drawing 08 Revision C.

Reason: To secure satisfactory standards of access for the proposed development.

- 5 No development above Damp Proof Course (DPC) shall take place until a lighting design scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

Prior to first occupation all external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- 6 During construction, any trenches deeper than 1m, shall be covered or ramps provided by using planks placed into them and any drainage pipework with a diameter greater than 200mm shall be capped off at both ends, at the end of each working day. Excavations, should be checked each morning for the presence of any mammals or other species and hazardous materials should be suitably stored so they cannot be accessed by animals.

Reason: To conserve Protected species under the Wildlife & Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992.

- 7 Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the "indoor ambient noise levels for dwellings" guideline values specified within BS 8233: 2014, Guidance on Sound insulation and Noise Reduction for Buildings, shall be submitted to and approved in writing by the Local Planning Authority. The work specific in the approved scheme shall then be implemented prior to the occupation of the premises and retained thereafter.

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

- 8 Details, including acoustic specifications, of all fixed plant, machinery and equipment

associated with air moving equipment (including fans, ducting and external openings), compressors, generators or plant or equipment of a like kind, installed within the site which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved in writing by the Local Planning Authority before installation. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the background sound level when measured according to BS4142: 2014, at any adjoining or nearby noise sensitive premises.

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

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

Prior to the first occupation of any dwelling forming part of the proposed development, the developer shall at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved locations to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

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

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

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| BACKGROUND PAPERS |
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[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/155/21/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: LU/30/22/PL

LOCATION: 32 & 33 Mariners Quay
River Road
Littlehampton
BN17 5DA

PROPOSAL: Extension of first floor rear balconies at 32 & 33 Mariners Quay (resubmission of LU/349/20/HH). This application affects the character & appearance of the Littlehampton, River Road Conservation Area and is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

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| DESCRIPTION OF APPLICATION | This application seeks to extend the rear first floor balconies of 32 & 33 Mariners Quay by 1.07m and introduce 3 No. vertical supports to the bottom of the balcony. |
| SITE CHARACTERISTICS | Terrace of three storey residential dwellings backing on to the River Arun. |
| CHARACTER OF LOCALITY | Predominantly residential with local retail stores and Littlehampton Railway Station to the East/South-East. |

None.

REPRESENTATIONS

Littlehampton Town Council - Objection:

- Out of character and obtrusive.
- Would have an adverse impact on neighbouring amenity.
- Would set a precedent for the area.

17 objections from nearby occupiers/ individuals with concerns:

- Loss of privacy.
- Out of character.
- Incongruous with established pattern.
- Potential for unneighbourly behaviour.
- Loss of security.
- Loss of outlook amenity.
- Overshadowing of neighbouring ground floors.
- Covenants.
- Setting a precedent.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Area Advisory Committee (CAAP) - Objection:

- Severely detract from the established proportions of the terrace.
- Vertical supports are incongruous with the terrace.
- Timber cladding is not a material in keeping with the terrace.
- Will set a precedent that furthers the issues raised.
- Not compliant with relevant paragraphs of the NPPF or Arun Local Plan Policies regarding Heritage Assets.

Arun Conservation Officer:

The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF (2021). The level of harm is considered to be on the lower end of the scale.

The public benefits that the development may achieve must be weighed against the less than substantial harm.

POLICY CONTEXT

Designation applicable to site:

Conservation Area (Littlehampton: River Road).

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 |
| HERSP1 | HER SP1 The Historic Environment |
| HERDM3 | HER DM3 Conservation Areas |

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town

PLANNING POLICY GUIDANCE:

| | |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework |
| NPPG | National Planning Practice Guidance |

SUPPLEMENTARY POLICY GUIDANCE:

| | |
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| SPD2 | Conservation Areas |
| SPD13 | Arun District Design Guide (SPD) January 2021 |

POLICY COMMENTARY

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

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

BACKGROUND

These two properties are part of paired and staggered terraced dwellings that run alongside the Arun River. The terrace in which these dwellings reside are within the Littlehampton River Road Conservation Area. Each pair of dwellings within the terrace feature partially differing designs but follow a harmonious form and scale. Each pair of dwellings in the terrace also feature a rear balcony that extends across each pair at equal depths.

PRINCIPLE

The key policies are D DM1, D DM4, D SP1 & HER DM3 of the Arun Local Plan.

Policies 1 and 2 of the Littlehampton neighbourhood Development Plan (LNP) are also relevant. Policy 1 states that permission should be granted for proposals which accord with other relevant policies in the LNP and Policy 2 states development should be focussed within the Built-Up Area Boundary, in which these properties are located. As this is located within the built up area boundary and complies with other development plan policies, this proposal is in accordance with policies 1 & 2.

Key paragraphs 194 & 195 of the National Planning Policy Framework regarding heritage assets, the Arun Design Guide and the Conservation Area Supplementary Planning Guidance (2000) are relevant.

DESIGN AND VISUAL AMENITY

The existing balconies that extend across 32 & 33 Mariners Quay are 1.27m in depth. The proposal seeks to extend the rear balconies by 1.07m. This would result in the balconies of 32 & 33 Mariners Quay meeting the end of the neighbouring pair of dwellings to the South within the terrace (No. 30 & 31 Mariners Quay). The new projection would be set forward of the end of the balconies at the northern neighbour pair of dwellings (No. 34 & 35 Mariners Quay) by 1.96m. Although the scale of the extension is not harmonious with the established building pattern, it remains subservient to the host dwelling and the disruption of the established staggered pattern is not such that it is grounds for refusal.

The existing screening at the western and northern sides of the balcony features multiple 1.11m high glass panels with metal lattice frame designs and a metal handrail that extends the perimeter of the balcony. The proposal seeks reuse the existing 1.11m high screening at the rear elevation by moving it forward of the existing balcony, preserving the existing design. However, there is to be a new clear glass screening panel installed to the northern elevation that extends the full depth of the balcony at a height of 1.11m. This does not feature the metal lattice structure but does feature a handrail that matches the existing design.

Extending these balconies further to the rear of the dwellings requires 3 No. new vertical supports. One is to be positioned at each rear corner of the balcony and one centrally to the rear of the balcony. These are to extend from the bottom of the balcony to the ground and to be clad in wood to match the existing 45 degree supports that are positioned on the underside of the balconies. These 3 No. vertical supports are a minor alteration to the rear elevation. The combination of a minor scale and matching materials give the proposed supports an appropriate design. The introduction of these supports is however, a new feature in the rear elevations of the existing terrace.

The proposal is compliant with policy D SP1 and Section M of the Arun Design Guide as far as it is in keeping with the materials and design of the host properties and local area. However, it is non-compliant in that it does not reflect the scale of the established building pattern (a characteristic of the terrace). This is because there is a regular depth to the existing balconies across the rear of this terrace. The balconies are staggered due to the staggering of the terrace pairs, not due to varying depths of the balconies themselves. In extending this pair of balconies they would no longer be of the same regular depth that characterises this terrace.

Policy D DM1(1) states that the character of the area must reflect or improve upon the character of the site and local area. The proposal is considered compliant in that it reflects the character of the site as far as it reuses the existing screening and similar or matching materials.

Policy D DM1(14) states the scale of proposals should be in keeping with the general confines of the overall character of the locality unless it is a substantial visual improvement. The scale of the proposal is not considered to be in keeping with the depth of the other balconies in the terrace however, it is in character with the general confines of the character of the locality. This is because the extension would bring the balconies in line with the neighbouring pair of balconies and not exceed them. Although the extension would be set further forward of the pair of balconies to the North that are already set back from the existing balconies in question, the scale of this proposed depth increase is not considered to be a significant enough disruption to be grounds for refusal.

The proposal is compliant with Policy D DM4(a)(b) in that it remains visually subservient and integrated

with the existing building whilst providing a high standard of amenity for the host properties.

The proposal is not compliant with Policy D DM4(e) as it is compromises the established building pattern however, it is not considered a significant enough disruption to be grounds for refusal.

NEIGHBOURING RESIDENTIAL AMENITY

This terrace of balconies features high amenity rear viewpoints for its dwellings, looking out over the river. The proposed increase in depth of the proposal is 1.07m, resulting in a 2.34m overall projection. The terraced nature of these properties means that the neighbour dwellings Nos. 30,31,34 and 35 Mariners Quay will suffer from visual intrusion. Nos. 30 and 31 Mariners Quay are set back from Nos. 32 and 33 due to the staggered building line and so, the proposed extension to the balcony would bring it in line with the balcony of Nos. 30 and 31 Mariners Quay. As the balcony would be in line with this neighbouring pair, it would give potential for adverse impacts by way of overlooking onto their balcony and into the property through the rear glass doors.

Despite the application being a joint effort from the residents of Nos. 32 & 33 Mariners Quay, the proposal would give rise to additional adverse impacts by way of overlooking into each of the dwellings. As such, these adverse impacts by way of overlooking are to be negated by the introduction of a condition requiring obscure glazing. The extent of which is to be agreed by the Local Planning Authority at a later date and prior to first use of the balcony.

Nos. 34 and 35 Mariners Quay are to the north of the host properties. These are another pair within the terrace and are set forward of the host properties. This leads to the proposed balcony extension projecting 1.96m further to the rear than that of the balcony at Nos. 34 and 35 Mariners Quay. The existing balcony has some potential for adverse impacts by way of overlooking onto and into Nos. 34 and 35 Mariners Quay due to already being set back from the pair. The proposal would not give rise to any significant additional impacts by way of overlooking further than what is already achievable into Nos. 34 and 35 Mariners Quay due to the depth increase of the projection.

The proposals increase in depth would lead to some level of overshadowing onto the rear of the ground floor at No.34 Mariners Quay. The proposal would intersect the 45 degree rule for light accessibility at the rear windows of the property as set out by Section M of the Arun Design Guide however, this impact is not considered to be significantly adverse as it would not pose a substantial increase of overshadowing additional to what is already present due to existing built form.

The extension of this pair of balconies will not give rise to any adverse impacts by way of overlooking onto neighbouring rear amenity space further than that which is already achieved by the existing balcony. Every dwelling within this terrace features a rear balcony and have similar views into and over the private rear amenity space of each dwelling.

Subject to the recommended obscured screening, the proposal is complaint with relevant Development Plan policies D DM1(3) & D DM4(c) of the Arun Local Plan.

HERITAGE ASSET

The site falls in the Littlehampton River Road Conservation Area and as such, policy HER DM3 of the Arun Local plan and the Conservation Area Supplementary Planning Guidance document are relevant.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Paragraph 194 of the NPPF requires the Local Planning Authority (LPA) to ensure the applicant/agent describes the significance of the heritage asset affected by a proposed development. This has been achieved by submission of a Heritage Statement that accurately identifies the River Road Conservation Area.

Paragraph 195 of the NPPF requires the LPA to identify and assess the significance of the impact upon the heritage assets related to the application. The River Road Conservation Area runs parallel to the Arun River and is to the West of the Littlehampton town centre. River Road was developed in a number of stages during the first half of the 19th Century. The Surrey Street end contains all the Listed Buildings within the Conservation Area. The Conservation Area was enlarged and extended westwards in 1991 to include some of the remaining 19th Century riverside buildings and those fronting Terminus Road which reflect the growth of the harbour at that period.

The materials are to be in keeping with the area and the existing rear screening can be conditioned to be re-used. The terrace in which the proposal is situated, is a more modern building within the Conservation Area and so the proposal does not impact the older parts of it. Additionally, the development is not visible from the wider street scene, only the public footpath situated between the rear of the terrace and the river. However, there will be a minor disruption in the regular depth of the terraces existing balconies and as such, a minor disruption in the established building pattern.

Policy HER DM3(b) states that extensions should be designed sensitively with regard to scale, form, materials and detailing and retain or emphasise the features and qualities of the existing buildings in the area. Following the Conservation Area Advisory Panel's (CAAP) comments, this terrace of dwellings feature an attractive and harmonious design that contributes to the character of the Conservation Area. This proposal seeks to extend this building line and would disrupt the established building pattern. The limited scale of the proposal however, means it is not to be a significant disruption and would retain the overall building pattern. This proposal would result in less than substantial harm to the Conservation Area.

The Conservation Area Supplementary Planning Guidance (October 2000) section 2.3(ii)(iv) states that additions and alterations should be sensitively designed and that materials that contribute to the character of the area should be reused and retained where possible. The proposal is sensitively designed having less than substantial harm on the rear elevations and retains the existing style despite its minimal disruption in form. Additionally, the screening at the rear elevation is to be re-used.

The LPA must consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm' in accordance with the NPPF. It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (as set out in para 202 of the NPPF). The impact of the proposed development on the Conservation Area, in agreement with the conservation officer, will be on the lower end of less than substantial harm. In this case the public benefit brought on by the proposed development is the short term local economic benefit brought on by the construction of the proposal.

On balance, the public benefit is such that the less than substantial harm to the heritage asset is outweighed. Therefore the proposal is acceptable in respect of heritage assets. There is also no conflict with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

For all the reasons above, the development would preserve the overall character of the heritage asset. Therefore, the development is in accordance with policies HER DM3 and paragraphs 194, 195 & 202 of the NPPF.

SUMMARY

The proposal complies with relevant Arun Local plan policies D DM1, D DM4, D SP1, HER DM3 and policies 1 & 2 of the Littlehampton Neighbourhood Development Plan.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

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 Front and Rear Elevations Sheet 5 Issue 5.1 (28-03-22)
- First Floor Plans showing adjacent balconies Sheet 6 Issue 4 (16-01-22)
- Site/Block Plan Sheet 3 Issue 4.1 (02-02-22)

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 central and southern-most partitions of the proposed balcony shall at all times be obscurely screened to a height of 1.7m in accordance with details to be submitted to and approved by the Local Planning Authority prior to its first use.

Reason: To protect the amenities and privacy of the adjoining properties and preserve the existing character of the area in accordance with policies D DM1 & D DM4 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 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.

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

LU/30/22/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/285/21/PL

LOCATION: Rear of 73-75
Aldwick Road
Bognor Regis
PO21 2NW

PROPOSAL: Change of use from Class E (retail) / B8 storage to C3 residential and the creation of three dwelling units through the conversion of the rear of nos. 73 & 75 and the erection of a part single storey / part two storey rear extension with associated amenity space and refuse / recycling stores.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Change of use of the existing backup stores at rear of the ground floor commercial units and the erection of a part single and part two storey flat roofed rear extension resulting in three dwellings in an the parking area. The scheme comprises of a mix of two one bed homes and a larger three bed home suitable for family occupation.

SITE AREA 0.04 hectares.

RESIDENTIAL DEVELOPMENT DENSITY 75 dwellings per hectare.

TOPOGRAPHY Predominantly flat.

TREES There are mature trees to the end of No10's Stocker Road rear garden which could be affected by the development.

BOUNDARY TREATMENT 1.7m high wall with trellis top on the western boundary, close boarded fence/timber to the rear. Property abuts pavement to front.

SITE CHARACTERISTICS Three storey building, commercial at ground floor (occupied by the Aldingbourne Trust) with 9 flats on the first and second floors. The external area is currently leased to Kia motor group and used as an overflow parking area for cars associated with their showroom at 65 Aldwick Road. There is a pedestrian access between 75 and 77 Aldwick Road.

CHARACTER OF LOCALITY Predominantly three storey terraced properties with commercial uses at ground floor and residential above. Buildings are set in medium plots abutting the highway in an urban environment. There are residential dwellings on Stocker Road to the rear. The following were noted in respect of neighbouring properties:

- 77 Aldwick Road a three storey building with a dry cleaners at ground floor and two flats on the upper floors; a planning application for the part change of use of ground floor and a

first floor rear extension resulting in creation of 2 no. self-contained studio was allowed on appeal. Small rear garden area accessed through a passage via Aldwick Road. This tunnel/walkway provides access to the rear of no. 79. Restricted bay parking on Aldwick Road to the front.

- 69 - 71 Aldwick Road, converted into a restaurant and further New Barn Kia (65 Aldwick Road) Commercial at ground floor (occupied by an engravers) with a rear ground floor garden and then a further flat at first floor level.

- 10 Stocker Road - Two and a half storey residential dwelling with rear garden; and

- 6-8 Stocker Road, Arun Lodge Residential Care Home - Two and a half storey building converted to flats with a rear parking area and rear double garage (no rear garden).

RELEVANT SITE HISTORY

BR/30/11/

Change of use from A1 to Car Showroom

ApproveConditionally
27-04-11

The site history is noted.

REPRESENTATIONS

Bognor Regis Town Council: An objection.

- Results in an intensification of use that adversely affects the character of the area and consequently public and neighbouring amenities.

- Aldwick Road is an area with a Traffic Regulation Order in place and the development would result in the generation of excessive parking demands; contrary to Policies H SP4, QE SP1 and T SP1 of the Arun Local Plan.

- Would have the appearance of an unduly cramped form of development out of character and would have an unacceptable impact on the established pattern of development in the locality in conflict with policies D DM1 and D SP1 of the Arun Local Plan and Part P of the Arun Design Guide.

2 letters of objection received:

- Overdevelopment with no parking allocated, a fire hazard due to the alleyway access only.

- The proposed building will be invasive and will overlook our property.

- No development should be built within 6ft of my property according of my deeds.

- The only yellow signage for development in vicinity was for an application in Felpham.

- We are already overlooked and it is uncomfortable being in the garden.

- There are high trees along my border which can be affected by development having impact on wildlife.

- Emergency services would not have an access to the site putting my family and the elderly in the nursing home next door at risk.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments Noted.

- WSCC Highways does not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

- Deeds/covenants are a legal/civil matters not a material planning consideration.
- With regards to the site notice, a notice for the different site was put on Stocker Road, however a new site notice was displayed to the rear of the proposal site (Stocker Road).

Other planning issues will be discussed in the Conclusions section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS: Does not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 111), and there are no transport grounds to resist the proposal.

PRIVATE SECTOR HOUSING: Appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary. Guidance on fire safety is contained in the LACORS guidance document - "Housing - Fire Safety, Guidance on fire safety precautions for certain types of existing housing" and in the Approved suite of Documents for Building regulations. Full comments are online. Housing standards, including room sizes and facilities must be complied with.

ECOLOGY: Following review of the condition of the site, the lack of ecological features on site and no works taking place to the surrounding properties, we have now determined that an ecological survey will not be required for this site.

ENVIRONMENTAL HEALTH: No objection subject to suggested conditions.

DRAINAGE ENGINEERS: The applicant has shown it is possible to locate the soakaway 5m from all buildings and 2.5m from property boundaries. The final detailed design will need to be supported by winter groundwater monitoring (expected to be for an agreed length of time between December and March) and winter infiltration testing (at agreed time and depth in strict accordance with BRE DG365). If infiltration is proven to be unviable then we would support a restricted discharge of surface water to the surface water sewer on Aldwick Road (as there are no watercourses in the vicinity of the site).

SOUTHERN WATER: The applicant should be aware that our mapping indicates that the foul sewer crosses the site in the vicinity of the extension.

NATURAL ENGLAND: No objection subject to appropriate financial contribution and appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The Appropriate Assessment has been sent to Natural England and approved.

POLICY CONTEXT

Designation applicable to site:

2km Buffer of Bognor Reef SSSI
Pagham Harbour Access Management Zone B
Built up Area Boundary

Class B Road

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

| | |
|--------|---|
| DDM1 | D DM1 Aspects of form and design quality |
| DDM2 | D DM2 Internal space standards |
| DDM4 | D DM4 Extensions&alter to exist builds(res and non-res) |
| DSP1 | D SP1 Design |
| ECCSP1 | ECC SP1 Adapting to Climate Change |
| ECCSP2 | ECC SP2 Energy and climate change mitigation |
| ENVDM2 | ENV DM2 Pagham Harbour |
| ENVDM4 | ENV DM4 Protection of trees |
| ENVDM5 | ENV DM5 Development and biodiversity |
| HDM1 | H DM1 Housing mix |
| QEDM1 | QE DM1 Noise Pollution |
| QEDM2 | QE DM2 Light pollution |
| QEDM4 | QE DM4 Contaminated Land |
| QESP1 | QE SP1 Quality of the Environment |
| RETDM1 | RET DM1 Retail development |
| RETSP1 | RET SP1 Hierachy of Town Centres |
| SDSP1 | SD SP1 Sustainable Development |
| SDSP2 | SD SP2 Built-up Area Boundary |
| TSP1 | T SP1 Transport and Development |
| WDM3 | W DM3 Sustainable Urban Drainage Systems |
| WMDM1 | WM DM1 Waste Management |

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, 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 relevant policy in the Bognor Regis Neighbourhood Plan to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

section 70(2) of 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) 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 as that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties and it would not have an adverse impact on the character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

KEY ISSUES

The key issues are principle, retail, design and visual amenity, residential amenity, highways/traffic, space standards and impact on Pagham Harbour.

PRINCIPLE

The site is in the built up area where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and provided it is in accordance with other policies of the Local Plan.

Regard should be had to policy SD SP1 of the Arun Local Plan which states "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF." Para 120 (d) of the NPPF states planning policies and decisions should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops)".

The development complies with policies SD SP2 and SD SP1 of the Arun Local Plan and relevant paragraphs of the NPPF.

The most relevant policies for determining this application are not out of date despite the Council's 2.42 year housing land supply as they relate to amenity/character etc rather than development principles.

IMPACT ON THE VITALITY & VIABILITY OF THE TOWN CENTRE

RET SP1 of the Local Plan supports measures which help to reinforce their role in meeting communities needs and providing a focus for a range of activities including retail. Policy RET SP1 accords with para 8 of the NPPF in achieving the environmental role of sustainable development by guiding housing to sustainable built up locations.

Policy RET DM1 protects retail units and does not afford protection to net floor space. RET DM1 does not prevent the part change of use from retail. The intent behind RET DM1 is to maintain the retail offering throughout the District. In this case storage space would be lost however the retail unit would be retained. The partial loss of retail floor space would not conflict with Policy RET DM1 of the Local Plan and paragraph 86 of the NPPF.

The site forms part of an undefined retail frontage in the suburban centre of Aldwick with a varied mix of shops, takeaways, estate and letting agents and other uses like private business offices and a showroom. The space to be lost from the conversion of replacement of commercial floor space at the rear of 73 & 75 Aldwick Road would be 44m² (GIA). Whilst the site is outside of the primary shopping area this partial change of use to residential would maintain the significance of the shopping area.

The development is in a general conformity with Policy RET DM1 of the Local Plan.

DESIGN AND CHARACTER

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

- (1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";
- (13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and
- (14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Policy D DM4 of the Local Plan requires accordance with 5 point criteria when assessing applications for extensions and alterations to existing buildings.

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

The Arun Design Guide Supplementary Planning Document (SPD) adopted on 25th January 2021 is a material consideration in the determination of applications. Part M which deals with Extensions requires the scale, massing and positioning of extensions should be visually subservient to the existing property to ensure the latter remains the dominant form; privacy can be maintained by locating and designing windows to prevent overlooking. Extensions should preserve the amenity of the original and neighbouring properties in terms of privacy and overshadowing. In Part M, Infill Development, the SDP requires a positive response to the character, appearance and layout of surrounding buildings in order to contribute to a sense of cohesion and unity. While infill schemes present a valuable opportunity to increase the efficiency of land use in existing urban and rural areas and provide new housing, this should not lead to overdevelopment and over-intensification of building plots.

Para 130 of the NPPF states: "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

The development would involve the change of use, extension and redevelopment resulting in amalgamation of converted and extended elements creating so called mews that would sit around the edge of a landscaped courtyard setting. This rear yard of Nos 73&75 Aldwick Road was used as an overflow parking area for cars associated with Kia motor group's showroom at 65 Aldwick Road accessed through a passage via Aldwick Road.

There are no changes to the external appearance of front elevation as the development is to the rear of the host property. The proposal would transform backup stores of the ground floor commercial units and extend them to the boundary with 71 Aldwick Road at ground floor level and join the side wall of KIA Workshop with a two storey building in the south-eastern corner of the parking area adjacent to the rear blank wall of the Arun Care Home to the south.

The two storey element would face to the west, would be 7m deep, 11.9m long and 5,7m high, would be characterised by flat Sedum Grass Roof. High level windows, fixed and with a cill no lower than 1.7m above internal finished floor level, are proposed in the eastern elevation, French doors at the first and ground floor along with bi-folding doors at the western elevation. The internal area created by the conversion and extension provides space for a 1 bed dwelling converted from back stores (unit 3), 1 bed with home office (unit 2) and 3 bed with an access to the private garden area.

The extension/redevelopment would be visually integrated with the rear of the building in sitting, massing and design and would respond to the pattern of surrounding development. Previously proposed pitched and valley roofs (withdrawn application) were changed for Sedum Grass Roof which would be softer and more pleasant for the residents of the host property and visually in a unity with surrounding buildings which are characterised by flat roofs. The proposal would be sited away from public views and not harm the character and appearance of the area and it would comply with Arun Local Plan policies D DM1, D SP1, D DM4, the Arun Design Guide and with the guidance on character within the NPPF.

NOISE & RESIDENTIAL AMENITY:

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

Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

Policy QE DM1 seeks to protect against the impacts of new noise generating development. It states that: "Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required."

Para 130(f) of the NPPF states decisions should ensure that developments create places with a high standard of amenity for existing and future users. Paragraphs 120, 125(c) and 127(f) are consistent with Arun Local Plan policies in that they seek to deliver appropriate development without being to the detriment of existing residential amenities.

The conversion would be encompassed in the confines of the building and would not result in unacceptable adverse impacts on neighbouring amenity. The extension would result in the creation of two residential units. A residential use is not a noise generating form of development especially within an area of a mixed use development. The residential use would have similar characteristics to other residential properties in the locality.

There are habitable windows at the first floor level of a new extension facing to the west a site where planning permission (BR/233/19/PL) was granted on appeal for a change of use and first floor rear extension. The first floor habitable windows would face the windowless flank wall of this rear extension to No 77.

With regards to the rear residential garden of 10 Stoker Road to the south-west, there would be no direct overlooking of private area of this property. The Inspector in his report for the first floor extension above an existing single storey extension to No 77 pointed out: 'The short distance to the boundary with No.10 from the proposal is similar to Nos.14/16, but the majority of the plot is set to the side of the appeal site. Although the whole garden, including the closest part, is likely to be used by its occupiers, the views would not be direct and so only a minimal effect on privacy would arise. Whether or not there was additional planting at the appeal site, therefore, I find that any loss of privacy would not harm the living conditions of the occupiers of No.10.' This is material to the determination of the application.

The extension would butt the rear boundary of Arun Lodge Care Home to the south and its front elevation comprising habitable windows at the first floor level would face to the west. The views would not be direct and so there be an acceptable effect on privacy would arise.

The two storey element due to its separation distance from the rear elevation of the host building would not be overbearing upon the terrace and would not disturb the outlook of its residents.

The proposal would not have a significant impact to users and occupiers of nearby properties so as to result in unacceptable adverse harm on neighbouring amenity by way of overshadowing, overbearing or overlooking and as such accords with D DM1, QE SP1 of the Arun Local Plan and para 130(f) of the NPPF.

INTERNAL SPACE STANDARDS

Policy D DM2 (ALP) requires internal space standards to be an appropriate size to meet the requirements of all occupants and their changing needs. Paragraph 13.3.4 of the ALP supports the implementation of Policy D DM2 states there might be occasions where development cannot comply with all the space standards which includes the conversion of an existing building. The internal spaces of the dwellings have been assessed against the Nationally Described Space Standards which are used to assess acceptable spaces under Policy D DM2.

The requirement for a 1bed (2p), 1 storey dwelling is 50 sqm whilst Unit 3 would have 52 sqm. Unit 2, 1bed (2p), 2 storey would have 79.32 sqm whilst 58 sqm is required and for Unit 1, 3bed (5p), 2 storey 99,81 sqm is provided whilst 99 sqm is required. All units would satisfy the requirement of the Nationally Described Space Standards and the development accords with Policy D DM2.

Arun District Council has no size standards in respect of private gardens although section H.04 of the Arun Design Guide SPD advises on Residential Outdoor Amenity & External Space Standard:

- All development should provide residents with access to outdoor amenity space, whether private or communal. It advises that Residential Communal Shared Spaces should be minimum 40sqm plus 10sqm for each unit. These standards are applicable in the majority of cases, but innovative approaches to more

compact building layout may be supported by ADC, where appropriate.

Regard should be had to paragraph 130(f) of the NPPF(2021) which requires that new development has a high standard of amenity for existing and future users.

Unit 3 would benefit from a private garden of 48 sqm and Units 2 and 1 share a communal amenity space of 40 sqm. There is easy access to public open spaces like Marine Park Gardens and West Park in a distance of 200m and 600m respectively. The sea shore is approximately 250m away and residents will be able to easily access outdoor places for recreation etc.

The development would broadly satisfy the requirement of Arun Design Guide and complies with policies D DM1 and D DM2 of the Arun Local Plan and with the guidance in the NPPF (para. 130).

PARKING, TRAFFIC AND HIGHWAYS IMPACTS

Policy T SP1 (ALP) requires development to reduce the need to travel by car by identifying opportunities to improve access to public transport services whilst making provision for safe access to the highway network Policy T SP1(f) (iv) requires development to incorporate facilities for charging electric and plug-in hybrid vehicles.

Para 110 of the NPPF states that in assessing specific applications for development it should be ensured that safe and suitable access to the site can be achieved for all users. Para 111 affirms development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The Arun Parking Standards 2020 at Table 3.1 shows the expected level of Parking provision for residential development. In Zone 4 it is one parking space for a 1 bed unit with one to 3 habitable rooms and 1 cycle parking space per unit for 1 bed flats/houses. If nil car parking provision is proposed, under ADC Parking Standards Principle 2.13 it will be necessary to demonstrate through a parking capacity survey that there is sufficient capacity to accommodate expected parking demand.

No vehicular access exists to the site and this application proposes no alterations to this arrangement. A nil car parking provision is proposed for the development.

The site is sustainably positioned in walking distance of a variety of local shops and services, including bus stops providing access to Bognor Regis, Chichester and further afield. Bognor Regis is in walking distance which provides wider facilities and services. Cycling is a viable option, a secure and covered cycle store proposed for up to 4 bicycles is proposed on the plans.

WSSC does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal subject to suggested conditions.

The applicant has not submitted a Transport Statement or parking survey. However, they were submitted recently for a similar development for 83 Aldwick Road and the case officer's report concluded: 'Based on the survey and local car ownership levels, there is sufficient space available on the local roads to accommodate parking demand resulting from the development.' Given the previous recent parking study parking space in the locality would be available for the development.

Taking into consideration the above, the development would not result in excessive on-street parking demand in the area. The proposals would accord with policies T SP1, T DM1 of the Arun Local Plan and

ADC Parking Standards.

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

ALP Policy ENV DM2 requires new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

NPPF, paragraph 174 a) stresses that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status).

The site lies in designated Zone B and this application results in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance.

According to Natural England's advice, an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), PART 6, Chapter 2 should be carried out. It should be considered whether the development, notwithstanding financial measures, is likely to have a significant effect on the Pagham Harbour Special Protection Area.

The application for 3 residential units results in recreational disturbance only to Pagham Harbour. Having considered mitigation/avoidance measures to be provided in-perpetuity through the contribution to the Joint Pagham mitigation scheme, Arun District Council conclude that with mitigation the plan or project will not have an adverse effect on the Integrity of the European protected site(s).

On the basis of a net gain of 3 dwellings the applicant has agreed to the £2,613 contribution at the current rate. The applicant has provided a signed Section 106 legal agreement to this effect. Therefore it is considered that the application would comply with policy ENV DM2 of the Arun Local Plan.

PROTECTION OF TREES

Policy ENV DM3 of the Local Plan in section 17.3.1 underlines the importance of trees as producers of oxygen and in urban settings groups of trees can contribute significantly to the successful integration of new dwellings into the landscape. The retention of mature trees can contribute to amenity and more attractive developments as well as retaining important wildlife habitats and should be considered at the design stage of all developments.

Policy ENV DM4 of the Local Plan emphasises where there are existing trees on or adjacent to a developments site, developers shall be required to provide:

- d. Land and tree surveys
- e. A tree constraints plan
- f. An arboricultural impact assessment to include a tree protection plan and arboricultural method statement.

These ensure development is planned to take a comprehensive view of tree issues at an early stage in the design process and that development works do not have a negative impact on existing trees.

Paragraph 131 NPPF highlights the important contribution which trees make to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that appropriate measures are in place to secure the long term maintenance of newly planted trees, and that existing trees are retained wherever possible.

There are mature trees outside the site to the south close the boundary of the rear garden of No10 Stocker Road which could be affected by the development. No Arboricultural Assessment & Method Statement has been provided by applicant. Therefore a pre-commencement condition will be imposed to ensure the retention and maintenance of trees and vegetation which are an important feature of the area and to comply with policies ENV DM3 and ENV DM4 of the Arun Local Plan, and NPPF's paragraph 131.

BIODIVERSITY

Policy ENV DM5 of the Local Plan requires development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

The proposal is for a conversion and part single storey, part two storey extension in a parking area. The new dwelling units will be designed in a mews form of development that will sit around the edge of a landscaped courtyard setting. A Sedum Grass Roof over the two storey extension is proposed. The submission of further information demonstrating what will be included within the scheme and what level of net biodiversity gain will be created is required.

The opportunity to increase biodiversity and mitigation measures will be secured via conditions and complies with ENV DM5.

CLIMATE CHANGE

The ALP policy ECC SP2 requires residential development be energy efficient and incorporates decentralised, renewable and low carbon energy supply systems.

No decentralised, renewable and low carbon energy supply systems are proposed therefore a condition would be necessary to secure compliance with the policy.

SUMMARY

This proposal represents an appropriate redevelopment of the site without compromising the visual amenity of the area or the amenities of existing neighbouring residential occupiers. The proposal represents a sustainable development.

The policies most relevant to this application are not considered out of date in accordance with paragraph 11 of the NPPF. The scheme is acceptable when applying the Local Plan policies (that are relevant and up to date) and it is recommended that in accordance with paragraph 11c of the NPPF that permission is granted subject to conditions.

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This decision will be granted with a S106 legal agreement relating to a contribution of £2,613 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.

CIL DETAILS

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

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

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

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

Dwg No CBL-1020-235-L101, Location Plan;
Dwg No CBL-1020-235-B101, Block Plan;
Dwg No CBL-1020235-P201 Rev B, Proposed West Elevation;
Dwg No CBL-1020235-P202 Rev B, Proposed Rear Elevation;
Dwg No CBL-1020235-P203 Rev B, Proposed East Elevation;
Dwg No CBL-1020235-P204 Rev B, Proposed Section (South);
Dwg No CBL-1020235-P102 Rev B, Proposed First Floor Plan;
Dwg No CBL-1020235-PS101 Rev C, Proposed Site Plan - Ground Floor;
Dwg No CBL-1020235-P104 Rev B, Proposed Roof 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 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

- 4 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls (and roofs) of the proposed 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 by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 5 No development above damp proof course (DPC) level shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected.

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

- 6 Before the buildings hereby permitted are occupied a drying area and dustbin enclosure(s) shall be provided as part of the development in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof. The areas shall be provided prior to occupation and retained in perpetuity.

Reason: To safeguard the appearance of the property and the amenities of the area in accordance with policy D DM1 of the Arun Local Plan.

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

Reason: To provide alternative travel options to the use of the car in accordance with policy T SP1 and the Arun Parking Guide SPD.

- 8 No construction/demolition activities shall take place, other than between 08:00 to 18:00 hours

(Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan

- 9 Prior to first occupation the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems including full details of solar panels or air source pumps. The approved scheme shall thereafter be implemented prior to occupation of the dwelling and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

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

- 10 Prior to occupation of the dwelling details of Biodiversity Net Gain shall be submitted to and approved by the Local Planning Authority. The details so approved shall be implemented no later than 6 months following the occupation of the dwelling and permanently retained thereafter.

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

- 11 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) or Site Manager - at this meeting all protective fencing will be inspected to verify it is 'Fit for Purpose' as required under British Standard 5837:2012.

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

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

1. A Preliminary Risk Assessment which has identified:
all previous uses potential contaminants associated with those uses
a conceptual model of the site indicating sources, pathways and receptors
potentially unacceptable risks arising from contamination at the site.
2. A Site Investigation Scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A Verification 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 require the express consent of the LPA. The scheme shall

be implemented as approved.

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 LPA), 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 LPA. 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 LPA.

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

13 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £2 613 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.

14 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance of 40% on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus40%) between the invert of the entry pipe to the soakaway and the base of the structure. The design must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 40%).

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 groundwater table in support of the design. The applicant is advised to discuss the extend of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.

15 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.

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](#).

BR/285/21/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: BN/172/21/PL

LOCATION: Eastergate Pumping Station
Fontwell Avenue
Eastergate
PO20 3RZ

PROPOSAL: Installation of ground mounted solar panels. This application is in CIL Zone 3 (zero rated) as other development.

SITE AND SURROUNDINGS

| | |
|----------------------------|---|
| DESCRIPTION OF APPLICATION | The development involves ground mounted solar installation at Portsmouth Water's Eastergate Water Treatment Works making an efficient use of the site which currently has an output of 45kw with potential output of 100kW by extending the sites potential. |
| | Access to the site is via the existing access and no trees or hedgerows are to be affected. |
| SITE AREA | 0.15 hectares. |
| TOPOGRAPHY | Predominantly flat. |
| TREES | None affected by the development. |
| BOUNDARY TREATMENT | Mix of wire mesh fencing, post & rail fencing, hedging, mature trees along southern boundary. |
| SITE CHARACTERISTICS | The site is predominantly grassland with scrub, tree and hedge lined boundaries. Immediately adjacent to the site to the west is lowland meadow. There are solar panels to the north-west of the site. Site boundaries are formed by residential development to the east, Fontwell Park Racing course to the west. North of the site is Waterwork Cottages. |
| CHARACTER OF LOCALITY | Semi rural. There are residential properties on the east side of Fontwell Avenue and to the south of part of the site, the racecourse to the west & north and a small solar farm to the immediate north. Planning has been recently granted for the erection of 42 dwellings on the land west of Fontwell Avenue, to the south of Level Mare Lane. |

RELEVANT SITE HISTORY

| | | |
|-------------|---|----------------------------------|
| EG/21/17/PL | Application for Variation of condition No.2 following the grant of planning permission EG/22/15/PL relating to colours of building, road layout, landscaping & drainage details. Resubmission of EG/3/16/PL | ApproveConditionally 06-07-17 |
|-------------|---|----------------------------------|

| | | |
|-------------|---|----------------------------------|
| EG/3/16/PL | Variation of condition 2 imposed under EG/22/15/PL related to amended colour of building. | Withdrawn 15-04-16 |
| EG/22/15/PL | UV Treatment Building & associated upgrade facilities. | ApproveConditionally 05-06-15 |

The site history is noted.

REPRESENTATIONS

Barnham & Eastergate Parish Council: An objection.

- The proposal does not take into account the recently granted consent for housing on Level Mare Lane when considering the impact of the solar panels on developments in the locality.

No letters of objection received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The recently approved residential development for 42 dwellings to the south was not taken into consideration in the drawings and Planning Statement. The impact of the development on the housing to the south of Level Mare Lane will be discussed in the Conclusions section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH: no objection.

ENGINEERS: Due to the scale and type of application no conditions to request. Alterations to surface water drainage must be designed/constructed in accordance with Building Regulations.

ENVIRONMENT OFFICER: A bat survey is no longer needed subject to suggested conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Outside the Built up Area Boundary;
Singleton and Cocking Tunnels SAC (1200m);
Fontwell Park Race Course, Fontwell SNCI;
Class A Road

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 |
| ECCSP1 | ECC SP1 Adapting to Climate Change |
| ECCDM1 | ECC DM1 Renewable Energy |
| ENVDM1 | ENV DM1 Designated Sites of Biodiversity or geographical imp |
| ENVDM5 | ENV DM5 Development and biodiversity |
| QESP1 | QE SP1 Quality of the Environment |

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, 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.

At Full Council meeting of 9th March 2022, Arun District Council resolved to 'make' the Barnham and Eastergate Neighbourhood Development Plan 2019-2031 (BENDP). Relevant policies in the Barnham and Eastergate Neighbourhood Development Plan 2019-2031 have been taken into account in the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

KEY ISSUES

The key issues are principle, design and visual amenity, residential amenity, highways/traffic and Natural Environment.

PRINCIPLE

The site falls outside the built-up area boundary in the countryside where policy C SP1 of the Arun Local Plan applies.

Policy C SP1 of the Arun Local Plan states in criteria a-f the development which is permitted in the countryside. Criterion a. affirms 'development will be permitted in the countryside where it is for the operational needs of agriculture, horticulture, forestry...' and criterion f. concludes 'development is in accordance with other policies in the Plan which refer to a specific use or type of development'.

Policy D SP1 of the Arun Local Plan requires development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 states that a high standard of architectural principles should be demonstrated and new development should have a minimal impact to users and occupiers of nearby properties and land. Policy ECC SP1 supports the generation of renewable and low carbon energy.

Policy ECC DM1 states the Council will support proposal for appropriately located renewable energy development subject to criteria. Criterion a. requires the proposal to be located and designed to minimise adverse impacts to landscape, habitats, the historic environment and residential amenity; according criterion b. proposals need to take account of the Council's landscape assessment; in criterion c. is stressed that priority should be given to proposals that integrate with existing or new development and criterion d. expects all proposals to demonstrate a suitable connection to the electricity distribution network and provide evidence that the connection will not result in unacceptable impact on the landscape, natural environment or visual and residential amenity.

Policy ES13 "Renewable and Low Carbon Energy" of the Barnham and Eastergate Neighbourhood Development Plan 2 states proposals for energy-generating infrastructure using renewable or low carbon energy sources to serve individual properties or groups of properties, will be supported provided that it is located as close as practicable to, is appropriate to the location; its sitting, scale and design avoid any harmful impacts on the significance of heritage assets, the landscape, views and wildlife, do not compromise public safety, not detract from the rural, visual character of the environment and adjoining land users are not adversely impacted in terms of noise, vibration, stroboscopic effect, or electromagnetic interference. Where appropriate, the energy generating infrastructure and its installation complies with the Micro-generation Certification Scheme or equivalent standard.

Paragraph 158(b) of the NPPF advises when determining planning application for renewable and low carbon development, local planning authorities should approve the application if its impacts are (or can be made) acceptable.

The proposal is in a commercial site containing solar panels. The sitting of the development is contiguous with existing solar panels and would appear as an extension to them. The layout and the maintenance of the east and south boundary would assure the requirements set in criteria a.-c. of the above ADC policy would be satisfied. The applicant was asked to provide evidence to demonstrate the connection will not have an unacceptable impact on the landscape, natural environment or visual and residential amenity to be in line with criterion d.

The possible effects of glint/glare from existing/proposed solar photovoltaic development located on surrounding road users and people in the surrounding dwellings have been assessed by Pager Power commissioned by the applicant. Their report concluded no significant impacts have been identified on surrounding road users and no mitigation is required. A mitigation requirement has been identified for two dwellings due to the duration of effects, their proximity to the panels and lack of screening. Any solution that sufficiently obstruct visibility of the reflecting area will mitigate impacts. A condition will be imposed that the landscape plan is progressed with reference to this impact.

The development would accord with policy ECC DM2 of the Arun Local Plan and consequently with policy C SP1, policy ES13 of the BENDP 2 and paragraph 158 of the NPPF.

The policies most relevant to the determination of this application are not out of date.

VISUAL IMPACT/DESIGN/CHARACTER

Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area.

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was published under consultation until 21 February 2020. Part Q.O1 which deals with Rural Development requires any new development in countryside to respect and enhance the distinctiveness of rural character.

Paragraph 174(b) of the NPPF stresses that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

The installation of the solar panels (5 lines of the solar panel in addition to the existing 3) are in the Eastergate Pumping Station site. The solar panels would not be a prominent in the landscape due to its low height and site coverage. The panels will be mounted to their frames at a 20-degree angle.

The highest point will be 2.2m and the distance between lines would be 4.4m. Every line would be approximately 27.5m long apart from the southern one which will be 13.5m. There are no nearby public rights of way and the only partial road view will be from the end of Level Mere Lane. Views from nearby residential properties are reduced by tree and vegetation screening. A condition will be imposed to provide appropriate screening especially if viewed from existing and future residential development.

The proposal will not have an acceptable visual impact on the surrounding area and the open landscape character of the countryside. The proposal accords with policy D DM1 of the Arun Local Plan, the Arun Design Guide and paragraph 147 of the NPPF.

RESIDENTIAL AMENITY

The Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy

QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

The low height of the structures (the maximum height is 2.2m), the existing trees around and the proposed perimeter landscaping mean there will be no unacceptable impact on amenities of neighbouring residents.

The possible effect of glint/glare from existing/proposed solar photovoltaic development, could be mitigated. A condition will be imposed that a landscape plan is submitted with reference to this impact.

ADC's Environmental Officer has no objection.

The solar panels would not give rise to unacceptably adverse impacts on amenity of neighbouring properties and would comply with policies D DM1 and QE DM1 of the ALP.

NATURAL ENVIRONMENT

Arun Local Plan policy ENV SP1 states Arun District Council encourages and promotes the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. The Council will ensure by policy ENV DM1, that intrinsic features of particular interest are safeguard or enhanced.

Policy ES17 of the Barnham and Eastergate Neighbourhood Development Plan states proposals for the development of sites which in 12km of Singleton and Cocking Tunnels SAC must evaluate whether there is potential for an adverse effect to arise to qualifying species associated with the SAC due to loss of suitable foraging habitat and/or the severance of commuting flight lines, such as in the form of mature tree lines, hedgerows and watercourses.

Paragraph 174 of NPPF (2021) requires decisions to contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible. This paragraph calls for the establishment of coherent ecological networks that are more resilient to current and future pressures.

The site is in the Habitats Regulations Assessment Buffer, in a distance of 1200m from Singleton and Cocking Tunnels SSSI and SAC where barbastelle bats use woodland as a maternity roost and they can forage 10-15 km from roosting sites. The Habitats Regulations require additional consideration during the planning stage to ensure that the development does not affect the reasons for designation. Planning documents should detail fully the potential impacts and how these will be avoided or reduced.

A Preliminary Ecological Appraisal (PEA) was submitted to determine the ecological constraints on the site. Due to inaccurate information further bat surveys were required. After the applicant's confirmation that no trees will be felled and no vegetation clearance or works will be taking place within 5m the Ecology Advisor agreed that a bat survey is no longer needed. The development is likely to have a moderate adverse impact on the Singleton and Cocking Tunnels SAC.

The proposal will need to take into consideration the presence of bats in the local area and to minimise potential impacts to any bats using the trees, hedgerows and buildings. An enhancement for bats have been recommended in the PEA.

The Environment Officer does not object to the development subject to conditions. The development

complies with requirements of ALP policies ENV SP1 and ENV DM1.

BIODIVERSITY

Policy ENV DM5 of the Local Plan requires development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

Policy ES10 of the BENDP 2 requires development proposals, where appropriate, to be designed to incorporate biodiversity within and around developments and protect and enhance ecological networks, seeking to retain wherever possible ancient trees, trees of good arboricultural and amenity value and hedgerows to contribute to the Government's target to halt the decline in biodiversity.

The proposal is for ground mounted solar panels in a grassland field with scrub, tree and hedge lined boundaries. The Preliminary Ecological Appraisal includes recommendations for enhancement and biodiversity net gain to be created.

The opportunity to increase biodiversity and mitigation measures will be secured via conditions.

HIGHWAYS, TRANSPORT AND ACCESS

In policy T SP1 of the Arun Local Plan the Council will ensure that development provides safe access on to the highway network.

Paragraph 110 (NPPF) advocates safe and suitable access to the site can be achieved for all users. Paragraph 111 (NPPF) states development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

It is proposed to utilise an existing access. No information with regards to the traffic movements during construction phase and when up-and-running have been provided. The proposal is small in scale with construction likely to be over a limited time.

The development provides for the transport demands created in accordance with paragraphs 110 and 111 of the NPPF, Policy T SP1 of the Arun Local Plan subject to conditions concerning Construction Management Plan.

SUMMARY

The principle of development is acceptable in light of Development Plan policy especially given the support for renewables in the NPP. No significant harm arises from this application and it is recommended that this application is approved subject to the following conditions.

| |
|-------------------------|
| HUMAN RIGHTS ACT |
|-------------------------|

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

Consideration has been specifically given to Article 8 (right to respect private and family life) 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:

90-02015 P03-RE02, Site Plan;
90-02015 P04-RE01, Typical Section;
90-02015 P01-RE01, 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 No later than 12 months prior to the end of this permission, a site restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of works to remove the solar panels, all related equipment, and any areas of hardstanding and shall be fully implemented within 12 months of the expiry of this permission.

Reason: To protect the long term visual amenities of the surrounding area and in order that the Local Planning Authority may be satisfied as to the appearance of the land after the removal of the development in accordance with policy D DM1 of the Arun Local Plan.

- 4 If any of the individual solar panels ceases to export electricity to the grid for a continuous period of 12 months then a scheme shall be submitted to the Local Planning Authority for its written approval within 3 months from the end of the 12 month period for the removal of the solar panel(s) and associated equipment and the restoration of (that part of) the site to agricultural use. The approved scheme of restoration shall then be fully implemented within 6 months of that written approval being given.

Reason: To protect the long term visual amenities of the surrounding area and in order that the Local Planning Authority may be satisfied as to the appearance of the land after the removal of the development in accordance with policy D DM1 of the Arun Local Plan.

- 5 Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:
- Monday-Friday: 08.00hrs-18.00hrs
 - Saturday: 08.00hrs-13.00hrs
 - Sundays and Bank Holidays: no work permitted.

Reason: To safeguard the amenities of nearby residents and to accord with policies D DM1 and QE SP1 of the Arun Local Plan.

- 6 Prior to the panels being used to generate electricity a landscaping scheme, including details of new hedgerows to be planted and the 'gapping-up' of existing hedgerows in and around the site in accordance with recommendations (mitigations) in the submitted Solar Photovoltaic Glint and Glare Study (August 2021) shall be submitted to the Local Planning Authority. The planting so approved shall take place prior to the panels being used to generate electricity. Any trees/shrubs or plants which die, are removed or become diseased within 5 years of planting shall be replaced during the next planting season with trees/shrubs/plants of a 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.

- 7 The development shall be carried out in full accordance with the recommended biodiversity enhancement measures listed in the Preliminary Ecological Appraisal dated 24 September 2021 and retained in perpetuity.

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

- 8 Prior to its installation, full details of any external lighting together with their mechanisms and timings of operation shall be submitted to and approved in writing by the Local Planning Authority. Lighting shall be installed in strict accordance with the approved details and shall thereafter be maintained and operated in accordance with those details. No other external lighting shall be installed on the site.

Reason: To control the residential amenities of the local environment in accordance with Arun Local Plan policies QE SP1, QE DM2, D DM1 and ENV DM5.

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

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

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

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

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

| |
|--------------------------|
| BACKGROUND PAPERS |
|--------------------------|

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

BN/172/21/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: BE/176/21/PL

LOCATION: The Cottage
Shripney Road
Bognor Regis
PO22 9PA

PROPOSAL: Demolition of existing dwelling and ancillary outbuildings and erection of a 66 bedroom care home with associated access, parking and landscaping. This site is in CIL Zone 3 (Zero Rated) as other development & is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The care home will be two storeys (9.4m at the highest point & 5.2m to the eaves) and has an 'H' shaped form with matching wings extending broadly north and south. Communal/ancillary facilities include lounge/dining rooms, a cinema, small library, salon, shop, small clinic, cafe, laundry and kitchens. All bedrooms will be en-suite. It is proposed to use brick and render to the elevations and to have a dark red tiled roof. The layout is stated to allow for both general residential care and specific dementia care with the elements clearly split into two.

The site layout proposes a new 25 space car park including a drop off area and bin store with the care home building beyond. There are to be 4 disabled parking spaces with 2 providing electric charge points. There are areas of landscaping, a PV battery housing (to store power from the roof top solar panels) and a meter house.

The proposal utilises the same access design as previously approved. This entails stopping up the existing point of access and replacing with a 4.8m wide access constructed approximately 30m to the south of the existing. This will have visibility splays of 71m to the north and 120m to the south. The scheme proposes a new section of footway between the new access and the bus stop outside the Robin Hood Pub (including along the Robin Hood frontage) and new footway in the central reservation between Shripney Road and the service road to assist people crossing the road.

SITE AREA

0.72 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

There are 63 surveyed trees or groups of trees on or near the site including one category A and thirteen category B. Two Tree Preservation Orders (TPO) have been made in respect of

the site.

The first, TPO/BE/1/17 refers to T1 - a Common Ash west of the existing dwelling/close to the existing site access; T2 - a Pedunculate Oak on the eastern boundary; and G1 - a group of two Lebanon Cedars to the south of the existing dwelling. The second, TPO/BE/2/17 refers to T1-T3 - three Sycamore on or immediately adjacent to the footpath which runs adjacent to the southern boundary.

BOUNDARY TREATMENT

Mixed. Part wall, part close boarded fencing to the Hotel. Close boarded fencing to the road. Post & wire fencing on the southern boundary (along the line of the footpath). Hedge or otherwise open to the eastern boundary.

SITE CHARACTERISTICS

The site borders the hotel to the north and comprises an existing one and a half storey dwelling surrounded by land formerly used as gardens, for horticulture and personal sheep grazing. There are ancillary buildings on site including disused greenhouses, stables, a detached garage and sheds. There is a half built two storey building in the south east corner. There is a dry ditch and bund to the east boundary and the remains of a dry pond. There is gated access from Shripney Road. A footpath runs adjacent to the south boundary connecting Shripney Road on its west side to a footpath crossing the field on the east side enabling access to Sack Lane to the north east.

CHARACTER OF LOCALITY

Semi-rural character with detached dwellings on both sides of Shripney Road. To the north lies the Robin Hood Pub & Hotel. Car parking is between the hotel and the shared boundary. To the south lies the site of a new dwelling. To the east is open arable fields. On the western side is Shripney Road with houses beyond. Surrounding built form is mixed between one and two storey buildings.

RELEVANT SITE HISTORY

| | | |
|---------------|---|----------------------------------|
| BE/79/20/RES | Approval of reserved matters following BE/63/17/OUT & variation of condition BE/131/18/PL for replacement dwelling at the southern end of site (Phase 1) to reposition driveway & car port (resubmission following BE/58/19/RES). | ApproveConditionally 01-10-20 |
| BE/137/19/RES | Application for approval of phase 2 reserved matters following outline permission BE/63/17/OUT (as amended by BE/131/18/PL) for 20 No. dwellings. | ApproveConditionally 25-06-20 |
| BE/69/19/OUT | Outline planning application with all matters reserved | Refused |

except access for up to 31 No. houses and flats with car parking, landscaping and associated infrastructure & access off Shripney Road (A29), all following the demolition of the existing dwelling & outbuildings - This application is a Departure from the Development Plan

10-10-19
Appeal: Allowed+Conditions
14-05-20

BE/58/19/RES Application for approval of reserved matters following outline permission BE/63/17/OUT & variation of condition BE/131/18/PL for replacement dwelling at the southern end of site (Phase 1) ApproveConditionally
 04-10-19

BE/131/18/PL Variation of conditions following the grant of BE/63/17/OUT relating to conditions 3-approved plans, 6-distinguish between the two phases of development so protective fencing for whole site is not required for just Phase 1 & any fencing is commensurate with phase of development being constructed, 7-Phase 1 can commence prior to construction of new vehicular access, 8-Phase 1 can commence prior to submission of plans & details incorporating the recommendations of the Road Safety Audit, 9-winter groundwater monitoring is only required for development on Phase 2, 10-refer to development on Phase 2 only as development on Phase 1 will not result in the discharge of any flows to watercourses or culverting, diversion, infilling or obstruction of any watercourse on site, 11-level of detail required regarding maintenance & management of SuDS system is commensurate with the relevant phase of development, 12-only refer to development on Phase 2, 14-SuDS management manual is submitted to local planning authority prior to construction of Phase 2 only, 15-Phase 1 can be occupied prior to construction of pedestrian access footways/crossing points, 16-Phase 1 development can be occupied prior to provision of visibility splays at proposed site vehicular access, 17-Phase 1 dwelling can be occupied prior to required installation of electric vehicle charging points & 18-allow development on Phase 1 to be occupied prior to implementation of SuDS scheme for the whole development (Phase 1 & 2) & prior to provision of as-built drawings & completion report. App Cond with S106
 29-04-19

BE/63/17/OUT Outline planning application with some matters reserved (Access only) for 20No. houses & flats, 1No. replacement dwelling (21No. units in total) with car parking, landscaping & associated infrastructure & access off Shripney Road (A29) and new footway both along the App Cond with S106
 18-01-18

site frontage and across the A29 traffic island, all following the demolition of the existing dwelling & outbuildings. This application is a Departure from the Development Plan.

BE/63/17/OUT was granted in January 2018 for 20 new homes plus a replacement dwelling on the land to the south of the footpath. This permission was amended by BE/131/18/PL so the replacement dwelling could be developed separately to the 20 dwellings. BE/58/19/RES was an approval of reserved matters for the replacement dwelling on the other side of the footpath. This was amended by BE/79/20/RES and that dwelling has been built.

BE/69/19/OUT for up to 31 dwellings was refused in October 2019 due to concerns regarding overdevelopment, insufficient amenity space and car parking but this was allowed on appeal in May 2020. In order to keep this permission live, a reserved matters must be submitted by 14/05/23.

BE/137/19/RES was submitted in accordance with BE/63/17/OUT and was approved in June 2020 but has not been implemented. This permission will expire on the 25th June 2022.

REPRESENTATIONS

Bersted Parish Council object for the following reasons:

- not in character with dwellings in the surrounding area or the rural location;
- outside the built up area boundary;
- no pedestrian/cycle/vehicle improvements to better connect Shripney with Bognor Regis or Chichester;
- overdevelopment;
- not a sustainable location as buses are irregular so will result in traffic congestion;
- unsafe location on a bend; and
- flooding from surface water drainage.

Aldingbourne Parish Council have written in to object raising the following issues:

- no assessment on the impact of Health Services that would be required;
- in conflict with the Bersted and Aldingbourne Neighbourhood Plans;
- no adequate drainage proposal for the site;
- no climate mitigation measures in place;
- transport concerns and no sustainable travel plan in place;
- parking is inadequate at the site for the number of residents/staff/visitors;
- there are no amenities in the area; and
- no mention that to provide this facility that it will be knocking down a building of historical interest.

No other objections.

COMMENTS ON REPRESENTATIONS RECEIVED:

Most of the issues raised are considered in the conclusions section but it should be noted that:

- Bersted Neighbourhood Development Plan (BNDP) policy GA1 does not require the increase or improvement of foot/cycle routes but rather sets out support to proposals that provide for such;
- notwithstanding concerns about the bus service/lack of amenities, the site has previously been

considered to be an acceptable location for new development by the Council on BE/63/17/OUT and the more recent appeal decision on BE/69/19/OUT;

- there is no policy requirement for an assessment on the impact of a care home on health services;
- climate change mitigation measures will be secured by condition;
- a Travel Plan will be secured by a s106 legal agreement; and
- this is the first time in the history of this site that concern has been raised regarding the heritage value of the existing building. It is material that permission exists for its demolition by virtue of the extant outline permission and the building does not appear on the Councils historical mapping until 1911.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATIONAL HIGHWAYS - no objection.

NATURAL ENGLAND - state no comments to make on this application.

WSCC PUBLIC RIGHTS OF WAY - no objection provided that the footpath is not blocked or restricted and that vegetation is not allowed to grow and impede its route.

WSCC INRASTRUCTURE - require contributions to local libraries and fire & rescue.

WSCC FIRE & RESCUE - no objection subject to a condition to secure a new fire hydrant.

WSCC HIGHWAYS - no objection subject to conditions to secure the access, pedestrian access improvements, a Construction Management Plan, cycle parking, Travel Plan and vehicle parking.
Comment:

- The Transport Statement (TS) concludes that the care home use will be less intensive than the previously approved residential scheme. As such, there is no requirements for alterations to the agreed access design;
- The previously approved pedestrian crossing is proposed as part of this application with no changes;
- Full provision of footway and dropped kerbs/tactile paving will be provided across the front of the site and now leading all the way to the bus stop outside The Robin Hood pub. This goes further than the previous approval;
- There are no specific standards for care home parking/cycling provisions but having regard to the TS assessment, WSCC consider that the provision of 25 spaces is a little excessive and may encourage single occupancy car use although a Travel Plan will promote alternatives; and
- Tracking has been provided to demonstrate that a refuse vehicle can enter via the approved access, turn on site given the new layout and exit in forward gear.

WSCC LEAD LOCAL FLOOD AUTHORITY - initially requested more information concerning drainage but following receipt of a Flood Risk Assessment, advised no objection on surface water flood risk grounds. There is a low risk of surface water flooding within the site but that there is higher risk shown in the adjacent carriageway at the site's access. Any existing surface water flow paths across the site must be maintained and that there should be no wholesale site level raising via the spreading of excavated material. The area of the development is shown to be at high risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

ADC LANDSCAPE OFFICER - no objection subject to submission of a detailed landscape scheme.

Comment:

- there would be no requirement or trigger for the provision of Public Open Space or Play on site with this development,
- the details propose both external and internal courtyard garden outdoor provision for the use of the residents, staff and visitors which is great to see and would be an asset to the proposals; and
- the potential impact of the proposals, could be blended into the surrounding environment with further thought given to the landscape offer and greening to counteract this. Screening to adjacent properties will need to be considered because of their proximity and stature of the proposals.

ADC ENVIRONMENTAL HEALTH - no objections subject to conditions re contamination, electric vehicle charging, construction management, construction hours, control of odours, grease traps and delivery hours.

ADC DRAINAGE ENGINEERS - initially raised a holding objection due to insufficient information but following submission of a Flood Risk Assessment now raise no objections subject to standard conditions with the following comments:

- at discharge of conditions stage, will expect the freeboard between ditch bed level and outfall invert level to be maximised; and
- the proposal to culvert a long length of ditch to facilitate the new footpath along Lidsey road do not comply with WSCC culverting policy and so the footpath proposals will need to be revised.

COUNCILS ECOLOGIST - no objection subject to conditions to secure the proposed bat mitigation measures, control the lighting scheme, protect & enhance the hedgerows, check buildings & trees for birds nests, carefully check the site for reptiles/hedgehogs/badgers and deliver future nesting/roosting opportunities.

No responses from the NHS, WSCC Adult Social Care or the Councils Tree Officer.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted unless indicated below.

WSCC PUBLIC RIGHTS OF WAY - there are no proposals to affect the footpath but an informative will be added to remind the developer of their responsibilities in respect of this.

WSCC INRASTRUCTURE - the applicant initially disputed the library contribution as there will be a small library in the care home however they have now accepted that local libraries will provide additional services not covered in-house and so agree to the request.

ADC DRAINAGE ENGINEERS - the condition requested by WSCC Highways concerning the pedestrian improvements will be amended to require further details at discharge of conditions stage and for this to also be subject to drainage engineer agreement.

COUNCILS ECOLOGIST - the protection of birds nest is covered by separate legislation so it would not be appropriate to impose a condition but an informative will be added.

| |
|-----------------------|
| POLICY CONTEXT |
|-----------------------|

Designations applicable to site:

Outside the Built Up Area Boundary;
 Class A Road;
 Adjacent to Footpath ref BET/151/2;
 Special Control of Adverts;
 Tree Preservation Orders (TPO/BE/2/17 & TPO/BE/2/17);
 Current Flood Zone 1; and
 Future Flood Zone 3a by 2111.

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 |
| ECCSP1 | ECC SP1 Adapting to Climate Change |
| ECCSP2 | ECC SP2 Energy and climate change mitigation |
| ENVDM4 | ENV DM4 Protection of trees |
| ENVDM5 | ENV DM5 Development and biodiversity |
| HDM2 | H DM2 Independent living and care homes |
| HWBSP1 | HWB SP1 Health and Wellbeing |
| 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 |

| | |
|--|---|
| Bersted Neighbourhood Plan 2014 Policy ES1 | Design of new development |
| Bersted Neighbourhood Plan 2014 Policy ES2 | Surface water management |
| Bersted Neighbourhood Plan 2014 Policy ES6 | Protection of trees |
| Bersted Neighbourhood Plan 2014 Policy ES7 | Development outside of the Built Up Area Boundary |
| Bersted Neighbourhood Plan 2014 Policy GA1 | Pedestrian and Cycle Connections |
| Bersted Neighbourhood Plan 2014 Policy CLW1 | Provision for the elderly |

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031 (ALP), West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The relevant policies of the Bersted Neighbourhood Development Plan (BNDP) have been considered within this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with the Arun Local Plan (policies C SP1, SD SP2 & H DM2) and the Bersted Neighbourhood Development Plan (policy ES7) in that the site lies outside the built up area boundary.

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

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

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan and these are set out in the Conclusions section below.

CONCLUSIONS**PRINCIPLE:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For this application, the development plan comprises the Arun Local Plan 2011-2031 (ALP), the Bersted Neighbourhood Development Plan (BNDP) and the West Sussex Waste and Minerals Plans.

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

The Council published its Authority Monitoring Report (AMR) for 2020/21 and this shows the Housing Land Supply (HLS) decreased from 3.3 years to 2.42 years. This is not an application concerning new housing as residential dwellings are within class C3 of the Use Classes Order whilst care home accommodation is in class C2 and there is no permitted right to change from C2 to C3.

The Local Planning Authority has considered the needs of older people & care requirements separately to the need to plan for housing and this reflects the advice that was available at the time of the Local Plan preparation and examination. The Councils "Updated Housing Needs Evidence Report (Sep 2016) which formed part of the evidence to the Local Plan examination in July 2018, states at paragraph 1.9 that:

"In addition, there is a need for 991 residential care/nursing home bedspaces (an average of 50 per annum). This need is for C2 accommodation and is separate and additional to the overall need/OAN for housing."

The relevant policies in the ALP are not out of date as a result of the HLS situation and they are broadly in accordance with the NPPF. As such, paragraph 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is not triggered in this case. It is noted that the appeal decision for AL/42/19/PL (Nyton House - proposed dementia care unit) did not apply the NPPF para 11(d) presumption.

Arun Local Plan:

Policy C SP1 states residential development in the countryside outside the Built Up Area Boundary (BUAB) will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal and it is noted that policy H DM2 (Independent Living & Care Homes) states that new facilities must be located in the BUAB and only extensions to existing facilities will be permitted outside. Policy SD SP2 states development should be focused within the BUAB. The proposal conflicts with all three of these policies.

Bersted Neighbourhood Development Plan:

The BNDP was made in July 2014 on the basis of the saved policies in the 2003 Arun District Local Plan and the draft policies in the 2014 publication version of the then emerging ALP. The site is outside the BUAB in the BNDP and policy ES7 is relevant and states that development outside of the BUAB will not be supported, therefore the proposal is in conflict with policy ES7. The proposal gains support from policy CLW1 which states new care homes will be supported provided the design and scale of development is in keeping with the character of the location and that the impact on the amenity of surrounding residential properties is acceptable. These factors are discussed elsewhere.

The National Planning Policy Framework (NPPF):

The NPPF is an important material consideration in determining planning applications. Para 62 states that the need for accommodation for older people should be reflected in planning policies. Para 78 states that decisions in rural areas should be responsive to local circumstances and support developments that reflect local needs. Para 85 states that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found beyond existing settlements, and in locations that are not well served by public transport.

Other Material Considerations

It is material that two permissions have been granted on this site for residential development (20 homes

and up to 31 homes) and that both of the permissions are capable of being implemented. The redevelopment of this site with a greater built footprint and increased use than the existing dwelling has been established as acceptable. It has been established the site is an appropriate location for new development dispute being in the countryside and the site can be developed for residential purposes without harm to local character.

Conclusion on Matters of Principle:

The principle of development on this site is contrary to the policies in the development plan. It is material that this is a brownfield site that has been accepted as a suitable location for development. The NPPF suggests that development in rural areas to meet local needs is acceptable even if public transport services are infrequent.

SUSTAINABILITY:

ALP policy SD SP1 states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Para 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes. Part (b) of H DM2 requires that sites be easily accessible either by foot or public transport, to community and social facilities e.g. shops, post offices, healthcare, community facilities.

The site was accepted (with the approval of BE/63/17/OUT) as being in a sustainable location. This was on the basis that there is a public house and bus stops immediately adjacent to the site and that there are schools and potential places of work accessible by bus. It was considered possible to walk to the Lidl on Shripney Road as well as the other nearby retail stores. In the appeal decision on BE/69/19/OUT, the Inspector stated "There are bus stops immediately adjacent to the site providing access to schools and other services, with some food and retail offers available on foot. As such I find that the proposal would encourage alternative forms of transport to the private vehicle."

This application includes the previously proposed crossing point across the A29 between the site and the footpath on the western side which would allow safe walking to the western side of the A29 to the northern edge of Bognor Regis. This new proposal takes this further and proposes a footpath link to the bus stop outside the Robin Hood to the north. There is a public footpath crossing the site which provides access to Sack Lane and on to Barnham and Yapton albeit not suitable at all times of the year. Whilst the private car could be required for longer journeys, those care home residents who are mobile would not need to rely on a car for local journeys and although public transport may not be particularly attractive in terms of frequency, it does exist as an alternative.

The development will have an impact on the ecology of the site and will result in the loss of some existing trees. The Councils ecologist does not raise any objection and suggests that mitigation measures and enhancements will offset any harm.

The proposal will support the community by providing a new care home to help meet a clear need for adult social care. On an application for a care home extension in Aldingbourne in 2019 (Nyton House), WSCC stated that the overall demand for different types of care from 2014 to 2034 is estimated to rise by 67% in West Sussex and that this translates to a projected additional demand in the County for 9,707 residential care home beds and 6,720 nursing beds. They went on to state that Arun will experience the largest rise in demand in West Sussex across all care types due to the projected increase of people over the age of 75 within the district and long term care which is projected to grow by an estimated 72% by the year 2034. The Councils guidance on "Accommodation for older people and people with disabilities"

indicates that Arun will see a significant rise in older persons.

The application states the care home will be a local facility with residents expected to emanate from an area no more than five miles from the site but generally closer. The application states the development would generate between 50-60 jobs, the majority of which are expected to be offered to suitable candidates from the same local area and include the care home manager, care workers through to catering and domestic assistants. There will be economic benefits associated with the construction phase and then the care home, once operational, may also result in additional custom at the adjacent Public House and at nearby shops & services. A financial contribution will be secured towards local libraries.

The proposal has clear social and economic benefits whilst the costs to the environment are not significant and there is mitigation in place to offset the harm. The definition of sustainable development does not simply relate to the accessibility of the location.

TRAFFIC & ROAD SAFETY:

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

Para 110 of the NPPF states: "In assessing .. specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 111 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The application uses the same access design agreed on the two outline applications. The application states that the care home use will be less intensive than the previously approved residential scheme and WSCC have accepted this position. They conclude the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network and is not contrary to the NPPF and there are no transport grounds to resist the proposal.

Care homes are not covered by the Arun Parking Standards SPD whilst WSCC's parking standards state that sites comprising C2 care homes require a "site-specific assessment based on travel plan and specific operational needs" to determine parking provision. The application states the majority of the car parking spaces will be used by visitors to the care home. The application provides a parking accumulation analysis based on TRICS data and this indicates an average parking accumulation of 8 vehicles. The provision of 25 spaces is therefore acceptable. This provision includes disabled parking provision and cycle storage.

The proposal is compliant with the relevant development plan policies and the guidance on highway safety within the NPPF. There is particular support from BNDP policy GA1 in terms of the new footways and the crossing point.

FLOOD RISK & DRAINAGE:

The site is in Flood Zone 1 (FZ1) but it is predicted that parts of the frontage will be FZ3a by 2061 and that the whole of the site will be so by 2111. This predicted risk assumes no defences and would only occur if existing sea defences were not maintained. There is high surface water flooding risk along the

road outside of the site.

ALP policy W DM2 refers to the sequential test, Flood Risk Assessment and mitigation. 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 a sequential site assessment is required where a site is at high risk of current or future flooding. Para 162 of the NPPF states the sequential approach should be used in areas known to be at risk now or in future from any form of flooding. Para 159 NPPF states development 'should be made safe for its lifetime without increasing flood risk elsewhere.' Para 33 (Reference ID: 7-033-20140306) of the Planning Practice Guidance states it should not normally be necessary to apply the sequential test to development in proposals in FZ1 (and with a low probability of flooding from rivers or the sea) unless the flood risk assessment indicates there may be flooding issues now or in the future (for example by climate change).

It is the Councils policy in such a situation to require a sequential site assessment to demonstrate there are no other suitable locations for the development in areas not affected by future flooding. This approach was taken on a site not far to the south (BE/109/19/OUT - Land east of Shripney Road & south of Haddan House) and on an application at Sack Lane to the northeast (AL/75/21/PL). The applicant has not provided a Sequential Assessment and has only considered climate change in respect of surface water drainage. There is conflict with policies W DM2 and ECC SP1 but only in terms of future flood risk.

It is material that the determination of the previous outline residential applications did not consider future flooding and that both permissions are capable of implementation. A refusal on grounds of future flooding would not prevent the site from being developed. The appeal decision of BE/109/19/OUT stated "there appears to be no reasonable likelihood of the tidal flood defences being allowed to fail and it seems in the best interests of all concerned that they will be suitably maintained into the future." On this basis, the harm associated with future flooding would be diminished.

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. BNDP policy ES2 requires surface water management measures for development proposals to ensure that the risk of flooding both on-site and downstream is not significantly increased.

A Flood Risk Assessment and Drainage Strategy has been submitted and reviewed by drainage engineers. This states the site surface water drainage will connect to the ditch course at the west of the site at an attenuated greenfield runoff rate no greater than 2.1 l/s in all rainfall events up to and including the critical duration 1 in 100-year event with 40% climate change. The use of permeable paving for the car parking spaces will act to increase the rainfall-runoff response duration while also providing water quality benefits. It is stated safe access & egress via the site access can be obtained via Shripney Road with the potential surface water flood risk at the west of the road looking to have been addressed by more recent works by the Local Highway Authority.

The Councils drainage engineers raise no objections subject to consideration of the detailed design at condition discharge stage. As there are no objections to the principle of drainage, there is no conflict with the relevant drainage policies but there remains conflict with ALP policy W DM2 in respect of future flood risk but material considerations serve to outweigh this conflict.

CHARACTER & DESIGN:

ALP policies D SP1 and D DM1 require development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. The the scale of development should keep within

the general confines of the overall character of a locality. Policy H DM2 (c) requires that the design and scale of the scheme is appropriate to the local context.

BNDP policy ES1 states that: "New development which would have an effect on the appearance or character of the surrounding area should be of a high quality design and should contribute to local character by creating a sense of place appropriate to its location". Policy CLW1 states the design and scale of care home development must be in keeping with the character of the location.

The Arun Design Guide provides detailed guidance to help raise design standards across the district. There is no specific guidance for care home developments but the Design Guide generally requires development to respond to the distinctiveness & characteristics of their surroundings in terms of scale massing and materials, protect the amenities of occupants and neighbours and seek to minimise energy consumption and improve environmental performance.

The Design & Access Statement states:

- the configuration & form of the proposed care home has evolved from the desire to create a building of a suitable scale for the area, appropriate to the neighbouring residential dwellings and adjacent Robin Hood pub and hotel and one that maintains views out towards Shripney Road to the west & the farmland to the east;
- the building is positioned to allow the main lounges at the centre of the building to maximise the views of, and the accessibility, to the courtyard gardens;
- it is intended that the building would appear of a suitable scale in its location and in its surrounding context;
- existing residential dwellings within the immediate area are predominantly two storeys, with similar materials and architectural styles to the proposed care home;
- the hotel and public house adjacent to the application site inform a character of larger developments fronting Shripney Road; and
- red brick is common in the immediate locality to the site, with the addition of render to create articulation and contrast to elevations. These materials will be replicated in the proposed building.

Notwithstanding that it is material that residential development (up to 31 homes) has been approved already, the scale, layout and design of the scheme is otherwise appropriate. The building will be well set back from Shripney Road thus reducing its visibility in the street scene (particularly taking account of the existing frontage tree planting). The two storey height is comparable to other buildings in the area. Its mass and form is comparable to the adjacent Hotel complex to the north and the appearance & materials take cues from the existing local area. The elevations and visuals suggests a quality development that will be aesthetically pleasing and surrounded by quality landscaping.

Two storey development 3.4m from the footpath adjacent to the southern boundary was previously accepted by BE/137/19/RES and this proposal will largely maintain this separation (being only 0.3m closer). Roofs of the building slope away from this elevation thus reducing impact on the footpath.

The building can be satisfactorily accommodated on the site without adversely affecting the visual amenities of the locality. It accords with the relevant development plan policies and guidance.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. H DM2 (e) requires that care homes have amenity space. BNDP policy CLW1 requires that the impact on the

amenity of surrounding residential properties is acceptable.

The interface distances within the Arun Design Guide apply to new residential developments but the principles they establish are relevant to other forms of development. The Design Guide would require 21m between rear elevations and 14m between rear and side elevations.

The care home will be 28m from the hotel to the north which is more than acceptable. It will be 11.3m from the new dwelling on the south side of the footpath (which is less than the 14m standard) but the only windows at this distance are to communal areas (the end of a first floor corridor) and it would be acceptable to have these obscure glazed to prevent views out of the building towards the side of the dwelling and its private amenity areas. The lounge facing windows on the south elevation are further away (28m). There would be no corresponding loss of light as the building is to the north of the footpath and adjacent dwelling.

The layout includes semi-enclosed courtyard gardens on both sides of the building and additional landscaped grounds to the west and east sides. The Councils Landscape Officer raises no concerns stating that "The details propose both external and internal courtyard garden outdoor provision for the use of the residents, staff and visitors which is great to see and would be an asset to the proposals."

The proposal accords with the relevant development plan policies and guidance.

POLLUTION IMPACTS:

ALP Policy QE DM3 requires that major developments are in easy reach of established public transport services, maximise provision for cycling & pedestrian facilities, include electric car charging points and contribute towards the improvement of the highway network.

The site is served by public transport and the application proposes footpath improvements to allow existing & future residents) to easily walk to the nearby bus stops and to assist with crossing the A29. Electric car charging points are shown on the layout plan and a condition will be included to secure the details of these. Cycle storage is proposed but the care home residents are unlikely to be particularly active in terms of cycle trips away from the site and that the majority of movements to/from the site will be by staff and visitors. Environmental Health Officer (EHO) raises no concerns in respect of air pollution.

Policy QE DM1 states residential development likely to experience road noise must (a) be supported by a noise exposure category assessment and designed to ensure that residents will not be adversely affected by noise. The application is accompanied by a Noise Impact Assessment which concludes that noise levels at the new building will be modest and that with windows closed, the recommended noise levels are comfortably achieved. Noise from the hotel carpark will have a low impact. The EHO raises no concerns and does not recommend any conditions to protect new residents from noise. A condition is included to control delivery hours in the interests of the amenities of nearby residential occupiers.

ALP policy QE DM2 states outdoor lighting should not have an adverse impact on neighbouring uses or the wider landscape, particularly with regard to the South Downs International Dark Sky Reserve designation. The Design and Access Statement states a suitable lighting scheme comprising low level bollard lighting to the footpath routes and car parking area will be deployed. This is acceptable and a condition will be employed to seek the precise details of this. This will seek to ensure that new lighting respects bats and other wildlife. The EHO raises no concerns.

There are no conflicts with the relevant policies.

TREES:

ALP policy ENV DM4 states TPO protected trees, Ancient Woodland, those in a Conservation Area or trees that contribute to local amenity are not damaged or felled unless the development meets the certain criteria including that the benefits outweigh the loss of trees or woodland. BNDP policy ES6 also seeks to protect important trees.

The application is accompanied by an Arboricultural & Planning Integration Report which is an update (by the same author) of the report submitted for the previous outline application. It is stated 28 trees and 2 tree groups will be removed to facilitate development, for landscape enhancement or for sound arboricultural management. These are all low quality trees or (in the case of T20, a Weeping Willow) were previously consented for removal. There is potential to enhance landscape planting on the west and east boundaries. The report states all retained trees will be protected in accordance with current standards and guidance. There are instances of proposed ground protection and no-dig methodology but the schemes success is not overly reliant on this.

The Councils Tree Officer has not responded however the same officer raised no objections to application BE/137/19/RES and a previous Tree Officer raised no concerns with BE/63/17/OUT. It is also noted that the TPO trees are being retained. In the absence of such technical expertise, a refusal on arboricultural grounds would not be sustainable and so there is no policy conflict. Conditions will be applied to reflect those imposed previously. In addition, the developer will be required to replace felled trees with new native species on a 2:1 basis. Should the Tree Officer respond before the Meeting, then such comments will be reported by an update.

BIODIVERSITY:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. The application is accompanied by a Preliminary Ecological Appraisal and separate Bat Report. This reflects the submissions of the previous outline application. The site does not lie within the buffer area of the Singleton and Cocking Tunnels Special Area of Conservation.

These documents have been appraised by the Councils ecologist who raises no objection. A number of the mitigation measures will be secured by condition and the developer will require a Natural England species licence to demolish the existing on-site buildings.

Existing hedgerows will be retained and it is indicated by the Planting Plan in the tree report that trees will be planted across the site area to provide amenity and to enhance the western/eastern boundaries.

Subject to mitigation measures secured by planning condition, the development accords with ALP policy ENV DM5. Biodiversity net gain is demonstrated and will be secured through conditions including the detailed landscape plan.

CLIMATE CHANGE:

ALP policy ECC SP2 requires residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires new development be designed to adapt to impacts arising from climate change and that major developments must produce 10% of total predicted energy requirements from renewables unless unviable.

The application states:

- externally the building has been designed with glazed areas to maximise access to natural light and to minimise energy requirements for lighting and heating in communal areas, in particular in the main day

lounge/dining areas and the quiet lounges;

- all glazing would be specified to minimise heat loss and excessive solar gain. Other glazing in the corridors and stairwells will provide natural light into circulation areas, reducing the level of artificial lighting required;
- low energy luminaires and occupancy sensors would be used throughout the home in the communal areas, corridors, bathrooms, toilets and en-suites to minimise energy used;
- there would also be a control centre which will enable areas within the building to be isolated at night to further minimise energy use;
- high levels of insulation will be provided to reduce the consumption of energy required for heating;
- a ground source heat pump system will be used to provide to provide heating, cooling and hot water to the building;
- solar panels will be installed on the roofs to provide for all of the care homes electricity needs; and
- both technologies together will aim to provide at least 50% of the facilities energy requirements from renewable sources, with a commensurate reduction in carbon emissions.

A condition will be imposed to ensure that full details of these technologies are secured post decision. On this basis, there is no conflict with the relevant policies.

SUPPORTING INFRASTRUCTURE:

ALP policy INF SP1 requires development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing community. This development is not liable for CIL and s106 can be used to secure contributions provided they meet the statutory tests for planning obligations set by the Community Infrastructure Regulations and the NPPF.

WSSC requested contributions towards local libraries and fire prevention. They consider these are necessary to mitigate the impacts of the proposal with the provision of additional County Council service infrastructure. There is a requirement for a Travel Plan monitoring & auditing fee. The applicant has agreed to all of these and a s106 legal agreement is currently being prepared. This will ensure compliance with policy INF SP1.

SUMMARY:

The proposal represents inappropriate development in the countryside conflicts with policies C SP1, SD SP2 & H DM2 of the ALP and ES7 of the BNDP. There is conflict with policies on future flood risk due to no consideration of alternative sites. It is material that residential development has previously been granted on this site which remains capable of implementation. The approved residential development is a more intensive use in terms of traffic and overall, the site has been accepted as a suitable location for development despite being in the countryside and can be developed without harm to local character or residential amenity.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the material considerations are such that a decision can be taken contrary to the development plan.

The recommendation is for the Planning Committee to delegate to the Group Head of Planning in consultation with the Chair and Vice Chair authority to:

- (a) Grant planning permission subject to conditions; and
- (b) Subject to a Section 106 Agreement, the terms of which are substantially in accordance with those

set out in this report with any minor amendments authorised by the Group Head of Planning

Should the s106 not be completed in 3 months of the date of the Planning Committee's resolution to grant planning permission, then the application shall be refused for the following reason:

(1) In the absence of a signed Section 106 agreement, the development will not provide the infrastructure improvements necessary to mitigate the proposal and will also not mitigate any residual harm to the local road network through the promotion of alternative sustainable transport modes and is thereby contrary to ALP policies INF SP1, T SP1, T DM1 and the NPPF.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

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

(1) A contribution of £12,333 to provide additional facilities at a new Tier 7 community library facility in Bersted. However, if a site does not come forward then the contributions will be spent on providing additional facilities at the nearest existing library.

(2) A contribution of £953 to be used towards supply and installation of additional fire safety equipment/smoke alarms to vulnerable persons homes in the West Sussex Fire Rescue Services Southern Area serving Bersted.

(3) A Travel Plan and its associated monitoring fee (£3,500 at the time of writing for monitoring and auditing of the Travel Plan).

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| RECOMMENDATION |
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APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

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

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

PO22 9AP-A-01 Location Plan;
 PO22 9AP-A-04 Proposed Floor Plans;
 PO22 9PA-A-05-1 Proposed Courtyard Elevations 1 & 2;
 PO22 9PA-A-05 Proposed Elevations;
 PO22-9PA-03 Rev A Proposed Site Plan;
 PO22 9PA-A-06 Proposed 66 Bed Care Home Visuals;
 2109058-05 Proposed Footway Arrangements;
 2109058-06 Site Access Visibility; and
 2109058-07 Pedestrian Crossing Visibility.

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

- 3 The development shall be carried out in complete accordance with mitigation measures and enhancements set out in section 4.0 of the Bat Report 2021 and section 4.0 of the Preliminary Ecological Appraisal June 2021. In addition, two bat bricks should be integrated into the building onsite facing south/south westerly positioned 3-5m above ground, two hedgehog nesting boxes provided on the site and bird boxes installed on the building and/or trees within the site.

Any brush piles, compost or debris piles on the site must only be removed outside of the hedgehog hibernation period (mid-October to mid-March inclusive) unless first checked by a qualified ecologist. If any small mammals are found then they must be relocated away from the construction area into surrounding suitable habitats. All piles removed outside of the hedgehog hibernation period must undergo soft demolition.

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

- 4 All activity at the site is to be carried out in strict accordance with the Arboricultural & Planning Integration Report, Arbortrack Systems Ltd, ref. jwmb/rpt8/thecottage/PI, 7th October 2021.

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

Reason: To comply with BS5837 and Arun Local Plan policy ENV DM4 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their

ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area.

- 5 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work (defined as not involving any machinery/plant) on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan and the NPPF.

- 6 No delivery vehicles shall arrive or depart and no such vehicles shall be loaded or unloaded within the application site outside the hours of 07:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday and not at any time on Sunday or Public or Bank Holidays.

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

- 7 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan, Appendix: A, Rev I, October 2021.

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

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

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

Reason: In order to secure a reduction in energy usage across the site in accordance with national planning policy, in accordance with policy ECC SP2 of the Arun Local Plan.

- 9 No development shall commence until a mitigation and management method statement has been submitted to and approved in writing by the Local Planning Authority to provide details of how those retained hedgerows are to be protected during construction. This will be secured by fencing to create a 5m buffer around the retained hedgerows during construction, maximised to the edge of the construction works. The development shall thereafter proceed in accordance with the approved hedgerow protection measures.

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

- 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 part of the building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

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

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

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

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

- 13 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan and accompanying Site Setup Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with WSCC

Highways, the Councils Environmental Health Officer and Ecologist as appropriate). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:

- the programme of construction works;
- the anticipated, number, frequency, types and timing of vehicles used during construction including delivery times;
- the means of access and road routing for all construction traffic associated with the development;
- provision of wheel washing facilities (details of their operation & location) and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- details of street sweeping;
- details of a means of suppressing dust & dirt arising from the development;
- a scheme for recycling/disposing of waste resulting from demolition and construction works (i.e. no burning permitted);
- details of all proposed external lighting to be used during construction (including location, height, type & direction of light sources and intensity of illumination);
- details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
- details of areas to be used for the storage of plant and materials associated with the development;
- details of the temporary construction site enclosure to be used throughout the course of construction (including access gates, decorative displays & facilities for public viewing, where appropriate);
- contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details);
- details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works;
- details of any temporary traffic management that may be required to facilitate the development including chapter 8 traffic signage;
- measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s).

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

The Construction & Environmental Management Plan shall also include reference measures to minimise disturbance to bats and other wildlife during construction. This should include the briefing of site operatives and monitoring by an ecologist. In addition, all deep pits/trenches/holes/pipework greater than 200mm diameter present on the site should be secured or a means of escape provided within them during hours of darkness. All such excavations should be checked each morning. Any hazardous chemicals should also be suitably stored away so animals cannot access them.

Reason: In the interests of the safety/amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & general amenities of the area, biodiversity (particularly bats) and in the interests of highway safety in accordance with policies D DM1, ENV DM5, QE

SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the NPPF. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

- 14 No development above damp proof course (DPC) level shall take place unless and until details of the proposed location of the required fire hydrant has been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Prior to the first occupation of the premises, the developer shall at their own expense install the required fire hydrant in the approved location to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

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

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

- 15 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development.

The proposed landscape scheme will need to maximise the biodiversity of the site with the inclusion of habitat enhancements in accordance with section 4.0 of the Bat Report 2021 and section 4.0 of the Preliminary Ecological Appraisal June 2021. In addition, any trees that are felled to make way for the development should be replaced with new native species on a 2:1 basis.

The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 16 No development above damp proof course (DPC) level shall take place unless and until full details of the proposed pedestrian access improvements have been submitted to and approved in writing by the Local Planning Authority (who shall consult with WSCC Highways and its own Drainage Engineers). The scheme shall take account of the comments on this application regarding the culverting of watercourses. No part of the development shall then be occupied until such time as the approved pedestrian access improvements have been constructed.

Reason: In the interests of road safety and off-site drainage in accordance with policies T SP1, T DM1 and W DM3 of the Arun Local Plan.

- 17 No development above damp proof course (DPC) level shall take place unless and until a

schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed care home building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policies D SP1 and D DM1 of the Arun Local Plan.

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

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

- 19 Prior to the occupation of any part of the development, full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) shall be submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats using the trees and hedgerows by incorporating the advice at section 4.4 of the submitted Bat Report 2021. The lighting approved shall be installed and maintained in accordance with the approved details.

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

- 20 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 drawings 2109058-05, 2109058-06 & 2109058-07.

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

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

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

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

Reason: To provide adequate on-site car parking and turning space for the development in

accordance with policy T SP1 of the Arun Local Plan and the NPPF.

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

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, to mitigate against any potential adverse impact of the development on local air quality and to provide sustainable travel options in accordance with policies T SP1, T DM1 & QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the NPPF.

- 24 Prior to occupation of any part of the premises, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other fume/odour generating activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and shall thereafter be operated and retained in compliance with the approved scheme.

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

- 25 Prior to occupation of any part of the premises, details of proposed grease traps/separators within the drainage serving the kitchen/s shall be submitted to and approved in writing by the Local Planning Authority. The grease trap/separator shall be of a proportionate capacity to effectively contain grease residue arising from the estimated numbers of hot meals served and the waste water flow rate. The approved drainage features shall be installed prior to the first operation of the premises and thereafter be operated and retained in compliance with the approved scheme.

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

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

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

Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment & prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

28 All bathroom and toilet windows in the external elevations of the care home building hereby approved shall be glazed with obscured glass and permanently retained so thereafter.

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

29 The proposed first floor end corridor windows on the twin wings of the southern elevation of the building (adjacent to rooms 41 & 33) shall at all times be glazed with obscured glass and permanently retained so thereafter.

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

30 **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.

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

(1) A contribution of £12,333 to provide additional facilities at a new Tier 7 community library facility in Bersted. However, if a site does not come forward then the contributions will be spent on providing additional facilities at the nearest existing library.

(2) A contribution of £953 to be used towards supply and installation of additional fire safety equipment/smoke alarms to vulnerable persons homes in the West Sussex Fire Rescue Services Southern Area serving Bersted.

(3) A Travel Plan and its associated monitoring fee (£3,500 at the time of writing for monitoring and auditing of the Travel Plan).

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

33 **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 infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance of 40% on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus40%) between the invert of the entry pipe to the soakaway and the base of the structure. The design must also have provision to ensure there is capacity in the system to

contain the critical 1 in 100 year storm event (plus 40%).

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 groundwater table in support of the design. The applicant is advised to discuss the extent of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.

34 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.

35 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.

36 INFORMATIVE: A surface water drainage verification condition guidance note is available at <https://www.arun.gov.uk/drainage-planning-consultations>, this clearly sets out our requirements for discharging this condition.

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

38 INFORMATIVE: The applicant should note that there is a Public Right of Way running adjacent to the southern site boundary and steps must be taken to ensure this is not interfered with or blocked. If there is a need to temporarily close this path due to this proposed development then WSCC's PROW team can be approached for advice on the legal process required to be followed. The path can only be closed if there is a risk to the health and safety of lawful public path users. It is also important to note that if there is any proposal to change the adjacent hedge then any encroaching vegetation on the public footpath is the landowners responsibility to cut back so the usable width of the footpath is not restricted at any stage. The surface of the footpath cannot be disturbed as part of this proposed development without prior consent from WSCC's PROW team. If surface disturbance is required then a temporary closure will be required and the details of the works and specification for reinstatement must also be approved by the PROW team before works commence. Any drainage linked with this development that may impact the public footpath will also require approval by WSCC's PROW team prior to any works taking place.

39 INFORMATIVE: We encourage the highest practicable standards of building insulation and use of renewable forms of heating (such as ground and air source heat pumps) as opposed to natural gas boilers where possible. This action would contribute to the improvement of local air

quality and reduce overall GHG emissions in the long term. If any heat pumps are to be included in the development the applicant shall be required to demonstrate that any pump/s meets the criteria detailed in the Micro Certification Scheme planning standards (MCS 020).

40 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, buildings, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

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

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

BE/176/21/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: AL/129/21/OUT

LOCATION: Land adjacent to Woodgate Nurseries
Lidsey Road
Aldingbourne
PO20 3SU

PROPOSAL: Outline planning application with all matters reserved (except access) for residential development with up to 95no. dwellings (Use Class C3), informal and formal public open space, landscaping, drainage and other associated works. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Although layout is a reserved matter, an indicative layout has been provided which shows areas of new homes and an area of open space centrally sited in the southern part of the site. The application proposes a single access from Lidsey Road in the southern half of the site with a ghost island in the carriageway to facilitate right turn waiting. The resultant Lidsey Road carriageway lanes will each be 3.25m wide.

The access will be 7.3m wide (tapering to 5.5m inside the site) with additional 2m footways and will take the form of a bell mouth arrangement with 15m radii. Visibility splays of 2.4m by 160m. It is proposed to provide new footway along Lidsey Road between the new access and the existing footway outside April Cottage to the north. This will be 2m wide by around 125m long and will include new dropped kerbs onto Lidsey Road to allow transition for cyclists from road to footway (& vice versa) plus tactile paved crossing points of the access and the existing driveway access to Woodgate House.

The illustrative layout suggests a secondary pedestrian access in the north-eastern corner of the site onto the new footway. The existing access serving Woodgate House, Stockhearn Nursery and associated dwellings will be retained and the site layout road would cross it to the west of Woodgate House. All other existing field gate accesses would be stopped up. Internally, there would be 2m wide footways and shared surface drives at the end of some cul-de-sac spurs.

SITE AREA

The site area as stated on the application form is 3.53 hectares, but this does not include the extent of the red edge within the highway boundary.

RESIDENTIAL DEVELOPMENT DENSITY

Up to 26.9 dwellings per hectare.

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| TOPOGRAPHY | There is a difference in levels between the northwestern corner at approx. 9.5m above Ordnance Datum (AOD) compared to the southeastern corner (8.6m AOD) although this change in levels is over a distance of 320m and so the site appears predominantly flat. |
| TREES | There are trees/hedgerow to the eastern, southern and part northern/western boundaries. There are several trees in and around Woodgate House (excluded from the site area) and extending into the site from a point due south of Woodgate House. The application proposes to remove several small low value/non-native trees forming part of self-seeded/unmanaged hedgerows in the site comprising Cypress trees and a Western Red Cedar. These are (a) on the site frontage, (b) in a row extending west from the former, (c) on the majority of the northern boundary and (d) along the western boundary. A Tree Preservation Order (TPO/AL/7/22) has been imposed to protect 9 Pedunculate Oak and 1 Ash on site. |
| BOUNDARY TREATMENT | Mix of hedging and low timber/wire fencing. Higher timber fencing to the southern aspect of Woodgate House and hedges to its other boundaries. Some properties bordering the site have open boundaries. |
| SITE CHARACTERISTICS | The site comprises two agricultural fields separated by a row of trees. One of the fields is split by a private access road serving Woodgate House, a large horticultural nursery to the west (Stockhearn Nursery) and associated dwellings. There is a ditch system along part of the front and extending into the site in two locations. |
| CHARACTER OF LOCALITY | The north part of the site (north of the private drive) is semi-rural due to it having houses to the north/east and a large nursery site to the west. The land south of the private drive is more rural as it borders open fields and the surrounding landscape is agricultural fields, with relatively few residential properties. Surrounding houses are predominantly one or one and a half storeys but Woodgate House and Stockhearn House (the latter being opposite the very northern boundary) are two storey exceptions. |

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| RELEVANT SITE HISTORY |
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| AL/104/21/ESO | Request for screening opinion for a proposed development of up to 95 dwellings | ES Not Required 02-09-21 |
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AL/104/21/ESO was a request for an Environmental Impact Assessment (EIA) Screening Opinion and the Local Planning Authority confirmed in September 2021 that an EIA would not be required. Prior to this, pre-application advice was given in August 2021 for a scheme of around 85 dwellings and concluded that:

"The proposal despite being outside of the BUAB, is sustainably located as it lies on the southern edge

of Aldingbourne and it will be possible for residents to use non-car means of transport to access schools, pubs, shops and other services. This is reliant on footway being provided on the site frontage to enable pedestrians to walk from the site to the north.

Whilst the private car could be required for longer distances, residents would not need to rely on a car for local journeys. Recent applications (BN/50/20/PL and AL/20/21/PL) have included measures in their Travel Plans to provide future residents with Travel Information Packs, cycle vouchers and other benefits to encourage alternative means of transport. You should consider doing the same.

The proposal results in economic and social benefits but you should seek to quantify these through an application submission. We will need to consider any environmental, social or economic harms such as disturbance to wildlife, loss of agricultural land and any increase in air pollution. It is not possible at this time to say for certain whether the proposal meets the definition of Sustainable Development. It may not be necessary to apply the NPPF presumption in favour of sustainable development as subject to meeting the 7 criteria in ANDP policy EH1, you may be in accordance with the most recent policies of the development plan despite the site being outside the BUAB."

REPRESENTATIONS

Aldingbourne Parish Council provided a 7 page objection letter available to view on the website but their main points are:

- Required infrastructure must be secured through s106;
- Countryside development in conflict with the Development Plan;
- No evidence of how these homes will meet the local housing needs of the Parish;
- As the Housing Land Supply (HLS) exceeds 3 years, the Aldingbourne Neighbourhood Development Plan (ANDP) has full weight in the determination of new housing applications;
- The ANDP has accommodated a substantial increase in its housing allocation therefore weight should still be given to the plan's housing policies;
- Harm to landscape & character as this site is more closely related to open countryside than the built up areas to the north and east;
- Harm to dark skies from lighting associated with the amount of residential development;
- The layout is contrary to the Design Guide;
- Concerns with the nature and extent of ecological survey work including in respect to bats;
- Loss of important agricultural land;
- Unclear how the site access will relate to the BEW proposals or how cycling will be accommodated;
- No precedent from applications AL/20/21/PL, AL/32/19/OUT or BE/63/17/OUT; and
- The applicant has not engaged with the Aldingbourne, Barnham and Eastergate Community Land Trust (ABE CLT) regarding the affordable housing provision.

8 resident objections raising the following concerns:

- The site has been incorrectly addressed and so is invalid;
- The site area is incorrect and therefore the incorrect fee has been paid;
- The site area infringes on garden of the Paddock;
- Countryside location;
- No need for new houses in Aldingbourne;
- Loss of agricultural land & impact on food production;
- The site owner owns previously developed sites nearby and these should be considered first;
- Infrequent local bus service;
- No footway at the site;
- Inadequate road network;

- Road safety due to location on a bend;
- The A27 contribution will not help Woodgate;
- It is unacceptable to only seek approval of access;
- Inadequate parking;
- Impact of new development on water pressure;
- Inadequate infrastructure;
- Overlooking;
- Noise & light pollution;
- Air pollution to the site from the nearby former landfill site;
- Groundwater flood risk;
- Flood risk from the ditch along the frontage;
- Proposed foul drainage is inadequate and against the regulations as passes under existing homes;
- Impact on local house prices;
- Harm to protected species including bats, birds, badgers, hedgehogs, snakes & slow worms;
- Loss of trees including from the visibility splay requirements;
- Several trees removed in March 2021;
- Inadequate archaeological assessment;
- Contrary to the application form, the site is contaminated as there is Japanese Knotweed;
- Statements from Government ministers suggest these types of development should be stopped.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments of the Parish Council and objectors are noted, and the majority of the objections are considered in the conclusions section with the exception of the following:

- Only affordable housing and infrastructure in the site red edge can be secured by s106 as otherwise there would be conflict with CIL;
- The Councils HLS is below 3 years so the ANDP does not benefit from the weight given to recently made plans by para 14 of the NPPF;
- The layout is not being determined at this time, neither is the parking provision;
- A plan within the Transport Technical Note, December 2021 showing site access works in relation to the proposed BEW access & roundabout demonstrates the two are compatible;
- WSCC Highways requested the footpath link proposed to the north-east corner is sufficiently wide to cater for cyclists, and that entry/exit points either side of Lidsey Road be provided to assist with users entering and leaving the carriageway of the A29 and getting in and out of the site. These matters will be resolved at reserved matters stage or through a s278 highways agreement;
- Should permission be granted it will be necessary to prepare a s106 legal agreement to secure the affordable housing and the involvement of the ABE CLT will be sought at that time.
- It is accepted that the site is adjacent to Stockhearn Nurseries. The address given does not make the application invalid;
- Whether the fee is correct or not does not render the application invalid;
- The applicant provided copies of title deed plans for the ownership of the site and of The Paddock and these confirm that the red edge is correct;
- The applicant is not the site owner;
- Footway has been proposed to link the access to the existing pavement;
- The purpose of the National Highways contribution is to mitigate the impact of new development on the strategic road network;
- An outline application solely with access is an acceptable and widely used form of application;
- Water pressure is not covered by planning policy;
- The impact of development on house prices is not capable of being a material planning consideration;
- Trees were removed before the Council were aware of the proposal and before the Tree Officer had assessed the site. There was no breach of planning;

- Presence of invasive weed does not mean a site is contaminated for the purpose of the form.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATIONAL HIGHWAYS - no objection provided the development secures £48,980.10 towards the required amendments to the Arun Local Plan A27 mitigation scheme. Should the Council require a Construction Management Plan (CMP) as part of a permission granted for this proposal, then request the CMP state construction traffic will seek to avoid using the SRN during network peak hours of 08:00-09:00 and 17:00-18:00 and any loose loads on vehicles using the SRN will be adequately sheeted.

NATURAL ENGLAND - stated no comments.

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

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

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

- Surface water mapping shows site is at low risk from surface water flooding, but this risk is based on modelled data and should not be taken as meaning the site will/will not definitely flood in these events;
- The area of development is shown to be at high risk from groundwater flooding based on current mapping, but this is modelled data only and should not be taken as meaning the site will/will not suffer groundwater flooding;
- A watercourse runs along the western boundary of the site; and
- No records of historic surface flooding within the confines of the site.

WSCC FIRE & RESCUE - no objection subject to conditions to secure new fire hydrants.

WSCC HIGHWAYS - Initially requested further information in the form of a formal design check of the highway works including cycle access works, an additional road safety audit for the requested cycle infrastructure & extended footway along Lidsey Road, consideration of WSCC comments on the submitted RSA, a plan to show how the access interacts with the proposed BEW junction arrangements, a plan to show interaction with the accesses to the properties on the eastern side of Lidsey Road and a response to the comments on the Travel Plan.

There has since been significant and lengthy negotiation between WSCC and the applicant with the result that WSCC Highways are now satisfied that all the outstanding highway related matters have now been addressed. Conditions are requested to secure car parking, electric vehicle charging spaces, cycle parking, site roads and a construction management plan. In addition, it is requested that the s106 secure a Travel Plan and associated monitoring fee. The highway access works & off-site works should also be secured by condition or s106 as appropriate.

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

- Groundwater on the site has been observed to be high, peaking at 0.1m below ground level;
- This rules out infiltration as a means of surface water disposal;

- The surface water drainage strategy is to attenuate water in a basin in the centre of the site before discharging it at a restricted rate to one of the bordering watercourses;
- Water will be treated and conveyed via a mix of permeable paving, filter strips and swales as well as conventional pipes; and
- The attenuation basin should be separate to the total public open space requirement.

ADC ENVIRONMENTAL HEALTH - no objection subject to consideration of air quality and conditions re contamination, noise, electric vehicle charging, construction management and construction hours. Due to the potential for activities to resume at the adjacent Nursery, there could be noise pollution to new dwellings therefore requests that a 1.8m acoustic fence is installed along the western boundary of the development site and the northern boundary of the northern most plot.

ADC TREE OFFICER - no objection subject to conditions:

- Established oaks on/around the site are important constituents of the local landscape and can provide visual amenity/mature outlook to a scheme. They must be afforded sufficient room to allow future growth;
- A considerable number of long-established roadside trees were felled prior to the application, to create a gap for the preferred point of access. These can be compensated by replacement planting;
- Extensive lower value tree groups are to be removed - G63, G65, G74 & G75. While this might create an opportunity for landscape and biodiversity improvements, a notable loss of visual screening (G65) and wildlife corridor connectivity will be incurred;
- The future layout should respect important trees with 2m+ buffer zones to Root Protection Areas;
- A sympathetic/high-quality development is achievable without undue detriment to retained on and off-site trees; and
- No additional negative (arboricultural) impact arising from construction of the main access and provision of vehicle sightlines.

ADC LANDSCAPE OFFICER - no objection subject to a landscape scheme and provision of on-site play/open space. At reserved matters stage, the play area should be moved away from the attenuation pond or it must be safety checked. The design of the site will need to promote a high-quality development that respects, maintains and enhances local landscape character. All nature conservation features in the site including existing habitats, trees, hedges, watercourses and other features should be incorporated into site design and protected from change. Existing green vegetation is evident along boundaries and further enhancement and improvement would be required. The SPD requires 7,838m² as a minimum of well connected, usable, quality POS provision. On site Local Areas for Play (LAP) and Local Equipped Area of Play (LEAP) provision will be required.

ADC AFFORDABLE HOUSING - no objection subject to a s106 legal agreement to secure 29 affordable dwellings comprising 19 x rented, 7 x First Homes and 3 x intermediate.

COUNCILS ECOLOGIST - initially had concerns surrounding impacts to Slindon Barbastelles and light sensitive (*Myotis* sp), rare & threatened bat species identified during surveys. A buffer or 'dark corridor' is proposed to protect trees & hedgerows on the margins of the site from light spill. Recommend this be 5m or more and be referred to in a bat mitigation strategy to be submitted before determination of the outline permission. Concerns with the reptile surveys as 5 out of 7 were conducted during suboptimal weather and deviated from best practice guidelines. This affects the accuracy/reliability of surveys. Requested a proposed reptile receptor site & method statement be submitted prior to the determination of the outline to ensure that reptiles will not be harmed. No concerns with mitigation and enhancements for nesting/overwintering birds. Proposed enhancements are a welcome addition to the scheme and should be included on finalised landscape plans at reserved matters stage.

COUNCILS ARCHAEOLOGIST - agrees with conclusions of the desk-based assessment study with

regard to archaeological potential, likely impact of development on anything of interest that it might contain and procedure to mitigate this. No objection subject to a condition to secure an archaeological investigation.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and will be addressed in conclusions section except as discussed below:

NATIONAL HIGHWAYS - concerns were raised on AL/113/21/OUT in respect of the vagueness of the "A27 Local Plan mitigation scheme" project and on that application, it was agreed with National Highways to have the contribution go towards mitigation measures between the A27/B2233 Nyton Road junction and the A27/A280 Patching dumbbell roundabout. This project will be used in the s106 for this application.

NATURAL ENGLAND - given the location of the site in 12km of the Singleton & Cocking Tunnels SAC, an Appropriate Assessment was prepared and issued on the 8th February to Natural England for review. They have not yet responded. Any response will then be reported to the Planning Committee.

WSCC HIGHWAYS - The red edge extends onto the carriageway in both directions and is likely to cover most if not all of the off-site highway improvements but it is not clear and the applicant has been asked to confirm this. Subject to this, it will either be necessary to add a further condition or incorporate the works in the s106 and members will be updated of the position at or before the meeting.

COUNCILS ECOLOGIST - following submission of a Lighting and Reptile Strategy Addendum stated that they are satisfied that the scheme is acceptable in terms of impacts of lighting and impacts on reptiles. Recommend conditions to secure the proposed mitigations.

POLICY CONTEXT

Designations applicable to site:

Outside the Built-Up Area Boundary (BUAB);
 Within 12km of Singleton & Cocking Tunnels Special Area of Conservation (SAC);
 Grade 2 Agricultural Land;
 Current & Future Flood Zone 1;
 Tree Preservation Order (TPO/AL/7/22);
 Lidsey Treatment Area; and
 Archaeological Notification Area.

DEVELOPMENT PLAN POLICIES

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

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| AHSP2 | AH SP2 Affordable Housing |
| CSP1 | C SP1 Countryside |
| DDM1 | D DM1 Aspects of form and design quality |
| DSP1 | D SP1 Design |
| ECCSP1 | ECC SP1 Adapting to Climate Change |
| ECCSP2 | ECC SP2 Energy and climate change mitigation |
| ENVDM1 | ENV DM1 Designated Sites of Biodiversity or geographical imp |
| ENVDM4 | ENV DM4 Protection of trees |

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| ENVDM5 | ENV DM5 Development and biodiversity |
| HSP1 | HSP1 Housing allocation the housing requirement |
| INFSP1 | INF SP1 Infrastructure provision and implementation |
| LANDM1 | LAN DM1 Protection of landscape character |
| OSRDM1 | Protection of open space,outdoor sport,comm& rec facilities |
| QEDM1 | QE DM1 Noise Pollution |
| QEDM2 | QE DM2 Light pollution |
| QEDM3 | QE DM3 Air Pollution |
| QEDM4 | QE DM4 Contaminated Land |
| QESP1 | QE SP1 Quality of the Environment |
| SDSP1 | SD SP1 Sustainable Development |
| SDSP2 | SD SP2 Built-up Area Boundary |
| SODM1 | SO DM1 Soils |
| TDM1 | T DM1 Sustainable Travel and Public Rights of Way |
| TSP1 | T SP1 Transport and Development |
| TELSP1 | TEL SP1 Strategic delivery of telecomms infrastructure |
| WDM1 | W DM1 Water supply and quality |
| WDM3 | W DM3 Sustainable Urban Drainage Systems |

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| Aldingbourne Neighbourhood Plan 2019-31 Policy EH1 | Built up area boundary |
| Aldingbourne Neighbourhood Plan 2019-31 Policy EH3 | Development of agricultural land |
| Aldingbourne Neighbourhood Plan 2019-31 Policy EH5 | Surface water management |
| Aldingbourne Neighbourhood Plan 2019-31 Policy EH6 | Protection of trees and hedgerows |
| Aldingbourne Neighbourhood Plan 2019-31 Policy EH10 | 'Unlit Village' status |
| Aldingbourne Neighbourhood Plan 2019-31 Policy EH12 | Protection of bat habitats |
| Aldingbourne Neighbourhood Plan 2019-31 Policy EE8 | Communications infrastructure |
| Aldingbourne Neighbourhood Plan 2019-31 Policy GA1 | Promoting sustainable movement |
| Aldingbourne Neighbourhood Plan 2019-31 Policy GA2 | Footpath and cycle path network |
| Aldingbourne Neighbourhood Plan 2019-31 Policy GA3 | Parking and new developments |
| Aldingbourne Neighbourhood Plan 2019-31 Policy H2 | Housing Mix |
| Aldingbourne Neighbourhood Plan 2019-31 Policy H3 | Housing Density |
| Aldingbourne Neighbourhood Plan 2019-31 Policy | Affordable Housing |

H4

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The revised Aldingbourne Neighbourhood Development Plan was made on 14/07/21 and its policies are referred to in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal conflicts with the Arun Local Plan in that it would result in development outside of the defined settlement boundary and the loss of grade 2 agricultural land. There are conflicts with the specific requirements of Arun Local Plan policies SO DM1 & W DM1 and with the Neighbourhood Plan in respect of the loss of agricultural land and the lack of evidence about local housing need.

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

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

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

Paragraph 14 of the NPPF states where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply.

The Council published its Authority Monitoring Report (AMR) for 2020/21 and this shows the Housing Land Supply (HLS) decreased from 3.3 years to 2.42 years. This reflects a more rigorous assessment of housing trajectories following recent appeals including the very recent appeal concerning Land South of Barnham Station.

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

Arun Local Plan:

Policy H SP1 sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes reference to additional non-strategic allocations being made across the District, through reviews of Neighbourhood Plans and in cases where there is no up-to-date Neighbourhood Plan, through the publication of a "Non-Strategic Site Allocations Development Plan Document". It is no longer planned to prepare this document. The Local Plan is to be subject to a formal review. The ANDP has been reviewed and allocated additional land for housing.

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

Aldingbourne Neighbourhood Development Plan:

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

- (i) the scale of development is proportionate to the housing supply shortfall and local housing needs of the Parish and can be deliverable in the short term;
- (ii) the development will protect the local landscape character and wider setting of the South Downs

National Park and support the dark skies policy;

(iii) the proposal is sensitively designed and located and respects the character and built heritage of neighbouring settlements;

(iv) it is demonstrated through appropriate assessment that there would be no significant harm to biodiversity, including the roosting, feeding and commuting of bat species, or to bat species associated with the Singleton and Cocking Tunnels Special Area of Conservation (SAC) and Slindon Woods;

(v) the proposal is sustainably located and accessible to local facilities and services and sufficient capacity exists or can be provided to accommodate additional needs;

(vi) there would be no unacceptable environmental, amenity or traffic implications including an increased risk of groundwater flooding; and

(vii) the development does not lie within 50m of the biodiversity corridors where these are used by roosting or feeding or commuting bats.

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

(i) The proposal contributes 9.5% towards the annual housing requirements and is clearly proportionate to current housing supply shortfall defined by the ALP. It is unclear from the submission how this proposal will meet specific needs of Aldingbourne particularly as according to ANDP policy H1 2019, the Parish has exceeded its allocation by 48 units. Albeit that it would first be necessary to secure a reserved matters consent, the applicant has stated that the site is deliverable in the short term.

(ii) A Landscape Visual Impact Assessment (LVIA) has been submitted. This states the site has capacity to accommodate and integrate, overtime, residential development of the scale and nature envisaged without significant adverse effects in landscape and visual terms. The Councils Landscape Officer has not raised any concerns.

(iii) Matters of layout, scale, appearance & landscaping are reserved for a future application, but it is clear from the indicative layout that the site can be integrated with existing development and is of a density appropriate to the location.

(iv) An Appropriate Assessment has been prepared which concludes that subject to conditions being imposed, there will be no adverse effect on the integrity of the Singleton and Cocking Tunnels SAC. This is being reviewed by Natural England.

(v) This report concludes although the site will be car reliant, when considering the NPPF as a whole, it is a sustainable site. The site is very close to the committed Wings site, diagonally opposite to the committed Land North of Lees Yard site and in part opposite to the edge of the BEW strategic allocation (which are both also part of the BUAB).

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

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

There is a slight conflict in respect of (a) in that the proposal does not make it clear how it relates to the needs of the Aldingbourne Parish but otherwise the proposal complies with the policy requirements.

The National Planning Policy Framework (NPPF):

The NPPF is an important material consideration in determining planning applications. As the Council cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Part (i) does not apply to this determination as the site does not lie in a protected area. The part (ii) test will be applied at the end of this report.

Other Material Considerations

In January 2022 the government published Arun's most recent Housing Delivery Test (HDT) results and showed that Arun achieved 65% triggering the application of the presumption in favour of sustainable development (although this is already being applied due to the HLS shortfall).

In February 2021, Arun published an Interim Policy Statement for Housing Delivery (IHS). This is not policy, but it meant as a guide for developers proposing development on sites outside the BUAB and to inform planning decisions. The IHS applies to sites adjacent to settlement boundaries and this site is adjacent (opposite to) two different areas of BUAB. The IHS sets out criteria to help speed up determinations of suitable residential developments. The applicant states the proposals meets all but one of the criteria (the exception being the site is not within the BUAB) and so scores very highly against the criteria.

Sustainability

ALP policy SD SP1 "Sustainable Development" states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Para 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

The proposal, despite being outside the BUAB, is sustainably located as it lies on the southern edge of Aldingbourne and it will be possible for residents to use non-car means of transport to access schools, pubs, shops and other services. The proposed 125m long footway on Lidsey Road will enable residents to walk safely to access services/facilities to the north including the bus stops outside the Wings site. The submitted Design and Access Statement has maps showing the proximity of nearby facilities. The addition of the footway will benefit existing residents in this location.

It is relevant to note the site entrance will be not far to the north of the proposed A29 roundabout and entrance to BEW so that residents will in the future be able to access facilities and services in Barnham by heading east through BEW. Whilst the private car could be required for longer distances, new residents would not need to rely on a car for local journeys and although public transport may not be particularly attractive in terms of frequency, it does exist as an alternative. The application includes a travel plan which proposes new residents be provided with vouchers towards cycling equipment and bus/rail travel.

The development will result in the felling of some trees whilst some have been removed already but the most important ones have been protected and the developer will be required to replace trees lost on a 2:1 basis. The application suggests dwellings will be designed to conform with prevailing requirements and standards in respect of energy efficiency and performance and reducing water consumption. In

addition, electric vehicle charging points, superfast broadband, the proposed footway, cycle storage and the Travel Plan will help to minimise the need to travel and thus reduce travel emissions.

The proposal will include 29 Affordable Dwellings and up to 95 new dwellings to contribute to the current housing land supply shortfall & helps to meet future needs. There will be a requirement that a percentage of the new housing be designed to be suitable for the older population.

The application states the development will be delivered by a locally based developer (although it is not possible to ensure this by condition) and will result in the creation of jobs and wages during the construction phase whilst contributing to the overall long-term prosperity of residents and businesses in the District of Arun in perpetuity. The development will result in additional Council Tax revenues & potential new homes bonus payments whilst CIL receipts (to be determined at reserved matters stage) could be used to contribute towards local infrastructure. In addition, the development will contribute financially to improvements on the A27.

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

Notwithstanding the loss of agricultural land, the proposal does meet the economic, social and environmental aspects of sustainable development and the presumption in favour of sustainable development is engaged. This states permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Conclusion on Matters of Principle:

The principle of development on this countryside site conflicts with the ALP but broadly in accordance with policy EH1 of the ANDP. The conflict between the two would be resolved in favour of the newer ANDP. Even if it were considered that the proposal was in conflict with policy EH1 (due to a lack of information as to how the proposal meets the needs of Aldingbourne), because the Councils HLS is below 3 years, paragraph 14 of the NPPF would not apply and the application would then fall to be determined by the NPPF presumption in favour of sustainable development under paragraph 11 (d).

AGRICULTURAL LAND:

The application is accompanied by an Agricultural Land Classification and Soil Resources Report (ALC) which concludes that 2.6ha of the site is in Grade 2 (very good quality) but that the division of the site into three well-defined field parcels affects the efficiency of farming operations. The ALC recommends that the soils be protected and reused. The application documents do not comment on recent agricultural activities at the site but the photographic evidence suggests the fields have been used very recently for arable crops and there would be potential for such activities to continue. The Ecology Assessment states that wheat and barley were growing in the fields in August 2020.

ALP policy SO DM1 states unless land is allocated, then the use of Grades 1, 2 and 3a of the ALC for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the development outweighs the need to protect such land in the long term. ANDP policy EH3 states development proposals affecting best and most versatile agricultural land will be resisted unless it can be demonstrated that the need for the development clearly outweighs the harm.

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

Although this land is (or has until very recently been) used for crops, the Councils housing land supply shortfall is significant and agricultural land will need to be built on to meet the shortfall. Sites that are close to existing settlement boundaries such as this would be preferred to meet this need. The three separate field nature of the site is a potential constraint to continued agricultural viability as larger tracts of land are preferred in the interests of efficiency. On balance, the housing land supply need does serve to outweigh the loss of the grade 2 agricultural land.

Policy SO DM1 makes it clear that in order to fully justify the loss of the agricultural land, the policy criteria (a) to (b) and (d) to (g) should be met. These require assessment of the land's economic status, the land's environmental & other benefits and mitigation measures. The applicant has not responded to these criteria and has not provided a Soil Resource Plan. Whilst the need for the development is accepted, there is conflict with the remaining parts of the policy. A condition can be imposed to secure a Soil Resource Plan to protect and secure reuse of the important soils.

ARCHAEOLOGY:

ALP Policy HER DM6 states that where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites. The policy requires that a desk based archaeological assessment be submitted with the application. The Councils Archaeologist raises no objections. The application is accompanied by an archaeological desk based assessment and so there is no conflict with policy HER DM6.

TRAFFIC & ROAD SAFETY:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes.

ANDP policy GA2 states support will be given to proposals that improve walking & cycling routes whilst GA3 requires parking be provided to meet current standards. Para 110 of the NPPF states: "In assessing .. specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 111 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The application proposes a main access from Lidsey Road which will be 7.3m wide (tapering to 5.5m inside the site) with additional 2m footways and will take the form of a bellmouth arrangement with 15m radii & visibility splays of 2.4m by 160m. It is proposed to provide footway along Lidsey Road between the new access and the existing footway outside April Cottage to the north. This will be 2m wide by around 125m long. The illustrative layout suggests a secondary pedestrian access in the northeastern corner onto the new footway.

The existing access serving Woodgate House, Stockhearn Nursery and associated dwellings will be retained and the site layout road would cross it to the west of Woodgate House. All other existing field gate accesses would be stopped up. The comments of WSCC Highways are set out in full on the Councils website (responses dated 30/11/21 & 08/04/22) and summarised elsewhere in this report. They raise no objections and state no unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe (NPPF para 111).

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

The proposal is compliant with the relevant development plan policies and the guidance on highway safety within the NPPF. There is also support from ANDP policy GA2 in terms of the new footway.

LANDSCAPE, CHARACTER & DENSITY:

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

The indicative layout shows a mix of dwellings. Section G of the Arun Design Guide suggests a density of 5-15 for detached/semi-detached houses and 15-20 for terraced houses in rural locations but 15-25 for detached/semi-detached houses and 20-30 for terraced houses in the 6 village areas. The Design Guide states the density should be appropriate to the location, balancing the need for efficient use of land with a design that responds to and enhances the existing character. The overall density is 26.9 dwellings per hectare.

This site whilst in the rural area is closely related to the settlement boundary and so a density reflecting that given for the 6 villages areas would be appropriate. The density for the Wings site to the north was slightly higher at 27.9 and that this site benefits from screening along its frontage (particularly the northern parts of the site) enabling large parts of the development to be hidden from view (unlike Wings). It is material that permission is applied for up to 95 dwellings and the Local Planning Authority would be able to seek a lower number at reserved matters stage following assessment versus detailed design policies.

The application is outline and does not seek the approval of layout, external appearance, scale or landscaping. The illustrative masterplan suggests the site layout will ensure a landscaped soft edge to existing boundaries with rural land (west & south) and to the road. The layout suggests the open space area will be integrated with the proposed houses and will benefit from natural surveillance.

There will be a visual change to the character of Lidsey Road in this edge of settlement rural location. The existing/proposed tree screening along Lidsey Road will mitigate this to an extent. The submitted LVIA states that:

- the site has a high/moderate capacity for housing development based on its location on a weak settlement boundary, lack of positive contribution to key features and very limited visibility;
- the existing vegetation framework provides a sound basis for improvement and enhancement that will benefit both the settlement approach, provide an attractive setting and improve connectivity and longevity

of key landscape features and habitat;

- the development will square off the existing irregular settlement boundary along this section;
- there are no impacts to any sensitive landscape designations;
- visual impacts from public receptors are considered to be minor with the exception of a very short section of the A29 along the eastern boundary but this will reduce as the proposed boundary treatments mature; and
- overall the site has capacity to accommodate and integrate, overtime, residential development of the scale and nature envisaged without significant adverse effects in landscape and visual terms.

The Councils Landscape Officer has not raised objections in terms of landscape character. Although the proposal will result in a change to the character of the area, over time, this will reduce due to proposed boundary enhancement and in any case this impact is outweighed by the benefits of the proposal including the contribution to the HLS shortfall. The proposal is acceptable in respect to density, landscape and character and there is no conflict with the relevant policies.

RESIDENTIAL AMENITY:

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

It is appropriate to ensure the development can be finalised without giving rise to any harm to existing residential properties. The layout suggests there may be situations where the Councils interface distances cannot be achieved or where overlooking may occur such as the areas adjacent to existing dwellings (The Paddock & April in the northern part). As the development is for up to 95 dwellings and as layout is not being agreed, these issues can be resolved at reserved matters stage. The location of vehicle/pedestrian accesses will not give rise to disturbance to existing residents.

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

POLLUTION IMPACTS:

ALP Policy QE DM3 requires that major developments are in easy reach of established public transport services, maximise provision for cycling & pedestrian facilities, include electric car charging points and contribute towards the improvement of the highway network.

The layout and footway improvements will allow persons to safely walk out of the site and north towards nearby services and facilities. Residents can cycle on Lidsey Road to reach destinations to the north and south. Electric vehicle charging points, cycle storage and travel vouchers will promote the use of non-car means of travel and so potentially reduce vehicle emissions. The Air Quality Assessment concludes increases in pollution concentrations as a result of scheme generated traffic are not expected to have a significant impact on local air quality. The Environmental Health Officer (EHO) raises no concerns.

Policy QE DM1 states that residential development likely to experience road noise must (a) be supported by a noise exposure category assessment and designed to ensure that residents will not be adversely affected by noise; and (b) consider both the likely level of exposure at the time of application and any increase that might be reasonably expected in the foreseeable future.

The application is accompanied by a Noise Assessment which recommends acoustically rated windows and ventilation to habitable rooms. It concludes that with these mitigations, noise in habitable rooms

would be appropriate and that daytime external noise levels will be lower than acceptable levels. The EHO requested particular consideration of the horticultural premises to the west and requested that an acoustic fence be placed on the western boundary of the site and the northern boundary of the northern most plot to protect against any future noise from the horticultural premises.

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

The Design and Access Statement states lighting should be reserved to a condition, but states detailed design will ensure light levels provide the minimum glare and spillage without compromising security and effectiveness. It is agreed lighting can be reserved to a condition and this will ensure that lighting is designed to be sensitive to bats/other wildlife using site boundaries. The EHO raises no concerns.

Therefore, there are no conflicts with the relevant policies.

CONTAMINATION:

ALP Policy QE DM4 states development will be permitted on land that is contaminated as long as remediation is provided. The submitted Preliminary Ground Contamination Risk Assessment states the site has comprised agricultural fields since the earliest mapping in 1874 and no development has taken place since that time. It concludes there are no potential pollutant linkages with regard to either proposed end users of the site or controlled waters.

Environmental Health raised no objections subject to a standard unexpected contamination condition. With this condition in place, remediation can be secured should any contamination be discovered and as such the proposal will be in accordance with the policy.

TREES:

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

The application proposes to remove several small low value/non-native trees forming part of self-seeded/un-managed hedgerows within the site comprising of Cypress trees and a single Western Red Cedar. These are (a) on the site frontage, (b) within a row extending west from the former, (c) on the majority of the northern boundary and (d) along the western boundary. A TPO is in place to protect 9 Pedunculate Oak and 1 Ash tree in the site boundaries. Three of these are on the Lidsey Road frontage, three on the southern boundary, three on the western boundary and 1 on the northern boundary. None are proposed to be removed.

The Tree Officer raises no objection at this outline stage. A considerable number of long-established roadside trees were felled prior to the planning application to create a new gap for the preferred point of access but the Tree Officer considers that these can be compensated by replacement planting.

Landscaping will be considered at the reserved matters stage and the Council will require two trees are planted for each one lost and require that new hedgerow is planted to replaced that lost. This is included

in a condition. It is clear that the tree and hedgerow loss are required to facilitate the development of the site, are not excessive and that there will be space available within the site to allow tree planting on a 2:1 ratio. The benefits of this development to the Councils HLS outweigh the limited harm in respect of the lost trees and there is no conflict with the relevant policies.

BIODIVERSITY:

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

Just under half of the site lies in the 12km buffer zone for the Singleton and Cocking Tunnels Special Area of Conservation (SAC). ANDP policy EH12 2019 states proposals for development of greenfield sites in this area must evaluate whether there is a potential for the loss of suitable foraging habitat and/or the severance of commuting flight lines, such as in the form of mature tree lines. Such features should be retained unless it is proven that they are not used by Barbastelle, Bechstein or other bats linked with nearby roosting sites.

The application is accompanied by an Ecological Impact Assessment (EIA) and a Lighting and Reptile strategy addendum report. The EIA found evidence of reptiles, foraging & commuting bats and breeding & overwintering bird species. The Councils ecologist initially had concerns regarding reptiles and lighting impacts on bats but following the submission of a reptile and lighting addendum report state that the mitigation measures are appropriate, and can be conditioned. These measures include a sensitive lighting plan to include dark corridors on the western and southern boundaries and these areas will also benefit a small population of slow worms.

The survey evidence in respect of bats was limited to four species (common pipistrelle, soprano pipistrelle, brown long-eared bat and barbastelle) and activity was low during each survey and was concentrated along linear features such as trees and hedgerows around the field boundaries. The EIA concluded that as the activity surveys did not reveal use of the site by large numbers of foraging bats, these impacts before mitigation were significant at no more than the local level.

The Council prepared an Appropriate Assessment (AA) as per the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). This concluded there would not be any adverse effects on The Singleton & Cocking Tunnels SAC due to provision of suitable avoidance and mitigation measures. Natural England have been requested to review the AA and their comments (if any) will be reported to members at the Meeting. On this basis, there is no conflict with ANDP policy EH12 2019.

The proposal results in the loss of some or all of five tree groups some of which form a hedgerow running along the southern side of the proposed access. The hedgerow site boundaries are all retained. New planting to be detailed at reserved matters stage will ensure these losses are mitigated. Other biodiversity enhancement measures can be secured through conditions. The proposal complies with the relevant policies.

FLOODING & SURFACE WATER DRAINAGE:

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

WSCC and the Councils Drainage Engineer observed that groundwater levels are high but do not raise any concerns with this but rather state that this rules out infiltration of surface water drainage to ground. The surface water drainage strategy is to attenuate water in a basin in the centre of the site before discharging it at a restricted rate (and treating it prior to discharge) to one of the bordering watercourses. No objections are raised to this approach and the detailed elements will be secured by condition. On this basis, there is no conflict with the relevant policies.

FOUL DRAINAGE:

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

The application is not accompanied by a full Drainage Impact Assessment with foul drainage covered instead as a part of the submitted Flood Risk and Drainage Statement. This states the site will drain to the existing foul main sewer network that serves Woodgate House. A mix of gravity drainage and pumping will be used depending on the part of the site.

Southern Water indicated there is not currently sufficient capacity in the existing network, but they will increase capacity for any consented scheme in two years. A developer has a right to connect to the existing sewerage system with any offsite network improvements undertaken by Southern Water using revenue they collect from by their Infrastructure Charging Scheme. Southern Water raise no objections as long as the site is delivered in a phased manner to align with the necessary network reinforcement measures.

Although there is a conflict with policy W DM1 due to no Drainage Impact Assessment, this conflict is minor and it is material that neither Southern Water nor the Councils drainage engineers object.

TELECOMMUNICATIONS:

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

CLIMATE CHANGE:

ALP policy ECC SP2 requires new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change and that all major developments must produce 10% of total predicted energy requirements from renewables unless unviable.

The application suggests the dwellings will be designed to conform with prevailing requirements and standards in respect of energy efficiency and performance and reducing water consumption. A condition will need to be imposed to ensure that the policy requirements are incorporated into the reserved matters application and the final build. There would be no conflict with the relevant policies.

HOMES FOR OLDER PEOPLE:

ANDP Policy H2 states proposals where at least 25% of dwellings meet Lifetime Home Standards, or its equivalent, will be supported. This does not mean that it is a requirement of this policy. Lifetime Home standards no longer exist, and the equivalent current standard is contained in part M4 of the Building Regulations.

Arun DC has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but is considered to have some weight as a material planning consideration and is supported by references in ALP policies D DM1 & D DM2.

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

AFFORDABLE HOUSING:

As per ANDP policy H4, developments over 10 residential units require a minimum provision of 30% affordable housing on site. The Councils Housing Strategy & Enabling Manager has stated that 29 affordable dwellings should be secured by a s106 legal agreement.

The Council recently adopted an interim affordable housing policy which sets out the need to secure first homes as part of the affordable housing mix. In order to accord with this policy, the mix will need to comprise of 7 First Homes, 3 intermediate/shared ownership and 19 affordable rented. The affordable housing provision will be secured by the s106 legal agreement and on this basis, the proposal will accord with policy AH SP2. The s106 will include local housing clauses and involve the ABE CLT.

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 requires housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. The Councils SPD "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement for 7,838m² of Public Open Space (POS) including 1,150m² of play provision comprising of on-site Neighbourhood Equipped Area of Play (NEAP) or a mix of Local Areas of Play (LAP) and Local Equipped Area of Play (LEAP). These figures are based on 95 dwellings and so would reduce if the dwelling number went down.

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

SUPPORTING INFRASTRUCTURE:

ALP policy INF SP1 requires development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing community.

This development would be liable for CIL, but this will not be calculated until reserved matters stage when the floorspace is known. Infrastructure providers such as WSCC and the NHS can then make a bid for a portion of the CIL payments collected to spend on their own projects. The Parish Council will also

be provided with 25% of the CIL receipts to spend on their own projects. These payments go towards providing the infrastructure that the district needs to support existing and future development.

In respect of highway contributions, para 5 of the most up-to-date ADC Community Infrastructure Funding Statement details ADC's CIL infrastructure list which does not include strategic highways. Therefore, it is evident that no ADC CIL money will be spent on strategic highways. Paragraph 6.3 makes it clear that ADC do not generally collect via s106 for strategic highways (i.e. the strategic road network as managed by National Highways) and there is nothing in WSCC CIL Infrastructure Funding Statement that indicates that CIL will be passed on to National Highways where there are impacts on the strategic road network. It is clear that National Highway's consultation response is an objection unless the LPA seeks to collect a contribution of £48,980.10 towards mitigation measures on the A27 between the A27/B2233 Nyton Road junction and the A27/A280 Patching dumbbell roundabout.

Subject to the applicant entering into a s106 Agreement to secure the National Highways contribution and the Travel Plan monitoring/auditing fee required by WSCC Highways then there would be no conflict with ALP policy INF SP1.

SUMMARY:

As the Council's HLS is now below 3 years (only 2.42 years), paragraph 14 of the NPPF would not apply and the application would fall to be determined by the NPPF presumption in favour of sustainable development. This states at 11 (d) (ii) where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The proposal represents sustainable development. This report identifies some impacts in respect of character, biodiversity and loss of good quality agricultural land plus conflicts with policies relating to countryside development and foul drainage. On the other hand, the proposal will make a meaningful contribution to the HLS shortfall along with other social and economic benefits. This is an appropriate location for development and benefits from support from the Council's Interim Housing Statement. The adverse impacts identified do not significantly and demonstrably outweigh the benefits and there is no conflict with other policies within the NPPF.

The recommendation is for the Planning Committee to delegate to the Group Head of Planning in consultation with the Chair and Vice Chair authority to:

- (a) Grant outline planning permission subject to conditions; and
- (b) Subject to a Section 106 Agreement, the terms of which are substantially in accordance with those set out in this report with any minor amendments authorised by the Group Head of Planning

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

- (1) In the absence of a signed Section 106 agreement, the development fails to make any affordable housing provision and is thereby contrary to the aims and objectives of the NPPF and policy AH SP2 of the Arun Local Plan.
- (2) In the absence of a signed Section 106 agreement, the development will not provide the highway improvements necessary to deliver the development & mitigate any residual harm to the local and strategic road network and is thereby contrary to ALP policies T SP1, T DM1 and the NPPF.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

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

(1) The provision of 29 Affordable Dwellings consisting of 19 affordable rented, 7 First Homes and 3 Intermediate. The s106 will be tailored to include local housing clauses and involve the ABE CLT.

(2) A contribution of £48,980.10 (index linked) from this application site towards mitigation measures on the A27 between the A27/B2233 Nyton Road junction and the A27/A280 Patching dumbbell roundabout.

(3) The Travel Plan and its associated fee of £3,500 (at the time of writing) for monitoring and auditing of the Travel Plan.

CIL DETAILS

This is not currently liable for CIL due to being at outline stage. Instead CIL will be calculated on the reserved matters application.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

beginning with the date of this permission:-

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

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

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

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

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

Dwg DLA.2052.L.14 Rev 04 Red Line Boundary Plan (Location Plan);
Dwg 36 Rev F Proposed Access Arrangements Sheet 1 of 3;
Dwg 36 Rev F Proposed Access Arrangements Sheet 2 of 3;
Dwg 36 Rev F Proposed Access Arrangements Sheet 3 of 3;
Dwg 38 Rev A Plan showing Proposed Access Arrangements overlain with highway boundary;
Dwg TR02 Rev C Refuse Collection Vehicle Site Access Swept Path Analysis;
Dwg TR04 Rev B 16.5m Articulated Vehicle Site Access Swept Path Analysis; and
Dwg TR05 Woodgate House Access Swept Path Analysis.

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

- 4 The development shall be carried out in complete accordance with the mitigations and enhancements set out in sections 5 and 6 of the submitted Ecological Impact Assessment (01/09/21, P3816). The proposed enhancements shall be detailed on the landscape details to be submitted pursuant to condition 1 and shall also include the following additional measures:

- New native trees planted on a ratio of 2 for every 1 lost including street trees which are suitable to their location and are given space to grow; and
- Log piles and hedgehog boxes provided on-site.

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

- 5 The development hereby approved shall be carried out in accordance with the mitigation measures set out in the Noise Impact Assessment by 24 Acoustics (R9249-1 Rev 1, 04/10/21). An acoustic assessment of compliance the report shall then be submitted to the Local Planning Authority no later than two months after commencement of the development hereby permitted. Any further provisions indicated in the assessment which need to be made to control noise shall be submitted in writing for the written approval of the Local Planning Authority within 1 month of the assessment and all works form part of the approved scheme shall thereafter be implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority and thereafter maintained.

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

- 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 (defined as not involving any machinery/plant) on Sunday or Bank/Public Holidays. In addition, there shall be no external working an hour before, during and an hour after sunset and sunrise even if those times fall within the above time periods.

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

- 7 The details submitted pursuant to condition 1 shall include 1.8m high acoustic fencing to protect the houses adjacent to the western boundary and also adjacent to the northern boundary of the northern most part of the site. The reserved matters submission shall include full details of this including design and placement. However, the siting of such fencing should not conflict with the proposed wildlife buffer along the western boundary.

Reason: To protect the amenities of new residents from noise associated with the horticultural site to the west & north west in accordance with policy QE DM1 of the Arun Local Plan.

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

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

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

(3) A mitigation method statement which provides full details of how the dark 5m wide corridors along the southern and western boundaries as per figure 1 of the submitted "Lighting and Reptile Strategy Addendum" (28/01/22, P3816) are to be protected and enhanced for bats and other wildlife. The proposed protection details must include a 5m buffer zone to be secured by fencing around the retained natural areas during construction. The development shall thereafter proceed in accordance with the approved hedgerow protection and enhancement measures;

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

(5) Full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage). This submission should also cover new streetlighting if required. The scheme should seek to conform with the

recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats using the trees and hedgerows (in accordance with the BCT/ILP Guidance Note 08.18) by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. In particular, there should be no external lighting within or that illuminates the dark corridors referred to in (3) above and care should be exercised in respect of lighting directed to the other site boundaries. The lighting approved shall be installed and maintained in accordance with the approved details.

Reason: In the interest of visual amenity, the quality of the environment, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies D DM1, QE SP1, QE DM2, ENV DM4 and ENV DM5 of the Arun Local Plan and the NPPF.

- 9 The layout and landscape details to be submitted pursuant to condition 1 shall include full details of the required public open space (POS) & play areas and management arrangements. The POS and play areas shall thereafter be implemented in accordance with the provision as agreed prior to occupation of the 47th dwelling and permanently retained thereafter. The approved management details shall then be permanently adhered to.

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

- 10 The layout, scale and appearance details to be submitted pursuant to condition 1 shall include the following items:

(1) A scheme for the provision of facilities to enable the charging of electric vehicles in accordance with the Arun Parking Standards SPD to serve the approved dwellings;

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

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

(4) Full details of cycle storage including elevations where provided in separate buildings; and

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

Reasons: In the interests of visual amenity, road safety, the needs of the disabled, to mitigate against any potential adverse impact of the development on local air quality and as new petrol, diesel and hybrid cars/vans will not be sold beyond 2030 all in accordance with policies T SP1, D DM1, QE SP1, QE DM3 of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 11 Should any temporary showhome/s or sales areas be required then full details shall be provided prior to any part of the development site reaching damp proof course (DPC) level. 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 then be returned to their approved permanent appearance within 3 months of the date of the last building sold.

Reason: In the interest of visual & residential amenity and the character/appearance of the

surrounding area in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 12 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 1 shall ensure that the scheme makes provision for accommodation to meet the Building Regulations Standards M4(2) and M4(3) in accordance with Aldingbourne Neighbourhood Development Plan Policy H2 and the Councils guidance note entitled "Accommodation for Older People and People with Disabilities Guidance".

Reason: To ensure that part of the development allows for residents to remain in their own homes over the course of their lifetime in accordance with policies D DM1 and D DM2 of the Arun Local Plan and policy H2 of the Aldingbourne Neighbourhood Development Plan.

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

- the phased programme of construction works;
- the anticipated, number, frequency, types and timing of vehicles used during construction (construction vehicles should avoid the strategic road network during the peak hours of 0800-0900 and 1700-1800 where practicable);
- the sheeting of any loose loads;
- the means of access and road routing for all construction traffic associated with the development;
- provision of wheel washing facilities (details of their operation & location) and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- details of street sweeping;
- construction vehicle delivery times;
- details of a means of suppressing dust & dirt arising from the development;
- a scheme for recycling/disposing of waste resulting from demolition and construction works (i.e. no burning permitted);
- details of all proposed external lighting to be used during construction (including location, height, type & direction of light sources and intensity of illumination);
- details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
- details of areas to be used for the storage of plant and materials associated with the development;
- details of the temporary construction site enclosure to be used throughout the course of construction (including access gates, decorative displays & facilities for public viewing, where appropriate);
- contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details);
- details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works;
- details of any temporary traffic management that may be required to facilitate the development including chapter 8 traffic signage;
- measures to minimise the noise (including vibration) generated by the construction process

to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s).

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

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

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

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

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

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

- 15 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.

- 16 The development shall not proceed until details have been submitted to and approved in

writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values and in accordance with current policies. No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

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

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

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

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

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

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

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

- 20 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which

has been submitted by the applicant and approved by the Planning Authority.

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

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

Prior to the first occupation of any dwelling forming part of the proposed development, the developer shall at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved locations to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

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

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

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

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

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

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

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

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

- 25 No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed in accordance with the plans to be submitted to and approved by the Local Planning Authority through the reserved matters application.

Reason: To secure satisfactory standards of access for the proposed development and in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

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

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

- 27 No part of the development shall be first occupied until visibility splays of 2.4m by 160m in both directions have been provided at the proposed vehicular access onto Lidsey Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above the adjoining carriageway level or as otherwise agreed in writing with the Local Planning Authority.

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

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

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

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

Reason: To ensure that the development complies with approved details in the interests of protection of the environment & prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 30 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.

- 31 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to:
- (1) The provision of 30% affordable dwellings (consisting of 67% affordable rented, 25% First Homes & 8% Intermediate). The s106 will be tailored to include local housing clauses and involve the ABE CLT;
 - (2) A contribution of £48,980.10 (index linked) from this application site towards mitigation measures on the A27 between the A27/B2233 Nyton Road junction and the A27/A280 Patching dumbbell roundabout; and
 - (3) A Travel Plan and its associated fee of £3,500 (at the time of writing) for monitoring and auditing of the Travel Plan.
- 32 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.
- 33 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 34 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 15/11/21) as available on the Councils website.
- 35 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which is available to read on the following website: <https://beta.southernwater.co.uk/infrastructurecharges>.
- 36 INFORMATIVE: A public sewer crosses part of the site north of Woodgate House and measures will need to be taken to protect it during construction. There are also rules on construction above a sewer in order to prevent damage and allow for future maintenance. Please discuss this with Southern Water - Developer.Services@southernwater.co.uk.
- 37 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance of 40% on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus40%) between the invert of the entry pipe to the soakaway and the base of

the structure. The design must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 40%).

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 groundwater table in support of the design. The applicant is advised to discuss the extend of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.

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

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

39 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.

40 INFORMATIVE: A surface water drainage verification condition guidance note is available at <https://www.arun.gov.uk/drainage-planning-consultations> and this clearly sets out our requirements for discharging this condition.

41 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990. For further information please contact the Environmental Health Department on (01903) 737555.

42 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and/or ash from fires or noise from the cutting and/or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should be contacted regarding Exemption Permits to burn on site.

43 INFORMATIVE: We encourage the highest practicable standards of building insulation and use of renewable forms of heating (such as ground and air source heat pumps) as opposed to natural gas boilers where possible. This action would contribute to the improvement of local air quality and reduce overall GHG emissions in the long term. If any heat pumps are to be included in the development the applicant shall be required to demonstrate that any pump/s meets the criteria detailed in the Micro Certification Scheme planning standards (MCS 020).

44 INFORMATIVE: The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process (only necessary if daily HGV movements exceed 20 on a daily basis).

- 45 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 46 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
- 47 INFORMATIVE: The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

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



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100018487. 2015

PLANNING APPLICATION REPORT

REF NO: AB/148/21/PL

LOCATION: 7 Canada Road
Arundel
BN18 9HZ

PROPOSAL: Demolition of 4no. existing bungalows and erection of 5 No. 2 bedroom dwellings with associated parking and landscape. This application is in CIL Zone 2 and is CIL liable as new dwellings.

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| SITE AND SURROUNDINGS |
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| DESCRIPTION OF APPLICATION | The application seeks to demolish 4 bungalows and construct 5no 2 bed dwellings. |
| TOPOGRAPHY | Predominantly flat. |
| TREES | There are 2 individual trees and a group of trees and shrubs to the rear of the site. The group and 1 individual tree will be felled. |
| BOUNDARY TREATMENT | The site has a low level 1-1.5m high post and rail fence along the rear boundary of the site, abutting the highway at Hill Terrace and along the side of the site to the rear of the highway at Green Lane Close. Along the eastern boundary is a low level chain-link fence with a low level hedge approximately 1-1.5m in height. |
| SITE CHARACTERISTICS | The site features a terrace of 4 single storey properties, 1, 3, 5 and 7 Canada Road. The bungalows are constructed out of red brickwork with red roof tiles and white uPVC windows/doors. |
| CHARACTER OF LOCALITY | The site is flanked by The Mustchin Foundation, a redbrick block of flats, to the east. To the south east of the site, across Green Lane Close, is the Arundel Surgery. To the south (rear) of the site is a Scout hall. |
| CHARACTER OF LOCALITY | The area is predominantly residential featuring a variety of property styles including 2 storey terraced, single storey terraced bungalows, flats and 2 storey semi-detached properties. |

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| RELEVANT SITE HISTORY |
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|------------|---|----------------------------------|
| AB/4/18/PL | Demolition of 4 No. existing bungalows & erection of 5 No. 2 bedroom dwellings with associated parking & landscape. | ApproveConditionally 15-11-18 |
|------------|---|----------------------------------|

The application was approved in 2017 although it not implemented.

REPRESENTATIONS

Arundel Town Council provided no objection.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS (LHA)

Do not consider that the proposal would have and an unacceptable impact on highway safety. Given the net increase of one dwelling it would not be anticipated this application would result in a material impact on the operation of the maintained highway network in the vicinity. Access/parking will be in 2 locations. A layby on Canada Road will provide 5 parallel spaces. An off-street space will be created via Hill Terrace to serve plot 1.

The existing dwellings were not provided with off street car parking so the LHA are not minded to raise objections on levels of proposed off street parking.

Plot 1 will be provided with off street car parking. The parking at this plot should provide an electric vehicle car charging point as per the Arun DC SPD for Parking. The specific details can be secured via a planning condition.

DRAINAGE

Drainage proposals have previously been considered by AB/4/18/PL and AB/112/21/DOC. Minor amendments were required to the drainage design and the management/maintenance manual. Please apply standard conditions so the outstanding matters can be addressed.

GREENSPACE

As this is a smaller development of replacement housing, there is no requirement for POS. Indicative landscaping has been shown with planting indicated. Details should be provided regarding existing trees/boundary planting. Recommend no objection subject to the condition of soft landscaping details.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Within Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

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

| | |
|--------|--|
| DDM1 | D DM1 Aspects of form and design quality |
| DDM2 | D DM2 Internal space standards |
| DSP1 | D SP1 Design |
| ENVDM5 | ENV DM5 Development and biodiversity |
| WMDM1 | WM DM1 Waste Management |
| ENVDM4 | ENV DM4 Protection of trees |
| QESP1 | QE SP1 Quality of the Environment |
| SDSP2 | SD SP2 Built-up Area Boundary |
| TSP1 | T SP1 Transport and Development |

Arundel Neighbourhood Plan 2014 POLICY1: The Presumption in Favour of Sustainable Development

Arundel Neighbourhood Plan 2014 POLICY 2: A Spatial Plan for the Town

PLANNING POLICY GUIDANCE:

| | |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework |
| NPPG | National Planning Practice Guidance |

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Arundel Neighbourhood Plan is relevant in this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

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

(2) in dealing with an application for planning permission the authority shall have regard to -
(a) the provisions of the development plan, so far as material to the application,

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan provided it accords with other policies of the Local Plan covering such issues visual/residential amenity, highway safety and parking.

Regard should be had to policy SD SP1 of the Arun Local Plan which states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework."

The Council has an adopted Design Guide which provides up to date advice on matters such as new development and the need for it to successfully integrate with the prevailing character of an area.

Arundel has a made Neighbourhood Plan with policies 1 and 2 relevant. Policy 1 highlights the presumption in favour of sustainable development where proposals that accord with the development plan will be approved and Policy 2 refers to the parish spatial plan where it directs the requirement for housing to be within the town of Arundel.

NPPF at paragraph 119 highlights that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

In paragraph 124 (d) NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).

In this case, the application results in a net gain of 1 residential unit.

The Council is unable to identify a 5-year supply of housing land. Paragraph 11d) (ii) of the Framework is relevant and as directed by Footnote 8 , advises that permission should be granted, unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In situations where the presumption set out by paragraph 11d) applies, paragraph 14 of the Framework adds that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, subject to a number of criteria being cumulatively met. One of which is that the housing supply is at least 3 years - which is no longer the case and therefore not all criteria are met in this case.

In order for the NPPF's (para 11) 'presumption in favour of sustainable development' to apply it must first be assessed whether the proposal would constitute 'sustainable development'. Paragraph 8 of the NPPF sets out the three objectives of 'sustainable development'; economic, social and environmental.

The proposal meets the economic objective and would result in some economic gains in terms of

providing employment during the construction phase and potential local spending, and these economic benefits weigh in the schemes favour. The proposal meets the social objective, making a net contribution of 1 new home to the District's housing supply. In terms of being in an environmentally sustainable location and accessible, the site is located within the built up area boundary in walking distance of a range of shops, facilities and services in Arundel. There are also bus services and Arundel Train Station located 1 mile, around a 20 minute walk away. The proposal will also provide a new social accommodation with the properties contributing to Arun housing stock.

DESIGN AND VISUAL AMENITY

Policy D DM1 of the Arun Local Plan requires that the Council have regard to certain aspects including character, density, appearance and scale. Furthermore, policy D SP1 "Design" states all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

A terrace of 4 bungalows are on the site. This proposal seeks permission for 5 dwellings. The dwellings will increase in scale when compared to the existing which are single storey and therefore will be more prominent. An extra unit will be constructed. Within the area there are a variety of dwelling styles and the proposal would be in keeping with the scale of the surrounding properties. The 2 dwellings closest to the adjoining block of flats, the Mustchin Foundation, would be chalet bungalows and reduce in height slightly compared to the remainder of the units.

The properties are set slightly behind the development line and retain space to the front and rear of the highway. There would be additional boundary treatment consisting of fencing to the eastern side which would allow for privacy for the amenity space allocated to the corner dwelling. Fencing is not common in the area although with it extending at an angle towards the rear to the site, the harm upon the street scene is not deemed significant. A section of grass verge which runs along the eastern side of the site will also be retained and ensures that the development retains the character of the area which features areas of green space.

In the area the majority of buildings are constructed from red brick and feature red tiled roofs. The external materials proposed feature, red/brown facing brick to the external walls with artificial slate tiles to the roof and dark grey windows and doors. While the use of slate roof tiles is not common in the wider area, overall the materials would be broadly acceptable. To ensure they would be suitable a condition requiring that details be provided would be imposed upon any grant of permission.

The Arun Design Guide adopted in 2021 provides detailed guidance that will help raise design standards across the District. Section P relates to infill development and states 'Development should emulate the established pattern of building height, scale, plot width', 'Provide sufficient access to new dwellings', 'Respond positively to the character, appearance and layout of surrounding buildings'. Building Design (Section J) notes new buildings should have a form and character that reflect their setting and reflect the scale of existing 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 proposal complies with this, with the design and size comparable to that of the surrounding properties, emulating the existing pattern of development and utilising an existing access road. The materials largely reflect those of the surrounding area.

Having regard to the size, scale, massing and overall design of the proposed dwellings it is considered that they would not have a detrimental impact on the street scene and wider area.

The proposal complies with D DM1 and D SP1 of the Arun Local Plan and the Arun Design Guide.

RESIDENTIAL AMENITY

Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering new development including: (3) Impact - Have minimal impact to users and occupiers of nearby property and land.

The dwellings will largely replace the footprint of the 4 dwellings and due to the scale, which is consistent with the area and with a road running along the eastern side and rear of the site, the proposal will not result in adverse overbearing or overshadowing on surrounding occupiers. It does not extend beyond the front or rear building line of the neighbouring property to the west. The dwellings closest to the adjoining flats to the west are to be chalet bungalows and given their reduced height and with 1.3m retained to the boundary and a further 4.7m to the side elevation of the neighbouring property, it would not result in a detrimental impact with regard to loss of light, overbearing impact and overshadowing.

The Arun Design Guide sets out guidance on garden depths and interface distances between houses:

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

The proposal complies with regards to back to back distances, with no neighbours to this elevation. There is no specific guidance with regards to side to side distances, however the siting of the properties in relation to the western neighbour will remain similar to existing.

The dwellings would feature a number of windows to the front at both first and second floors which would enable views out toward the highway and over nearby front gardens, areas which are already overlooked. It is considered that no materially detrimental overlooking would occur as a result of windows in the front elevation.

To the rear is 'Hill Terrace' which provides access to The Mustchin Foundation to the west of the site. To the south east is Arundel Surgery and a Scout Hall is directly the rear. Windows in the rear elevations allow for views towards these buildings although most of these would be over parking areas and are already overlooked by not only the existing dwellings on site, but also the flats the parking area serves. There would be a greater level of overlooking than existing due to the addition of a 1st floor although due to the angle and separation distance of over 30m this is not significant.

No materially detrimental overlooking would occur to occupiers of adjoining and neighbouring properties.

Overall, the dwellings would not have a detrimental impact on occupiers of adjoining and neighbouring properties with regard to overlooking, overshadowing or overbearing impact and as such the proposals would comply with Policy D DM1 of the Arun Local Plan.

SPACE STANDARDS

ALP policy D DM2 states that internal spaces should be of an appropriate size and that the Nationally Described Space Standards provide guidance.

The proposal includes 2 dwelling types, 3 x 2 bed 2 storey dwellings and 2 x 2 bed chalet bungalows.

The required internal space standard for a 2 storey, 2 bedroom, 4 person house is 79 sqm.

Each dwelling proposes a general internal area of 79.2sqm and 80.3sqm and complies with the requirement.

Section H.04 of the adopted Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states that rear gardens should have a minimum depth of 10.5 metres and buildings should be set back by 2m from the plot boundary to mark defensible space.

The plans show the dwellings have garden depths between 8m and 12m with the garden narrowing as it extends east due to the shape of the site. The dwelling to the corner of the site will have an amenity area located to the side which enables a parking space to be allocated to the rear.

Whilst some gardens do not comply being slightly short in depth of the guidance, the proposal does provide a reasonable sized, useable space and is sufficient in relation to the size of the dwelling and accords with D DM2 of the Arun Local Plan.

PARKING

Para 110 of the NPPF states in assessing specific applications for development it should be ensured that (b) safe and suitable access to the site can be achieved for all users. Para 111 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy T SP1 of the ALP requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with adopted planning policies. ALP policy T DM1 requires development to make provision for facilities for sustainable modes of transport such as cycling, to meet the parking standards, including cycle storage. The ADC Design SPD (Sections I.01, I.02 and I.03) includes guidance on the provision and design of car parking, electric vehicle bays and charging points, and cycle parking.

Due to the location of the property (Parking Zone 1) ADC Parking standards generate a requirement for 2 parking spaces per 2 bed dwelling. The plan demonstrates 1 space per dwelling will be constructed and it does not comply with the Arun Parking Standards.

One of the six parking spaces is at the rear of unit 1, accessed via Hill Terrace. The remaining 5 are in-set bays on Canada Road, directly in front of the residential units. It is noted that the proposal only results in the net increase of one residential unit with existing properties having no provision for parking.

The applicant submitted a Parking Demand and Capacity Report conducted in Dec 2021. The survey assesses the wider area (up to 200m away from the site) to establish whether the displaced cars can be accommodated elsewhere. This found the potential loss of parking can realistically be accommodated in a reasonable distance of the site.

WSSC Highways do not consider the proposal would have and an unacceptable impact on highway safety.

It is therefore considered that the proposal is in accordance with policy T SP1 of the ALP.

BIODIVERSITY

ALP policy ENV DM5 requires proposals achieve a net gain in biodiversity and protect habitats on site.

The application is not accompanied by an ecological appraisal but with the site forming residential accommodation it has limited potential for habitats. A condition will be included for the incorporation of bat/bird boxes to contribute towards achieving a biodiversity net gain and complies with ENV DM5 of the Arun Local Plan.

TREES

There is a group of trees/shrubs and an individual tree to the rear garden of existing dwellings. These include a magnolia and various species/shrubs. These are proposed to be felled. They are not protected nor located in a Conservation Area.

The Tree Officer has not provided a comment. The trees would not require permission for removal and the works comply with ENV DM4 of the Arun Local Plan.

SUMMARY

The application has been assessed having regard to the tilted balance under paragraph 11(d) of the National Planning Policy Framework owing to the Council's current 5 year Housing Land Supply position. The above assessment has given regard to the principle of development, design and visual amenity, internal space standards, highways, transport and parking, neighbouring amenity, bin and cycle storage, biodiversity and ecology. This proposal represents an appropriate redevelopment of land and does so without compromising the visual amenity of the area or the amenities of existing neighbouring residential occupiers. There are no adverse impacts associated with the development that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole. Planning permission is recommended subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

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

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| RECOMMENDATION |
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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, Site and Site Sections Plan - 01 G
- Proposed Floor Plans, Elevations and Sections - 02 F
- Highway Retaining Wall - WG1365 / 01 C3
- Construction Details - Sheet 1 - D1955-400 Rev B
- Construction Details - Sheet 2 D1955-501 Rev B
- Construction Details - Sheet 3 D1955-50
- S278 Legal Agreement - D1955-40 Rev C
- Horizontal Alignment and Surface Finishes - D1955-40 Rev B
- Topographical Survey and Levels - D1955-40 Rev C
- Construction and Environmental Management Plan - 20/12/2021

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 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.

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

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

policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 5 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. No development above damp proof course (DPC) level shall take place unless and until details and a timetable of how this is to be achieved for the development, including full details of physical works on the site, has been 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.

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

- 6 No construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan

- 7 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of soft landscaping. Landscape details would need to include a detailed planting plan and specification detailing species choice, actual plant quantities, planting densities and size at time of planting. Detail should also be provided regarding existing trees and boundary planting.

The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 8 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 residential buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

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

- 9 All activity at the site is to be carried out in strict accordance with the ' Arboricultural Method Statement Jan 22 and 'Tree Protection Plan - Arbtech TPP 02

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

- 10 No development above damp proof course (DPC) level shall take place until full details of the placement of bird and bat nesting boxes either on the house or in the rear garden have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in full prior to occupation and thereafter retained to the satisfaction of the Local Planning Authority.

Reason: In the interests of biodiversity enhancement as per the requirements of Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 11 No part of the development shall be first occupied until covered and secure cycle parking spaces has been provided in accordance with the approved planning drawings (02 F).

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

- 12 No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing. (01 G).

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

- 13 Prior to occupation of the dwelling, a scheme for the provision of facilities to enable the charging of electric vehicles to serve Unit 1) shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge point shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, to mitigate against any potential adverse impact of the development on local air quality and to provide sustainable travel options in accordance with policies T SP1, T DM1 & QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework (NPPF).

- 14 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan (01 G). These spaces shall thereafter be retained at all times for their designated purpose.

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

- 15 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.

- 16 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover both the off-site highway works and proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place and any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

- 17 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.

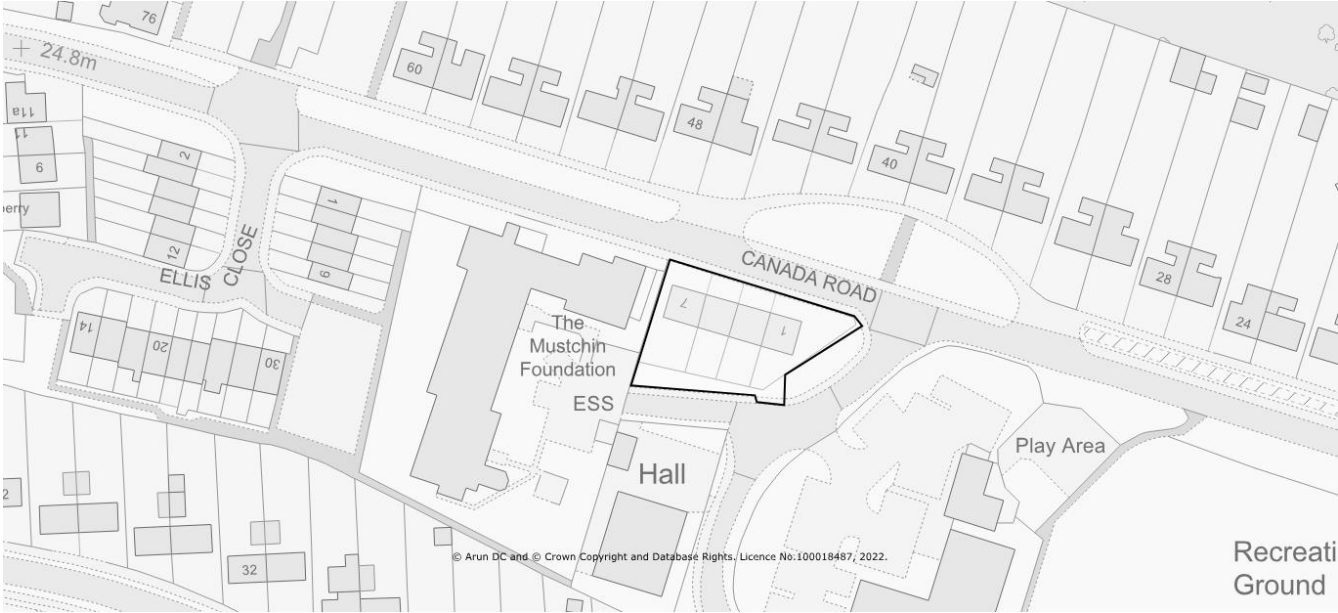
Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun District Local Plan.

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

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|--------------------------|
| 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/148/21/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

A/110/21/PL

Original Decision = Refused

Received: 21-02-22

BMW House Chandlers Garage Ltd Water Lane Angmering

Decision Level = Delegated

Erection of retirement apartment with 20 No. 1 Bed flats & 13 No.2 Bed flats with communal facilities & car parking, erection of a retail store with car parking & associated highway works. This application affect the character & appearance of the Angmering Conservation area, affects the setting of listed buildings and is in CIL Zone 2 (Zero Rated) as other development.

Public Inquiry **07-06-22**

PINS Ref: APP/C3810/W/22/3292333

A/168/21/PL

Original Decision = Refused

Received: 01-04-22

Land South Of Littlehampton Road and East of Worthing Road Angmering

Decision Level = Delegated

Erection of 76 No. dwellings, means of access, public open space, play areas, associated infrastructure & landscaping. This application is a Departure from the Development plan, is in CIL Zone 5 and is CIL Liable as new dwellings & affects a Public Right of Way.

Public Inquiry

PINS Ref: APP/C3810/W/22/3295115

A/46/21/OUT

Original Decision = Refused

Received: 26-01-22

Land at Downs Way/Heathfield Avenue Downs Way East Preston

Decision Level = Delegated

Outline application with all matters reserved for the erection of a pair of one and a half storey semi-detached dwellings with vehicular access, private amenity space & landscaping.

**Written
Representations**

PINS Ref: APP/C3810/W/21/3280243

AB/130/21/HH

Original Decision = Refused

Received: 29-03-22

55 Fitzalan Road Arundel

Decision Level = Delegated

Erection of single storey rear extension. First floor front and rear facing dormer. Porch to front.

**Written
Representations**

PINS Ref: APP/C3810/D/22/3294699

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**

AW/30/21/T

Original Decision = Refused

Received: 31-10-21

55 Christchurch Crescent Aldwick

Decision Level = Delegated

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

*Written
Representations*

PINS Ref: APP/TPO/C3810/8499

BE/119/20/PL

Original Decision = Refused

Received: 30-09-21

Land West of New Barn Lane Bersted

Decision Level = Delegated

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

*Written
Representations*

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

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/8/21/RES

Original Decision = Refused

Received: 26-01-22

Richmond Arms 224 London Road Bognor Regis

Decision Level = Delegated

Approval of reserved matters following BR/142/18/OUT for the demolition & conversion of existing public house with residential accomodation to 1st floor to form 10 No. residential flats over 3.5 storeys.

*Written
Representations*

PINS Ref: APP/C3810/W/21/3280743

BR/93/21/PL

Original Decision = Refused

Received: 16-03-22

22 Neville Road Bognor Regis

Decision Level = Delegated

Erection of a single storey one bed dwelling house with private amenity space, car parking space and refuse / recycling store

*Written
Representations*

PINS Ref: APP/C3810/W/21/3287276

CM/17/21/PL

Original Decision = Refused

Received: 07-04-22

Land at Wren Cottage Horsemere Green Lane Climping

Decision Level = Delegated

Development of 2 No. 2-bed & 2 No. 3-bed detached dwellings & associated works (resubmission following CM/53/20/PL). This site is in CIL Zone 3 & is CIL-able as new dwellings.

**Written
Representations**

PINS Ref: APP/L3815/W/21/3283380

FG/179/21/HH

Original Decision = Refused

Received: 28-01-22

4 Florida Close Ferring

Decision Level = Delegated

Erection of front and rear extension, loft conversion and detached garage.

**Written
Representations**

PINS Ref: APP/C3810/D/22/3290748

FG/46/21/PL

Original Decision = Refused

Received: 04-01-22

Land between 11a The Grove and 30 Brook Lane Ferring

Decision Level = Delegated

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

**Written
Representations**

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

FG/92/20/T

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/32/21/PL

Original Decision = Refused

Received: 02-03-22

Land adjacent to 10 Second Avenue Felpham

Decision Level = Delegated

Two storey, 4 Bed detached dwelling with new access & parking. This site is in CIL Zone 4 & is CIL Liable as new dwelling.

**Written
Representations**

PINS Ref: APP/C3810/W/21/3284860

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

LU/76/21/PL

Original Decision =
ApproveConditionally

Received: 11-02-22

71 Beach Road Littlehampton

Decision Level = Delegated

Sub division of dwelling into 3 No. 2 bed flats. This application may affect the setting of a listed building & is in CIL Zone 4 (Zero Rated) as flats.

**Written
Representations**

PINS Ref: APP/Y3805/W/21/3282362

P/137/21/PL

Original Decision = Refused

Received: 15-03-22

Land at the rear of 69 The Causeway Pagham

Decision Level = Delegated

Change of use from public amenity land to private residential garden together with boundary works. This site is in CIL Zone 4 (Zero Rated) as other development.

**Written
Representations**

PINS Ref: APP/C3810/W/21/3289261

P/141/21/PL

Original Decision = Refused

Received: 15-03-22

Land at the Rear 71 The Causeway Pagham

Decision Level = Delegated

Change of use from public amenity to private residential garden together with boundary works. This site is in CIL Zone 4 (Zero Rated) as other development.

**Written
Representations**

PINS Ref: APP/C3810/W/21/3289260

WA/68/20/OUT

Original Decision = Refused

Received: 02-12-21

Land west of Tye Lane Walberton

Decision Level = Delegated

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

Informal Hearing **13-04-22**

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

Y/71/21/OUT

Original Decision = Refused

Received: 31-03-22

Land At Little Meadow And East Of Bilsham Road Yapton

Decision Level = Delegated

Outline application with access for up to 73 No. new dwellings (but retaining Oak Trees & Little Meadow dwellings), 405 sqm of new light industrial buildings as part of an enlarged employment site & Public Open Space. The existing junction of Grevatts Lane West & Bilsham Road will be closed & Grevatts Lane West diverted to a new access point to the South. This application may affect the setting of Grade II Listed Buildings & is a Departure from the Development Plan.

Informal Hearing

PINS Ref: APP/C3810/W/22/3293935

ENF/248/21

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

Received:

Written Representations

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

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