



Public Document Pack

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11 August 2022

PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Council Chamber at the Arun Civic Centre, Maltravers Road, Littlehampton BN17 5LF** on **Wednesday 24 August 2022 at 2.00 pm** and you are requested to attend.

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

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. We request members of the public do not attend any face to face meeting if they have Covid-19 symptoms

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

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

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

A G E N D A

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

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

Members and officer should make their declaration by stating:

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

3. **VOTING PROCEDURES**

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

4. **MINUTES**

(Pages 1 - 8)

To approve as a correct record the Minutes of the meeting held on 20 July 2022.

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

PLANNING APPLICATIONS

6. **Y/3/22/OUT LAND WEST OF BILSHAM ROAD** (Pages 9 - 62)
7. **Y/77/22/PL BONHAMS, HOE LANE, FLANSHAM PO22 8NP** (Pages 63 - 90)
8. **R/60/22/PL THE WINDMILL INN, MILL LANE, RUSTINGTON BN16 3JN** (Pages 91 - 102)
9. **LU/158/22/PL MEWSBROOK PARK TRADING KIOSK, HENDON AVENUE, LITTLEHAMPTON BN16 2LX** (Pages 103 - 114)
10. **K/22/22/PL LAND EAST OF KINGSTON HOUSE, KINGSTON LANE, KINGSTON BN16 1RP** (Pages 115 - 122)
11. **EP/39/22/PL 29 TAMARISK WAY, EAST PRESTON BN16 2TE** (Pages 123 - 130)
12. **AL/94/22/PL NYTON REST, NYTON FARM SHOP, NYTON ROAD, ALDINGBOURNE PO20 3TU** (Pages 131 - 142)

PLANNING APPEALS

13. **APPEALS** (Pages 143 - 148)

OFFICER REPORT UPDATES

Will be circulated ahead of the meeting if there are any.

BACKGROUND PAPERS

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

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

Contact Officers :

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

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

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

These meetings are webcast live.

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PLANNING COMMITTEE

20 July 2022 at 2.00 pm

Present: Councillors Chapman (Chair), Edwards (Vice-Chair), Blanchard-Cooper, Bower, Chace, Goodheart, Mrs Haywood, Kelly and Lury

The following Member was absent from the meeting during consideration of the matters referred to in the Minutes indicated:-
Councillor Goodheart – Minute 153 to Minute 156.

Apologies: Councillors Thurston and Warr

153. WELCOME

The Chair opened the meeting and extended thanks to Councillors Bower and Lury for stepping into the roles of Chair and Vice-Chair at the previous meeting.

154. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

155. MINUTES

The Minutes of the previous meeting held on 22 June 2022 approved by the Committee and signed by the Chair.

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

The Chair confirmed that there were no urgent items to consider at this meeting.

157. A/256/21/RES LAND AT WATER LANE, ANGMERING

[Councillor Goodheart arrived at the beginning of this item.]

1 Public Speaker

Ian Johnson – Agent

Approval of reserved matters following outline consent A/248/21/PL for the erection of 525 No residential dwellings with associated parking, landscape, play areas & public open space.

The Strategic Development Team Leader presented the report with updates. This was followed by 1 Public Speaker.

The recommendations were then proposed and seconded.

Planning Committee - 20.07.22

The Committee

RESOLVED

That authority be delegated to the Group Head of Planning to grant planning permission following the expiry of the consultation on 4 August 2022. If further representations were received on matters not already described in the existing consultations and representations then the delegated authority would require consultation with the Chair and Vice Chair prior to any decision being issued.

158. AL/34/22/PL LAND AT WINGS NURSERY, LIDSEY ROAD, WOODGATE PO20 3SU

Variation of conditions imposed under AL/20/21/PL relating to conditions 2-plans condition (three bungalows changed to two storey houses, other elevation detail changes and highway drawings amended to reflect layout changes) and 5-hours of demolition/construction (to make it so that the additional bat working restrictions do not apply outside of bat hibernation times).

The Planning Area Team Leader presented the report with updates.

After clarification that the variation of condition did not impact the parking facility of the previous application, the recommendations were then proposed and seconded.

The Committee

RESOLVED

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

159. AW/84/22/PL LAND TO THE NORTH OF 276 ALDWICK ROAD, BOGNOR REGIS PO21 3QH

1 Public Speaker

Cllr Alan Smith – Aldwick Parish Council

Variation of condition imposed under AW/28/19/PL relating to condition 2-plans condition (updated plans and Arboricultural Impact Assessment and Method Statement).

The Planning Area Team Leader presented the report. He updated Members that a Section 106 Agreement had been signed since the publication of the agenda and therefore the Officer recommendation had changed to conditional approval. This was followed by 1 Public Speaker.

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

- the type and maturity of the trees to replace those removed to ensure they fitted more appropriately into the locality
- the trees having been identified as 'amenity trees' and any detailed tree planting plan to appreciate this
- the detail of the tree planting plan, what it might contain and how prescriptive it might be
- the design of the chimney and the environmental impacts of solid fuel burning
- concern over backland development
- who had long-term responsibility for the management of the trees

Following Members' discussion and concern for the long-term presence of trees on this site, the Planning Area Team Leader suggested amending the second paragraph of condition 15 to include the words 'or removed' after 'such trees die' to ensure that the replacement trees could not be removed in future without being replaced. The Legal Services Manager challenged the assumption that condition 15 ensured a tree planting scheme be submitted before the felling of the trees on the site and suggested that condition 15 was further amended to include 'the tree planting scheme is submitted before the trees are felled'.

The amended recommendations were then proposed and seconded.

The Committee

RESOLVED

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

160. BR/61/22/PL 20 NYEWOOD LANE, BOGNOR REGIS PO21 2QB

Change of use to 5 bed house in multiple occupation.

The Planning Area Team Leader presented the report.

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

- the number of HMOs in the area and whether there were too many
- the perceived harm caused by HMOs to the area and its character
- how occupancy was controlled
- the lack of parking in the area
- HMOs removing properties from other uses

Planning Committee - 20.07.22

The Planning Area Team Leader confirmed that as far as controls on the number of HMOs in an area there was the policy in the Local Plan and, where planning permission was needed for HMOs with an occupancy greater than 6 people, the judgement of Members and Officers to determine at what point enough became too many. The Group Head of Planning confirmed that work was currently being undertaken to explore the number of HMOs in any one Ward of the District, but that from his research into appeal decisions, there would need to be significantly higher concentrations of HMOs to justify refusal on the grounds of overconcentration.

The recommendations were then proposed and seconded.

The Committee

RESOLVED

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

161. EP/55/22/PL 4 BEECHLANDS COTTAGE, BEECHLANDS CLOSE, EAST PRESTON BN16 1JT

[At the beginning of this item, Councillor Chapman declared a Personal and Prejudicial Interest as he had been involved in a legal dispute involving the construction work on the site, and confirmed he would not vote. On the advice of the Legal Services Manager, the Vice-Chair took over as Chair for the vote on this item.]

Variation of condition imposed under EP/41/17/PL relating to condition 2-approved plans.

The Planning Area Team Leader presented the report with updates.

One Member raised concerns about narrowing to the entrance to shops behind the property and whether the extension was in the wrong place.

The recommendations were then proposed and seconded.

The Committee

RESOLVED

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

162. FG/58/22/PL 4 THE PANTILES, FERRINGHAM LANE, FERRING BN12 5NE

Conversion of the top two floors into a 1 No 3 bed flat (resubmission following FG/22/22/PL). This site is in CIL Zone 4 (Zero Rated) as other development.

The Planning Area Team Leader presented the report with updates. The recommendations were then proposed and seconded.

The Committee

RESOLVED

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

163. K/12/22/HH MEADOW HOUSE, KINGSTON LANE, KINGSTON BN16 1RS

1 Public Speaker

Cllr Geraldine Walker – Kingston Parish Council

Erection of single storey rear and front porch extension, erection of self-contained detached annex and alterations to fenestration.

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

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

- clarification was sought over what would be permitted under Permitted Development Rights
- the interior of the annex
- the condition against using the annex as a separate dwelling
- the annex's relationship and positioning to Meadow House
- the height and style of fencing around the property and in the area, and the need for any boundary fencing to be in keeping and not adversely impact on the character of the area which is open in aspect
- the design of the roof lights and light dispersion into the night sky
- concern for any intrusion into East Preston-Ferring Gap

The recommendations were then proposed and seconded.

The Committee

RESOLVED

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

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164. LU/382/21/PL 71 HIGH STREET, LITTLEHAMPTON BN17 5AE

1 Public Speaker

Alex Bateman – Agent

Refurbish and renew the first and second floors of the existing building to the southern side of the site, with a new build proposal to the northern half of the site, creating a new entrance and entrance stairwell with bicycle and bin storage to the existing ground floor area and a new two storey (1st and 2nd floor) build co-living, 23 bed HMO scheme above, together with the change of use to the former bank (Use Class E) to four commercial units (Use Class E). This application may affect the setting of a listed building.

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

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

- the differences between a HMO and a hostel
- whether there were any limits on the number of tenants
- the accessibility of the business units and concerns they would not be DDA compliant
- whether this would be overdevelopment in the area
- there already being parking issues in the area
- concerns over flooding in an area prone to it
- whether the sewage system had the capacity for the added pressures this development would bring when Southern Water was already struggling with pre-existing issues
- controls on commercial tenants (working hours, noise, smell)
- the development improving the street scene and tidying up that particular area of the town
- the development bringing benefits to the High Street area and whether the improvements to the High Street could be extend into East Street
- access into the property for the emergency services

The Planning Area Team Leader confirmed that the number of tenants in the property was a matter for Environmental Control and DDA compliance was a matter for Building Control.

The recommendations were then proposed and seconded.

The Committee

RESOLVED

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

165. M/29/22/HH OAKWOOD, 102 MIDDLETON ROAD, MIDDLETON ON SEA PO22 6DL

[At the beginning of the discussion on this item, Councillor Haywood declared a Personal Interest as Chair of Middleton-on-Sea Parish Council and Ward Member for Middleton-on-Sea.]

1 Public Speaker

Robert Hawks – Objector

Erection of first floor side extension.

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

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

- concerns around fire and thatched properties
- the Dorset model to deal with external fire spread, but concerns for the consequences to neighbouring properties should this model have to be used
- the need for professional fire risk assessments to thatched cottages and their surrounds
- the boundary distances around thatched properties

The Group Head of Planning clarified to Members that the decision of this Committee could only be made on the grounds of planning policy and confirmed that there were no planning policies in the Arun Local Plan or National Planning Policy Framework that related to fire risk, and that fire risk was dealt with via Building Control.

The recommendations were then proposed and seconded.

The Committee

RESOLVED

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

166. DEVELOPMENT MANAGEMENT ADVICE NOTE JULY 2022

Upon the invitation of the Chair, the Group Head of Planning presented the report which proposed an Advice Note that set out the customer expectations from the Planning Service, consolidating numerous pieces of advice that were already published, in the hope that this would result in a consistent approach to customer service throughout the Department.

The Committee endorsed the publication of the Advice Note.

Subject to approval at the next Planning Committee meeting

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Planning Committee - 20.07.22

167. APPEALS

The Committee noted the Appeals list.

(The meeting concluded at 4.13 pm)

PLANNING APPLICATION REPORT

REF NO: Y/3/22/OUT

LOCATION: Land West of Bilsham Road
Yapton

PROPOSAL: Hybrid Application comprising of Full application for Phase 1 for 30 No residential dwellings, new access from Bilsham Road, public open space, landscaping, sustainable urban drainage and associated works; and Outline planning application for further phases of up to 110 No dwellings and associated infrastructure (with all matters reserved). This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

A hybrid application has been submitted to develop this site for residential purposes in three phases. This consists of a full application (first phase) and an outline (two further phases) as set out below.

FULL APPLICATION:

Phase 1 will see the development of the northern edge of the site with 30 dwellings consisting of detached, semi-detached, short terraces and apartment buildings. All are two storeys high. The mix consists of 5 x 1 bed, 12 x 2 bed, 10 x 3 bed & 3 x 4 bed. In addition, nine homes will be affordable (3 x 1 bed, 3 x 2 bed, 2 x 3 bed & 1 x 4 bed). Parking provision is in the form of garages, car ports and spaces. Cycles will be stored in communal stores, garages/car ports or small sheds in rear gardens.

The access will be 30m north of Taylors Close. It will be 6m wide and have visibility splays of 2.4m by 73m in both directions. It is proposed to provide new footway between the new access and existing footway and bus stop along the B2132 Bilsham Road to the north. The adjacent strategic development is proposing to provide a footway southward towards the bus stops. Once implemented, there would be a continuous pedestrian route on the western side of Bilsham Road towards the village centre from the new site access.

An additional 1.5m wide footway is proposed along the eastern edge of the B2132 Bilsham Road for around 200m between Taylors Close and the allotments access to the south. The off-site works would be secured under a s278 agreement enforced through a condition. A tactile paved

crossing point will be provided immediately south of the access.

Internally the primary street will feature 2m footway along both sides of the carriageway throughout the development. Other internal roads generally have a 2m footway on at least one side of the carriageway or be designed as a shared surface. Bins will be collected from the kerbside. Where driveways are provided, bin collection points are provided within acceptable drag distances for refuse operatives and residents. Apartment buildings will have communal bin stores.

Boundary treatments are not indicated so will be secured by condition. Materials would be secured by condition but are indicated to be a mix of red brick, buff brick, render, duck egg blue cladding, dark timber cladding, light timber cladding and clay roof tiles. Street trees/other landscaping are indicated.

The layout shows a substation (for which there are elevations), Public Open Space (POS), play areas, associated cycle stands and a potential link into the open space associated with the adjacent strategic development (which is adjacent to the proposed POS in this scheme).

OUTLINE APPLICATION:

A further 110 dwellings would be developed in two phases to the south using the same access point (although access is a reserved matter) along with further Public Open Space and play areas. An indicative layout has been provided which shows areas of new homes, a centrally sited area of open space (village green) and further open space along the southern boundary. Three additional LAPs are shown along with a SuDs drainage pond in the southwestern corner. The Illustrative Landscape Master plan suggests that a further area of land owned by the applicant to the south will be set aside for biodiversity improvement.

SITE AREA

A total area of 7.97 hectares with 1.68ha in phase 1 and 6.29ha in phases 2/3.

RESIDENTIAL DEVELOPMENT DENSITY

The gross residential density is 17.5 dwellings per hectare (dph) across the whole site. The gross density of phase 1 is 17.9dph.

TOPOGRAPHY

The submission indicates a high point on the northern boundary with levels falling predominantly south-west towards the watercourse along the western boundary. Existing ground levels are shown to range from approximately 6.50m above ordnance datum (AOD) in the north-east to 1.60m AOD in the south-west.

TREES

There are trees/hedges in the eastern, southern and part northern boundaries but none are proposed for removal.

BOUNDARY TREATMENT	Mixed: <ul style="list-style-type: none"> - Part 2m heras fencing with some 1.3m high post and rail along the northern boundary. - Part Ryebank Rife with some scrub vegetation & small trees on western/southern boundaries; and - Part hedge (including brambles) with some sections of 0.8m high post & wire and 1.3m high post & rail fencing along the eastern boundary.
SITE CHARACTERISTICS	The site is adjacent to the edge of the existing settlement (as extended by the adjacent strategic allocation) and consists of a single large agricultural field. There is an open field access from Bilsham Road opposite to Taylors Close.
CHARACTER OF LOCALITY	The character of the locality is mixed between built up and semi-rural. Reserved matters permission has been approved for 250 dwellings to the north/northwest and there are dwellings and allotments to the east. To the west and south are open agricultural fields with the hamlet of Bilsham distant to the south.

RELEVANT SITE HISTORY

Y/71/21/OUT	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.	Refused 01-09-21 Appeal: Dismissed 16-06-22
Y/127/21/RES	Approval of reserved matters (appearance, landscaping, layout and scale) following the grant of Y/91/17/OUT for 250 No dwellings with associated parking, road/footway/cycleway provision, open space, landscaping, surface water attenuation & ancillary works (resubmission following Y/152/20/RES). This site is not CIL Liable as in Yapton Strategic Site.	
Y/116/21/ESO	Screening opinion request for proposed hybrid application for 200 dwellings (Phase 1 approximately 30 dwellings in detail) with access roads, pedestrian paths, open space, landscaping and sustainable urban drainage.	ES Not Required 24-08-21

Y/116/21/ESO was a request for an Environmental Impact Assessment (EIA) Screening Opinion and the Local Planning Authority confirmed in August 2021 that an EIA would not be required.

Y/127/21/RES is referred to as it represents the approval of detailed matters on the adjacent strategic site to the immediate North.

Y/71/21/OUT is referred to as it concerns a site approximately 254m (as the crow flies) to the south and was recently dismissed on appeal. The appeal decision was on the basis of substantial harm to the rural character and appearance of the countryside given the location of the site in a hamlet divorced from the settlement of Yapton. The current application is materially different to the appeal site given that it adjoins the built-up area boundary.

REPRESENTATIONS

Yapton Parish Council provided a 5-page objection letter available to view on the website but in summary, their main points are:

- Departure from ALP, YNDP and emerging YNDP2.
- Lack of integration & connectivity with the adjacent strategic allocation.
- Yapton has contributed some 1,065 additional dwellings and has made a positive contribution to the Housing Land Supply shortfall.
- Erosion of the rural character of this part of the village.
- Require a more detailed masterplan.
- Increased pressure on education facilities/facilities for older children.
- Need condition to secure link to the adjacent strategic site.
- Insufficient foul sewerage and local water supplies.
- Need more detailed assessment of impact on the Rife and Bilsham Manor; and
- Unsustainable development.

161 letters of objection:

- Departure from the development plan.
- Loss of agricultural land at a time when global food supplies are at risk (where will food be grown in future?).
- Coalescence of Yapton and the hamlet of Bilsham.
- Insufficient Infrastructure (primary school, secondary school, doctors, dentists).
- No local facilities for children and teenagers.
- Increased cars leading to further danger at Comet Corner.
- Heavy Goods Vehicle traffic associated with the construction phase.
- Inadequate public transport.
- No local pavements on Bilsham Road and none to the A259.
- No cycle ways.
- Increase in damage to local roads.
- Exit onto Bilsham Road too near the strategic site access.
- Land is waterlogged in the winter.
- Increased risk of flooding on adjacent land.
- Flood risk from Ryebank Rife.
- Insufficient foul sewerage leading to increased discharge into the Sea.
- Overdevelopment.
- Harm to rural character of Yapton.
- The proposal will be overcrowded, inadequate parking and tiny gardens.
- Overlooking of houses on Bilsham Road from proposed balconies.

- Harm to views of existing residents.
- Affordable homes are not affordable.
- Air pollution.
- Noise from Bilsham Road traffic.
- Loss of wildlife habitat (birds, hedgehogs, foxes).
- The Biodiversity Improvement Area will be built on in the future.
- Location Plan does not show the adjacent strategic development.
- The applicant should build the adjacent site first.
- Contrary to Human Rights of Yapton residents.
- Inadequate local water supplies.
- No solar panels or heat pumps.
- Flats with balconies are not in character.
- Blue weatherboarding is inappropriate.
- No yellow notices.
- Loss of light to nearby houses.
- What will happen to the piece of land between the two sites.
- Harm to heritage assets of Bilsham.

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 Environment Agency have not raised concerns as to water supplies and no restriction on water consumption was imposed on the adjacent strategic development. It is only a requirement to consult Portsmouth Water where water source protection zones are directly affected - this site does not lie in such an area. The sustainability statement states an estimated consumption of 102 litres/per day could be reached, and this will be secured through a condition requiring compliance with optional building control standards in respect of water usage demonstrated through the water calculator.
- The site is not in a strategic gap and so the council's policy on settlement coalescence does not apply. There will remain approximately 286m between Bilsham Manor and the edge of the development as per the extent of development on the outline indicative layout.
- Impacts associated with the construction phase may cause harm but they are temporary in nature and effects can be controlled by a condition.
- Included in the application are proposals to provide new footway on both sides of Bilsham Road including approximately 200m between Taylors Close and the allotments access to the south. A proposal has been put forward by the applicant for development at Bilsham to the south (Y/71/21/OUT - currently at appeal) for a footway between that site and Taylors Close.
- An increase in use of roads may result in greater potential for wear of local roads and noise disturbance from traffic however such impacts cannot be levied entirely at this proposal. County Highways are responsible for the maintenance of roads and will benefit from increased Council Tax receipts from the development.
- The land may be prone to flooding from surface water sources however the effect of the proposal will be to implement a surface water drainage scheme that ensures that excess water is drained from the site either to ground or discharged at a controlled rate to local watercourses thus minimising the risk of on or off-site flooding.

- Whilst new development may be perceived as overcrowded versus older developments, the development will be required to demonstrate compliance with policies on parking and gardens and provided that compliance is demonstrated, this would not be an appropriate refusal reason.
- Private individuals do not have a right in planning to a view. Planning policies do seek to protect public viewpoints, but none are harmed by this proposal. However, public views (views from publicly accessible viewpoints), by their very nature, are matters of public interest
- The proposal would be required to provide affordable housing to meet the council's policies. This would include the provision of affordable rent, shared ownership, and First Homes (discounted by 30% of market value), all of which are designed to be suitable for those on lower incomes or in housing need.
- The Biodiversity Improvement Area is indicated in the submission but is not part of the application red edge. It is currently agricultural land. The biodiversity improvements would be a benefit to local wildlife however, this could potentially result in further loss of agricultural land (depending on the extent of changes). For that reason, it is not proposed to use a legal agreement or condition to ensure that the biodiversity improvements are taken forward. However, there is nothing to stop the developer from pursuing this themselves.
- The adjacent strategic development is shown on the illustrative landscape masterplan and on the landscape masterplan of the detailed area.
- The applicant is neither the developer nor the previous owner of the land to the North.
- The application was advertised on 8th February 2022 by way of 3 site notices around the site. It was advertised in the West Sussex Gazette; and
- A comparison of the red edges of this site and the adjacent strategic site shows that there is a very small area of land (approximately 19.5m²) on the Bilsham Frontage that is part of neither site although it is shown as being grassed as per the landscaping plans strategic development. The applicant has been asked to advise on the ownership of this site.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY - no objection, there will be a requirement for a Flood Risk Activity Permit (FRAP) for any works within 8m of the Rife, including in respect of any proposed outfalls.

NATIONAL HIGHWAYS - initially requested further information in the form of a personal injury collision analysis of the A27 Yapton Lane junction, detailed junction modelling & assessments, a full up to date list of committed developments in the Arun District and full details of all growth factor calculations for all assessment years. Stated that permission should not be granted for 3 months from the date of the response (18/02/22) to allow the applicant to resolve outstanding matters.

NATURAL ENGLAND - stated no comments.

SOUTHERN WATER - no objection subject to a condition and informative. Stated they will endeavour to provide network reinforcement (i.e. sewer improvements) within 24 months of the planning consent being granted (Full or Outline). However, this period may be extended.

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

WSCC HIGHWAYS - Initially requested further information in the form of a visibility splay plan showing achievable 2.4m by 73m splays, a Road Safety Audit Response Report for County to 'sign-off', revised junction modelling and confirmation of the likely contribution that the applicant is willing to consider for the Comet Corner improvements. Commented:

- The site will utilise a new access point onto Bilsham Road.
- At this point the highway is a 30-mph limit whilst a short distance to the south is the start of a 40-mph limit.
- The proposals will utilise a new 6m bellmouth access onto Bilsham Road with 6m radii allowing large vehicles to be able to manoeuvre in and out of the access easily.
- A separate 2m wide footway will be provided into the site providing safe access for pedestrians.
- The visibility splays (2.4m by 73m) are acceptable but there is no plan demonstrating these.
- The field access would be utilised for initial construction of the primary access and may be retained as an emergency access.
- Refuse and deliveries will take place from on-site and can turn around in a forward gear.
- The proposed footway improvements are welcomed.
- All matters raised in the Road Safety Audit have been addressed in accordance with the auditor recommendations and there are no outstanding matters raised through the audit process.
- The proposals are predicted to generate under 15 movements in the AM and PM peak hours respectively for the first phase and 71 and 67 trips in the peaks for the Phase 2 of the development.
- The B2132 Bilsham Road/B2233 Yapton Road mini roundabout, B2233 Main Road/North End Road mini roundabout and A259 Comet Corner junctions are anticipated to experience an increase of 30 or more trips in the peak period.
- Further junction modelling work is required for the end of the Local Plan period (2031).
- Need clarification of the contribution to Comet Corner junction improvements.
- Parking provision is appropriate, and garages are sufficiently sized to be treated as 0.5 space each.

WSCC FIRE & RESCUE - no objection subject to conditions to secure new fire hydrants.

WSCC INFRASTRUCTURE - objection due to it not being possible to expand secondary school provision for pupils arising from the development, and the lack of an allocated or secured site for a new secondary school.

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

- Surface water mapping shows site is at low risk from surface water flooding, but higher risk is associated with the adjacent watercourses. 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 boundary of the site; and
- No records of historic surface flooding within the confines of the site.

ADC ENVIRONMENTAL HEALTH - no objection subject to conditions re contamination, electric vehicle charging, construction hours, construction management, lighting, and internal & external noise levels for future residents.

ADC LANDSCAPE OFFICER - no objection subject to appropriate landscape conditions with the following comments:

- The application appears to propose a well thought out site with consideration of location, layout and infrastructure having been considered.
- The Landscape and Visual Impact Assessment (LVIA) concludes that the overall effect of the proposed development on receptors in the surrounding landscape is limited, with some adverse visual effects likely to be felt by receptors (people) in the landscape immediately surrounding the site, however limited to a small number of locations where views of the proposals would be possible and proposed to be mitigated by proposed planting in the medium and long term.
- There would be a requirement for 11,550m² of usable Public Open Space (POS) excluding SuDS for the whole allocation site of which 2,475m² would be required for the detailed 30no dwelling application.
- This development will trigger the requirement for play in the form of onsite LAP and LEAP/NEAP, which has been detailed in the early phase and additional LAPS shown for the wider development.
- The illustrative landscape masterplan appears to be well thought out including good areas of usable POS across and within the site.
- The open indicated area of POS would appear to allow buffer zone areas which would promote wildlife corridors and village green area to break up the built form and provide sense of place.
- Planting in and enhancing boundaries has potential to improve the species composition and diversify the age structure.

ADC DRAINAGE ENGINEERS - no objection subject to conditions with the following comments:

- Additional winter groundwater monitoring will be required to inform the detailed design.
- If on-site infiltration is not possible, drainage via a restricted discharge to the Rife may be acceptable.
- Adequate treatment of surface water must be ensured prior to discharge.
- Open drainage features are preferred to storage crates.
- Trees must not conflict with SuDS features.
- The drainage strategy must not be listed as an approved document.

ADC CONSERVATION OFFICER - advises no harm to setting of nearby designated heritage assets and no harm to their significance. The application should be determined in accordance with relevant policies in the Development Plan, along with the comments. Requests the biodiversity improvement area be landscaped to provide a strong buffer.

ADC HOUSING STRATEGY - no objection subject to a s106 legal agreement to secure 42 affordable dwellings across the whole site comprising 28 no. affordable rented, 10 no. First Homes and 4 no. x intermediate. A suggested mix is included within the comments on the website.

COUNCIL'S ECOLOGIST - no objection subject to conditions to protect/enhance the boundaries (including a 5m buffer), reptile translocation in connection with the outline application, a badger survey/mitigation strategy prior to reserved matters, a pre-commencement badger survey for the full application, a bat mitigation strategy for the reserved matters, wildlife enhancements and a bat friendly lighting scheme. Habitat management will need to be detailed in the Construction Environmental Management Plan (CEMP) and Landscape and Management Plan (LEMP) as part of a reserve matters application. States that dormice do not need to be considered further.

COUNCIL'S ARCHAEOLOGIST - no objection subject to a standard condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and will be addressed in conclusions section except as discussed below. The applicant has requested various changes to pre-commencement conditions, and this has resulted in amendments being made and with the support of consultees, some of those conditions are no longer pre-

commencement.

NATIONAL HIGHWAYS (NH) - the applicant provided all the requested information, but NH submitted a new 3 month holding objection on 23/05/22 with a request for additional information on top of what had been requested (and had been provided). The second holding objection expires on 23/08/22. The applicant provided further responses on 06/06/22, 30/06/22 and 27/07/22. The response of National Highways is awaited but it is material that their current holding direction expires prior to the committee meeting.

WSCC HIGHWAYS - were re-consulted on 22/03 and responded 10/05/22 to state no objections subject to a receipt of a plan showing the visibility splays which was then provided 13/05/22. Recommend conditions to secure the access and pedestrian improvements and a construction management plan. Request a contribution to Comet Corner improvements and state:

- the Transport Note provides a summary of how the applicant has calculated the contribution which is based upon the previously agreed contributions from site SD7 of £1,010 per dwelling but with a deduction of £784 to be collected via CIL.
- this leaves £226 per dwelling to be made up via this additional s106 payment.
- it has been calculated that the development of 140 dwellings seeking to mitigate its impact at Comet Corner via the current improvement scheme lead by LHA would be £31,640.
- this would bring the total s106 and CIL contributions from this development potentially available for Comet Corner to £697,227; and
- having assessed this formula and the supporting information put forward the LHA would accept the TN's justification and the figure provided in support of the proposals.

ADC DRAINAGE ENGINEERS - the applicant provided a Groundwater Technical Note which provides an interpretative summary of groundwater monitoring undertaken between 25/05/21 and 29/04/22. With this in mind, the applicant objects to the requirements of the surface water drainage condition to carry out additional infiltration and ground water testing. The council's drainage engineers were re-consulted and in response, they state:

- whilst sufficient groundwater monitoring has been undertaken in the existing boreholes, indicating a peak in October 2021, the number and location of the boreholes is not normally sufficient.
- some interpolation can be obtained from the results, but this can be unreliable, and it is recommended that further monitoring points are installed at agreed locations to confirm any interpolation.
- the greater issue is the lack of winter infiltration testing as this is imperative to designing a suitable scheme.
- it is recognised that infiltration will form only part of the solution, along with controlled discharges to the watercourses but infiltration must be utilised wherever possible.
- it is strongly suggested that the applicant agrees the locations and timing of this testing.
- regarding the provision of enabling works in the condition wording, these were agreed for the Littlehampton Academy site as a one-off and is not something we would wish to see widespread; and
- for these reasons, cannot agree to the modification of condition no.10.

As the applicant is objecting to the condition it is proposed to allow the requested enabling works prior to agreeing the drainage scheme but not to agree to the applicant's other changes (i.e., to retain the requirements for groundwater and infiltration testing). The applicant was notified of the re-consultation advice on 04/07/22 but has not responded. Despite the initial objection to the requirement for testing in the condition, it is assumed they no longer maintain their objection.

For reference, the requested enabling works comprise:

- (a) site investigations or surveys.
- (b) ecological preparation works.
- (c) the provision of security fencing, hoarding and sales signage.
- (d) the clearance of the Site.
- (e) the provision of any temporary site point of access for construction traffic.
- (f) provision of temporary Welfare & Accommodation; and
- (g) temporary builders supply (electricity, water, data etc).

POLICY CONTEXT

Designations applicable to site:

- Outside the Built-Up Area Boundary (BUAB).
- Grades 1/2 Agricultural Land.
- Current Flood Zone 1 but with Zone 2/3 risk along the line of the Rife.
- The Zone 2/3 area is predicted to enlarge in the future only slightly with residential areas remaining in Zone 1 by 2111.
- Not within a Waste Site Buffer, Mineral Protection Area, or Archaeological Notification Area.
- Grade II Listed Buildings within Bilsham to the south; and
- CIL Zone 3.

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
HSP2C	H SP2c Inland Arun
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm & rec facilities
HWBSP1	HWB SP1 Health and Wellbeing
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
SDSP2	SD SP2 Built-up Area Boundary
SKILLSSP1	SKILLS SP1 Employment and Skills
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TELDM1	TEL DM1 Telecommunications
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Yapton neighbourhood plan 2014 Policy BB1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E1	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E3	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E4	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E5	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy BE2	High speed broadband
Yapton neighbourhood plan 2014 Policy H1	Housing requirement
Yapton neighbourhood plan 2014 Policy H2	Dwelling size
Yapton neighbourhood plan 2014 Policy H3	Dwellings appropriate for the needs of older people
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan, 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.

Certain Yapton Neighbourhood Development Plan (YNDP) policies are relevant. Yapton are working on

a revised Neighbourhood Development Plan (YNDP2) which recently completed its Regulation 15 consultation such that it is necessary to refer to the emerging policies (which propose modifications to the current policies).

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 relevant Development Plan policies in that the site is located in the countryside and on best & most versatile agricultural land.

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

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

OTHER MATERIAL CONSIDERATIONS

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 that applications should be determined in accordance with the plan unless material considerations indicate otherwise. However, 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 conflict with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Until such time as the YNDP2 is made, any conflict between the current YNDP and the ALP would 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:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made.
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous

three years.

In January 2022, the council published its Authority Monitoring Report (AMR) for 2020/21 and this shows that the Housing Land Supply (HLS) has decreased from 3.3 years to 2.42 years. This reflects a more rigorous assessment of housing trajectories following recent appeals including the appeal concerning Land South of Barnham Station as received in early January 2022 which comprehensively analysed the HLS position and stated that the HLS was around 2.63 years. On the basis of the current HLS and the age of the YNDP, para 14 of the NPPF does not apply. It is acknowledged that Yapton has significantly contributed to the HLS shortfall however there is still an unmet need across the whole district and this needs to be considered in all locations despite previous contributions.

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 policies in the YNDP have even less weight because they relate to out-of-date housing needs, as the policies were based on the 2003 Local Plan and early versions of the then emerging Arun Local Plan.

The Arun Local Plan (ALP):

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 emerging YNDP2 does not allocate additional housing land and instead acknowledges the contribution to housing need made by dwellings which have planning consent as of March 2021.

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 in the BUAB. Both the full and outline applications conflict with ALP policies C SP1 and SD SP2.

The Yapton Neighbourhood Development Plan (YNDP):

The YNDP was made in November 2014 on the basis of saved policies in the 2003 Arun District Local Plan and the draft policies in the 2014 publication version of the emerging ALP. The site is outside of the BUAB in the YNDP.

Policy BB1 states development outside the BUAB will not be permitted unless in accordance with 4 listed criteria. Criteria 1-2 & 4 are not relevant to the proposal, but number 3 is where the development relates to additional allocations for housing land in accordance with policy H1.

Policy H1 allows for a buffer of up to an additional 20% of the ALP housing requirement of 100 dwellings for the Yapton Neighbourhood Plan area. This 20% buffer has been achieved through applications permitted since the YNDP was made. Beyond the 20%, the policy states any further housing development will only be permitted if it can be demonstrated that either the expected child yield would not result in the Yapton CE Primary School exceeding the maximum number of children permitted or that appropriate modifications and/or extensions to the School can be delivered at the developer's expense. Any approval of this development would be subject to a CIL contribution but there is no certainty that such money would be spent improving the Yapton Primary School. Both the full and outline applications conflict with policy H1.

The emerging YNDP2 proposes to modify the BUAB to take account of the permitted sites as of March 2021 which were previously outside the existing defined area, but this will not change the status of the site as countryside. Policy H1 is to be amended to state "The minimum indicative housing requirement figure for the Yapton Neighbourhood Plan over the period 2011 to 2031 has been identified by the emerging Non-Strategic Sites Development Plan Document as 80 new homes. This housing requirement has been met by the approved planning applications of Y/44/17/OUT Stakers Farm (70 new homes) and Y/49/18/PL Orchard Business Park (10 new homes)."

The National Planning Policy Framework (NPPF):

The NPPF is an important material consideration in determining 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 would be 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 in relation to both the full and outline applications.

Other Material Considerations:

The council's Action Plan (June 2019) made a series of recommendations to boost housing delivery. It recommended the council consider inviting applications from landowners / developers on 'deliverable' Housing & Economic Land Availability Assessment (HELAA) sites to re-establish the 5-year housing land supply.

The site (ref 18Y2) was stated to be 'deliverable' in the 2021 HELAA and so would benefit from support from the Action Plan. The HELAA states the site is contrary to policy but adjoins the built-up area boundary of Yapton with access to services, employment, leisure, and transport facilities (including potentially Barnham and Ford stations) and could form a natural extension to the Yapton settlement structure and the strategic housing allocation.

In February 2021, Arun published an Interim Policy Statement for Housing Delivery (IHS). This is not policy, but is meant as a guide for developers proposing development on sites outside the BUAB and to inform decisions. The IHS applies to sites adjacent to settlement boundaries and this site meets the criteria. The IHS sets out criteria to help speed up determinations of suitable residential developments. The applicant states both proposals meet all but one of the criteria (the exception being the site is not within the BUAB) and so scores very highly against the criteria.

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).

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 site, despite being outside the BUAB, is adjacent to the defined settlement edge and is in a sustainable edge of settlement location. Together with proposed footway improvements on the west side of Bilsham Road arising from this and the adjacent strategic development, it will be possible for residents to walk to access schools, shops, etc:

- 450m from the site access to the nearest Doctors.
- 460m to the Bilsham Road Convenience Store.
- 830m to the Co-op/Butchers/Chip Shop.
- 900m to the Community Centre; and
- 1.6km to the Primary School.

There are bus stops right outside the site with a proposed tactile paved crossing point facilitating easier access to the southbound stop on the east side of Bilsham Road. Bus route 700 runs along Bilsham Road and provides connections to Bognor Regis, Chichester, and Littlehampton. It is understood to be approximately hourly. Although public transport may not be particularly attractive in terms of frequency, it does exist as an alternative. It is possible to cycle to access nearby facilities, to cycle south to meet the cycleway along the A259, or, in the future, to cycle to Main Road and onto Barnham via the new cycleway through the adjacent strategic development.

Whilst the private car could be required for longer distances, new residents would not need to rely on a car for local journeys. A Residential Travel Plan has been submitted which proposes providing new residents with a travel information pack including vouchers towards cycling equipment and taster bus passes.

Neither the outline nor the full applications propose tree felling. Both applications will be required to ensure dwellings comply with the prevailing requirements & standards in respect of energy efficiency, energy performance and reducing water consumption. Electric vehicle charging points, superfast broadband, the new footways, cycle storage and a Travel Plan will help to minimise the need to travel across the entire site and thus reduce travel emissions. There will be some harm to wildlife, but this will be limited given the arable nature of the site and can be mitigated by conditions.

The whole proposal will provide 42 affordable dwellings and a total of 130 dwellings to contribute to current housing land supply shortfall and help to meet future needs. There will be a requirement that a percentage of new housing across the whole scheme be designed to be suitable for older people and people with disabilities.

The whole proposal will result in the creation/maintenance of existing construction sector jobs and wages whilst also contributing to the overall long-term prosperity of businesses in the Arun district in perpetuity. The development will result in additional Council Tax revenues & potential new homes bonus payments whilst CIL receipts (in part to be determined at reserved matters stage) could be used to contribute towards local infrastructure.

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. council Tax revenues are not capable of being considered in the same way.

Notwithstanding the loss of the agricultural land (which has an economic cost), the proposal as a whole meets the economic, social, and environmental aspects of sustainable development and the presumption in favour of sustainable development is engaged.

Conclusion on Matters of Principle:

The principle of both the full and outline proposals on the site conflicts with the ALP and the current & emerging YNDP. It is material that the council cannot demonstrate an appropriate HLS and that it has invited applications on deliverable HELAA sites and particularly those adjacent to settlements in sustainable locations. Due to the HLS position, the application as a whole, falls to be determined by the NPPF presumption in favour of sustainable development.

AGRICULTURAL LAND:

The application is accompanied by a Soil Resource Survey. This states that the on-site soils are Clay Loam to Silty Clay Loam and as such are unlikely to perform well in residential back gardens or as landscaping as they will be prone to compaction, at higher risk of waterlogging, surface water ponding and poor grass growth. Measures are recommended to make the soils more suitable for such purposes and the report states that a soil resource plan would need to be prepared (through a condition) to secure the protection and mitigation of the soils.

The report does not identify the grading of the on-site soils which are noted in the map in the YNDP to likely be classified as grades 1/2 agricultural land (best and most versatile). The YNDP map is based on data provided by the national Provisional Agricultural Land Classification Grading system (ALC). This is not based on site specific surveys but instead is assessed using various criteria including temperature, rainfall, aspect, exposure, frost risk, gradient, micro-relief, flood risk, soil depth, soil structure, soil texture, ground-based chemicals, and stoniness. The ALC uses a grading system to assess and compare the quality of agricultural land at national, regional, and local levels. It assesses the potential for land to support different agricultural uses, such as growing crops for food but it does not consider the land's current use or intensity of use.

The land clearly is used or was last used for arable crop purposes and is a large tract of land. The Ecological Impact Assessment stated that as on the 29th of July 2021, winter-sown cereals were growing (likely wheat or barley).

ALP policy SO DM1 states unless land is allocated, then the use of Grades 1, 2 and 3a of the ALC for 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.

YNDP policy E1 states "Planning permission will be refused for development on grade 1 and grade 2 agricultural land unless: it involves the granting of planning permission for the development of the identified housing allocations or for any additional housing sites required by Policy H1." The proposals clearly conflict with this policy.

In allowing an appeal at Clays Farm, Yapton relating to 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 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 site is (or has until very recently been) used for crops, the council's 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. On balance, the housing land supply need does serve to outweigh the loss of the 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 (although this can be secured by a condition). Whilst the need for the whole development is accepted, there is conflict with the remaining parts of the policy.

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.

The only relevant YNDP policy is PK1 which refers to 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 proposes a new access from Bilsham Road which will be 6m wide with visibility splays of 2.4m by 73m in both directions. The access will be approximately 30m north of Taylors Close and approx. 94m south of the access into the strategic development. It is proposed to provide new footway between the access and the existing footway and bus stop along the B2132 Bilsham Road to the north of the site. The adjacent strategic development is proposing to provide a footway southward towards the bus stops therefore once implemented, there would be a continuous pedestrian route on the western side of Bilsham Road towards the village centre from the new site access.

An additional 1.5m wide footway is proposed along the east edge of the B2132 Bilsham Road for around 200m between Taylors Close and the allotments access to the south. There would be a tactile paved crossing point to assist persons crossing the road between the two pavements. It is stated the existing field access will be retained for emergency use in connection with the outline scheme.

WSCC Highways do not object and raise no concerns with access to the site by large vehicles or the volume of traffic expected for this development, with the ability of large vehicles to turn within the full application area or with parking in the full area. The footway improvements outside the site gain support from ALP policies T SP1 & T DM1 which require development to reduce the need to travel by car and give priority to pedestrian and cycle movements.

The holding objection of National Highways is acknowledged but this will expire prior to the committee meeting, and it is material that the applicants have provided NH with the requested information. Any response from NH will be reported to the committee by way of an update.

In respect of the full application, the council's Parking Standards SPD sets out a need for 58 allocated spaces and 6 visitor spaces. The proposal has 58 parking spaces, 7 garage spaces, 1 car port space and 6 visitor spaces. The garages exceed the 6m by 3m requirement so can be treated as providing half a space each as per the SPD and so the total provision is 68.5 which exceeds the requirements. YNDP policy PK1 sets out the same standards as in the SPD and there is no conflict with this policy. The applicant has not provided 5% of all the spaces as disabled suitable but has agreed to a condition to secure this in the detailed layout and states that spaces 6, 16 and 23 can be provided for this.

The submitted plan for the detailed area shows cycle storage in the form of communal stores, garages/car ports or small sheds in rear gardens. There are elevation plans of all of these except the sheds and a condition will be needed to secure details of the sheds. The SPD require a single cycle space for 1/2-bedroom houses and 2 spaces for 3+bed houses.

Compliance with the SPD for the outline scheme will be determined at reserved matters stage. The outline permission will include a requirement, enforced by condition, to ensure 5% of all spaces are suitable for the disabled. A condition will be required to ensure the provision of cycle storage.

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

HERITAGE:

There are Grade II Listed Buildings located to the south of the site in the hamlet of Bilsham. The closest (Bilsham Manor) is 286m from the edge of the development as indicated by the illustrative layout for the outline development.

ALP policy HER SP1 states development likely to prejudice heritage assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. The NPPF provides guidance on how to determine impacts on heritage assets. YNDP2 policy E8 proposes a new Area of Character at Bilsham but the policy only relates to development within or immediately adjacent the area.

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 'less than substantial harm' with the level of public benefits associated with the proposal (as set out in para 202).

The submission includes a Built Heritage Statement which states that there could be minor visual changes to the settings of Old Bilsham Farmhouse, The Chapel, Bilsham Manor, Manor Cottage and Hobbs Farmhouse due to proposed landscaping to the north. This would be a neutral impact with no impact on the significance of the buildings.

The Conservation Officer agrees with this assessment stating that the proposal will result in no harm to the settings of the nearby heritage assets or to their significance. As no harm is advised, it is not necessary to consider public benefits.

The proposal accords with the relevant development plan policies and also with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in that it does not directly affect any heritage assets and preserves the setting of the nearby Listed Buildings.

ARCHAEOLOGY:

ALP Policy HER DM6 states where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated development will not be harmful to the archaeological interest of the sites. The policy requires a desk based archaeological assessment be submitted.

The application has a desk based archaeological assessment and the council's Archaeologist stated agreement to the conclusions regarding the potential impact of this proposal on deposits of interest. There is no conflict with the policy subject to a condition being imposed to secure detailed recording of finds prior to development taking place.

FLOOD RISK:

The site is predominantly in Flood Zone 1 (FZ) which is low risk but the Ryebank Rife on the western boundary is noted as being within Flood Zones 2/3 and the extent of this will increase in the future.

ALP policy W DM2 refers to the sequential and exceptions tests, need for a Flood Risk Assessment (FRA) 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 requires the submission of a sequential site assessment is required where a site is at substantial risk of current or future flooding. YNDP Policy E11 requires developments be designed and constructed to minimise the overall level of flood risk in the parish.

It is material that the extent of FZ2/3 extends at most up to 1m from the edge of the Rife and so does not affect any of the detailed or outline proposals with only landscaping within this area. The future FZ3a areas (2111 extent) are limited again to the line of the Rife and with a larger extent in the very southwestern extent of the site but this is within the area indicated to be public open space. Provided the reserved matters follows the indicative layout in respect of future flood risk, then there will be no harm to the safety of future occupiers and there is no need for a sequential assessment or the exceptions test.

The application is accompanied by an FRA which advises the development is in an area which is at the lowest risk of flooding from any source and the drainage strategy will not increase flood risk on or off the site for the lifetime of the development. The Environment Agency raised no objections. There are no conflicts with relevant development plan policies.

SURFACE WATER DRAINAGE:

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. YNDP Policy E11 requires developments be designed and constructed to minimise the overall level of flood risk in the parish; and provide surface water drainage.

A drainage strategy forms part of the submitted FRA and has been reviewed by the council's drainage engineers. This proposes storage of surface water runoff in the detailed area by an underground tank located in the landscaping area on the western side with a controlled discharge to the adjacent Rife. The outline area would be drained to a proposed pond in the southwest of the site via a combination of swales and piped systems again with controlled discharge to the Rife.

The council's drainage engineers raise no objections in principle but argue that further winter groundwater testing is required to demonstrate ground infiltration is not possible arguing insufficient

testing has been carried out to rule this out. Engineers are happy that these matters can be resolved through the use of conditions. On this basis, there is no conflict with the relevant drainage policies. A further condition to control levels would be required as this is linked to drainage.

FOUL DRAINAGE:

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. There is no requirement for a full Drainage Impact Assessment as the site does not lie within the Lidsey Treatment Catchment designation.

The FRA states there is an existing public foul sewer running adjacent to the eastern site boundary and that taking account of site levels constraints, a combination of gravity and pumped systems are proposed to drain foul effluent from the site with a discharge into the existing public sewer. A temporary pumping station would be required for phase 1 with a permanent pumping station then provided in the southern outline area to then service the entire site.

Southern Water do not object. It is material that, as per Ofwat rules, where a development can communicate directly to an existing public sewer system at no more than the existing pipe diameter, there is no requirement to undertake a capacity survey and the new connection would be subject to infrastructure charges. There is no conflict with policy W DM1.

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. An Air Quality Assessment has not been provided but there is a Sustainability Assessment and Travel Plan which together include measures to reduce the need to travel by car and proposes electric vehicle charge points and solar panels in the detailed application area.

The off-site footway improvements allow persons to safely walk out of the site, south to the existing allotments and north towards shops and services within Yapton's core. Residents can cycle on Bilsham Road south towards the A259 cycle path or north to Yapton and via the strategic site's cycleway onwards to Barnham. 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. These will be secured by conditions or a legal agreement (in the case of the Travel Plan). The council's environmental health officer (EHO) raised no objections 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; 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 policy does not require the assessment of noise from residential development on existing residential occupiers.

The application is not accompanied by a noise assessment but there is no policy conflict as Bilsham Road is a B road and is subject to a 30-40mph speed limit such that it does not experience fast speed (and therefore noisy) vehicle movements. The EHO has not objected but does request conditions to protect future occupiers from noise.

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. No assessment has been provided but it would be standard practice to control this by condition to require the submission of full lighting details at the reserved matters stage for the outline or at condition discharge stage for the detailed application. The EHO raises no objections.

CONTAMINATION:

ALP Policy QE DM4 states development will be permitted on land that is contaminated as long as remediation is provided. The submitted Land Quality Statement advises that contamination risk is very low, but that further exploration is required. Typical contaminants likely relate to the land's agricultural use. The council's EHO has not objected subject to contamination conditions being imposed on both permissions. Subject to this there would be no conflict with policy as remediation can be secured.

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. YNDP policy E4 states development sites should retain well-established features of the landscape, including mature trees and species-rich hedgerows. New tree planting will be required to mitigate any significant loss. Emerging YNDP2 policy E4 requires that native tree species be used.

The application proposes no removal of trees. The Tree Officer has not commented but given the absence of tree loss and there being no trees in the detailed area of the site, it is unlikely that there would be an objection. There are trees and hedging on the north boundary but outside of the site area beyond the intersection of this boundary with the line of the Rife. There is no conflict with the relevant policies.

In respect of the outline, new landscaping will be considered at a future reserved matters stage whilst for the full application it will be subject to a condition. In both cases, the council will require that new native species are planted and (should there be any future trees loss associated with the outline) that new tree/hedge planting is provided on a 2:1 basis.

BIODIVERSITY:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. YNDP policy E3 seeks to prevent loss of natural habitat except where mitigation measures ensure the integrity of the habitat or where the habitat is relocated to a site within 500m of the existing. Emerging YNDP2 policy E5 sets out a requirement for biodiversity net gain.

The application is accompanied by an Ecological Impact Assessment which identifies that the most important wildlife habitats (hedges, wet ditches) are to the site boundaries, and these are expected to be retained and the boundaries enhanced throughout the whole of the application area. Much of the site is an arable field has low wildlife habitat value.

The council's ecologist raised concerns with the survey but after negotiation has been able to advise no objections subject to conditions. The applicant submitted a Biodiversity Net Gain (BNG) Assessment. This states the proposals will convert an arable field of low ecological value to a residential area with open space, wildflower areas, an attenuation pond, and a biodiversity improvement area all of which will deliver BNG. This equates to a 10.2% increase in habitats and 93% increase in hedgerow units (arising from new and enhanced hedgerows).

It is unclear how much of these gains are derived from the biodiversity improvement area outside the red edge and what would be the result if this were removed. It is clear that the full application being sited on arable land will achieve BNG through the use of trees, wildflower planting, gardens, and other enhancements. The outline application will likely deliver BNG, but this can be quantified at a later date with or without the inclusion of the biodiversity improvement area.

The proposal is in accordance with the relevant development plan policies.

HOUSING MIX:

ALP policy HDM1 seeks 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).

Paragraph 63 of the "Updated Housing Needs Evidence" (September 2016) stated the evidence highlights a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. Paragraph 6.10 then states the analysis clearly shows the different profiles in the different broad tenures with affordable (rented) need being more heavily skewed towards smaller dwellings and market housing predominantly homes with three or more dwellings. Table 29 identifies a suggested broad mix of market housing by size for the District:

- 1-bed dwellings: 5-10% of all dwellings.
- 2-bed dwellings: 40-45% of all dwelling.
- 3-bed dwellings: 35-40% of all dwellings; and
- 4+ bed dwellings: 10-15% of all dwellings.

Separate ratios are given for affordable rented and intermediate/starter homes however this element of the mix would be separately agreed through the s106 legal agreement and reflect the advice of the Housing Strategy Manager. YNDP policy H2 (which is not proposed to be amended) requires the following mix for developments of fifteen or more dwellings:

- 1-bed dwellings: 10-15% of all dwellings.
- 2-bed dwellings: 25-35% of all dwellings.
- 3-bed dwellings: 45-55% of all dwellings; and
- 4+ bed dwellings: 5-10% of all dwellings.

The mix for the outline scheme would be considered at the reserved matters stage. The detailed 30 dwelling scheme comprises the following mix (expressed as the number and % of market only units (21) and the number and % of market & affordable combined (30) in order to show compliance with both of the above housing mix ranges):

- 2 / 5 x 1 bed dwellings (9% / 16%).
- 9 / 12 x 2-bed dwellings (43% / 41%).
- 8 / 10 x 3-bed dwellings (39% / 33%); and
- 2 / 3 x 4-bed dwellings (9% / 10%).

The scheme is compliant with the mix provided by the Updated Housing Needs Evidence and in accordance with ALP policy H DM1 but in conflict with YNDP policy H2 in respect of the percentages of 2 and 3 bed dwellings. The ALP policy is the newer of the two and in accordance with section 38(5) of the Planning and Compulsory Purchase Act 2004, the newer plan takes precedence.

LANDSCAPE, CHARACTER, DESIGN & 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. Policy AH SP2 seeks to ensure affordable housing is visually indistinguishable from market housing and layouts avoid large clusters.

YNDP policy H1 refers to encouraging small-scale residential developments that are sympathetic to their surroundings and providing well-designed dwellings that are sympathetic to the character of the village. Emerging YNDP2 policy H4 encourages high quality & sympathetic design, appropriate density, and sufficient outdoor space. YNDP2 policy E1 (soils) proposes to also include a requirement that development must protect and enhance the character and quality of the Yapton landscape character area.

Section G of the Arun Design Guide suggests a density for village locations of 15-25 for detached/semi-detached houses, 20-30 for terraced houses and 30-50 for flats. 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 gross density of the site is 17.5 dwellings per hectare whilst the detailed area is 17.9 dwellings per hectare. The density of the adjacent strategic development is higher than this at 21.5 dwellings per hectare however it is appropriate for density to decrease away from the settlement centre or on sites outside of the defined settlement area.

The outline application does not seek the approval of layout, external appearance, scale, or landscaping. The illustrative masterplan suggests site layout will ensure landscaped soft edges to existing boundaries, feature a centrally sited village green benefitting from natural surveillance and a large, landscaped buffer to the southern end forming a new soft edge to the village. The illustrative layout suggests numerous street trees and other landscaping to soften the development.

The full application layout is similarly designed but is reflective of the design approach taken on the adjacent strategic development which has a similar mix of houses fronting or side on to the main site road and includes landscaped soft edges to roads, parking courts and two storey apartment buildings. The detailed layout reads very similarly to the adjacent strategic reserved matters layout, and this then flows into the adjoining outline area. There was a concern with the strategic site as to houses being side on to the main road, but this was resolved through the use of additional landscaping (climbing plants) and such an approach along with street trees would also be appropriate on this site.

The full application layout includes a large area of Public Open Space (POS) at the western edge which will border the corresponding open space in the strategic site and allow residents to move between different play areas and areas of amenity grass and planting. A potential link into the strategic site is indicated on the landscape masterplan at the western end but in practice, persons could walk between the sites in other locations. There are instances of communal parking areas bordering with landscaping in the strategic scheme and so the boundaries in these locations could be opened up. The imposition of a boundary treatments condition on the full application would enable further consideration of the site's boundaries and potentially facilitate further links thus better integrating the two sites.

The location of affordable housing in the full application layout is appropriate as it is not clustered and is not all of the same housing type with other instances of the same housing type to be occupied as market housing. The application states the design and use of materials for the affordable units will not be discernible from the private dwellings.

The two-storey scale of the full application area is the same as that on the strategic site. The strategic site has several character areas that were defined by an approved Design Code masterplan. The adjoining area is designated as the "Bilsham Street Character Area" and features red & plain brick types, tile hanging, natural boarding, painted brick, and red/grey/brown roof tiles. The adjoining development includes various design features such as dropped eaves, chimneys, two different porch designs, canted bays and a mix of railings and brick walls to frontages.

The development is similarly defined into character areas and the detailed element of the scheme will be in both the "Rural Mews" (wholly) and "Park Avenue" (in part) character areas with two further character areas in the outline scheme. Design features in the Park Avenue area (plots 1, 2, 3, 9, 29 & 30) include gable chimneys, panelled cottage doors, brick plinths & rendered upper floors, clay-effect or grey slate-effect roof tiles, casement windows, brick window header courses, stone effect sills.

In the Rural Mews area, there will be a mix of red or buff brick, timber-effect cladding (including light & dark grey plus duck egg blue), coloured casement windows, small window cottage doors and some projecting ground floor bays. Blue cladding is unusual and does not appear to have any basis in the immediate area, but a condition will be applied to control materials and so this colour can be altered at a later date by the council if desired.

There are no existing or proposed flats on this section of Bilsham Road and such a form of development could be said to be in principle inappropriate. It is material that the flatted building in the north-eastern corner of the detailed scheme (plots 10-13) has been designed to appear from the front as a semi-detached dwelling with two doors on the front (the other two doors are on the flanks). There is then a roof terrace on the southern side which will be visible in the streetscene however, this will have very little impact in the streetscene.

The scheme does not seek to replicate the design of the adjoining part of the strategic site (which has been designated as its own character area) but rather seeks to create a new character area and is considered to achieve a high standard of design and character such that the development will create a clear sense of place and an attractive place to live.

The applicant submitted a Landscape Visual Impact Assessment (LVIA) which concludes the effect of development on receptors in the surrounding landscape will be limited, with some adverse visual effects likely to be felt by receptors (people) in the landscape immediately surrounding the site but limited to a small number of locations where views of the proposals would be possible, and these are to be mitigated by planting in the medium/long term. The Landscape Officer raises no objections.

The proposal results in a change to the character of this edge of settlement location in principle deriving from the loss of the existing arable field. However, there is existing and committed residential development to the North and East such that this area already has a residential character. The scheme is heavy on landscaping both to site edges and within the layout) which will help to soften and green the development. The change in character is not thought to be harmful to the settlement as a whole and the proposal is in accordance with all of the relevant development plan 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 council's Design Guide sets out the following guidance on interface distances between houses:

- Back-to-Back: min. 21m between habitable rooms of properties or to existing buildings.

- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property.
- Front to Front: min. 16m between habitable rooms of properties facing each other.
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.
- There are no standards for either side to side or front to back.

As layout is a reserved matter, it is not appropriate to determine impacts of overlooking and privacy for the outline layout. It is material that the only relationship with existing dwellings is where the site frontage faces 14/15 Lambs Cottages and the outline illustrative layout suggest 26m between these and the closest proposed dwelling. Relationships between dwellings in the outline layout and the full layout would be assessed at reserved matters stage.

The full application layout has been assessed versus the Design Guide standards and there are no shortfalls versus the standards. In particular, there are no shortfalls between the full proposal and the houses on the adjacent strategic development. All distances between those dwellings on Bilsham Road to existing dwellings opposite meet or exceed the distance requirements including in respect of the roof terrace on the side of the apartment building (plots 10-13) where this looks onto Bilsham Road. Due to the two-storey nature of the development, the location to the west and the separation distances, there will be no loss of light to existing dwellings.

The new access and use of the site will result in an increase in activity levels on this part of Bilsham Road but existing residents here are already adjacent to a main road where traffic and activity is to be expected. This increase in activity levels will contribute to a change in character but will not be detrimental to the amenities of existing residents. There is no conflict with the relevant development plan policies.

QUALITY OF ACCOMMODATION:

ALP policy D DM2 states that internal spaces should be of an appropriate size and that the Nationally Described Space Standards provide guidance. The full application demonstrates all dwellings meet or exceed the required standards.

The Arun Design Guide requires rear gardens to be a minimum of 10.5m deep and front gardens at least 2m. Flats should have at least 3m² of private useable space plus communal areas equating to 40m² plus 10m² per flat. The full layout has been checked and all residential gardens are at least 10m deep with many meeting the full 10.5m requirement. Whilst not all gardens achieve the 10.5m requirement, the 21m rear-to-rear facing distance is achieved in all respects (and respect to adjoining development) so the shortfall will not adversely affect the living conditions of existing or future occupiers. The full layout also provides for sufficiently deep front gardens.

The apartment building amenity space provision is mixed. First-floor flats in the apartment building facing Bilsham Road (plots 12/13) have a terrace or balcony of at least 3m² but those at ground floor are not shown to have private space (although rear patio doors open onto a communal space). The applicant proposed a condition to require a boundary between the two patio doors to create a private area for each flat. This apartment building has communal amenity space to its front. There are no concerns with private amenity space.

Assessment of the outline scheme would take place at reserved matters stage.

HOMES FOR OLDER PEOPLE:

YNDP Policy H3 requires that a minimum of 25% of the 1, 2 and 3 bed dwellings are delivered to Lifetime Home Standards. The emerging YNDP2 proposes no amendments to this policy. The lifetime homes

standard was replaced by the M4(2) standard in the Building Regulations. In order to comply with the YNDP policy, the full application should provide 7 no. M4(2) homes. The application does not show this, but the applicant agreed to a condition to ensure that internal modifications are made to 7 of the dwellings to ensure they meet the M4(2) standard. A condition would be imposed on the outline to ensure suitable provision is shown at reserved matters stage.

Arun 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. As it does not have as much weight as the YNDP policy, it will be applied (through a condition) to the 110 dwellings proposed by the Outline.

TELECOMMUNICATIONS:

ALP policy TEL SP1 and YNDP policy BE2 state all proposals for new residential, employment and commercial development must be designed to be connected to high quality communications infrastructure. This policy would be complied with through suitable conditions on the outline and full permissions.

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 new development be designed to adapt to impacts arising from climate change and all major developments must produce 10% of total predicted energy requirements from renewables unless unviable. Emerging YNDP2 policy H5 supports development which meets the highest possible standards of environmental and energy efficiency.

The application includes a sustainability statement which analyses the proposal versus these two policies and in relation to the Arun Design Guide. It discusses water sustainability (mentioned elsewhere), shade/cooling/ventilation/solar gain, access to green infrastructure, use of weather resilient materials and energy efficiency/renewable energy. In respect of the latter, it states:

- solar panels to be added to 17% of roofs in the detailed area with further in the outline area.
- homes built from 2025 will produce 75-80% less carbon emissions than developments under current regulations.
- changes to the Building Regulations in the coming year (2022) are foreseen to produce 31% less carbon compared to the current regulations; and
- use of high spec glazing, thick external walls & recovery of heat through Mechanical Ventilation Heat Recovery.

A condition would be imposed on the full application to seek the detail of these measures and on the outline to require details submitted at reserved matters. Conditions will be included to require electric vehicle charge points. On this basis, there would be no conflict with the relevant policies.

AFFORDABLE HOUSING:

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. 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. As at March 2022, there were 1299 households in housing need on the council's housing register.

The Housing Strategy and Enabling Officer stated the application as a whole should provide 42 Affordable Dwellings consisting of 28 affordable rented, 10 First Homes and 4 Intermediate. The full application should provide 6 rented & 3 First Homes with the outline then providing 22 rented, 7 First Homes & 4 intermediates. The full application provides for the same number of affordable homes (and the same dwelling size split) as requested by the consultation and so there is no conflict with the split between the full and outline applications or the bedroom size mix on the full scheme.

The Affordable Housing Statement does not reference First Homes and so the tenure mix in the Statement versus the comments is different, but this does not require any layout or design changes and will be enforced through a s106 agreement. Providing that a legal agreement is completed post committee then there would be no conflict with the policy.

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 requires housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. In addition, policy HWB SP1 seeks to ensure that new development is designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities.

As the full and outline areas of the development are intrinsically linked, it is appropriate to determine the requirements for the whole area. The council's SPD (Open Space, Playing Pitches, Indoor and Built Sports Facilities) sets out an overall requirement of 11,550m² of POS (1.15ha) to include 1,694m² of play space. The play provision should comprise a Neighbourhood Equipped Area of Play (NEAP) and mix of Local Equipped Area of Play (LEAP) and informal Local Areas of Play (LAP). The proposals seek to provide 2.97ha of POS overall and include a NEAP & adjoining LEAP in the detailed area plus 3 LAPs indicated in the outline area. The NEAP will provide suitable games space for older children (i.e., to play basketball/football/other team sports). The Landscape Officer raises no objections.

The SuDS provision for the full area comprises an underground storage tank within the landscaped area on the west side and so will not affect the surface level POS. The attenuation pond indicated in the outline area is in the POS but as the overall provision exceeds the requirements, it does not affect compliance with the policy.

It is the council's approach to secure on-site POS & play requirements by condition and this is not dependent on the agreement of a s106 legal agreement. As it is not possible to secure off-site contributions through a s106 Agreement due to CIL, contributions to off-site leisure & sports facilities plus allotments would need to be funded by CIL instead. 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 existing community.

This development would be liable for CIL which will be calculated in part through the full application and in part at reserved matters stage. 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 be provided with a percentage of the CIL receipts (25%) to spend on their own projects. These payments go towards providing the infrastructure that the district needs to support existing and future development.

Where CIL is applicable, it is only possible to use s106 agreements to require affordable housing and on-

site mitigation and the latter is restricted to items in the red edge. In cases where works are not in the red edge, off-site works should be secured by a condition requiring a s278 agreement (albeit subject to the condition meeting the NPPF para 56 tests). Whilst it is desirable to seek to include adjacent off-site works in the red edge, it is not possible to refuse an application if it was not included. It is understood s278 agreements may be used to deliver physical works and contributions.

Notwithstanding, the applicant has proposed a contribution to the Comet Corner junction improvements that has been discounted to account for CIL contributions. WSCC Highways accept this and as it has been calculated to account for CIL, it can be included in the s106. It is also necessary to include a requirement for a Travel Plan and the associated monitoring & auditing fee in the s106.

In respect of strategic highway contributions, para 5 of the most up-to-date ADC Community Infrastructure Funding Statement details ADC's CIL infrastructure list which does not include strategic highways. It is evident no ADC CIL monies 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 the WSCC CIL Infrastructure Funding Statement that indicates that CIL will be passed on to National Highways (NH) where there are impacts on the strategic road network. Should NH request a contribution this can be secured by s106 agreement.

An objection was received from WSCC as Local Education Authority. This objection was due to the inability to expand existing secondary school provision to accommodate pupils arising from the development and the lack of an allocated or secured site for the delivery of the new secondary school. This development does not itself generate need for a new secondary school and there is also no policy requirement for the development to provide a school on the site or to fund the whole cost of one elsewhere.

It is material that CIL contributions can be used to fund new school facilities and the developer will be liable for such. WSCC raised similar concerns in respect of the recent Land South of Barnham Station appeal, but the Inspector dismissed this stating "if allowed, the appeal proposal would be subject to a CIL liability in terms of contributing to wider infrastructure needs such as health and education". It is important to ensure consistency of decision making.

It has been agreed with WSCC that ADC will revisit looking at potential secondary school sites, but it is unreasonable to reject this application solely on the absence of a secured school site when an appropriate contribution through CIL will be secured towards its delivery.

Subject to the applicant entering into a s106 Agreement to secure the Travel Plan & Comet Corner contribution (and any items arising from the further National Highways comments) there would be no conflict with ALP policy INF SP1.

SUMMARY & TILTED BALANCE:

As the council's HLS is below 3 years (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) that where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, 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 and is in an appropriate edge of settlement location. This report identifies some impacts in respect of character and loss of agricultural land plus conflicts with policies relating to countryside development and housing mix. 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 and Action Plan. 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 Planning Committee to delegate to the Group Head of Planning in consultation with the Chair and Vice Chair with authority to:

Grant the full and outline planning permissions subject to conditions and subject to a section 106 Agreement, the terms of which are substantially in accordance with those set out in this report (as amended by report update) with any minor amendments authorised by the Group Head of Planning

Should the s106 not be completed in 5 months of the date of the Planning Committee's resolution to grant 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 or Travel Plan 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 42 Affordable Dwellings across the whole scheme consisting of 28 affordable rented, 10 First Homes and 4 Intermediate. There will be 9 in the full application area and 33 in the outline area.
- (2) A Travel Plan and associated monitoring/auditing fee; and
- (3) A contribution of £226 per dwelling to the Comet Corner Improvements Scheme.

Should there be a requirement following consultation with National Highways members will be advised via a report update.

CIL DETAILS

This is a CIL Liable development. It is in Zone 3 and a CIL amount of £256,793.65 would be payable for the full application unless the applicant applies for an exemption subject to the requirements of the CIL Regulations 2010 (as amended). For example, if Social Housing relief was claimed then the CIL payment would reduce to £189,211.17. A proportion of this (25%) would go direct to the Parish Council. The houses subject to the outline would be liable for CIL but will be calculated at the reserved matters application when details of floorspace is known.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 In pursuance of their powers under this Act and related Orders and Regulations the Council PERMIT this development to be carried out in accordance with the application and plans and subject to compliance with the following conditions and Section 106 Agreement.

The Conditions and Informatives below refer to the 'FULL' matters within the planning application

- 2 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).

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

Location Plan 1001-PL.
Land Use Parameters ZZ-1401-PL.
Parking Strategy ZZ-1410-PL.
Refuse Strategy ZZ-1411-PL.
PV Layout ZZ-1415-PL.
Roof Layout ZZ-1416-PL.
Accommodation Schedule ZZ-1502-PL.
Proposed Site Layout (Detailed Area) ZZ-2001-PL.
Proposed Site Layout ZZ-2002-PL.
House type CS 2B4P Floor Plans CS-3001-PL.
House type CS 2B4P Plots 6-7 & 22-23 Elevations CS-4001-PL.
House type CS 2B4P Plots 20-21 Elevations CS-4002-PL.
House type CT 2B4P Plots 24-26 Floor Plans CT-3001-PL.
House type CT 2B4P Plots 24-26 Elevations CT-4001-PL.
House type DN 3B5P Plots 4-5 & 27-28 DN-3001-PL.

House type DN 3B5P Plot 8 DN-3002-PL.
 House type DS 3B5P Plots 1-2 & 18-19 Floor Plans DS-3001-PL.
 House type DS 3B5P Plots 1-2 Elevations DS-4001-PL.
 House type DS 3B5P Plots 18-19 Elevations DS-4002-PL.
 House type DW 3B5P Plot 9 DW-3001-PL.
 House type EN 4B6P Plot 3 EN-4001-PL.
 House type EN 4B6P Plot 29 EN-4002-PL.
 House type EN 4B6P Plot 30 EN-4003-PL.
 Maisonettes M Plots 10-13 Floor Plans M-3001-PL.
 Maisonettes M Plots 14-17 Floor Plans M-3002-PL.
 Maisonettes M Plots 10-13 Elevations M-4001-PL.
 Maisonettes M Plots 14-17 Elevations M-4002-PL.
 Single Garage Gable Front Red Brick ZZ-2501-PL.
 Single Garage Eaves Front Buff Brick ZZ-2502-PL.
 Double Garage Eaves Front ZZ-2503-PL.
 Single Carport Gable Front ZZ-2504-PL.
 Maisonettes Bin & Cycle Store ZZ-2601-PL.
 Substation ZZ-2602-PL.
 Street Scenes ZZ-4101-PL.
 Landscape Masterplan Detailed Area 964-MP-02 Rev B.
 Proposed Site Access A361-001 Rev P4.
 Swept Path Analysis A361-002 Rev P3; and
 Visibility Splay Plan A361-003 Rev P1

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 Notwithstanding the details shown by the approved layout plans, the parking spaces numbered 6, 16 and 23 shall be set out as full disabled spaces as per County Council guidelines.

Reasons: In the interests of the needs of people with disabilities in accordance with policy T SP1 of the Arun Local Plan and the Arun Parking Standards SPD.

- 5 The development shall be carried out in complete accordance with the mitigations and enhancements set out in sections 6 (paras 6.17 to 6.25) and 7 of the submitted Ecological Impact Assessment (February 2022). In addition, log piles and hedgehog boxes shall be placed on the site in locations to be agreed with the Local Planning Authority prior to occupation of any of the dwellings. All agreed biodiversity enhancements must be in place prior to first occupation.

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

- 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.

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

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. 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.

8 No development shall take place, apart from the enabling works listed below (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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 council's 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 preferred 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 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.

The 'Enabling Works' referred to above shall comprise the following:

- (a) site investigations or surveys.
- (b) ecological preparation works.
- (c) the provision of security fencing, hoarding and sales signage.
- (d) the clearance of the Site.
- (e) the provision of any temporary site point of access for construction traffic.
- (f) provision of temporary Welfare & Accommodation; and
- (g) temporary builders supply (electricity, water, data etc).

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.

- 9 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.

- 10 Development shall not commence, on each phase of the development, other than the enabling works (specified below), until full details of the proposed surface water drainage scheme have been submitted for that phase of development consistent with the surface water drainage strategy set out in 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.

The 'Enabling Works' referred to above shall comprise the following:

- (a) site investigations or surveys.
- (b) ecological preparation works.
- (c) the provision of security fencing, hoarding and sales signage.
- (d) the clearance of the Site.
- (e) the provision of any temporary site point of access for construction traffic.
- (f) provision of temporary Welfare & Accommodation; and
- (g) temporary builders supply (electricity, water, data etc).

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

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

1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

2. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to occupation of any of the dwellings (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be

submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

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

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

Reason: In order to safeguard the amenities of the area, of neighbouring residents and in relation to drainage in accordance with policy D DM1 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to agree levels before foundations are laid.

- 14 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.

- 15 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 prior to construction above damp proof course (DPC) level in that phase or sub phase. 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 on site energy use in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan.

- 16 No development shall commence until a method statement has been submitted to and approved in writing by the Local Planning Authority to provide details of how any retained hedgerows within/adjacent to the site are to be protected during construction. This will be secured by fencing to create a buffer of 5m around the retained hedgerows during construction unless such a buffer is not possible due to the position of agreed buildings in which case a reduced buffer will be acceptable. The development shall thereafter proceed in accordance with the approved hedgerow protection measures.

Reason: Bats use the on-site 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.

- 17 No development including site access, or associated construction activities, shall take place on the site unless and until a badger survey has been undertaken in order to ensure that badgers are not using the site. If a badger sett is found on the site, then the applicants shall provide a mitigation strategy to the Local Planning Authority for approval in writing to be determined in consultation with Natural England.

Reason: In accordance with policy ENV DM5 of the Arun Local Plan. It is considered that this condition must be pre-commencement to prevent harm to potentially vulnerable species on site.

- 18 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.

- 19 No development above damp-proof course (DPC) level shall take place unless and until a scheme to demonstrate the following has been submitted to and approved in writing by the Local Planning Authority:

(1) internal noise levels within the residential units will conform to the 'Indoor ambient noise levels for dwellings' guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014; and

(2) external noise levels within the curtilage of the residential units will conform to the 'Design criteria for external noise' upper guideline value of 55 dB LAeq, T as specified within section 7.7.3.2 of BS 8233:2014.

The submission shall include details compiled by a qualified acoustician on sound insulation and noise reduction for buildings & gardens. The scheme should take into account the correct number of air changes required for noise affected rooms. The works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

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

- 20 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.

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

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

- 22 No development above damp-proof course (DPC) level shall take place until details of all new boundary treatments and any amendments to existing boundaries have been submitted to and approved by the Local Planning Authority and no dwellings within the site shall be occupied until the boundaries associated with them have been erected. The details shall include the provision of a suitable boundary between plots 10 and 11 to create private outdoor space for each unit and shall propose brick or flint walling to the site frontage to reflect the existing boundary treatments opposite. The discharge of this condition should also consider whether additional links can be created between the site and the adjacent strategic development by removing existing boundary treatments between communal areas. Gaps shall be included at the bottom of boundary treatments serving dwellings 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.

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

- 23 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 sections 6 (paras 6.17 to 6.25) and 7 of the submitted Ecological Impact Assessment (February 2022). 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.

- 24 No development above damp-proof course (DPC) level shall take place unless and until details are provided and approved in writing by the Local Planning Authority to show how at least seven of the 1, 2 and 3-bedroom houses will be delivered to meet M4(2) of the Building Regulations 2010 (as amended). These particular dwellings shall thereafter be delivered in accordance with the approved details and permanently maintained as such thereafter.

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 policy H3 of the Yapton Neighbourhood Development Plan and policy D DM1 of the Arun Local Plan.

- 25 No development above damp-proof course (DPC) level shall take place until full details of the proposed in-curtilage secure cycle stores for those dwellings which do not benefit from a garage or a communal store have been submitted to and approved in writing by the Local Planning Authority and the relevant houses shall not be occupied until the approved cycle storage sheds associated with them have been erected/provided. These cycle storage spaces shall thereafter be permanently retained and maintained.

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

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

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

- 27 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). 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 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. Care should be exercised in respect of lighting directed to the site boundaries. 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.

28 No part of the development shall be first occupied until such time as the vehicular accesses, footways and associated visibility splays serving the development has been constructed in accordance with the approved plans. Once provided the visibility 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.

29 No part of the development shall be first occupied until the vehicle parking, garage, car port and turning spaces have been constructed in accordance with the approved plans. The parking spaces shall thereafter be retained for their designated use. The garage and carport spaces garages shall not be used for any purpose other than the parking of vehicles or for domestic storage unless permission is granted by the Local Planning Authority on an application in that behalf.

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.

30 Prior to occupation of any of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be retained and maintained in good working condition. The scheme shall be in accordance with the council's standards as set out in its Parking Standards SPD.

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

31 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.

32 The developer shall enter into a Section 278 agreement with the local highway authority to enable the proposed footway improvements on the western side of Bilsham Road to be implemented. These shall be completed prior to the occupation of the 15th dwelling in the approved full development.

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

33 No individual dwelling hereby approved shall be occupied until the optional requirement for restricted water consumption in Part G of the Building Regulations as demonstrated through the water calculator has been complied with for that dwelling.

Reason: To improve the sustainability of the dwellings in accordance with policy W DM1 of the Arun Local Plan.

34 None of the dwellings shall be occupied unless and until full details of the public open space (POS) and associated management arrangements have been submitted to and approved in

writing by the Local Planning Authority. The POS shall thereafter be implemented in accordance with the details as agreed through the discharge of condition (or any subsequent variation application) prior to occupation of the 15th dwelling and permanently retained thereafter. The approved management details shall then be permanently adhered to.

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

- 35 None of the dwellings shall be occupied unless and until full details of the public play provision and associated management arrangements have been submitted to and approved in writing by the Local Planning Authority. The play provision shall thereafter be implemented in accordance with the details as agreed through the discharge of condition (or any subsequent variation application) prior to occupation of the 15th dwelling and permanently retained thereafter. The approved management details shall then be permanently adhered to.

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

- 36 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.

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

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

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

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

- 39 **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 NPPF.

- 40 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 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, (plus 40%) 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.

- 41 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.

- 42 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

- 43 INFORMATIVE: Following approval of details showing the proposed location of all fire hydrant(s) or stored water supply (in accordance with West Sussex Fire and Rescue Service's Guidance Notes) and prior to the first occupation of any dwelling or unit forming part of the proposed new development you are advised to contact West Sussex Fire and Rescue Service (WSFRS) make them aware of all the fire hydrants for the site and their locations. They can then be operated and tested, their location marked up locally and plotted on the water management system and mapping. This information is then available to all fire crews attending the site, essential for locating the nearest fire hydrants available in the vicinity of a fire without delay.

Without this information WSFRS would not be aware of any fire hydrants available on the site and lead to valuable time being spent looking for a water supply to keep the fire appliance supplied with water. Without a supply of water people's lives and properties could be put at undue risk in the event of a fire.

Fire hydrant information is to be sent to either the Planning Officer or directly to the Water and Access Department (WSFRS) at Frs.waterandaccess@westsussex.gov.uk

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

- (1) The provision of 9 dwellings as affordable (consisting of 6 affordable rented and 3 First Homes).
- (2) A Travel Plan and associated monitoring/auditing fee; and

(3) A contribution of £226 per dwelling to the proposed Comet Corner Improvements Scheme.

45 INFORMATIVE: An application for connection to the public sewerage system is required in 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 available to at <https://beta.southernwater.co.uk/infrastructurecharges>.

46 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 removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the Act.

47 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.

48 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.

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

50 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 25/01/22) as available on the council's website.

51 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555. There shall be no burning of waste or other materials on the site, except in an incinerator.

52 In pursuance of their powers under this Act and related Orders and Regulations the Council PERMIT this development to be carried out in accordance with the application and plans and subject to compliance with the following conditions and Section 106 Agreement.

The Conditions and Informatives below refer to the 'OUTLINE' matters within the planning application

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

(a) Layout.

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

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).

- 54 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).

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

Location Plan 1001-PL.
Proposed Site Access A361-001 Rev P4.
Swept Path Analysis A361-002 Rev P3; and
Visibility Splay Plan A361-003 Rev P1.

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.

- 56 The development shall be carried out in complete accordance with the mitigations and enhancements set out in sections 6 (paras 6.17 to 6.25) and 7 of the submitted Ecological Impact Assessment (February 2022). The proposed enhancements shall be detailed on the landscape details to be submitted pursuant to condition 54 and shall also include placement of log piles and hedgehog boxes on the site.

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

- 57 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 and on-site biodiversity in accordance with policies ENV DM5, QE SP1 and QE DM1 of the Arun Local Plan and the NPPF.

- 58 The details to be submitted pursuant to condition 53 shall include:

(1) An updated Badger survey undertaken on the site to determine the use of the outline site area by badgers. Should badgers be found to be present then a mitigation strategy should also be provided with the reserved matters submission.

(2) A Bat mitigation strategy including details of the enhancement of existing hedgerows to benefit wildlife species; and

(3) An updated reptile mitigation strategy to include details of reptile fencing, translocation methods, the translocation site/enhancements, and the timings of the works.

Reason: In the interests of wildlife protection in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

59 The landscape and layout details to be submitted pursuant to condition 53 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) Full landscaping details including the use of native trees and compensatory planting on 2:1 basis (where any trees or hedges are lost).

(3) Details of the position, design, materials, height and type of all 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.

(4) Full details of how the existing hedgerows are to be protected with secure fencing to establish a 5m buffer zone during construction (unless such a buffer is not possible due to the position of agreed buildings in which case a reduced buffer will be acceptable). The development shall thereafter proceed in accordance with the approved hedgerow protection measures.

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

(6) 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 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. Care should be exercised in respect of lighting directed to the 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.

60 The layout and landscape details to be submitted pursuant to condition 53 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 55th dwelling and permanently retained thereafter. The

approved management details shall 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.

61 The layout, scale and appearance details to be submitted pursuant to condition 53 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.

62 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 53 shall ensure that the scheme makes provision for accommodation to meet the Building Regulations Standards M4(2) and M4(3) in accordance with Yapton Neighbourhood Development Plan Policy H3 and the council's 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 H3 of the Yapton Neighbourhood Development Plan.

63 Development shall not commence, on each phase of the development, other than the enabling works (specified below), until full details of the proposed surface water drainage scheme have been submitted for that phase of development consistent with the surface water drainage strategy set out in 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.

The 'Enabling Works' referred to above shall comprise the following:

(a) site investigations or surveys.

- (b) ecological preparation works.
- (c) the provision of security fencing, hoarding and sales signage.
- (d) the clearance of the Site.
- (e) the provision of any temporary site point of access for construction traffic.
- (f) provision of temporary Welfare & Accommodation; and
- (g) temporary builders supply (electricity, water, data etc).

Reason: To ensure that the 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.

- 64 No development above damp-proof course (DPC) level shall take place unless and 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 the development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan.

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

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. 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.

- 66 No development shall take place, apart from the enabling works listed below (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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 council's 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 preferred 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 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.

The 'Enabling Works' referred to above shall comprise the following:

- (a) site investigations or surveys.
- (b) ecological preparation works.
- (c) the provision of security fencing, hoarding and sales signage.
- (d) the clearance of the Site.
- (e) the provision of any temporary site point of access for construction traffic.
- (f) provision of temporary Welfare & Accommodation; and
- (g) temporary builders supply (electricity, water, data etc).

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.

- 67 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 include a phasing plan drawn up to ensure occupation of the site aligns with the delivery by Southern Water of any sewerage network reinforcement required to ensure adequate wastewater network capacity is available to adequately drain the development.

Reason: To ensure that the 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.

68 Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

2. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

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

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

69 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.

- 70 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 prior to construction above damp proof course (DPC) level in that phase or sub phase. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

Reason: To secure a reduction in on site energy use in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan.

- 71 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.

- 72 No development above dampproof course (DPC) level shall take place unless and until a scheme to demonstrate the following has been submitted to and approved in writing by the Local Planning Authority:

(1) internal noise levels within the residential units will conform to the 'Indoor ambient noise levels for dwellings' guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014; and

(2) external noise levels within the curtilage of the residential units will conform to the 'Design criteria for external noise' upper guideline value of 55 dB LAeq, T as specified within section 7.7.3.2 of BS 8233:2014.

The submission shall include details compiled by a qualified acoustician on sound insulation and noise reduction for buildings & gardens. The scheme should take into account the correct number of air changes required for noise affected rooms. The works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

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

- 73 No development above dampproof 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.

- 74 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.

- 75 No individual dwelling hereby approved shall be occupied until the optional requirement for restricted water consumption in Part G of the Building Regulations as demonstrated through the water calculator has been complied with for that dwelling.

Reason: To improve the sustainability of the dwellings in accordance with policy W DM1 of the Arun Local Plan.

- 76 The developer shall enter into a Section 278 agreement with the local highway authority to enable the proposed footway improvements on the eastern side of Bilsham Road and the tactile paved crossing point between the western and eastern sides to be implemented. These shall be completed prior to the occupation of the 55th dwelling in the approved outline development.

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

- 77 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.

- 78 No part of the development shall be first occupied until such time as the vehicular accesses, footways and associated visibility splays serving the development has been constructed in accordance with the approved plans. Once provided the visibility 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.

- 79 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.

- 80 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.

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

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

- 82 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 NPPF.

- 83 INFORMATIVE: The applicant is required to obtain all appropriate consents from WSCC, 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.

- 84 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 removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 85 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.
- 86 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to:
- (1) The provision of 33 dwellings as affordable (consisting of 22 affordable rented, 7 First Homes and 4 Intermediate).
 - (2) A Travel Plan and associated monitoring/auditing fee; and
 - (3) A contribution of £226 per dwelling to the proposed Comet Corner Improvements Scheme.
- 87 INFORMATIVE: An application for connection to the public sewerage system is required 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 available to at <https://beta.southernwater.co.uk/infrastructurecharges>.
- 88 INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.
- 89 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 25/01/22) as available on the council's website.
- 90 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 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, (plus 40%) 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.

- 91 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.
- 92 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
- 93 INFORMATIVE: The granting of this permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555. There shall be no burning of waste or other materials on the site, except in an incinerator.
- 94 INFORMATIVE: Following approval of details showing the proposed location of all fire hydrant(s) or stored water supply (in accordance with West Sussex Fire and Rescue Service's Guidance Notes) and prior to the first occupation of any dwelling or unit forming part of the proposed new development you are advised to contact West Sussex Fire and Rescue Service (WSFRS) make them aware of all the fire hydrants for the site and their locations. They can then be operated and tested, their location marked up locally and plotted on the water management system and mapping. This information is then available to all fire crews attending the site, essential for locating the nearest fire hydrants available in the vicinity of a fire without delay.

Without this information WSFRS would not be aware of any fire hydrants on site and lead to valuable time being spent looking for a water supply to keep the fire appliance supplied with water. Without a supply of water people's lives and properties could be put at undue risk in event of a fire.

Fire hydrant information is to be sent to either the Planning Officer or directly to the Water and Access Department (WSFRS) at Frs.waterandaccess@westsussex.gov.uk

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)

Y/3/22/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: Y/77/22/PL

LOCATION: Bonhams
Hoe Lane
Flansham
PO22 8NP

PROPOSAL: Erection of 4 No dwellings with access from Hoe Lane and associated landscaping, including native orchards and wildflower meadows (resubmission following Y/7/22/PL). This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is for four detached, four-bedroom, two storey dwellings. Three of these have their first floor in the roof whilst the fourth has its eaves level at the same height as the top of the first-floor windows. The layout has been designed in a farmstead pattern with dwellings facing a central courtyard with a mix of rectangular and L shaped footprints. The dwellings will have clay-tiled barn-hipped, hipped, and gabled roof forms and windows/doors of traditional timber joinery. All elevations will be finished in flint work with brickwork detailing framing the windows and doors.

Each house has a double garage and there are four spaces in the courtyard and a further space adjacent to and in association with the easternmost dwelling. The site access is to be widened by 1m (by relocating the eastern access wall 1m east). Visibility splays comprise of 2.4m x 30.7m to the northwest and 2.4m x 29.5m to the southeast. The site plan shows the inclusion of a formal orchard, either side of the access road and along the southern site boundary, with the areas around the trees to be managed as wildflower meadow. The south-eastern corner of the site has been entirely reserved for flowering meadow planting. There is space between the two southernmost houses to enable access into the field for maintenance. The layout retains access through to Flints.

This application responds to the refusal of Y/7/22/PL by providing additional Great Crested Newt survey information and by enlarging the double garages from 5.5 x 5.3m to 7m x 6m.

SITE AREA

1.15 hectares

RESIDENTIAL DEVELOPMENT 3.47 dwellings per hectare.

DENSITY

TOPOGRAPHY

The site is predominantly flat but between 1 & 2m lower than the level of the A259 to the south.

It is only possible to view the site from certain external ground level viewpoints - namely the vehicular entrance, the south western corner where the footpath meets with the A259 Bognor Regis Relief Road (henceforth abbreviated in this report as BRRR) and from the area where the pond sits between the south-eastern boundary and the hedge which it is possible to access from the public footpath at the south-western corner.

TREES

There is a Tree Preservation Order (TPO/Y/1/18) on a group of 3 Field Maples situated in the south-western corner of the site close to the footpath and on a group of 12 trees (6 Beech, 5 Hornbeam, 1 Oak) which enclose the southern and western boundaries of Bonhams garden. TPO (TPO/Y/2/18) was made in respect of a Hornbeam which is adjacent to the 12th individual tree forming part of the TPO/Y/1/18 schedule (accidentally omitted from the first Order).

There are other trees fronting Hoe Lane, bordering the footpath on the western side, and dotted throughout the site. There is an established hedge along the boundary with the A259 BRRR. The application proposes only safety works to trees and all houses are well outside of the Root Protection Areas of the notable trees.

BOUNDARY TREATMENT

These consist of:

- (1) Western boundary is part trees, part hedge and part 1.8m timber fence to Flints.
- (2) Northern boundary is part hedge/trees and part flint/brick wall.
- (3) Brick piers with black metal gates to Hoe Lane; and
- (4) Eastern and southern boundaries consist of ranch style timber fencing (1m high) with the established hedge beyond.

There are internal boundaries within the site to separate Bonhams from Flints Cottage and from the open areas of the site. These consist of manicured hedges and timber fencing.

SITE CHARACTERISTICS

The wider site (i.e., including Bonhams & Flints) consists of three parts. The dwelling Bonhams, with its large gardens. This is end on to Hoe Lane and backs onto a public footpath running roughly south from Hoe Lane adjacent to the western boundary of the site. It comprises a grand two-storey dwelling in brick, flint, and clay tiles together with a garage/store outbuilding on the western side. It is a 17th-century house and was remodelled with walls of knapped flint and brick in the early 18th century. It was formerly listed but was delisted in 2013. It has a large well-maintained large garden on its east and south sides and there are small timber sheds. Bonhams

has principal windows on all elevations.

Secondly, the smaller dwelling known as Flints Cottage to the south of Bonhams. This is two-storeys and backs on to the public footpath and is similarly built from a mix of flint, brick, and clay tiles. This has principal windows in all elevations. It has a rectangular garden extending to the east and has outbuildings on both sides. Both Flints Cottage and Bonhams share an access onto Hoe Lane. Bonhams has an additional access direct from Hoe Lane to a double garage.

The third part of the site is a field to the south which shares access with both dwellings. On the most recent site visit, this was covered in scrub planting and there was evidence of log piles and some waste materials. The remains of old single storey buildings lay alongside the western boundary backing on to the public footpath. The south-western corner appeared at that time to be more overgrown than the rest.

The western boundary of the site is with the public footpath. This connects Hoe Lane with the A259 BRRR. Beyond this boundary lies the dwelling known as Jem House which is well screened by trees but does have a first-floor bathroom window on the flank which may afford limited views of the site.

CHARACTER OF LOCALITY

The site is between Hoe Lane, Flansham and the A259 BRRR but the site most clearly falls in the setting of Hoe Lane.

Hoe Lane has a historic semi-rural character and is made up of low-density development in the form of medium to large sized detached dwellings, farm buildings (there are two farms in the hamlet) and dwellings which have been previously converted from farm buildings. There are only around 50 houses clustered around the single lane (Hoe Lane). There are five Listed properties (two of which are two halves of the same building) in Flansham and five locally designated Buildings of Character.

The Yapton Neighbourhood Development Plan (YNDP) states at paragraph 11.1 that: "The hamlet of Flansham, in the south part of the parish, is the oldest settlement in the district. It occupies slightly rising ground, together with Hoe Farmhouse to the northwest; the nearness of brook land suggests that the second element of the name is 'meadow' (hamm) rather than 'settlement' (ham), as also perhaps at Felpham. A late Bronze Age 'founder's hoard' from Hoe Lane possibly indicates occupation and there is evidence for Roman settlement. About 1844 there were 12 dwellings loosely scattered around a junction of three lanes and in 1898 two farms and 14 cottages. Several new houses and bungalows, some large, were built after c. 1910, chiefly at the west end. Though the hamlet's nearness to the Bognor-London road was stressed when

Flansham farm was advertised for sale in 1837, by the mid-twentieth century it was notable for its seclusion and rural aspect despite close proximity to the edge of Bognor's built-up area. Elms grew so thickly in the 1940s as to render part of Hoe Lane virtually a tunnel in summer. Two working farms remained in the hamlet in 1992, though some outbuildings had been converted by then to residential use or offices. Flansham is considered to merit designation as a Conservation Area or as an Area of Special Character. Such a designation will be strongly supported."

The emerging YNDP proposes the designation of Flansham as an Area of Character and one of the proposed houses (no. 1) would be sited within the proposed designation.

The character of the A259 BRRR is completely different as it is a modern relief road and with the large "Site 6" residential development to the south. The northern edge of the A259 has been landscaped to soften the transition into the more rural land to the north which includes the appeal site and adjacent farmland.

RELEVANT SITE HISTORY

Y/58/22/HH	Conversion of detached garage into an annexe ancillary to the main house.	
Y/7/22/PL	Erection of 4 No dwelling with access from Hoe Lane and associated landscaping, including native orchards and wildflower meadows. This application is a Departure from the Development Plan and is in CIL zone 3 and is CIL Liable as new dwellings.	Refused 29-03-22
Y/77/19/OUT	Application for Outline Planning Permission for erection of ten dwellings with access from Hoe Lane. Resubmission of Y/20/18/OUT - This is a Departure from the Development Plan	Refused 03-04-20
Y/20/18/OUT	Outline application with some matters reserved for the erection of 10 dwellings with access from Hoe Lane, Flansham (resubmission following Y/40/17/OUT). This application is a Departure from the Development Plan.	Refused 11-03-19 Appeal: Dismissed 12-02-20
Y/40/17/OUT	Outline application with some matters reserved (access	Refused

only) for the erection of 23 No. dwellings with access from Hoe Lane, Flansham. This application is a Departure from the Development Plan. 09-02-18

Y/41/15/CLP	Lawful development certificate for a proposed timber frame detached garage.	PP Not Required 17-06-15
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Y/19/14/CLE granted a certificate of lawful use (existing) for the use of Flints as a separate dwelling thus establishing two separate dwellings on the site.

Y/40/17/OUT originally sought outline permission for 34 dwellings with some matters reserved except for access (from Hoe Lane). This number was reduced to 23 in response to concerns raised regarding character, but the application was refused in February 2018 for four reasons. Y/20/18/OUT sought outline permission for 10 dwellings with access from Hoe Lane and was refused on the 11th of March 2019 for two reasons.

The applicant appealed this decision, and it was then determined by informal hearing held on 15-01-2020 and for which the appeal decision was issued on 12 February 2020. The appeal was dismissed on the grounds of significant and demonstrable harm to the character of Flansham by the change of the rural character of the appeal site to an urban area linking Felpham and Flansham and because the development would not satisfactorily recognise and respond to the intrinsic character of the countryside.

The Inspector determined that Flansham as a whole could not be considered as a non-designated heritage asset and that the 'less than substantial harm to the non-designated heritage asset' of Bonhams was outweighed by the benefits associated with the proposal. The Inspector considered the housing land supply (HLS) stated by the council was incorrect and that it should actually be 2.9 years. The Inspector dismissed concerns as to loss of agricultural land, the safety of the access, the impact of new lighting, the impact of the development on local surface water drainage and the impact on the foul sewer network.

The Inspector stated the most important policies for determining the proposal (C SP1, D SP1, D DM1 and HER SP1 of the ALP & BB1 of the YNP) should be considered out-of-date as the council could not demonstrate a 5-year HLS. Also, that this significant shortfall in housing land supply coupled with the likelihood of the situation continuing for some time should be given very significant weight. The harm to the character of the area meant that the proposal would not represent sustainable development and on this basis the appeal was dismissed.

Y/77/19/OUT ran on a similar timeline to the appeal but the applicant would not agree to its withdrawal, so it was refused for the same reasons as the appeal decision.

More recently, Y/7/22/PL, was refused due to insufficient information to determine whether there were any Great Crested Newts present/affected and due to the undersized nature of the double garages meaning that overall, there was a parking shortfall. Y/58/22/HH is referenced as it affects Bonhams and is included for completeness only.

REPRESENTATIONS

Yapton Parish Council (YPC) state that whilst recognising the scheme had been reduced in density, they still object as the application is a departure from the development plan. This reflects their comments on

the previous application that Hoe Lane has never been designated as an area in Yapton for future housing growth and that the site is in the countryside.

6 letters of objection with the following concerns:

- Countryside development.
- Harm will outweigh the benefits.
- Incongruous form of development and out of character.
- The site can only accommodate one new dwelling.
- Harm to Hoe Lane, a recognised heritage designation.
- The access is unsuitable, and this proposal will result in accidents to pedestrian/cyclists.
- Existing foot/cycle provision on Hoe Lane is inadequate.
- No room for on-street parking on Hoe Lane.
- Should follow the decision on the appeal.
- The wildflower meadow should be planted with trees.
- How will the meadow be maintained.
- The meadow will be built on in the future.
- Precedent for future development north of the A259; and
- Surface Water drainage issues.

1 letter of no objection from the owner of Bonhams stating there is a covenant that states no more than 4 x two storey houses at 418.1m² may be built and so request permitted development rights are removed to prevent the covenant from being breached. Request there be a restriction to prevent development on the meadow and orchard areas in the future.

COMMENTS ON REPRESENTATIONS RECEIVED:

All of the YPC concerns and the bulk of the objections are discussed in the conclusions.

Precedent is capable of being a material planning consideration, however, every application has to be considered on its own merits and a development here would not automatically result in further development nearby.

It would not be appropriate to restrict permitted development rights unless this is justified against policy and in this case, given the generous nature of the gardens, the interface distances to nearby dwellings and the fact that the development is hidden from Hoe Lane, restrictions on rear extensions would not be appropriate. A restriction on dormer windows/roof development and porches would be appropriate to preserve the farmstead design of the proposal. Covenants exist separately to the planning system and so are not capable of being a material planning consideration. They cannot be used as a basis for a permitted development restriction.

The scheme demonstrates the site can accommodate more than one dwelling. The appeal concerned an application for 10 dwellings and whilst regard will be paid to its conclusions, it is not appropriate for a much smaller development to automatically follow its decision. It is not appropriate to impose a restriction preventing development of the rest of the site. A planning application would be required to develop the other areas.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - no response. Stated "no comments" in respect of Y/7/22/PL.

SOUTHERN WATER - note that one of the houses and the parking area/road lies over a rising main and so either the layout needs to be revised or the rising main diverted. Also requests an informative relating to new foul connections.

WSCC HIGHWAYS - no objections subject to conditions to secure access works, car parking, cycle parking and electric vehicle charge points. State:

- The access widening would be beneficial as it would improve visibility and allow for better manoeuvrability for service vehicles accessing the development.
- Do not anticipate the proposals would give rise to a significant material intensification of movements to or from the site.
- No apparent visibility issues with the existing point of access on to Hoe Lane and the application demonstrates suitable visibility splays.
- The development requires 12 parking spaces but only 9 are proposed.
- The applicant has demonstrated on-site turning for both a fire appliance and refuse vehicle via swept path tracking; and
- The site is sustainably located.

ADC ENVIRONMENTAL HEALTH - no objection and request conditions relating to unexpected contamination, noise from the A259, construction hours, lighting and electric charge points.

ADC DRAINAGE ENGINEERS - no objection subject to conditions. State:

- The supplied Flood Risk Assessment (FRA) appears to contradict itself, in section 5 it is suggested that the development will be drained using permeable paving and soakaways whilst in section 7 it is suggested that all surface water will eventually be discharged to the neighbouring watercourses.
- No site investigations have been provided to support either strategy.
- Infiltration must be fully investigated before considering a scheme which attenuates surface water and discharges it to the watercourse.
- If infiltration is proven to be unviable calculations for the discharge rate must consider the positively drained area only.
- Any proposal to connect surface water to an ordinary watercourse will require ordinary watercourse land drainage consent and improvements to the watercourse may be required to ensure it is capable of accepting additional flow.
- There is a foul rising main sewer running across the site and house 2 is directly over the pipe. This is unlikely to be acceptable to Southern Water who will require strict easements and if the layout is approved, for the sewer to be diverted; and
- Existing and proposed trees (root protection zones) must not conflict with suds features/pipework.

ADC CONSERVATION OFFICER - the proposal will result in less than substantial harm and on the lower end of the scale and public benefits will need to be identified and the proposal determined in accordance with development plan policies:

- The design of the new dwellings attempts to make them look as though they were converted from supposed former barn structures, with a number of details that the applicants consider are reflective of their supposed former use.
- The design & access statement identifies that the roofs will be clay tiled and windows and doors will be of traditional timber joinery. All elevations will be finished in flintwork with brickwork detailing framing the windows and doors.
- Such materials will attempt to help soften the buildings and help in their suggested former barn complex

context. There is some logic to this approach.

- The success of the design will be down to details and other materials proposed. The use of pre-made concrete and flint blocks will detract from the final appearance and not be suitable/supported.
- Windows and doors should be appropriately designed (no applied glazing bars etc.) and positioned within their openings so as to create the appropriate shadow lines.
- Likewise, other materials should be appropriate for the type of buildings proposed and the roof lights should be of a conservation standard.
- It is not fully clear why so many roof lights are needed and these detract from the somewhat traditional elevations proposed. These details (and others) should be conditioned.

COUNCILS ECOLOGIST - no response received but in response to Y/7/22/PL objected due to further Great Crested Newt surveys being required of water bodies 6 & 7 (in the form of eDNA assessments). Stated if Great Crested Newts were found then further survey work would be required and these surveys must be undertaken prior to determination. Raised no other concerns and requested conditions relating to bat friendly lighting, bat nesting opportunities, bird boxes, hedgehog protection, hedgehog nesting opportunities and biodiversity net gain.

COMMENTS ON CONSULTATION RESPONSES:

Any late consultation comments will be brought to the attention of the committee by way of a report update.

The presence of the rising main is noted but Southern Water state the applicant could apply to divert it, then its presence does not prevent planning permission from being granted. It is material that the supporting drainage statement (labelled as "FRA") highlights its presence so the applicant was aware of its existence when drawing up the plans. A condition to protect this is not appropriate as it is covered by other legislation so an informative will be added instead.

The applicant has provided confirmation that the two waterbodies were surveyed in April 2022 for Great Crested Newt eDNA. The survey was undertaken in full compliance with best practice guidance published by Defra and by a chartered ecologist and so the results can be trusted. The analysis returned a negative result for both water bodies therefore the survey states "it is considered highly unlikely GCN are present within Waterbody 6 and 7 and as a result it is unlikely GCN will be impacted by proposals". The ecologists noted the presence of a grass snake whilst conducting the survey and additional reptile mitigation is proposed and can be subject of a condition.

The parking issues are discussed in the conclusions.

POLICY CONTEXT

Designations applicable to site:

- Outside Built Up Area Boundary;
- EA Flood Zone 1;
- Future Flood Zone 3 (just the site access);
- ADC Ground Water Flood Risk Area;
- Archaeological Notification Area;
- Agricultural Land (Grades 1 & 2) - as according to figure 2 of the YNDP;
- Area of Special Control for Advertisements; and
- Tree Preservation Orders ref TPO/Y/1/18 & TPO/Y/2/18.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERSP1	HER SP1 The Historic Environment
HERDM4	HER DM4 Areas of Character
HERDM6	HER DM6 Sites of Archaeological Interest
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
SDSP1	SD SP1 Sustainable Development
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Yapton neighbourhood plan 2014 Policy BB1

Yapton neighbourhood plan 2014 Policy E1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E3	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E4	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E5	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E11	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy BE2	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy H1	High speed broadband
Yapton neighbourhood plan 2014 Policy H2	Housing requirement
Yapton neighbourhood plan 2014 Policy H3	Dwelling size
Yapton neighbourhood plan 2014 Policy PK1	Dwellings appropriate for the needs of older people
	Parking standards for new residential development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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NPPG National Planning Practice Guidance

NPPDG National Design Guide

SUPPLEMENTARY POLICY GUIDANCE:

SPD11 Arun Parking Standards 2020

SPD12 Open Space, Playing Pitches & Indoor & Built Sports Facilities

SPD13 Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

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

Certain Yapton Neighbourhood Development Plan (YNDP) policies are relevant. Yapton are working on a revised YNDP2 and are at regulation 17 stage such that it is necessary to refer to the emerging policies (which propose modifications to the existing YNDP policies).

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 relevant Development Plan policies in that the site is located in the countryside and on best & most versatile agricultural land.

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

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

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

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

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

(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

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.

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 Yapton

Neighbourhood Development Plan (YNDP) and the West Sussex Waste and Minerals Plans (although none of its policies are relevant to this site).

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 ALP and the YNDP should be resolved in favour of the former. Should the revised YNDP2 be made prior to the committee meeting then any conflict would be resolved in favour of the YNDP2.

Paragraph 14 of the NPPF states in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply.

In January 2022, the Council published its Authority Monitoring Report (AMR) for 2020/21 and this shows that the Housing Land Supply (HLS) has decreased from 3.3 years to 2.42 years. This reflects a more rigorous assessment of housing trajectories following recent appeals including that concerning Land South of Barnham Station as received in early January 2022 which comprehensively analysed the HLS position and stated that the HLS was around 2.63 years. On the basis of the current HLS, para 14 of the NPPF does not apply and the relevant plan policies have reduced weight.

The Arun Local Plan:

Policy H SP1 sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes reference to additional non-strategic allocations being made across the District, through reviews of Neighbourhood Plans and in cases where there is no up-to-date Neighbourhood Plan, through the publication of a "Non-Strategic Site Allocations Development Plan Document". It is no longer planned to prepare this document or review the 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 application proposal. In addition, policy SD SP2 states development should be focused in the BUAB. The proposal conflicts with ALP policies C SP1 and SD SP2.

Yapton Neighbourhood Development Plan:

The YNDP was made in November 2014 on the basis of saved policies in the 2003 Arun District Local Plan and the draft policies in the 2014 publication version of the emerging ALP. The site is outside of the BUAB in the YNDP.

Policy BB1 states development outside the BUAB will not be permitted unless in accordance with 4 listed criteria. Criteria 1-2 & 4 are not relevant to the proposal, but number 3 is where the development relates to additional allocations for housing land in accordance with policy H1.

Policy H1 allows for a buffer of up to an additional 20% of the ALP housing requirement of 100 dwellings for the Yapton Neighbourhood Plan area. This 20% buffer has been achieved through applications permitted since the YNDP was made. Beyond the 20%, the policy states any further housing development will only be permitted if it can be demonstrated that either the expected child yield would not result in the Yapton CE Primary School exceeding the maximum number of children permitted or that appropriate modifications and/or extensions to the School can be delivered at the developer's expense. Any approval of this development would be subject to a CIL contribution but there is no certainty that

such money would be spent improving the Yapton Primary School. Both the full and outline applications conflict with policy H1.

The emerging YNDP2 does not allocate additional housing land but acknowledges the contribution to housing need made by dwellings which have consent as of March 2021. The site would remain in the countryside in the YNDP2. When the YNDP2 is made, it will still not benefit from para 14 of the NPPF unless the HLS was to increase to at least 3 years.

The National Planning Policy Framework (NPPF):

The NPPF is an important material consideration in determining 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 would be 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

The Council's Action Plan (June 2019) made a series of recommendations to boost housing delivery. It recommended the Council consider inviting applications from landowners / developers on 'deliverable' Housing & Economic Land Availability Assessment (HELAA) sites to re-establish the 5-year housing land supply. This site has not been promoted through the HELAA.

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

In January 2022, the government published Arun's most recent Housing Delivery Test (HDT) results and showed that Arun achieved 65% thus triggering the application of the presumption in favour of sustainable development (although this is already being applied due to the HLS shortfall).

It is material that the previous appeal was not dismissed on grounds of development in the countryside and that the HLS has fallen further since that decision. The Inspector stated the most important policies for determining the proposal (C SP1, D SP1, D DM1 and HER SP1 of the ALP & BB1 of the YNP) should be considered out-of-date as the Council could not demonstrate a 5-year HLS. In addition, the Inspector identified the HLS as being 2.9 years and gave this significant weight. As is clear from the recent AMR, the HLS has dropped to 2.42 and so is now less than half of the requirement.

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.

Despite its location, the site is sustainably located in that it is possible to walk, cycle or take a fairly regular bus service to access nearby shops, services, places of employment and other facilities and that these are all within an appropriate distance such that it is not necessary to travel by car. A full assessment of the accessibility of the site was provided in the officer report for a previous application, Y/40/17/OUT and the appeal Inspector previously gave the site location only moderate weight in the determination of the Y/20/18/OUT appeal.

It is acknowledged that the development will result in the loss of some wildlife habitat. The appeal Inspector gave the proposed environmental enhancements from additional landscaping only very limited weight, but it is material that this scheme now proposes significant orchard planting and to retain the bulk of the field as wildflower meadow.

The proposal could help to support the local community by providing 4 new homes to help meet future needs albeit that such large houses may not be affordable by those in particular need. The appeal Inspector previously gave this benefit significant weight but that was for 10 homes not 4 as per this scheme. CIL receipts could be used to contribute financially towards local schools & libraries and as such, there would be a further benefit to the local community. The appeal Inspector considered these benefits to be neutral as they are required to ensure that effects of the development are mitigated.

In respect of the economic objective, there are both costs and benefits. The benefits would consist of: (1) an increase in Council Tax receipts; (2) the creation/temporary maintenance of construction jobs; and (3) additional spending by new residents on goods & services. The appeal Inspector previously gave no weight to point (1), moderate weight to point (2) and significant weight to point (3).

The loss of grade 1 agricultural land is noted however the land is unused for such and there is no potential for it to be so used in the future. This is discussed in more detail elsewhere in this statement, but the appeal Inspector previously gave this economic cost very limited weight.

Conclusion on Matters of Principle:

The principle of development on this countryside site is in conflict with the ALP and the YNDP. However, due to the Councils HLS being below 5 years, the application would instead fall to be determined by the NPPF presumption in favour of sustainable development. This will be assessed at the end of this report.

AGRICULTURAL LAND:

According to figure 2 of the YNDP, the site is classified as grade 1 agricultural land (so best & most versatile). YNDP policy E1 states permission will be refused for development on grade 1 and grade 2 agricultural land unless it involves the granting of planning permission for any additional housing sites required by Policy H1 to meet objectively assessed housing needs in the Plan area.

The Figure 2 map is based on data provided by the national Provisional Agricultural Land Classification Grading system (ALC). This data is not based on site specific surveys but instead is assessed using various criteria including temperature, rainfall, aspect, exposure, frost risk, gradient, micro-relief, flood risk, soil depth, soil structure, soil texture, ground-based chemicals, and stoniness. The ALC uses a grading system to assess and compare the quality of agricultural land at national, regional, and local levels. It assesses the potential for land to support different agricultural uses, such as growing crops for food but does not consider the land's current use or intensity of this use.

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.

The applicant states that due to the development of the BRRR, associated drainage infrastructure and the resultant reduction in size of the field, the site is no longer viable for agricultural use or part of an agricultural unit. In the recent appeal decision, the Inspector stated that it had not been demonstrated that the loss of this quantum of the best and most versatile agricultural land would have a significant effect on local farming enterprises and consequently the Inspector gave this impact very limited weight. The council has no evidence to make a case for the retention of this agricultural land and in the previous three officer reports stated that:

"The size of the vacant parts of the site are only approximately 0.95 hectares and the site is physically separated from adjacent agricultural land to the west by a public footpath. Furthermore, although the land may have the soil quality for the growing of crops, it is noted that nearby land is all in pasture use and it is likely therefore that any future agricultural use of the application site would be limited to the grazing of cows or sheep. Indeed, the nearest arable agricultural land is on the western side of the settlement of Flansham where there are several fields close together such that a viable agricultural operation can be supported."

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. It is material that this new application now proposes to retain the bulk of the existing field as a wild meadow thus allowing it to be in the future used for growing, if so desired, albeit on a very small scale.

The site has limited value for agriculture and the need for additional housing land to boost the Council's severe housing land supply shortfall is such that the small loss of grade 1 agricultural land can be sustained.

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. The applicant has not provided any such documents and there is additional conflict with the ALP policy. However, a soil resource plan could be secured through a planning condition and the Inspector gave these policy conflicts little weight in the previous appeal.

FLOODING & SURFACE WATER DRAINAGE:

The site is currently not affected by flooding from rivers/sea and is within Flood Zone 1. The Council's climate change mapping shows that parts of the site will be Flood Zone 3a by 2111. Notably, this includes the whole of Bonhams' property and the shared access but none of the proposed houses are affected. As such, it is not necessary to require a sequential site assessment in this instance and the development site remains within Flood Zone 1.

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. YNDP Policy E11 requires developments be designed and constructed to minimise the overall level of flood risk in the parish; and provide appropriate surface water drainage.

The Council's Engineer has a few concerns with the proposed drainage strategy (as set out elsewhere) but ultimately is content for this to be deferred to a future discharge of conditions. On this basis, there are

no conflict with the drainage policies.

CONTAMINATION:

ALP Policy QE DM4 states development will be permitted on contaminated land as long as remediation is provided. The application is not accompanied by information relating to contamination but given the site's history as former agricultural land and on-site evidence of building waste and other materials, it would be necessary to impose a condition to ensure that should any contaminants be found then this is effectively remediated. On this basis, the proposal is in accordance with the policy.

HERITAGE ASSETS:

The development does not affect the setting of any Listed Buildings (the nearest, Flansham House, being 110m from the north-western corner of the site) and nor would it affect the setting of any Buildings of Character as Chessels, is physically separated from the application site by the public footpath and also the curtilage of Jem House.

The site does adjoin with the curtilage of Bonhams House which was delisted in 2013 and is considered to warrant continued protection as a non-designated heritage asset. Furthermore, the YNDP2 intends to designate Flansham as an Area of Character which would also then be classified as a non-designated heritage asset. This designation would include house no. 1 with the rest of the proposal then bordering the designated area.

ALP policy HER SP1 provides for the protection of non-designated heritage assets and states that the setting of such assets should be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment. Further, that development likely to prejudice any of the above, including their settings, will be refused. ALP policy HER DM4 states that new development within Areas of Character should preserve and where possible, enhance the special character of these areas, particularly with regard to the characteristics identified by the Local Planning Authority.

Para. 203 of the NPPF states 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 applicant have provided a brief assessment of heritage in their supporting planning statement. This states that the development would lead to less than substantial harm to the setting of Bonhams, this harm being at the lower end of the scale as similarly concluded within the recently dismissed appeal. The council's conservation officer agrees with this position but recommends several conditions to ensure the quality of the design and the materials.

As set out in para 202 of the NPPF, where there is less than substantial harm, the Local Planning Authority must then weigh this up against the public benefits associated with the proposal. The benefits of a 4-dwelling development are minor in scale but there will still be benefits to the current HLS shortfall; to the local economy through the creation/maintenance of construction jobs and additional spending by new residents on goods & services; from CIL receipts to local infrastructure; and an increase in Council Tax receipts. These benefits therefore outweigh the less than substantial harm.

In respect of para 203, it is suggested that the position of the previous Appeal Inspector be followed who determined that there would be limited harm to the setting of Bonhams. This new proposal is for less dwellings and a more traditional design so it can be argued that the impact is much less. The Area of Character has not yet been formally designated but the proposal will only have a limited impact on the area of the designation and the impact of the development as a whole will be much reduced due to the

traditional design and the amount of proposed landscaping.

The proposal is in accordance with the NPPF guidance and the relevant policies of the development plan.

ARCHAEOLOGY:

The site is in a designated archaeological notification area. ALP Policy HER DM6 states where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated development will not be harmful to the archaeological interest of the site. The policy requires a desk based archaeological assessment be submitted. This is echoed by guidance in NPPF para 194.

The applicant has not provided supporting archaeological documents. The Council's Archaeologist was not consulted on this application but advised on Y/40/17/OUT that archaeological potential of this site could be investigated through a condition. On this basis the conflict with HER DM6 would not be defensible at appeal and a condition can be imposed to record any archaeological deposits.

ACCESS & PARKING:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate 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. ALP policy T DM1 requires new development be located in easy access of established non-car transport modes/routes.

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."

WSSC Highways raise no concerns with the safety of the widened access junction or its intensification by 4 dwellings. It is material that they also raised no objections on any of the previous applications (which were for a greater number of dwellings) and that the previous appeal Inspector stated that: "I am satisfied that the proposal would provide for safe and secure access to the site for all users".

The Council's Parking Standards SPD sets out a need for 12 allocated spaces (3 each) and 1 visitor space. YNDP policy PK1 is relevant in respect of car parking but sets out the same standards as in the SPD. The SPD states that single garages must be at least 6m x 3m internally and would then be regarded as providing half an allocated space. Whilst no measurement is given for double garages in the SPD, the Government's Manual for Streets states that these should be 6m by 6m. The double garages are now 7m by 6m and so exceed the standards. In the context of the SPD, they can now be considered to provide 1 space each. The houses also have unallocated spaces in front of them and there are a further 4 spaces located centrally within the courtyard arrangement. The proposal therefore now resolves the previous refusal reason and provides for sufficient parking such that there should be no overspill onto Hoe Lane.

The Arun SPD requires cycle storage to cater for 2 cycles per dwelling. The application proposes that cycles be stored in the garages. This is acceptable given the size of the garages. The proposal complies with the relevant policies.

CHARACTER, DENSITY & 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. 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.

YNDP policy H1 refers to encouraging small-scale residential developments that are sympathetic to their surroundings and providing well-designed dwellings that are sympathetic to the character of the village. Emerging YNDP2 policy H4 encourages high quality & sympathetic design, appropriate density, and sufficient outdoor space.

The Arun Design Guide is a material consideration. It suggests a density of 5-15 dwellings per hectare in rural settlements. The density of 3.47 is less than this but is not significantly different to the overall density of Flansham as a whole (4.6 dph) and so this is acceptable.

Page 130 of the Design Guide has a section on rural development and advises that development in rural locations should integrate seamlessly into its setting, use simple/unobtrusive design, respond to the scale of nearby development, maintain existing landscape features, use hedging for boundaries and restrict areas of hard surfacing on frontages. Section J (new building design) states new development must ensure the existing character and sense of place of an area is respected and enhanced. This can allow for modern design forms but only where these take cues from well-designed elements of the existing area. New development should generally reflect the scale of existing buildings

The proposal meets this guidance as the development integrates into the landscape setting through a farmstead or courtyard layout and integration of strong landscape features (orchard, wild meadow) plus generous gardens. The dwellings have a consistent and simple form comprising rectangular floor plans and pitched or half-hipped roofs. One gable end roof is proposed but as it is an exception, it is acceptable. It appears that the applicant has followed the Design Guide closely in drawing up the plans and this is positive. Conditions could be used to secure hedging to the boundaries further strengthening landscape integration. Parking is either hidden away in garages or centralised thus minimising the impact of hardstanding on the surrounding landscape.

Conditions will be required to secure various elements of the design but subject to these, the development would not harm the character & appearance of the locality and the proposal complies with relevant design policies as set out above.

LANDSCAPE & TREES:

ALP policy ENV DM4 requires protected trees or trees that contribute to local amenity are not damaged or felled unless the development meets certain criteria including that the benefits outweigh the loss of trees or woodland. Policies LAN DM1 and D DM1 are also relevant in terms of landscape integration.

YNDP policy E4 states development sites should retain well-established features of the landscape, including mature trees and species-rich hedgerows. New tree planting will be required to mitigate any significant loss. Emerging YNDP2 policy E4 requires that native tree species be used.

Neither the Landscape Officer nor Tree Officer have commented (and did not do so on Y/7/22/PL). It is clear from the supporting documents that none of the Root Protection Areas (RPAs) of the TPO trees are affected by buildings or hardstanding. Some safety works are proposed including the felling of a dead Poplar, but affected trees are all outside of the site area (within Bonhams) and none are protected or of

high amenity value.

It is material that the tree officer raised no objection on Y/20/18/OUT which sought 10 houses on a larger area of the site and the landscape officer raised no objection on Y/77/19/OUT. Conditions would be necessary to ensure trees are protected during construction, to secure the precise details of landscaping (including the use of native species) and to secure a landscape management plan for the wild meadow & orchard areas. There is no conflict with relevant development plan policies.

BIODIVERSITY:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. YNDP policy E3 seeks to prevent loss of natural habitat except where mitigation measures ensure the integrity of the habitat or where the habitat is relocated to a site within 500m of the existing. Emerging YNDP2 policy E5 sets out a requirement for biodiversity net gain.

The application is accompanied by an Ecological Survey and a separate note on the survey for Great Crested Newts (GCN). Suitable habitat was identified for reptiles, foraging & commuting badgers/hedgehogs, and low-quality habitat for foraging bats. The document also proposes other mitigation and enhancement measures to mitigate impacts on other species and secure biodiversity net gain. This includes the orchard and wild meadow planting.

The Council's ecologist raised no concerns previously (other than in respect of GCN which has now been resolved) and stated that all other identified impacts can be mitigated through conditions and the new habitat creation which in particular, will clearly demonstrate significant biodiversity net gain. Conditions can be used to secure bat friendly lighting and bat/bird/hedgehog nesting opportunities. The proposal complies with the relevant policies.

RESIDENTIAL AMENITY:

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

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

There are no standards for side to side or front to back and the only requirement for the interface to a neighbouring garden is 10.5m in a back-to-back arrangement. The proposal provides in excess of the standards to both Bonhams & Flints and plot 1 provides for a distance of 11m from its rear to the boundary with Bonhams garden. There is no conflict with the Design Guide in this respect.

Although the houses all face each other, they are predominantly sufficiently distant from each other so as to meet the 16m requirement. The only exception is house 1 to house 4 however the views between these are at an oblique angle and both have no amenity issues to their rear elevations, so their main private areas are not compromised. The slight intensification of the access will not harm the amenities of the existing dwellings as their windows are a significant distance from this point.

All relationships between proposed/existing and between proposed dwellings are acceptable and ensure a good standard of amenity for existing and future users. The scheme accords with ALP policies D DM1,

QE SP1 and the Design Guide.

QUALITY OF ACCOMMODATION:

ALP policy D DM2 states that internal spaces should be of an appropriate size and that the Nationally Described Space Standards provide guidance. All four houses far exceed the required space standards.

The Arun Design Guide requires rear gardens are a minimum of 10.5m deep and front gardens at least 2m. All four houses have significant areas of rear garden which meet the rear depth requirement. They have 2m front gardens across parts of their frontages. The proposal provides a good standard of private space for future residents.

The proposal falls below the thresholds set out in both YNDP policy H3 and Arun DC's agreed internal policy on the provision of housing accommodation to provide for an ageing generation therefore, no accommodation for older people or those with disabilities is required on this application.

CLIMATE CHANGE:

ALP policy ECC SP2 requires all residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires development be designed to adapt to impacts arising from climate change. Emerging YNDP2 policy H5 supports development which meets the highest possible standards of environmental and energy efficiency. The application is silent on these requirements, but a condition will be imposed to secure details to ensure compliance. A condition will be included to require electric vehicle charge points.

TELECOMMUNICATIONS:

ALP policy TEL SP1 and YNDP policy BE2 state all proposals for new residential, employment and commercial development must be designed to be connected to high quality communications infrastructure. This policy would be complied with through a suitable condition.

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 liable for CIL and infrastructure providers such as WSCC & the NHS can make a bid for a portion of the CIL payments collected to spend on their own projects. The Parish Council will 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.

SUMMARY & TILTED BALANCE:

The principle of development on this countryside site is in conflict with the ALP and the YNDP. Given that the HLS is below 5 years, the application would fall to be determined by the NPPF presumption in favour of sustainable development.

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, 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 and the only unresolved policy conflicts are those

relating to development in the countryside and on agricultural land. It is material that the previous appeal for 10 dwellings was not dismissed on grounds of development in the countryside or loss of agricultural land and that the HLS has fallen further since that decision. The proposal will make a small contribution to the HLS shortfall and secure other social, environmental, and economic benefits. The adverse impacts identified do not significantly and demonstrably outweigh the benefits and there is no conflict with other policies within the NPPF. It is recommended that permission be granted in accordance with 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 is a CIL Liable development. It is in Zone 3 and a CIL amount of £142,130.69 would be payable unless the applicant applies for exemption subject to the requirements of the CIL Regulation 2010 (as amended). A 25% proportion of this amount (£35,532.67) would go to the Parish Council.

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:

W1959 Rev A SITE LOCATION PLAN.
 W1959 Rev A SITE PLAN.
 W1959 Rev A HOUSE 1 FLOOR PLANS.
 W1959 Rev A HOUSE I ELEVATIONS.
 W1959 Rev A HOUSE II FLOOR PLANS.
 W1959 Rev A HOUSE II NORTH AND INTO WEST ELEVATIONS.
 W1959 Rev A HOUSE II SOUTH AND EAST ELEVATION.
 W1959 Rev A HOUSE III FLOOR PLANS.
 W1959 Rev A HOUSE III NORTHEAST AND SOUTHEAST ELEVATIONS.
 W1959 Rev A HOUSE III SOUTHWEST AND NORTHWEST ELEVATIONS.
 W1959 Rev A HOUSE IV FLOOR PLANS.
 W1959 Rev A HOUSE IV ELEVATIONS.
 2021/6302/001 Rev P1 VISIBILITY SPLAYS.
 2021/6302/002 Rev P1 SWEPT PATH ANALYSIS: FIRE TENDER.
 2021/6302/003 Rev P1 SWEPT PATH ANALYSIS: CAR; and
 2021/6302/004 Rev P1 SWEPT PATH ANALYSIS: LARGE REFUSE VEHICLE.

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

- 3 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 or plant) on Sunday or Bank/Public Holidays.

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.

- 4 All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey (November 2021) (sections 7.3 through 7.6) and the Ecosupport Ltd letter dated 4th May 2022 (regarding the reptile precautionary approach) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and priority species and 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), s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

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

perpetuity.

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

- 6 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.

- 7 All activity at the site is to be carried out in strict accordance with the approved "Report on Inspection of Trees" (ref J53.95, 15/05/17).

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

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

- 8 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.

- 9 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.

- 10 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 prior to construction above damp proof course (DPC) level in that phase or sub phase. 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.

- 11 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.

- 12 No development above damp proof course (DPC) level shall take place unless and until an acoustic assessment has been undertaken to determine the impact of noise from transport related noise sources on the A259. The assessment shall be in accordance with the 'shortened measurement method' described in the Department for Transport document 'Control of Road Traffic Noise' (CRTN) 1988. The results of the assessment and details of a scheme of mitigation measures necessary to ensure an appropriate level of aural amenity within habitable rooms and amenity in garden areas shall be submitted and approved in writing by the Local Planning Authority. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

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

- 13 No development above damp proof course (DPC) level shall take place unless and until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme comprising details of new hard and all soft landscaping including hedges, the proposed orchard and meadow areas of the site. 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.

- 14 No development above damp proof course (DPC) level shall take place unless and until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas including the meadow and orchard areas has been submitted to and approved in writing by the local planning authority. The landscape management plan shall then be carried out as approved and permanently adhered to unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of landscape/biodiversity in accordance with policies LAN DM1, D DM1 and EV DM5 of the Arun Local Plan and the NPPF.

- 15 No development above damp proof course (DPC) level shall take place unless and until full details of all materials (including a colour schedule), windows, doors and other proposed external finishes shall be submitted to the Local Planning Authority, in writing, for approval. Window/door details will need to be of an appropriate scale and include details of sections, glazing or glazing bars (avoiding applied glazing bars) and all roof lights should be in the conservation style. Windows should also be positioned within their openings so as to create the appropriate shadow lines. Once approved, the development shall be undertaken in accordance with these details and retained as such at all times thereafter in perpetuity.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity, character and local heritage value accordance with policies D DM1 & HER SP1 of the Arun Local Plan.

- 16 No development above damp proof course (DPC) level shall take place until details of all new boundaries have been submitted to and approved by the Local Planning Authority and none of the approved dwellings shall be occupied until such screen walls/fences associated with them have been erected. The details to be provided shall ensure that gaps are provided at the bottom of all boundary treatments to ensure that hedgehogs and other small mammals are able to move into/out of and around the development.

Reason: In the interests of visual amenity and of wildlife in accordance with policies D DM1 and ENV DM5 of the Arun Local Plan and the NPPF.

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

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

- 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). 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.

- 19 No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: In the interests of road safety and to provide adequate on-site car parking & turning space for the development in accordance with Arun Local Plan policy T SP1.

- 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 to be submitted to and approved by the Local Planning Authority.

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

- 22 No external lighting shall be installed on the site unless and until full details (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) have been submitted to and approved in writing by the Local Planning Authority. The 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 site/site environs (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. The lighting approved shall be installed and maintained in accordance with the approved details

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

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

degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

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

- 24 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 front extensions (including porches) or dormer roof extensions to the dwelling houses shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the cohesive appearance and farmstead design of the proposed development and protect local heritage value in accordance with Arun Local Plan policies D DM1, HER SP1 and the Arun Design Guide.

- 25 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.

- 26 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 via <https://beta.southernwater.co.uk/infrastructurecharges>.

- 27 INFORMATIVE: The site and the development layout is crossed by a foul rising main and this will either need to be diverted or measures put in place to protect it during construction. Please contact Southern Water to discuss this - Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

- 28 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, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, 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. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

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.

- 29 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.
- 30 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555.
- 31 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 ash from fires or noise from the cutting 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 also be contacted regarding Exemption Permits to burn on site.
- 32 INFORMATIVE: The development shall be carried out in accordance with the 'Arun District Council Construction Code of Practice: For small developments in Arun', available from: <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n12193.pdf&ver=12201>.
- 33 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.
- 34 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)

Y/77/22/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: R/60/22/PL

LOCATION: The Windmill Inn
Mill Lane
Rustington
BN16 3JN

PROPOSAL: Extension and remodelling of existing public house to form hotel with 20 No bedrooms and associated parking and landscaping. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for the extension and remodelling of the existing public house to form a 20-bedroom hotel and includes reconfiguration of the existing car park to provide 27 spaces. The application involves demolition of the existing single storey extensions to the side and rear of the existing building and construction of a 1.5 storey extension to the rear, 2 storey side extension (7.8m high) and single storey extension (2.9m high) to the northwest to provide a spa treatment room and an indoor pool, in addition to conversion of the existing roof space. The main entrance to the hotel will be from the side car park.
SITE AREA	2472 sqm
TOPOGRAPHY	Predominantly flat. The public house is located at a slightly higher level than the cottages to the north.
TREES	None of any significance affected by the proposed development. 2 Hornbeam trees within the pub garden and on the rear boundary indicated for removal are not of good quality.
BOUNDARY TREATMENT	The site is enclosed by fencing to rear and sides.
SITE CHARACTERISTICS	The site is occupied by a Public House with a restaurant and comprises a 2-storey detached building with white painted and tile clad elevations. The roof is pitched with plain tiles and has large brick detailed chimneys. A car park is located at the entrance to the south of the site and a beer garden to the east. The existing building has been extended previously to the east and north with flat and pitched roof single storey additions. The garden also has a covered canopy seating area, extending the length of the garden adjacent to the car park, which is part clad in timber boarding.
CHARACTER OF LOCALITY	The site is located within a predominantly residential area with single storey residential properties to the rear (Fircroft Crescent) and detached 2 storey dwellings adjoining to the

south and north and opposite in Mill Lane. A disused former commercial unit occupies the site immediately to the north east.

RELEVANT SITE HISTORY

R/102/17/PL	Retention of patio & brick boundary wall, exterior lighting onto front elevation, removal of porch from side elevation with former entrance doors replaced by 1 No. window, removal of door on front elevation replaced by 1 No. window, kitchen extraction system & exterior ducting, internal/external eight camera CCTV system, wooden dual pitch roof structure to rear elevation, exterior car park & rear garden lighting, childrens wooden play equipment to rear elevation, raised patio area in rear garden with pergola, raised patio in rear garden adjacent to rear boundary, smoking shelter adjacent to car park & remove storage of beer kegs from car park to be stored in lockable keg store to side elevation.	ApproveConditionally 02-08-17
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R/274/05/	Single storey rear extension to restaurant/dining area, alteration to female toilets to provide disabled w.c, minor alteration to kitchen/store to provide staff w.c minor external landscaping.	ApproveConditionally 21-02-06
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REPRESENTATIONS

Rustington Parish Council - No Objection.

19 Objections:

- Car parking spaces proposed will be insufficient. 20 will be taken up by the hotel leaving 7 for the bar and 78-seater restaurant which means there will be overspill parking in surrounding residential roads, Windmill Drive which already has overspill parking, Fircroft Crescent, Worthing Road and Albert Road would also be affected. Mill Lane has become the main route to Rustington and traffic has increased in the last five years.
- Cars have some difficulty in turning in and out of the present entrance.
- How will noise from wedding/parties be monitored/controlled? Noise nuisance is already experienced from the porch area.
- The north elevation has 6 full length windows/doors looking down neighbouring garden.
- No notification of the proposed development.
- The hotel is superfluous as there is already sufficient provision of a large range of hotels and visitor accommodation. There is also a plethora of eateries, restaurants, pub foods and takeaways in the area, another restaurant would add nothing to the variety and quality of meals already provided.
- Concern regarding felling of mature trees. Trees T1 and T2 will be removed to allow space for a refuse store which could be positioned elsewhere.
- Neighbours are already overlooked by the front terrace and wall that was constructed without planning

permission. Loss of privacy from tree climbing within pub garden.

- The proposal shows that the building will extend to the rear gardens in Fircroft Crescent. The southern side of the development shows windows on the second storey which would overlook surrounding properties in Mill Lane and Fircroft Crescent thus impacting on the seclusion and privacy enjoyed.
- The building will loom and overwhelm the bungalows and will be a blot on the landscape.
- If the eastward extension was only a single storey its impact on the neighbouring properties would be greatly reduced.
- The Design and Access Statement claims that the galvanized steel duct work kitchen vent will be 1m above any roof ridge within 20 metres of the kitchen. However, this does not appear on the drawings and could be prominent and visually displeasing.

1 Support:

- Would be a visual improvement on the present view of the building.

COMMENTS ON REPRESENTATIONS RECEIVED:

The application has been advertised in accordance with procedure with a notice posted to the rear in Fircroft Crescent.

The other comments are addressed in the conclusions section of the report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection.

No conditions suggested.

Landscape Officer - No Objection.

Mitigation landscaping would be required to enhance the external setting and building into the surrounding environment with the need for onsite green infrastructure and should be conditioned.

Any tree removal from this site should be agreed with the Tree Officer. Root protection Areas (RPA) should extend into the development site and to those in neighbouring land. Before construction, a tree protection scheme must be in place for any retained trees including trees whose root protection areas fall within the construction zone from neighbouring land.

County Highways - No Objection.

Swept paths diagrams of emergency vehicles and delivery vans within the Travel Statement demonstrate that vehicles will be able to turn within the site and exit in forward gear. Visibility splays of 2.4m x 43m are achievable along both sides of Mill Lane which is adequate for the 30mph speed limit.

Adopted Parking Standards require 20 car parking spaces and 27 are proposed (including 2 disabled spaces). Mill Lane has no parking restriction, but this level of vehicle parking provision would avoid any highway safety concerns arising due to overspill parking.

Safe and secure provision for 6 cycle parking is made and should be retained.

TRICS database estimates the number of trips generated by the existing pub and restaurant and future use as a hotel. These figures indicate the future uses generate fewer trips compared to the existing uses. The proposal generates 119 fewer weekday daily traffic trips and a reduction of 65 daily trips during the weekends.

Mill Lane has continuous, well-lit footways along both sides which connect onto wider footway network for easy accessibility to nearby services and amenities. The nearest bus stops are within 200m which provides connectivity to nearby towns and villages. Angmering train station is located within 1 km.

Car and cycle parking and Electric Vehicle Charging (EVC) facilities should be conditioned.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
TOUDM1	TOU DM1 Tourism related development
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity

[Rustington Neighbourhood Plan 2014 Policy 6](#) Local Employment

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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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 relevant policy within the Rustington Neighbourhood Plan has 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 visual or residential amenity.

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

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

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

(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 key policy considerations in the determination of this application are policies SD SP2, EMP DM1 and TOU SP1 and TOU DM1 of the Arun Local Plan (ALP) 2011 - 2031.

The site lies in an urban area where the principle of development is considered acceptable. Given the location of The Windmill, the principle of modernisation and extension would be acceptable. Policy SD SP2 of Arun Local Plan seeks to focus new development within the built-up area boundary and the proposal would be compliant with this policy.

VISUAL AMENITY AND CHARACTER OF THE AREA

Para 130 of the National Planning Policy Framework (NPPF, 2021) requires that applications for developments (b) are visually attractive as a result of good architecture and (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting. Para 134 of the NPPF states 'Development that is not well designed should be refused'.

Planning Policies and Central Government Advice support the efficient and effective use of land. Policy D SP1 of the Arun Local Plan requires that development proposals make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, scale, and materials. The agent states 20 bedrooms for a hotel was the minimum required to make any scheme viable. However, no viability evidence has been submitted to substantiate this assertion. It is acknowledged that Public Houses on their own can be difficult businesses to make a profit without diversification or the provision of other income streams such as from the letting of rooms.

Arun Local Plan Policy D DM1 sets out 15 factors that development must comply with - these include character, impact and public realm. With reference to character the policy requires proposals to 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.

Policy D DM4 requires extensions or alterations to buildings to sympathetically relate to and be visually integrated with, the existing building in siting, massing, design, form, scale and materials. Furthermore, the extension or alteration should be visually subservient to the main building and provide a high standard of amenity.

The Windmill pub is a well-established Public House and occupies a prominent site close to the site frontage with Mill Lane. A Public House has occupied the site since 1839. The existing building is a traditional style Sussex Pub typical of the 1930s to 50s with first floor tile hanging and lower-level render. The roof is pitched with plain tiles with large brick detailed chimneys. Windows are white painted timber of various styles with gable fascia boards and open eaves timbers are also painted white. The site view from the road, particularly from the south is dominated by the tarmac car park to the south and low-level brick walled hard paved area.

The proposal has retained the important and visually pleasing character of the existing public house at the road frontage by providing the main expansion to the rear where any additions are hidden from direct road views.

The existing property is higher than many of the residential properties surrounding the site, but the use of dormers and barn hipped roofs reduces the scale of the proposed 2 and 1.5 storey extensions and provides some variation in style from the original building and visual interest. Apart from the extension facing Mill Lane which replicates the existing building, the extensions have been purposely created in different materials to break up the building into defined uses, reducing the scale and giving it a sense of chronological expansion. The rear extension is proposed to be clad in timber to appear more like an ancillary barn building. The pool area being the most modern of the extensions is rendered with a flat roof and not visually apparent from outside the site given its single storey height. Keeping the roof to 1.5 storey makes it subservient to the original and reduces the visual impact from neighbouring properties.

The resultant building would not be unduly prominent or obtrusive and the extensions would blend into the existing built form and the street scene and would be subservient in position and design to the main building in accordance with policies D DM1, D DM4 and D SP1 of the ALP and the Arun Design Guide.

RESIDENTIAL AMENITY

Policy QE SP1 of the ALP requires that development contributes positively to the quality of the environment and does not have a significantly negative impact upon residential amenity. Policy D DM1(3) of the ALP requires that development has a minimal impact to users and occupiers of nearby property/land e.g., by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

The ADC Design Guide sets out amenity requirements, including the 25/45-degree tests and minimum separation distances to avoid overlooking and loss of privacy/daylight.

The nearest residential properties to the site to the north, 44 and 46 Mill Lane have their front (sole) gardens adjoining the northern boundary closest to the Public House. The nearest part of the development is single storey with a flat roof at 2.9m height which wraps around the rear garden area of no. 44. The section closest to the eastern garden boundary of 44 is approx. 3m away. The side extension closest to no. 46 adjoins an existing garage. These distances and the presence of existing structures and boundary screening mean that the extensions would not result in any materially significant adverse overbearing impacts to these garden areas. The 2-storey extension facing onto the car park is 18 from the southern boundary and the gap to the eastern boundary is 7.4m adjacent to gardens which are approximately a minimum of 19m in length. To reduce the impact on these dwellings the extension drops

in height to 3.8m for the 3.1m section closest to the eastern boundary. These relationships are acceptable in terms of impact on these neighbouring dwellings.

The first floor contains a total of 15 various sized ensuite bedrooms, some in the converted existing building, others in the new rear extension. Some of these benefit from views over the garden from Juliet balconies. There is a new second floor formed in the attic of the existing building and new side extension and has the 2 ensuite bedrooms, one being a dual aspect premium suite. The windows are acceptable in terms of the distances to site boundaries and potential overlooking. There are no windows in the end elevation of the extension adjacent to Fircroft Crescent to the east and those in the south elevation are a minimum of 18m from the boundary which is considered acceptable. The windows facing onto the garden of no. 44 which are only 7.7m from the boundary are located behind the single buildings in the corner of the garden so the direct overlooking from the closest bedroom window and Juliet balcony is acceptable.

A ground floor courtyard adjacent to the garden of 44 Mill Lane is being created with access from 2 of the ground floor bedrooms, but this replaces an area already used for parking so activity and noise levels would be comparable, and it is adjacent to single storey structures in neighbouring rear gardens.

All ancillary service areas such as stores, and kitchen are located directly off the car park to aid with deliveries and keep these noisy activities away from the garden areas.

In terms of noise generation, the hotel use is comparable with the existing levels of noise generated from the Public House. All mechanical plant will comply with strict acoustic requirements as detailed within the submitted Ventilation Services Strategy Report and would be subject to other legislation and may require the submission of a separate application for planning permission. Implementation of the Ventilation Services Strategy Report is conditioned.

Although the bedrooms are for holiday accommodation internal floor areas range from 18.5 sqm (2 bed) to 28.6 sqm (3 bed) and accord with the Nationally Described Space Standards.

The Impact on the visual amenities and character of the area and is acceptable in compliance with policy D DM1 and D SP1 of the Local Plan.

EMPLOYMENT

The business currently employs 2 full-time and 2 part-time staff (3 full-time equivalent) and the submitted Design and Access Statement suggests this would be likely to double with the proposal. It is possible the viability of the use would increase, with the proposed enhanced facilities allowing the business to meet future demand by facilitating growth and increasing employment. Public Houses on their own can be difficult businesses to make profitable without incorporating other facilities such as letting of rooms.

Policy EMP SP1 promotes the sustainable growth of the District's economy to meet the varying needs of different economic sectors. The policy seeks to support job creation and increase the attractiveness of the District as a business location and support the economic development of the coastal market area. This will include protecting and enhancing existing and allocated employment sites and premises.

Policy EMP DM1 sets out its intention to support the enhancement and expansion of existing employment premises and sites in order to maintain a supply of good quality commercial sites and premises to meet the needs of businesses and the local economy.

The proposed investment in the business and enhanced facilities would increase employment opportunities at the site which is supported by these policies.

HIGHWAYS

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 Parking Guide (2020) sets out the parking standards for development in the District.

Para. 110 of the NPPF states that 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.

The existing access to the site is being reused and has adequate visibility in both directions.

The site is sustainably located within walking distance of local amenities and bus stops. Although the premises are being extended the use is changing to provide a restaurant within a hotel rather than a Public House with a restaurant which alters the anticipated car parking generated by the proposal. The Transport Statement submitted with application, which is accepted by highways, makes it clear that the predicted vehicle generation associated with the proposed use is less than the existing. Arun District Council's Parking Standards do not include a parking standard for hotels, and therefore WSCC's 'Guidance on Parking at New Developments' (September 2020) document has been used. This requires 1 space per bedroom. Requiring 20 car parking spaces and 27 are proposed (including 2 disabled spaces). Parking bays would have minimum dimensions of 2.5m x 5.0m in accordance with ADC's Design Guide. The level of car parking therefore meets the standard. Mill Lane has no parking restriction, but this level of vehicle parking over provision would avoid any highway safety concerns arising from overspill parking and is seen as acceptable by County Highways.

Cycle parking within WSCC guidance requires 1 cycle space per 8 car-parking spaces is provided subject to a minimum of 2 cycle spaces. This equates to 4 and 6 are provided in accordance with the standard.

The proposal is compliant with policies T SP1 and T DM1 of the ALP and the NPPF. The proposal would not have 'severe' impacts on the operation of the highway network and therefore is not contrary to the National Planning Policy Framework (para. 32), and there are no highway grounds to resist the proposal. County Highways have raised no highway objection.

TOURISM

Expansion of tourist accommodation is in accordance with policy TOU DM1 of the ALP which supports expansion provided it is in accessible locations and achieves good design. Policy TOU SP1 encourages sustainable tourism development where it protects as well as promotes the main tourism assets of the waterfronts - the coast, rivers and estuaries and the complimentary visitor uses of the coastal plain.

As discussed above the proposal is accessible and does achieve good design as required by policy TOU DM1(1). The location will facilitate additional footfall to local shops and leisure facilities such as the Rustington Golf course and Out of Bounds children's play centre and into the wider area of Rustington and Littlehampton. The site is also well located to access the countryside including Highdown Hill in the National Park and the seafront on foot or by cycle via footpaths/bridleways in accordance with policy TOU SP1.

BIODIVERSITY AND TREES

In respect of biodiversity, the Environment Bill, the NPPF and policy ENV DM5 of the ALP are of relevance. Biodiversity Net Gain is an important aspect of the Environment Bill and the NPPF. ALP policy ENV DM5 states development shall seek to achieve a net gain in biodiversity and protect existing habitats on site. Policy ENV DM4 seeks to protect trees with TPOs, identified as Ancient Woodland, in Conservation Areas, or those that contribute to local amenity.

The proposal would not adversely impact existing habitats by replacing the existing planting and trees affected by the development and improving the landscaping and habitat provision within the site. Landscaping and additional provision biodiversity is conditioned in accordance with policy.

The application is supported by an Arboricultural Report and Statement which includes a Tree Survey and Arboricultural Method Statement and tree replacement will be controlled and mitigated by the imposition of a landscaping condition. Six trees were identified on or near the proposal. The Leyland Cypress is a Category 'B' (moderate value) and the rest, comprising hornbeam and ash are mainly category 'C' trees of low value. The 2 Hornbeam trees T1 & T2 next to the car park are indicated for removal to allow better site access to the garden after completion and are of no particular quality and have a limited long-term future. Their loss is therefore acceptable. The proposals comply with the National Planning Policy Framework (NPPF) and policies ENV DM4 and ENV DM5 of the ALP, in this regard.

CONCLUSION

The proposed addition of a hotel would be an appropriate use within this existing commercial site and would have an acceptable impact on visual amenity, highways, ecology, and residential amenity, and would improve the tourism and employment offer at the site whilst complying with the relevant policies of the Development Plan.

While the loss of 2 of the trees next to the garden entrance would be regrettable and conflict with ALP policy ENV DM4 in the planning balance, this would be acceptable since there are other material considerations (including the economic/social benefits of the scheme and mitigation planting) which would outweigh this conflict.

As such, the application is recommended for approval, subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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

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

report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Location and Block Plan PL- 01- Rev B.

Proposed Ground and First Floor Plans PL- 03 Rev D

Proposed Elevations PL- 05 Rev A

Proposed Second Floor Plan and Roof Plan PL- 04 Rev B

Proposed Site Plan PL- 02 Rev D

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

- 3 No development above damp-proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping, replacement tree planting and details of existing trees to be retained. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide adequate on-site car parking space for the development in accordance with policy T SP1 of Arun Local Plan.

- 5 With the exception of trees T1 and T2 the existing trees shall be/retained/protected before the development commences for the duration of the development in accordance with the details

set out in the Arboricultural Report and Statement by Phillip Ellis Tree Care Consultant ref TR/WI/201/22.

Reason: To ensure the retention of vegetation important to visual amenity and ecology in accordance with policies D DM1 and ENV DM4 of the Arun Local Plan.

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

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

- 7 In addition to landscaping, biodiversity enhancements shall be incorporated in the scheme in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The enhancements shall be provided before the use commences and shall be retained in perpetuity.

Reason: To improve biodiversity in accordance with policy ENV DM4 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 of the proposed extensions have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extensions.

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.

- 9 The development shall at all times proceed in accordance with the ventilation details within the submitted Ventilation Services Strategy Report.

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

- 10 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.

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

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)

R/60/22/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: LU/158/22/PL

LOCATION: Mewsbrook Park Trading Kiosk
Hendon Avenue
Littlehampton
BN16 2LX

PROPOSAL: Demolition of existing cafe and change of use of a public WC and extension of the same to form extended detached single storey cafe. This site is in CIL Zone 5 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal involves demolition of the existing kiosk and removal of the paved outside seating area and conversion of the existing toilet building to create a replacement kiosk with an enlarged footprint and new hard surfaced outside seating area to the east. The building has a depth of 8.5m and length of 20.5m and a height of 2.9m. The increase in floor area of the buildings is 94sqm. The structure will have a flat green roof and vertical painted timber elevations. Internally a kitchen area and seating area are provided with toilets within the western part of the building which can be accessed externally by the public.
SITE AREA	630 sqm.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Site is open with fencing and some planting to southern boundary.
SITE CHARACTERISTICS	The site is located at the southern entrance to Mewsbrook Park from Hendon Avenue. It currently comprises a detached toilet block which is a brick built single storey structure with a pitched tiled roof and a single storey timber clad kiosk building with a conservatory extension to the eastern side and an outside seating area within the grassed area opposite the kiosk adjacent to the footpath to the swimming centre.
CHARACTER OF LOCALITY	The site is on the edge of Mewsbrook Park adjacent to the swimming centre to the west and a boat compound adjoins the site to the south. Residential properties are located to the east in Hendon Avenue. The kiosk is close to the lake to the northeast. The miniature railway station is located to the north.

RELEVANT SITE HISTORY

REPRESENTATIONS

Littlehampton Town Council - No Objection:

- Concern regarding reduction in the provision of toilets in terms of number and availability which is linked to the proposed opening hours of the kiosk. This is a retrograde step in this prominent and popular visitor destination.
- The design is a welcome addition to the park.

11 Objections:

- No indication that the public toilets will be retained. No information about replacement or alternative public toilet facilities in this busy location.
- The usage of the park and the events demand public toilet availability.
- Architectural design lacks imagination.
- The toilet block is usually open from 8am until 8pm and there are no facilities at the engine shed so staff are reliant on the existing toilets.
- An expanded kiosk would be detrimental to the ambience and tranquillity of Mewsbrook Park. Size of current kiosk is adequate for its needs. There are limited queues now.
- Parking is a premium already. Demand is high for free 2-hour parking in Hendon Avenue and it is not unusual for cars to turn within the road. Problems of traffic congestion will increase with expansion.
- Ventilation will be moved to the south creating noise and smells close to residential properties.
- Would devalue properties.
- The current size of Mewsbrook kiosk is in keeping with the size of the park and extending it to twice its size would be detrimental to the park reducing areas of open space for sitting and playing.
- What are plans for collection and storage of waste and recyclable waste?

1 Support:

- Incorporating the public toilets into the new structure will mean less vandalism is likely and they will be kept in a good condition.
- The new toilets will be fully accessible to the public without accessing through the kiosk itself.
- Access to the toilets in the adjoining building 'The Wave Leisure Centre and Swimming Pool', owned by ADC, would be available for longer periods. These toilets are about 100 metres away from the existing ones.
- The applicant has successfully run and integrated the Mewsbrook kiosk for many years setting up charity functions in the park and bringing back the use of leisure facilities to Mewsbrook Park lake.

COMMENTS ON REPRESENTATIONS RECEIVED:

The extension is located to the side of the existing kiosk and will not encroach on open space used for playing/sitting. The area of outside seating will also be moved to the side of the kiosk providing less incursion into the existing greenspace.

The traffic generated by the increase in footprint of the building would not significantly alter the demand for on street parking.

The Environmental Health officer has no objection with regard to the position of ventilation.

Devaluation of property is not a material planning consideration.

Other matters are discussed in the conclusion section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection. Opening hours proposed are acceptable. Grease trap provision, contamination and construction hours and management should be conditioned.

Environment Agency - No Objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
 Outside Built-Up Area Boundary
 Flood Zone 3
 Designated Open Space

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
WDM2	W DM2 Flood Risk
QEDM4	QE DM4 Contaminated Land
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
TOUDM1	TOU DM1 Tourism related development
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
EMPDM1	EMP DM1 Employment Land: Development Management
EMPSP1	EMP SP1 Strategic Economic Growth
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

<u>Littlehampton Neighbourhood Plan 2014 Policy 1</u>	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town
Littlehampton Neighbourhood Plan 2014 Policy 16	Open Spaces

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

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

The relevant policies in Littlehampton 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 visual or residential amenity or flooding.

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 key policy considerations in the determination of this application are Arun Local Plan policies SD SP2, OSR DM1 and TOU SP1 and TOU DM1 of the Arun Local Plan (ALP).

The application site is situated outside of the built-up area boundary (BUAB) as specified by policy SD SP2 which seeks to focus development within the built-up area. Policy C SP1 of the ALP seeks to protect the countryside for its own sake and exerts strict control over development situated outside of the BUAB where it does not comply with other policies in the Arun Local Plan. In this case for the reasons set out below the proposal accords with other policies within the Local Plan and is acceptable under part (f) of

policy C SP1.

Littlehampton Neighbourhood Plan (LNP):

The LUNP was made in 2014 and as such forms part of the development plan in the determination of this application.

Policy 1 of LUNP states proposals which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations indicate otherwise.

Policy 2 of the LUNP seeks to focus future economic and community related development within the BUAB of Littlehampton. The proposal seeks to redevelop existing facilities and is therefore not in conflict with this policy.

For the reasons set out below the principle of re-development on this site is acceptable in accordance with policy C SP1(f) and Policy 1 of the LNP.

VISUAL AMENITY

Arun Local Plan Policy D DM1 lists a series of 15 factors that development must comply with - these include character, impact and public realm. With reference to character the policy requires proposals to 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.

Arun Local Plan Policy D SP1 requires that development proposals should reflect the characteristics of the local area in terms of its character and design.

Policy D DM4 requires extensions or alterations to buildings to sympathetically relate to and be visually integrated with, the existing building in siting, massing, design, form, scale and materials. Furthermore the extension or alteration should be visually subservient to the main building and provide a high standard of amenity.

The existing buildings are located in the corner of Mewsbrook Park adjacent to the boat compound. They are discretely located and of single storey height. The converted and extended structure would be of lower height than the existing pyramid shaped roof and similarly located. The existing buildings are readily visible from the park to the north but are not overly prominent or obtrusive. The proposal would increase the footprint of the structures, but the bulk of the replacement building would be acceptable in this relatively well screened location. The existing outside seating area which projects into the existing grassed play area in front of the kiosk building and visually stands out would be more discretely located adjacent to the building. The revised position would mean that it would no longer expand the facilities beyond the existing footpath leading to the swimming centre. As a result the development would appear visually more compact.

The replacement structures would be single storey and would replace and extend buildings of little architectural merit. The existing kiosk building has been expanded to the east with a conservatory like structure which contrasts starkly with the design of the timber kiosk and is not well integrated. The converted and expanded toilet building would appear a cohesive single structure which would be readily assimilated into the park in keeping with its setting in officer's opinion.

The proposal would therefore accord with the requirements of policy D DM4 in that the extension would be visually integrated. It would not be subservient to the existing toilet block building but would not increase the height and would rationalise the built form in this part of the site providing development over

a similar area, but as a single structure. In this case it is better to have one larger extended building rather than a subservient extension to the existing building which would not meet the needs of the applicant and would result in a greater site coverage and greater visual impact than the sympathetic works proposed.

The proposed materials include timber would be appropriate in this park location and would be similar to the existing kiosk building which is being replaced. The proposed green roof would assist in reducing the visual impact of the building by assimilating it into the trees close to the southern boundary of the site.

Guidance within Section 12 of the National Planning Policy Framework states that good design is a key aspect of sustainable development (paragraph 126) and that developments should respond to local character & history, reflect the identity of local surroundings & materials, establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 130).

Part N of Arun Design Guide refers to building conversions outside the built-up area boundary and suggests that conversions should integrate rural development sensitively into its setting in order to respect the character of the District's countryside areas and that the buildings in these locations tend to be of simple form comprising rectangular floor plans. The proposal accords with this guidance.

The proposal would therefore not adversely impact on the character of the area in compliance with policy D DM1 (1) and D SP1 of the ALP and the National Planning Policy Framework.

TOURISM

The use of the premises as a kiosk is well established and is used by local residents and visitors. The proposed layout offers greater internal flexibility and an efficient use of the space. Creating a new layout that separates the key elements of the business and with the addition of further integrated seating and the retention and provision of public toilets.

Policy TOU SP1 'Sustainable tourism and the visitor economy' states that the Council will encourage sustainable tourism development where it protects as well as promotes the main tourism assets of the waterfronts - the coast, rivers and estuaries and policy TOU DM1 'Tourism related development' confirms that proposals for development, including expansion, which are likely to attract visitors (such as leisure or cultural facilities) will be supported provided that they are in accessible locations and achieve good design.

The proposal incorporates the existing public toilet building within the new building, but some provision of public toilets are retained within the extended structure. The western part of the building contains toilets which are accessible to the general public, and which will be open when the kiosk is open. It is anticipated the kiosk will open 364 days a year between the hours of 9am and 5pm. The number of toilets and opening times of the toilets are reduced, but a decision was made by the Councils Cabinet group in 2018 to close these public conveniences. There is alternative provision within the Wave swimming centre to offset the loss. The Mewsbrook toilets were not closed immediately at the time, but the decision still stands. The inclusion of a lease provision for the operator to make toilets available for public use during opening hours is a separate matter, and it is only coincidental that the footprint of the building provides the basis of the proposed kiosk redevelopment. The lease does not require the kiosk operator to provide any toilet facilities above/beyond what is required by Environmental Health under normal assessments of footfall/covers, only to make them available to members of the public should they wish to use them.

As discussed above the proposal does achieve good design as required by policy TOU DM1(1). Part 2 of policy TOU DM1 refers to development outside the built-up area boundary and states that proposals will

generally, be expected to be small in scale. In all cases development in the countryside should demonstrate that it is required and is compatible with its countryside location and is sensitively designed to minimise its impact. The principle of an expanded tourism facility in this location is supported.

EMPLOYMENT

The business currently employs 7 full time staff and this would remain the same.

Policy EMP SP1 entitled 'Strategic Economic Growth' states that "The Council will promote the sustainable growth of the District's economy to meet the varying needs of different economic sectors". The policy seeks to "support job creation and increase the attractiveness of the District as a business location and support the economic development of the coastal market area. This will comprise protecting and enhancing existing and allocated employment sites and premises.

Policy EMP DM1 entitled 'Employment Land: Development Management' sets out its intention to support the enhancement and expansion of existing employment premises and sites "in order to maintain a supply of good quality commercial sites and premises to meet the needs of businesses and the local economy." The policy goes on to confirm that economic growth on sites located outside the Built-up Area Boundary will be granted planning permission subject to certain criteria that includes that it be appropriately designed and have an acceptable impact on the local highway.

In planning policy terms the countryside policies of the National Planning Policy Framework are applicable. In this respect paragraph 84 of the Framework sets out the Government's support for providing a prosperous rural economy. It states that "planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; sustainable rural tourism and leisure developments which respect the character of the countryside; and the retention and development of accessible local services and community facilities, such as meeting places, and open space."

The principle of enhancing and improving the facility and retaining employment opportunities at the site is supported by these policies. The proposal is of an acceptable design and has no adverse impact on the local highway. The existing employment generated at the site would be retained. The proposal therefore accords with policies EMP DM1 and EMP SP1.

OPEN SPACE

The site is located within an established and well used area of open space. Mewsbrook Park is designated as open space within the Local Plan (policy OSR DM1) and Littlehampton Neighbourhood Plan Policy 16. The proposal would enhance facilities for users of the open space and with the amended siting of the outside seating area it would remove the incursion into the area of open space to the north which is used as a sitting and play area.

Policy OSR DM1 seeks to protect outdoor space but part (c) allows for development which is for alternative community provision which outweighs its loss. The change in position of the existing kiosk and increase in building footprint would not adversely affect the ability of the public to utilise the main area of public open space which is located to the north of the building. The proposal would therefore be compliant with this policy.

Whilst Policy 16 of LNP refers to a general presumption against development proposals on any accessible public open space in the town the development accords with the policy in that the development is ancillary to the use of the land as recreational/open space and it is for alternative provision of an existing facility.

PARKING AND HIGHWAY SAFETY

The planning application would not provide any car parking within the site and there is none available to the existing kiosk. Vehicular access to the site is established via a gate into Hendon Avenue. Car parking is available in the car park at the swimming centre and along the seafront and limited free parking in Hendon Avenue. The demand for parking for the park and kiosk is indistinguishable from visitors to the seafront generally. There are also bus stops along the seafront and at the northern end of the park and cycling is permissible along the promenade to the south of the site and access is readily available to the seafront, wider park area and swimming centre from footpaths within the site.

Paragraph 110 of the NPPF confirms that the main considerations in transport terms when determining specific planning applications is that proposals should ensure safe and suitable access to the site can be achieved for all users and that significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree. The proposal provides safe access for all users.

The slight increase in floor space would not result in any perceivable increase in parking demand and a lot of the visitors to the park arrive on foot or cycle. The proposal is therefore compliant with policy T SP1 (a),(b) and (f) of the Arun Local Plan.

FLOODING & SURFACE WATER DRAINAGE

Arun Local Plan Policy W DM2 seeks to limit development in areas at risk of flooding and W DM 3 discusses the need for sustainable urban drainage systems.

The site is located within Flood Zone 3 and as such is in an area at the highest risk from flooding and needs to be considered in relation to policy W DM2 of Arun Local Plan. The proposal is accompanied by a Flood Risk Assessment. The risk is predominantly tidal and there are flood defence features along the seafront. On the basis that the proposed extension is non-residential, that it lies within an existing developed site and the footprint of the development is limited at less than 250 square metres, a sequential test is not required. Therefore parts (a) and (b) of the policy are addressed. The proposal includes wider community benefits in respect of being an approved tourist and visitor facility part (c) and it includes the following mitigation measures in respect of part (d). These include:

- Flood resilient doors.
- Door defence.
- Under flood conditions the site will be closed and not occupied.
- A flood warning and evacuation plan prepared as required.
- Applicant to register with the free EA Floodline Warnings Direct services.

Due to the low vulnerability of the use the proposed conversion and extension is considered suitable within Flood Zone 3 in accordance with policy W DM2. Compliance with the mitigation within the FRA is conditioned.

The Council's Drainage Engineer and the Environment Agency do not raise any objection to the scheme subject to appropriate conditions and the proposal would therefore accord with these policies.

RESIDENTIAL AMENITY

The proposed extension and conversion would result in a structure that is no closer to the nearest residential properties in Hendon Avenue than the existing buildings. A gap of 14m is retained to the outside seating area and the flats are more than 20m from the building.

In terms of the nature of the use the business is currently generally open 7 days a week from 08:00-09:00 hours until 17:00 hours. The opening hours will not be extended as part of this proposal. The Environmental Health officer has raised no objection to the proposal.

The noise and activity associated with the kiosk expansion would not result in a significant increase, particularly given its location within a busy established park. It is accepted that the premises are close to residential dwellings but it is an existing established use and it does not directly abut any residential curtilage. Given the distance to boundaries and that the nearby dwellings have relatively long front gardens and parking areas there would be no materially adverse impact on adjacent properties by reason noise or disturbance and the proposal would be compliant with policy D DM1 of ALP.

BIODIVERSITY

ALP policy ENV DM5 states development shall seek to achieve a net gain in biodiversity and protect existing habitats on site.

The proposal would not adversely impact existing habitats by expanding and replacing existing structures on site. The building includes a green roof and therefore would include additional provision biodiversity in accordance with policy.

CONCLUSION

It is therefore considered that the proposal complies with the development plan it meets the policy requirements of policies C SP1, EMP SP1, EMP DM1, TOU DM1, D SP1, D DM4, OSR DM1 and T SP1 of Arun Local Plan, the relevant sections of the Littlehampton Neighbourhood Plan and the National Planning Policy Framework.

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 plan:
Elevations, Floor Plans, Site & Location Plan 149/01.

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

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

4 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated June 2022 by Innervision Design Ltd and the mitigation measures detailed within it.

Reason: To reduce the risk and impact of flooding on the proposed development In accordance with policies W SP1 and W DM2 of the Arun Local Plan.

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

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

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

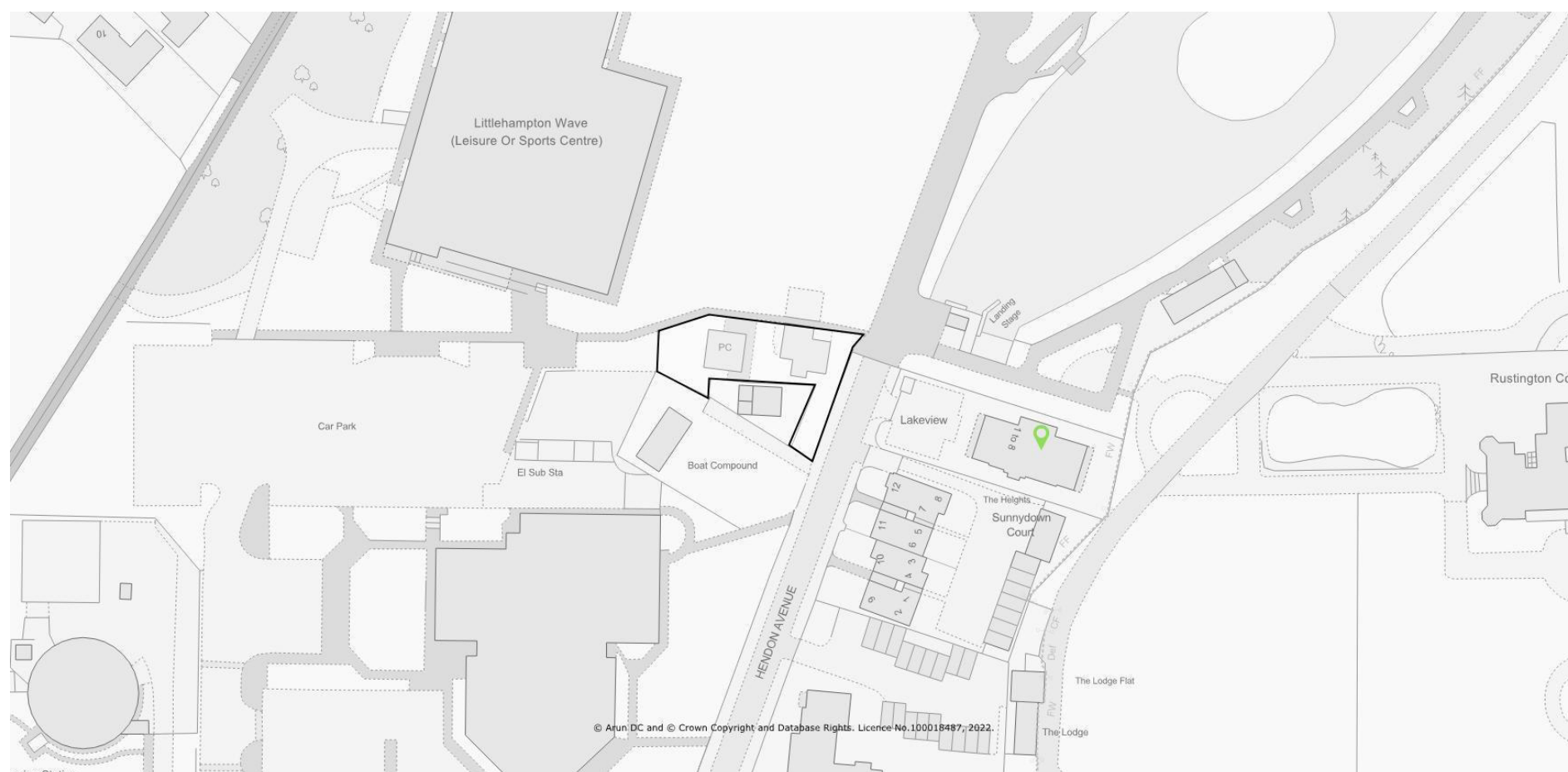
Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of Arun Local Plan.

- 7 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 8 INFORMATIVE: Sanitary accommodation and staff changing room.
The stated provision of Sanitary conveniences is:-
1 x accessible WC and wash hand basin and 4 x mixed sex WC's and 1 wash hand basin.
This will be suitable and sufficient for up to 200 seats (including any outside provision)
A staff changing room should be provided together with a staff WC, separate from the public provision.
- 9 INFORMATIVE: The business is required to submit a 'Food Registration Form' to the Environmental Health department 28 days before opening. Further advice can be given to the business, for example, on the internal layout of the food premises. If the applicant would like further advice, please contact the Environmental Health Service on (01903) 737755
<https://www.arun.gov.uk/food-premises-registration>.

BACKGROUND PAPERS

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

LU/158/22/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: K/22/22/PL

LOCATION: Land East Of Kingston House
Kingston Lane
Kingston
BN16 1RP

PROPOSAL: 3 No stables and a barn. This site is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	3 stables measuring 12.37 by 6.42 metres in width and 2.73 metres in height and a barn measuring 12.97 metres by 7.09 metres with a ridge height of 4 metres and an eaves height of 2.65 metres on grazing land.
SITE AREA	3 acres.
BOUNDARY TREATMENT	A wall to the rear adjacent to the dwellinghouse. Agricultural post and wire fencing to the rest.
SITE CHARACTERISTICS	Open countryside/agricultural land.
CHARACTER OF LOCALITY	Open countryside.
PLANNING HISTORY	

K/24/18/PL - Permission granted for 3 stables. Not built and permission expired. This application is for a replacement of the stables and an additional barn.

K/16/19/PL - Permission refused for a dwelling and stables.

K/54/20/PL - Permission refused for a dwelling and stables. Appeal dismissed.

REPRESENTATIONS

Kingston Parish Council object to the development for the following reasons:

- No justification for development in settlement gap.
- Proposed change of use to storage and distribution covers a wide area of activity.
- Waste management report refers to materials not commensurate with stables use.
- Vague application with lack of detail in no way provides justification in exceptional circumstances for development in settlement gap.

East Preston and Kingston Preservation Society object to the proposal on the following grounds:

- The barn would be unacceptably obtrusive, and detract from the landscape quality of the area, thus contravening Kingston Neighbourhood Plan (KNP) Policy 6 C iii.
- The application for use class B8 has potential for uses which would erode the character of this gap between settlements.
- It is also concerning that the proposed hard standing is impermeable, if by "conc finish" is meant concrete, especially as the location plan shows a drain running along the western boundary of this site. Any impermeable surface might also lead to irreversible loss of Grade 1 or 2 agricultural land in

contravention of KNP Policy 6 C ii.

Ferring Conservation Group - Object to development in the settlement gap.

1 neighbour letter of objection:

- No justification for large building and extensive hardstanding.
- Green cladding inappropriate in rural area.
- B8 storage and distribution use not consistent with agricultural use.
- No assessment of flood risk.
- No justification for intensification of land use dividing field into 3.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No adverse comments to make.

Surface Water Drainage - No comments to make, drainage in accordance with building regulations.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

RIGHT OF WAY

SPEC CONT ADVTS

OUTS BUILT AREA

NO PUBLIC SEWER

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
EQU DM1	EQU DM1 Equine Development
SD SP3	SD SP3 Gaps Between Settlements
DDM1	D DM1 Aspects of form and design quality

[Kingston Neighbourhood Plan 2014 Policy KPNP2](#) BUILT-UP AREA BOUNDARY

Kingston Neighbourhood Plan 2014 Policy KPNP6 SOIL, HORTICULTURE, EQUINE & SHEPHERDING DEVELOPMENTS

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

POLICY COMMENTARY

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

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 is close to bridleways and the development does not undermine the gap between settlements.

CONCLUSIONS

The key policies are C SP1, EQU DM1, SD SP3 and D DM1 of the Arun Local Plan. Additionally, Policies 2 and 6 of the Kingston Neighbourhood Development Plan are relevant to the application.

Policy C SP1 - Countryside - Development will be permitted in the countryside where it is in accordance with other policies in the Plan which refer to a specific use or type of development.

Policy EQU DM1 - Horse related development will be permitted provided that it is well related to the existing bridleway network and other criteria.

Policy SD SP3 - Gaps between settlements - The generally open and undeveloped nature of the following gaps between settlements, as identified on the Policies Maps will be protected to prevent coalescence and retain their separate identity.

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

KPNP 2 Built Up Area Boundary states account should be taken of the intrinsic character and beauty of the countryside outside the Built-Up area and the need to support thriving rural communities within it, in the context of a presumption in favour of sustainable development.

KPNP 6 Equine development is permitted where it does not detract from landscape quality.

Development in the countryside is permitted if it accords with a specific policy or type of development set out within the Local Plan. In this case the policy on Equine Development covers the type of development proposed. The development proposed is acceptable under policy EQU DM1 because the site is related to the bridleway network in that it is 100 metres away from the nearest bridleway accessed along a roadway from the site.

The other criteria are:

- 1/1.5 acres grazing land per horse which can be accommodated within the site which has an area of 3.36 acres.
- access and parking acceptable which it is on this site.
- the cumulative impact of the development would not have an adverse impact on the character, appearance and amenities of the area, taking account of factors including the likely level of activity to be generated, parking and access requirements and the adequacy of the bridleway network to accommodate additional use arising from the development. The cumulative impact would be acceptable as there are no other buildings nearby.
- That there will be no detrimental impact on water quality. There is no evidence to suggest this would be the case.

The development would not undermine the physical separation of settlements being located in the open countryside since the barn and stables are relatively small. Furthermore stables are typical of buildings within the countryside and the settlement gap. The materials used for the stables (timber boarding) are sympathetic to their rural location and they are positioned at the edge of the field backing onto residential development. All of this combines to demonstrate that the proposal is in accordance with policy SD SP3.

The use itself is not considered to cause any loss of amenity to nearby residential properties as it is a quiet use of land. The odours of the muck heap are not considered to cause significant harm to amenity as it is a relatively non odorous use.

The design of the stables and barn are considered to be acceptable. The wooden boarding of the stables and the green metal cladding of the barn are typical materials of buildings in the countryside. The flat roofed stables and pitched roof barn are again typical of the style of buildings in the countryside and are considered acceptable.

A condition will be applied limiting the use to the private stabling of horses to avoid any possibility of unacceptable use for B8 storage and distribution purposes.

The flood risk in the area is low according to the Environment Agency flood maps and the Council's surface water engineers foresee no problem with the site provided building regulations are adhered to.

The waste management report is a standard format report and is not intended to include any materials that don't normally occur within a horse related use. It includes building materials of the buildings to be constructed.

The area of hardstanding provides for vehicle access on and off site. It is not an extensive area at 21 metres by 24 metres including the footprint of the the two buildings and is not considered to lead to a significant loss of agricultural grade 1 and 2 land.

SUMMARY

The development is considered to accord with policies EQU DM1, C SP1, SD SP3 and D DM1 of the Arun Local Plan, KPNP2 and KPNP6 of the Kingston Neighbourhood Plan and is recommended for approval subject to the following conditions:

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

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:

Site Plan and existing Topographical dwg.no. 1 dated April 2022
Proposed Plans Elevations and Sections for Stables and Barn dwg.no.2 dated April 2022.

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 stables and barn are to be used for the private stabling of 3 horses and ancillary uses to the stabling of horses and not for any other purpose unless permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015.

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

4 The site and buildings shall be used only for private equestrian purposes and shall not be used for livery, riding lessons, breeding or commercial activity of any kind.

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

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

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

BACKGROUND PAPERS

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

K/22/22/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: EP/39/22/PL

LOCATION: 29 Tamarisk Way
East Preston
BN16 2TE

PROPOSAL: Variation of condition imposed under EP/157/20/HH relating to condition 2-plans condition to include the retention of original outbuilding to the south of garage rather than the approved enlarged outbuilding, slight change to orientation of garage, removal of chimney, introduction of small catslide roof portion on the western elevation, removal of browed eaves above windows to become flat eaves, removal of covered bench building and revert to the existing rainwater below ground rather than soakaways due to the reduction of the footprint.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to vary condition No.2 relating to the approved plans, namely, removal of a garden outbuilding, retention of existing pool plant house, relocation of approve garage, removal of chimney, introduction of catslide roof to western elevation and removal of 13 eyebrow roof features from above first floor windows.
TREES	None of any significance affected by the proposed development.
SITE CHARACTERISTICS	Residential.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

EP/105/21/DOC	Approval of details reserved by condition imposed under EP/157/20/HH relating to condition 3-schedule of materials and finishes.	DOC Approved 26-10-21
EP/157/20/HH	Demolition of part of existing garage and outbuildings. Erection of new 3 bay garage. Extensions and internal and external remodelling of existing dwelling including change from thatch to clay tiled roof.	ApproveConditionally 09-02-21

This application seeks the variation of condition No. 2 of EP/157/20/HH and makes small amendments to the amount of built form and to design features previously approved by EP/157/20/HH.

REPRESENTATIONS

East Preston Parish Council - Objection

Concerned about the removal of a chimney and the removal of the browed eaves above the windows.

1 letter of support:

- Changes make good sense from an environmental point of view.
- Removal of structurally unsound chimney that has been unused for a number of years.
- The raised eaves are not structural but were created by thatcher's over the years.

1 letter of objection:

- Building was to be of an arts and craft design. These changes do not represent an arts and craft style.
- The fascia has also been changed without being noted on the revised plans.
- 1st floor eyebrow window has been enlarged from the original design.
- Retrospective planning application as these items have already been constructed.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary.

Locally Listed Building.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character

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

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

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

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 those items that require consent will not significantly harm the character and appearance of the area nor the residential amenities of neighbouring occupiers.

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, namely the fall back position of Permitted Development. Class C of Part 1, Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015 relates to any alteration to the roof of a dwellinghouse.

CONCLUSIONS

PRINCIPLE

In this case, the key policies are D DM1, D DM4 and HER DM2 of the Arun Local Plan. Additionally, Policies 1 and 2 of the East Preston Neighbourhood Development Plan.

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

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

Policy HER DM2 of the Arun Local Plan relates to Locally Listed Buildings or Structures of Character. First, it sets out the criteria that should be met by the buildings in order to become locally listed. With relation to the alteration or extensions of buildings on the Local List, it states that the proposal should relate sensitively to the building, respecting its architectural, landscape or historic interest.

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

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

Arun has adopted a Design Guide which provides detailed guidance that will help raise design standards across the District. Developments should respond to the distinctiveness and 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.

DESIGN AND VISUAL AMENITY

This proposal relates to various design details. Firstly, the removal of a chimney at the property, secondly the provision of a standard eaves line over that of the approved eyebrow eaves and the addition of small section of catslide roof to the western elevation. All these features are visible from the street and as such influence their character. However, given their subservient form and scale to the overall appearance of the host dwelling, their siting back from the primary elevation and reduction in scale over approved features, these will not significantly harm the character of the area.

Overall, the additions to the scheme will be built from materials which match and will achieve good visual integration. The chimney is not a noteworthy feature, especially as there are two others serving the property. The loss of the eyebrow features is cited as a reason for objection by the Parish. The buildings to Tamarisk Way are of unique character to one another, this building due to its roof design details had a strong individual character which contributed to it being a locally Listed Building. The eyebrow windows formed an integral part of that character and their loss does not sympathetically relate to the host dwelling and does not demonstrate a high standard of architectural principles as required under policies D DM1(2) and D DM4 (a). It is agreed with the Parish Council that the loss of these features will harm the character of the building.

Under Class C Part 1, Schedule 2 of the GPDO alterations to the roof of a dwellinghouse can be undertaken without the need for planning permission, including changes to the materials the roof is to be built from. By reason that the removal of the eyebrow features reduces the overall scale of the roof, this can be undertaken without the prior need of approval from the Council. A fall-back position such as this has a material consideration when determining applications, therefore on balance, although the removal of the eyebrow features does not fully accord with policy refusal of this application cannot be justified.

The omission of the garden bench outbuilding and the retention of an existing pool plant room are not visible from the street and there will be no visual impact on the character of the host dwelling or wider area.

Policy 1 and 2 of the East Preston Neighbourhood plan (EPNP) are largely restrictive in nature. The proposed changes still retain the overall massing, material choice and density of the application in accordance with policy.

Although the loss of the eyebrow features above the existing first floor windows is seen to have a detrimental impact on the character of the host dwelling, by reason of a Permitted Development fall-back position, the amendments to the scheme are acceptable in accordance with policy D DM1 and D DM4 of the Arun Local Plan, and policies 1 and 2 of the EPNP.

RESIDENTIAL AMENITY

No increase in the scale or massing of the application is proposed. A garden outbuilding has been omitted from the scheme, and another existing building retained meaning that another larger outbuilding will now not be built. The slight adjustment to the position of the garage which moves the building away

from its nearest shared boundary (eastern) and no further forward in the street scene, will mean that the building is less overbearing on neighbours. All other alterations are contained within the existing footprint of the building.

No additional windows are proposed in the scheme, therefore there is no impact to overlooking or privacy.

In terms of being overbearing, overshadowing and overlooking the proposed amendments accord with policies D DM1 and D DM4 of the Arun Local Plan and Part M of the Arun Design Guide.

LOCALLY LISTED BUILDING

The host dwelling is designated as a Locally Listed Building, and therefore Policy HER DM2 of the Arun Local Plan applies, which seeks to ensure that proposals which alter or extend buildings on the Local List are sympathetic to its character and protect its interests. In this instance, the proposed loss of the eyebrow windows will negatively impact the character of the host dwelling. As discussed above these alterations can be undertaken under Permitted Development rights and therefore on balance their loss is acceptable.

No objection is raised to the loss of the chimney, which is not a notable feature.

SUMMARY

Although the loss of the eyebrow features above the existing first floor windows is seen to have a detrimental impact on the character of the host dwelling, by reason of the above discussed fall-back position, 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)

RECOMMENDATION**APPROVE CONDITIONALLY**

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

- Proposed Site Plan - 1469/NA10B
- Proposed Ground Floor - 1469/NA15A
- Proposed First Floor - 1469/NA16A
- Proposed Second Floor - 1469/NA17A
- Proposed Roof - 1469/NA18A
- Proposed Elevations 1469/NA14E
- Proposed Elevations 1469/NA13E
- Proposed Elevations 1469/NA12E
- Proposed Elevations 1469/NA11E

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.

2 **INFORMATIVE:** This permission relates to the variation of condition 2 of planning permission EP/157/20/HH only. The applicant is reminded that all other planning conditions attached to the original planning permission number EP/157/20/HH remain in force and must be complied with. This decision only relates to the variation of Condition 2 of that planning permission.

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)

EP/39/22/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: AL/94/22/PL

LOCATION: Nyton Rest
Nyton Farm Shop
Nyton Road
Aldingbourne
PO20 3TU

PROPOSAL: Extension of duration of planning permission for a further 3 year period to run from expiry of current temporary permission granted under AL/61/20/PL for continued use of land for agricultural workers accommodation for an initial period of 2 years comprising 14 no. chalets, low level lighting, retention of existing hardstanding, utilisation of existing individual foul treatment plants and existing permitted access and associated works. This application falls in CIL Zone 3 (Zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is for a 3-year continuation of the approved temporary use. The details are the same as before except that they now include details of the lighting that were subsequently approved through a discharge of condition.
SITE AREA	0.3772 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	2m high close boarded fencing to boundaries. There is an earth mound to part of the rear of the site.
SITE CHARACTERISTICS	The use has commenced, and the site reflects what is described by the approved plans - namely the siting of 14 chalets (hereafter referred to as caravans), 3 fire points, a portable washroom structure and parking spaces. Two of the caravans are for use by travelling show persons (to act as site managers) and the other twelve by agricultural workers. Each caravan has three bedrooms and access to utilities. The caravans are no higher than 3m from ground to roof.
CHARACTER OF LOCALITY	There are three permanent travelling show-persons plots on the adjacent land to the west, a further 11 such plots on land further to the north-west (AL/107/18/PL) and to the east and south, the Aldingbourne Nurseries site (including the Plymouth Brethren Church). To the north, is a large pony paddock. It is appropriate to describe the area as rural.

RELEVANT SITE HISTORY

AL/98/20/DOC	Approval of details reserved by condition imposed under ref AL/61/20/PL relating to Condition No 4 - external lighting	DOC Approved 11-01-21
AL/61/20/PL	Continued use of land for agricultural workers accommodation for a temporary period of 2 years comprising 14 No chalets, low level lighting, retention of existing hardstanding, utilisation of existing individual foul treatment plants and existing permitted access, and associated works. This application falls in CIL Zone 3 (Zero Rated) as 'other development'.	ApproveConditionally 28-10-20
AL/23/17/DOC	Application for approval of matters reserved by condition imposed under AL/47/14/PL relating to condition No. 6 (Landscaping scheme), 7 (Plot boundary fences), 8 (Surface water drainage), 9 (Scheme to improve current site access) & 10 (Lighting)	DOC Part Approved 08-03-18
AL/47/14/PL	Change of use from agricultural land to provide 4 No permanent plots for travelling show people and a pony paddock. This application is a departure from the Development Plan.	ApproveConditionally 02-09-14

The site is one of the permanent travelling show persons plots approved by AL/47/14/PL. This allowed 4 no. permanent plots for travelling show people with a pony paddock. Each plot was to be bordered by 2m high close boarded fencing with permeable hardstanding. The permission was subject to a condition limiting the occupancy of each plot to 1 household with no more than 8 mobile homes and 12 touring caravans stationed across 4 plots. The permission has been implemented but condition 6 (landscaping) has not yet been discharged.

AL/61/20/PL was approved at Planning Committee on 28/10/20 and allowed a 2-year permission for agricultural workers chalets. It was subject to a condition that required agreement of lighting details, this was discharged on 11/01/20 by AL/98/20/DOC. Alongside details submitted with AL/98/20/DOC, the applicant supplied photos to demonstrate the parking spaces and minibus drop-off area had been marked out as per the approved plan.

REPRESENTATIONS

Aldingbourne Parish Council state: "The Parish Council strenuously objects to the extension of the previous application. We have cited this as a development of concern with the Enforcement Officer at ADC and have had no reply in over 6 months as well as raising this as a concern over a number of years. We are requesting that nothing is agreed or approved for this site until an investigation is undertaken on whether any planning consents has been complied with and there has been non-compliance with all previous conditions agreed. We are asking that a site visit take place to ensure that the information in the application is factually correct. This is outside the ANP and is not a sustainable

development"

COMMENTS ON REPRESENTATIONS RECEIVED:

It is understood the Parish Council requested this development and wider site be monitored by planning compliance to ensure conditions are complied with. Due to a lack of resources this has not been possible. The site was subject of an unannounced visit by the case officer on 29/07/22. This confirmed that the permitted number of caravans (14) were present, as was the wash building (a laundry), two fire points and bin/recycling area. Despite having been marked out on the ground (by a photo supplied with AL/98/20/DOC), the four visitor parking spaces and minibus drop-off/pick-up space were no longer indicated with white lines. As the presentation shows, there is plenty of room to accommodate vehicles.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SOUTH DOWNS NATIONAL PARK - no objection. The site is a notable distance from the boundary of the National Park in between which is intervening development including the A27. For this reason and the fact that the caravans & other buildings are relatively low level, the development would not have any significant impact upon the setting of the National Park. Nonetheless, Arun District Council has a statutory duty to consider National Park Purposes, and these should be acknowledged and considered by the case officer in their assessment of the application.

ADC ENVIRONMENTAL HEALTH - state no objections/comments.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary.

CIL Zone 3.

Current/Future Flood Zone 1.

Within 12km of Singleton and Cocking Tunnels Special Area of Conservation; and WSCC Mineral Consultation Area (Sharp Sand & Gravel).

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
ENVDM5	ENV DM5 Development and biodiversity
HDM3	H DM3 Agricultural forestry and horticultural Rural dwellings
HSP5	H SP5 Traveller and Travelling Showpeople accommodation
LANDM1	LAN DM1 Protection of landscape character

QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way

Joint Minerals Local Plan 2018:

	Joint West Sussex M9 Safeguarding Minerals
<u>Aldingbourne Neighbourhood Plan 2019-31 Policy EH1</u>	Built up area boundary
Aldingbourne Neighbourhood Plan 2019-31 Policy EH10	'Unlit Village' status
Aldingbourne Neighbourhood Plan 2019-31 Policy EH2 2019	Protection of bat habitation
Aldingbourne Neighbourhood Plan 2019-31 Policy GA1	Promoting sustainable movement
Aldingbourne Neighbourhood Plan 2019-31 Policy GA3	Parking and new developments

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites

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 relevant policies of the Aldingbourne Neighbourhood Development Plan are considered in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with relevant Development Plan policies in that it proposes to retain development in the countryside not in accordance with policy C SP1 or with any other policies in the Local Plan. However, the temporary retention of this development would not result in significant or adverse harm to the landscape and character of the area, the safety of the local highway or the

amenities of nearby occupiers.

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

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

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan and these are discussed in the conclusions.

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. The development plan comprises the Arun Local Plan 2011-2031 (ALP), the Aldingbourne Neighbourhood Development Plan (ANDP), the South Inshore & South Offshore Marine Plan and the West Sussex Waste and Minerals Plans.

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

ALP policy C SP1 states development in the countryside outside the Built-Up Area Boundary (BUAB) will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. Policy H DM3 "Agricultural, forestry and horticultural rural dwellings" provides support for accommodation for rural workers and so it will be necessary to assess the proposal against the policy criteria. ANDP policy EH1 directs development to within the BUAB however it only precludes development outside the BUAB in areas west of Westergate Street or where it involves permanent housing.

ALP policy H DM3 allows for temporary accommodation for seasonal horticultural workers but only in exceptional circumstances where there is clear evidence that the structures are absolutely essential for the provision of staff accommodation to facilitate the economic running of a farm or horticultural holding and subject to certain criteria. The application states:

- The proposal provides essential accommodation for farm workers necessary for the economic running of farms but not a farm within which the application site is located.
- The accommodation of agricultural workers in temporary chalet/caravan accommodation also means that they do not take up valuable housing stock.
- A letter from Pro-Force (dated 15/03/22) is provided and this clearly indicates that there is a continued demand for the workforce and consequently the accommodation at the site.

It is material that the site is fully occupied by agricultural workers with no vacant accommodation and as per the Pro Force letter there is a continuing need for more accommodation. Nevertheless, the proposal

does not comply with all policy criteria as the accommodation is not to assist with agricultural activities on the same site and workers will be bussed to nearby locations. Neither this nor the original application made an assessment of alternative locations. However, criteria (b) to (g) are met as is demonstrated by the rest of this report.

Conflict with policies designed to protect the countryside need to be weighed against material planning considerations.

IMPACT ON SPECIALIST ACCOMMODATION:

ALP policy H SP5 states permission will not normally be granted for development which results in the loss of lawful accommodation for Gypsy and Travellers and Travelling Show People unless alternative provision is made to make good any loss. The site has permission as a travelling show persons plot and can be occupied by one household unit. The proposal retains an existing mobile home in one corner of the site and includes two caravans occupied by travelling show persons who will act as on-site managers there is no loss of the approved accommodation.

MINERALS SAFEGUARDING:

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

The site has permanent permission as a travelling show persons plot and so prior extraction of minerals under the site would not be possible. Such extraction is unlikely to be practical given the size of the site and the proximity of existing residential occupiers. WSCC Minerals & Waste have not responded. The proposal is otherwise acceptable in respect of policy M9.

ACCESS & PARKING:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate 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 development be located in easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities, and contribute towards the provision of a joined-up cycle network and Public Rights of Way network.

ANDP policy GA1 requires that proposals are sustainably located and accessible to local facilities and services and sufficient capacity exists or can be provided to accommodate additional needs. Policy 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 Nyton Rest site as a whole is lawfully occupied as a travelling show persons site and the access also serves a residential barn conversion (former Nyton Farm Shop). WSCC Highways raise no concerns

with the existing access which has good visibility and has not been subject to any accidents in the last 5 years.

Whilst there are bus stops 360/460m from the site entrance to the south-east, this site is not a sustainable location for development as there is no pavement on Nyton Lane and no footpaths otherwise connecting the site. Cycling would be a viable option as it is not too far to cycle to the shops/facilities of Westergate however, persons living on the site will be largely reliant on some form of vehicle to access places of work and facilities/services. The proposal conflicts with ALP policy T DM1 and with ANDP policy GA1.

As per the previous application, the layout shows 4 visitor spaces, a minibus drop-off/pick-up location and there is space alongside the two retained show person caravans for car parking. The site visit confirmed none of these are physically marked out on the ground. However, there is plenty of space within the site for the parking of cars and other vehicles.

The Arun Parking Standards SPD does not set out parking standards for caravans or agricultural workers accommodation and it is not appropriate to impose a full residential standard (which would equate to 28 allocated spaces and 2 visitor spaces). Car ownership amongst temporary workers is unlikely to be high (indeed it was observed on the site visit that only 1 car and 1 minivan was present) and therefore the provision of the spaces indicated on the plan is appropriate. WSCC Highways raise no objections to the parking provision from a highway safety point of view.

The proposal conflicts with ALP policy T DM1 & ANDP policy GA1 but is in accordance with ALP policy T SP1. There is no conflict with the Parking Standards SPD.

LANDSCAPE & VISUAL IMPACT

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. The Arun Design Guide is a material consideration but does not provide any guidance on caravan sites.

This site is a part of a much larger site with permission for 4 travelling show person plots. Each plot is fenced, has a mix of hardstanding and grass, and can be occupied by mobile homes, touring caravans, and other vehicles. Outside of these areas, the wider site has a large area of hardstanding and other built features. The site benefits from a dense tree screen along the southern and eastern boundaries to the adjacent Aldingbourne Nurseries site. The level of planting along the Nyton Road frontage is such that there are no views of the site.

The development is entirely single storey with no development higher than 3m and it will not be seen from nearby public viewpoints. It may be possible to view the site from higher ground to the North but at such a long distance, the caravans will readily assimilate in the landscape particularly noting the approved show persons plots on site and the adjacent site to the west/northwest.

Additional landscaping is not required given that a condition was imposed on AL/47/14/PL and although this remains outstanding, it has been requested and the submission of this will assist with further greening of the site. Whilst not essential to the continued use for seasonal workers caravans, this would have a positive benefit on the landscape.

The proposal will not harm the landscape character or local visual amenity and is not in conflict with ALP policies D DM1, D SP1 or LAN DM1. There will not be any adverse impact on the statutory purposes and

duty of the National Park.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. Policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity.

The nearest bricks & mortar type dwelling is no. 4 Aldingbourne Nurseries which is approximately 80m to the south-east or no. 1 Aldingbourne Barn (former Nyton Farm Shop), some 64m to the north-east. These are too far away to have their amenities adversely affected by the agricultural workers caravans. There are existing residential mobile homes on site and on adjacent plots and these are much closer. However, the single storey nature of the caravans/mobile homes and the existing 2m high screen fencing means there will be no direct line of sight to/from the site therefore no loss of privacy or loss of light. Therefore, there is no conflict with policies D DM1 or QE SP1 in respect of residential amenity.

LIGHT POLLUTION:

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 lighting detailed in the application was approved through the discharge of a condition associated with AL/61/20/PL. It consists of Deluce Lighting Thermal Photocell controlled lights mounted approximately 1m above ground level on chalets 1, 3, 5, 6, 8,10, 11, 12, 14. and the washroom. There is no conflict with ALP policy QE DM2 or ANDP policy EH10.

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.

The site is 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 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.

This site is not green field and is not adjacent to woodland although the south and east boundaries are marked with trees. The site has permission as a travelling show persons plot, and the development does not result in a loss of trees or materially increase activity levels to the detriment of wildlife species. The lighting that has been agreed was done so in consultation with the Councils ecologist who raised no objections. There is no impact on the bats associated with the SAC

The application (as per the previous approval) does not include measures to improve biodiversity, but this is appropriate as the site is not greenfield and has already been developed such that there is no loss of/harm to biodiversity. On balance, the proposal is in accordance with ALP policy ENV DM5 and ANDP policy EH6.

SUMMARY:

This proposal is contrary to development plan policy in respect of development in the countryside and development that is vehicle reliant. However, this should not automatically result in a refusal unless there is corresponding harm. This report demonstrates there will be no visual harm to the landscape, no harm to highway safety, no harm to residential amenity and no material impact on biodiversity.

It is material that the applicant applied for a temporary 3-year permission and the accommodation is required to satisfy a pressing need for agricultural workers. The continued temporary nature of the proposal means there will be no permanent harm to the countryside. This material consideration allows for a decision to be taken other than in accordance with the development plan and as per paragraph 11(c) of the NPPF, it is recommended that the permission is granted in accordance with the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application is not CIL liable as caravans are excluded from the regulations.

RECOMMENDATION

APPROVE CONDITIONALLY

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

Location and Block Plan.

Proposed Site Plan ref 1483-02 Rev B.
Proposed Sections ref 1483-04 Rev A; and
Proposed Lighting Plan Dwg No 1483-04.

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 and T SP1 of the Arun Local Plan.

- 2 The agricultural workers chalets shall cease to be occupied after 3 calendar years from the date of this permission. Thereafter, the chalets and other operational development hereby permitted shall be removed from the site and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, within 2 calendar months of the cessation of the use.

Reason: The applicant has requested a further 3 year temporary permission and a permanent permission would not be in accordance with policies C SP1 and H DM3 of the Arun Local Plan.

- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 4 **INFORMATIVE:** The applicant is reminded that the landscaping scheme condition 6 imposed on AL/47/14/PL has not been agreed despite this being raised on the decision notice for AL/61/20/PL and therefore an application should be submitted to rectify this situation immediately.

BACKGROUND PAPERS

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

AL/94/22/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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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/112/21/PL

Original Decision = Refused

Received: 20-05-22

Pound Place Roundstone Lane Angmering

Decision Level = Delegated

Application for the removal of Condition 14 following grant of A/3/21/PL relating to the provision of a footpath along the site frontage with Roundstone Lane.

*Written
Representations*

PINS Ref: APP/C3810/W/22/3293621

A/129/21/PL

Original Decision = Refused

Received: 25-05-22

Rustington Golf Centre Golfers Lane Angmering

Decision Level = Delegated

Erection of 191 new homes in a mix of 1 to 4 bedroom dwellings and 1 bedroom apartments, with associated landscaping, parking, open space, play areas, construction of a new access from Golfers Lane, and all other associated works. This application is a Departure from the Development Plan & is in CIL Zone 3 and is CIL Liable as new dwellings.

Public Inquiry **06-09-22**

PINS Ref: APP/C3810/W/22/3298192

A/45/22/PL

Original Decision =

Received: 28-06-22

Rustington Golf Centre Golfers Lane Angmering

Decision Level =

Erection of 167 No new homes in a mix of 1-4 bedroom properties (2-4 bedroom homes and 1 bedroom apartments), with associated landscaping, parking, open space, play areas, construction of a new vehicular access from Golfers Lane and all other associated development works (resubmission following A/129/21/PL). This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.

Public Inquiry **06-09-22**

PINS Ref: APP/C3810/W/22/3301932

AW/131/19/T

Original Decision = Refused

12 Hunters Close Aldwick Bay Estate Aldwick

Decision Level = Delegated

Received: 12-07-19

Reduce height by 8m to 1 No. Lombardy Poplar tree.

**Written
Representations**

PINS Ref: APP/TPO/C3810/7494

AW/93/22/HH

Original Decision = Refused

Received: 18-07-22

10 Boxgrove Gardens Aldwick

Decision Level = Delegated

Detached canopy car port.

**Written
Representations**

PINS Ref: APP/C3810/W/22/3300621

BE/163/21/PL

Original Decision = Refused

Received: 26-07-22

22 Osprey Gardens Bersted

Decision Level = Delegated

Erection of 1 No. dwelling. This site is in CIL Zone 4 and is CIL Liable as a new dwelling.

**Written
Representations**

PINS Ref: APP/C3810/W/22/3294374

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

EP/125/21/PL

Original Decision = Refused

Received: 03-05-22

22 Vermont Drive East Preston

Decision Level = Delegated

Demolition of existing single storey projection on host dwelling, removal of swimming pool and erection of 1 No. detached 1 1/2 storey self-build dwelling with detached garage building on existing garden land. This application is in CIL Zone 4 and is CIL liable as new dwelling.

**Written
Representations**

PINS Ref: APP/C3810/W/22/3292613

EP/34/22/HH

Original Decision = Refused

Received: 24-06-22

111 North Lane East Preston

Decision Level = Delegated

Two storey side/rear extension.

**Written
Representations**

PINS Ref: APP/C3810/D/22/3300474

F/1/22/HH

Original Decision = Refused

Lock Cottage Station Road Ford

Decision Level = Delegated

Received: 22-06-22

Erection of single storey side extension to detached garage to create link building and double garage, installation of front porch and alterations to fenestration following the conversion of detached garage to habitable use.

**Written
Representations**

PINS Ref: APP/C3810/D/22/3300635

FG/142/21/PL

Land North of Highdown Vineyard (Formerly McIntyre Nursery)
Littlehampton Road Ferring

Original Decision = Refused

Decision Level = Delegated

Received: 09-05-22

Change of Use of the land for the storage of building materials; 2 no. proposed storage containers and 2.4m high Pallisade or Paladin fencing (coloured green) to perimeter with access gates. This application is a Departure from the Development Plan.

**Written
Representations**

PINS Ref: APP/C3810/W/22/3290113

FG/163/21/PL

The Chalet Littlehampton Road Ferring

Original Decision = Refused

Decision Level = Committee

Received: 20-05-22

Development comprising of marine workshop & boatyard, martial arts gym (Class E) & storage container compound (Class B8) to replace former glasshouses. This site is a Departure from the Development Plan & is in CIL Zone 3 (Zero Rated) as other development.

**Written
Representations**

PINS Ref: APP/C3810/W/22/3290960

FG/210/21/HH

23 Little Paddocks Ferring

Original Decision =
ApproveConditionally

Decision Level = Delegated

Received: 06-07-22

Front balcony/inset dormer and 1st floor rear extension.

**Written
Representations**

PINS Ref: APP/C3810/W/22/3296083

FG/92/20/T

3 Lavender Court Ferringham Lane Ferring

Original Decision = Refused

Decision Level = Delegated

Received: 26-04-21

Fell 1 No. Himalayan Cedar

Informal Hearing

PINS Ref: APP/TPO/C3810/8172

FP/32/21/PL

Land adjacent to 10 Second Avenue Felpham

Original Decision = Refused

Decision Level = Delegated

Received: 02-03-22

Two storey, 4 Bed detached dwelling with new access & parking. This site is in CIL Zone 4 & is CIL Liable as new dwelling.

Written Page 145

Representations

PINS Ref: APP/C3810/W/21/3284860

LU/151/21/PL

Original Decision = Refused

Received: 01-08-22

25 River Road Littlehampton

Decision Level = Delegated

Demolition of existing car garage and the erection of 2 no. two-storey residential buildings comprising 5 no. flats with associated works. This site affects the character & appearance of the Littlehampton River Road Conservation Area & is in CIL Zone 4 (Zero Rated) as flats.

Written

Representations

PINS Ref: APP/C3810/W/22/3296422

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

LU/78/22/HH

Original Decision = Refused

Received: 02-08-22

101 Clun Road Wick Littlehampton

Decision Level = Delegated

Erection of part single, part two storey side extension.

Written

Representations

PINS Ref: APP/C3810/D/22/3303677

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

Land at the Rear 71 The Causeway Pagham

Decision Level = Delegated

Received: 15-03-22

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/32/21/PL

Original Decision = Refused

Received: 20-05-22

Land at West Walberton Lane Walberton

Decision Level = Delegated

Construction of 30 No. dwellings together with associated access, parking, public open space & landscaping. This site may affect the setting of listed buildings, affects the character & appearance of the Walberton Green Conservation Area, is a Departure from the Development Plan & is in CIL Zone 3 & is CIL Liable as new dwellings.

**Written
Representations**

PINS Ref: APP/C3810/W/22/3291254

ENF/248/21

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

Received:

Written Representations

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

ENF/248/21

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

Received:

Written Representations

PINS Ref: APP/C3810/C/22/3296912

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